

Ford,
Grace,
Guy,
Hobby,
Homan,

Houston,
Lane,
Lair,
Ledbetter,
Martin,

Moore,
Motley,
Stewart,
Storey,
Tilson--21.

NAYS—none.

Not voting—Edwards, Gooch, McCormick, McCulloch, Patton, Shannon, Swain, Terrell.

Bill read third time and passed by the following vote:

YEAS.

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

Grace,
Guy,
Hobby,
Homan,
Lair,
Ledbetter,
McCormick,
McCulloch.

Moore,
Motley,
Patton,
Stewart,
Shannon,
Storey,
Terrell,
Tilson--24.

NAYS—none.

Not voting—Edwards, Houston, Lane, Martin, Swain.

On motion of Senator Stewart, the rules were suspended, unfinished business postponed and 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.

Senator Stewart offered the following amendment:

Amend by inserting before the words "Article 3193" the following:

"SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That article 3193 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' shall hereafter read as follows, viz."

Adopted by the following vote:

YEAS.

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

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

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

NAYS—none.

Not voting—Brown, Gooch, McCulloch.

The bill was then passed by the following vote:

YEAS.

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

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

Moore,
Motley,
Patton,
Stewart,
Shannon,
Storey,
Terrell,
Tilson--26.

NAYS—none.

Not voting—Ford, Gooch, Swain.

(Senator Grace in the chair.)

On motion of Senator Lane, the unfinished business was postponed, rules suspended and Senate bill No. 135, entitled "An act for the relief of the Aransas road company," was taken up, read third time and passed by the following vote:

YEAS.		
Buchanan,	Guy,	McCulloch,
Burnett,	Hobby,	Moore,
Burton,	Homan,	Motley,
Davenport,	Lane,	Patton,
Duncan,	Lair,	Stewart,
Edwards,	Ledbetter,	Shannon,
Ford,	Martin,	Terrell,
Gooch,	McCormick,	Tilson—25.
Grace,		

NAYS—none.

Not voting—Brown, Houston, Storey, Swain.

On motion of Senator Motley, the rules were suspended, the unfinished business postponed fifteen minutes and Senate bill No. 133, entitled "An act to endow Henderson College, in Rusk county, with a land grant," was taken up and read first time.

On motion of Senator Motley, the rules were suspended and Senate bill No. 137, entitled "An act for the relief of the heirs of Catlett Burnett," was taken up and read first time.

On motion of Senator Homan, the rules were suspended and Senate bill No. 159, entitled "An act to prescribe the requisites of indictments in certain cases," was taken up and read first time.

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

House bill No. 88, entitled "An act for the relief of Mrs. M. A. C. Wilson, widow of William F. Wilson," and House bill No. 102, entitled "An act defining the duties of commissioners' courts, when sitting as a board of equalization."

(President in the chair.)

On motion of Senator Duncan, the unfinished business was postponed thirty minutes.

The following message was received from his excellency the governor:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 7, 1879. }

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

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

A. J. Hood, of Parker county, to be district judge of the twenty-ninth judicial district, embracing the counties of Parker, Tarrant and Jack, in the State of Texas. Respectfully, O. M. ROBERTS, Governor.

Senator Shannon moved that the Senate go into executive session tomorrow just after the morning call to consider the nomination of his excellency the governor, just sent to the Senate by special message.

Senator Stewart entered a motion to reconsider the vote refusing to adopt the substitute of Senator Edwards (which was the joint resolution No. 2, as adopted by the House and sent to the Senate), for the substitute of Senate joint resolution No. 29, and the said House joint resolution No. 2, "proposing amendments to article 8 of the state constitution."

Senator Storey (by leave), introduced a bill entitled "An act to amend article 3367 of the Revised Civil Statutes of the State of Texas, adopted at the present session of the Sixteenth Legislature."

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

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. 151, entitled "An act to encourage the construction of artesian wells," and Senate bill No. 12, entitled "An act amendatory of article 3176, 3177, 3178 and 3179 of title 61, chapter 2, of the Revised Statutes of the State of Texas, and report them correctly engrossed. **BROWN, Chairman.**

On motion of Senator Ledbetter, the rules were suspended and Senate bill No. 273, 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," was taken up and read first time.

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

AFTERNOON SESSION.

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

Senator Burton (by leave), introduced a bill entitled "An act to fix and regulate the fees of all the officers of the State of Texas, and the several counties thereof."

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

Senator Edwards, chairman of the committee on constitutional amendments, submitted the following reports:

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

Your committee on constitutional amendments have had under consideration Senate joint resolution No. 150, "Proposing amendments to section 10 of article 1 of the constitution of the State of Texas," and I am instructed by a majority of your committee to report the same back and recommend that it do not pass. **EDWARDS, Chairman.**

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

Your committee on constitutional amendments have had under consideration joint resolution No. 99, "Amending section 24 of article 3 of the constitution of the State of Texas," and I am instructed by the majority of your committee to report the accompanying substitute for the same with the recommendation that the substitute do pass.

EDWARDS, Chairman.

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

Your committee on constitutional amendments have had under consideration Senate joint resolution No. 230, "Proposing an amendment to the constitution by the creation of a department of health and board of pardons," and I am instructed by a majority of your committee to report the same back to the Senate and recommend that it do not pass.

EDWARDS, Chairman.

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

Your committee on constitutional amendments have had under consideration Senate joint resolution No. 258, "Proposing amendments to sections 4 and 5 of article 4 of the constitution of the State of Texas," and I am instructed by a majority of your committee to report the same back and recommend that it do not pass. EDWARDS, *Chairman.*

On motion of Senator Ledbetter, the unfinished business was postponed, rules suspended and Senate bill No. 273, 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," was taken up and placed on its second reading by the following vote:

YEAS.

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

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

McCulloch,
Moore,
Motley,
Stewart,
Shannon,
Storey,
Terrell,
Tilson—24.

NAYS—none.

Not voting—Brown, Grace, Martin, Patton, Swain.

Bill read second time.

Senator Ledbetter offered the following amendment:

"SECTION 2. Whereas, the county of Lee, by the law now in force, is not attached to any congressional district, and it being important that the voters of that county should have the right to vote for candidates for congress, creates an emergency that the rules be suspended requiring bills to be read on three several days, so that this bill be passed immediately; it is therefore enacted that the rules be and are hereby suspended, so as to put the bill on its passage."

Adopted, and bill ordered engrossed.

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

YEAS.

Burnett,
Burton,
Davenport,
Duncan,
Edwards,
Gooch,
Guy,
Hobby,

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

Patton,
Stewart,
Shannon,
Storey,
Swain,
Terrell,
Tilson--23.

NAYS—none.

Not voting—Brown, Buchanan, Ford, Grace, Homan, Martin.

Bill read third time and passed by the following vote:

YEAS.

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

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

McCulloch,
Moore,
Motley,
Stewart,
Shannon,
Storey,
Terrell,
Tilson—24.

NAYS—none.

Not voting—Brown, Grace, Martin, Patton.

On motion of Senator Patton, the rules were suspended, unfinished business postponed and 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, etc," was taken up and read second time.

On motion of Senator Terrell, one hundred copies of the bill were ordered printed and made the special order for to-morrow afternoon and from day to-day until disposed of.

A message was received from the House announcing the passage by that body of substitute for House bill No. 36, entitled "An act authorizing and requiring the commissioner of the general land office to issue patents to certain lands granted to the Bayland Orphan's Home, situated on Galveston bay, Harris county, Texas."

The president, after publicly reading its caption, signed Senate bill No. 77, entitled "An act to regulate and control the assessment of taxes on real estate."

On motion of Senator Terrell, House bill No. 132, entitled "An act to require persons and corporations, to whom patents for lands have been granted, to pay the fees thereon within sixty days from the passage of this act, etc.," was taken up.

Senator Storey moved that the Senate do not recede from its amendments, and that a conference committee be appointed by the two houses on the differences of the Senate and House on said bill.

Carried.

The president appointed as said conference committee on the part of the Senate, Senators Storey, Stewart and Terrell.

On motion of Senator Edwards, 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," was taken up by the following vote:

YEAS.

Burnett,	Hobby,	McCulloch,
Burton,	Homan,	Moore,
Edwards,	Houston,	Motley,
Ford,	Lair,	Patton,
Gooch,	Ledbetter,	Stewart,
Grace,	Martin,	Tilson—20.
Guy,	McCormick,	

NAYS.

Davenport,	Lane.	Terrell—5.
Duncan,	Storey,	

Not voting—Brown, Buchanan, Shannon, Swain.

Resolution read second time.

Senator Duncan offered the following amendment:

Amend after "rich and various products of" by striking out "Texas" and insert "International lands."

Senator Edwards offered the following amendment:

"3. In order that the object sought to be attained by this resolution may be accomplished, it is indispensable that it go into operation imme-

diately, therefore the emergency exists and the resolution shall go into effect immediately after its passage."

Senator Grace moved the previous question upon the resolution and pending amendments.

Motion seconded and main question ordered.

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

	YEAS.	
Davenport, Duncan,	Grace,	Terrell—4.

	NAYS.	
Buchanan, Burnett, Burton, Edwards, Ford, Gooch, Guy, Hobby,	Homan, Houston, Lane, Lair, Ledbetter, Martin, McCormick, McCulloch,	Moore, Motley, Stewart, Shannon, Storey, Swain, Tilson—23.

Not voting—Brown, Patton.

On motion of Senator Martin, Senator Brown was excused for the evening.

Senator Edwards' amendment to the pending resolution was then lost.

The resolution was passed to its third reading by the following vote:

	YEAS.	
Buchanan, Burnett, Burton, Edwards, Ford, Gooch,	Guy, Hobby, Houston, Lane, Ledbetter,	Martin, McCormick, McCulloch, Moore, Stewart—16.

	NAYS.	
Davenport, Duncan, Grace, Homan,	Lair, Patton, Shannon, Storey,	Swain, Terrell, Tilson—11.

Not voting—Motley.

Senator Edwards moved to reconsider the vote just taken, but withdrew it.

House joint resolution No. 24, "In regard to Pelican Island," was taken up.

The pending amendment of Senator McCormick to the amendment of Senator Stewart was then considered.

The amendment of Senator McCormick was lost by the following vote:

	YEAS.	
Burnett, Davenport, Edwards, Ford,	Hobby, Homan, Ledbetter, McCormick,	Moore, Motley, Storey—11.

	NAYS.	
Duncan, Gooch, Grace, Guy, Houston,	Lair, Martin, McCulloch, Patton,	Stewart, Storey, Swain, Tilson—13.

Not voting—Buchanan, Burton, Lane, Terrell.

The amendment of Senator Stewart was then adopted by the following vote:

YEAS.		
Burnett,	Houston,	Patton,
Duncan,	Lane,	Stewart,
Gooch,	Lair,	Shannon,
Grace,	Ledbetter,	Storey,
Guy,	Martin,	Swain,
Hobby,	McCulloch,	Terrell,
Homan,	Moore,	Tilson—21.
NAYS.		
Davenport,	McCormick,	Motley—4.
Edwards,		

Not voting—Buchanan, Burton, Ford.

House bill No. 70 was taken up, when 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 compared and find correctly enrolled and properly signed, Senate bill No. 77, "An act to regulate and control the assessment of taxes on real estate," and at 3:20 o'clock P. M., presented the same to the governor for his signature.

GRACE, *Chairman.*

Senator Gooch, from committee on engrossed bills, submitted the following report:

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

Your committee on engrossed bills have carefully compared with the original, Senate bill No. 271, "An act to amend article 3193 of an act to adopt and establish the Revised Civil Statutes of the State of Texas," which was taken up, reconsidered and amended on March 6, and has been re-engrossed, and your committee find the same correctly engrossed.

GOOCH, *for Committee.*

Senator Edwards moved to commit substitute for House joint resolution No. 2 and Senate joint resolution No. 29, proposing amendments to article 8 of the constitution of the state, to the committee of the whole Senate.

Carried by the following vote:

YEAS.		
Burnett,	Houston,	Motley,
Burton,	Lane,	Stewart,
Edwards,	Martin,	Shannon,
Ford,	McCormick,	Storey,
Gooch,	Moore,	Tilson—16.
Hobby,		
NAYS.		
Davenport,	Homan,	McCulloch,
Duncan,	Lair,	Patton,
Grace,	Ledbetter,	Terrell—10.
Guy,		

Not voting—Buchanan, Swain.

The Senate then went into committee of the whole.

(Senator Edwards in the chair.)

IN SENATE.—The committee rose, and through their chairman reported that they had had under consideration Senate substitute for House joint resolution No. 2 and Senate joint resolution No. 29, with accompanying

amendments and substitutes, and that they have made no progress in considering the same, and asked the Senate that the committee be discharged.

The report of the committee of the whole was adopted by the following vote:

YEAS.		
Burnett,	Homan,	Storey,
Davenport,	Lair,	Swain,
Duncan,	McCulloch,	Terrell,
Grace,	Patton,	Tilson—14.
Guy,	Shannon,	
NAYS.		
Burton,	Houston,	McCormick,
Edwards,	Lane,	Moore,
Ford,	Ledbetter,	Motley,
Gooch,	Martin,	Stewart—13.
Hobby,		

Not voting—Buchanan.

Senator Storey (by leave), introduced a bill entitled "An act amendatory of and supplemental to chapter 3, title 78, of the Revised Civil Statutes of the State of Texas, adopted at the present session of the Sixteenth Legislature."

Read by caption and referred to the committee on educational affairs.

Senator Gooch, chairman of the committee on public debt, submitted the following report:

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

Your committee on public debt have had under consideration Senate bill No. 47, entitled "An act to provide for funding the bonded and floating debt of the State of Texas, and to authorize and require the issue of four per cent. interest bearing bonds of the state for that purpose," and said committee instruct me to report the same back to the Senate, and request that it be referred to the finance committee, who have under consideration several similar bills.

Gooch, *Chairman.*

Report of committee adopted and bill so referred.

On motion of Senator Duncan, the Senate adjourned until 9:30 A. M. to-morrow.

FORTY-SEVENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 8, 1879. }

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, but could not be approved until examined, as the morning and evening sessions were badly mixed.

Senator Grace called the attention of the Senate to the fact of the morning and evening sessions being mixed, and moved that an examination be made to ascertain if the manuscript journals were in the same confusion.

Upon examination the manuscript journals were found to be correct and that the confusion existed only in the printed journals.

On motion of Senator Buchanan, Senator Motley was excused until Monday, owing to sickness in his family.

Senator Patton presented the petition of a portion of the members of the bar of Waller county, "against detaching said county from the present judicial district to which it belongs, and attaching it to the sixteenth or twenty-first judicial district, and charging that efforts making to secure this by certain parties are not for the public good, etc.

Petition taken up and read.

Senator Moore, chairman of special committee, presented the following report from the special committee appointed to visit the Agricultural and Mechanical colleges at Bryan and Alta Vista.

SENATE CHAMBER, AUSTIN, March 8, 1879.

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

Your joint committee of two members of the Senate and three of the House of Representatives, appointed to visit 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, etc., have visited the said institutions and made a thorough examination, as contemplated by the resolution of the two houses, and respectfully report as the judgment and opinion of the committee, that the Agricultural and Mechanical College of Texas presents a condition which reflects credit upon the state and upon the judicious management of the board of directors of that institution, and upon the faculty of able professors there employed. We found 167 students in attendance. We examined all the appointments of the institution and carefully inquired into the character and methods of instruction and discipline. We are fully satisfied that the aim and effort of the board of directors and faculty under their supervision has been to make the college fully meet the requirements of the fourth section of the act of congress, in relation thereto, and the terms of our statutes accepting the aid of congress, and providing for the establishment of the college, to wit: to make it a college where the leading object shall be, without excluding other scientific and classical studies and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts. As regards the exercises in military tactics now required at said college, we are satisfied that the same is conducive to the good of the institution in exercising the students and promoting order and propriety of conduct, and protecting the diligent in the hours of study. It has been avowedly not the intention of the board of directors to make the college a manual labor school, but to use the practical farming carried on in connection with the college as a field of illustration of those branches of learning related to agriculture taught in the college.

The college is, as yet, not furnished with any sufficient laboratory of chemical materials and scientific apparatus, and these are greatly needed to properly instruct the students in the scientific principles embraced in a thorough knowledge of agriculture and mechanic arts.

The college is also destitute of standard works of reference in general learning and literature, and the students are confined in their investigations to the text books of the curriculum and the lectures of the professors.

The recitation rooms, quarters, mess room, and all the appointments except the hospital and halls for the debating and literary societies are good, and the management of the whole, including the steward's hall, as the same was patent to our observation, and as it was fully explained to us, both by the faculty and students, worthy of unqualified approval. The college needs a hospital separate from the other buildings, suitable for the proper care of the sick, where they will not be disturbed by the noise and other incidents of the regular exercises of the students. It is the decided opinion of this committee that students looking to the acquisition of proficiency in the pursuits of agriculture and the mechanic arts should be furnished the advantages to be derived from the exercises in debating and literary societies, and that to promote proper emulation, at least two such societies should be sustained in connection with the college, and that to this end two halls, each capable of accommodating from seventy-five to one hundred members, should be provided as soon as practicable, and dedicated to the use of such societies.

From matriculation fees, and the necessary margin of profits on the subsistence of the students, now borne by the management on account of the state, a small annual fund arises which might be used in providing a suitable hospital building, and starting the nucleus of a college library.

From our investigations we are satisfied that if an appropriation should be made equal to (and to be satisfied by) the interest on the university fund now in the treasury, and the interest which will accrue on said fund between this time and the next session of the Legislature, to be used by the board of directors of the college in the manner provided for by the House bill No. 134, the board will be able to supply, in a reasonable measure, the deficiencies we have pointed out, and we therefore recommend that such appropriation be made for the Agricultural and Mechanical College of Texas.

We visited the college building and grounds near Hempstead intended for colored youths, where we found Professor Minor, but no colored youths seeking instruction. From a thorough inquiry into what had been done and attempted to be done by the professor and President Gathright in connection with this enterprise, as well as from our own knowledge and information derived from many intelligent citizens, we are satisfied that the colored race in Texas is not yet sufficiently advanced in the love of learning or in the acquisition of wealth to enable them practically to avail themselves of the state's bounty as offered in the institution.

From a careful examination of the premises, and a like knowledge of the condition of the colored citizenship of Texas, we are satisfied that no system looking to the support of the school in part by the manual labor of the students, can be devised which will make the school a success.

We see no reasonable chance of rendering the investment already made practically available except on the basis of full beneficence, to the extent of tuition, lodging and subsistence of the students attending.

The great need of that portion of our citizenship is a sufficient number of trained teachers of their own race. And after careful study of this problem, we recommend that this property near Hempstead be used as a place for conducting a normal school for colored youth. We are assured that thirty-one pupils can be properly taught, lodged and fed, for an annual outlay not exceeding six thousand dollars. We believe the funds necessary to support said normal school could be taken from the availa-

ble school fund, not only without detriment to the efficiency of that fund, but greatly in aid of its practical beneficial application to the colored race, and that a proportional amount, having regard to the scholastic population of each race, might be taken from the available school fund for the support of a normal school for the white scholastic population.

We are assured that various eligible localities in the state would actively compete for the privilege of donating to the state suitable buildings and grounds for the use and endowment of such a normal school for the white scholastic population.

Respectfully submitted,

J. W. MOORE,
A. P. McCORMICK.
J. B. HENDERSON,
A. M. DOUGLASS,
M. D. K. TAYLOR.

Senator Ford, chairman of the committee on Indian affairs and frontier protection, submitted the following report :

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

Your committee on Indian affairs and frontier protection, to whom was referred a "joint resolution," originating in the House of Representatives, and numbered 35, "on the subject of Indian depredations in the State of Texas," have had the same under consideration, and a majority of said committee have instructed me to report that, in their opinion, the danger impending over the border settlers on the line of uncovered and unprotected frontier, lying between Fort Concho and Fort Sill, and about three hundred miles in length, is imminent, and an attack may be justly apprehended at any moment upon the settlers above indicated. It appears from information derived from official sources, that in the immediate vicinity of Fort Sill and Fort Reno, Indian territory, there are numerous bands of Indians congregated. These people have at recent periods been waging war against the United States, and during the waging of hostilities they committed many sanguinary acts of revolting cruelty. They are now discontented and restless, and would gladly throw off all restraining influences, and again seek the warpath.

A little more than a year since Gen. Pope officially reported a portion of those Indians in "a state of semi-starvation." Gen. McKenzie, about the same date recommended an increase of the force having those unhappy people in charge. Gen. Sheridan answered that the number of troops in his department, indeed, in the army of the United States, did not permit a compliance with the recommendation.

The condition of affairs in that section has not improved. It is not at all incredible that less than six hundred United States troops have been unable to keep eighteen thousand sullen and dissatisfied savages in check, and that they have committed depredations upon the whites in the Pan Handle and elsewhere.

Your committee take this occasion to call the attention of this Legislature and of the authorities of the state to the line between Fort Concho and Fort Sill, and to the entire absence of any adequate means of defense now on hand or soon available should an outbreak occur and a heavy force of Indians be precipitated upon the border settlers in that section. To await for such a catastrophe; to let this promising portion of our frontier be drenched in blood, the inhabitants murdered, captured and

driven back; to let ruin come in its worst guise, and then to act, to apply a remedy, would hardly be wisdom.

In view of the fact that the joint resolution contemplates action in relation to this line, your committee recommend its passage.

FORD, *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. 283, "An act amendatory to, and supplemental to chapter 3, title 78 of the Revised Civil Statutes of the State of Texas," adopted at the present session of the Legislature, have had the same under consideration, and I am instructed by a majority of the committee to report the bill back to the Senate and recommend its passage.

LEDBETTER, *Chairman.*

Senator Gooch, chairman of the committee on public debt, submitted the following report:

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

Your committee on public debt have had under consideration the memorial of Mrs. Emma M. Moore, widow of Commodore Moore, and I am instructed to report that the committee recommend that the memorial be not granted, for the reason that the memorial shows that the state is not indebted to her (her late husband having given the state a receipt in full discharge of its indebtedness to him), and because there is a general law now in force providing for pensions to widows of soldiers.

GOOCH, *Chairman.*

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. 262, entitled "A bill to be entitled 'an act to grant to Jackson Doyle a headright of six hundred and forty acres of land,'" have considered the same, 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 said bill back to the Senate and to recommend its passage.

GUY, *Chairman.*

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

Your committee on private land claims, to whom was referred the petition of Thomas Humphries and Lucy Andrews, heirs of James Humphries, praying that a certificate for a league and labor of land be issued to them, have carefully considered the same, and find that due notice of same has been given, and after having examined all the proofs accompanying said petition, your committee instruct me to report the accompanying bill to the Senate and to recommend its passage.

GUY, *Chairman.*

Senator Houston introduced a bill entitled "An act to amend an act entitled 'an act to encourage irrigation and navigation.'"

Read by caption and referred to committee on state affairs.

Senator Burton introduced a bill entitled "An act to establish at the Agricultural and Mechanical College for colored youths a normal and manual school."

Read by caption and referred to committee on education.

Senator Davenport introduced a bill entitled "An act amendatory of 'an act establishing the tenth, twelfth, thirteenth, twenty-eighth, twenty-ninth and thirtieth judicial districts, prescribing the times of holding the district courts therein, and providing for the appointment of district judges for the twenty-eighth, twenty-ninth and thirtieth judicial districts,' approved February 22, 1879."

Read by caption and referred to committee on judicial districts.

Senator Shannon offered the following resolution:

Resolved, That the Senator from the thirteenth senatorial district, the Hon. R. S. Guy, be excused for his absence from the Senate from the beginning of the present session until the twenty-seventh day of January, 1879, on account of sickness.

Adopted.

Senator Edwards offered the following resolution:

Resolved, That the report of the joint committee appointed to visit the Agricultural and Mechanical College of Texas be referred to a select committee appointed by the president of the Senate with instructions to report, by appropriate bills or otherwise, at as early a day as practicable.

Adopted.

On motion of Senator Grace, the Senate went into executive session to consider the nominations sent to the Senate on yesterday and previously by his excellency the governor, that had not been acted on by the Senate.

(Senator Stewart in the chair.)

IN SENATE.—On motion of Senator Duncan, the secretary of the Senate was instructed to enter upon the journals the confirmations of the Senate made in executive session, and in obedience to said instructions it is stated that the Senate did advise and consent to the appointment made by his excellency the governor, of A. J. Hood, of Parker county, to be district judge of the twenty-ninth judicial district; and also to the appointments of notaries public for the eleventh senatorial district, and to the appointment of A. G. Dupuy and W. A. Miller as notaries public for Anderson county, and J. P. Smith to be notary public for Cherokee county.

(The president in the chair.)

On motion of Senator Swain, the rules were suspended and pending business postponed five minutes, and 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,'" was taken up and read first time.

On motion of Senator Grace, the bill was postponed, and fifty copies ordered printed.

On motion of Senator Swain, the bill was made the special order for Monday next, just after the morning call, and from day to day until disposed of.

On motion of Senator Grace, the pending business was postponed fifteen minutes, rules suspended to take up Senate bills Nos. 274 and 275.

Senate bill No. 274, 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, was taken up and read first time.

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

Brown,	Grace,	McCormick,
Buchanan,	Guy,	Moore,
Burnett,	Hobby,	Stewart,
Burton,	Homan,	Shannon,
Davenport,	Houston,	Storey,
Duncan,	Lair,	Terrell,
Edwards,	Martin,	Tilson—22.
Gooch,		

NAYS—none.

Not voting—Ford, Lane, Ledbetter, McCulloch, Patton, Swain.

Bill read second time.

Senator Gooch offered the following amendment:

After the words "such officers," add "in any event."

Adopted.

Also the following:

After the words "unexpired term," add "and the terms of such officers shall in any event expire with the term of the governor making such appointment."

Adopted.

Senator Swain moved that the bill be postponed and 50 copies ordered printed.

Lost and the bill ordered engrossed.

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

YEAS.		
Brown,	Gooch,	Ledbetter,
Buchanan,	Grace,	Martin,
Burnett,	Guy,	Moore,
Burton,	Hobby,	Stewart,
Davenport,	Homan,	Shannon,
Duncan,	Houston,	Storey,
Edwards,	Lair,	Tilson—22.
Ford,		

NAYS.

Swain,

Terrell— 2.

Not voting—Lane, McCormick, McCulloch, Patton.

Bill read third time.

Senator Gooch offered the following amendment:

After the words "unexpired term," strike out and add "and the terms of such officers shall in any event expire with the term of the governor making such appointment."

Adopted by the following vote:

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

NAYS.

Patton,

Swain—2.

Not voting—McCormick, McCulloch.

The bill was then passed by the following vote:

YEAS.

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

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

Martin,
Moore,
Stewart,
Shannon,
Swain,
Terrell,
Tilson—22.

NAYS.

Brown,
Buchanan,

McCulloch,
Patton,

Storey—5.

Not voting—McCormick.

A message was received from the House announcing the passage by that body of substitute for House bill No. 342, entitled "An act to provide for the building, making and completion of such works and improvements at the East Texas Penitentiary, at Rusk, as may be necessary and proper to put the same into operation, and to make an appropriation to carry out the provisions of this act."

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;" and that Messrs. Coleman, McComb and Baker have been appointed a committee of conference upon the part of the House on the differences arising on House bill No. 132, "Requiring fees to be paid for patents for land, etc."

Senate bill No. 275, entitled "An act to amend articles 75 and 79 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,'" passed at the present session of the Legislature, was taken up and read first time.

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

YEAS.

Brown,
Buchanan,
Burnett,
Duncan,
Gooch,
Grace,
Guy,

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

Stewart,
Shannon,
Storey,
Swain,
Terrell,
Tilson--20.

NAYS—Patton.

Not voting—Burton, Davenport, Edwards, Ford, Lane, McCormick, McCulloch.

The bill was read the second time.

Senator Gooch offered the following amendment:

Strike out after the words "unexpired term," in section 1, and add "and the terms of such offices shall in any event expire with the term of the governor making the appointment."

Adopted and bill ordered engrossed.

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

YEAS.

Brown,
Burnett,
Burton,

Davenport,
Duncan,
Edwards,

Ford,
Gooch,
Grace,

Guy,
Hobby,
Homan,
Houston,
Lair,

Ledbetter,
Martin,
McCormick,
McCulloch,
Moore,

Stewart,
Shannon,
Terrell,
Tilson--23.

NAYS.

Patton,

Storey--2.

Not voting—Buchanan, Lane, Swain.

Bill read third time and passed by the following vote:

YEAS.

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

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

McCormick,
McCulloch,
Stewart,
Shannon,
Swain,
Terrell,
Tilson--22.

NAYS—Patton.

Not voting—Davenport, Ford, Lane, Moore, Storey.

On motion of Senator Ledbetter, the rules were suspended and Senate bill No. 283, entitled "An act amendatory of and supplemental to chapter 3, title 78 of the Revised Civil Statutes of the State of Texas, adopted at the present session of the Sixteenth Legislature," was taken up and 50 copies of the bill ordered printed.

The president appointed as a committee on the report of the committee appointed to visit the Agricultural and Mechanical Colleges, at Bryan and Alta Vista, Senators Edwards, McCormick, Moore, Shannon, Ledbetter, Lane and Burnett.

A message was received from the House announcing the passage by that body of Senate bill No. 6, entitled "An act regulating the election of clerks of the district and county courts in counties having less than eight thousand inhabitants, and to validate the acts of persons heretofore and now holding both of said offices," and House bill No. 446, entitled "An act to authorize the mayor and aldermen of the town of Waxahachie to transfer its stock in the Waxahachie Tap railroad."

Senator Martin called up his motion to reconsider the vote by which the report of the committee on finance in favor of the claim of Mrs. C. Toby was not adopted.

Senator Shannon moved the previous question on the pending motion, which was seconded.

Senator Stewart moved a call of the House.

Call sustained.

Roll called. Absent—Grace.

The following House bills were taken up for reference, to wit:

House bill No. 36, entitled "An act authorizing and requiring the commissioner of the general land office to issue patents to certain lands granted to the Bayland Orphans' Home, situated on Galveston bay, Harris county, Texas."

Referred to the committee on general land office.

House bill No. 88, entitled "An act for the relief of Mrs. M. A. C. Wilson, widow of William F. Wilson."

Referred to the committee on private land claims.

House bill No. 102, entitled "An act defining the duties of commissioners' courts when sitting as a board of equalization."

Referred to judiciary committee No. 2.

Senator Storey (by leave) introduced a bill entitled "An act to create the thirty-third judicial district of Texas and fixing the time of holding court in said district."

Read by caption and referred to the committee on judicial districts.

The main question on the motion of Senator Martin to reconsider the vote on the Toby claim, was ordered, and the motion to reconsider carried by the following vote:

YEAS.

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

Guy,
Hobby,
Houston,
Lane
Martin,
McCormick,

McCulloch,
Patton,
Stewart,
Storey,
Swain--17.

NAYS.

Buchanan,
Burnett,
Burton,
Davenport,

Homan,
Lair,
Ledbetter,
Moore.

Shannon,
Terrell,
Tilson--11.

On motion of Senator Homan, the rules were suspended, pending business postponed five minutes and Senate bill No. 177, entitled "An act to prohibit the sale, exchange or gift of intoxicating liquors within three miles of Frainville High School, in Burleson county," was taken up and read first time.

On motion of Senator Homan, the rules were suspended and 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," was taken up and read first time.

On motion of Senator Homan, the rules were suspended and 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," was taken up and read first time.

On motion of Senator Buchanan, Senator Storey was excused until Monday.

On motion of Senator Lane, the rules were suspended, pending business postponed and Senate bill No. 204, entitled "An act to require persons enclosing public free school lands to pay an annual rent therefor," was taken up, bill read second time and ordered engrossed.

Senator Duncan offered the following amendment:

Amend by adding to section 6:

"*Provided*, that this law shall not be so construed as to authorize any person hereafter to enter upon, enclose and control any school land of this state."

Withdrawn.

On motion of Senator Martin, the consideration of the Toby claim was postponed and made the special order for Tuesday next just after the morning call and from day to day until disposed of.

Senator Grace arose to a personal explanation with regard to a statement in some paper that the clerk of his enrolling committee, Mr. H. C. Surghnor, had committed an error in the enrollment of the amendments

to the new codes, etc., as printed and placed on the desks of members. He fully exonerated the clerk referred to from all blame in the matter.

On motion of Senator Duncan, 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.

Senator McCulloch moved a call of the Senate.

Senator Edwards moved to adjourn until 10 o'clock Monday morning. Lost.

A quorum appearing the Senate proceeded to business.

Senator Burton moved to suspend the rules and take up Senate joint resolution No. 99.

Declared out of order.

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 the state,'" approved April 14, 1874, approved July 13, 1876, was taken up, read third time and passed.

On motion of Senator Edwards, the rules were suspended and 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," was taken up and referred to judiciary committee No. 1.

On motion of Senator Guy, House bill No. 446, with regard to the Waxahachie railroad company," 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 second time and passed to a third reading.

House bill No. 137, entitled "An act to repeal an act entitled 'an act to authorize and require all forced sales of real estate and sale of negroes made by executors and administrators in the county of Travis, to be made on Congress avenue, etc.," was taken up, read second time and passed to a third reading.

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 July 28, 1876, was taken up and read a second time.

Senator McCulloch moved the previous question on the passage of the bill to a third reading.

Motion seconded and main question ordered.

Bill passed to third reading by the following vote:

YEAS.

Brown,
Buchanan,
Davenport,
Duncan,
Edwards,
Gooch,

Grace,
Hobby,
Lane,
Lair,
Ledbetter,

Martin,
McCulloch,
Moore,
Swain,
Terrell—16.

NAYS.

Burnett,
Burton,
Ford,
Guy,

Homan,
Houston,
McCormick,

Patton,
Stewart,
Shannon--10.

Not voting—Storey, Tilson.

House joint resolution No. 24, "In regard to Pelican Island," was taken up, read third time and passed by the following vote:

YEAS.

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

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

McCulloch,
Moore,
Patton,
Stewart,
Terrell,
Tilson--23.

NAYS--none.

Not voting—Brown, Davenport, Lane, Storey, Swain.

(President in the chair.)

The special order being 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 issue bonds and levy and collect taxes for that purpose," was taken up.

On motion of Senator Stewart, the further consideration of this bill was postponed until Monday at 3 o'clock P. M., and made the special order for that time, and from evening to evening until disposed of.

Senator Shannon, chairman of the committee on internal improvements (by leave), submitted the following report:

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

Your committee on internal improvements, to whom was referred Senate bill No. 270, entitled "An act granting further time to the Corpus Christi, San Diego and Rio Grande Narrow Gauge railroad company, have had the same under consideration, and I am instructed to report that notice has been given as required by law and that it is the opinion of the committee that the bill should pass. SHANNON, *Chairman.*

Senator Guy, chairman of the committee on general land office (by leave), submitted the following report:

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

Your committee on general land office, to whom was referred 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," have considered the same, and I am instructed by a majority of said committee to report said bill back and to recommend that it do pass. GUY, *Chairman.*

On motion of Senator Swain, the Senate adjourned until Monday morning at 9:30 o'clock.

FORTY-EIGHTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 10, 1879. }

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

Senator Guy moved to adjourn until 10 o'clock A. M., as the want of a quorum was probably owing to a misunderstanding as to the time to which the Senate adjourned.

A quorum soon appearing, Senator Guy withdrew the motion to adjourn and the Senate proceeded to business.

Prayer by the chaplain.

On motion of Senator Duncan the reading of the journals of Saturday was dispensed with and the same adopted.

Senator Lair presented a petition from the citizens of Plano, in Collin county, "asking important amendments to the local option law," among which are the following:

That section 1, after the word "*provided*," shall read: "That nothing herein contained shall be construed to prohibit the sale of wines for sacramental purposes; nor alcohol for scientific uses; nor alcoholic stimulants for medicines, in cases of actual sickness, when sold by a regular druggist upon the written prescription of a regular practicing physician."

That section 5 be changed to read, "a sum not less than fifty nor more than three hundred dollars;" and that a section be added, to this effect:

"Any physician giving prescriptions for wines, malt liquors or alcoholic stimulants in cases other than that of actual sickness, upon proof and conviction thereof, shall be subject to the same penalties as other violations of the law," and your petitioners will ever pray.

Read and referred to committee on state affairs.

Senator Shannon presented a memorial from the citizens of Young county, "asking that the unorganized counties now attached to said county for land and other purposes, be not detached and connected with other counties, particularly the new organized counties of Throckmorton and Baylor; stating that there are no reasons for a change; that such change is contrary to the general desire of the people living in the Young land district, and contrary to the public interest; while on the other hand, such change would be attended with much expense, inconvenience and confusion, and further that the newly organized counties seeking the jurisdiction of the unorganized counties, are newly and sparsely settled, and have no court house or suitable building for keeping the records of the unorganized counties contended for," etc.

Read and referred to committee on counties and county boundaries.

Senator Stewart presented a memorial from several teachers in Harris county, "asking an appropriation to pay them for services rendered as teachers in the years 1871 and 1872, which they performed in good faith and under regular contract with the constituted school authorities of Harris county, acting under the laws, etc., of the state; and that they be allowed the full amount for which they contracted to teach for and was allowed under the rules and regulations of the school authorities at Austin; stating that after they had contracted to teach as aforesaid the board of education, without their consent, and in violation of the plain terms of the contract, reduced their salaries twenty-five per cent.; and

asking in said appropriation to be protected from the arbitrary and illegal reduction of their salary by the said board of education of 1871 and 1872."

Read and referred to committee on finance.

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

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

Your committee on judicial districts have had under consideration various memorials from citizens of Harris county, asking that the criminal district court of Galveston and Harris counties be abolished in Harris county, and your committee are of the opinion that the legislation prayed for would be "local" or "special" in its character, and the petitioners not having complied with section 57 of article 3 of the constitution, I am instructed by the committee to report said memorials back to the Senate with the recommendation that the prayer of petitioners be not granted.

SHANNON, *Chairman.*

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

Your committee on judicial districts, to whom was referred Senate bill No: 281, entitled "An act supplemental of an act entitled 'an act to fix the times of holding the district courts of the twenty-fifth judicial district,'" have considered the same, and I am instructed to report it back to the Senate and recommend its passage.

SHANNON, *Chairman.*

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

Your committee on judicial districts, to whom was referred Senate bill No. 282, entitled "An act to attach Waller county to the twenty-first judicial district, and to fix the times of holding the district courts therein," have duly considered the same, and have instructed me to report that it is the opinion of the committee that the bill should not pass.

SHANNON, *Chairman.*

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

Your committee on judicial districts, to whom was referred Senate bill No. 288, entitled "An act amendatory of 'an act establishing the tenth, twelfth, twenty-eighth, twenty-ninth and thirtieth judicial districts, prescribing the times of holding the district courts therein, and providing for the appointment of district judges for the twenty-eighth, twenty-ninth and thirtieth judicial districts,' approved February 22, 1879," have considered the same and instructed me to report it back to the Senate and recommend its passage.

SHANNON, *Chairman.*

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

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

Your committee on engrossed bills have examined and compared with the originals the following bills, viz: 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;" Senate bill No. 249, entitled "An act to define what property used for school purposes is exempt from taxation under section 2, article 3, of the constitution;" 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;" Senate bill No. 273, 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;" Senate bill No. 274, 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;" Senate bill No. 275, entitled "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 this session of the Legislature," and report them all correctly engrossed.

BROWN, *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 joint resolution No. 276, entitled "Joint resolution to revise appropriation of January 18, and February 16, 1858, to pay the public debt of Texas," and I am instructed by committee to report the resolution back to the Senate with their recommendation that it 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. 236, entitled "An act to amend title 42, chapter 4, of an act to adopt and establish the Revised Statutes of the State of Texas," and I am instructed by said committee to report the bill back to the Senate with their recommendation that it do pass.

STEWART, *Chairman.*

Senator Stewart introduced a bill, entitled "An act to amend article 1296 of the Revised Civil Statutes of the State of Texas."

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

House bill No. 342, entitled "An act to provide for the building, making and completion of such works and improvements at the East Texas penitentiary, at Rusk, as may be necessary and proper to put the same into operation, and to make an appropriation to carry out the provisions of this act," was taken up and referred to the committee on penitentiaries.

On motion of Senator Shannon the pending business was postponed fifteen minutes 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 ordered engrossed.

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

YEAS.

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

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

McCormick,
McCulloch,
Moore,
Patton,
Stewart,
Shannon,
Storey,
Tilson---24.

NAYS—none.

Not voting—Edwards, Swain.

On motion of Senator Shannon, the further consideration of the bill

was postponed until to-morrow, just after the morning call, and made the special order for that hour and from day to day until disposed of.

The president, after publicly reading its caption, signed Senate bill No. 19, entitled "An act to authorize the levy and collection of a special tax in Gregg and Wood counties, and such other counties where it may become necessary to construct or complete payments for court houses or jails."

On motion of Senator Davenport, the pending business was postponed five minutes, rules suspended and Senate bill No. 288, entitled "An act amendatory of 'an act establishing the tenth, twelfth, twenty-eighth, twenty-ninth and thirtieth judicial districts, prescribing the times of holding the district courts therein, and providing for the appointment of district judges for the twenty-eighth, twenty-ninth and thirtieth judicial districts,'" approved February 22, 1879, was taken up and read first time.

Senator Davenport moved that the rules be suspended, and bill be placed on its second reading.

Carried by the following vote:

YEAS.

Brown,	Guy,	McCulloch,
Buchanan,	Hobby,	Motley,
Burnett,	Lane,	Stewart,
Burton,	Lair,	Shannon,
Davenport,	Ledbetter,	Swain,
Duncan,	Martin,	Terrell,
Gooch,	McCormick,	Tilson—21.

NAYS—none.

Not voting—Edwards, Ford, Grace, Houston, Moore, Patton.

Bill read a second time and ordered engrossed.

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

YEAS.

Brown,	Gooch,	McCulloch,
Buchanan,	Guy,	Moore,
Burnett,	Hobby,	Motley,
Burton,	Lane,	Shannon,
Davenport,	Lair,	Swain,
Duncan,	Ledbetter,	Terrell,
Edwards,	Martin,	Tilson—23.
Ford,	McCormick,	

NAYS—none.

Not voting—Grace, Houston, Patton, Stewart.

Bill read third time and passed by the following vote:

YEAS.

Brown,	Guy,	Motley,
Buchanan,	Hobby,	Patton,
Burnett,	Lane,	Ripetoe,
Burton,	Lair,	Stewart,
Davenport,	Ledbetter,	Shannon,
Duncan,	Martin,	Swain,
Edwards,	McCormick,	Terrell,
Ford,	McCulloch,	Tilson—25.
Gooch,		

NAYS—none.

Not voting—Grace, Houston, Moore.

On motion of Senator Swain, the pending business was postponed five minutes, rules suspended and 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 regard to their respective dates or numbers,'" was taken up and read first time.

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

YEAS.

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

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

McCulloch,
Moore,
Motley,
Patton,
Shannon,
Swain,
Tilson—23.

NAYS

Edwards,

Terrell—2.

Not voting—Ford, Stewart.

The bill was read the second time.

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 find correctly enrolled and properly signed Senate bill No. 19, "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," and at 10:10 o'clock A. M. presented the same to the governor for his signature.

GRACE, *Chairman.*

Senator Lair moved to excuse the secretary of the senate.

Lost by the following vote:

YEAS.

Burton,
Guy,
Lane,
Lair,

Martin,
McCormick,
McCulloch,
Moore,

Motley,
Patton,
Stewart,
Shannon—12.

NAYS.

Brown,
Buchanan,
Burnett,
Davenport,
Duncan,
Edwards,

Ford,
Gooch,
Grace,
Hobby,
Houston,

Ledbetter,
Ripetoe,
Swain,
Terrell,
Tilson—16.

Senator Terrell offered a substitute for the bill under consideration.

On motion of Senator Swain, the pending business was postponed ten minutes to further consider this bill.

A message was received from the House announcing the passage by that body of House bill No. 68, entitled "An act to amend an act to prohibit the sale, exchange or gift of intoxicating liquors in any county, justice's precinct, city or town in this state that may so elect, prescribing the mode of election and affixing a punishment for its violations."

The following messages were received from his excellency the 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 nineteenth senatorial district:

Jno. M. Claiborne, J. Stewart Cleveland, S. T. Hanscomb, Jno. J. Harcourt, A. S. John, I. Lovenberg, Jno. C. Walker, John S. Shields, John Adriance, B. R. A. Scott, E. S. Fletcher, R. T. Byrne, W. R. Johnson, Chas. M. Mason, C. B. Gardner, Hngo Brosig, Oscar E. Finlay, Harris Masterson, D. M. Baker, Samuel Boyer Davis, Galveston county.

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

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

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

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 8, 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 eighteenth senatorial district, to wit:

Chas. Ilfry, A. P. Tompkins, Wm. Halsey, Jacob Scherer, J. S. Sellers, E. Simmler, Sam. Webb, A. L. Steele, Thos. H. Conklin, Garrett Hardcastle, F. M. Poland, A. W. May, W. N. Shaw, J. J. Gillespie, W. H. Palmer, T. W. Archer, R. A. Giraud, J. J. McKeever, Wm. Andres, Jas. Furgerson, Harris county.

Owen W. Arnold, N. A. Cravens, W. P. McComb, E. A. Linton, John N. Scott, L. B. Hightower, Montgomery county.

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

Senator Stewart moved that the Senate go into executive session to consider the nominations sent to the Senate by his excellency the governor in the foregoing special messages, on to-morrow just after the morning call.

Carried.

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 compared with the originals Senate bill No. 204, entitled "An act to require persons enclosing public free school lands to pay an annual rent therefor;" and Senate bill No. 288, entitled "An act amendatory of 'an act establishing the tenth, twelfth, thirteenth, twenty-eighth, twenty-ninth and thirtieth judicial districts, prescribing the times of holding the district courts therein, and providing for the appointment of district judges for the twenty-eighth, twenty-ninth and thirtieth judicial districts,' approved February 22, 1879," and report them correctly engrossed. BROWN, *Chairman.*

On motion of Senator Terrell the Senate repaired to the hall of the House of Representatives to meet the House in joint session to elect six directors for the Agricultural and Mechanical College.

IN JOINT SESSION.

Roll of senators called; quorum present.

Roll of House called; quorum present.

The speaker of the House of Representatives announced the object of the joint session to be the election of six directors of the Agricultural and Mechanical College for each congressional district.

The president of the Senate announced nominations in order on the part of the Senate for one director from the first congressional district.

Senator Edwards nominated Hon. E. B. Pickett, of Liberty.

The speaker announced nominations in order on the part of the House.

Mr. Johnston, of Shelby, nominated Hon. E. B. Pickett, of Liberty.

The secretary of the Senate then called the roll of senators, and the following was the result of the vote:

Those voting for Hon. E. B. Pickett, were

Senators Brown, Buchanan, Burnett, Burton, Davenport, Duncan, Edwards, Ford, Gooch, Grace, Guy, Hobby, Houston, Lane, Lair, Ledbetter, Martin, McCulloch, McCormick, Moore, Motley, Patton, Stewart, Swain, Terrell, Tilson—total 26.

Those not voting, were Senators Ripetoe and Shannon.

The clerk then called the roll of the House, and the following was the result of the vote:

Those voting for Hon. E. B. Pickett, were

Baker, Beck, Benavides, Bell, Brown of Gregg, Brown of Limestone, Bryan, Cain, Callaway, Carlton, Clemens, Cochran, Cocke, Collins, Coleman, Crossland, Crow, Daniel, Daugherty, Delaney, Douglass, English, Estes, Evans, Finlay, Fisher, Flewellen, Ford, Foster, Freeman, Frost, Fry, Gaither, Garrison, Gause, Geigher, Gibson, Goodson, Guy, Henderson of Smith, Henderson of Van Zandt, Henry, Hill, Holmes, Hurst, Jackson, Jones of Bastrop, Jones of Hunt, Johnson of Colorado, Johnston of Leon, Johnston of Shelby, King, Larkin, Leonard, Linn, Loe, Maedgen, May, Merritt, Mills, Moore, McComb, Mullins, Philpott, Pickett, Pauli of Fayette, Polley of Sabine, Polley of Wilson, Proctor, Reeves, Rumsey, Saunders, Scott, Singletary, Sledge, Smith of Harris, Smith of Titus, Smith of Travis, Stewart of Delta, Stewart of Houston, Stiles, Taylor of Fannin, Taylor of Marion, Thomas, Upton, Venters, Williams, Wurzbach—total 88.

The speaker then announced that Hon. E. B. Pickett, having received in the Senate 26 votes, and in the House 88 votes—total 114 votes, had received a majority of all the votes cast and declared him, therefore, duly and constitutionally elected director of the Agricultural and Mechanical College.

Nominations being in order for the second congressional district, Senator Grace, on the part of the Senate, nominated H. W. Lyday, of Fannin.

On the part of the House, Mr. Taylor, of Fannin, nominated H. W. Lyday.

Mr. Smith, of Titus, nominated Hon. Charles DeMorse, of Red River.

Mr. Coleman nominated Mr. George L. Hill, of Harrison.

The first ballot in the Senate, resulted as follows:

For Mr. Lyday was cast the votes of

Senators Blassingame, Brown, Buchanan, Burnett, Burton, Davenport, Duncan, Ford, Gooch, Grace, Guy, Houston, Lane, Lair, Ledbetter, McCormick, Stewart, Swain—total 21.

For Mr. Chas. DeMorse, were cast the votes of Senators Edwards, Martin, Moore, Shannon, Terrell, Tilson—total 6.

For Mr. Hill was cast the vote of Senator Motley.

Not voting—Senators Hobby, McCulloch, Patton, Ripetoe, Storey—total 5.

On the part of the House there were cast for Mr. Lyday, the following votes:

Baker, Benavides, Bell, Brown of Limestone, Carlton, Cochran, Cooke, Daugherty, English, Estes, Evans, Finlay, Fisher, Ford, Foster, Freeman, Frost, Fry, Gaither, Gause, Geiger, Gibson, Goodson, Guy, Henderson of Van Zandt, Henry, Holmes, Hurst, Jackson, Jones of Hunt, Johnson of Colorado, Johnston of Leon, Johnston of Shelby, King, Larkin, Leonard, Linn, Loe, Maedgen, May, Merritt, Mills, Mullins, Philpott, Pickett, Pauli of Fayette, Polley of Sabine, Reeves, Rumsey, Saunders, Singletary, Sledge, Smith of Harris, Stewart of Delta, Stewart of Houston, Taylor of Fannin, Thomas, Upton, Venters, Williams, Wurzbach—total 61.

For Mr. Charles DeMorse, were cast the votes of the following representatives:

Bryan, Cain, Callaway, Collins, Crow, Delaney, Hill, Jones of Bastrop, Moore, Proctor, Smith of Titus, Stiles—total 12.

For Mr. Hill were cast the votes of the following representatives:

Beck, Clemens, Coleman, Crossland, Daniel, Flewellen, Garrison, McComb, Polley of Wilson, Scott, Smith of Travis, Taylor of Marion—total 12.

Making the total vote for Mr. Lyday in both houses 80.

The total vote for Mr. DeMorse in both houses 18.

The total vote of Mr. Hill in both houses 13.

Scattering—For Mr. W. A. Wortham, Brown of Gregg, Henderson of Smith—total 2.

The speaker then announced that as Mr. Lyday had received a majority of the votes of both houses, he declared him duly elected director for the Agricultural and Mechanical College of Texas from the second congressional district of the state.

The president announced nominations in order, on the part of the Senate, for one director for the third congressional district.

Senator Lair nominated Mr. Thomas M. Scott, of Collin.

Senator Moore nominated Mr. J. K. Dixon, of Hill.

The speaker then announced nominations in order on the part of the House.

Mr. Reeves nominated Mr. Thos. M. Scott, of Collin county.

Mr. Douglass nominated Mr. J. K. Dixon, of Hill county.

The secretary called the roll of the Senate, and the vote resulted as follows:

Those voting for Mr. Scott were:

Senators Brown, Davenport, Duncan, Grace, Guy, Lair, Ledbetter, Swain, Terrell—total 9.

Those voting for Mr. Dixon were:

Senators Buchanan, Burnett, Burton, Edwards, Ford, Gooch, Hobby, Houston, Lane, Martin, McCormick, McCulloch, Moore, Motley, Ripetoe, Stewart, Shannon, Tilson—total 18.

The clerk called the roll of the House, and the vote resulted as follows:

Those voting for Mr. Scott were:

Brown of Gregg, Bryan, Carlton, Crossland, Daugherty, Finlay, Foster, Gaither, Gause, Guy, Henderson of Smith, Jackson, Jones of Bastrop, Jones of Hunt, Johnston of Shelby, Leonard, Merritt, McComb, Reeves, Scott, Smith of Harris, Smith of Titus, Smith of Travis, Stewart of Delta, Taylor of Fannin, Thomas, Upton, Venters, Wurzbach—total 29.

Those voting for Mr. Dixon were:

Baker, Beck, Benavides, Brown of Limestone, Cain, Callaway, Clemens, Cochran, Cocke, Collins, Coleman, Crow, Daniel, Delaney, Douglass, English, Estes, Evans, Fisher, Flewellen, Ford, Freeman, Frost, Fry, Garrison, Geiger, Gibson, Goodson, Henderson of Van Zandt, Henry, Hill, Holmes, Hurst, Johnson of Colorado, Johnston of Leon, King, Larkin, Linn, Loe, Maedgen, May, Mills, Moore, Mullins, Philpott, Pickett, Pauli of Fayette, Polley of Sabine, Polley of Wilson, Proctor, Rumsey, Saunders, Singletary, Sledge, Stewart of Houston, Stiles, Taylor of Marion, Williams—58.

The total vote of both houses for Mr. Scott was 38.

The total vote of both houses for Mr. Dixon was 76.

The speaker announced that Mr. J. K. Dixon having received a majority of all the votes cast, was duly and constitutionally elected a director of the Agricultural and Mechanical College for the third congressional district.

Nominations being in order for the fourth congressional district on the part of the Senate, Senator Stewart nominated E. W. Taylor, of Harris county.

Senator Burnett nominated D. C. Dickson, of Grimes county.

Senator McCulloch nominated Jno. W. Durant, of Leon county.

Senator Martin nominated A. J. Rose, of Bell county.

On the part of the House, Mr. Smith, of Harris, nominated E. W. Taylor, of Harris.

Mr. Flewellen nominated D. C. Dickson, of Grimes.

Mr. Johnston, of Leon, nominated J. W. Durant, of Leon.

Mr. Maedgen nominated A. J. Rose, of Bell county.

On the first ballot Mr. Taylor received the following votes:

Senators Buchanan, Duncan, Edwards, Gooch, Guy, Houston, Lane, Ledbetter, Stewart, Swain, Terrell, Tilson—total 12.

Mr. Dixon received the following votes:

Senators Burnett, Burton, Ford, Hobby, Lair, McCormick, Moore, Ripetoe, Shannon—total 9.

Mr. Durant received the following votes:

Senators Grace, McCulloch, Motley—total 3.

Mr. Rose received the following votes:

Senators Brown, Davenport, Martin—total 3.

Of the members of the House Mr. Taylor received the votes of the following representatives:

Bell, Brown of Gregg, Bryan, Callaway, Carlton, Clemens, Collins, Estes, Goodson, Henderson of Van Zandt, Henry, Hill, Johnson of Colorado, McComb, Mullins, Saunders, Sledge, Smith of Harris, Smith of Titus, Stiles, Thomas—total 21.

Of the House Mr. Durant received the votes of the following representatives:

Baker, Benavides, Douglass, English, Finlay, Ford, Foster, Frost, Garrison, Gibson, Henderson of Smith, Holmes, Hurst, Jones of Hunt,

Johnston of Leon, Johnston of Shelby, Larkin, Linn, May, Philpott, Pickett, Polley of Sabine, Proctor, Singletary, Stewart of Delta, Stewart of Houston, Taylor of Marion, Williams—total 28.

In the House Mr. Dickson received the votes of the following representatives:

Beck, Cochran, Coleman, Crossland, Daniel, Daugherty, Evans, Fisher, Flewellen, Freeman, Fry, Geiger, Guy, Jones of Bastrop, Leonard, Linton, Loe, Pauli of Fayette, Polley of Wilson, Reeves, Scott, Venters—total 22.

In the House Mr. Rose received the votes of the following representatives:

Brown of Limestone, Cain, Cocke, Crow, Delaney, Gaither, Gause, Maedgen, Merritt, Mills, Moore, Rumsey, Smith of Travis, Upton, Wurzbach—total 16.

Making the total vote of Mr. Taylor in both houses, 38.

Total vote of Mr. Durant in both houses, 31.

Total vote of Mr. Dickson in both houses, 31.

The total vote of Mr. Rose in both houses, 18.

No one having received a majority of all the votes cast, a second ballot was ordered.

Senator Martin and Mr. Maedgen withdrew the name of Mr. Rose on the part of their respective houses.

Mr. Taylor received in the Senate, the following votes:

Senators Buchanan, Davenport, Duncan, Edwards, Gooch, Grace, Guy, Houston, Lane, Ledbetter, Stewart, Swain, Terrell, Tilson—total 14.

Mr. Dickson received in the Senate:

Senators Burton, Ford, Lair, Martin, McCormick, Ripetoe, Shannon—total 8.

Mr. Durant received in the Senate:

Senators Brown, McCulloch, Moore, Motley—total 4.

In the House Mr. Taylor received the votes of the following representatives.

Bell, Brown of Limestone, Bryan, Cain, Callaway, Carlton, Clemens, Collins, Crow, Delaney, Estes, Garrison, Goodson, Henderson of Van Zandt, Henry, Hill, Maedgen, Mills, McComb, Saunders, Smith of Harris, Smith of Titus, Stiles, Thomas—total 24.

Mr. Dickson received the votes of the following representatives:

Beck, Cochran, Cocke, Crossland, Daugherty, Evans, Fisher, Flewellen, Freeman, Fry, Gaither, Geiger, Guy, Jones of Bastrop, Johnson of Colorado, Leonard, Linton, Loe, Merritt, Pauli of Fayette, Polley of Wilson, Reeves, Rumsey, Scott, Sledge, Venters, Wurzbach—total 27.

Mr. Durant received the votes of the following representatives:

Baker, Benavides, Brown of Gregg, Crossland, Daniel, Douglass, English, Finlay, Ford, Foster, Frost, Gause, Gibson, Henderson of Smith, Holmes, Hurst, Jones of Hunt, Johnston of Leon, Johnston of Shelby, Larkin, Linn, May, Moore, Mullins, Philpott, Pickett, Polley of Sabine, Proctor, Singletary, Smith of Travis, Stewart of Delta, Stewart of Houston, Taylor of Fannin, Taylor of Marion, Upton, Williams—total 36.

The total vote of Mr. Taylor, in both the Senate and House—38.

The total vote of Mr. Dickson, in both the Senate and House—35.

The total vote of Mr. Durant, in both the Senate and House—40.

No one having received a majority of the votes cast, another ballot was ordered.

Senator Burnett on the part of the Senate, and Mr. Flewollen on the part of the House withdrew the name of Mr. Dickson.

In the Senate Mr. Taylor received the following votes:

Senators Buchanan, Burnett, Davenport, Duncan, Edwards, Ford, Gooch, Grace, Guy, Houston, Lane, Ledbetter, McCormick, Stewart, Swain, Terrell, Tilson—total 17.

In the Senate Mr. Durant received the following votes:

Senators Brown, Burton, Lair, Martin, McCulloch, Moore, Motley, Ripetoe, Shannon—total 9.

In the House Mr. Taylor received the votes of the following representatives:

Beck, Bell, Brown of Limestone, Bryan, Cain, Callaway, Carlton, Clemens, Cochran, Cocke, Collins, Coleman, Crow, Daugherty, Delaney, Estes, Evans, Flewollen, Freeman, Fry, Garrison, Goodson, Henderson of Van Zandt, Henry, Hill, Johnson of Colorado, Maedgen, Mills, McComb, Mullins, Polley of Wilson, Rumsey, Saunders, Scott, Sledge, Smith of Harris, Smith of Titus, Thomas—total 38.

In the House Mr. Durant received the votes of the following representatives:

Baker, Benavides, Brown of Gregg, Crossland, Daniel, Douglass, English, Finlay, Fisher, Ford, Foster, Frost, Gaither, Gause, Geiger, Gibson, Guy, Henderson of Smith, Holmes, Hurst, Jones of Bastrop, Jones of Hunt, Johnston of Leon, Johnston of Shelby, King, Larkin, Leonard, Linn, Linton, Loe, May, Merritt, Moore, Philpott, Pickett, Pauli of Fayette, Polley of Sabine, Proctor, Reeves, Singletary, Smith of Travis, Stewart of Delta, Stewart of Houston, Stiles, Taylor of Fannin, Taylor of Marion, Upton, Venters, Williams, Wurzbach—total 50.

Mr. Taylor had received in the Senate and House a total vote of 55.

Mr. Durant, in both the Senate and House received a total vote of 59.

The speaker then announced that Mr. Durant having received a majority of the votes cast, was duly elected director of the Agricultural and Mechanical College, for the fourth congressional district of the state.

The president declared nominations in order, on the part of the Senate, for one director for the fifth congressional district.

Senator McCormick nominated T. N. Waul, of Galveston.

Senator Ledbetter nominated A. J. Peeler, of Travis county.

The speaker declared nominations in order on the part of the House.

Mr. Finlay nominated T. N. Waul, of Galveston.

Mr. Frost nominated A. J. Peeler, of Travis county.

The secretary called the roll of the Senate and the vote resulted as follows:

Those voting for Mr. Waul were:

Senators Burnett, Burton, Davenport, Duncan, Ford, Hobby, Houston, Lane, McCormick, Moore—total, 10.

Those voting for Mr. Peeler were:

Senators Brown, Buchanan, Edwards, Gooch, Grace, Guy, Lair, Ledbetter, Martin, McCulloch, Motley, Stewart, Swain, Terrell, Tilson—total 15.

The clerk called the roll of the House and the vote resulted as follows:

Mr. Waul received the vote of the following representatives:

Benavides, Bryan, Cain, Carleton, Cochran, Crow, Daugherty, Douglass, Estes, Finlay, Fisher, Flewollen, Ford, Fry, Gause, Geiger, Gibson, Henry, Holmes, Johnson of Colorado, Larkin, Linton, Loe, Merritt, Mills,

Moore, Mullins, Rumsey, Saunders, Scott, Sledge, Smith of Harris, Smith of Titus, Taylor of Fannin, Venters, Wurzbach—total 36.

Mr. Peeler received the following vote:

Baker, Beck, Bell, Brown of Gregg, Brown of Limestone, Callaway, Clemens, Cocke, Collins, Coleman, Crossland, Daniel, Delaney, English, Foster, Freeman, Frost, Gaither, Garrison, Goodson, Guy, Henderson of Smith, Henderson of Van Zandt, Hill, Hurst, Jones of Bastrop, Jones of Hunt, Johnston of Leon, Johnston of Shelby, King, Leonard, Linn, Maedgen, May, McComb, Philpott, Pauli of Fayette, Polley of Sabine, Polley of Wilson, Proctor, Reeves, Singletary, Smith of Travis, Stewart of Delta, Stewart of Houston, Stiles, Thomas, Upton—total 48.

Making a total in both houses of 46 votes for Mr. Waul, and of 63 votes for Mr. Peeler.

The speaker accordingly announced that Mr. A. J. Peeler having received a majority of all the votes cast, was duly and constitutionally elected a director of the Agricultural and Mechanical College for the fifth congressional district.

Nominations being declared in order for the sixth congressional district, Senator Houston, on the part of the Senate, nominated George Pfeuffer, of Comal county.

On the part of the House Mr. Wurzbach nominated George Pfeuffer.

On the first ballot in the Senate Mr. Pfeuffer received the following vote:

Senators Brown, Buchanan, Burnett, Burton, Davenport, Duncan, Edwards, Ford, Gooch, Grace, Guy, Hobby, Houston, Lane, Lair, Ledbetter, Martin, McCormick, McCulloch, Moore, Motley, Stewart, Swain, Terrel, Tilson—total 25.

In the House Mr. Pfeuffer received the votes of the following representatives:

Baker, Beck, Benavides, Bell, Brown of Gregg, Brown of Limestone, Bryan, Cain, Callaway, Carlton, Clemens, Cochran, Cocke, Collins, Coleman, Crossland, Crow, Daniel, Daugherty, Delaney, Douglass, English, Estes, Evans, Finlay, Fisher, Flewellen, Ford, Foster, Freeman, Frost, Fry, Gaither, Garrison, Gause, Geiger, Gibson, Goodson, Guy, Henderson of Smith, Henderson of Van Zandt, Henry, Hill, Holmes, Hurst, Jackson, Jones of Bastrop, Jones of Hunt, Johnson of Colorado, Johnston of Leon, Johnston of Shelby, King, Larkin, Leonard, Linn, Linton, Loe, Maedgen, May, Merritt, Mills, Moore, McComb, Mullins, Philpott, Pickett, Pauli of Fayette, Polley of Sabine, Polley of Wilson, Proctor, Reeves, Rumsey, Saunders, Scott, Singletary, Sledge, Smith of Harris, Smith of Titus, Smith of Travis, Stewart of Delta, Stewart of Houston, Stiles, Taylor of Fannin, Thomas, Upton, Venters, Wurzbach—total 87.

Mr. Pfeuffer received a total vote in both the Senate and House of 112.

The speaker then declared that as Mr. Pfeuffer had received a majority of all the votes cast, that he declared him duly and constitutionally elected director of the Agricultural and Mechanical College for the sixth congressional district of the state.

On motion of Senator Ledbetter, the Senate retired to the Senate chamber.

IN SENATE.—Roll called; quorum present.

On motion of Senator Duncan, the vote refusing to excuse the Secretary was reconsidered.

Senator Lair offered the following resolution:

Resolved, That the Secretary be excused twelve days, and that he do not draw pay as Secretary during that time.

Adopted.

On motion of Senator Swain, the unfinished business was still further postponed to consider the pending bill (Senate bill, No. 268).

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

AFTERNOON SESSION.

President in the chair. Roll called—quorum not present; but a quorum soon appearing, the Senate proceeded to business.

Senator Guy moved to postpone the special order (House bill, No. 238) five minutes, and suspend the rules to take up House bill, No. 446, entitled "An act to authorize the mayor and board of aldermen of the town of Waxahachie to transfer its stock in the Waxahachie Tap railroad."

Carried and said bill taken up, read second time and passed to its third reading.

On motion of Senator Lane, the special order was postponed five minutes, rules suspended and House bill No. 347, entitled "An act to amend section two of the charter of the corporation of Victoria, and to provide for certain changes caused thereby," taken up and read first time.

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 House bill No. 202, entitled "An act to authorize and require the state board of education to cancel school certificate number sixty-three, heretofore issued by said board to William Umbdenstock, and to issue a duplicate thereof to Reuben Knight, county treasurer of Harrison county," and a majority of the committee are of the opinion that some of the provisions of said bill are obnoxious to section 56 of article 3 of the constitution, and no evidence appearing that notice had been given of the intention to apply for such special legislation, and for the further reason that the bill seeks to determine a matter that properly belongs to the judicial power of the state, they instruct me to report the bill back to the Senate with the recommendation that it do not pass.

STEWART, *Chairman.*

The special order being 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 or towns are situated to settle and administer their estates, collect their credits," etc., was taken up.

Senator Storey moved a call of the house.

Call sustained.

Roll called.

Absent—Senators Edwards, Ford, Grace, Lane, Ledbetter, McCormick, Ripetoe, Swain, Terrell.

Pending the call the bill went to the table.

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, read third time and passed.

House bill No. 137, entitled "An act to repeal an act entitled 'an act to authorize and require all forced sales of real estate and sale of negroes, made by executors and administrators in the county of Travis to be made on Congress avenue, etc.," was taken up, read third time and passed.

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 July 28, 1876," was taken up and read third time.

Senator Houston moved a call of the House on the passage of the bill.

Call sustained.

Roll called.

Absent—Ford, Ripetoe, Terrell.

On motion of Senator Storey, the rules were suspended, pending business postponed and Senate bill No. 67, entitled "An act to amend 'an act defining what money and property is subject to taxation, and the mode of listing the same,'" approved August 21, 1876, was taken up and read first time.

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

Carried by the following vote:

YEAS.		
Brown,	Grace,	McCulloch,
Buchanan,	Guy,	Moore,
Burnett,	Hobby,	Motley,
Burton,	Houston,	Patton,
Davenport,	Lane,	Stewart,
Duncan,	Lair,	Shannon,
Edwards,	Ledbetter,	Storey,
Ford,	Martin,	Swain,
Gooch,	McCormick,	Tilson—27.
NAYS—none.		

Not voting—Terrell.

Bill read second time.

Senator Ledbetter offered the following amendment:

"*Provided*, that notes given for the purchase money for land, shall not be taxed while in the hands of the original vendor."

The absent senators appearing, the consideration of House bill No. 238 was resumed.

Senator Duncan offered the following amendment:

Amend by striking out "or town" "and town," "or towns" "and towns," wherever these words occur in the bill.

(Senator Ledbetter in the chair.)

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

YEAS.		
Burton,	Ford,	McCormick,
Davenport,	Grace,	Shannon,
Duncan,	Hobby,	Terrell—11.
Edwards,	Houston,	
NAYS.		
Brown,	Burnett,	Guy,
Buchanan,	Gooch,	Lair,

Ledbetter,
Martin,
McCulloch,
Moore,

Motley,
Patton,
Ripetoe,
Stewart,

Storey,
Swain,
Tilson—17.

Not voting—Lane.

Senator Edwards offered the following resolution:

Resolved, That House bill No. 228 and pending amendment be referred to committee on state affairs, with instructions to report a substitute providing the manner in which cities and towns of more than one thousand inhabitants may surrender their charters at a time when they are not in debt, and also the mode and manner of disposing of the assets of such towns and cities by the county commissioners' courts of the counties in which the same are situated.

The resolution of Senator Edwards was lost by the following vote:

YEAS.

Burton,
Davenport,
Edwards,
Ford,
Grace,

Hobby,
Homan,
Houston,
Martin,
McCormick,

Moore,
Ripetoe,
Shannon,
Terrell—14.

NAYS.

Brown,
Buchanan,
Burnett,
Duncan,
Gooch,

Guy,
Lair,
Ledbetter,
McCulloch,
Motley,

Patton,
Stewart,
Storey,
Swain,
Tilson—15.

Not voting—Lane.

Senator Grace offered the following amendment to the pending bill:
Amend by striking out the enacting clause.

(President in the chair.)

The president, after publicly reading its caption, signed 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 between February 28, 1855, and August 31, 1878, and the payment of the unexpended balance of the \$7,750,810 left with the United States government by this state for the payment of the debt of the late Republic of Texas."

A message was received from the House announcing the passage of House bill No. 95, entitled "An act regulating elections, approved August 23, 1876."

Senator Lair offered the following amendment:

Amend section 1, line two: after the word "state" insert "five thousand inhabitants or less."

Lost by the following vote:

YEAS.

Burnett,
Duncan,
Edwards,
Houston,

Lane,
Lair,
Ledbetter,
McCormick,

McCulloch,
Ripetoe,
Storey,
Terrell—12.

NAYS.

Brown,
Buchanan,
Burton,
Davenport,
Gooch,

Grace,
Guy,
Hobby,
Moore,
Motley,

Patton,
Stewart,
Swain,
Tilson—14.

Not voting—Ford, Martin, Shannon.

Senator Storey moved to postpone the bill pending and amendments until Friday just after the morning call and made the special order for that hour, and from day to day until disposed of.

Lost by the following vote:

YEAS.		
Buchanan, Burnett, Burton.	Ford, Grace, Lair,	Ripetoe, Shannon, Storey---9.
NAYS.		
Brown, Davenport, Duncan, Edwards, Gooch, Guy,	Hobby, Houston, Lane, Ledbetter, McCormick, McCulloch,	Moore, Motley, Patton, Stewart, Terrell, Tilson—18.

Not voting—Martin, Swain.

Senator McCulloch moved the previous question on the bill and pending amendment.

Motion seconded and main question ordered.

Senator Grace's amendment was then adopted by the following vote:

YEAS.		
Burnett, Burton, Davenport, Duncan, Edwards,	Ford, Grace, Hobby, Houston, Lane,	Ledbetter, McCormick, Shannon, Storey, Terrell—15.
NAYS.		
Brown, Buchanan, Gooch, Guy, Lair,	McCulloch, Moore, Motley, Patton,	Ripetoe, Stewart, Swain, Tilson—13.

Not voting—Martin.

Senator Ledbetter moved to reconsider the vote just taken and lay the motion on the table.

The motion to lay on the table was lost by the following vote:

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

Not voting—Martin, Swain.

Senator Brown moved to postpone the motion to reconsider the vote adopting the amendment of Senator Grace until Friday next, just after the morning call, and that it be made the special order for that time and from day to day, etc.

Lost by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Gooch,

Guy,
Lair,
Motley,
Patton,

Ripetoe,
Stewart,
Storey—11.

NAYS.

Burton,
Davenport,
Duncan,
Edwards,
Ford,
Grace,

Hobby,
Houston,
Lane,
Ledbetter,
McCormick,
McCulloch,

Moore,
Shannon,
Swain,
Terrell,
Tilson—17.

Not voting—Martin.

Senator Tilson moved to adjourn until 9:30 A. M. to-morrow.

Lost by the following vote:

YEAS.

Brown,
Buchanan,
Burton,
Davenport,
Gooch,

Guy,
Lair,
Patton,
Ripetoe,

Stewart,
Storey,
Swain,
Tilson—13.

NAYS.

Burnett,
Duncan,
Edwards,
Ford,
Grace,

Hobby,
Houston,
Lane,
Ledbetter,
McCormick,

McCulloch,
Moore,
Motley,
Shannon,
Terrell—15.

Senator McCormick moved the previous question on the motion to reconsider.

Motion seconded and main question ordered.

The motion to reconsider was then lost by the following vote:

YEAS.

Brown,
Buchanan,
Gooch,
Guy,
Lair,

McCulloch,
Motley,
Patton,
Ripetoe,

Stewart,
Storey,
Swain,
Tilson—13.

NAYS.

Burnett,
Burton,
Davenport,
Duncan,
Edwards,
Ford,

Grace,
Hobby,
Houston,
Lane,
Ledbetter,

Martin,
McCormick,
Moore,
Shannon,
Terrell—16.

Senator Ford (by leave) introduced a bill, entitled "An act to authorize the construction of a ship channel from Corpus Christi across Mustang Island, and to donate land for the same."

Read by caption and referred to the committee on internal improvements.

House bill No. 95, entitled "An act to amend an act regulating elections, approved August 23, 1876," was taken up and referred to judiciary committee No. 2.

Senator Grace offered the following resolution:

WHEREAS, Conflicts of authority are frequently occurring between the commissioners' courts in many of the counties in the state and the city councils of many of the incorporated cities and towns in the state, as to

which has entire control of the streets, avenues, alleys etc., in said cities and towns for improvement, etc., and

Whereas, It is necessary that said question of power to control said streets etc., in said cities and towns, should be settled, therefore be it

Resolved, That judiciary committees Nos. 1 and 2 be and they are hereby instructed to take into consideration the general road law, and report, if necessary, a bill amending said law, so as to settle all doubts as to the control of said streets, avenues, etc.

Adopted.

Senator Gooch introduced a bill entitled "An act to amend article 226, title 5, chapter 1 of the Code of Criminal Procedure, passed in 1879"

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

On motion of senator Guy, the rules were suspended and Senate joint resolution No. 178, proposing an amendment to article 16, sections 50 and 51 of the constitution of the State of Texas, was taken up and read the first time.

On motion of Senator Laue, Senate bill No. 204, entitled "An act to require persons inclosing public lands to pay an annual rent therefor," was taken up, read third time and passed.

On motion of Senator Storey, the rules were suspended and Senate bill No. 198, entitled "An act for the relief of Lieutenant Samuel Wilson (deceased), who fell at Fannin's massacre, in the year 1836," was taken up and read first time.

On motion of Senator McCulloch, the rules were suspended and substitute for Senate bill No. 163, entitled "An act to establish a state board of health," was taken up and read first time.

On motion of Senator Houston, the Senate adjourned until 9:30 A. M. to-morrow.

FORTY-NINTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 11, 1879. }

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

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

Senator Motley, chairman of committee on asylums, asked for further time in which to report on the Deaf and Dumb Asylum.

Request granted.

Senator Guy, chairman of the 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 House bill No. 36, entitled "An act authorizing and requiring the commissioner of the general land office to issue patents to certain lands granted to the Bayland Orphan's Home, situated on Galveston bay, Harris county Texas," have considered the same, and I am instructed by a majority of said committee to report said bill back to the Senate and recommend its passage.

GUY, Chairman.

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

Your judiciary committee No. 1 have had under consideration Senate bill No. 254, to be entitled "An act to authorize the attorney general to compromise and settle a certain suit pending in the district court of Bowie county, Texas," wherein the State of Texas is plaintiff and R. M. Johnson et al. are defendants, and while we do not approve the policy of compromising suits with defaulting officers, yet owing to the peculiar circumstances attending this special case, I am instructed by the committee to report the bill back with the accompanying substitute for the original bill, and recommend that the substitute do pass.

TILSON, *for Committee.*

Bill and substitute read first time.

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 duly considered Senate bill No. 244, 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 for enforcing its provisions," and instruct me to report said bill back with the recommendation that it do pass.

TERRELL, *Chairman.*

Senator Stewart introduced a bill entitled "An act to create the office of register general, and to define the duties, powers and compensation of such officer."

Read by caption and referred to committee on state affairs.

Senator Swain introduced a bill entitled "An act to amend section 16 of an act entitled 'an act regulating the duties of tax-collectors in reference to the seizure and sale of property of delinquent taxpayers, and to define the further duties, powers and qualifications and liabilities of collectors of taxes, and to regulate their compensation,'" approved August 21, 1876.

Read by caption and referred to committee on finance.

Senator Patton offered the following resolution:

Resolved, That hereafter, at the sessions of the Senate, the roll of senators shall be called in regular order as they stand upon the roll, and each member shall be permitted to call up a bill when his name is called; and at each succeeding session, the secretary shall begin the call on the roll where he left off the session preceding.

Lies over under the rules.

(Senator Edwards in the chair.)

A message was received from the House announcing the passage by that body of substitute for House bill No. 188, entitled "An act to protect the wool growing interests of the State of Texas;" substitute for House bill No. 123, entitled "An act to amend sections 6 and 9 of 'an act to define a lawful fence, and to carry into effect sections 22 and 23 of article 16 of the constitution of the State of Texas, authorizing the passage of stock and fence laws,' approved August 15, 1879;" House bill No. 280, entitled "An act for the relief of the heirs of Alexander S. Green (deceased), late of Brazoria county, State of Texas, and Mathew Dockery, now a citizen of Lavaca county, State of Texas;" House bill No. 302, entitled "An act legalizing the county lines of Duval county, and of the counties affected thereby as surveyed and marked by the surveyors of Nueces, Duval, Live Oak and Webb counties;" House bill

No. 327, entitled "An act to better secure the collection of taxes;" House bill No. 377, entitled "An act to declare valid and binding on the county of Wilson certain sales of lots and blocks of the town of Floresville, in said county."

Senate bill No. 103, entitled "An act to organize the state penitentiaries and to regulate management of convicts therein," was taken up and referred to committee on revision of the codes.

Senator Duncan moved to postpone the pending business (Senate bill No. 130, the general appropriation bill) and take up 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."

Lost by the following vote:

YEAS.		
Brown, Buchanan, Duncan, Ford,	Gooch, Guy, Lane,	Lair, Patton, Tilson--10.
NAYS.		
Burnett, Burton, Davenport, Edwards, Grace, Hobby, Homan,	Houston, Ledbetter, Martin, McCormick, McCulloch, Moore,	Motley, Ripetoe, Stewart, Shannon, Storey, Swain--19.

Not voting—Terrell.

The pending business, being Senate bill No. 130, entitled "An act to make an appropriation for the support of the state government for the years beginning March 1, 1879, and ending February 28, 1881," was taken up for consideration.

Senator Storey offered the following amendment:

Add after line twenty-nine, for sinking fund public debt, \$100,000.
Adopted.

Senator Gooch offered the following amendment:

On page 2, line thirty-two, strike out "\$1600" and insert "\$1500."
Adopted by the following vote:

YEAS.		
Brown, Burnett, Burton, Davenport, Duncan, Edwards, Gooch,	Grace, Guy, Hobby, Homan, Lane, Lair, McCormick,	Moore, Motley, Stewart, Shannon, Swain, Tilson--20.
NAYS.		
Buchanan, Ford, Houston,	Ledbetter, Martin, McCulloch,	Patton, Storey, Terrell--9.

Not voting—Ripetoe.

Senator Burton offered the following amendment:

Comptroller's office: Amend line ten by striking out "\$12,000," and insert "\$6000."

Senator Grace offered the following substitute for the amendment of Senator Burton: Amend by striking out all in line ten, page 3.

Senator Gooch offered the following amendment:

Amend line ten, page 3, by adding after the words "additional clerks," and before the words "\$12,000," these words: "at a salary not higher than \$75 per month each."

Senator Duncan offered the following as a substitute for the pending amendments:

Amend line ten, page 3, by striking out "additional clerks," and inserting "for salary of additional clerks or such less number as may be necessary at \$900 a year, \$12,600."

Senator Ledbetter moved the previous question upon all the amendments before the Senate.

Motion seconded and main question ordered.

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

YEAS.

Duncan,
Ford,

Lane,

Patton-4.

NAYS.

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

Hobby,
Houston,
Lair,
Ledbetter,
Martin,
McCormick,
McCulloch,
Moore,

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

Not voting—Gooch, Homan.

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

YEAS.

Burnett,
Burton,

Grace,

Lair-4.

NAYS.

Brown,
Buchanan,
Davenport,
Duncan,
Edwards,
Ford,
Guy,
Hobby,

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

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

Not voting—Gooch, Homan.

Senator Gooch's amendment was adopted.

Senator Grace's amendment was then lost by the following vote

YEAS—none.

NAYS.

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

Hobby,
Houston,
Lane,
Lair,
Ledbetter,
Martin,
McCormick,
McCulloch,
Moore,

Motley,
Patton,
Ripetoe,
Stewart,
Shannon,
Storey,
Swain,
Terrell,
Tilson-23.

Not voting—Gooch, Homan.

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. 133, entitled "An act to endow Henderson College, in Rusk county, with a land grant," and find it correctly engrossed. *BROWN, Chairman.*

The following message was received from his excellency the governor:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 11, 1879. }

To the honorable Senate of the State of Texas:

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

J. R. Ryan to be notary public in Fannin county, in place of A. R. Ryan, whose name was sent in by mistake.

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

On motion of Senator Duncan, the Senate went into executive session on the nominations for notaries public sent to the Senate by his excellency the governor on yesterday and this morning.

The motion was adopted unanimously.

IN SENATE.—The Senate in executive session did advise and consent to the appointments by his excellency the governor of notaries public for the eighteenth and nineteenth senatorial districts; and to the appointment of J. R. Ryan to be notary public in Fannin county in place of A. R. Ryan, whose name had previously been sent in through mistake.

(President *pro tempore* in the chair.)

Senator Burnett offered the following amendments:

Line three, page 3, strike out "\$1600" and insert "\$1500;" line five, page 3, strike out "\$1650" and insert "\$1500;" line six, page 3, strike out "\$1600" and insert "\$1500."

Senator Duncan moved a call of the Senate.

Call sustained.

Roll called.

Absent—Gooch, Homan.

The pending business went to the table during the call.

The bills reported from the House this morning were taken up and referred to appropriate committees.

House bill No. 377 (caption just given) was referred to judiciary committee No. 1.

House bill No. 327 was referred to the committee on finance.

House bill No. 302 was referred to the committee on counties and county boundaries.

House bill No. 280 was referred to judiciary committee No. 2.

Substitute for House bill No. 188, was referred to the committee on state affairs.

Substitute for House bill No. 123 was referred to judiciary committee No. 1; and House bill No. 68 (amending the local option law) was referred to judiciary committee No. 2.

Senator Grace moved to postpone the consideration of the special order, Senate bill No. 62 (the tramp bill) till to-morrow morning at 10 o'clock.

Lost by the following vote:

		YEAS.	
	Burton,		Grace—2.
		NAYS.	
Brown,		Homan,	Patton,
Buchanan,		Houston,	Stewart,
Burton,		Lane,	Shannon,
Davenport,		Lair,	Storey,
Duncan,		McCormick,	Swain,
Guy,		McCulloch,	Tilson—20.
Hobby,		Motley,	

Not voting—Edwards, Ford, Gooch, Ledbetter, Martin, Moore, Ripetoe, Terrell.

The absent senators appearing, the call of the Senate was suspended, and the consideration of Senate bill No. 130 (the general appropriation bill) was resumed.

The pending amendment of Senator Burnett was divided.

The first division, line three, page 3, to strike out "\$1600" and insert "\$1500," was adopted.

The second division, line five, page 3, strike out "\$1650" and insert "\$1500," was lost by the following vote:

YEAS.		
Brown,	Grace,	Motley,
Burnett,	Guy,	Ripetoe,
Burton,	Lair,	Shannon,
Edwards,	Ledbetter,	Tilson—14.
Gooch,	Moore,	
NAYS.		
Buchanan,	Houston,	Patton,
Davenport,	Lane,	Stewart,
Duncan,	Martin,	Storey,
Ford,	McCormick,	Swain,
Hobby,	McCulloch,	Terrell—16.
Homan,		

The third division of the amendment of Senator Burton was then adopted.

Senator Homan's amendment, which is as follows, line nineteen: strike out "\$1600" and insert "\$1500" was then adopted.

Senator Motley offered the following amendment:

In line nineteen, general land office, strike out "\$1600" and insert "\$1500."

Senator Gooch offered the following as a substitute for the amendment of Senator Motley:

Line nineteen—strike out "\$1600" and insert "\$1200."

Accepted by Senator Motley.

Senator Grace offered the following amendment as a substitute for the pending amendments:

Amend by striking out "\$1600" and insert "\$1000," in line nineteen.

Senator Duncan moved the previous question on the pending amendments.

Motion seconded and main question ordered.

The substitute of Senator Gooch for the amendment of Senator Motley was lost by the following vote:

YEAS.		
Brown,	Edwards,	Grace,
Burnett,	Gooch,	Guy,

Homan,
Lair,

Moore,
Motley,
NAYS.

Shannon,
Tilson—12.

Davenport,
Duncan,
Ford,
Hobby,
Houston,

Lane,
Ledbetter,
Martin,
McCormick,
Patton,

Ripetoe,
Storey,
Swain,
Terrell--14.

Not voting—Buchanan, Burton, McCulloch, Stewart.

Senator Grace's substitute for pending amendment was then lost by the following vote:

Gooch,
Grace,

YEAS.
McCormick,

Tilson -4.

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

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

Moore,
Motley,
Patton,
Ripetoe,
Shannon,
Storey,
Swain,
Terrell--24.

Not voting—McCulloch, Stewart.

Senator Motley's amendment was then adopted.

Senator Motley offered the following amendment:

In line twenty (general land office) strike out "\$1600" and insert "\$1500."

Adopted.

Also the following:

In line twenty-seven (general land office) strike out "\$1600" and insert "\$1500."

Adopted.

Also the following:

Strike "\$360" and insert "\$250."

Lost.

Also the following:

Strike out "\$5200" and insert "\$4800."

Adopted.

Senator Swain offered the following amendment:

Strike out line twenty-six and insert "assistant clerks, \$15,000."

Senator Gooch offered the following as a substitute for the amendment of Senator Swain:

In line twenty-six, after the word "clerks," insert "\$75 per month, \$11,250."

Withdrawn and the amendment of Senator Swain lost by the following vote:

Brown,
Burton,
Davenport,
Edwards,

YEAS.
Ford,
Houston,
Lane,
Ledbetter,

Patton,
Shannon,
Swain,
Terrell—12.

Buchanan,
Burnett,
Duncan,

NAYS.
Gooch,
Grace,
Guy,

Hobby,
Homan,
Martin,

McCormick,
Moore,

Ripetoe,
Stewart,

Storey,
Tilson—15.

Not voting—Lair, Motley, McCulloch.

Senator Patton offered the following amendment:

Amend by striking out "\$1600" in line nineteen and inserting "\$1500."

Senator Gooch offered the following:

"In line nineteen, page 3, after the words "for salary of Spanish clerk," strike out "\$1600" and insert "\$1215."

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

YEAS.

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

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

McCulloch,
Moore,
Motley,
Patton,
Ripetoe,
Stewart,
Shannon—23.

NAYS.

McCormick,
Storey,

Swain,
Terrell,

Tilson—5.

Not voting—Edwards, Ford.

Senator Gooch's amendment was then lost by the following vote:

YEAS.

Burnett,
Gooch,
Grace,
Homan,

Lair,
McCormick,
Motley,

Ripetoe,
Shannon,
Tilson—10.

NAYS.

Brown,
Buchanan,
Burnett,
Davenport,
Duncan,
Ford,
Guy,

Hobby,
Houston,
Lane,
Ledbetter,
Martin,
McCulloch,

Moore,
Patton,
Stewart,
Storey,
Swain,
Terrell—19.

Not voting—Edwards.

Senator Brown offered the following amendment:

Amend by striking out "\$2000," in line eighteen, page 3, and inserting "\$1800."

Senator Duncan offered the following amendment:

Amend line eighteen, page 3, by striking out "\$2000" and inserting "\$1500."

Senator Brown's amendment was lost.

Senator Duncan's amendment was pending on adjournment.

The following messages were received from his excellency the governor:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March, 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 fifteenth senatorial district:

Wyndham Kemp, Thos. P. Tindall, J. M. Joiner, William A. Rumples, Frank Bailey, William Yardly, Jno. T. Young, H. W. Cook, Samuel

Holmes, W. H. Davison, W. T. Neal, J. B. Boyd, H. Owens, Charles H. Clifford, James K. Ross, Robertson county.

John W. Perrin, A. W. Landers, Ananias Green, Wm. R. Ellis, C. M. Thomason, Wm. H. Holland, John E. Houston, A. D. Boggs, J. R. Monroe, A. J. Parker, Jr., T. J. Weir, R. M. Bryan, Robert S. Burkholder, Leon county.

J. P. Ayres, Luthar W. Clark, W. G. Taliaferro, John A. Buckholts, A. C. Brietz, L. B. Aldrige, H. D. Laules, M. W. McCraw, Brazos county. Respectfully, O. M. ROBERTS, Governor.

Senator Homan moved that the Senate go into executive session on the nominations just sent to the Senate by his excellency the governor tomorrow morning just after the morning call.

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 11, 1879. }

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

I herewith submit to you the annexed memorial of the principal railroad companies of the State of Texas, in relation to the regulation of freights in article 4257 in the Civil Code, adopted at this session of the Legislature. They represent a very great industrial interest, and a very large amount of property that has been fastened upon our soil permanently, under the encouragement of the legislative action of the state. That encouragement has consisted of a loan of money as to some of them, and a donation of land and the passage of a general law indicating the mode and measure of regulating freights and the fare of passengers, as well as stipulations in relation thereto in their charters. This liberal encouragement has induced them to introduce into this state many millions of money, and invest it in railroads that now reach almost every portion of the most densely settled parts of the state. The benefits conferred upon such portions, without any special enumeration of them, may be estimated by the great desire of other sections of the state to get railroads constructed for their use.

Anticipating that some action might be taken by the Legislature on this subject, I, in my inaugural, called attention to the difficulty of doing it in such a way as to do justice to the interest of all parties. I now most respectfully recommend a patient and serious consideration of the facts and views presented in this memorial. The Legislature has the right to create artificial persons in the shape of railroad companies, and bestow upon them franchises. It has also the right, as I believe, to regulate their conduct, the same as if they were natural persons. This is a question of continuing an abiding power in successive legislatures to regulate the conduct of persons, both natural and artificial.

The doctrine that a privilege granted in a charter, creating an artificial person, constituted a contract, binding upon all future legislatures, was judiciously settled when the subject was one of little importance in reference to the national interests of the country.

It is not so now, when a vast amount of the business of the country is carried on through incorporated companies.

The magnitude of the subject now, as I long since anticipated (see 24 Texas Reports, p. 131), will force upon the country what I consider a more correct view of the powers of government, as it has already been

assumed in the second section of the twelfth article of our constitution, adopted in 1876.

While I recognize the power to regulate freights, I fully appreciate the necessity of very great caution in the exercise of it, and beg leave to ask of the Legislature a thorough examination into the subject before the rates under which the roads were built shall be altered to their prejudice.

It should be recollected that most, if not all, of these roads were constructed at a time when the cost of construction per mile was high; that in their construction an interest-bearing bonded debt had to be contracted by them, and that it was only upon such terms that railroads could then have been built at all in this state. We now have the benefit of them built on such terms. Under these circumstances I would recommend that great care should be taken in legislating concerning them, so that their interest should not be prostrated in the effort to do justice between them and the people who use the railroads which they have built.

In addition to what has been said, I desire to call your attention to the fact that, under the statute (General Laws of 1876, page 312) it is made the duty of the attorney general, unless otherwise directed by law, to seek a judicial forfeiture of all charters of private corporations receiving state aid which have not conformed to their charter stipulations. While this power should be vested in that officer, yet I am inclined to think that some discretion should also be given him to determine whether it is to the interest of the state to prosecute such suits in each particular case.

Most of the railroad companies of the state have failed to construct their roads within the time prescribed in the charters. Under the law the attorney general must take steps to forfeit the charters of such companies. New charters may be obtained under the general law; and, unless some advantage to the state could be obtained by bringing the suits at this time, no reason is seen why the suits should be brought. The discretion to determine that might well be left to the attorney general representing the state.

O. M. ROBERTS.

MEMORIAL.

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

We, the undersigned, representing the principal railroads of Texas, would respectfully represent to your excellency that in the Civil Code, which has recently become a law, article 4257 establishes freight rates that if enforced must hopelessly ruin every road in the state. This section is as follows:

“No railway company in this state shall demand or receive for transportation of freight over its line of road exceeding twenty-five cents for each one hundred pounds for each one hundred miles or fraction of one hundred miles over fifty miles; and when the freight is transported less than fifty miles, the charge therefor shall not exceed thirty cents per one hundred pounds.”

The language of this section is so uncertain that we are constrained to believe that it does not convey the ideas or intentions of those who prepared the Code. As an example the law, as framed, does not provide for any charge for a haul of fifty miles, and authorizes a greater charge for forty nine miles than for one hundred miles.

We believe and claim that the lines we represent are protected under their charters against the Code rates complained of; but it is hoped the

legislation may be so shaped as to bring no conflict of interests, as we desire to be in harmony with the public policy, and hope that it may be necessary only to draw attention to the matter to so shape legislation as to protect all interests.

The lines we represent have cost over seventy-five millions of dollars, at a cost to the people of the state of less than five millions of dollars, and are paying into the treasury about one-eighth of the entire revenue of the state.

Even the attempted assistance of the state to aid the roads by grants of land has so far been but a burthen upon them, as in every case the taxes paid by the companies have been greatly in excess of the revenue derived from land sales. There may be a prospective value to these lands, but it is absolutely dependent upon the further extension of the roads and the bringing into the state by the railway companies of immigrants to settle upon them.

We cannot believe it was the intention of the framers of the code or of the legislators to destroy the roads in operation, or to check railroad development in the state, but to those experienced in railway matters, such a result must be inevitable, should the code rates be enforced. The section under consideration at once reduces the rate privileges of the lines we represent just fifty per cent., and must send every mile of road in the state under the hammer of the auctioneer within twelve months.

The fact exists, that with all the benefits and advantages of the maximum rates allowed by the *old law*, and under our charters, not a road in the state has paid a cent to stock investors. The company owning and operating the greatest mileage of any in the state (the International and Great Northern) is now bankrupt and in the hands of a receiver. With this data, which is known to every one without further proof, what would be the result of a reduction of fifty per cent. of the maximum allowed by law. It is confidently asserted that a compliance with the rates permitted in section 4257 of the Civil Code the solvent companies would become bankrupt, and the insolvent ones unable to longer exist or earn sufficient to pay their operating expenses.

An examination of the question of transportation exhibits the fact that the many articles transported are capable of bearing varying rates in payment for transportation—in proportion to the value of the article transported, and that the value of the transportation has in reference to the cost of performing the service. The railroad company must earn an average rate which will be sufficiently remunerative to pay the expense of transportation, and also an interest on the investment. If the maximum rate charged on articles of luxury and great value is high, the rate on necessaries and staples can be proportionately low, so that an average or mean rate may be remunerative, and this again is dependent upon the tonnage of each class that is carried.

If the maximum rate is made at a low figure, those articles which have been heretofore transported at a remarkably low rate must necessarily be raised to make the average remunerative. For instance, one car load of cotton, in round numbers, is the product of a year's labor of five men and eighty acres of land, and valued at about sixteen hundred dollars; one car load of lumber is the product of one acre, and the labor of about one-sixteenth of one man, and valued at fifty dollars, and the cost of hauling both, irrespective of handling or the risks of fire, etc., may be considered as nearly the same, yet the low rate charged on lumber is only

compensated by the charges made on freights of a higher class, so that the average may be a fair compensation. Lumber at Austin in 1870 was worth about seventy-five dollars per thousand feet, board measure. Under the present low rates, which the maximum permits railroads to transport it, establishes the value of lumber at Austin at about seventeen dollars per thousand feet; but should the maximum be reduced, say one-half, the low rate upon lumber, and similarly classed articles, must be raised to make a remunerative average rate for the total tonnage hauled; and lumber would then sell at Austin for more than twice its present value per thousand. This instance would apply to almost every point in the state affected by railroad rates, and would tend, not only to double the value of lumber, but necessarily increase the cost to the consumer and producer of all articles which are classed in the lowest rates, and probably prevent the transportation of some of them.

A careful calculation will exhibit, in round numbers, that a car load of cotton, in comparison with a car load of grain, is nine times greater in value, is the product of seven times as much acreage of ground, and is also the result of twenty-two times as much labor. Should, therefore, the same rates be applied to both car loads, the grain-grower would pay for the transportation of the year's product of his farm ten to twelve times more than the cotton-grower. This method of comparison, extended, would exhibit discrepancies still more marked, and it is to equalize such discrepancies that freights are classified and rates varied from the maximum allowed by law to the lowest rates applied to articles (stones, bones, etc.) whose value would not permit of transportation except at the lowest rate permissible. The question as to how low a rate is remunerative is so varying, and dependent upon so many facts, as to empty cars, rains, accidents, etc., that it is beyond human foresight to state, except in special and individual cases.

To make brief an argument that could be extended into volumes, the railroad commissioners of various states have finally concluded and asserted the transportation problem to be governed by the usual laws of commerce and trade and it seems a logical conclusion, that when an average is sought, the reduction of the maximum limit would necessarily raise the minimum limit, especially when the greatest tonnage is of the lower classes.

We could add much to show that the code rates would work great hardships upon the people as well as the roads, but we respectfully submit that there is no real conflict between the interests of the people and the roads, and that under the liberal general railway laws of the state, if not restrained by unfriendly legislation, roads may and will be built in competition with existing lines as rapidly as the development of the country offers a living for them; and, under competition so brought about, rates and railway tariffs will adjust themselves without legislative interferences as promptly as in other commercial transactions.

A bill has passed the Senate, and is now before the House, amending the code, and restoring the old maximum rate of fifty cents for one hundred pounds for one hundred miles. The companies have been able to exist with this limitation, and believe they can continue to do so.

This bill also contains provisions very onerous and restrictive, and does not, we think, deal justly by the railway companies; but, as the old rates are restored, and as it is, perhaps, too late to properly formulate a new bill and pass it through both houses, such as would be just and equitable

both to the state and to the railway corporations, we would prefer that it should become a law, and so relieve the companies from the great danger of bankruptcy that seems to be inevitable under a compliance with the new code.

We respectfully ask, in conclusion, that you will call attention of the Legislature to this matter in such a manner as you may consider right and proper.

Respectfully,

- G. JORDAN, *Vice-President H. and T. C. R'y Co.*
- P. BREMOND, *President E. and W. T. N. G. R. R. Co.*
- J. F. CROSBY, *Vice-President and Gen'l Man. T. and N. O. R'y Co.*
- FRANK S. BOND, *Vice-President T. and P. R'y Co.*
- R. S. HAYES, *Vice-President I. and G. N. R'y Co.*
- H. M. HOXIE, *Vice-President G. H. and H. R'y Co.*
- H. B. ANDREWS, *Vice-President G. H. and S. A. R'y Co.*

TARIFF OF RATES ACCOMPANYING MEMORIAL.

The following table will show the rates in force at the present time, from Dallas to four stations, relatively: 32, 78, 124 and 163 miles distant from that point, under the present tariff, and the rates that would prevail under article 4257 of the new code. These rates would prevail under the new code, throughout the state for similar distances. The top figures in each case, are the rates now in force; the figures underneath are those that would prevail under article 4257 of the new code, as construed by one of the commissioners:

RATES PER ONE HUNDRED POUNDS IN CAR LOAD LOTS.

FROM DALLAS TO A STATION DISTANT.	Comparison of rates.	First Class—Dry goods, tea, clothing, liquors, cigars, etc.	Second Class—Wagons, stoneware, saddlery, furniture, plows, etc.	Third Class—Ale, beer, burlaps, corn and other mills, etc.	Fourth Class—Beef and pork in barrels, salt, sugar, canned fruits, coffee, etc.	Class A—Bacon and lard, bagging and ties, etc.	Class B—Agricultural implements, furniture, horse shoes, etc.	Class C—Vegetables, apples, vinegar, cider, etc.	Class D—Lumber, live stock, grain, sash, blinds and doors, brick, etc.	Class E—Lime and cement, fertilizers, bones, pig iron, ores, etc.
		Old rate.	Code rate	Old rate.	Code rate	Old rate.	Code rate	Old rate.	Code rate	Old rate.
32 miles	{	33 30	31 30	28 30	23 30	20 30	17 30	16 30	15 30	10 30
78 miles	{	45 25	43 25	40 25	35 25	25 25	23 25	21 25	20 25	15 25
124 miles	{	64 31	57 31	52 31	47 31	35 31	28 31	26 31	25 31	20 31
163 miles	{	70 41	60 41	55 41	50 41	37 41	30 41	28 41	25 41	22 41

The foregoing message of his excellency the governor was taken up and read.

Pending the reading Senator Homan moved that the reading of the message be suspended, that 100 copies be ordered printed for the use of the Senate, and that the message be referred to the committee on internal improvements.

Motion adopted.

On motion of Senator Shannon the Senate adjourned until 8 o'clock P. M.

AFTERNOON SESSION.

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

On motion of Senator Guy, the rules were suspended and House bill No. 446, entitled "An act to authorize the mayor and board of aldermen of the town of Waxahachie to transfer its stock in the Waxahachie Tap railroad," was taken up, read third time and passed by the following vote:

YEAS.

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

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

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

NAYS—none.

Not voting—Edwards, Gooch, Grace, McCulloch, Swain.

House bill No. 36, entitled "An act authorizing and requiring the commissioner of the general land office to issue patents to certain lands granted to the Bayland Orphans' Home, situated on Galveston bay, Harris county, Texas," was taken up and read first time.

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

YEAS.

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

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

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

NAYS—none.

Not voting—Gooch, Grace, Houston, McCulloch.

Bill read second time.

Senator Stewart offered the following amendment:

Amend by adding "Owing to the fact that this session of the Legislature is near its close, there is an imperative public necessity requiring the reading of this bill on three several days to be dispensed with."

Adopted, and bill passed to its third reading.

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

YEAS.		
Brown,	Guy,	Motley,
Buchanan,	Hobby,	Patton,
Burnett,	Homan,	Ripetoe,
Burton,	Houston,	Stewart,
Davenport,	Lair,	Shannon,
Duncan,	Ledbetter,	Storey,
Edwards,	Martin,	Swain,
Ford,	McCormick,	Terrell,
Gooch,	Moore,	Tilson—27.

NAYS—none.

Not voting—Grace, Lane, McCulloch.

Bill read third time and passed by the following vote:

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

NAYS—none.

Not voting—Grace, McCulloch.

House bill No. 160 (to repeal the pension law) was taken up.

Senator Houston moved a call of the House.

Call sustained.

Roll call.

Absent—Grace, McCulloch.

Pending the call the bill went to the table.

Senator Houston, chairman of the committee on state affairs (by leave), submitted the following report:

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

Your committee on state affairs have considered House bill No. 188, entitled "An act to protect the wool-growing interests of the State of Texas," and instruct me to report the same back to the Senate with amendment and to recommend that it do pass as amended.

HOUSTON, *Chairman.*

Amend section 11 by striking out the words "Blanco" and "Travis." Senator Storey, chairman of committee on finance (by leave), submitted the following report:

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

Your committee on finance have considered Senate bill No. 155, "An act to provide for the assessment and collection of certain back school taxes due from railway companies," and a majority of the committee instruct me to recommend its passage.

STOREY, *Chairman.*

Substitute for Senate joint resolution No. 29 and House joint resolution No. 2, "Proposing amendments to article 8 of the state constitution," was taken up for consideration.

Senator Duncan offered the following amendment:

Amend by adding:

"*Provided*, the whole amount exempt shall not exceed in value five hundred dollars."

Senator Gooch offered the following as a substitute for the amendment of Senator Duncan:

Before the words "family supplies" insert "and wool."

Senator Homan moved the previous question on the pending amendments.

Motion seconded and the main question ordered by the following vote:

YEAS.

Brown,
Davenport,
Ford,
Guy,
Hobby,

Homan,
Houston,
Lane,
Motley,
Patton,

Stewart,
Storey,
Swain,
Terrell,
Tilson—15.

NAYS.

Buchanan,
Burnett,
Burton,
Duncan,

Edwards,
Gooch,
Lair,
Ledbetter.

Martin,
McCormick,
Moore,
Shannon—12.

Not voting—Grace, McCulloch, Ripetoe.

Senator Duncan raised the point of order that the amendment of Senator Gooch was not in order, as it was not germane to the amendment it substituted.

Overruled.

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

YEAS.

Edwards,
Ford,
Gooch,

Houston,
McCormick,
Moore,

Motley,
Shannon—8.

NAYS.

Brown,
Buchanan,
Burnett,
Burton,
Davenport,
Duncan,

Guy,
Hobby,
Homan,
Lair,
Ledbetter,
McCulloch,

Patton,
Stewart,
Storey,
Swain,
Terrell,
Tilson—18.

Not voting—Grace, Lane, Martin, Ripetoe.

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

YEAS.

Brown,
Davenport,
Duncan,
Hobby,

Lair,
Motley,
Stewart,

Shannon,
Storey,
Terrell—10

NAYS.

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

Homan,
Houston,
Ledbetter,
Martin,
McCormick,

McCulloch,
Moore,
Patton,
Swain,
Tilson—16.

Not voting—Ford, Grace, Lane, Ripetoe.

Senator Terrell offered the following:

Amend by adding the words "also tools of mechanics for the personal manual use of the owner."

Senator Edwards moved to excuse Senator Grace for the evening.

Ruled out of order.

Senator Gooch moved that the call of the Senate be suspended.

Lost.

On motion of Senator Edwards, the Senate went into committee of the whole on the pending bill.

(Senator Edwards in the chair).

Senator Duncan moved that the committee rise and report no progress.

Carried, and the committee rose and through their chairman so reported.

(President *pro tempore* in the chair).

The amendment of Senator Terrell was then adopted by the following vote.

YEAS.

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

Homan.
Houston,
Lane,
Lair,
Ledbetter,
Martin.
McCormick,
McCulloch.

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

NAYS.

Brown,
Not voting—Burton, Grace, Shannon.

Buchanan,

Patton---8.

A message was received from the House announcing the passage by that body of House bill No. 89, entitled "An act in relation to assignments for the benefit of creditors, and to regulate the same and the proceedings thereunder," and House joint resolution No. 32, "to amend article 6 section 1 of the constitution of the state of Texas."

Senator Ledbetter offered the following amendment:

Amend by adding "and all libraries of professional men,"

Senator Duncan offered the following amendment to the amendment of Senator Ledbetter:

Strike out "libraries of professional men," and insert "private libraries."

Senator Edwards offered the following amendment:

"And all manuscript sermons of ministers of the gospel, and all false teeth, tools and apparatus of dentists, and all surgical instruments."

Senator Duncan moved the previous question on the resolution and pending amendments.

Motion seconded and the main question ordered.

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

YEAS.

Davenport,
Duncan,
Homan,

Houston,
Lane,
Ledbetter,

Motley,
Patton,
Terrell - 9.

NAYS.

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

Grace,
Guy,
Hobby,
Lair,
Martin,
McCormick,
McCulloch,

Moore,
Ripetoe,
Stewart
Shannon,
Storey.
Tilson.---20.

Not voting—Senator Swain.

The amendment of Senator Edwards was then lost.

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

Grace,
Lane,

YEAS.

Ledbetter,
McCulloch,

Motley.—5.

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

NAYS.

Guy,
Hobby,
Homan,
Houston,
Lair,
Martin,
McCormick,
Moore,
Patton,

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

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

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 11, 1879.

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

GENTLEMEN—I respectfully return to your honorable body the bill originating therein, entitled "An act to provide for the change of location of the court house of Marion county" without approving the same, together with my objections to its becoming a law, as follows, to wit:

This act is deemed to be in conflict with that part of section 56 in article 3 of the constitution of this state which prohibits the Legislature from passing a local or special law "Regulating the affairs of counties, cities, towns, or school districts." This act assumes to regulate the affairs of Marion county in reference to the change of the location of the court house within the city of Jefferson, the county seat of Marion county.

Respectfully,

O. M. ROBERTS, *Governor.*

On motion of Senator Tilson, the message and bill were referred to judiciary committee No. 1.

The pending resolution (substitute for House joint resolution No. 2, etc.) was then 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,
McCulloch,

Moore,
Motley,
Patton,
Ripetoe,
Stewart,
Shannon,
Storey,
Swain,
Terrell,
Tilson—30.

NAYS—none.

The absent senators appearing, the consideration of House bill No. 160 (the repeal of the pension act) was resumed.

The bill was passed by the following vote:

YEAS.

Brown,
Buchanan,
Davenport,
Duncan,

Edwards,
Gooch,
Grace,
Hobby,

Lair,
Ledbetter,
Martin,
McCulloch,

Moore,
Motley,

Ripetoe,
Swain,

Terrell,
Tilson—18.

NAYS.

Burnett,
Burton,
Ford,
Guy,

Homan,
Houston,
Lane,
McCormick,

Patton,
Stewart,
Shannon,
Storey--12.

On motion of Senator Grace, the rules were suspended and 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," was taken up and read first time.

House bill No. 67, entitled "An act to amend an act defining what money and property are subject to taxation, and the mode of testing the same, approved August 21, 1876," was taken up and read third time.

The pending amendment of Senator Ledbetter (to exempt notes given for land while in the hands of the original vendor) was then considered and lost.

Senator Martin offered the following amendment:

Provided further, That the word "property," wherever it occurs in this act, shall not be so construed as to include the wearing apparel or actual supplies on hand necessary for home use.

Lost.

Senator Duncan moved the previous question upon the bill and pending amendment.

Motion seconded and main question ordered.

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

YEAS.

Burnett,
Burton,
Lane,
Lair,

Martin,
Motley,
Patton,

Ripetoe,
Shannon,
Terrell—10.

NAYS.

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

Gooch,
Grace,
Hobby,
Homan,
Ledbetter,
McCormick,

McCulloch,
Moore,
Stewart,
Storey,
Swain,
Tilson—18.

Not voting—Guy, Houston.

The bill was then passed by the following vote:

YEAS.

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

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

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

NAYS.

Grace,

McCormick,

McCulloch—3.

Not voting—Edwards, Houston.

The president *pro tempore*, after publicly reading their captions, signed the following bills: !

House bill No. 10, entitled "An act to amend section 4 of an act entitled 'an act to amend 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." 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." House bill No. 137, entitled "An act to repeal an act entitled '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, at the southeast corner of block No. 70,' approved November 28, 1857." House joint resolution No. 24, "In regard to Pelican Island." House bill No. 446, entitled "An act to authorize the mayor and board of aldermen of the town of Waxahachie to transfer its stock in the Waxahachie Tap railroad."

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, read second time and passed to a third reading.

House bill No. 202, entitled "An act to authorize and require the state board of education to cancel school certificate No. 63, heretofore issued by said board to Wm. Umbdenstock, and to issue a duplicate thereof to Reuben Knight, county treasurer of Harrison county," with adverse report of committee, was taken up, report adopted and bill lost.

House joint resolution No. 35, "On the subject of Indian depredations in the State of Texas," was taken up and read first time.

On motion of Senator Burton, the rules were suspended and Senate bill No. 282, entitled "An act to attach Waller county to the twenty-first judicial district, and to fix the time for holding court therein," with adverse report of committee, was taken up, the report of the committee adopted and bill lost.

Senate bill No. 6, entitled "An act regulating the election of clerks of the district and county courts in counties having less than 8000 inhabitants," etc., was taken up and referred to judiciary committee No. 2.

On motion of Senator Grace the rules were suspended and Senate bill No. 209, entitled "An act for the relief of Joseph Fenner," was taken up and read first time.

(Senator Stewart in the chair.)

Senator Ledbetter offered the following resolution:

"Resolved, That the sergeant-at-arms be authorized to purchase daily sufficient ice for the use of the Senate."

Adopted.

On motion of Senator Patton the rules were suspended and 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," was taken up and read second time.

Senator Gooch offered the following amendment:

In line ten, strike out the word "one-fourth," and insert "the amount levied for."

Adopted.

Also, the following:

In line seven, after the words "any officer of the state," insert "or county presenting the same."

Adopted.

Senator Duncan offered the following amendment:

Amend by inserting after the provision "allowing tax collectors to pay state warrants," these words: "without discount."

Adopted.

Senator Storey offered the following:

After the word "state" in line seven, insert the words "for services rendered by such officers."

Withdrawn.

And, also, the following:

In line nine, strike out "one-third," and insert "one-fourth."

Adopted.

Senator Ford moved to refer the bill to the committee on finance.

Senator McCulloch moved the previous question on the engrossment of the bill and pending question.

Motion seconded and main question ordered.

The motion of Senator Ford to recommit the bill was lost by the following vote:

	YEAS.	
Edwards, Ford,	Storey,	Terrell--4.
	NAYS.	
Brown, Buchanan, Burnett, Burton, Davenport, Duncan, Gooch, Grace,	Guy, Hobby, Homan, Houston, Lane, Lair, Ledbetter, Martin,	McCulloch, Moore, Patton, Stewart, Shannon, Swain, Tilson--23.

Not voting—McCormick, Motley, Ripetoe.

The bill was then ordered engrossed by the following vote:

	YEAS.	
Buchanan, Burnett, Burton, Davenport, Duncan, Gooch, Grace,	Guy, Hobby, Houston, Lane, Lair, Martin, McCulloch,	Moore, Patton, Stewart, Shannon, Swain, Tilson---20.
	NAYES.	
Brown, Edwards, Ford,	Homan, Ledbetter, McCormick,	Storey, Terrell--8,

Not voting—Motley, Ripetoe.

On motion of Senator Houston, the Senate adjourned until 9.30 A. M. I. to-morrow.

FIFTIETH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, March 12, 1879. }

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

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

Senator Storey presented a memorial of many county officers and others against a reduction of the fees of county officials as established by law in 1876, giving several reasons therefor.

Read and referred to judiciary committee No. 1.

Senator Houston, chairman of the committee on state affairs, submitted the following reports:

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

Your committee on state affairs have considered memorials Nos. 71, 73, 74, 75 and 79, and I am instructed to report that the subject matter of these memorials is now before the Legislature in different bills and no further action is deemed necessary on these memorials.

HOUSTON, *Chairman.*

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

Your committee on state affairs have considered Senate bill No. 189, "An act to authorize M. B. Starkey and others to erect a dam across the Clear fork of the Brazos river at Crystal Falls, in Stephens county," and I am instructed to report the same back to the Senate and recommend its passage.

HOUSTON, *Chairman.*

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

Your committee on state affairs have considered House bill No. 15, and I am instructed to report the same back to the Senate and recommend its passage.

HOUSTON, *Chairman.*

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

Your committee on state affairs have considered Senate bill No. 286, "An act to amend 'an act to encourage irrigation and navigation,'" and I am instructed to report same 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 considered memorial No. 77 of Brenham Grays, asking the passage of military laws to aid civil authorities, and I am instructed to report the same back to the Senate with the recommendation that it be referred to committee on military affairs.

HOUSTON, *Chairman.*

Report read, adopted and bill referred as requested.

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

Your committee have considered Senate bill No. 295, "An act to create the office of registrar general, etc.," and I am instructed to report the same back to the Senate with the request that fifty copies be printed for the use of the Senate, and the recommendation that it do pass.

HOUSTON, *Chairman.*

On motion of Senator Houston, the report of the committee was adopted, and fifty copies of the bill and report ordered printed.

Senator Stewart, chairman of judiciary committee No. 2, submitted the following report:

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

Your judiciary committee No. 2 have had under consideration Senate bill No. 285, entitled "An act to fix and regulate the fees of all the officers of the State of Texas and the several counties thereof," and the committee are of the opinion that such fees are properly fixed by the Revised Statutes of the State of Texas, passed by this Legislature, with the exception

of some several matters which are provided for in a substitute for the bill which is herewith returned to the Senate, and I am instructed by the committee to report the bill back to the Senate and recommend that it do not pass, but that the substitute of the committee for the original bill do pass.

STEWART, *Chairman.*

On motion of Senator Storey, fifty copies of the substitute and report were ordered printed.

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. 290, entitled "An act to create the thirty-third judicial district," have considered the same and I am instructed to report it back to the Senate and recommend its passage.

SHANNON, *Chairman.*

Senator Swain, chairman of the committee on penitentiary, submitted the following report:

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

Your committee on penitentiary, to whom was referred House bill No. 342, "An act to provide for the building, making and completion of such works and improvements at the East Penitentiary, at Rusk, as may be necessary and proper to put the same into operation, and to make appropriation to carry out the provisions of this act," have had the same under consideration, and instruct me to report the same with accompanying amendments, and as amended to recommend its passage.

SWAIN, *Chairman.*

First amendment: In line ten, section 3, after words "into operation," and before the words "said lessees," insert "*provided*, that said board may contract with any other person or persons who will contract and obligate themselves to comply with the terms of the agreement for the completion of the work to be done on said penitentiary for a less cost to the state than that charged by the lessees."

Second amendment: In line thirteen, section 3, before the words "said board," insert "if they become the contractors; but if any other person or persons become the contractor or contractors, they shall be paid with the money paid into the state treasury by the lessees of the penitentiary or penitentiaries, and the amount of money to be paid by them to the amount of sixty thousand dollars per annum, or so much thereof as may be necessary, is hereby appropriated."

Third amendment: In line fourteen, section 8, after the words "said lessees," insert the words "or contractors."

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

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

Your committee on private land claims, to whom was referred House bill No. 88, entitled "An act for the relief of Mrs. M. A. C. Wilson, widow of William F. Wilson," have considered the same, and I am instructed by a majority of said committee to report said bill back to the Senate and to recommend its passage.

GUY, *Chairman.*

Senator Motley, from the committee on state affairs, submitted the following report:

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

Your committee on state affairs, to whom was referred Senate bill No. 279, entitled "Joint resolution authorizing the comptroller of the state to purchase maps," 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.

MOTLEY, for Committee.

Senator Storey introduced a bill entitled "An act to authorize the issuance of land certificates to the heirs of those who were killed in the Dawson massacre, near the Salado, in September, 1842, and of those who were taken prisoners there and died while in prison.

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

Also, a bill to be entitled "An act to authorize the adjutant general to sell or exchange inferior arms and munitions of war on hand and not in use by the state."

Read by caption and referred to committee on finance.

Senator Lane introduced a bill to be entitled "An act to prevent the migration or exportation or importation of live stock affected by any contagious or infectious disease."

Read by caption and referred to committee on stock and stock-raising.

Also, a bill entitled "An act granting an extension of time to the Rockport, Fulton and Laredo railroad company for the construction of its road."

Read by caption and referred to committee on internal improvements.

A message was received from the House announcing the passage by that body of 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."

Senator McCulloch offered the following concurrent resolution:

WHEREAS, There are two or three thousand copies of ex-Governor Hubbard's message still on hand in the two houses, and also many hundred of Governor Roberts'; and as it is not right to adjourn and leave these messages scattered about over the halls and passages of the capitol; therefore be it

Resolved, That the committees on finance and printing in the Senate and House be requested to see that these public documents are distributed before the close of the session.

On motion of Senator Martin the resolution was referred to the committee on state affairs.

The following House bills were taken up for reference:

House bill No. 89, entitled "An act in relation to assignments for the benefit of creditors, and to regulate the same and the proceedings thereunder."

Referred to judiciary committee No. 2.

House joint resolution No. 32, to amend article 6 section 1 of the constitution of the State of Texas.

Referred to the committee on constitutional amendments.

Senator Patton called up his resolution offered on yesterday, with regard to the order of calling up bills.

Senator Moore offered the following amendment:

"*Provided,* bills of a general character will be given the preference."

Senator Gooch offered the following as a substitute for the amendment of Senator Moore, and accepted by Senator Moore:

"*Provided,* this rule shall not apply to tax, bond and appropriation

bills, nor change the rules relating to House bills during the evening session."

Senator Patton offered the following as a substitute for the amendment of Senator Gooch:

"Provided, that the general appropriation bill shall have the precedence in the order of business at the morning sessions until disposed of."

Senator Edwards offered the following as an amendment to the substitute of Senator Patton:

"And one hour only during each session shall be devoted to such bills."

Accepted by Senator Patton.

Senator Gooch withdrew his substitute and Senator Moore withdrew his amendment.

Senator Patton then offered his substitute, as amended, as an amendment to the original resolution.

Amendment adopted.

The resolution of Senator Patton, as amended, was then adopted.

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

IN SENATE.—Senator Duncan moved to spread on the journals the confirmations of the Senate had in executive session to-day.

In obedience to this order it is entered on the journals, that the Senate did advise and consent to the appointments by his excellency the governor of notaries public for the fifteenth senatorial district.

Senate bill No. 130, "the general appropriation bill," was then taken up.

Senator Duncan's amendment, pending on adjournment, was lost by the following vote:

YEAS.

Burnett,
Burton,
Duncan,
Edwards,

Grace,
Guy,
Homan,
Lair,

McCormick,
Motley,
Swain,
Tilson—12.

NAYS.

Davenport,
Ford,
Gooch,
Hobby,
Houston,

Lane
Martin,
McCulloch,
Moore,

Stewart,
Shannon,
Storey,
Terrell—13.

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

Senator Burton offered the following amendment:

Amend in line thirty-one, page 3, by striking out "\$360" and inserting "\$400."

Lost.

Senator Grace offered the following resolution:

Amend by striking out in line twenty-one "\$1200" and inserting "\$1500."

Lost.

Also the following:

Amend by inserting in line opposite first assistant clerk "\$1200" instead of "\$1500."

Lost.

Senator Burton offered the following:

Amend line thirty by striking out "\$500" and inserting "\$400."

Withdrawn.

Senator Swain offered the following:

In line seven, page 4, strike out "\$2000" and insert "\$1500."

Lost by the following vote:

YEAS.		
Edwards, Grace,	McCormick, Swain,	Tilson—5.
NAYS.		
Brown, Buchanan, Burnett, Burton, Davenport, Duncan, Ford, Gooch,	Guy, Homan, Houston, Lane, Lair, Ledbetter, Martin, McCulloch,	Motley, Patton, Ripetoe, Stewart, Shannon, Storey, Terrell—23.
Not voting—Hobby, Moore.		

Senator Storey offered the following:

Amend line twenty-two by inserting before "assistant cooks" the word "two."

Adopted.

Senator Edwards offered the following:

"And no member of the superintendent's family, who is not an employe, shall be supported out of the funds appropriated for the support of the institution."

Adopted by the following vote:

YEAS.		
Buchanan, Burnett, Davenport, Edwards, Grace, Hobby,	Homan, Lane, Lair, Martin, McCormick, Moore,	Patton, Shannon, Storey, Terrell, Tilson—17.
NAYS.		
Brown, Burton, Duncan, Gooch,	Guy, Houston, Ledbetter, McCulloch,	Motley, Ripetoe, Swain—11.

Not voting—Ford, Stewart.

Senator Burton offered the following:

Amend by striking out "line eighteen."

Lost

Senator Edwards offered the following:

In line twenty-five strike out "\$6000" and insert "\$3000."

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

Strike out "\$6000" in line twenty-five and insert "\$4000."

Accepted by Senator Edwards and adopted.

Senator Edwards offered the following:

In line twenty-six strike out "\$20,000" and insert "\$18,000."

Lost by the following vote:

YEAS.		
Burnett, Burton, Davenport, Edwards,	Grace, Hobby, Homan, Lane,	McCormick, Ripetoe, Shannon—11.

NAYS

Brown,
Buchanan,
Duncan,
Ford,
Gooch,
Guy,
Houston,

Lair,
Ledbetter,
Martin,
McCulloch,
Moore,
Motley,

Patton,
Stewart,
Storey,
Swain,
Terrell,
Tilson---19.

Senator Edwards offered the following:

In line twenty-four strike out "\$1000" and insert "\$800."

Lost by the following vote:

YEAS.

Burnett,
Burton,
Davenport,
Edwards,

Grace,
Homan,
Lane,
Lair,

McCormick,
Ripetoe,
Shannon,
Tilson--12.

NAYS.

Brown,
Duncan,
Ford,
Gooch,
Guy,
Hobby.

Houston,
Ledbetter,
Martin,
McCulloch,
Moore,

Motley,
Stewart,
Storey,
Swain,
Terrell--16.

Senator Terrell moved to reconsider the vote by which the superintendent's salary was retained at \$2000.

Carried and vote reconsidered.

Senator Terrell then offered the following substitute for the amendment of Senator Swain (the vote on which had just been reconsidered):

Line seven, page 4, insert "\$2500" instead of "\$2000."

Senator Homan moved the previous question on the pending amendments.

Motion seconded and main question ordered.

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

YEAS.

Duncan,
Gooch,
Houston,

Lane,
Stewart,

Swain,
Terrell--7.

NAYS.

Brown,
Buchanan,
Burnett,
Burton,
Davenport,
Edwards,
Gracé.

Hobby,
Homan,
Lair,
Ledbetter,
Martin,
McCormick,
McCulloch,

Moore,
Patton,
Ripetoe,
Shannon,
Storey,
Tilson--22.

Not voting—Ford, Guy, Motley.

The amendment of Senator Swain just reconsidered was then lost.

Senator Homan moved to reconsider the vote adopting the amendment of Senator Edwards, with regard to the support of the families of the superintendents of the asylums.

Senator Martin moved a call of the Senate.

Call sustained.

Roll called.

Absent—Guy, Motley.

Call suspended.

Senator Homan moved the previous question.

Motion seconded and main question ordered.

The motion of Senator Homan to reconsider was lost by the following vote:

YEAS.		
Brown, Duncan, Gooch, Homan,	Houston, Lair, Ledbetter,	McCormick, Motley, Swain—10.

NAYS.		
Buchanan, Burnett, Burton, Davenport, Edwards, Grace,	Hobby, Lane, Martin, McCulloch, Moore, Patton,	Ripetoe, Stewart, Shannon, Storey, Terrell, Tilson—18.

Not voting—Ford, Guy.

Senator Edwards offered the following amendment:

“And no member of the superintendent’s family who is not an employe, shall be supported out of the funds appropriated for this institution.”

Senator Brown offered the following amendment to the pending amendment:

Amend by adding “nor be kept or entertained in or about the institution, unless by payment of a reasonable sum for lodging.”

Lost.

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

YEAS.		
Buchanan, Burnett, Burton, Davenport, Edwards,	Hobby, Homan, Lane, Martin, Moore,	Shannon, Storey, Terrell, Tilson—14.

NAYS.		
Brown, Duncan, Ford, Gooch, Grace, Guy,	Houston, Lair, Ledbetter, McCormick, McCulloch,	Motley, Patton, Ripetoe, Stewart, Swain—16.

Senator Grace offered the following:

Amend by striking out in line eight, page 5, “\$600” and insert “\$300,” and add the words “and shall only be paid out by the treasurer on certificate of superintendent, he specifying the cause and notice of same.”

Senator Motley offered the following as a substitute for the amendment of Senator Grace:

Erase line eight, page 5.

Senator Duncan offered the following as a substitute for the pending amendments:

Amend by striking out “600” in line 8, page 5, and insert “900.”

Senator Homan moved the previous question on pending amendments.

Motion seconded and main question ordered.

Senator Duncan’s amendment was then lost by the following vote:

YEAS.		
Brown, Davenport, Duncan,	Homan, Houston,	Lane, Patton—7.

NAYS.

Buchanan,
Burnett,
Burton,
Edwards,
Gooch,
Grace,
Guy,
Hobby.

Lair,
Ledbetter,
Martin,
McCormick,
McCulloch,
Moore,
Motley,

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

Senator Homan presented the following as his reasons for his vote just cast:

"I vote 'aye' because the Revised Statutes require the payment of a salary of \$900 to the oculist of the blind asylum. W. K. HOMAN."

Senator Motley's substitute was then lost.

Senator Grace's amendment was then lost by the following vote:

YEAS.

Grace,
Lair,

Terrell,

Tilson—4.

NAYS.

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

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

McCulloch,
Moore,
Patton,
Ripetoe,
Stewart,
Shannon,
Storey,
Swain—24.

Not voting—Duncan, Motley.

Senator Edwards offered the following:

Amend amendment by adding line thirty-three, page 4, printed bill, by striking out "and no member of superintendent's family who is not an employe shall be," and inserting "members of the superintendent's family who are not employes may be."

Pending on adjournment.

Senator Motley, chairman of the committee on asylums, submitted the following report:

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

Your committee on asylums beg leave to report that, in accordance with a resolution adopted by the Senate authorizing the appointment of a joint sub-committee with power to send for papers and examine witnesses, that said sub-committee was appointed and proceeded to take testimony in regard to the management of the Deaf and Dumb Asylum, and submitted to your committee the testimony taken, and their report thereon, which has been examined by your committee, and a majority of your committee instruct me to return the following report: That the financial management of the institution has been efficiently and honestly conducted so far as your committee could ascertain. The investigation has been long and tedious. All of the premises considered, in view of the evidence submitted by said sub-committee, your committee have been forced to the conclusion that the present superintendent is unsuited for the position he occupies, and proper steps should be taken for his removal.

Your committee further recommend that a change be made in the law regulating the management of the Deaf and Dumb Asylum, so as to authorize the governor, with proper restrictions, to remove the superin-

tendent and board of trustees. In conclusion, your committee desire to say that they are fully satisfied that the superintendent for said asylum should be conversant with the sign language in order to protect it against impositions in the employment of teachers, and to produce harmony and tranquility and confidence between the superintendent and the unfortunate mutes, who are unable to communicate their wants except in the sign language.

MOTLEY, *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 compared with the originals, 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 10, 1876;" and 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 another article to be numbered 4761a, providing for the payment of certain state warrants by the collectors of taxes," and report them correctly engrossed.

BROWN, *Chairman*.

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

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

Your committee on finance, to whom was referred Senate bill No. 136, "An act for the relief of taxpayers," and 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," have carefully considered the same, and I am instructed by a majority of the committee present to report the House bill, with the accompanying amendments thereto, as a substitute to the Senate bill, back to the Senate with the recommendation that the bill as amended do pass.

STOREY, *Chairman*.

Strike out in section 1, line four, commencing from the top, the words "one hundred dollars," and insert in lieu thereof the words "two hundred and twenty-five dollars."

Add to section 4 the following:

"And it shall be unlawful for any person to pay for said drinks until the same are registered."

In section 11, strike out all the words after the word "fined," in line six, commencing from the top, and insert in lieu thereof the following: "Not less than fifty dollars and not more than two hundred and fifty dollars; and any person who shall pay for or receive any spirituous, vinous, or malt liquors sold to him before the same is registered, shall be fined in any sum not less than five dollars nor more than two hundred and fifty dollars."

Insert after the word "hundred," in last line but one of section 12, the following words: "and fifty."

Insert after the word "hundred," in the last line of section 14, the words, "and fifty."

In section 16, strike out all the words after the word "sum" in the last line, and insert in lieu thereof, the following: "of not less than fifty dollars nor more than two hundred and fifty dollars."

In section 21, insert after the words "dollar," in line six, the words "in addition to any other bond required by law," and strike out all the words after the word "fined," in the last line of said section, and insert in lieu thereof the words "two hundred and fifty dollars."

In section 22, after the word "hundred," in the last line, insert the words "and fifty."

In section 23, strike out all the words coming between the word "treasury," in line two, and the word "and," in line four.

In same section insert after the word "fines," in the last line, the words "and the costs."

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

AFTERNOON SESSION.

President in the chair. Roll called; quorum present.

On motion of Senator Duncan the rules were suspended and Senate bill No. 6, entitled "An act regulating the election of county and district clerks in counties having less than eight thousand inhabitants, and to validate the acts of persons heretofore holding both offices," was taken up and House amendment concurred in.

A message was received from the House announcing the passage by that body of House bill No. 276, entitled "An act to authorize counties to take up their outstanding bonds and to issue others in lieu thereof, and to provide for the payment of the interest and principal of the same."

On motion of Senator Grace the rules were suspended and 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," was taken up, read second time and passed to a third reading.

The president, after publicly reading its caption, signed House bill No. 160, entitled "An act to repeal 'an act to provide annual pensions for the surviving soldiers of the Texas revolution, and the surviving signers of the declaration of Texan independence, and the surviving widows of such soldiers and signers,' approved July 28, 1876."

Senator Edwards, chairman of the special committee on the report of the joint committee appointed to visit the Agricultural and Mechanical College, submitted the following report:

Your special committee to whom was referred the report of the joint committee appointed to visit the Agricultural and Mechanical College with instructions to report by bill or otherwise, beg leave to report that they have considered said report and the subjects connected therewith, and the conclusion has been reached by your committee that the educational interests of the state demand first-class normal schools in which white and colored teachers can be trained as educators, to the end that a uniform system of instruction of high standard may prevail throughout the state, and also that the efficiency of the Agricultural and Mechanical College at Bryan can be much increased by enlarging the facilities for instruction in the agricultural and mechanical branches. Your committee unanimously recommend the passage of the accompanying bill: being "An act making an appropriation of fifteen thousand (\$15,000) dollars to aid in instruction in agriculture and natural science connected

therewith at the Agricultural and Mechanical College of Texas." This bill does not take any money from the general revenue, but appropriates a portion of the interest arising from the university fund for the use of said college. This your committee think eminently proper, as by the state constitution the Agricultural and Mechanical College at Bryan is established as a branch of the state university. Your committee also unanimously recommend the passage of the accompanying bill: being "An act to provide for the organization and support of a normal school at Alta Vista College, Waller county, for the preparation and training of colored teachers;" and your committee have come to the conclusion that this is the only way in which the state property at Alta Vista can be utilized, and think it proper policy that a portion of the available school fund should be applied for the use of a normal school at said college for colored students, and, also, for a normal school at some other location for the training of white teachers, and your committee instructs me to recommend the passage of the accompanying bill, being "An act to establish a state normal school," and I am instructed by said committee to say that while your committee are unanimous in their opinion that a state normal school for white teachers should be established, a majority only of the committee are in favor of the provision in said bill that locates the school in Huntsville.

EDWARDS, *Chairman.*

The undersigned senators from said committee submitted the following minority report:

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

A minority of your special committee in regard to report of concurrent committee of both houses of Legislature, in regard to Agricultural and Mechanical College and college for education of colored youths at Hempstead, beg leave to report that we concur in all the report recommended by the majority of the committee except that portion of the same in relation to the location of a normal school for the white scholastic population, said majority of your committee inserting Huntsville, Walker county; and we, the minority of said committee, adhering to the original recommendation of the concurrent committee, that the different localities of the state be invited to compete for the same, and the place offering the greatest inducements shall be the place where it shall be located, believing that this would give more general satisfaction from the fact that all portions of the state would have the opportunity presented them to compete for the same.

I. W. MOORE,

E. R. LANE,

W. R. SHANNON.

The bills reported by the committee were taken up and read first time. Substitute for Senate bill No. 130 (the general appropriation bill) was taken up for consideration.

Senator Brown moved a call of the Senate.

Call sustained.

Roll called.

Absent—Homan.

Senator Homan appeared and the call was suspended.

Senator Shannon made the point of order that the matter of Senator Edwards' amendment had been acted upon and that a motion to reconsider had been lost, and therefore was not in order.

Point of order sustained.

On motion of Senator Edwards, the rules were suspended, pending business postponed and Senate joint resolution No. 74, proposing an amendment to the constitution of the State of Texas, regulating suffrage, was taken up and referred to the committee on constitutional amendments.

On motion of Senator Gooch, the pending business was postponed, the rules were suspended and Senate bill No. 210, entitled "An act to reorganize the third judicial district of the state, and to prescribe the times of holding the courts therein," was taken up and House amendments concurred in.

Senator Burton offered the following amendment to the pending bill:
Page 4, amend by striking out line thirty-one.

Lost.

Senator Storey offered the following:

Strike out lines twenty and twenty-one.

Adopted.

Senator Motley offered the following:

Line thirty, page 5, strike out "\$6000" and insert "\$4000."

Withdrawn.

Senator Edwards offered the following:

In line thirty insert before "furnishing" the words "finishing and."

Adopted.

Senator Storey offered the following:

Strike out line twenty-nine.

Adopted.

Senator McCormick offered the following amendment:

After line five, on page 6, add in first column: "For building one frame shingle roof building, on piles, with about 100 yards of wharf to connect with the main land from a quarantine station house at the entrance of Galveston bay, \$1500; for building two frame shingle roof buildings for the protection of persons detained at said quarantine station, one for the sick and one for the well, to cost \$1000 each, \$2000; for building one frame shingle roof warehouse at said station for the storage of discharged cargoes of vessels coming from infected ports, \$2500."

Adopted.

Senator Gooch offered the following:

On page 6, line five, strike out the words "on gulf coast," and insert "in the state."

Adopted.

Senator Storey offered the following:

In line eight, page 6, strike out "\$105,000" in both lines and insert "\$50,000" in first line.

Adopted.

Senator Duncan offered the following:

Amend allowance for attorney general by adding: "For purchasing law books for library \$250."

Adopted by the following vote:

YEAS.

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

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

McCormick,
Moore,
Patton,
Ripetoe,
Storey,
Terrell--19.

NAYS.

Brown,
Burnett,
Burton,
Grace,

Lair,
McCulloch,
Motley,

Stewart,
Shannon,
Tilson—10.

Not voting—Swain.

Senator Brown offered the following:

Strike out "\$1800," in line twelve, and insert "\$2700."

Senator Patton offered the following amendment as a substitute for the amendment of Senator Brown:

Amend by striking out all in line twelve, page 6, and inserting therefor "salary of chief clerk for each year, \$1500; salary of assistant clerk for each year, \$1200."

Accepted by Senator Brown and adopted.

Senator Storey offered the following:

Strike out line twenty-four, page 6, and insert the following: "To build house and pay rent for storage of arms, \$1000."

Adopted.

Senator Ripetoe offered the following:

Strike out page 6, line nineteen "\$3000," and insert "\$2000."

Adopted.

Senator Houston offered the following:

Amend line twenty-six, page 6, by inserting the figure "1" before the figure "5," wherever it occurs in the line so as to read "\$150,000," "\$150,000."

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

Strike out "\$50,000" in line twenty-six and insert "\$25,000."

Senator Houston's amendment was then lost by the following vote:

YEAS.

Burnett,
Davenport,
Duncan,
Ford,

Guy,
Hobby,
Homan,
Houston,

Lane,
Shannon,
Storey,
Terrell—12.

NAYS.

Buchanan,
Edwards,
Gooch,
Grace,
Lair,
Ledbetter,

Martin,
McCormick,
McCulloch,
Moore,
Motley,

Patton,
Ripetoe,
Stewart,
Swain,
Tilson--16.

Not voting—Brown, Burton.

Senator Houston offered the following substitute for the amendment of Senator Swain:

Amend line twenty-six, page 6, by striking out "\$50,000" where it occurs and inserting in lieu thereof "\$149,500."

Senator Edwards offered the following as a substitute for pending amendments:

Line twenty-six, strike out "\$50,000," and insert "\$75,000."

The president after reading its caption, signed Senate bill No. 6, entitled "An act regulating the election of county and district clerks in counties having less than eight thousand inhabitants, and to validate the acts of persons heretofore holding both offices."

(Senator Duncan in the chair.)

On motion of Senator Davenport, the Senate adjourned until 9:30 A. M. to-morrow.

FIFTY-FIRST DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 13, 1879. }

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

Prayer by the Rev. Dr. McCarty of the Methodist Episcopal Church.

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

On motion of Senator Burnett, the chaplain of the Senate was excused until Saturday morning next.

Senator Homan presented the petition of Alma Farmer, Kate Simpson, Bettie Heslep and one hundred other ladies of Burleson county, asking amendments to the "local option law," to make it more effective.

Read and referred to committee on state affairs.

Senator Davenport presented the memorial from the members of the Gatesville council of the Friends of Temperance in Coryell county, (of 90 members), asking amendments to the local option law, to make it more effective.

Read and referred to committee on state affairs.

Also, a memorial from the heirs of John D. Groesbeck, "stating that they have wrongfully been deprived of a grant of land rightfully belonging to them, and located under a certificate to Salvador Castillo, received from the government of Mexico, with a regular chain of title from said government, down to their father, and recognized as valid by our state government, by certain parties locating certificates on said grant and for which patents have been issued; and asking that the commissioner of the general land office be required to issue to them (the said heirs) a certificate for the amount of land wrongfully located and patented to the said parties herein referred to, etc."

Read and referred to committee on private land claims.

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

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

Your committee on finance have had under consideration Senate bill No. 297, entitled "An act to authorize the adjutant general to sell or exchange inferior arms and munitions of war on hand and not of use to the state," and I am instructed by the committee to recommend its passage.

STOREY, *Chairman.*

The following message was received from his excellency the governor:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 12, 1879. }

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

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

C. C. Heath and John Anderson to be pilot commissioners for Aransas Pass, in the State of Texas, in place of Jack Sands (deceased) and W. N. Heath, removed. Respectfully, O. M. ROBERTS, *Governor.*

Senator McCulloch offered the following joint resolution:

WHEREAS, The session of the Sixteenth Legislature, allotted by the

constitution, will have ended on to-morrow, leaving many main questions on the president's and speaker's tables untouched; and

Whereas, It is absolutely necessary for the accomplishment of the purposes for which this Legislature convened, that the Senate and House should continue in session fifteen days longer; therefore,

Be it Resolved, That the Sixteenth Legislature adjourn *sine die* on Monday morning the 31st of March.

Be it further Resolved, That no member shall speak more than once, nor a longer time than ten minutes, on any one question without leave.

Senator Duncan moved to refer this resolution to the committee on state affairs.

Withdrawn.

Senator Brown offered the following resolution as a substitute for the resolution of Senator McCulloch:

Resolved by the Senate, the House concurring, That the present session of the Sixteenth Legislature be adjourned *sine die* at 6 o'clock P. M. on Friday, the 14th day of March, A. D. 1879.

Senator Homan offered the following resolution as a substitute for the pending resolutions:

Resolved by the Senate, the House concurring, that the Sixteenth Legislature will remain in session until the business affecting the interests of the state, now before the body, is disposed of.

On motion of Senator Storey, the pending resolutions were postponed until to-morrow morning.

Substitute for Senate bill No. 130 (the general appropriation bill) was taken up.

Senator Burnett offered the following as a substitute for the pending amendments:

Page 6, strike out lines twenty-six and twenty-seven and insert instead the following: "For the protection of the frontier and suppression of lawlessness and crime for each year, \$150,000."

Senator Edwards then withdrew his amendment.

The president, after publicly reading its caption, signed Senate bill No. 210, entitled "An act to reorganize the third judicial district of the state, and to prescribe the times of holding the same."

Senator Lane offered the following amendment to the substitute of Senator Burnett:

Amend substitute as follows: "For each year for protection of the frontier, \$125,000; for lawlessness and crime, \$25,000."

Senator Lane withdrew this amendment and offered the following:

Amend substitute as follows: "For each year for protection of the frontier, \$125,000; for lawlessness and crime for the organization of a force to operate in southwest Texas, but to be subject to the orders of the adjutant general and governor on an emergency to go to any part of the state, \$25,000."

Senator Lane withdrew his amendment, when Senator Terrell offered the following amendment to the substitute of Senator Burnett:

Add to substitute the following words, viz: "Twenty-five thousand dollars of which shall be appropriated each year to the organization of a force to operate in southwest Texas, but to be subject to the orders of the governor on an emergency to be used elsewhere."

Senator Brown asked for a division of the question.

The first division (\$25,000 for a force in southwest Texas) was then adopted by the following vote:

YEAS.		
Brown,	Hobby,	Moore,
Buchanan,	Homan,	Motley,
Davenport,	Houston,	Patton,
Duncan,	Lane,	Stewart,
Edwards,	Lair,	Shannon,
Ford,	Ledbetter,	Storey,
Gooch,	Martin,	Terrell,
Grace,	McCormick,	Tilson—26.
Guy,	McCulloch,	
NAYS.		
Burnett,	Ripetoe,	Swain—4.
Burton,		

The second division (empowering the governor to use this force elsewhere in cases of emergency) was carried by the following vote:

YEAS.		
Buchanan,	Hobby,	Motley,
Burnett,	Homan,	Patton,
Burton,	Houston,	Ripetoe,
Duncan,	Lair,	Stewart,
Edwards,	Ledbetter,	Shannon,
Ford,	Martin,	Storey,
Gooch,	McCormick,	Swain,
Grace,	McCulloch,	Terrell,
Guy,	Moore,	Tilson—27.
NAYS.		
Brown,		Davenport—2.

Not voting—Lane.

The substitute of Senator Burnett, as amended by the amendment of Senator Terrell, was then adopted by the following vote:

YEAS.		
Burnett,	Guy,	Motley,
Burton,	Hobby,	Ripetoe,
Davenport,	Homan,	Stewart,
Duncan,	Houston,	Shannon,
Edwards,	Lane,	Storey,
Ford,	McCulloch,	Terrell—19.
Grace,		
NAYS.		
Buchanan,	Martin,	Patton,
Gooch,	McCormick,	Swain,
Lair,	Moore,	Tilson—10.
Ledbetter,		

Not voting—Brown.

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

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

Your committee on enrolled bills have carefully examined and compared and find correctly enrolled and properly signed, Senate bill No. 6, "An act regulating the election of clerks of the district and county courts in counties having less than eight thousand inhabitants, and to validate the acts of persons heretofore and now holding both of said offices," and presented the same to the governor for his approval on yesterday at 4:50 o'clock P. M.

GRACE, *Chairman.*

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. 210, "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 at 11 o'clock A. M. this day presented the same to the governor for his signature.

GRACE, *Chairman.*

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

AFTERNOON SESSION.

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

On motion of Senator Shannon, the rules adopted by resolution recently to govern the order of taking up bills, was suspended and substitute for Senate bill No. 130 (the general appropriation bill) was taken up for consideration."

Senator Shannon offered the following amendment:

In line nineteen strike out "twenty-seven" and insert "thirty-two;" same line, strike out "\$67,500, \$67,500" and insert "\$80,000, \$80,000."

Adopted.

Senator Storey offered the following amendment:

Add line twenty-three, "to purchase law books for supreme court library, \$1000, \$1000."

Adopted.

Senator Houston offered the following:

Line twenty-three, after "twenty-third and twenty-fourth," also "\$3000" insert "\$3500."

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

Page 7: strike out lines twenty-two and twenty-three and insert "for salaries of district attorneys, \$6000, \$6000."

Adopted, and then adopted as an amendment to the bill.

Senator Storey offered the following amendment:

Page 6, line thirty-one: strike out "\$800, \$800" and insert "\$400, \$400."

Adopted.

Senator Duncan offered the following:

Strike out in line twenty-one, page 7, "\$3500, \$3500" and insert "\$2500, 2500."

Adopted.

Senator Buchanan offered the following:

Add after line nineteen, page 7, "for pay of special district judges, \$3000 \$3000."

Senator Gooch offered the following as a substitute for the pending amendment:

Add line twenty-six between lines twenty-five and twenty-seven, and insert "special district judges, \$6000, \$6000," \$100,000."

Accepted by Senator Buchanan and adopted.

Senator Edwards offered the following amendment:

Lines four and five: add "and in case the district attorneys shall receive annual salaries and no fees, their salaries shall be paid out of this appropriation" and strike out "\$90,000, \$90,000;" and insert "\$100,000, \$100,000."

Adopted.

Senator Storey offered the following:

Strike out "\$750" in line thirty-two and insert "\$500, \$500."

Adopted.

Senator Duncan offered the following:

Amend line twenty, page 6, by striking out "\$1200, \$1200" and inserting "\$1500, \$1500."

Lost by the following vote:

YEAS.		
Brown,	Ford,	Martin,
Davenport,	Guy,	Stewart,
Duncan,	Houston,	Terrell---9.
NAYS.		
Buchanan,	Lane,	Patton,
Burnett,	Lair,	Ripetoe,
Burton,	Ledbetter,	Shannon,
Edwards,	McCormick,	Storey,
Gooch,	McCulloch,	Swain,
Hobby,	Moore,	Tilson---20.
Homan,	Motley,	

Not voting—Grace.

Senator Edwards offered the following amendment:

Strike out line ten, page 7, and insert line ten, "for librarian of supreme court of Tyler, \$300, \$300."

Adopted.

Senator Storey offered the following:

Between lines twelve and thirteen the following: "Postage and contingent expenses, \$750, \$750."

Adopted.

Also the following:

Line eleven, strike out "\$250" and insert "\$300, \$300."

Adopted.

Also the following:

Line twelve, strike out "\$250" where it occurs and insert "\$300, \$300."

Adopted.

Senator Homan offered the following:

Strike out line twenty-seven, page 7.

Lost by the following vote:

YEAS.		
Brown,	Homan,	Shannon,
Burnett,	Lair,	Swain,
Burton,	Motley,	Tilson—10.
Duncan,		
NAYS.		
Buchanan,	Houston,	Moore,
Davenport,	Lane,	Patton,
Edwards,	Ledbetter,	Ripetoe,
Ford,	Martin,	Stewart,
Gooch,	McCormick,	Storey,
Guy,	McCulloch,	Terrell---19.
Hobby,		

Not voting—Grace.

Senator Motley offered the following:

Strike out lines twenty-eight and twenty-nine.

Lost.

Senator Duncan offered the following:

Strike out "\$500, \$500" in line twenty-seven, page 7, and insert "\$1200, \$1200."

Lost.

Senator Terrell offered the following:

For renovating and repairing the small building immediately to the east of the north entrance to the capitol, \$500.

Adopted.

Senator Edwards offered the following:

Add page 2, to state department "for printing material and paper for printing office at Deaf and Dumb Asylum, \$2000, \$150."

Adopted.

Senator Storey offered the following:

"Miscellaneous—For attorneys' fees in the case now pending in the supreme court, styled DeGress vs. Hubbard et. al., employed under joint resolution of the Fourteenth Legislature, and appropriation now lapsed, \$750."

Lost.

Senator Swain offered the following:

Line thirteen, page 8, "for purchasing fish spawn, \$800, \$800."

Adopted.

Senator Motley offered the following:

"Amend by striking out line three, page 8."

Withdrawn.

Senator Homan offered the following as a substitute for pending amendment:

"Strike out from line thirty-one, page 7, to line twelve, page 8 inclusive, except lines three and eight, page 8."

Withdrawn.

Senator Gooch offered the following as a substitute for Senator Motley's amendment:

Strike out, line thirty-two, page 7, "\$1200, \$1200."

Accepted by Senator Motley.

Lost by the following vote:

YEAS.

Burnett,
Burton,
Gooch,
Guy,

Homan,
Motley,
Ripetoe,

Shannon,
Swain,
Tilson—10.

NAYS.

Brown,
Buchanan,
Davenport,
Duncan,
Edwards,
Hobby,

Houston,
Lane,
Martin,
McCormick,
McCulloch,

Moore,
Patton,
Stewart,
Storey,
Terrell—16.

Not voting—Ford, Grace, Lair, Ledbetter.

Senator Storey offered the following:

Page 3, line fifteen, strike out "\$150, \$150," and insert "\$1500, 1500."

Adopted

Senator Burnett offered the following amendment:

Strike out the words "for porter hire," and the figures set opposite said words wherever they occur in the bill.

Lost by the following vote:

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

Not voting—Buchanan, Davenport, Ford, Ripetoe.

Senator Storey presented a communication from the draughtsmen in the general land office in favor of liberal salaries for their department, and giving strong reasons for their request.

Senator Duncan offered the following:

Amend by adding to department of insurance, statistics and history, "For procuring translations from other languages into English such papers as the commissioner may wish translated for state purpose, \$500, \$500."

Lost.

Senator Storey offered the following:

Strike out "\$13,500," in line twenty-six, page 3, where it occurs, and insert "\$15,200" in lieu thereof.

Lost by the following vote:

YEAS.		
Brown,	Gooch,	Martin,
Davenport,	Houston,	Swain,
Duncan,	Ledbetter,	Terrell—9.
NAYS.		
Buchanan,	Hobby,	Moore,
Burnett,	Homan,	Motley,
Burton,	Lane,	Ripetoe,
Edwards,	Lair,	Stewart,
Grace,	McCormick,	Shannon,
Guy,	McCulloch,	Tilson—18.

Not voting—Ford, Patton, Storey.

Senator Swain offered the following:

Strike out "\$13,500" in line twenty-six, page 3, and insert "\$14,000."

Lost.

Senator Terrell offered the following:

Amend page 3, line twenty-eight, by inserting the following: "\$5600, \$5600, where the figures \$5200 occur in the original printed bill as the salary for four compiling draughtsmen."

Senator Duncan offered the following as a substitute for pending amendment.

Amend line twenty-nine, page 3, by striking out "\$10,000, \$10,000," and insert "\$15,000, \$15,000."

Senator Grace moved the previous question.

Motion seconded and main question ordered.

Senator Duncan's substitute was lost.

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

YEAS.

Edwards,
Ford,
Houston,

Lane,
Ledbetter,
Martin,

McCulloch,
Storey,
Terrell—9.

NAYS.

Brown,
Buchanan,
Burnett,
Burton,
Davenport,
Duncan,

Gooch,
Grace,
Guy,
Hobby,
Homan,
Lair,

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

Not voting—Patton, Stewart, Swain.

Senator Storey offered the following amendment:

Fill blank in line fifteen with “\$300, \$300.”

Adopted.

Senator Duncan offered the following :

Add to executive department, “for repairing the executive mansion, re-roofing and painting mansion, and for repairing out-buildings and rebuilding fences and painting same, and for furnishing the mansion, \$2500.”

Senator Houston offered the following as an amendment to the amendment pending:

Amend amendment by striking out “\$2500” and inserting “\$3500.”

Accepted by Senator Duncan, and the amendment of Senator Duncan as amended was adopted.

Senator Swain offered the following amendment:

For fiscal years ending 31st August, 1880 and 1881, the entire available school fund annually derived from all sources and one-tenth of the general revenue is hereby set aside annually for the support of the public free schools of this state for the years 1879 and 1880, and a proportionate part thereof to the 31st day of December, 1881.

Senator Homan offered the following:

Strike out the words “one-tenth” and insert “one-fourth.”

Withdrawn.

✓ Senator Patton offered the following as a substitute for the amendment of Senator Swain.

Add on page 8: “The entire available school fund annually derived from all sources, including the poll tax and one-fourth of the general revenue, is hereby set aside annually for the support of the public free schools of this state for the years ending August 31, 1880 and 1881.”

Senator Gooch moved a call of the House.

Call sustained.

Roll called.

Absent—Senator Burton.

On motion of Senator Gooch the call was suspended.

Senator Duncan moved the previous question on bill and pending amendments.

Motion seconded but the Senate refused to order the main question.

Senator Edwards offered the following as an amendment to the pending substitute of Senator Patton:

“That the entire available school fund arising from interest, the annual poll of one dollar for the use of the public free schools, and one-sixth of the ad valorem and occupation tax, after deducting the amount set aside for use of normal schools, is hereby set apart for the use of the public free schools annually until the 31st day of August, 1881.”

Senator Duncan moved the previous question on the pending amendments.

Motion seconded and the main question ordered.

The amendment of Senator Edwards was lost by the following vote:

YEAS.

Brown,
Davenport,
Duncan,
Edwards.

Hobby,
Lane,
Ledbetter.

Martin,
Moore,
Tilson—10.

NAYS.

Buchanan,
Burnett,
Burton,
Ford,
Gooch,
Grace,
Guy.

Homan,
Houston,
Lair,
McCormick,
McCulloch,
Motley,
Patton.

Ripetoe,
Stewart,
Shannon,
Storey,
Swain,
Terrell—20.

The substitute of Senator Patton was adopted by the following vote:

YEAS.

Buchanan,
Burnett,
Burton,
Ford,
Grace,
Guy.

Homan,
Houston,
Lair,
McCormick,
McCulloch.

Motley,
Patton,
Ripetoe,
Stewart,
Shannon—16.

NAYS.

Brown,
Davenport,
Duncan,
Edwards,
Gooch.

Hobby,
Lane,
Ledbetter,
Martin,
Moore.

Storey,
Swain,
Terrell,
Tilson—14.

The substitute of Senator Patton for the amendment of Senator Swain was then adopted as an amendment to the bill by the following vote:

YEAS.

Buchanan,
Burnett,
Burton,
Duncan,
Edwards,
Ford,
Grace.

Guy,
Hobby,
Homan,
Houston,
Lair,
McCormick.

McCulloch,
Motley,
Patton,
Ripetoe,
Stewart,
Shannon—19.

NAYS.

Brown,
Davenport,
Gooch,
Lane.

Ledbetter,
Martin,
Moore,
Storey.

Swain,
Terrell,
Tilson—11.

Senator Edwards moved to reconsider the vote just taken.

Senator McCormick moved to adjourn until 8 o'clock to-night.

Lost.

Senator Duncan moved to adjourn until 9:30 A. M. to-morrow.

Carried by the following vote:

YEAS.

Buchanan,
Davenport,
Duncan,
Gooch,
Grace.

Guy,
Lane,
Lair,
Ledbetter,
Martin.

Moore,
Patton,
Shannon,
Terrell,
Tilson—15.

	NAYS.	
Brown,	Ford,	McCormick,
Burnett,	Hobby,	McCulloch.
Burton,	Homan,	Ripetoe,
Edwards,	Houston,	Stewart--12.
Not voting—Motley, Storey, Swain.		

FIFTY-SECOND DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 14, 1879. }

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 Lair presented a memorial of many citizens of Denton county, "asking for a more stringent liquor law."

Referred to committee on state affairs.

Senator Shannon, chairman of 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 Senate bill No 292, entitled "An act to authorize the construction of a ship channel from Corpus Christi across Mustang Island, and to donate land for the same," have considered the same, and I am instructed to report that the notice required by law has been duly given and that it is the judgment of the committee that the bill should pass.

SHANNON, *Chairman.*

Senator Tilson, chairman of committee on counties and county boundaries, submitted the following report:

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

Your committee on county and county boundaries, to whom was referred House bill No. 302, to be entitled "An act legalizing the county lines of Duval county, and if affected thereby, as surveyed and marked by the surveyors of Nueces, Duval, Live Oak and Webb counties," 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 it do pass.

TILSON, *Chairman.*

(President *pro tempore* in the chair.)

Senator Swain, from committee on the revision of the code, submitted the following report:

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

Your committee on revision of the codes have considered Senate bill No. 103, "An act to provide for the organization of the state penitentiaries," together with the House amendments thereto, and have instructed me to report the bill back and recommend that the Senate concur in said amendments.

SWAIN, *for Committee.*

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. 291, entitled "An act to amend article 1296 of the Revised Civil Statutes of the State of Texas," and I am instructed by a majority of said committee to report said 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 had under consideration Senate bill No. 253, entitled "An act to amend chapters 19 and 20 of title 29, and chapters 3 and 4 of title 42 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' and a majority of the committee are of the opinion that in so far as the Revised Statutes read amending as contemplated by this bill, it is already sufficiently provided for in bills now pending in the Senate," and they instruct me to report this bill back to the Senate with the recommendation that it 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. 252, entitled "An act to amend chapter 2 of title 15 and chapter 1 of title 16, in the Code of Criminal Procedure, of an act entitled "An act to adopt and establish a penal code and a code of criminal procedure for the State of Texas," and a majority of the committee instruct me to report said bill back to the Senate with the recommendation that it do pass.

STEWART, *Chairman.*

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

Your judiciary committee No. 2 have had under consideration House bills Nos. 68, 89-95 and 102, and I am instructed by the committee to report said bills back to the Senate and recommend their passage.

STEWART, *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, to whom was referred joint resolution of the Senate, No. 47, authorizing the commissioner of insurance, statistics and history to select geological specimens for exhibition by the International and Great Northern railroad company, have considered the same and instruct me to report that they are in possession of a communication from the commissioner of insurance, statistics and history assuring your committee that should the resolution pass he will deliver only duplicate geological specimens, and that after ample bond has been executed to secure their speedy return to his hands. In view of this fact the joint resolution is returned and its passage recommended.

A. W. TERRELL, *for Committee.*

Senator Buchanan introduced a bill entitled "An act to provide for the surrender and dissolution of the charter of the city of Terrell, in Kaufman county, Texas."

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

Senator Lane introduced a bill, entitled "An act supplemental and amendatory of an act entitled 'an act fixing the times of holding the courts of the twenty-third judicial district,' approved February 12, 1879."

Read by caption and referred to committee on judicial districts.

Senator Lane offered the following resolution:

Resolved, That hereafter, at the morning sessions of the Senate, immediately after the morning call, the roll of Senators shall be called in regular order as they now stand upon the roll, and each senator, as his name is called, shall have ten minutes to call up any bill or bills he may desire, and at each succeeding session the secretary shall begin the call where he left off at the session preceding.

Senator Homan offered the following amendment to the pending resolution.

Amend by striking out "as they stand on the roll," and insert "alphabetically."

Withdrawn.

Senator McCulloch called up his resolution to adjourn on the thirty-first instant.

Senator Gooch moved to postpone the consideration of the resolution and substitutes until Wednesday next, the nineteenth instant.

Carried by the following vote:

YEAS.

Burnett,
Edwards,
Ford,
Gooch,
Grace,
Hobby,

Houston,
Lane,
Ledbetter,
Martin,
McCormick,

Motley,
Patton,
Stewart,
Shannon,
Terrell—16.

NAYS.

Brown,
Buchanan,
Burton,
Davenport,
Duncan,

Guy,
Homan,
Lair,
McCulloch,
Moore.

Ripetoe,
Storey,
Swain,
Tilson—14.

Senator Brown offered the following resolution:

Resolved, 1. That it is the duty of this Legislature to continue in session until all important business is disposed of, at the lowest adequate compensation.

Resolved, 2. That, whereas, the constitution limits the per diem after sixty days to two dollars, it is, therefore, to be regarded by this Legislature as just compensation for time and service devoted to the state by the members thereof.

Resolved, 3. That, in fixing the per diem during the first sixty days of the session at five dollars, the Sixteenth Legislature, though authorized by the letter of a constitutional provision, has appropriated to its members an amount in excess of the constitutional estimate of just and adequate compensation, therefore,

Resolved, 4. That it is the sense of this Senate that the senators and representatives of this Legislature should return to the state treasury the excess over two dollars per diem which they have severally received for the first sixty days of the session.

Senator Storey moved to lay the resolutions of Senator Brown on the table.

Carried by the following vote:

YEAS.

Buchanan,
Burnett,
Davenport,
Ford,
Hobby,

Homan,
Lair,
Ledbetter,
Martin,
McCulloch,

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

NAYS.

Brown,
Burton,
Duncan,
Edwards,
Gooch,

Grace,
Guy,
Lane,
McCormick,
Patton,

Stewart,
Shannon,
Swain,
Terrell--14.

Not voting—Houston.

Senator Terrell presented the following protest against an immediate adjournment:

Whereas, the important questions of taxation which can alone originate in the House of Representatives, have not yet been solved by that body, the Senate will not concur in any resolution to adjourn until it can adopt measures of reform which will enable the state government to be administered for the next two years within the revenues. TERRELL.

House bill No. 276, entitled "An act to authorize counties to take up their outstanding bonds and to issue others in lieu thereof, and to provide for the payment of the interest and principal of the same," was taken up and referred to committee on finance.

(Senator Burnett in the chair.)

A message was received from his excellency the governor.

The unfinished business being substitute for Senate bill No. 130 (the general appropriation bill), was taken up.

The pending motion of Senator Edwards to reconsider the vote by which the substitute of Senator Patton was adopted on yesterday, was then considered.

(President in the chair.)

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

AFTERNOON SESSION.

President in the chair. Roll call; quorum not present.

On motion of Senator Martin, Senator Houston was excused for the evening.

A quorum appearing the Senate proceeded to business.

Senator Duncan moved to postpone the order of business as adopted by resolution until the appropriation bill is disposed of.

Lost.

The name of Senator Brown was called when he called up Senate bill No. 46, entitled "An act to provide for the election of a district attorney in certain judicial districts of the State of Texas" for consideration. (The bill was on its second reading.)

Senator Guy offered the following amendment:

Amend by striking out the word "eleventh" in line three, section 1.

Adopted.

Senator Terrell offered the following amendment.

"Amend by striking out the sixteenth judicial district."

Adopted.

Senator Stewart offered the following:

"Amend by striking out the twenty-first judicial district."

Adopted.

Senator Shannon offered the following:

Strike out "tenth" in line three.

Adopted.

Senator Motley offered the following:

"Strike out the second judicial district."

Adopted.

Senator Burton offered the following:

"Amend by striking out the eighteenth judicial district."

Lost by the following vote:

YEAS.

Burnett,
Burton,
Davenport,
Ford,

Grace,
Guy,
Ledbetter,
Martin,

Moore,
Ripetoe,
Stewart,
Shannon---12.

NAYS.

Brown,
Buchanan,
Duncan,
Edwards,
Gooch,

Hobby,
Homan,
Lane,
Lair,
McCormick,

McCulloch,
Motley,
Storey,
Swain---14.

Not voting—Patton, Terrell, Tilson.

Also the following:

"Amend by exempting the counties of Waller, Fort Bend and Wharton from the operation of this act."

Lost.

Senator Lair offered the following:

"Strike out the judicial district composed of the counties of Collin and Grayson."

Adopted.

Senator Swain offered the following:

"Amend by striking out the sixth judicial district."

Adopted.

Senator Ledbetter offered the following:

"Amend by striking out the fifteenth district."

Adopted.

Senator Patton offered the following:

"Amend by striking out the nineteenth judicial district."

Adopted.

Senator Martin offered the following:

"Amend by striking out the thirteenth judicial district."

Adopted.

Senator Buchanan offered the following:

"Amend by striking out the county of Kaufman."

Lost.

Senator Edwards (by request) moved to reconsider the vote by which Senator Burton's amendment to exempt the counties of Waller, Fort Bend and Wharton was lost.

Lost by the following vote:

Burnett,
Burton
Davenport,
Ford,

Guy,
Homan,
Ledbetter,
Martin,

Motley,
Ripetoe.
Shannon,
Swain—12

NAYS.

Brown,
Buchanan,

Duncan,
Edwards,

Gooch,
Hobby,

Lane,
Lair,
McCormick,

McCulloch,
Moore,
Stewart,

Storey,
Tilson--14.

Not voting—Grace, Patton, Terrell.

Senator Edwards offered the following as a substitute for section 1 of the bill:

Amend section 1 to read:

“SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That a district attorney shall be elected in each judicial district in this state in which there is not now a district attorney in office, who shall perform all the duties required by law of those officers.”

Lost by the following vote:

Duncan,

YEAS.

Edwards--2.

NAYS.

Brown,
Burnett,
Davenport,
Ford,
Gooch,
Grace,
Guy,
Hobby,

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

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

Not voting—Buchanan, Burton, Terrell.

Senator Burton offered the following:

Amend by striking out the “enacting clause.”

Lost, and bill ordered engrossed.

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

Carried by the following vote:

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

YEAS.

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

Moore,
Motley,
Ripetoe,
Stewart,
Shannon,
Storey,
Terrell,
Tilson--25.

Brown,

NAYS.

Buchanan--2.

Not voting—Patton, Swain.

Bill read third time and passed by the following vote:

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

YEAS.

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

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

NAYS.

Burton,

Ripetoe--4.

Brown,
Buchanan,
Not voting—Patton.

A message was received from the House announcing the passage by that body of House bill No. 394, entitled "An act to repeal chapters 1, 2 and 3 of title 64 of the Civil Code, adopted February 21, 1879."

The said bill was then taken up and referred to committee on military affairs.

On motion of Senator Swain, Senator Hobby was excused for four days from to-morrow.

The hour devoted to bills by roll call having expired, Senator Grace moved to suspend the rules and take up 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."

Carried, and the bill taken up, read third time and passed.

On motion of Senator Gooch, the rules were suspended and House bill No. 95, entitled "An act to amend 'an act regulating elections,' approved August 23, 1876," was taken up and read first time.

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

Senator Duncan offered the following amendment:

Amend line five, page 4, by inserting after the words "chartered institution" these words: "of medicine, surgery or pharmacy, or the certificate herein provided for."

Senator Motley moved the indefinite postponement of the bill and amendments.

Senator Storey moved the postponement of the bill and pending amendments until to-morrow evening.

Carried.

On motion of Senator Swain, Senate bill No. 103, entitled "An act to organize the State penitentiaries and to regulate the management of convicts therein," was taken up and House amendments concurred in.

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

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

Your judiciary committee No. 1, to whom was referred House bill No. 123, entitled "An act to amend sections 6 and 9 of 'an act to define a lawful fence, and to carry into effect sections 22 and 23, article 16 of the constitution of the State of Texas, authorizing the passage of stock and fence laws,' approved August 15, 1879," have considered the same, and instruct me to report the same back and recommend its passage.

TERRELL, *Chairman.*

On motion of Senator Terrell the bill just reported was taken up and read first time.

On motion of Senator Grace 50 copies of the bill were ordered printed.

On motion of Senator Grace, the rules were suspended and Senate bill No. 209, entitled "An act for the relief of Joseph Fenner," was taken up, read second time and ordered engrossed.

Senator Storey, chairman of the conference committee on House bill No. 132 (requiring parties to pay for patents at land office, etc.), submitted the following report:

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

The undersigned conference committee, to whom was referred the differences between the Senate and House upon Senate amendments to 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, to provide the manner and means of enforcing the provisions thereof," have had the same under consideration, and recommend that the Senate recede from the first amendment upon which the two houses had disagreed, and that the House agree to the second amendment upon which there was a disagreement.

L. J. STOREY,
A. W. TERRELL,
CHAS. STEWART,
Senate Committee.

W. S. COLEMAN,
J. B. POLLEY,
On the part of the House.

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 House bill No. 280, entitled "An act for the relief of the heirs of Alexander S. Green, deceased, late of Brazoria county, State of Texas; and Matthew Dockery, now a citizen of Lavaca county, State of Texas," and a majority of the committee instruct me to report the bill back to the Senate and to recommend its passage.

STEWART, *Chairman.*

Senator Shannon, chairman of the 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 Senate bill entitled "An act amendatory of an act entitled 'an act to fix the times of holding the courts in the twenty-third judicial district,' approved February 12, 1879," have considered the same, and have instructed me to report it back to the Senate and recommend its passage.

SHANNON, *Chairman.*

Senator McCormick (by leave) introduced a bill, entitled "An act to amend an act entitled 'an act to incorporate the Texas Banking and Insurance company,' approved July 1, 1876."

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

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

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 14, 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 seventeenth senatorial district:

W. W. King, I. N. Dennis, Edward Hawes, William Lipscomb, Wharton county.

J. Boone, R. H. Boxley, J. T. Griffin, B. F. Elliott, Henry P. Dow-

man, R. Morris, Henry L. Rankin, W. Thomas Address, T. S. Reese, Waller county.

R. J. Colder, J. M. Weston, W. C. Sims, W. P. Quigg, W. W. McMahon, W. L. Davidson, G. D. Parker, J. T. Fen, N. B. Dunlevy, G. K. Cessna, Fort Bend county.

Respectfully, O. N. ROBERTS, *Governor.*

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 14, 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:

James C. Loving, Jack county.

B. C. Rhome, T. James, Smith county.

James M. Shaw, Grimes county.

W. J. Gibbs, J. R. Harwell, Limestone county.

Gus Garrison, Hopkins county.

G. T. Ross, Austin county.

J. Q. A. Capps, John E. Reagan, Anderson county.

A. Howard, Harrison county.

W. H. Miller, Haywood Harris, George H. Gould, Rusk county.

Mart Jones, Navarro county.

J. F. Storey, F. B. Looney, Freestone county.

W. E. Duncan, Cass county.

Sam Pounds, Morris county.

B. I. Arnold, Milam county.

W. R. Murray, Joseph L. Harris, Panola county.

J. L. Hawkins, Hill county.

Edward Braden, R. O. Robinson, Kinney county.

C. F. Whitney, Duval county.

K. B. Seale, Jasper county.

R. H. Smith, A. W. Canfield, Robert Myers, Joseph Bunn, W. J. Wingate, Orange county.

W. H. Mershon, Wise county.

D. L. Jagers, William Manuel, C. T. Hill, A. W. Harrell, L. H. McGowan, San Jacinto county.

P. S. Watts, Hardin county.

Geo. W. O'Brien, Jefferson county.

A. R. Barry, Bosque county.

J. W. Messenger, Hood county.

James Armstrong, John H. Jackson, Charles Wilcox, Chambers county.

A. S. Russell, Milam county.

Thomas H. Hall, Smith county.

Stephen P. West, W. R. Lee, O. J. Delano, John H. Mayo, Patrick Haynes, N. B. Charlton, R. M. Shivers, Tyler county.

A. R. Moores, Bowie county.

J. C. Son, Palo Pinto county.

William Veal, Stephens county.

A. A. Burck, Burleson county.

Thomas H. Brown, Limestone county.

J. A. Templeton, Cherokee county.

E. M. Goss, Kaufman county.

W. E. Jones, H. L. Kinser, Hunt county.

W. H. Fears, Ellis county.
 B. F. Maddox, Grayson county.
 James Armstrong, Chambers county.
 A. B. Persans, Grayson county.
 Carey Shaw, Colorado county.

Respectfully,

O. M. ROBERTS, *Governor.*

Senator Burton moved that the Senate go into executive session to consider the nominations contained in the messages of his excellency the Governor on to-morrow morning just after the morning call.

Carried.

On motion of Senator Storey, the rules were suspended, and Senate bill No. 155, entitled "An act to provide for the assessment and collection of certain back school taxes due from railway corporations," was taken up, read first time, and fifty copies ordered printed.

House bill No. 280, entitled "An act for the relief of the heirs of A. S. Green (deceased), late of Brazoria county, State of Texas, and Matthew Dockrey, now a citizen of Lavaca county, State of Texas, was taken up and read first time.

Senator Ford entered a motion to reconsider the vote by which Senate bill No. 46 (the district attorney bill) was passed.

On motion of Senator Duncan, the Senate adjourned until 9.30 A. M. to-morrow.

FIFTY-THIRD DAY.

SENATE CHAMBER,
 AUSTIN, TEXAS, March 15, 1879. }

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.

Senator Guy presented a petition from many citizens of Johnson county "asking for amendments to the local option law."

Read and referred to judiciary committee No. 2.

Senator Lane presented a petition from many citizens of Karnes county, "asking amendments to the local option law."

Read and referred to judiciary committee No. 2.

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 Senate bill No. 298, entitled "An act granting an extension of time to the Rockport, Fulton and Laredo railroad company for the construction of its road," have considered the same, and I am instructed to report that the law requiring publication in such cases to be made, has been complied with, and it is the opinion of the committee that the relief asked for should be granted.

SHANNON, *Chairman.*

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 House bill No. 276,

entitled "An act to authorize counties to take up their outstanding bonds, and to issue others in lieu thereof, and to provide for the payment of the interest and principal of the same," 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.**

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

Your committee on finance, to whom was referred Senate bill No. 294, entitled "An act to amend section 16 of 'an act regulating the duties of tax collectors in reference to the seizure and sale of property of delinquent taxpayers, and to define the further duties, powers, qualifications and liabilities of collectors of taxes and to regulate their compensation,'" have carefully considered the same, and I am instructed by a majority of the committee present to report the bill back to the Senate, with the recommendation that it do not pass. **STOREY, 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, to whom was referred Senate bill No. 305, entitled "An act to amend an act entitled 'an act to incorporate the Texas Banking and Insurance Company, approved July 1, 1870,'" have considered the same, and instruct me to report as follows: The object of the bill is to change the name of the company. Being a special act it is not believed that the object contemplated can thus be accomplished under the prohibition contained in article 3 section 56 of the constitution. The object desired by the bill can, in the opinion of your committee, be attained without legislative aid, under the provisions of the act of April 23, 1874 (general laws, page 122). I am, for the reasons above set forth, instructed to recommend that the bill do not pass. **TERRELL, for Committee.**

Senator McCormick introduced a joint resolution "Asking leave of absence from the state for one month for William H. Burk, judge of the eighteenth judicial district of the state."

Referred to the committee on state affairs.

The president, after publicly reading its caption, signed House bill No. 67, entitled "An act to amend an act defining what money and property are subject to taxation, and the mode of listing the same."

On motion of Senator Motley, the rules were suspended and Senate joint resolution No. 67, "Authorizing the comptroller of the state to purchase maps," was taken up and read first time.

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

YEAS.		
Brown,	Houston,	Motley,
Buchanan,	Lane,	Ripetoe,
Burnett,	Lair,	Stewart,
Burton,	Ledbetter,	Shannon,
Davenport,	Martin,	Storey,
Gooch,	McCormick,	Terrell,
Guy,	McCulloch,	Tilson—23.
Homan,	Moore,	

NAYS.

Duncan,	Patton—2.
Not voting—Edwards, Ford, Grace, Swain.	

Resolution read second time.

Senator Duncan offered the following amendment:

"Amend by striking out all relating to purchase and distribution of small maps."

Adopted.

On motion of Senator Duncan, the resolution was indefinitely postponed.

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

IN SENATE.—Senator Burnett moved to place upon the journals the confirmations of the Senate just made in executive session.

In obedience thereto, it is stated, the Senate did advise and consent to the appointment of notaries public, made by his excellency the governor, by communications dated March 14, for the counties composing the seventeenth senatorial district, and for the counties of Jack, Smith, Grimes, Limestone, Hopkins, Austin, Anderson, Harrison, Navarro, Freestone, Cass, Morris, Milam, Panola, Hill, Kinney, Duval, Jasper, Orange, Wise, San Jacinto, Hardin, Jefferson, Bosque, Hood, Chambers, Tyler, Bowie, Palo Pinto, Stephens, Kaufman, Hunt, Ellis, Grayson, Colorado; and of Haywood, Harris and George H. Gould, to be notaries public in Rusk county; and, also, to the appointment of C. C. Heath and John Anderson, to be pilot commissioners for Aransas Pass, in place of Jack Sands, deceased, and W. N. Heath, removed.

The unfinished business, being Senate bill No. 130 (the general appropriation bill), was taken up, with the motion of Senator Edwards to reconsider the vote by which the amendment of Senator Patton was adopted pending.

Senator Martin moved a call of the Senate.

Call sustained.

Roll called.

Absent—Senator Grace, who was absent on committee duty.

Senator Grace appearing, the call was suspended.

The motion to reconsider was then voted on, with the following result:

YEAS.

Brown,
Duncan,
Edwards,
Gooch,
Houston,

Lane,
Lair,
Ledbetter,
Martin,
Moore.

Storey,
Swain,
Terrell,
Tilson—14.

NAYS.

Buchanan,
Burnett,
Burton,
Davenport,
Ford,

Grace,
Guy,
McCormick,
McCulloch,
Motley,

Patton,
Ripetoe,
Stewart,
Shannon—14.

There being a tie vote, the president voted in the negative and declared the motion to reconsider lost.

Senator Homan stated that he was paired with Senator Hobby, who was absent, and could not vote on this question; that he would vote no on the question and Senator Hobby would vote aye.

On the vote to reconsider, Senator Terrell asked leave to spread on the journal the following as his reasons for voting yea:

On voting to reconsider the vote heretofore taken, by which the Senate determined to appropriate one-fourth of the general revenue for free school purposes, Senator Terrell said:

I vote yea, and desire the following reasons therefor to be spread on the journals:

1. Because we cannot so reduce the necessary expenses of the state government as to enable us to give one-fourth of the general revenue to free schools, without increasing still more the state debt and issuing more bonds for current expenses.

2. Because, while I will vote to free schools every dollar that we can spare without going in debt, I will not vote one dollar which will create a new debt to be met by taxation.

3. Because Texas is per capita the poorest state or territory in the union except Utah, and in giving one-fourth of all her revenue for free schools, she would contribute more to that purpose in proportion to her per capita wealth, when we add the interest on the permanent school fund, than any state in the union. This I do not think we are required to do, in the midst of hard times and general distress.

4. Because unless we check this tendency to create debt for a sentiment, we will bankrupt the state.

A. W. TERRELL.

Senator Storey offered the following amendment:

"For salary of the secretary of the board of education, \$1500, \$1500, to be appropriated out of the available school fund."

Adopted.

Senator McCormick offered the following amendment:

In the provision making appropriation for public schools, after the words "public free schools" insert the words "normal schools."

Senator Storey moved to lay the amendment on the table.

Lost by the following vote:

YEAS.

Buchanan,
Davenport,
Gooch,
Grace,

Houston,
Lair,
Patton,

Shannon,
Storey,
Terrell--10.

NAYS.

Brown,
Burnett,
Burton,
Duncan,
Edwards,
Guy,

Lane,
Ledbetter,
Martin,
McCormick,
McCulloch,
Homan,

Moore,
Motley,
Ripetoe,
Stewart,
Swain,
Tilson--18.

Not voting--Ford, Swain.

The amendment of Senator McCormick was then adopted by the following vote.

YEAS.

Brown,
Burnett,
Burton,
Edwards,
Guy,

Homan,
Lane,
Ledbetter,
McCormick,
Moore.

Motley,
Ripetoe,
Stewart,
Swain,
Tilson--15.

NAYS.

Davenport,
Duncan,
Gooch,
Grace,

Houston,
Lair,
Martin,
McCulloch,

Patton,
Shannon,
Storey--11.

Not voting--Buchanan, Ford, Terrell.

Senator Edwards offered the following:

On page 4, strike out line thirty-one and amend lines twenty-seven and

twenty-eight to read: "Repairs of building \$800, \$800; miscellaneous purposes, \$800, \$800."

Adopted.

Also, the following:

Page 2, amend lines twenty-two and twenty-three to read: "For porter and messenger hire treasurer's and comptroller's departments, \$480, \$480."

Adopted.

Also, the following:

Strike out "one-fourth," and insert "one-sixth" wherever it occurs in the appropriation for public free school.

Senator Homan moved to lay the amendment on the table.

Senator Shannon moved a call of the Senate.

Call sustained.

Roll called and the Senate was full.

The motion of Senator Homan to lay the pending amendment on the table was lost by the following vote:

YEAS.

Buchanan,
Burnett,
Burton,
Davenport,
Grace,

Guy,
Homan,
McCormick,
McCulloch,

Patton,
Ripetoe,
Stewart,
Shannon—13.

NAYS.

Brown,
Duncan,
Edwards,
Ford,
Gooch,
Houston,

Lane,
Lair,
Ledbetter,
Martin,
Moore,

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

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

Strike out "one-fourth" and insert "one-sixth" for first year, and "one-fifth" for second year.

(Senator Houston in the chair.)

A message was received from his excellency the governor:

(The president in the chair.)

Senator Storey (by leave), presented a petition from the citizens of McCulloch county, in the form of resolutions adopted at a public meeting held in said county on the fourth instant, condemning the action of the Legislature in attaching Williamson county to their judicial district, and asking for the creation of a new judicial district, to be composed of the counties of San Saba, McCulloch, Concho, Tom Green, Menard, Kimble, Mason, Llano, Gillespie and Blanco, and that Williamson, Lampasas and Burnett counties be left out of their district, giving several reasons for their action.

Referred to committee on judicial districts.

(Senator Gooch in the chair.)

Senator Burnett introduced a bill to be entitled "An act for the relief of James Harding."

Read by caption and referred to committee on claims and accounts.

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

Hon. J. D. Say vs, President of the Senate:

Your committee on engrossed bills have examined Senate bill No. 46, entitled "An act to provide for the election of district attorneys in certain judicial districts of the State of Texas;" Senate bill No. 209, entitled, "An act for the relief of Joseph Fenner," and find them correctly engrossed.

BROWN, *Chairman.*

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

AFTERNOON SESSION.

President in the chair. Roll called; quorum present.

Senator Grace moved to postpone all other business and take up substitute for Senate bill No. 130, the general appropriation bill.

Carried and the bill taken up, with the substitute of Senator Storey for the amendment of Senator Edwards pending.

(Senator Guy in the chair.)

(President in the chair.)

The president, after publicly reading its caption, signed 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.

Senator Grace moved the previous question upon the pending amendment and substitute.

Senator Martin moved a call of the House.

Call sustained; roll called.

Absent—Edwards, Lane, Terrell.

Under the rule established by resolution requiring the roll of senators to be called in calling up bills, etc., the name of Senator Buchanan was called, when he called up Senate bill No. 243, entitled "An act to amend article 1289 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,'" which was taken up and read first time.

Senator Burton was called next, when he called up Senate joint resolution No. 99, "giving consent of the state for certain late lessees of the penitentiary to sue the state," which was taken up and read second time.

Senator Burnett offered the following amendment:

Amend by adding the following section:

"Section 2. The fact that the next term of the district court of Travis county will convene within three months, and the fact that this session of the legislature is drawing to a close with a large number of bills of a public nature pending, creates an emergency and imperative public necessity for the immediate taking effect of this resolution, and a suspension of the rule requiring bills and joint resolutions to be read on three several days; *and it is therefore resolved*, that said rule be suspended and that this joint resolution be in force from its passage."

Adopted.

Resolution ordered engrossed by the following vote:

YEAS.

Brown,
Burnett,
Burton,

Duncan,
Ford,
Grace,

Guy,
Homan,
Lair,

Ledbetter,
Martin,
McCormick,

McCulloch,
Motley,
Patton,

Ripetoe,
Stewart,
Shannon---18.

NAYS.

Buchanan,
Davenport,
Edwards,
Gooch,

Houston,
Moore,
Storey,

Swain,
Terrell,
Tilson--10.

Not voting—Lane.

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

Carried by the following vote:

YEAS.

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

Guy,
Homan,
Houston,
Lair,
Ledbetter,
Martin,
McCormick,
McCulloch,

Moore,
Motley,
Patton,
Ripetoe,
Stewart,
Shannon
Tilson--23.

NAYS.

Buchanan,
Gooch,

Storey,
Swain,

Terrell--5.

Not voting—Lane.

Resolution was read third time.

Senator Burnett offered the following amendment :

“Joint resolution authorizing Natham Patton, one of the late lessees of the state penitentiary, to sue the state.”

Adopted by the following vote:

YEAS.

Brown,
Burnett,
Burton,
Duncan,
Edwards,
Ford,
Grace,

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

McCulloch,
Moore,
Motley,
Patton,
Ripetoe,
Stewart,
Shannon--21.

NAYS.

Buchanan,
Davenport,
Gooch,

Storey,
Swain,

Terrell,
Tilson--7.

Not voting—Lane.

The resolution was then passed by the following vote:

YEAS.

Brown,
Burnett,
Burton,
Duncan,
Ford,
Grace,
Guy,

Homan,
Lair,
Ledbetter,
Martin,
McCormick,
McCulloch,
Moore,

Motley,
Patton,
Ripetoe,
Stewart,
Shannon,
Tilson--20.

NAYS.

Buchanan,
Davenport,
Edwards,
Not voting—Lane.

Gooch,
Houston,
Storey,

Swain,
Terrell--8.

Senator Houston, chairman of the committee on state affairs (by leave), submitted the following report:

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

Your committee on state affairs, to whom was referred Senate joint resolution relating to medals for Texas veterans, have had the same under consideration, have adopted a substitute for the same, and I am instructed by the committee to report the substitute to the Senate and recommend that it do pass.

Houston, *Chairman.*

The substitute was taken up and read first time.

The absent senators appearing, the call was suspended and the consideration of substitute for Senate bill No. 130, (the general appropriation bill), with pending amendments, was resumed.

The previous question, which had been moved, was seconded and main question ordered by the following vote:

YEAS.

Buchanan,
Burnett,
Burton,
Davenport,
Grace,
Guy,
Homan,

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

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

NAYS.

Brown,
Duncan,
Edwards,

Gooch,
Lane,

Martin,
Terrell—7.

Not voting—Ford.

Senator Edwards having accepted the substitute of Senator Storey, the said substitute was voted on and lost by the following vote:

YEAS.

Brown,
Duncan,
Edwards,
Gooch,
Lane,

Lair,
Ledbetter,
Martin,
Moore,

Storey,
Swain,
Terrell,
Tilson—13.

NAYS.

Buchanan,
Burnett,
Burton,
Davenport,
Ford,

Grace,
Guy,
Houston,
McCormick,
McCulloch,

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

Senator Homan stated he was paired with Senator Hobby, who was absent; that he would vote "no" and Senator Hobby would vote "aye."

The bill was then ordered engrossed by the following vote:

YEAS.

Buchanan,
Burnett,
Burton,
Davenport,
Ford,
Grace,
Guy,

Homan,
Houston,
Lair,
Ledbetter,
McCormick,
McCulloch,

Moore,
Motley,
Patton,
Ripetoe,
Stewart,
Shannon—19.

NAYS.

Brown,
Duncan,
Edwards,
Gooch,

Lane,
Martin,
Storey,

Swain,
Terrell,
Tilson—10.

Senator Gooch presented the following as his reasons for voting no on the engrossment of this bill:

For the reason that I regard many of the appropriations made as extravagant, and that annual deficiencies will be created unless the rate of taxation is increased, each of which results can be and should be avoided, I vote no.

JNO. YOUNG GOOCH.

Senator Homan moved to reconsider the vote just taken, and to lay the motion on the table.

Carried by the following vote:

YEAS.

Buchanan,
Burnett,
Burton,
Davenport,
Ford,
Grace,

Guy,
Homan,
Houston,
McCormick,
McCulloch,

Motley,
Patton,
Ripetoe,
Stewart,
Shannon—16.

NAYS.

Brown,
Duncan,
Edwards,
Gooch,
Lane,

Lair,
Ledbetter,
Martin,
Moore,

Storey,
Swain,
Terrell,
Tilson—18.

On motion of Senator Burnett, (next on the roll), Senate joint resolution No. 220, "Proposing amendments to article 16 of the constitution of the state by adding thereto section 58," was taken up and read first time.

On motion of Senator Davenport, Senate bill No. 53, entitled "An act for the relief of the heirs of Silas Dunsmore, deceased," was taken up and read first time.

On motion of Senator Duncan, Senate bill No. 93, entitled "An act to provide for transcribing county records in certain cases," was taken up, read a second time and ordered engrossed.

(Senator Storey in the chair.)

On motion of Senator Duncan, 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,
Homan,
Houston,
Lane,
Lair,
Ledbetter,
Martin,
McCormick,

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

NAYS—none.

Not voting—Moore, Stewart, Terrell.

Bill read third time.

Senator Duncan offered the following amendment:

"SECTION That as the session is drawing to a close, and there is no law now authorizing the transcribing county records, therefore a public imperative necessity and emergency exists that the rules be suspended which requires this bill to be read on three several days that it may become a law at this session."

Adopted and bill passed.

On motion of Senator Gooch, substitute for House bill No. 342, entitled, "An act to provide for the building, making and completion of such works and improvements at the East Texas penitentiary at Rusk as may be necessary and proper to put the same into operation, and to make an appropriation to carry out the provisions of this act," was taken up and read first time.

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

YEAS.

Brown,	Grace,	McCormick,
Buchanan,	Guy,	McCulloch,
Burnett,	Homan,	Moore,
Burton,	Houston,	Motley,
Davenport,	Lane,	Ripetoe,
Duncan,	Lair,	Storey,
Edwards,	Ledbetter,	Swain,
Ford,	Martin,	Tilson—25.
Gooch,		

NAYS—Terrell.

Not voting—Patton, Stewart, Shannon.

Bill read second time.

On motion of Senator Swain, the amendments of the committee were adopted.

Senator Swain offered the following amendment:

Add to section 3: "That if a contract is made, the governor shall appoint an inspector of work, who shall inspect the work to be done and see that it is in accordance with the contract. He shall receive five dollars per day while engaged in the performance of his duties."

Withdrawn.

Senator Terrell offered the following amendment:

"The governor shall appoint a supervising architect to protect the interest of the state in the construction of the work contemplated by this act, whose duty it shall be to observe the progress of the work and see that it is in compliance with the contract and specifications. He shall stop the work when it is being done in violation of the contract, and shall report once in each month to the governor concerning the progress and character of the work. He shall be allowed during its progress a salary of five dollars per day."

Adopted and bill passed to its third reading.

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

Carried by the following vote:

YEAS.

Brown,	Guy,	Moore,
Buchanan,	Homan,	Motley,
Burnett,	Houston,	Patton,
Davenport,	Lane,	Ripetoe,
Duncan,	Lair,	Shannon,
Edwards,	Ledbetter,	Storey,
Ford,	Martin,	Swain,
Gooch,	McCormick,	Terrell,
Grace,	McCulloch,	Tilson—27.

NAYS—none.

Not voting—Burton, Stewart.

Bill read third time and passed by the following vote:

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

YEAS.
Guy,
Homan,
Lane,
Lair,
Ledbetter,
Martin,
McCormick,
McCulloch,
Moore.

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

NAYS—Houston.

Not voting—Burton.

Senator Ford called up under the rules Senate bill No. 270, entitled "An act granting further time to the Corpus Christi, San Diego and Rio Grande Narrow Gauge railroad company," which was taken up and read first time.

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

Carried by the following vote:

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

YEAS.
Guy,
Homan,
Houston,
Lane,
Lair,
Ledbetter,
Martin,
McCormick,
McCulloch,

Moore,
Motley,
Patton,
Ripetoe,
Stewart,
Shannon,
Storey,
Swain—26.

NAYS—none.

Not voting—Davenport, Terrell, Tilson.

Bill read second time and ordered engrossed.

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

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

YEAS.
Guy,
Homan,
Houston,
Lane,
Lair,
Ledbetter,
Martin,
McCormick,
McCulloch,
Moore,

Motley,
Patton,
Ripetoe,
Stewart,
Shannon,
Storey,
Swain,
Terrell,
Tilson—29.

NAYS—none.

Bill read third time and passed by the following vote:

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

YEAS.
Guy,
Homan,
Houston,
Lane,
Lair,
Ledbetter,
Martin,
McCormick,
McCulloch,

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

NAYS—Terrell.

Not voting—Davenport.

A message was received from the House announcing the passage by that body of Senate bill No. 141, entitled "An act to incorporate the Grand Lodge of Ancient, Free and Accepted Masons in and for the State of Texas, under and by the name and style of the Grand Lodge of Texas."

On motion of Senator Lane, the rules were suspended and Senate bill No. 90, entitled "An act to suppress lawlessness and crime, and to organize a force for that purpose," was taken up and read second time.

Senator Stewart moved to adjourn until 7:30 P. M.

Lost by the following vote :

YEAS.		
Burnett,	Grace,	McCormick,
Duncan,	Homan,	Stewart,
Edwards,	Lane,	Swain—11.
Gooch,	Martin,	
NAYS.		
Brown,	Lair,	Ripetoe,
Buchanan,	Ledbetter,	Shannon,
Burton,	McCulloch,	Storey,
Ford,	Moore,	Terrell,
Guy,	Motley,	Tilson—17.
Houston,	Patton,	

Not voting—Davenport.

Senator Lane offered the following amendment:

Amend by striking out section 4 and inserting the following therefor: "Section 4. The members of said company shall be allowed the following pay, to wit: The captain, \$125 per month; the first lieutenant, \$100 per month; the sergeants, corporals and privates, \$30 each per month. The payments shall be made at such time and in such manner as the adjutant general of the state may prescribe."

Senator Duncan moved to adjourn until 8 o'clock to-night.

Lost.

Senator Lane's amendment was then adopted.

The following messages were received from his excellency the governor:

To the honorable Senate of the State of Texas :

GENTLEMEN—I respectfully ask your advice and consent to the following appointments of pilot commissioners for the port of Galveston: Charles C. Sweeney, Charles Fowler, Anderson Munn, Leon Blum, J. N. Sawyer. Respectfully, O. M. ROBERTS, *Governor.*

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 15, 1879. }

To the honorable Senate of the State of Texas :

GENTLEMEN—I respectfully submit that the name of S. S. Hanscomb, as sent into and confirmed by the Senate as notary public of Galveston county, is not spelled correctly. It should have been spelled S. S. Hanscom. I respectfully ask that the requisite correction be made.

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

Senator Duncan moved to adjourn until 9:30 A. M. Monday.

Carried by the following vote: