

| YEAS.                  |            |             |
|------------------------|------------|-------------|
| Brown,                 | Lair,      | Motley,     |
| Buchanan,              | Ledbetter, | Patton,     |
| Burnett,               | Martin,    | Ripetoe,    |
| Burton,                | McCulloch, | Shannon,    |
| Grace,                 | Moore,     | Swain--16.  |
| Guy,                   |            |             |
| NAYS.                  |            |             |
| Duncan,                | Houston,   | Storey.     |
| Edwards,               | Lane,      | Terrell,    |
| Gooch,                 | McCormick, | Tilson--11. |
| Homan,                 | Stewart,   |             |
| Not voting--Davenport, | Ford.      |             |

FIFTY-FOURTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, March 17, 1879. }

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

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

Senator Davenport presented a petition from numerous settlers on the school lands, "asking that the interest which they pay the state be reduced from ten to six per cent., showing that interest since this rate was established between the settlers and the state has been greatly reduced everywhere, and expressing the hope that the state will reduce the rate of interest as they request."

Referred to the committee on finance.

Senator Storey presented a petition from the county court and many citizens of McCulloch county asking that the sale of certain donated lots by commissioners appointed by the county court of said county for that purpose be legalized in consequence of the sale by mistake not conforming to the law.

Referred to judiciary committee No. 1.

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

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

Your judiciary committee No. 1 have considered memorial No. 35, a memorial of citizens of Kaufman county protesting against diminishing the jurisdiction of county courts, and asking that the jurisdiction of the county court of Kaufman county be increased in connection with Senate bill No. 144, "An act to increase the civil and criminal jurisdiction of the county courts of the counties of Hunt, Kaufman, Denton and Collin," and instruct me to report them back, and that as the thirty days notice required by the constitution in case of local bills has not been given recommend the bill do not pass.

TERRELL, *Chairman.*

Senator Storey, from 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. 280, to be entitled "An act to provide for the payment of officers'

costs in certain criminal cases out of the money collected on the forfeited appearance bonds, bail bonds and recognizances," have considered the same, and instruct me to report it back and recommend its passage.

STOREY, *for Committee.*

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

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

Your committee on finance, to whom was referred House bill No. 327, entitled "An act to better secure the collection of taxes," have carefully considered the same, and I am instructed by the committee to report the bill, with the accompanying amendments, back to the Senate, and as amended to recommend that it pass.

STOREY, *Chairman.*

In section 1, line two, insert after the word "all," the words "real and."

In same section, line five, insert after the word "estate," the words "personal property."

In same section, line six, strike out the word "first."

In line six, insert after the word "on," the word "any."

In same line, insert after the word "personal," the words "on real."

In line seven, strike out the word "if."

Senator Buchanan, from judiciary committee No. 1, submitted the following report:

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

Your judiciary committee No. 1, have considered Senate bill No. 303, to be entitled "An act to provide for the surrender and dissolution of the charter of the city of Terrell, in Kaufman county, Texas," and instruct me to report it back with the recommendation that the bill do pass.

BUCHANAN, *for Committee.*

Senator Storey introduced a bill entitled "An act to validate the sale of certain town lots and county lands, situated in the county of McCulloch."

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

Senator Terrell (by leave) submitted the following report as chairman of judiciary committee No. 1:

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

Your judiciary committee No. 1 have considered Senate bill No. 308, to be entitled "An act to validate the sale of certain town lots and county lands situated in the county of McCulloch," and instruct me to report it back and recommend its passage.

TERRELL, *Chairman.*

The resolution of Senator Lane, offered on Saturday, with regard to the order of calling up bills, etc., was taken up for consideration when it was withdrawn by the mover.

The special order being Senate bill No. 62, the tramp bill, was then then up.

On motion of Senator Storey, the rules were suspended ten minutes and Senate bill No. 308, entitled "An act to validate the sale of certain lots and county lands, situated in the county of McCulloch," was taken up and read first time.

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

Carried by the following vote :

YEAS.

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

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

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

NAYS—none.

Not voting—Edwards, Ford, Martin.

Bill read second time and ordered engrossed.

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

YEAS.

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

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

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

NAYS—none.

Not voting—Davenport, Ford.

Bill read third time and passed by the following vote:

YEAS.

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

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

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

YEAS—none.

Not voting—Davenport, Ford.

On motion of Senator Homan, Senator Ford was excused for five days.

On motion of Senator Patton, Senator Terrell was excused for the day.

On motion of Senator Lane, Senate bill No. 90, entitled "An act to suppress lawlessness and crime and to organize a force for that purpose," was taken up.

Senator Lane offered the following amendment:

Amend by striking out section 1 and insert therefor as follows:

"Section 1. That the governor is hereby authorized and required to immediately organize a company of twenty-five men, rank and file, to wit: Twenty-one privates, two sergeants, two corporals, and in addition thereto there shall be one captain and one first lieutenant; and in the aggregate said company shall consist of twenty-seven men, officers, non-commissioned officers and privates."

Senator Gooch offered the following as an amendment to the pending amendment:

Strike out the word "required."

Accepted by Senator Lane, and as amended adopted.

Senator Gooch offered the following amendment:

Amend by adding to the preamble after the word "whereas," where it first appears, insert "it is credibly reported."

Adopted.

Also the following:

Amend section 2, where it refers to the time of enlistment, after the words "12 months or longer," add "or shorter," and "may be disbanded when they are no longer needed."

Adopted.

Bill ordered engrossed.

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

YEAS.

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

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

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

NAYS—none.

Not voting—Grace, Swain.

Bill read third time and passed by the following vote:

YEAS.

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

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

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

NAYS—Swain.

(Senator Gooch in the chair.)

On motion of Senator Stewart, the rules were suspended, special order postponed and Senate bill No. 295, entitled "An act to create the office of registrar general, and to define the duties, powers and compensation of such officer," was taken up and read first time.

On motion of Senator Patton, the special order was postponed, rules suspended and 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 Dockery, now a citizen of Lavaca county, State of Texas," was taken up, read a second time and passed to a third reading.

On motion of Senator Motley, the rules were suspended, special order postponed and Senate bill No. 137, entitled "An act for the relief of the heirs of Catlett Burnett, deceased," was taken up, read second time and ordered engrossed.

On motion of Senator Houston, the special order was postponed, rules suspended and Senate bill No. 142, entitled "An act to regulate the admission and practice of attorneys and counselors-at-law," was taken up, read second time and ordered engrossed.

The special order, being Senate bill No. 62 (the tramp bill), was taken up with pending substitute and amendment.

Senator Burnett moved to postpone the bill, substitute and amendment until the third Monday in April.

Lost by the following vote:

| YEAS.    |            |             |
|----------|------------|-------------|
| Brown,   | Homan,     | Motley,     |
| Burnett, | Ledbetter, | Ripetoe,    |
| Burton,  | Martin,    | Stewart,    |
| Edwards, | McCulloch, | Shannon—13. |
| Grace,   |            |             |

| NAYS.      |            |            |
|------------|------------|------------|
| Buchanan,  | Houston,   | Patton.    |
| Davenport, | Lane,      | Storey,    |
| Duncan,    | Lair,      | Swain,     |
| Gooch,     | McCormick, | Terrell,   |
| Guy,       | Moore,     | Tilson—15. |

Senator Duncan moved a call of the Senate.

Call sustained.

Roll called.

Absent—Senator Edwards.

During the call the pending business went to the table.

On motion of Senator Swain, the rules were suspended and House bill No. 15, entitled "An act for the relief of all persons whose lands have been sold for taxes and bought in by the State," was taken up and read first time.

(President in the chair.)

On motion of Senator Gooch, the rules were suspended and House bill No. 95, entitled "An act regulating elections," approved August 23, 1876, was taken up, read second time and passed to a third reading.

Senator Burton (by leave) presented the petition of Johnson Hensley for a bounty warrant of twelve hundred and eighty acres and donation warrant of six hundred and forty acres of land for services rendered in the army of the Republic.

Referred to the committee on private land claims.

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

Senator Buchanan offered the following amendment:

"That the present session of the Legislature being near its close, an imperative public necessity exists for the suspension of the constitutional rules requiring this bill to be read on three several days and it is so enacted."

Adopted, and bill ordered engrossed.

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 third time and passed by the following vote:

| YEAS.     |          |            |
|-----------|----------|------------|
| Brown,    | Guy,     | Ledbetter, |
| Buchanan, | Homan,   | Martin,    |
| Burnett,  | Houston, | McCormick, |
| Gooch,    | Lane,    | McCulloch, |
| Grace,    | Lair,    | Moore,     |

Motley,  
Patton,  
Ripetoe,

Stewart,  
Shannon,  
Storey,

Swain,  
Tilson—23.

NAYS—none.

Not voting—Burton, Davenport, Duncan, Edwards.

The absent senators appearing the consideration of Senate bill No. 62, entitled "An act for the suppression and punishment of tramps," was resumed.

The substitute of Senator Guy was then adopted by the following vote as a substitute for the substitute of Senator Duncan:

YEAS.

Brown,  
Burnett,  
Davenport,  
Edwards,  
Gooch,  
Grace,

Guy,  
Homan,  
Lane,  
Ledbetter,  
Martin,  
McCormick,

Moore,  
Motley,  
Ripetoe,  
Stewart,  
Shannon—17.

NAYS.

Buchanan,  
Duncan,  
Houston,  
Lair,

McCulloch,  
Patton,  
Storey,

Swain,  
Terrell,  
Tilson—10.

Not voting—Burton.

Senator Guy offered the following amendment:

Amend section 1 of the substitute: Strike out where they occur, the words "or who shall be found concealed in any railroad car."

Adopted.

Senator Gooch offered the following:

Amend by striking out the words "in a railroad car," and inserting in lieu thereof the following: "In or under a railroad car without having the consent of the managers and not having paid his fare."

Withdrawn.

Senator Swain offered the following amendment:

"Amend by striking out the enacting clause."

Senator Brown offered the following resolution:

*Resolved*, That the pending substitute and amendments be referred to the committee on revised code with instructions to report, as early as possible, a bill amending chapter 7 of the Penal Code enlarging the definition of the word "vagrant," so as to include all persons designated as "troops" in the substitute, and increasing the penalty in some cases for vagrancy.

The resolution was lost by the following vote:

YEAS.

Brown,  
Burnett,  
Burton,  
Edwards,

Grace,  
Homan,  
Martin,  
McCormick,

Ripetoe,  
Stewart,  
Shannon,  
Swain—12.

NAYS.

Buchanan,  
Duncan,  
Davenport,  
Gooch,  
Guy,  
Houston,

Lane,  
Lair,  
Ledbetter,  
McCulloch,  
Moore,

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

Senator Terrell offered the following amendment:

Amend line seven, section 2, by inserting the words "at living wages," after the word "subsistence" in line seven.

Adopted.

Also the following :

Amend section 1 as follows : Insert the words "at living wages," after the word "tendered," in line eight.

Adopted.

Senator Martin offered the following amendment :

"That the above act shall not apply to any Irishman."

Senator Homan offered the following as an amendment to the pending amendment:

Add to amendment the words "or member of the Legislature."

Accepted by Senator Martin, and the amendment as amended was then lost by the following vote:

|         |        |             |
|---------|--------|-------------|
|         | YEAS.  |             |
| Brown,  | Grace, | Stewart--4. |
| Burton, |        |             |

|            |            |             |
|------------|------------|-------------|
|            | NAYS.      |             |
| Buchanan,  | Lane,      | Motley,     |
| Burnett,   | Lair,      | Patton,     |
| Davenport, | Ledbetter, | Ripetoe,    |
| Duncan,    | Martin,    | Shannon,    |
| Gooch,     | McCormick, | Storey,     |
| Guy,       | McCulloch, | Terrell,    |
| Homan,     | Moore,     | Tilson--22. |
| Houston,   |            |             |

Not voting—Edwards, Swain.

Senator Terrell offered the following:

Strike out the words referring to the punishment and insert in lieu thereof the following: "He shall be punished on conviction by being compelled to perform hard labor for the county, under the direction of the sheriff, for not more than ninety days and not less than thirty days."

Lost by the following vote:

|            |            |             |
|------------|------------|-------------|
|            | YEAS.      |             |
| Buchanan,  | Houston,   | Patton,     |
| Davenport, | Lane,      | Storey,     |
| Duncan,    | Lair,      | Terrell,    |
| Gooch,     | McCulloch, | Tilson--12. |

|          |            |            |
|----------|------------|------------|
|          | NAYS.      |            |
| Brown,   | Homan,     | Motley,    |
| Burnett, | Ledbetter, | Ripetoe,   |
| Edwards, | Martin,    | Stewart,   |
| Grace,   | McCormick, | Shannon,   |
| Guy,     | Moore,     | Swain--15. |

Not voting—Burton.

Senator Stewart offered the following:

In section 1 amend after the word "charity" in sixth line, and add "and who has had nothing to eat for six months."

Senator Storey moved to postpone the bill and amendments till Wednesday, just after the morning call.

Lost.

Senator Storey moved to lay the amendment of Senator Stewart on the table.

Carried by the following vote:

## YEAS.

Brown,  
Davenport,  
Duncan,  
Gooch,  
Guy,  
Homan,

Houston,  
Lane,  
Lair,  
Ledbetter,  
McCormick,  
McCulloch,

Moore,  
Motley,  
Patton,  
Storey,  
Terrell,  
Tilson—18.

## NAYS.

Buchanan,  
Burnett,  
Burton,

Edwards,  
Grace,  
Martin.

Stewart,  
Shannon,  
Swain—9.

Not voting—Ripetoe.

Senator Duncan offered the following:

Amend by striking out "punishment," and inserting "shall be punished by imprisonment at labor for the county for not less than twenty nor more than ninety days."

Adopted by the following vote:

## YEAS.

Buchanan,  
Davenport,  
Duncan,  
Edwards,  
Gooch,

Houston,  
Lane,  
Lair,  
McCulloch,  
Moore,

Motley,  
Patton,  
Storey,  
Terrell,  
Tilson—15.

## NAYS.

Brown,  
Burnett,  
Grace,  
Guy,

Homan,  
Ledbetter,  
Martin,  
McCormick,

Stewart,  
Shannon,  
Swain—11.

Not voting—Burton, Ripetoe.

Senator Brown offered the following amendment:

Amend by substituting the word "vagrant" for the word "tramp" wherever it occurs in the bill.

Senator Gooch moved the previous question upon bill and pending amendments.

Motion seconded and main question ordered.

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

## YEAS.

Brown,  
Burnett,  
Burton,  
Davenport,

Edwards,  
Grace,  
Martin,

Stewart,  
Shannon,  
Swain—10.

## NAYS.

Buchanan,  
Duncan,  
Gooch,  
Guy,  
Homan,  
Houston,

Lair,  
Ledbetter,  
McCormick,  
McCulloch,  
Moore,  
Motley,

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

Not voting—Lane.

Senator Swain's amendment was then voted on with the following result:

## YEAS.

Brown,  
Burnett,  
Burton,  
Edwards,  
Grace,

Homan,  
Ledbetter,  
Martin,  
McCormick,  
Motley,

Ripetoe,  
Stewart,  
Shannon,  
Swain—14.



NAYS..

Buchanan,  
Davenport,  
Duncan,  
Gooch,  
Guy,

Houston,  
Lane,  
Lair,  
McCulloch,  
Moore,

Patton,  
Storey,  
Terrell,  
Tilson—14.

There being a tie vote the president voted in the negative and declared the amendment lost.

The substitute of Senator Guy, as amended, was then adopted as a substitute for the original bill by the following vote:

YEAS.

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

Homan,  
Houston,  
Lair,  
Martin,  
McCormick,  
McCulloch,  
Moore,

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

NAYS.

Grace,  
Ledbetter,

Stewart,

Swain—4.

Not voting—Edwards, Lane.

The bill was ordered engrossed by the following vote:

YEAS.

Buchanan,  
Davenport,  
Duncan,  
Gooch,  
Guy,  
Houston,

Lane,  
Lair,  
McCulloch,  
Moore,  
Motley.

Patton,  
Ripetoe,  
Storey,  
Terrell,  
Tilson—16.

NAYS.

Brown,  
Burnett,  
Burton,  
Edwards,

Grace,  
Homan,  
Ledbetter,  
Martin,

McCormick,  
Stewart,  
Shannon,  
Swain—12.

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

YEAS.

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

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

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

NAYS.

Brown,  
Ledbetter,

Martin,  
Stewart,

Swain—5.

Bill read third time.

Senator Duncan offered the following amendment as an additional section:

“SECTION ..... Any person in view of any offense described in this act may apprehend the offender and take him before a justice of the peace for examination.”

Lost by the following vote (it requiring a two-third vote to adopt):

| YEAS.      |            |            |
|------------|------------|------------|
| Buchanan,  | Houston,   | Patton,    |
| Davenport, | Lair,      | Storey,    |
| Duncan,    | McCormick, | Terrell,   |
| Edwards,   | Moore,     | Tilson—14. |
| Gooch,     | Motley,    |            |
| NAYS.      |            |            |
| Brown,     | Guy,       | McCulloch, |
| Burnett,   | Homan,     | Ripetoe,   |
| Burton,    | Lane,      | Stewart,   |
| Ford,      | Ledbetter, | Shannon,   |
| Grace,     | Martin,    | Swain—15.  |

The bill was then passed by the following vote:

| YEAS.      |            |              |
|------------|------------|--------------|
| Buchanan,  | Lane,      | Motley,      |
| Davenport, | Lair,      | Patton,      |
| Duncan,    | McCormick, | Storey,      |
| Gooch,     | McCulloch, | Terrell,     |
| Guy,       | Moore,     | Tilson---16. |
| Houston,   |            |              |
| NAYS.      |            |              |
| Brown,     | Grace,     | Ripetoe,     |
| Burnett,   | Homan,     | Stewart,     |
| Burton,    | Ledbetter, | Shannon,     |
| Edwards,   | Martin,    | Swain---12.  |

A message was received from the House announcing the passage by that body of House bill No. 337, entitled "An act to authorize counties, cities and towns to scale and fund their indebtedness and for raising means to pay the same."

Senator Lane (by leave) offered the following resolution in lieu of the one he withdrew this morning.

Amend resolution by substituting the following therefor:

"Resolved, That hereafter, at the morning session 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 such senator, as his name is called, shall have ten minutes to call up any bill or bills he may desire; and at each succeeding morning session the secretary shall begin the call where he left off at the session preceeding, and that the roll call shall begin under this resolution at the name of the senators who would be called under the resolution now in force.

"Resolved, further, That the afternoon session of the Senate be devoted to House bills, and that the roll of senators be called in alphabetical order, and that each senator, as his name is called, shall have ten minutes to call up any House bill or bills he may desire, and that at each succeeding afternoon session the secretary shall begin the call where he left off at the session preceeding.

"Resolved, That the evening or night sessions of the Senate shall be devoted to bills of appropriation, revenue and general interest."

Senator Duncan offered the following amendment:

After "ten minutes" insert "and disposed of."

Adopted.

Senator Shannon offered the following:

Strike out "Senate and House bills" wherever they occur.

Adopted.

Senator Brown offered the following:

“Strike out that part of the resolution relating to evening and night sessions.”

Senator Homan offered the following as a substitute for the amendment of Senator Brown:

Insert after the word “call” in third line, the words “and at each afternoon session,” and to strike out the word “morning” in eighth line, and strike out second section of resolution relating to “afternoon sessions.”

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

“*Provided*, that we adopt this resolution in view of the fact that such resolutions are more honored in the breach than the observance.”

On motion of Senator Martin, the original resolution and amendments were referred to committee on finance, and that they report to-morrow morning.

A message was received from the House, announcing that that body had refused to concur in Senate substitute for substitute for House joint resolution No. 2, proposing amendments to article 8 of the constitution.

Senator Storey (by leave) introduced a bill entitled “An act to amend article 4556 of the Revised Statutes of the State of Texas, adopted at the present session of the Legislature.”

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

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

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

Your committee on state affairs have considered Senate joint resolution granting leave of absence to W. H. Burkhart, judge of the eighteenth judicial district, and I am instructed to report the same back to the Senate and to recommend that it do pass. HOUSTON, *Chairman.*

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

Your committee on state affairs have considered the three memorials, Nos. 83, 84 and ..... on the subject of local option liquor laws, accompanying this report, and I am instructed to report that the subject matter of the same is already under consideration by bill, and that further action upon them is unnecessary. HOUSTON, *Chairman.*

On motion of Senator Patton, the pending business was postponed ten minutes, rules 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 another article to be numbered 4761, as providing for the payment of certain state warrants by the collectors of taxes,” was taken up, read third time and passed by the following vote:

YEAS.

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

Guy,  
Houston,  
Lane,  
Lair,  
Martin,  
McCulloch,  
Moore,

Motley,  
Patton,  
Ripetoe,  
Stewart,  
Shannon,  
Swain,  
Tilson—22.

NAYS.

Edwards,  
Homan,

Ledbetter,  
McCormick,

Storey—5.

Senator Grace (by leave) introduced a bill entitled "An act for the relief of Wm. Judge."

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

Also a bill entitled "An act for the relief of J. S. Daugherty."

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

On motion of Senator Ripetoe, the rules were suspended, and Senate bill No. 211, entitled "An act to amend chapter 6 of title 4 of the new Penal Code by further defining the offense of kidnapping," was taken up, read third time and passed.

On motion of Senator Burnett, the rules were suspended and Senate bill No. 261, entitled "An act requiring the proceeds arising from the leasing or renting of county school lands, and from sales of timber thereon, to be applied exclusively to educational purposes," was taken up and read first time.

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

Carried by the following vote:

YEAS.

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

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

McCormick,  
McCulloch,  
Moore,  
Motley,  
Ripetoe,  
Shannon,  
Tilson—22.

NAYS—none.

Not voting—Grace, Patton, Stewart, Storey, Swain.

Bill read second time and ordered engrossed.

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

YEAS.

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

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

McCulloch,  
Moore,  
Motley,  
Ripetoe,  
Shannon,  
Storey,  
Tilson—22.

NAYS—none.

Not voting—Edwards, Grace, Patton, Stewart, Swain.

Bill read third time and passed by the following vote:

YEAS.

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

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

McCormick,  
Moore,  
Motley,  
Ripetoe,  
Shannon,  
Storey,  
Swain,  
Tilson—24.

NAYS—none.

Not voting—McCulloch, Patton, Stewart.

The president placed before the Senate the following report of the committee of the stockraisers' association:

*To the Hon. C. L. Carter, President of the Northwest Texas Stock Association:*

Your committee to whom was referred the resolution in regard to the burning of prairies, have the honor of submitting the following as their report:

*To the Hon. J. D. Sayers, President of the Senate, the Senators and members of the Sixteenth Legislature of the State of Texas:*

WHEREAS, The Northwest Texas Stock Raising Association, now in session at the town of Henrietta, in Clay county, feel that the present laws in relation to the burning of any woodland or prairie are inadequate to meet the demands of the stockraising interest of the entire State of Texas; and whereas, at the present time thousands of cattle lie dying amid the smouldering dust of our fire swept prairies; and whereas, the stock is the vital interest at least of this part of our great commonwealth; be it therefore

*Resolved,* That this association most earnestly petition and request its members and representatives in the Sixteenth Legislature to amend the act of August 28, 1856, in relation to the burning of any woodland or prairie, as well as the penal clause of same. That this association, in the interest of stockraising in Texas, would ask that it be a penal offense to burn any woodland or prairie other than the lands of the proper owner, between the first of July and the first of April succeeding. That if the time herein specified should conflict in any manner with the stock or any other interest of the people of southern or eastern Texas, that then in the interest of northwest Texas we ask that this petition be granted, and a law made operative in the territory north of the Colorado river and west of the main line of the Houston and Texas Central railway; and that a penalty be affixed to said law causing all wilful or negligent burning to be an offense of higher grade than is affixed by the present law, and would suggest that the punishment be by imprisonment in the state penitentiary for a term not more than five nor less than one year.

Respectfully submitted. J. R. STEVENS, *Chairman of Committee.*

Referred to committee on stock and stockraising.

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

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

Your committee on engrossed bills have examined and find correctly engrossed Senate bill No. 308, entitled "An act to validate the sale of certain town lots and county lands situated in the county of McCulloch."

BROWN, *Chairman.*

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

Your committee on engrossed bills have compared Senate bill No. 270, entitled "An act granting further time to the Corpus Christi, San Diego and Rio Grande Narrow Gauge railroad company," and find it correctly engrossed.

BROWN, *Chairman.*

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

## AFTERNOON SESSION.

President in the chair; quorum present.

Under the rules, Senator Edwards called up Senate joint resolution No. 263, relating to medals for Texas veterans, which was taken up and read second time.

The substitute recommended by the committee was adopted and resolution ordered engrossed.

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

| YEAS.      |            |            |
|------------|------------|------------|
| Brown,     | Grace,     | McCormick, |
| Buchanan,  | Guy,       | McCulloch, |
| Burnett,   | Homan,     | Motley,    |
| Burton,    | Houston,   | Ripetoe,   |
| Davenport, | Lane,      | Stewart,   |
| Duncan,    | Lair,      | Shannon,   |
| Edwards,   | Ledbetter, | Storey,    |
| Gooch,     | Martin,    | Tilson—24. |

NAYS—none.

Not voting—Moore, Patton, Swain.

Resolution read third time and passed.

Senator Guy called up, under the rules, Senate joint resolution No. 178, "Proposing an amendment to article 16, sections 50 and 51 of the constitution of the State of Texas," which was taken up and read a second time.

(Senator Storey in the chair.)

Senator Guy offered the following amendment:

"Be it further resolved, That as soon as this joint resolution shall have passed both houses of the Legislature by the requisite two-thirds vote, the governor is authorized and requested to cause the foregoing amendment to the constitution to be submitted to the qualified voters of the state at an election to be held on the first Tuesday in July, A. D. 1879, after causing notice of the time of holding the election to be published as required by the constitution."

Adopted.

Senator Shannon offered the following:

Strike out of section 4 all after "execution" where it occurs in line twelve, page 2.

Adopted.

Senator Homan offered a substitute for the pending joint resolution:

Senator Guy moved a call of the Senate.

Call sustained.

Roll called.

Absent—Grace.

Pending the call the resolution went to the table.

On motion of Senator Buchanan, the rules were suspended and Senate bill No. 303, entitled "An act to provide for the surrender and dissolution of the charter of the city of Terrell, in Kaufman county," was taken up and re-referred to judiciary committee No. 1.

On motion of Senator Gooch, the call was suspended and the consideration of Senate joint resolution No. 178 was resumed.

Senator Gooch then moved the previous question upon pending amendments.

Motion seconded and the Senate refused to order the main question by the following vote:

|            |            |             |
|------------|------------|-------------|
| YEAS.      |            |             |
| Buchanan,  | Grace,     | Moore,      |
| Burnett,   | Lair,      | Motley,     |
| Davenport, | Ledbetter, | Tilson--10. |
| Gooch,     |            |             |

|          |            |             |
|----------|------------|-------------|
| NAYS.    |            |             |
| Brown,   | Homan,     | McCulloch,  |
| Burton,  | Houston,   | Patton,     |
| Duncan,  | Lane,      | Ripetoe,    |
| Edwards, | Martin,    | Stewart,    |
| Guy,     | McCormick, | Storey--15. |

Not voting—Shannon, Swain.

Senator Stewart offered the following amendment to the substitute of Senator Homan:

Amend Senator Homan's "homestead" resolution by striking out the words "and in this last case only when the work or material contracted for in writing, with the consent of the wife given in the same manner as is required in making a sale and conveyance of the homestead."

Adopted by the following vote:

|         |            |             |
|---------|------------|-------------|
| YEAS.   |            |             |
| Brown,  | Lair,      | Stewart,    |
| Duncan, | Martin,    | Storey,     |
| Gooch,  | McCulloch, | Swain,      |
| Guy,    | Patton,    | Tilson--13. |
| Lane,   |            |             |

|            |            |              |
|------------|------------|--------------|
| NAYS.      |            |              |
| Burnett,   | Homan,     | Moore,       |
| Burton,    | Houston,   | Motley,      |
| Davenport, | Ledbetter, | Ripetoe,     |
| Grace,     | McCormick, | Shannon--12. |

Not voting—Buchanan, Edwards.

Senator Guy offered the following amendment to the substitute of Senator Homan:

Amend by striking out all between the words "land" and "void," in section 50, pertaining to mortgage or trust deed.

Senator Gooch moved to lay the substitute of Senator Homan, and amendment to it of Senator Guy, on the table.

Carried by the following vote:

|           |            |             |
|-----------|------------|-------------|
| YEAS.     |            |             |
| Brown,    | Houston,   | Ripetoe,    |
| Buchanan, | Lair,      | Stewart,    |
| Burnett,  | Martin,    | Shannon,    |
| Duncan,   | McCormick, | Storey,     |
| Gooch,    | Moore,     | Tilson--17. |
| Guy,      | Motley,    |             |

|            |        |               |
|------------|--------|---------------|
| NAYS.      |        |               |
| Burton     | Grace, | Ledbetter--5. |
| Davenport, | Homan, |               |

Not voting—Edwards, Lane, McCulloch, Patton, Swain.

Senator Brown offered the following:

Amend by inserting in line two, page 2, after the word "thence" the words "besides fencing;" in line five, insert after the word "improvements" the words "exclusive of fencing;" in line eight, insert after

the word "thereof," the words "and fencing thereon;" in line twenty-one insert after the words "with the" the words "fencing and other," and in the same line insert after "such improvements" the words "exclusive of."

Adopted by the following vote:

| YEAS.      |            |            |
|------------|------------|------------|
| Brown,     | Grace,     | Ripetoe,   |
| Buchanan,  | Homan,     | Stewart,   |
| Burnett,   | Houston,   | Shannon,   |
| Burton,    | Lair,      | Storey,    |
| Davenport, | Martin,    | Swain,     |
| Edwards,   | Moore,     | Tilson—19. |
| Gooch,     |            |            |
| NAYS.      |            |            |
| Duncan,    | McCormick, | Motley,    |
| Guy,       | McCulloch, | Patton—7.  |
| Ledbetter, |            |            |

Not voting—Lane.

Senator Duncan moved to reconsider the vote by which the amendment of Senator Shannon was adopted.

Senator Homan moved to lay the motion on the table.

Carried.

Senator McCulloch offered the following amendment:

Amend by striking out "\$3000" wherever it is used in sections 50 and 51 and insert "\$2000."

Senator Burton offered the following:

Amend by striking out "three thousand" in the resolution, and insert "five thousand."

Senator Gooch moved the previous question on the engrossment of the resolution and pending amendments.

Motion seconded and main question ordered.

The amendment of Senator Burton was lost.

The amendment of Senator McCulloch was then lost.

The resolution was then ordered engrossed by the following vote:

| YEAS.      |            |             |
|------------|------------|-------------|
| Brown,     | Lane,      | Stewart,    |
| Duncan,    | Lair,      | Shannon,    |
| Gooch,     | McCormick, | Storey,     |
| Grace,     | McCulloch, | Swain,      |
| Guy,       | Patton,    | Tilson—15.  |
| NAYS.      |            |             |
| Buchanan,  | Edwards,   | Martin,     |
| Burnett,   | Homan,     | Moore,      |
| Burton,    | Houston,   | Motley,     |
| Davenport, | Ledbetter, | Ripetoe—12. |

(President in the chair.)

Business on the president's table: House joint resolution No. 35, "On the subject of Indian depredations in the State of Texas," was taken up, read second time and passed to a third reading.

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," was taken up, read third time and passed.

House joint resolution No. 47, "Authorizing the commissioner of insurance, statistics and history to select geological specimens for exhibition, etc.," was taken up, read third time and passed.



House bill No. 68, entitled "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 violation," was taken up and read first time.

House bill No. 88, entitled "An act for the relief of Mrs. M. A. C. Wilson, widow of William F. Wilson," was taken up and read first time.

House bill No. 89, entitled "An act in relation to assignments for the benefit of creditors, and to regulate the same and the proceedings thereon," was taken up and read first time.

House bill No. 102, entitled "An act defining the duties of commissioners' courts when sitting as a board of equalization," was taken up, read first time, and, on motion of Senator Edwards, 50 copies were ordered printed.

Substitute for House bill No. 188, entitled "An act to protect the wool-growing interests of the State of Texas," was taken up and read first time.

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 read first time.

House bill No. 327, entitled "An act to better secure the collection of taxes," was taken up and read first time.

House bill No. 302, entitled "An act legalizing the county lines of Duval county and of counties affected thereby, as surveyed and marked by the surveyors of Nueces, Duval, Live Oak and Webb counties," was taken up and read first time.

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, and authorizing the passage of stock and fence laws, approved August 15, 1879,'" was taken up and read second time.

On motion of Senator Lane, the bill was postponed until to-morrow evening.

Senate bill No. 7, entitled "An act to prevent the hiring or operating of convicts outside the prison walls," was taken up and read first time with adverse report of committee.

The report was adopted and bill lost.

Senate bill No. 10, entitled "An act to amend an act, approved June 20, 1876, entitled 'an act to amend article 382, title 2, chapter 3, of the Penal Code,'" was taken up and read first time with adverse report of committee.

The report of the committee was adopted and the bill lost.

Senate bill No. 18, entitled "An act for the relief of persons whose lands have been sold for taxes and purchased by the State," was taken up and read first time.

Senate bill No. 26, entitled "An act to provide for the removal of county officers," with adverse report of committee.

On motion of Senator Ledbetter, the report was adopted and bill lost.

Senate bill No. 30, entitled "An act requiring persons taking causes to the supreme court of appeals to make a deposite to cover the costs in said court," was taken up and read first time.

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," was taken up and read first time.

Senate bill No. 31, "An act to create and provide for execution liens on land," was taken up and read first time.

Senate bill No. 36, "An act providing for the transportation of convicts under contract from the counties in which they are convicted to the penitentiary," was taken up and read first time.

Senate bill No. 39, "An act to amend section 3 of 'an act regulating interest,'" approved August 21, 1876, was taken up, read first time, adverse report of committee adopted, and bill lost.

Senate joint resolution No. 45, "Instructing our senators and requesting our representatives in congress to ask for protection to the Texas frontier and compensation for past expenses by the state in that behalf," was taken up, read first time, together with the adverse report of the committee, and, on motion of Senator Edwards, was laid on the table.

Senate bill No. 50, "An act to amend section 1 of an act entitled 'an act to provide for the transferring of all criminal cases in which indictments have been found to the proper court having jurisdiction thereof,'" approved August 12, 1876, was taken up and read first time.

Senate bill No. 52, "An act to protect the rights of pre-emption settlers who have heretofore or may hereafter enlist in the frontier battalion or other military forces of the state," was taken up and read first time.

On motion of senator Houston; the rules were suspended, and bill placed on its second reading by the following vote:

## YEAS.

Brown,  
Buchanan,  
Burnett,  
Davenport,  
Duncan,  
Grace,  
Guy,  
Homan,  
Houston,

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

Patton,  
Ripetoe,  
Stewart,  
Shannon,  
Storey,  
Swain,  
Tilson—~~26~~.

## NAYS—none.

Not voting—Burton, Edwards, Gooch.

Senator Houston offered the following amendment:

Amend section 2 by inserting after the word "emergency" the words "and imperative public necessity."

Adopted and bill ordered engrossed.

Senate bill No. 81, entitled "An act to amend section 15 of an act entitled 'an act to organize the district courts, and to define their powers and jurisdiction,'" approved May 11, 1846, was taken up and read first time with adverse report of committee.

Report adopted and bill lost.

Senate bill No. 76, entitled "An act to provide for the speedy and authoritative publication of the opinions of the supreme court and court of the State of Texas in the Texas Law Journal," was taken up and read first time with adverse report of committee.

Report adopted and bill lost.

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

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

Your committee on engrossed bills have compared original Senate bill No. 93, entitled "An act to provide for transcribing county records in certain cases," with the engrossed copy, and find it correctly engrossed.

BROWN, *Chairman.*

Senate bill No. 75, entitled "An act to set aside the available school fund remaining on hand for the fiscal year ending August 31, A. D. 1879," was taken up with adverse report of committee, and read first time.

On motion of Senator Homan the report of the committee was adopted and the bill lost.

Senate bill No. 71, entitled "An act to provide for the payment of witnesses and officers in certain criminal cases," was taken up and read first time, with adverse report of committee.

On motion of Senator Gooch, the report was adopted and the bill lost.

Senate bill No. 64, "An act for the relief of C. Jordan," was taken up and read first time, and on motion of Senator McCormick was laid on the table.

Senate bill No. 73, entitled "An act to provide for the record of contracts relating to land in a manner that will distinguish separate from community property," was taken up and read first time.

Senate bill No. 95, entitled "An act to attach the county of Throckmorton to the county of Young for judicial purposes," was taken up and read first time, and, on motion of Senator Davenport, was laid on the table.

Senate joint resolution No. 92, "To amend section 24 of article 3 of the constitution of the State of Texas," was taken up and read first time.

Senate bill No. 80, "An act to amend sections 9 and 36 of an act entitled 'an act to provide for the election of justices of the peace, and to define their powers and jurisdiction,' approved August 17, 1876," was taken up and read first time.

By leave, Senator McCormick introduced a bill entitled "An act to amend and supplement the existing quarantine law of the State of Texas, title 83 of the Revised Statutes."

Referred to committee on public health and statistics.

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 have had under consideration Senate bill No. 296, entitled "An act to authorize the issuance of land certificate to those or the heirs of these volunteers who participated in the Dawson massacre, near the Salado, in September, 1842," and I am instructed by the committee to recommend its passage.

GUY, *Chairman.*

Senate bill No. 283, "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 read first time.

Senator Grace moved that the Senate go into executive session immediately after the morning call to-morrow, to consider the appointments of the governor.

Carried.

House bill No. 337, "An act to authorize counties, cities and towns to scale and fund their indebtedness, and for raising means to pay the same," was taken up and referred to committee on counties and county boundaries.

On motion of Senator Grace, the Senate adjourned until to-morrow at 9 o'clock.

### FIFTY-FIFTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, March 18, 1879. }

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

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

On motion of Senator Gooch, Senator Terrell was excused for the day.

On motion of Senator Motley, Mr. W. N. Ramey, the journal secretary, was excused for the day, in consequence of sickness.

Senator McCulloch, chairman of the committee on statistics of industry, public health and history of Texas, made the following report:

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

Your committee on statistics of industry, public health and history of Texas, to whom was referred Senate bill No. 312, a bill to be entitled "An act to amend and supplement the existing quarantine law of the State of Texas," have had the same under consideration, and as it is in harmony with an act to establish a state board of health, I am instructed to report the same back, and recommend that it do pass.

McCULLOCH, *Chairman.*

Senator Martin, chairman of the committee on agricultural affairs, submitted the following report:

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

Your committee on agricultural affairs, to whom was referred Senate bill No. 51, "An act for the encouragement of agriculture, and to provide for the collection and preservation of agricultural statistics, have considered the same, and I am instructed by the committee to report it back to the Senate with the recommendation that it do not pass.

MARTIN, *Chairman.*

Senator Buchanan, for 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. 303, for reconsideration, have had the same under consideration, and I am instructed by a majority of said committee to report the same back with the accompanying substitute, and to recommend the passage of the substitute.

BUCHANAN, *for Committee.*

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

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

Your finance committee have considered the petition of citizens of Comanche county referred to it, in which they ask a reduction of interest

from ten to six per centum on the deferred payments due by them to the school fund for school lands sold to them by the state.

These lands were in the main purchased on a credit of ten years, the deferred payments to bear ten per centum interest, the purchaser having the privilege of paying at any time, but not required to pay in cash more than one-tenth of the purchase money, and annually thereafter one-tenth of the principal, and ten per centum interest on the deferred payments.

These are believed to be exceedingly liberal terms for the purchaser, and the interest of the school fund will not permit any deduction of the interest, and I am instructed to recommend that the prayer of petitioners be not granted.

STOREY, *Chairman.*

A message was received from the House announcing that that body has refused to adopt the report of the conference committee on the disagreement between the two houses on House bill No. 132, "An act to require persons and corporations, to whom patents for land have been granted, to pay the fees thereon within sixty days from the passage of this act, and to prescribe a penalty for failure to so pay said fees, and to provide the manner and means of enforcing the provisions hereof," and asks another committee of conference upon the same, and that Messrs. McComb, Coleman and Gause have been appointed such committee on the part of the House.

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 resolutions of the county commissioners' court of Clay county, asking the passage of a law authorizing and empowering counties that have an outstanding debt to register the same, and to levy a tax of one-fourth of one per cent. for the payment of such registered indebtedness, have carefully considered the same, and I am instructed by the committee to report the resolution back to the Senate with the recommendation that the relief prayed for be not granted, for the reason that it is believed that ample power and authority for the relief of said county is provided for in chapter 2 of title 31 of the Revised Statutes of this state.

STOREY, *Chairman.*

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

Your committee on finance have had under consideration the various resolutions on the disposition of pending business before the Senate, referred to the committee on yesterday, and after mature deliberation the committee recommend the adoption of the accompanying substitute for said resolutions. The committee deprecate the custom of suspending the rules to take up bills out of their order. It retards business, increases the expense of legislation, unnecessarily lengthens the journals and operates with great injustice to many senators.

STOREY, *Chairman.*

"Resolved, That hereafter, at the morning session of the Senate, immediately after the morning call, one hour shall be devoted to calling bills as follows: 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, may call up any bill he may desire, and at each succeeding morning session the secretary shall begin the call where he left off at the session preceding, and no member during said hour shall speak more than five minutes and that the roll call shall begin under the resolution at the name of the senator, who would be called under the resolution now in force.

*Resolved, further,* That the afternoon session of the Senate be devoted to House bills, and that the roll of senators be called in alphabetical order, and that each senator, as his name is called, may call up any House bill he may desire and that at each succeeding afternoon session the secretary shall begin the call where he left off at the session preceding, and no senator shall speak more than five minutes; *provided,* the appropriation bills and revenue bills shall have precedence over all other business."

Senator Houston called up his motion, made on the fifteenth instant, to reconsider the vote passing Senate bill No. 46, "An act to provide for the election of district attorneys in certain judicial districts of the State of Texas," and the vote reconsidered.

Senator Houston offered the following amendment:

Amend by striking out "twenty-second."

Adopted by the following vote:

YEAS.

Buchanan,  
Burnett,  
Burton,  
Davenport,  
Duncan,  
Grace,  
Guy,  
Homan.

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

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

NAYS—none.

Not voting—Brown, Edwards, McCulloch, Patton.

Senator Ripetoe offered the following amendment:

Strike out "eighteen."

Withdrawn.

The bill was then passed by the following vote:

YEAS.

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

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

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

NAYS.

Burton,

Swain--2.

Not voting—Edwards.

On motion of Senator Edwards, a conference committee was appointed on the difference of the two houses on House bill No. 132 (with regard to patent fees in land office).

The president appointed on said committee Senators Edwards, Lane and Storey.

Senate bill No. 107, entitled "An act to amend an act entitled 'an act to regulate the respective duties of district and county attorneys,'" was taken up and read first time.

Senate bill No. 110, entitled "An act to amend section 1 of an act entitled 'an act further regulating proceedings in the several courts of the State of Texas,'" was taken up, with adverse report of committee, and read first time.

On motion of Senator Guy, the report was adopted and bill lost.

Senate bill No. 111, entitled "An act to regulate the pay of grand and

petit jurors in the several counties of this state," was taken up and read first time.

Senate bill No. 116, entitled "An act to amend section 12 of 'an act to establish and provide for the support and maintenance of an efficient system of public free schools, approved August 16, 1876,'" was taken up and read first time.

Senate bill No. 118, entitled "An act extending the landlord's lien for rents to owners of residences, storehouses and other buildings," was taken up and read first time.

On motion of Senator Duncan, one hundred copies of the bill were ordered printed.

Senate bill No. 119, entitled "An act giving to each of the unorganized counties of the state four leagues of land, and providing for the location and survey thereof," was taken up and read first time with adverse report of committee.

On motion of Senator Martin, the report of the committee was adopted and bill lost.

The president, after publicly reading its caption, signed 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, and by the name and style of the Grand Lodge of Texas."

Senate bill No. 128, entitled "An act to prevent the taking up and using of any horse, mare, gelding, mule, ox, cow or any other dumb animal, the property of another, without his consent, and provide a penalty therefor," was taken up and read first time.

Senate joint resolution No. 129, "Abrogating section 2, article 16 of the constitution," was taken up with adverse report of committee.

The report of the committee was adopted and resolution lost.

Senate bill No. 131, entitled "An act to provide for ascertaining the amount due supervisors, inspectors and teachers of common free schools in the State of Texas, from the first day of September, 1872, to the thirty-first day of August, 1876, and to appropriate money to pay the same," was taken up and read first time.

Senate bill No. 134, entitled "An act to require the owner of surveys to pay the patent fee therefore before filing the field notes of the same in the general land office," was taken up and read first time.

Senate bill No. 138, entitled "An act to amend an act to amend article 766 of the Penal Code," approved May 17, 1873, was taken up and read first time.

Senate bill No. 144, entitled "An act to increase the civil and criminal jurisdiction of the county courts of Hunt, Kaufman, Denton and Collin counties," was taken up, with adverse report of committee.

The report of the committee was adopted and bill lost.

Senate bill No. 146, entitled "An act prohibiting the sale of liquor to inebriates and habitual drunkards, and the sale of the same on the Sabbath, between the hours of 8 o'clock A. M. and 6 o'clock P. M.," was taken up, with adverse report of committee.

The report of the committee was adopted and bill lost.

Senate bill No. 148, entitled "An act to prevent and punish the aiding and abetting the escape of state and county convicts," was taken up and read first time.

Senate joint resolution No. 130, "To amend section 10 of article 1 of the constitution of the State of Texas, so that persons indicted for

homicides may be tried in their absence in case they evade arrest," was taken up, with adverse report of committee, and read first time.

The report of the committee was adopted and bill lost.

Senate bill No. 154, entitled "An act to provide for the payment of claims for purchasers of books, apparatus and furniture for public schools made by board of school directors under the authority of 'an act to establish a system of public free schools for the State of Texas,' approved August 13, 1875," etc., was taken up and read first time.

On motion of Senator Tilson, the bill was laid on the table.

Senate bill No. 157, entitled "An act to punish trespassers," was taken up and read first time.

Senate bill No. 161, entitled "An act to create the office of state librarian," with adverse report of committee, was taken up and read first time.

On motion of Senator Ledbetter, the report of the committee was adopted and the bill lost.

Senate joint resolution No. 165, "Proposing an amendment to section 40, article 16 of the constitution of the state," was taken up and read first time.

Senate bill No. 166, entitled "An act requiring the commissioner of the general land office to issue patents to the parties purchasing university lands, in accordance with the subdivisions made under the act, approved August 30, 1856," was taken up and read first time.

Senate bill No. 168, entitled "An act to amend section 18 of an act entitled 'an act regulating elections, approved August 23, 1876, and to repeal section 22 thereof,'" was taken up and read first time.

Senate bill No. 171, entitled "An act to authorize and require county clerks to issue license for the retail of spirituous, vinous and other intoxicating liquors in quantities less than one quart, and to prohibit such sale without license," was taken up and read first time.

Senate bill No. 172, entitled "An act to amend section 5 of an act entitled '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 violation, approved June 21, 1876,'" was taken up with adverse report of committee.

On motion of Senator Martin, the bill was laid on the table.

Senate bill No. 173, entitled "An act for the relief of S. W. Baker," was taken up and read first time.

Senate bill No. 182 was taken up and read first time.

A message was received from the House announcing the passage by that body of Senate bill No 245, entitled "An act to authorize the commissioner of the general land office to contract for the lithographic printing of maps of the various counties of the state, and to provide for the sale of the same, and make an appropriation to carry this act into effect;" and that the House concurs in Senate amendments to substitute for House bill No. 36, "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;" also concurs in Senate amendments to substitute for House bill No. 342, "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. 185, entitled "An act to provide against the evils resulting from the sale of intoxicating liquors in the State of Texas," was taken up and read first time.

Senate bill No. 189, entitled "An act to authorize M. B. Starkey and R. A. Eddleman to erect a dam across the Clear Fork of the Brazos river, at Crystal Falls, in Stephens county, Texas," was taken up and read first time.

Senate bill No. 195, entitled "An act to punish persons for erecting fences in this state made wholly of barbed wire," was taken up and read first time.

Senate bill No. 120, entitled "An act requiring holders of recorded mortgages and other recorded liens to enter satisfaction thereof on receiving payment," was taken up with adverse report of committee and read first time.

Report adopted and bill lost.

Senate bill No. 199, entitled "An act to amend 'an act supplementary to an act approved February 5, 1841,'" was taken up with adverse report of committee.

Report of committee adopted and bill lost.

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. 141, "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,'" and at 10:25 o'clock A. M., presented the same to the governor for his signature.

GRACE, *Chairman.*

Senate bill No. 200, entitled "An act to validate certain land certificates issued on bounty land warrants to John Steele, William L. Williamson, Robert Middleton, etc.," was taken up and read first time, and the following Senate bills were taken up and read first time, to wit:

Senate bill No. 201, entitled "An act to provide for the taking and preservation of the testimony in capital cases, etc."

Senate joint resolution No. 205, "Authorizing the governor of the State of Texas to lease certain grounds belonging to the capital grounds in the city of Austin."

Senate bill No. 207, entitled "An act supplementary to and amendatory of an act entitled 'an act to adopt and establish the Revised Civil Statute.'"

Senate bill No. 216, entitled "An act specifying fees of collection of taxes for sale of real estate for delinquent taxes."

Senate bill No. 217, entitled "An act to prevent certain public officers from using their offices to advance their private interests."

Senate bill No. 219, entitled "An act to ascertain the amount due and outstanding against the State of Texas for land purchased by the State," was taken up and bill laid on the table.

Senate bill No. 222, entitled "An act to provide for furnishing and utilizing the East Texas penitentiary and to make an appropriation therefor," was taken up, read first time and laid on the table.

The following bills were taken up and read first time, to-wit:

Senate bill No. 223, entitled "An act to validate bounty certificate of Joseph Hawkins."

Senate bill 224, entitled "An act to amend article 539 of section 2 of "an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State."

Senate bill No. 228, entitled "An act to amend an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,'" passed January 21, 1879.

Senate joint resolution No. 230 proposing an amendment to the constitution.

This resolution was taken up with endorsement of committee.

On motion of Senator Tilson, the report was adopted and resolution lost.

The following bills were taken up and read first time, viz:

Senate bill No. 232, entitled "An act to amend chapter 3 title 78 of the Revised Statutes by creating 3732a."

Substitute for Senate bill No. 233, entitled "An act to provide for the payment of sums due county school superintendents and directors for services rendered prior to the year ending August 31, 1876."

Senate bill No. 235, entitled "An act to amend section '94 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,'" approved February \_\_\_\_\_, 1879.

Senate bill No. 236, entitled "An act to amend title 42, chapter 4 of an act entitled 'an act to adopt and establish the Revised Statutes of the State of Texas.'"

Senate bill No. 240, entitled "An act to regulate the proceedings in the several courts of the State of Texas and define the duties thereof."

Senate bill No. 241, entitled "An act to amend articles 684 and 669 of the Penal Code," passed February 21, 1879.

Senate bill No. 242, entitled "An act to amend article 1179 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas.'"

Senate bill No. 244, entitled "An act to amend an act entitled 'an act to provide for the judicial forfeitures of charters and prescribing the duties of the attorney general thereto, etc.'"

Senate bill No. 248, entitled "An act for the relief of the heirs of James Bell, a soldier of the Texas revolution."

This bill was taken up, with adverse report of committee.

On motion of Senator Gooch, the report of the committee was adopted and bill lost.

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

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.'"

Senate bill No. 255, entitled "An act to provide for the erection of a marble shaft on Fannin's battle ground."

Senate joint resolution No. 256, "to establish the fees allowed in the general laws of 1876 as the fees of county officers," was taken up and read first time, with adverse report of committee.

On motion of Senator Grace, the report of the committee was adopted and the resolution was lost.

Senate joint resolution No. 257, "granting leave of absence to Hon. B. T. Estes, judge of the fifth judicial district of Texas," was taken up and read first time.

Senate joint resolution No. 258, "Proposing amendments to section 405 of article 4 of the state constitution," with adverse report of committee was taken up.

On motion of Senator Grace, the report of the committee was adopted and the resolution was lost.

Senate bill No. 259, entitled "An act amending articles 1664, 1696 and 1706 of the Revised Statutes, passed at the first session of the Sixteenth Legislature entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,'" was taken up and read first time.

Also, the following bills were taken up and read first time, to wit:

Senate bill No. 262, entitled "An act to grant to Jackson Doyle six hundred and forty acres of land."

Senate bill No. 265, entitled "An act authorizing any person being a citizen of the State of Texas, who may have been entitled to land for military services in the army of the late Republic of Texas under any law in force at that or a subsequent date, and who may have failed to obtain the same, to bring his action in the district court," etc.

Senate bill No. 272, entitled "An act further to provide for the perpetuating testimony."

Senate joint resolution No. 276, "To revive the appropriation of 16th January and 16th February, 1858, to pay the public debt of Texas."

This was taken up with adverse report of committee, and, on motion of Senator Grace, the report was adopted and bill lost.

Senate bill No. 277, entitled "An act amendatory and supplemental to article 878 of an act entitled 'an act to adopt and establish the Revised Civil Statutes passed at this session.'"

Senate bill No. 280, entitled "An act to provide for the payment of officers' costs in certain criminal cases out of the money collected on forfeited appearance bonds," etc.

Senate bill No. 281, entitled "An act supplemental of an act entitled 'an act to fix the time of holding the district courts of the twenty-fifth judicial district.'"

Substitute for 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."

Senate bill No. 286, entitled "An act to amend 'an act to encourage irrigation and navigation.'"

Senate bill No. 289, entitled "An act for the relief of Thomas Humphreys and Lucy Andrews."

Senate bill No. 290, entitled "An act to create the thirty-third judicial district."

Senate bill No. 291, entitled "An act to amend article 1296 of the Revised Civil Statutes of the State of Texas."

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."

Senate bill No. 294, 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, etc.'," was taken up with adverse report of committee.

On motion of Senator Grace, the report was adopted and bill lost.

Senate bill No. 296, entitled "An act to authorize the issuance of land certificates to those, or heirs of those, who participated in the Dawson massacre," etc.

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."

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."

Substitute for Senate bill No. 303, entitled "An act to provide for the dissolution and surrender of the charter of Terrell, in Kaufman county, Texas, and to provide for the payment of the debts due by said city."

Senate bill No. 304, entitled "An act amendatory of an act entitled 'an act fixing the times of holding the courts of the twenty-third judicial district of the state,' " etc.

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," was taken up with adverse report of committee.

On motion of Senator Grace, the report was adopted and bill lost.

Senate joint resolution No. 306, entitled, "Joint resolution granting leave of absence from the state for one month to Hon. W. H. Burkhart, judge of the eighteenth judicial district," was taken up and read first time.

Senator McCormick moved that the rules be suspended to place the resolution upon its second reading.

Carried by the following vote:

YEAS.

Buchanan,  
Burnett,  
Duncan,  
Gooch,  
Grace,  
Guy,  
Homan,  
Houston,

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

Motley,  
Patton,  
Stewart,  
Shannon,  
Storey,  
Swain,  
Tilson--22.

NAYS—none.

Not voting—Burton, Davenport, Edwards, Ripetoe.

The resolution was then read second time and ordered engrossed.

Senator McCormick moved that the rules be further suspended to place the resolution upon its third reading.

Carried by the following vote:

YEAS.

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

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

McCulloch,  
Moore,  
Motley,  
Stewart,  
Shannon,  
Storey,  
Swain,  
Tilson---24.

NAYS—none.

Not voting—Grace, Patton, Ripetoe.

The resolution was then read a third time and passed.

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

IN SENATE.—(Senator Ledbetter in the chair.)

On motion of Senator McCormick, the secretary was instructed to enter upon the journals the confirmations made by the Senate in executive session. It is accordingly stated that the Senate did advise and consent to the appointment by his excellency the governor of Charles C. Sweeney, Charles Fowler, Anderson Munn, Leon Blum and J. N. Sawyer, to be pilot commissioners for the port of Galveston, and of S. S. Hanscom to be notary public of Galveston county.

(President in the chair).

Senator Storey called up the resolution reported this morning from the committee on finance in relation to the order of business.

Senator Burton offered the following amendment:

Amend by striking out "five" and inserting "ten."

Lost.

Senator Homan offered the following amendment:

Strike out all after word "provided" near conclusion of resolution.

Lost.

Senator Duncan offered the following as a substitute for the resolution:

"Hereafter, all business in this Senate shall come up and be acted on in its regular order as it appears on the calendar, and all rules heretofore adopted changing the standing rules of this Senate temporarily, are hereby abrogated."

Senator Moore moved to lay the substitute on the table.

Senator Duncan moved a call of the Senate upon the motion to lay on the table.

Motion not sustained.

The motion to lay the substitute on the table was then carried by the following vote:

| YEAS.      |            |             |
|------------|------------|-------------|
| Buchanan,  | Lair,      | Motley,     |
| Burnett,   | Ledbetter, | Ripetoe,    |
| Burton,    | Martin,    | Stewart,    |
| Edwards,   | McCulloch, | Storey,     |
| Lane,      | Moore,     | Tilson—15.  |
| NAYS.      |            |             |
| Brown,     | Guy,       | McCormick,  |
| Davenport, | Homan,     | Patton,     |
| Duncan,    | Houston,   | Shannon—10. |
| Gooch,     |            |             |

Not voting—Grace, Swain.

The resolution as reported by the committee was then adopted.

Senator Duncan (by leave) introduced a bill to be entitled "An act to compel collectors of taxes in counties wherein subsidies have been granted to railroads or other works of internal improvements, to receive the state and county taxes from persons who refused to pay the taxes levied for such purpose."

Referred to judiciary committee No. 2.

(Senator Edwards in the chair.)

Senator Grace called up 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."

Bill read third time and passed.

Senator Homan called up Senate bill No. 159, entitled "An act to prescribe the requisites of indictments in certain cases."

The bill was read second time.

Senator Homan offered the following amendment:

Amend section 10, page 3, by inserting after the word "weapon," in line sixteen, the words "without lawful authority," and by inserting after the word "avering," in line sixteen, the words "more specifically."

Adopted.

Senator Homan also offered the following amendment:

"The fact that the session of the Legislature is near its close, with a large number of bills pending before it, creates an imperative public necessity that the rules requiring this act to be read on three several days be suspended, and said rules are hereby suspended."

Adopted.

The bill was then ordered engrossed.

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

Carried by the following vote:

YEAS.

|            |            |              |
|------------|------------|--------------|
| Burnett,   | Guy,       | Martin,      |
| Burton,    | Homan,     | McCormick,   |
| Davenport, | Houston,   | McCulloch,   |
| Duncan,    | Lane,      | Moore,       |
| Edwards,   | Lair,      | Ripetoe,     |
| Grace,     | Ledbetter, | Shannon--18. |

NAYS.

|         |         |           |
|---------|---------|-----------|
| Gooch,  | Storey, | Tilson 4. |
| Patton, |         |           |

Not voting—Brown, Buchanan, Motley, Stewart, Swain.

Bill read third time and passed by the following vote:

YEAS.

|          |            |            |
|----------|------------|------------|
| Brown,   | Homan,     | McCulloch, |
| Burnett, | Houston,   | Moore,     |
| Burton,  | Lane,      | Ripetoe,   |
| Duncan,  | Lair,      | Stewart,   |
| Edwards, | Martin,    | Shannon.   |
| Gooch,   | McCormick, | Tilson—19. |
| Grace,   |            |            |

NAYS.

|            |            |           |
|------------|------------|-----------|
| Buchanan,  | Ledbetter, | Patton,   |
| Davenport, | Motley,    | Storey—6. |

Not voting—Guy, Swain.

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

House bill No. 179, entitled "An act to further define the duties of assessors of taxes;" substitute for House bill No. 119, entitled "An act to amend sections 9 and 26 of 'an act to define the duties, powers, qualifications and liabilities of assessors of taxes, and to regulate their compensation;'" House bill No. 207, entitled "An act to amend articles 2403, 2404 and 2405 of the Revised Statutes;" and House bill No. 237, entitled "An act for the better protection of timber."

The above bills were referred as follows:

House bill No. 179 to the committee on finance; substitute for House bill No. 119 to committee on finance; House bill No. 207 to judiciary committee No. 1, and House bill No. 237 to judiciary committee No. 2.

Senator Houston called up Senate bill No. 142, entitled "An act to regulate the admission and practice of attorneys and counselors-at-law."

Bill read third time and passed.

A message was received from the House announcing the passage by that body of substitute for House bill No. 33, entitled "An act to amend article 4767 of the Revised Civil Statutes."

On motion of Senator Houston, Senator Hobby was excused until Thursday morning.

Senator Lane called up Senate bill No. 182, entitled "An act amendatory of an act entitled 'an act to prohibit the sale, exchange or gift of intoxicating liquors in any county, justice's precinct, city or town in the state that may so elect, prescribing the mode of election and affixing a punishment for its violation,' approved June 24, 1876."

Senator Lane moved to suspend the rules to place the bill upon its second reading.

Carried by the following vote:

| YEAS.      |            |             |
|------------|------------|-------------|
| Brown,     | Grace,     | McCormick,  |
| Buchanan,  | Guy,       | McCulloch,  |
| Burnett,   | Homan,     | Moore,      |
| Burton,    | Houston,   | Motley,     |
| Davenport, | Lane,      | Stewart,    |
| Duncan,    | Lair,      | Shannon,    |
| Edwards,   | Ledbetter, | Storey,     |
| Gooch,     | Martin,    | Tilson--24. |

YEAS---none.

Not voting--Patton, Ripetoe, Swain.

Bill read second time.

Senator Lane offered the following amendment:

Amend by adding:

"SECTION ..... The near approach of the close of the session of the Legislature makes it an imperative public necessity that the rules requiring this bill to be read on three several days be suspended, and it is so enacted."

Adopted.

Senator Homan offered the following amendment:

Strike out in section 2 the words "with a purpose of evading the provisions of this act," and insert "except as provided in this act."

Adopted.

The bill was then ordered engrossed.

Senator Lane moved that the rules be further suspended to place the bill upon its third reading.

Carried by the following vote:

| YEAS.      |            |             |
|------------|------------|-------------|
| Brown,     | Guy,       | Motley,     |
| Buchanan,  | Homan,     | Ripetoe,    |
| Burnett,   | Houston,   | Stewart,    |
| Burton,    | Lane,      | Shannon,    |
| Davenport, | Lair,      | Storey,     |
| Duncan,    | Ledbetter, | Swain,      |
| Edwards,   | Martin,    | Tilson--23. |
| Gooch,     | Moore,     |             |

NAYS---none.

Not voting--Grace, McCormick, McCulloch, Patton.

The bill was then read third time and passed.

Senator Lair called up Senate bill No. 36, entitled "An act providing for the transportation of convicts under contract from the counties in which they are convicted to the penitentiary."

Bill read second time and ordered engrossed.

Senator Ledbetter called up Senate bill No. 13, entitled "An act to provide for the time and place of holding the supreme court of the State of Texas."

Bill read second time, with favorable majority report and adverse minority report from judiciary committee No. 2.

Senator Ledbetter moved to adopt the majority report.

Senators Patton and Stewart, upon request, were permitted to withdraw their names from the minority report.

(President in the chair.)

Senator Duncan moved to postpone further consideration of the pending bill until next Friday.

Senator Brown moved the previous question upon the motion of Senator Duncan to postpone, the motion of Senator Ledbetter to adopt majority report and the engrossment of the bill.

Motion seconded and the main question ordered.

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

YEAS.

Buchanan,  
Davenport,  
Duncan,  
Edwards,

Houston,  
Lane,  
McCormick,

Motley,  
Stewart,  
Tilson—10.

NAYS.

Brown,  
Burnett,  
Burton,  
Gooch,  
Grace,  
Guy,

Homan,  
Lair,  
Ledbetter,  
Martin,  
McCulloch,  
Moore,

Patton,  
Ripetoe,  
Shannon,  
Storey,  
Swain—17.

Senator Edwards moved the point of order that the previous question could not reach further than the motion to postpone, and that a motion to adopt a favorable report of a committee could not properly be entertained.

Point of order overruled.

The majority report was then adopted by the following vote:

YEAS.

Brown,  
Burnett,  
Gooch,  
Grace,  
Guy,  
Homan,

Houston,  
Lair,  
Ledbetter,  
Martin,  
McCulloch,  
Moore,

Patton,  
Ripetoe,  
Stewart,  
Shannon,  
Storey,  
Swain—18.

NAYS.

Buchanan,  
Burton,  
Davenport,

Duncan,  
Edwards,  
Lane,

McCormick,  
Motley,  
Tilson—9.

The bill was then ordered engrossed by the following vote:

YEAS.

Brown,  
Burnett,  
Burton,  
Gooch,

Grace,  
Guy,  
Homan,  
Houston,

Lair,  
Ledbetter,  
Martin,  
McCulloch,



Moore,  
Patton,  
Ripetoe,

Stewart,  
Shannon,

Storey,  
Swain--19.

NAYS.

Buchanan,  
Davenport,  
Duncan,

Edwards,  
Lane,  
McCormick,

Motley,  
Tilson--8.

Senate bill No. 88, entitled "An act to amend section 518 and 519 of an act to adopt and establish a Code of Criminal Procedure for the State of Texas," was taken up and read third time.

Senator Guy offered the following amendment:

"*Provided*, that on the first application for continuance, the judge shall have no discretion if the requirements of the Statute be complied with by the defendant."

Lost by the following vote:

YEAS.

Davenport,  
Edwards,  
Grace,  
Guy,  
Lane,

Lair,  
Ledbetter,  
McCormick,  
Patton,  
Ripetoe,

Stewart,  
Shannon,  
Storey,  
Tilson--14.

NAYS.

Brown,  
Buchanan,  
Burnett,  
Burton,  
Duncan,

Gooch,  
Homan,  
Houston,  
Martin,

McCulloch,  
Moore,  
Motley,  
Swain--13.

Senator Ledbetter offered the following amendment:

Amend: "*Provided*, that when a defendant is charged with murder he shall not be forced to trial at the first term of the court after indictment."

Lost by the following vote:

YEAS.

Burnett,  
Burton,  
Davenport,  
Grace,

Guy,  
Lane,  
Ledbetter,  
McCormick,

Patton,  
Stewart,  
Shannon,  
Tilson--12.

NAYS.

Brown,  
Buchanan,  
Duncan,  
Edwards,  
Gooch,  
Homan,

Houston,  
Lair,  
Martin,  
McCulloch,  
Moore,

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

Senator Edwards moved to re-refer the bill to judiciary committee No. 2.

Lost by the following vote:

YEAS.

Burton,  
Davenport,  
Edwards,  
Grace,

Lane,  
Ledbetter,  
McCormick,  
Patton,

Stewart,  
Shannon,  
Storey,  
Tilson--12.

NAYS.

Brown,  
Buchanan,  
Burnett,  
Duncan,  
Gooch,

Guy,  
Homan,  
Houston,  
Lair,  
Martin,

McCulloch,  
Moore,  
Motley,  
Swain--14.

Not voting—Senator Ripetoe, who was excused from voting on motion of Senator McCormick.

The bill was then passed by the following vote:

| YEAS.      |            |            |
|------------|------------|------------|
| Brown,     | Homan,     | Moore,     |
| Buchanan,  | Houston,   | Motley,    |
| Burnett,   | Lair,      | Ripetoe,   |
| Duncan,    | Martin,    | Swain--14. |
| Gooch,     | McCulloch, |            |
| NAYS.      |            |            |
| Burton,    | Lane,      | Stewart,   |
| Davenport, | Ledbet'er, | Shannon,   |
| Edwards,   | McCormick, | Storey,    |
| Grace,     | Patton,    | Tilson—13. |
| Guy,       |            |            |

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

### AFTERNOON SESSION.

President in the chair. Roll called; quorum present.

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, 1876, was taken up.

Senator Lane offered the following amendment:

"*Provided*, that the counties of Refugio, Aransas, San Patricio and Bee be excepted from the provisions of this act."

Adopted.

Senator Lair offered the following amendment:

Amend in line six, page 3, after the word "pickets," add the words "or rails."

Adopted.

Senator Homan offered the following amendment:

Add after "same," in line sixteen, section 3, page 4, "and the fact that the provisions of this act have been adopted in any county or subdivision thereof shall not prevent the holding of another election thereon in the same territory or any portion thereof at any time after the expiration of twelve months from the time this act was adopted in said territory."

Adopted.

Senator Brown offered the following amendment:

Amend by inserting in line eleven, page 3, after the word "wise," the words "or a strip of tin not less than four inches wide;" also, by inserting in line fifteen, page 4, after the word "plank," the words "or strip of tin."

Lost.

Senator Storey offered the following amendment:

Strike out all after the word "fence," in line five, page 3, to "or" in line six, and insert "that two or more barbed wires and one or more planks or rails for each pannel."

Adopted.

Senator Lane offered the following amendment:

Amend section 2 in line nine by inserting between the words "if" and "wires," "such."

Adopted.

On motion of Senator Shannon the bill and amendments were referred to the committee on stock and stockraising.

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

House bill No. 324, "An act authorizing the payment of taxes of non-residents of counties to be made at the comptroller's office;" substitute for House bill No. 333, "An act to amend section 21 of an act regulating the duties of tax collectors in reference to the seizure and sale of property of delinquent tax payers, and to define the further duties, powers, qualifications and liabilities of collectors of taxes, and to regulate their compensation," approved August 21, 1876; substitute for House bills Nos. 305 and 335, "An act to provide for the sales of all real estate bid off to the state by collectors of taxes at tax sales, the owners of which have not redeemed the same."

The above named bills just received from the House were all referred to the committee on finance.

House bill No. 95, entitled "An act to amend 'an act regulating elections,'" approved August 23, 1876, was taken up.

Bill read third time and passed.

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," was taken up.

Bill read third time and passed.

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

Substitute for House joint resolution No. 2, and Senate joint resolution No. 29, "amending the constitution of the State of Texas, by adding a new section to be styled section 19," was taken up.

Senator Duncan moved that the Senate adhere to its substitute.

Senator Edwards moved that the Senate recede from its amendments.

Senator Duncan moved a call of the Senate.

Call sustained.

Absent—Grace, Houston.

Pending the call the business went to the table.

House bill No. 15, entitled "An act for the relief of all persons whose lands have been sold for taxes and bought in by the state," was taken up and read second time.

The absent senators appearing, the call was suspended and pending business resumed, which was substitute for Senate joint resolution No. 29 and substitute for House joint resolution No. 2.

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

House bill No. 341, entitled "An act to prohibit the sale, giving away or otherwise disposing of intoxicating liquors or medicated bitters or compounds producing intoxication within five miles of the Southeast Texas Male and Female College, in Jasper county, Texas, and to provide a penalty for its violation;" House bill No. 451, entitled "An act to amend 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas,' approved ....., 1879;" and House bill No. 400, entitled "An act for the relief of S. A. Owens

and Mary L. Tarlton, and to authorize the repayment of certain moneys to them improperly collected by the state."

The president took up these bills and referred them as follows:

House bill No. 341 was referred to committee on state affairs.

House bill No. 451 referred to judiciary committee No. 2.

House bill No. 400 referred to committee on claims and accounts.

Senator Grace moved the previous question on the pending bill.

Motion seconded and main question ordered by the following vote:

## YEAS.

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

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

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

NAY—McCormick.

Not voting—Duncan.

Senator Edwards' motion for the Senate to recede from its amendments was voted on with the following result:

## YEAS.

Buchanan,  
Burnett,  
Burton,  
Edwards,  
Gooch,

Homan,  
Houston,  
Lane,  
Martin,  
McCormick,

Moore,  
Motley,  
Ripetoe,  
Stewart--14.

## NAYS.

Brown,  
Davenport,  
Duncan,  
Grace,  
Guy,

Lair,  
Ledbetter,  
McCulloch,  
Patton,  
Shannon,

Storey,  
Swain,  
Terrell,  
Tilson--14.

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

Senator Homan moved to reconsider the vote by which the Senate receded from its amendments, etc.

Withdrawn.

Senator Duncan raised the point of order that a motion could not be withdrawn after the ayes and nays had been ordered and roll call commenced.

Sustained, and the vote reconsidered by the following vote:

## YEAS.

Brown,  
Davenport,  
Duncan,  
Gooch,  
Grace,

Guy,  
Lair,  
Ledbetter,  
McCulloch,  
Patton,

Shannon,  
Storey,  
Swain,  
Terrell,  
Tilson--15.

## NAYS

Buchanan,  
Burnett,  
Burton,  
Edwards,  
Homan,

Houston,  
Lane,  
Martin,  
McCormick.

Moore,  
Motley,  
Ripetoe,  
Stewart--13.

Senator Grace moved to postpone the subject to Friday afternoon.

Senator Gooch moved to postpone until 3 o'clock P. M., March 19, next.

Adopted.

House bill No. 88, entitled "An act for the relief of Mrs. M. A. C. Wilson, widow of William F. Wilson," was taken up, read second time and passed to a third reading.

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 violation," was taken up and read second time.

(Senator Edwards in the chair.)

A message was received from the House, announcing the passage by that body of substitute for Senate bill No. 23, entitled "An act to diminish the civil and criminal jurisdiction of the county courts of certain counties in this state, and conform the jurisdiction of the district courts of said counties to such change."

Senator Stewart, chairman of judiciary committee No. 2 (by leave), submitted the following report :

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

Your judiciary committee No. 2 have had under consideration Senate bill No. 313, entitled "An act to compel collectors of taxes in counties wherein subsidies have been granted to railroads or other works of internal improvements to receive the state and county taxes from persons who refuse to pay the taxes levied for such purpose," and your committee have amended the same and as amended by the committee, I am instructed to report said bill back to the Senate and recommend its passage.

STEWART, *Chairman.*

Amendments offered by committee:

Add the following section as section 3 of the bill, and change "section 3" as it appears in the bill to "section 4: "

"Section 3. That it shall be lawful for said collectors to proceed to collect the county and State taxes in such manner as the law provides, without at the same time proceeding to collect said subsidy taxes; *provided*, this law shall not be so construed as to destroy any present remedy for the collection of subsidy taxes."

Amend by inserting in fifteenth line, after the word "therefore," these words: "there exists a public imperative necessity and emergency for the suspension of the rule which requires this bill to be read on three several days in each house; and therefore, the rule is hereby suspended."

House bill No. 15, entitled "An act for relief of all persons whose lands have been sold for taxes and bought in by the state," was taken up.

Senator Duncan offered the following amendment:

Amend after the word "sold," in second line, insert "prior to the first day of January, A. D. 1880."

Lost, and bill passed to a third reading by the following vote:

YEAS.

Burnett,  
Burton,  
Edwards,  
Grace,  
Guy,

Homan,  
Lair,  
Ledbetter,  
McCormick,  
Moore,

Motley,  
Ripetoe,  
Swain,  
Tilson—14.

## NAYS.

Brown,  
Buchanan,  
Davenport,  
Duncan,

Lane,  
Martin,  
McCulloch,  
Patton,

Stewart,  
Shannon,  
Storey,  
Terrell—12.

Not voting—Gooch, Houston.

House bill No. 187 (the bell-punch bill) was taken up and read second time.

The amendments of the committee were adopted.

Senator Homan offered the following as a substitute for the tenth amendment of the committee:

Amend section 23 by striking out all after the words "schools" in line seventeen, to and including the word "informer" in line eighteen.

Lost.

Senator Grace offered the following amendment:

Add after the word "preparations" in line nine, on page 2: "The exceptions contemplated by this proviso do not apply to any tonic bitters, etc., of which the chief constituent is alcoholic liquor, but simply to tinctures and extracts."

Adopted.

Senator Ledbetter offered the following:

Amend in section 24 by striking out "one-fourth," in line twenty-three, and insert "one-half," and in line twenty-four strike out "one-eighth," and insert "one-quarter."

Lost.

Bill passed to third reading by the following vote:

## YEAS.

Brown,  
Buchanan,  
Davenport,  
Duncan,  
Gooch,  
Grace.

Guy,  
Homan,  
Lane,  
McCormick,  
Motley,  
Patton,

Ripetoe,  
Shannon,  
Storey,  
Swain,  
Tilson—17.

## NAYS.

Burnett,  
Burton,  
Edwards,  
Lair,

Ledbetter,  
Martin,  
McCulloch,

Moore,  
Stewart,  
Terrell—10.

(President in the chair.)

On motion of Senator Storey, Senator Buchanan was excused for two days.

Senator Storey (by leave) introduced a joint resolution "requiring payment of land office fees and taxes by railway companies and other corporations, before any relief shall be granted them.

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 and carefully compared with the originals the engrossed copies of the following bills, viz:

Senate bill No. 52, entitled "An act to protect the rights of pre-emption settlers, who have heretofore or may hereafter enlist in the frontier battalion, or other military forces of the state;" Substitute Senate bill No. 62, entitled "An act for the suppression and punishment of tramps;"

Senate bill No. 90, entitled "An act to suppress lawlessness and crime, and to organize a force for that purpose;" Senate joint resolution No. 99, "Authorizing Nathan Patton, one of the late lessees of the penitentiary, to sue the state;" 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;'" Senate bill No. 261, entitled "An act requiring the proceeds arising from the leasing or renting of county school lands and from sales of timber thereon, to be applied exclusively to educational purposes;" Substitute Senate joint resolution No. 263, "Relating to medals for Texas veterans," and report them all correctly engrossed.

BROWN, *Chairman.*

Senator Edwards, chairman of the committee on constitutional amendments (by leave) submitted the following reports:

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

Your committee on constitutional amendments, to whom was referred joint resolution No. 234, "amending section 18 of article 3 of the constitution of the State of Texas," have considered the same, and instruct me to report it back with the recommendation that it do pass.

EDWARDS, *Chairman.*

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

Your committee on constitutional amendments, to whom was referred joint resolution No. 70, "amending section 7 of article 3 of the constitution of the State of Texas," have considered the same, and instruct me to report it back with the recommendation that it do not pass.

EDWARDS, *Chairman.*

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

Your committee on constitutional amendments, to whom was referred joint resolution No. 37, "Amending section 50, article 16 of the constitution of the State of Texas," have considered the same, and instruct me to report it back with the recommendation that it do not pass, as the matter contained therein has already been acted upon by other resolutions.

EDWARDS, *Chairman.*

Senator McCormick introduced a bill entitled "An act to revive and validate land certificate No. 8016."

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

Also, a bill entitled "An act to revive and validate land certificate No. 6058."

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

Senator Tilson, chairman of the committee on counties and county boundaries (by leave), submitted the following report from that committee:

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

Your committee on counties and county boundaries, to whom was referred House bill No. 337, "An act to authorize counties, cities and towns to scale and fund their indebtedness, and for raising means to pay the same," have had the same under consideration, and, after careful examination, I am instructed to report said bill back to the Senate with the recommendation that it do pass.

TILSON, *Chairman.*

On motion of Senator Burton, the Senate then adjourned until to-morrow at 9:30 o'clock A. M.

## FIFTY-SIXTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, March 19, 1879. }

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

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

Senator Davenport presented the petition of certain settlers on the state school lands in Comanche county, together with many of the county officers and other citizens of said county, "asking for relief for the settlers on said school lands whose claims have been declared forfeited under sections 11 and 13 of the act of April 24, 1874," accompanied with a bill to grant said relief.

Petition and bill referred to committee on state affairs.

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

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

Your committee on constitutional amendments, have had under consideration Senate joint resolution No. 9, entitled "Joint resolution amending section 11 of article 1 of the constitution of the State of Texas," and a majority of the committee have prepared a substitute for said resolution, and instruct me to report both back to the Senate and to recommend that the substitute do pass.

STEWART, *for Committee.*

The substitute reported by the committee was taken up and read first time.

Senator McCulloch offered the following concurrent resolution:

WHEREAS, There are certain bills that have not been passed by this session of the Sixteenth Legislature that are essential and necessary to be passed and have been deferred for bills of less merit, and to the detriment of the interest of the state; therefore, be it

*Resolved,* That a joint committee of conference be requested to call out the necessary business bills of general character necessary to be passed at this session.

Resolution lies over under the rules.

Senator Terrell introduced a bill entitled "An act to legalize certain land certificates therein named."

Referred to the committee on state affairs.

Senator Edwards, under the rules, called up Senate bill No. 277, entitled "An act amendatory and supplemental to article 878 of an act entitled 'an to adopt and establish the Revised Civil Statutes passed at this session.'"

The bill was read second time.

Senator Hobby offered the following amendment:

Amend by adding the following section:

"Section ..... That the near approach of the close of the session is an imperative necessity which justifies the suspension of the rule requiring this bill to be read on three several days, and it is hereby suspended."

Adopted and bill ordered engrossed.

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



YEAS.

Brown,  
Burnett,  
Burton,  
Edwards,  
Grace,  
Guy,  
Homan,  
Houston,

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

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

NAYS—none.

Not voting.—Davenport, Duncan, Gooch, McCormick.

Bill read third time and passed.

The president, after publicly reading their captions, signed the following bills and resolutions, 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 Bayland Orphans' Home, situated on Galveston bay, Harris county;" 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;" 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;" 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."

Senator Martin, under the rules, called up Senate bill No. 14, entitled "An act to provide for the time and place of holding the court of appeals of the State of Texas."

The bill was read second time.

Senator Burton offered the following amendment:

Amend by striking out all after the word "Austin" in the third line down to the word "beginning," in fourth line, and insert the words "the city of Galveston, in Galveston county, and the city of Tyler, in Smith county."

Senator Burnett moved to lay the amendment on the table.

Carried by the following vote:

YEAS.

Brown,  
Burnett,  
Gooch,  
Grace,  
Homan,

Houston,  
Lair,  
Ledbetter,  
Martin,  
McCulloch,

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

NAYS.

Burton,  
Davenport,  
Duncan,  
Edwards,

Guy,  
Hobby,  
McCormick,  
Moore,

Motley,  
Ripetoe,  
Shannon,  
Tilson—12.

Not voting—Lane.

Senator Edwards moved a call of the Senate.

Call sustained.

Roll called.

Absent—Lane.

The absent senator appearing, the bill was ordered engrossed.

Senator Storey entered a motion to reconsider the vote passing Senate bill No. 130 (the general appropriation bill).

Senator Edwards entered a motion to reconsider the vote engrossing Senate bill No. 14, entitled "An act to provide for the time and place of holding the court of appeals of the State of Texas."

The following House bills were taken up and referred to appropriate committees:

Substitute for House bill No. 33, entitled "An act to amend article 4767 of the Revised Civil Statutes," was referred to judiciary committee No. 1.

Substitute for Senate bill No. 23, entitled "An act to diminish the civil and criminal jurisdiction of the county courts of certain counties in this state, and conform the jurisdiction of the district courts of said counties to such change."

Referred to judiciary committee No. 2.

Senator Storey, chairman of the 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. 324, entitled "An act authorizing the payment of taxes of non-residents of counties, to be made at the comptroller's office," have duly 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 House bill No. 179, entitled "An act to further define the duties of assessors of taxes," have duly considered the same, and it is believed that a literal construction of this act makes the assessor of taxes liable to assess a penalty of seventy-five cents against himself for any failure to assess property at the time and place prescribed by law. The committee do not believe this bill is necessary, or that it will be likely to secure a better assessment than the laws now in force. I am therefore instructed by the committee to return the bill to the Senate with the recommendation that it do not pass.

STOREY, *Chairman.*

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

Your committee on finance, to whom was referred substitute for House bill No. 119, entitled "An act to amend sections 9 and 26 of 'an act to define the duties, powers, qualifications and liabilities of assessors of taxes, and to regulate their compensation,'" have carefully considered the same, and I am instructed to report that in the opinion of the committee articles 4705 and 4724 of the Revised Civil Statutes, adopted since this bill was introduced in the House, secures the end sought by this bill. The committee therefore recommend that this bill do not pass.

STOREY, *Chairman.*

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

Your committee on finance, to whom was referred substitute for House bill No. 338, entitled "An act to amend section 21 of 'an act regulating the duties of tax collectors in reference to the seizure and sale of property of delinquent tax payers, and to define the further duties, powers, qualifications and liabilities of collectors of taxes, and to regulate their compensation,' approved August 21, 1876," have carefully considered

the same, and I am instructed by the committee to report the bill back to the Senate with the recommendation that it do not pass.

STOREY, *Chairman.*

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

Your committee on finance, to whom was referred substitute for House bill Nos. 305 and 335, entitled "An act to provide for the sale of all real estate bid off to the state by collectors of taxes at tax sales, the owners of which have not redeemed the same," have duly considered the same and instructed me to report the said substitute back to the Senate with the recommendation that fifty copies of it be printed for the use of the committee and the Senate.

STOREY, *Chairman.*

Fifty copies of this bill and report were ordered printed.

Senate bill No. 52, entitled "An act to protect the rights of pre-emptors who have heretofore, or may hereafter, enlist in the frontier battalion or other military forces of the state," was taken up, read third time and passed by the following vote:

YEAS.

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

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

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

NAYS.

Lair,

Patton--2.

Not voting--Ripetoe.

A message was received from the House announcing the passage by that body of House bill No. 375, entitled "An act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas," approved February, 1879.

Senate bill No. 127, entitled "An act to provide for holding special terms of the district court when and where the same may be necessary."

House bill No. 375 was taken up and referred to judiciary committee No. 2.

Senate bill No. 123, entitled "An act to amend section 12 of 'an act to enforce the collection of delinquent taxes on lands assessed since January, 1870,'" approved August, 1876, was taken up and read third time.

Senator Gooch offered the following amendment:

Add after the words "bid off" the words "and make a deed to the state, and one deed shall include all tracts of land bid off to the state at such tax sale."

On motion of Senator Lane, the bill and amendment was referred to committee on finance.

Senate bill No. 133, entitled "An act to endow Henderson College, in Rusk county, with a land grant," was taken up.

Senator Martin offered the following:

Amend by inserting: "The Tehuacana College, in Limestone county, shall receive the same amount of land."

Senator McCulloch moved to indefinitely postpone the bill.

Lost by the following vote:

|                 |                       |           |
|-----------------|-----------------------|-----------|
|                 | YEAS.                 |           |
| Brown,<br>Lair, | McCulloch,<br>Patton, | Storey—5. |

|  |  |   |
|--|--|---|
|  | NAYS.  |   |
| Burnett,<br>Burton,<br>Davenport,<br>Duncan,<br>Edwards,<br>Gooch,<br>Guy, | Hobby,<br>Homan,<br>Houston,<br>Lane,<br>Ledbetter,<br>Martin,<br>McCormick, | Moore,<br>Motley,<br>Ripetoe,<br>Shannon,<br>Swain,<br>Terrell,<br>Tilson—21. |

Not voting—Grace, Stewart.

Senator Tilson offered the following amendment:

“Add a like amount of land for Texarkana Institution, to be hereafter established.”

Senator Homan offered the following substitute for pending amendments:

Add after the words “Henderson College,” wherever they occur in caption and bill, the words “and every other college and university in the state.”

Senator Guy offered the following amendment:

Amend by adding, “That the same amount of land be given to the Lancaster Masonic Institute, situated in Dallas county.”

Ordered to be withheld until the amendments already on the table were disposed of.

Senator Homan withdrew his substitute, when Senator Duncan moved the previous question on the bill and pending amendments.

Motion seconded and main question ordered.

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

|                               |                    |                       |
|-------------------------------|--------------------|-----------------------|
|                               | YEAS.              |                       |
| Brown,<br>Burnett,<br>Duncan, | Martin,<br>Patton, | Stewart,<br>Tilson—7. |

|   |  |   |
|---|--|---|
|   | NAYS.  |   |
| Burton,<br>Edwards,<br>Gooch,<br>Grace,<br>Guy,<br>Hobby,<br>Homan, | Houston,<br>Lane,<br>Lair,<br>Ledbetter,<br>McCormick,<br>McCulloch, | Moore,<br>Motley,<br>Ripetoe,<br>Storey,<br>Swain,<br>Terrell—19. |

Not voting—Davenport, Shannon.

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

|   |                                 |                                  |
|---|---------------------------------|----------------------------------|
|   | YEAS.                           |                                  |
| Brown,<br>Duncan,<br>Martin,<br>Patton, | Ripetoe,<br>Stewart,<br>Storey, | Swain,<br>Terrell,<br>Tilson—10. |

|   |  |  |
|---|--|--|
|   | NAYS.  |  |
| Burnett,<br>Burton,<br>Davenport,<br>Edwards,<br>Gooch,<br>Grace, | Hobby,<br>Homan,<br>Houston,<br>Lane,<br>Lair, | Ledbetter,<br>McCormick,<br>McCulloch,<br>Moore,<br>Motley—16. |

Not voting—Guy, Shannon.

The bill was then passed by the following vote:

|          |            |              |
|----------|------------|--------------|
| YEAS.    |            |              |
| Burnett, | Guy,       | McCormick,   |
| Burton,  | Hobby,     | Motley,      |
| Duncan,  | Houston,   | Ripetoe,     |
| Edwards, | Lane,      | Stewart,     |
| Gooch,   | Ledbetter, | Terrell--15. |
| NAYS.    |            |              |
| Brown,   | Martin,    | Shannon,     |
| Grace,   | McCulloch, | Storey,      |
| Homan,   | Moore,     | Swain,       |
| Lair,    | Patton,    | Tilson--12.  |

Not voting—Davenport.

The president directed the secretary to not report the bill to the House until he could satisfy himself further as to whether the bill required a two-thirds vote or not.

Senator Storey called up his motion to reconsider the vote passing Senate bill No. 130 (the general appropriation bill), and moved a call of the House on the motion to reconsider.

Call sustained.

Roll called.

Absent—Davenport.

On motion of Senator Houston, Senate bill No. 127, entitled "An act to provide for the holding of special terms of the district courts when and where the same may be necessary," was taken up and House amendments concurred in.

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,'" was taken up and read third time.

The absent senator appearing, the consideration of the motion to reconsider the vote passing Senate bill No. 130 was resumed.

The vote to reconsider carried.

The bill was then passed by the following vote:

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

The adjournment resolution was taken up.

Senator Homan moved to indefinitely postpone the resolution, substitute and amendments.

Senator Terrell withdrew his substitute.

Senator Duncan offered the following amendment :

Strike out all after "resolved," and insert "by the Senate, the House concurring, that the Legislature do take a recess, beginning next Monday, and to continue until the first Monday in September, 1879."

Lost.

Senator Duncan offered the following amendment :

Strike out all after "resolved," and insert "by the Senate, the House concurring, that the Legislature adjourn *sine die* on Monday next."

Senator Motley moved the previous question on the resolution and pending amendment and motion.

Motion seconded and main question ordered.

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

| YEAS.  |   |  |
|--|---|--|
| Brown,<br>Burton,  | Duncan,   | Tilson--4.   |
| NAYS.  |   |  |
| Burnett,<br>Davenport,<br>Edwards,<br>Gooch,<br>Grace,<br>Guy,<br>Hobby,<br>Homan, | Houston,<br>Lane,<br>Lair,<br>Ledbetter,<br>Martin,<br>McCormick,<br>McCulloch,<br>Moore. | Motley,<br>Patton,<br>Ripetoe,<br>Stewart,<br>Shannon,<br>Storey,<br>Swain,<br>Terrell-- 24. |

Senator Homan withdrew his substitute.

The motion of Senator Homan to postpone indefinitely was carried by the following vote:

| YEAS.   |  |   |
|---|--|---|
| Duncan,<br>Edwards,<br>Gooch,<br>Grace,<br>Hobby,   | Homan,<br>Houston,<br>Lane,<br>Ledbetter,<br>Martin. | Patton,<br>Stewart,<br>Terrell,<br>Tilson---14. |
| NAYS.   |  |   |
| Brown,<br>Burnett,<br>Burton,<br>Davenport,<br>Guy. | Lair,<br>McCormick,<br>McCulloch,<br>Moore,          | Ripetoe,<br>Shannon,<br>Storey,<br>Swain---13.  |

Senator Ledbetter moved to take up the motion to reconsider the vote by which Senate bill No. 13 was engrossed.

Senator Burton moved a call of the Senate.

Call sustained.

Roll called.

Absent—Senator Motley.

On motion of Senator Brown, Senator Burton was excused for a short time.

The absent senator appearing, the pending business was resumed.

Senator Ledbetter moved to lay the pending motion to reconsider on the table.

Senator Hobby moved a call of the Senate.

Call sustained.

Roll called—Senate full.

Senator Ledbetter's motion to lay the motion to reconsider on the table was carried by the following vote:

| YEAS.   |  |   |
|---|--|---|
| Burnett,<br>Grace,<br>Homan,<br>Houston,<br>Lair, | Ledbetter,<br>McCulloch,<br>Motley,<br>Patton,<br>Stewart, | Shannon,<br>Storey,<br>Swain,<br>Terrell--14. |

NAYS.

Brown,  
Davenport,  
Duncan,  
Edwards,

Gooch,  
Guy,  
Hobby,  
Lane,

Martin,  
McCormick,  
Tilson—11.

Not voting—Burton, Moore, Ripetoe.

Senate joint resolution No. 37, "Amending section 50 of article 16 of the constitution of the State of Texas," was taken up with adverse report of committee.

On motion of Senator Homan, the report of the committee was adopted and resolution lost.

Substitute for joint resolution No. 70, "Proposing amendments to the constitution of the State of Texas," was taken up and read first time.

Senate bill No. 313, entitled "An act to compel collectors of taxes in counties wherein subsidies have been granted to railroad or other works of internal improvements to receive the state and county taxes from persons who refuse to pay the taxes levied for such purpose," was taken up and read first time.

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

YEAS.

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

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

McCulloch,  
Moore,  
Motley,  
Patton,  
Stewart,  
Shannon,  
Terrell,  
Tilson--25.

NAYS—none.

Not voting—Ripetoe, Storey, Swain.

Bill read second time.

Senator Terrell offered the following amendment:

After the word "therefor," in twenty-fifth line, insert "except the said subsidy tax."

Adopted and bill ordered engrossed.

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

YEAS.

Brown,  
Burnett,  
Burton,  
Davenport,  
Duncan,  
Gooch,  
Grace,  
Guy,  
Hobby,

Homan,  
Houston,  
Lair,  
Ledbetter,  
Martin,  
McCormick,  
McCulloch,  
Moore,  
Motley,

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

NAYS—none.

Not voting—Edwards, Lane.

Bill read third time and passed by the following vote:

YEAS.

Brown,  
Burnett,  
Duncan,

Gooch,  
Grace,  
Guy,

Hobby,  
Houston,  
Lane.

Lair,  
Ledbetter,  
Martin,  
McCormick,  
Moore,

Motley,  
Patton,  
Stewart,  
Shannon,

Storey,  
Swain,  
Terrell,  
Tilson—22.

NAYS.

Burton,

Homan—2.

Not voting—Davenport, Edwards, McCulloch, Ripetoe.

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 carefully examined and compared with the originals the engrossed copies of the following bills, viz : Substitute Senate bill No. 130, entitled "An act to make an appropriation for the support of the government for the years beginning March 1, 1879, and ending February 28, 1881;" Senate bill No. 137, entitled "An act for the relief of the heirs of Catlett Burnett, deceased;" Senate joint resolution No. 178, proposing an amendment to article 16, sections 50 and 51 of the constitution of the State of Texas;" Senate bill No. 13, entitled "An act to provide for the time and place of holding the supreme court of the State of Texas," and find them correctly engrossed.

BROWN, *Chairman.*

Senate joint resolution No. 234, "amending section 18 article 3 of the constitution," was taken up and read first time.

Senate joint resolution No. 74, "Proposing an amendment to the constitution of the State of Texas regulating suffrage," was taken up and read first time.

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

### AFTERNOON SESSION.

President in the chair. Roll called; quorum present.

House bill No. 15, entitled "An act for the relief of all persons whose lands have been sold for taxes and bought in by the state," was taken up, read third time and passed by the following vote:

YEAS.

Burnett,  
Burton,  
Edwards,  
Hobby,  
Homan,

Houston,  
Lair,  
Ledbetter,  
McCormick,

Motley,  
Ripetoe,  
Swain,  
Tilson. —13.

NAYS.

Brown,  
Davenport,  
Duncan,

Martin,  
McCulloch,  
Patton,

Stewart,  
Shannon,  
Storey. —9.

Not voting—Gooch, Grace, Guy, Lane, Moore, Terrell.

Senator Edwards (by leave) introduced a joint resolution requesting our members in congress to bring to the consideration of that body the subject of aiding a line of vessels between the port of Galveston and the Mexican ports on the gulf.

Read by caption and referred to committee on state affairs.

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 violation," was taken up, read third time and passed.

House bill No. 88, entitled "An act for the relief of Mrs. M. A. C. Wilson, widow of William F. Wilson," was taken up, read third time and passed by the following vote:

| YEAS.      |            |            |
|------------|------------|------------|
| Burnett,   | Lair,      | Ripetoe,   |
| Davenport, | Ledbetter, | Stewart,   |
| Edwards,   | Martin,    | Shannon,   |
| Grace,     | McCormick, | Storey,    |
| Guy,       | McCulloch, | Swain,     |
| Hobby,     | Motley,    | Tilson—19. |
| Houston,   |            |            |
| NAYS.      |            |            |
| Brown,     | Homan,     | Patton—4.  |
| Gooch,     |            |            |

Not voting—Burton, Duncan, Lane, Moore, Terrell.

House bill No. 187, entitled "An act to provide for the levying 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," was taken up, read third time and passed by the following vote:

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

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

Senator Storey moved a call of the Senate.

Call sustained.

Roll called.

Absent—Senator Terrell.

The pending business then went to the table.

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," was taken up.

Senator McCormick offered the following amendment:

Add this section to the bill and number consecutively:

"Section 17. Every mortgage, deed of trust, or other form of lien attempted to be given by the owner of any stock of goods, wares or merchandise, daily exposed to sale in parcels in the regular course of the business of such merchandise, and contemplating a continuance of possession of said goods, and control of said business by sale of said goods by said owner, shall be deemed fraudulent and void."

Adopted.

Senator Ledbetter offered the following:

Amend by adding the following section:

"Section 18. Any attempted preference of any creditor or creditors by such assignor shall be deemed fraudulent and without effect."

The absent senator appearing, the consideration of substitute for House joint resolution No. 2 was resumed.

Senator Edwards (by leave) withdrew his motion to recede from Senate amendments.

Senator Edwards moved that the Senate insist on its substitute.

Adopted.

The consideration of House bill No. 89 was resumed.

(Senator Lane in the chair.)

The amendment of Senator Ledbetter was then adopted and bill passed to third reading by the following vote:

YEAS.

Burnett,  
Duncan,  
Edwards,  
Hobby,  
Homan,  
Lane,  
Lair,

Ledbetter,  
Martin,  
McCormick,  
McCulloch,  
Moore,  
Motley,

Ripetoe,  
Shannon,  
Storey,  
Swain,  
Terrell,  
Tilson—19.

NAYS.

Brown,  
Burton,  
Not voting—Davenport, Grace, Guy, Patton.

Gooch,  
Houston,

Stewart—5.

(President in the chair.)

Substitute for House bill No. 138, entitled "An act to protect the wool growing interests of the State of Texas," was taken up and read second time.

The committee amendments were adopted.

Senator Hobby offered the following:

"Amend by exempting the counties of San Jacinto, Polk and Tyler from the provisions of this bill."

Adopted.

Senator Stewart offered the following:

Add to section 11 "Harris."

Adopted.

Senator Burton offered the following:

Add to section 11 "Wharton county."

Adopted.

Senator Grace offered the following:

Amend by inserting "Fannin" in the list of counties exempted from the provisions of this act.

Adopted.

Senator Swain offered the following:

Amend by exempting "Red River county" from the provisions of this act.

Adopted.

Senator Duncan offered the following:

Amend by adding the "counties of Camp and Upshur" to the exceptions from the operations of this act.

Adopted.

Senator Shannon offered the following:

Add to section 11: "The unorganized counties attached to Jack and Young counties for judicial purposes."

Adopted.

Senator Duncan offered the following:

Amend by striking out of section 11 the counties of "Camp, Gregg and Upshur."

Adopted and bill passed to a third reading.

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

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;" House bill No. 95, entitled "An act to amend 'an act regulating elections,' approved August 23, 1876;" and House joint resolution No. 35, "On the subject of Indian depredations in the State of Texas."

A message was received from the House announcing the passage by that body of House bill No. 303, entitled "An act to repeal joint resolution No. 9, approved August 28, 1876."

This bill was taken up by the president and referred to the committee on finance.

House bill No. 102, entitled "An act defining the duties of commissioners' courts when sitting as a board of equalization," was taken up and read second time.

Senator Houston offered the following amendment:

Amend section 6 by striking out all after the word "shall" in line twenty-two, page 2, and insert the following:

"Examine, equalize and correct assessments so made by the assessor, and when so made by the assessor and when so revised, equalized and corrected, the same shall be approved."

Senator Edwards offered the following as a substitute for the pending amendment:

Strike out lines twenty-two and twenty-three, section 6, and insert "and the board of equalization shall examine said list and act upon same as required in sections 2 and 3 of this act."

Withdrawn and Senator Houston's amendment adopted.

Senator Grace offered the following:

"That the bill, with amendments, be recommitted to judiciary committee No. 2."

Senator Grace's motion to recommit to judiciary committee No. 2 was lost by the following vote:

|                     |            |                |
|---------------------|------------|----------------|
|                     | YEAS.      |                |
| Brown,              | Edwards.   | McCormick---5. |
| Duncan,             | Grace,     |                |
|                     | NAYS.      |                |
| Burnett,            | Lair.      | Ripetoe,       |
| Burton,             | Ledbetter, | Stewart.       |
| Davenport,          | Martin,    | Shannon,       |
| Gooch,              | McCulloch, | Storey.        |
| Guy,                | Moore,     | Swain,         |
| Hobby,              | Motley,    | Terrell,       |
| Homan,              | Patton,    | Tilson--22.    |
| Lane,               |            |                |
| Not voting—Houston. |            |                |

Senator Duncan moved to postpone bill and amendments till to-morrow evening.

Senator Gooch offered the following:

Page 2, line twenty-six, after the word "to" and before the words "give the person written notice" add the words "order the county clerk to."

Also the following:

Line eight, page 2, after the words "board of equalization to" and before the words "ten days," insert the word "give," and add "shall cause the county clerk to give."

Senator Swain moved the previous question on the pending amendments.

Motion seconded and main question ordered.

The motion of Senator Duncan to postpone was lost.

The first amendment of Senator Gooch was adopted.

The second amendment of Senator Gooch was then adopted.

Senator Edwards moved to commit the bill to the committee on finance.

Lost by the following vote:

| YEAS.      |            |              |
|------------|------------|--------------|
| Brown,     | Duncan,    | Grace,       |
| Burton,    | Edwards,   | McCormick—6. |
| NAYS.      |            |              |
| Burnett,   | Ledbetter, | Stewart,     |
| Davenport, | Martin,    | Shannon,     |
| Gooch,     | McCulloch, | Storey,      |
| Guy,       | Moore,     | Swain,       |
| Hobby,     | Motley,    | Terrell,     |
| Homan,     | Patton,    | Tilson—20.   |
| Lair,      | Ripetoe,   |              |

Not voting—Houston, Lane.

Senator Duncan offered the following amendment:

"Strike out sections 2 and 3."

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

Seconded and main question ordered by the following vote:

| YEAS.      |            |             |
|------------|------------|-------------|
| Burnett,   | Lair,      | Patton,     |
| Davenport, | Ledbetter, | Ripetoe,    |
| Gooch,     | Martin,    | Stewart,    |
| Grace,     | McCulloch, | Shannon,    |
| Guy,       | Moore,     | Swain,      |
| Hobby,     | Motley,    | Terrell—19. |
| Homan,     |            |             |

| NAYS.   |            |           |
|---------|------------|-----------|
| Brown,  | Edwards,   | Storey,   |
| Burton, | McCormick, | Tilson—7. |
| Duncan, |            |           |

Not voting—Houston, Lane.

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

| YEAS.    |            |              |
|----------|------------|--------------|
| Duncan,  | Lane,      | McCulloch—7. |
| Edwards, | McCormick, |              |
| NAYS.    |            |              |
| Brown,   | Davenport, | Guy,         |
| Burnett, | Gooch,     | Hobby,       |
| Burton,  | Grace,     | Homan,       |

Lair,  
Ledbetter,  
Martin,  
Moore,

Motley,  
Patton,  
Stewart,  
Shannon,

Storey,  
Swain,  
Terrell,  
Tilson--21.

Not voting—Houston.

Bill passed to third reading by the following vote:

YEAS.

Brown,  
Burnett,  
Burton,  
Davenport,  
Gooch,  
Guy,  
Hobby,  
Homan,

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

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

NAYS.

Duncan,  
Edwards,

Grace,  
Lane,

McCormick—5.

Not voting—Houston.

Substitute for House bill No. 119, entitled "An act to amend sections 9 and 26 of an act to define the duties, powers, qualifications and liabilities of assessors of taxes, and to regulate their compensation," was taken up and read first time.

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

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

Your finance committee have considered Senate bill No. 123, "An act to amend section 12 of an act entitled 'an act to enforce the collection of delinquent taxes on lands assessed January, 1870,' approved August 19, 1876," and I am instructed to report as a substitute therefor, "an act to amend article 4759 of the Revised Civil Statutes of the State of Texas, adopted on the ..... day of February, 1879," and to recommend that the substitute pass.

STOREY, *Chairman.*

The substitute recommended by the committee was taken up and read first time.

House bill No. 324, entitled "An act authorizing the payment of taxes of non-residents of counties to be made at the comptroller's office," was taken up and read first time.

House bill No. 179, entitled "An act to further define the duties of assessors of taxes," was taken up and read first time.

House bill No. 337, entitled "An act to authorize counties, cities and towns to scale and fund their indebtedness and for raising means to pay the same," was taken up, read first time and fifty copies ordered printed.

Substitute for House bill No. 338, entitled "An act to amend section 21 of 'an act regulating the duties of tax collectors in reference to the seizure and sale of property of delinquent taxpayers, and to define the further duties, powers, qualifications and liabilities of collectors of taxes, and to regulate their compensation,' approved August 21, 1876," was taken up and read first time.

House bill No. 327, entitled "An act to better secure the collection of taxes," was taken up and read a second time.

The amendments of the committee were adopted and bill passed to a third reading.

House bill No. 302, entitled "An act legalizing the county lines of

Duval county, and of counties affected thereby, as surveyed and marked by the surveyors of Nueces, Duval, Live Oak and Webb counties," was taken up, read a second time and passed to a third reading.

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, read second time and passed to a third reading.

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

### FIFTY-SEVENTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, March 20, 1879. }

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

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

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

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

Your committee on state affairs have had under consideration Senate bill No. 318, "An act to legalize certain land claims therein named," and I am instructed to report same back to the Senate with the recommendation that it be referred to committee on private land claims.

Houston, *Chairman.*

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

Your committee on state affairs have considered House bill No. 341, "An act to prohibit the giving away or disposition of intoxicating liquors or compounds within five miles of Southeast Texas Male and Female College, in Jasper county, and to provide penalty for its violation," and I am instructed to recommend its passage.

Houston, *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. 315, entitled "A bill to be entitled 'an act for the relief of the heirs of Ira Ingram, deceased,'" have had the same under consideration and I am instructed by said committee 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 Senate bill No. 314, entitled "A bill to be entitled 'an act to revive and validate certificate No. 6058,'" have considered the same, and I am instructed by said committee to report said bill back to the Senate and to recommend that the same do pass.

Guy, *Chairman.*

Senator Patton, chairman of committee on stock and stockraising, submitted the following report:

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

Your committee on stock and stockraising have had under consideration 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," and direct me to recommend that the words "on the top wire," in section 1 of the bill, be stricken out, and "between the wires" be inserted therefor; also, that a new section be added to the bill to read as follows:

"Section 4. *Provided* that the counties of Refugio, Aransas, San Patricio and Bee shall be and are excepted from the provisions of this act," and that the bill so amended do pass. PATTON, *Chairman.*

Senator Hobby, from judiciary committee No. 2, submitted the following reports:

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

Your judiciary committee No. 2 have considered House substitute for Senate bill No. 23, "An act to diminish the civil and criminal jurisdiction of the county courts of certain counties in this state, and conform the jurisdiction of the district courts of said counties to such change," and have instructed me to report the same back to the Senate and recommend its passage. HOBBY, *for Committee.*

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

Your judiciary committee No. 2 have considered Senate bill No. 226, "An act to repeal an act entitled 'an act to amend and consolidate the several acts incorporating the town of Gonzales, approved March 6, 1873, etc., etc.,'" and have instructed me to report the same back to the Senate, and recommend that the bill do not pass, for the reason that it is a special law, and no evidence was before your committee that the notice of publication for such law had been made. HOBBY, *for Committee.*

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

Your judiciary committee No. 2 having duly considered House bill No. 451, entitled "An act to amend 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for State of Texas,' approved ..... 1879," respectfully return the same and recommend its passage, with the following amendments: Amend caption by striking out words and blank "approved ..... 1879," and insert instead "passed at the present session of the Legislature," and amend section 1 by exempting the following additional counties: "Grimes, Madison, Walker, Trinity, Burleson, Washington, Austin." HOBBY, *for Committee.*

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

Your judiciary committee No. 2 have considered House bill No. 375, "An act to amend 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas,' approved February, 1879," and instruct me report it back to the Senate and recommend its passage. HOBBY, *for Committee.*

Fifty copies of this bill were ordered printed.

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

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

Your committee on enrolled bills have carefully examined and find

correctly enrolled and properly signed Senate bill No. 245, "An act to authorize the commissioner of the general land office to contract for the lithographic printing of maps of the various counties of this state, and to provide for the sale of the same, and to make an appropriation to carry this act into effect," and at 9:50 o'clock A. M. presented the same to the governor for his signature.

GRACE, *Chairman.*

Senator Storey introduced a bill entitled "An act to amend article 826 of the Revised Civil Statutes, so as to correct the conflict in the boundary lines between Blanco and Kendall counties."

Read by caption and referred to committee on counties and county boundaries.

The resolution of Senator McCulloch offered on yesterday with regard to a committee to select the most important bills for the action of the Legislature, was taken up for consideration.

Senator Burton offered the following amendment:

Strike out the words "cull out."

Senator Ledbetter moved to postpone the resolution and amendment until to-morrow evening.

Senator Terrell offered the following amendment:

Add, "which shall be considered in preference to all other business."

Senator Ledbetter's motion to postpone was lost.

Senator Burton's amendment was lost.

The amendment of Senator Terrell was adopted, and the resolution as amended was then adopted by the following vote:

YEAS.

Burnett,  
Duncan,  
Edwards,  
Gooch,  
Grace,  
Guy,  
Hobby,

Houston,  
Lair,  
McCormick,  
McCulloch,  
Moore,  
Motley,  
Patton,

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

NAYS.

Brown,  
Burton.

Homan,  
Lane,

Ledbetter,  
Martin--6.

Not voting--Davenport, Shannon.

Senator Shannon moved that a committee of five senators be appointed under the requirements of the resolution just passed.

Senator Martin moved that the committee be composed of seven senators.

Accepted by Senator Shannon, and motion adopted.

On motion of Senator Motley, the sergeant-at-arms (Col. Barton), was excused in consequence of sickness.

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

Senate bill No. 245, entitled "An act to authorize the commissioner of the general land office to contract for lithographic printing of maps of the various counties of the state, and to provide for the sale of the same, and to make an appropriation to carry this act into effect"; 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 violation;'" House bill No. 15, entitled "An act for the relief of all persons whose lands have been sold for taxes and



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

(President *pro tempore* in the chair.)

Senator Moore, under the rules, called Senate bill No. 302, entitled "An act making an appropriation of \$15,000 to aid in instruction in agriculture and the natural sciences connected therewith at the Agricultural and Mechanical College of Texas," which was read a second time.

(Senator Gooch in the chair.)

Senator Brown offered the following amendment:

Strike out all after the words "to the end that" in line six, section 1, and insert "that the theory of agriculture, involving instruction in the elements and peculiarities of soils, the constituents of plants, the chemical properties, the effect and value of fertilizers in relation to the various forms of vegetable growth, with such practical illustrations in the laboratory, garden, field and experimental work-shop as may be made without interfering with the prosecution of thorough courses of study, may be more efficiently taught in said college."

(President *pro tempore* in the chair.)

Senator Ledbetter moved a call of the Senate.

Call sustained.

Roll called.

Absent—Senator Grace.

The pending business went to the table.

The motion to reconsider the vote on the Toby claim was taken up, but the absent senator appearing, the consideration of Senate bill No. 302 was resumed.

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

YEAS.

Brown,  
Burnett,  
Davenport,

Duncan,  
Grace,

Guy,  
Shannon—7.

NAYS.

Burton.  
Edwards,  
Gooch,  
Hobby,  
Homan,

Houston,  
Lair,  
Ledbetter,  
McCormick,  
Moore,

Homan,  
Ripetoe,  
Stewart,  
Storey,  
Tilson—15.

Not voting—Lane, Martin, McCulloch, Patton, Swain, Terrell.

The bill was then engrossed by the following vote:

YEAS.

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

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

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

NAYS.

Davenport,  
Grace.

Houston,

Lair—4.

Not voting—Shannon.

The motion to reconsider the vote on the report of the finance committee on the Toby claim, was again considered.

Senator Homan moved a call of the Senate.

Call sustained.

Roll called and Senate full.

Senator Terrell (by leave) introduced a bill entitled "An act to build a dam across the Colorado river above Austin, for manufacturing purposes."

Read by caption and referred to committee on internal improvements.

Senator Shannon introduced a bill entitled "An act to provide for the appointment of notaries public, cattle and hide inspectors, justices of the peace and constables in the unorganized counties of the State of Texas."

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

Senator Martin moved to postpone the consideration of his motion to reconsider the vote on the report of finance committee on the Toby claim until Monday next, just after the morning call, and that said motion be made the special order for that time and from day to day until disposed of.

Senator Edwards moved a call of the Senate.

Call sustained.

Roll called and Senate full.

The motion of Senator Martin was adopted by the following vote:

YEAS.

Brown,  
Burton,  
Duncan,  
Edwards,  
Gooch,  
Grace,  
Guy.

Hobby,  
Houston.  
Lane,  
Martin,  
McCormick,  
McCulloch,  
Patton,

Ripetoe.  
Stewart,  
Storey,  
Swain,  
Terrell,  
Tilson—20.

NAYS

Burnett,  
Davenport,  
Homan,

Lair,  
Ledbetter,  
Moore.

Motley,  
Shannon—8.

(President in the chair.)

Senate bill No. 312, entitled "An act to amend and supplement the existing quarantine law of the State of Texas," was taken up and read first time.

The president appointed the following as a committee under the resolution adopted this morning:

McCulloch, Storey, Stewart, Hobby, Motley, Davenport and Swain.

Senate bill No. 13 was taken up.

Senator Storey moved a call of the Senate.

Call sustained.

Absent—Terrell.

Pending business went to the table.

Senate bill No. 137, entitled "An act for the relief of the heirs of Catlett Barnett (deceased) was taken up and passed.

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 third time.

The absent senator appearing, the consideration of Senate bill No. 13, entitled "An act to provide for the time and place of holding the supreme court," was resumed, and bill passed by the following vote:

YEAS.

Brown,  
Burnett,  
Burton,

Gooch,  
Grace,  
Guy,

Homan,  
Houston,  
Lair,

Ledbetter,  
Martin,  
McCulloch,

Patton,  
Stewart,  
Shannon,

Storey,  
Swain,  
Terrell--18.

NAYS.

Davenport,  
Duncan,  
Edwards,  
Hobby,

Lane,  
McCormick,  
Moore,

Motley,  
Ripetoe,  
Tilson--10.

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

Senator Hobby moved a call of the Senate.

Call sustained.

Roll called and Senate full.

The motion of Senator Ledbetter then carried by the following vote:

YEAS.

Brown,  
Burnett,  
Gooch,  
Grace,  
Homan,  
Houston,

Lair,  
Ledbetter,  
Martin,  
McCulloch,  
Moore,  
Patton,

Ripetoe,  
Stewart,  
Shannon,  
Storey,  
Swain,  
Terrell--18.

NAYS.

Davenport,  
Duncan,  
Hobby,

Lane,  
McCormick,

Motley,  
Tilson--7.

Not voting--Burton, Edwards, Guy.

Senator Burton was excused by the Senate from voting.

The consideration of Senate joint resolution No. 178 was resumed and resolution passed by the following vote:

YEAS.

Brown,  
Burnett,  
Duncan,  
Gooch,  
Grace,  
Guy,  
Homan,

Lane,  
Lair,  
Ledbetter,  
McCormick,  
McCulloch,  
Motley,  
Patton,

Ripetoe,  
Stewart,  
Shannon,  
Storey,  
Swain,  
Terrell,  
Tilson--21.

NAYS.

Davenport,  
Edwards,

Hobby,  
Houston,

Martin,  
Moore -6.

Not voting--Burton.

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,'" was taken up, read third time and passed.

Senate bill No. 107, entitled "An act to amend 'an act to regulate the respective duties of district and county attorneys,'" was taken up, read second time and ordered engrossed.

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

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

Your committee on enrolled bills have carefully examined and find correctly enrolled and properly signed Senate bill No. 127, "An act to provide for the holding of special terms of the district courts, when and where the same may be necessary," and at 12:45 o'clock P. M. presented the same to the governor for his signature.

GRACE, *Chairman.*

Senate bill No. 111, entitled "An act to regulate the pay of grand and petit jurors in the several counties of this state," was taken up and read second time.

Senator Patton offered the following as an amendment to the committee's amendment:

Amend committee amendment—for "\$200" substitute "\$150."

Adopted.

The president, after publicly reading its caption, signed Senate bill No. 127, entitled "An act to provide for the holding of special terms of the district courts, when and where the same may be necessary."

The committee's amendment as amended was then adopted.

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

### AFTERNOON SESSION.

President *pro tempore* in the chair. Roll called; quorum not present.

A quorum soon appearing, the Senate proceeded to business.

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," was taken up, read third time and passed.

House bill No. 102, entitled "An act defining the duties of commissioners' courts when sitting as a board of equalization," was taken up, read third time and passed.

House bill No. 188, entitled "An act to protect the wool-growing interests of the State of Texas," was taken up and read third time.

On motion of Senator Edwards, Senators Terrell and Houston were excused for the evening.

Senator Patton offered the following amendment:

Strike out "Colorado county" from the list of counties exempted from the provisions of this act.

Adopted.

Senator McCulloch offered the following:

Strike out "Leon, Brazos and Robertson counties" from the list of exempted counties.

Adopted.

The bill was then postponed until the afternoon to-morrow.

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 passed.

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," was taken up, read third time and laid over for the present.

House bill No. 327, entitled "An act to better secure the collection of taxes," was taken up, read third time and passed.

House bill No. 119, entitled "An act to amend sections 9 and 26 of 'an act to define the duties, powers, qualifications and liabilities of assessors of taxes, and to regulate their compensation,'" was taken up and read second time.

On motion of Senator Storey, the bill was recommitted to the committee on finance.

House bill No. 324, entitled "An act authorizing the payment of taxes of non-residents of counties to be made at the comptroller's office," was taken up, read second time and passed to a third reading by the following vote:

| YEAS.                            |            |             |
|----------------------------------|------------|-------------|
| Brown,                           | Homan,     | Patton,     |
| Burnett,                         | Lair,      | Ripetoe,    |
| Burton,                          | Ledbetter, | Stewart,    |
| Edwards,                         | McCormick, | Storey,     |
| Gooch,                           | McCulloch, | Swain,      |
| Hobby,                           | Motley,    | Tilson--18. |
| NAYS.                            |            |             |
| Davenport,                       | Martin,    | Shannon--5. |
| Guy,                             | Moore.     |             |
| Not voting--Duncan, Grace, Lane. |            |             |

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

| YEAS.                            |            |               |
|----------------------------------|------------|---------------|
| Brown,                           | Lair,      | Patton,       |
| Burnett,                         | Ledbetter, | Ripetoe,      |
| Edwards,                         | Martin,    | Stewart,      |
| Gooch,                           | McCormick, | Shannon,      |
| Guy,                             | McCulloch, | Storey,       |
| Hobby,                           | Moore,     | Swain,        |
| Homan,                           | Motley,    | Tilson--21.   |
| NAYS.                            |            |               |
| Burton,                          |            | Davenport--2. |
| Not voting--Duncan, Grace, Lane. |            |               |

Bill read third time.  
 Senator Edwards moved a call of the Senate.  
 Call sustained.  
 Roll called.  
 Absent--Senators Duncan, Grace and Lane.  
 Senator Edwards moved a suspension of the call.  
 Carried, and the bill was passed by the following vote:

| YEAS.                            |            |             |
|----------------------------------|------------|-------------|
| Brown,                           | Homan,     | Patton,     |
| Burnett,                         | Lair,      | Ripetoe,    |
| Burton,                          | Ledbetter, | Stewart,    |
| Edwards,                         | McCormick, | Storey,     |
| Gooch,                           | McCulloch, | Swain,      |
| Guy,                             | Moore,     | Tilson--20. |
| Hobby,                           | Motley,    |             |
| NAYS.                            |            |             |
| Davenport,                       | Martin,    | Shannon--3. |
| Not voting--Duncan, Grace, Lane. |            |             |

House bill No. 338, entitled "An act to amend section 21 of 'an act regulating the duties of tax collectors in reference to the seizure and sale of property of delinquent tax-payers, and to define the further duties, powers, qualifications and liabilities of collectors of taxes, and to regulate their compensation,'" approved August 21, 1876, was taken up and read second time with adverse report.

On motion of Senator Martin, the report was adopted and bill lost.

Senator Storey entered a motion to reconsider the vote passing Senate bill No. 324.

The following bills were taken up and read first time:

Substitute for Senate bill No. 23, entitled "An act to diminish the civil and criminal jurisdiction of the county courts of certain counties in this state, and to conform the jurisdiction of the district courts of said counties to such change."

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 article 16 of the constitution of the State of Texas, authorizing the passage of stock and fence laws,'" approved August 15, 1876.

House bill No. 341, entitled "An act to prohibit the sale, giving away or otherwise disposing of intoxicating liquors, or medicated bitters, or compounds producing intoxication, within five miles of the Southeast Texas Male and Female College in Jasper county, Texas, and to provide a penalty for its violation,"

House bill No. 451, entitled "An act to amend 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas,'" approved ..... , 1879.

Substitute for House bills Nos. 305 and 335, entitled "An act to provide for the sale of all real estate bid off to the state by collectors of taxes at tax sales, the owner of which not having redeemed the same."

Senator McCulloch, under the rules, called up substitute for Senate bill No. 164, entitled "An act to establish a state board of health," which was read a second time.

(Senator McCormick in the chair.)

Senator McCulloch offered the following:

Amend by inserting in line nineteen, section 10, "the secretary, etc."

Adopted.

Senator Brown offered the following:

Strike out all of section 2 after the word "state," in line ....., page 2.

Adopted.

Senator Stewart offered the following:

Amend by adding after the word "state," in section 2, line sixteen, "but it shall not have the power to interfere with the quarantine regulations of this state, nor shall they interfere with the quarantine officers of any city or town of this state."

Adopted.

Senator Storey offered the following:

Strike out the words "seven members," and insert "one from each congressional district and one from the state at large."

Adopted.

Senator Brown offered the following:

Strike out all of section 2 after the word "health," in line thirteen, page 2.

Lost.

Senator McCulloch offered the following:

Amend by filling the blank in line eight, section 9 with "\$3000."

Lost.

Senator Ledbetter offered the following:

Amend by filling up the blank in section 9 by inserting "\$1500."

Senator Swain offered the following as a substitute for pending amendment:

Amend by filling blank with "\$2500."

Senator Ledbetter withdrew his amendment, and the amendment of Senator Swain was adopted, and the bill was then ordered engrossed by the following vote :

| YEAS.                            |            |             |
|----------------------------------|------------|-------------|
| Burnett,                         | Lair,      | Ripetoe,    |
| Gooch,                           | Ledbetter, | Storey,     |
| Guy,                             | McCormick, | Swain,      |
| Hobby,                           | McCulloch, | Tilson--14. |
| Homan,                           | Moore,     |             |
| NAYS.                            |            |             |
| Brown,                           | Edwards,   | Motley,     |
| Burton,                          | Grace,     | Shannon--8. |
| Davenport,                       | Martin,    |             |
| Not voting—Duncan, Lane, Patton. |            |             |

(President in the chair.)

Senator Moore, under the rules, called up Senate bill No. 301, entitled "An act to provide for the organization and support of a normal school at Alta Vista College in Waller county, for the preparation and training of colored teachers," was taken up.

(Senator Martin in the chair.)

Senator Edwards moved a call of the Senate.

Call sustained.

Roll called. Absent—Duncan and Homan.

Bill went to the table.

Senator Ripetoe, under the rules, called up Senate bill No. 300, entitled "An act to establish a state normal school," was taken up and read second time.

On motion of Senator Ledbetter, Senator Duncan was excused for the evening.

The absent senators appearing, the consideration of Senate bill No. 301 was resumed.

Senator Grace moved to postpone the bill until to-morrow evening.

Lost by the following vote:

| YEAS.      |            |             |
|------------|------------|-------------|
| Brown,     | Guy,       | McCulloch,  |
| Grace,     | Lair,      | Patton--6.  |
| NAYS.      |            |             |
| Burnett,   | Homan,     | Ripetoe,    |
| Burton,    | Ledbetter, | Stewart,    |
| Davenport, | Martin,    | Shannon,    |
| Duncan,    | McCormick, | Storey,     |
| Edwards,   | Moore,     | Swain,      |
| Gooch,     | Motley,    | Tilson--19. |
| Hobby,     |            |             |

Not voting—Lane.

The bill was then ordered engrossed.

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

Lost by the following vote (it requiring four-fifths to suspend):

| YEAS.      |            |             |
|------------|------------|-------------|
| Burnett.   | Hobby,     | Motley,     |
| Burton,    | Homan.     | Ripetoe.    |
| Davenport, | Ledbetter, | Stewart,    |
| Duncan.    | Martin,    | Shannon,    |
| Edwards,   | McCormick. | Storey--17. |
| Guy,       | Moore,     |             |

Brown,  
Gooch,  
Grace,

NAYS.  
Lair,  
McCulloch,  
Patton,

Swain.  
Tilson—8.

Senator Tilson, chairman of the committee on county and county boundaries (by leave), submitted the following report:

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

Your committee on county and county boundaries, to whom was referred Senate bill No. 320, to be entitled "An act to amend article 826 of the Revised Civil Statutes, so as to correct the conflict between the boundary line between Blanco and Kendall counties," have had the same under consideration, and find that due notice of the application for the passage of this law has been published as required by law, and instruct me to report said bill back to the Senate with the recommendation that it do pass.

TILSON, *Chairman.*

The bill just reported (Senate bill No. 320) was taken up and read first time.

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

Carried by the following vote:

Brown,  
Burnett,  
Edwards,  
Gooch,  
Grace,  
Guy,  
Hobby,

YEAS.  
Lair,  
Ledbetter,  
Martin,  
McCormick,  
McCulloch,  
Moore,  
Motley,

Patton,  
Ripetoe,  
Stewart,  
Shannon,  
Storey,  
Swain,  
Tilson--21.

NAYS—Davenport.

Not voting—Burton, Duncan, Homan, Lane.

Bill read second time and ordered engrossed.

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

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

YEAS.  
Hobby,  
Homan,  
Lair,  
Ledbetter,  
Martin,  
McCormick,  
McCulloch,  
Moore,

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

NAYS—none.

Not voting—Duncan, Lane, Patton.

Bill read third time and passed by the following vote:

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

YEAS.  
Hobby,  
Homan,  
Lair,  
Ledbetter,  
Martin,  
McCormick,  
McCulloch,  
Moore,

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

NAYS—none.

Not voting—Lane.



Senator Edwards moved that the time for calling up bills under the rule be extended for the entire evening session.

Carried.

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

Lost.

The consideration of Senate bill 300 was resumed.

On motion of Senator Burnett, this bill (establishing a state normal school) was postponed until to-morrow evening.

Senator Patton, under the rules, called up Senate bill No. 128, entitled "An act to prevent the taking up of any horse, mare, gelding, etc., and using the same, etc.," was taken up, read second time and ordered engrossed.

On motion of Senator Stewart (under the rules), Senate bill No. 272, entitled "An act to further provide for perpetuating testimony," was taken up and read second time and ordered engrossed.

On motion of Senator Stewart, the vote just taken was reconsidered.

Senator Stewart offered the following amendment:

"Owing to the late period of the session there exists an imperative public necessity that requires that the reading of this bill for three several days be dispensed with, and that it take effect from and after its passage."

Adopted and bill ordered engrossed.

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

Carried by the following vote:

YEAS.

Brown,  
Burnett,  
Burton,  
Davenport,  
Edwards,  
Gooch,  
Guy,  
Hobby.

Homan,  
Lair,  
Ledbetter,  
Martin,  
McCormick,  
McCulloch,  
Moore,

Motley,  
Ripetoe,  
Stewart,  
Shannon,  
Storey,  
Swain,  
Tilson—22.

NAYS—none.

Not voting—Grace, Lane, Patton.

Bill read third time and passed by the following vote:

YEAS.

Brown,  
Burnett,  
Burton,  
Edwards,  
Gooch,  
Guy,  
Hobby,

Homan,  
Lair,  
Martin,  
McCormick,  
McCulloch,  
Moore,  
Motley,

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

NAYS—Davenport.

Not voting—Grace, Lane, Ledbetter.

Senator Shannon, under the rules, called up Senate bill No. 123, entitled "An act to amend article 4759 of the Revised Civil Statutes of Texas," adopted February, 1879, was taken up, read a second time 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,  
Burnett,  
Burton,  
Davenport,  
Edwards,  
Gooch,  
Guy,  
Hobby,

Homan,  
Lair,  
Ledbetter,  
Martin,  
McCormick,  
McCulloch,  
Moore,  
Motley,

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

NAYS—none.

Not voting—Grace, Lane.

Bill read third time and passed by the following vote:

## YEAS.

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

Homan,  
Lair,  
Ledbetter,  
Martin,  
McCormick,  
McCulloch,  
Moore,  
Motley,

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

NAYS—none.

Not voting—Grace, Lane.

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

Lost by the following vote:

## YEAS.

Burton,  
Davenport,  
Guy,  
Lair,

Ledbetter,  
McCulloch,  
Moore,

Patton,  
Ripetoe,  
Stewart—10.

## NAYS.

Brown,  
Burnett,  
Edwards,  
Gooch,  
Hobby,

Homan,  
Martin,  
McCormick,  
Motley,

Shannon,  
Storey,  
Swain,  
Tilson—13.

Not voting—Grace, Lane.

Senator Edwards (by request) introduced a bill entitled "An act to repeal article 2971 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed February ....., 1879."

Read by caption and referred to committee on insurance, statistics and history.

A message was received from the House, announcing as follows:

House concurs in Senate amendments to House bill No. 89, "An act in relation to assignments for the benefit of creditors, and to regulate the same and the proceedings thereunder;" also, House bill No. 102, "An act defining the duties of commissioners' courts when sitting as a board of equalization;" also, on House bill No. 187, "An act to provide for the levy and collection of an occupation tax on the sale of spirituous, vinous and malt liquors in quantities less than a quart, and to make an appropriation to carry the same into effect," in all the amendments except the first.

(President in the chair.)

Senator Stewart moved to adjourn until to-morrow morning at 9 o'clock.

Lost.

On motion of Senator Storey, Senate bill No. 198, entitled "An act for the relief of the heirs of Lieutenant Samuel Wilson, deceased," was taken up, read second time and ordered engrossed.

Senator Swain called up Senate bill No. 201, entitled "An act to provide for the taking and preservation of the testimony in capital cases, and the use of the testimony so taken in case of appeal," was taken up and read second time.

Senator Guy offered the following:

Amend section 1 by striking out all between the word "trial" in line six and the word "be" in line seven and insert "by agreement between the state and defendant may."

Lost by the following vote:

| YEAS.   |  |   |
|---|--|---|
| Burnett,<br>Gooch,<br>Guy,                                    | Motley,<br>Shannon,  | Storey,<br>Tilson--7.                                   |
| NAYS.   |  |   |
| Brown,<br>Burton,<br>Davenport,<br>Grace,<br>Hobby,<br>Homan, | Lair,<br>Ledbetter,<br>Martin,<br>McCormick,<br>McCulloch, | Moore,<br>Patton,<br>Ripetoe,<br>Stewart,<br>Swain--16. |

Not yoting—Edwards, Lane.

The Senate refused to engross the bill by the following vote:

| YEAS.                                      |  |                                     |
|--|--|-------------------------------------|
| Burton,<br>Hobby,<br>Homan,<br>Lair,       | Martin,<br>Moore,<br>Patton,                     | Stewart,<br>Storey,<br>Swain—10.    |
| NAYS.                                      |  |                                     |
| Brown,<br>Burnett,<br>Davenport,<br>Gooch, | Grace,<br>Ledbetter,<br>McCormick,<br>McCulloch, | Motley,<br>Shannon,<br>Tilson---11. |

Not voting—Edwards, Guy, Lane, Ripetoe.

On motion of Senator Storey, House bill No. 187 (the bell punch bill) was taken up.

Senator Storey moved that the Senate insist on its amendment that the House had refused to concur in.

Carried by the following vote:

| YEAS.  |  |   |
|--|--|---|
| Davenport,<br>Edwards,<br>Grace,<br>Hobby,<br>Homan, | Lair,<br>Ledbetter,<br>Martin,<br>McCulloch,<br>Moore, | Patton,<br>Ripetoe,<br>Stewart,<br>Shannon,<br>Storey---15. |
| NAYS.  |  |   |
| Brown,<br>Burnett,<br>Burton,                        | Gooch,<br>Guy,<br>Lane,                                | McCormick,<br>Motley,<br>Tilson—9.                          |

Senator Storey moved that a conference committee be appointed.

Carried, and the president appointed on said committee Senators Storey, Shannon and Martin.

Senator Lane (by leave) introduced a bill entitled "An act to amend article 3764 of the Revised Civil Code, approved February ....., 1879."

Senator Terrell requested that he be recorded as voting no on House bill No. 187 (the bell-punch bill), on its passage.

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

### FIFTY-EIGHTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, March 21, 1879. }

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

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

Senator McCormick entered a motion to reconsider the vote passing Senate bill No. 201 to engrossment on yesterday.

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

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

Your judiciary committee No. 1 have considered Senate bill No. 323, to be entitled "An act to amend article 2754 of the Revised Civil Code, approved February, 1879," and as a law has passed at this session of the Legislature allowing parties, non-resident in the state or counties, to pay taxes on their lands to the comptroller at Austin, they deem it important, to prevent confusion in the accounts of collectors and the tax rolls of the counties, that the comptroller should furnish to the collectors of the several counties in the month of January of each year, a list of the amount of taxes paid into his office for tax due on land, giving the abstract, number of the survey, grantee, and number of acres on which the taxes have been paid, and by whom. They therefore believe that the bill should become a law, and instruct me to report it back recommending its passage.

TERRELL, *Chairman.*

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

Your judiciary committee No. 1 have considered Senate bill No. 309, to be entitled "An act to amend article 4556 of the Revised Statutes of the State of Texas, adopted at the present session of the Legislature," and instruct me to report it back and recommend its passage.

TERRELL, *Chairman.*

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

Your judiciary committee No. 1, have considered House bill No. 207, to be entitled "An act to amend articles 2403, 2404 and 2405 of the Revised Statutes," and instructed me to report it back with the accompanying substitute, and recommend the passage of the substitute.

TERRELL, *Chairman.*

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

Your judiciary committee No. 1 have considered House bill No. 377, to be 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," and instruct me to report it back and recommend its passage.

TERRELL, *Chairman.*

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

Your judiciary committee No. 1 have considered House bill No. 33, to be entitled "An act to amend article 4767 of the Revised Civil Statutes," and instruct me to report it back with the accompanying substitute and recommend that the substitute do pass.

TERRELL, *Chairman.*

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. 321, entitled "An act to authorize the Austin Canal, Irrigation and Manufacturing Company to construct a dam across the Colorado river," have had the same under consideration, and instruct me to report that the law requiring thirty days notice in such cases has been complied with, and a majority of the committee instruct me to report the bill back to the Senate and recommend its passage.

SHANNON, *Chairman.*

Senator Homan offered the following resolution:

*Resolved,* That the concurrent resolution adopted yesterday providing for the appointment of a committee to cull out bills of importance from the business before the Senate, and giving such bills precedence over other business, be and the same is hereby rescinded.

YEAS.

Brown,  
Burnett,  
Burton,  
Duncan,  
Grace,

Guy,  
Homan,  
Houston,  
Lane,  
Ledbetter,

Martin,  
McCormick,  
Ripetoe,  
Shannon,  
Tilson—15.

NAYS.

Lair,  
McCulloch,

Moore,  
Patton,

Stewart,  
Storey—6.

Not voting—Davenport, Edwards, Gooch, Hobby, Swain, Terrell.

Senator Tilson, under the rule, called up Senate joint resolution No. 257, "granting leave of absence to Hon. B. T. Estes, judge of the fifth judicial district of Texas," which was read a second time and ordered engrossed.

Senator Tilson offered the following amendment:

"Section 2. That in view of the near approach of the close of the session of the Legislature and the object to be attained by the passage of this resolution, an imperative necessity an emergency exists for the suspension of the constitutional rule, and that the resolution shall take effect and be in force from and after its passage."

Adopted.

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

YEAS.

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

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

Moore,  
Motley,  
Patton,  
Ripetoe,  
Shannon,  
Swain,  
Tilson--22.

NAYS—NONE.

Not voting—Gooch, McCulloch, Stewart, Storey, Terrell.  
Resolution read third time and passed by the following vote:

## YEAS.

|              |            |            |
|--------------|------------|------------|
| Blassingame, | Guy,       | Moore,     |
| Brown,       | Hobby,     | Motley,    |
| Buchanan,    | Homan.     | Patton,    |
| Burnett,     | Houston,   | Ripetoe,   |
| Burton,      | Lane,      | Shannon,   |
| Davenport,   | Lair,      | Storey,    |
| Duncan,      | Ledbetter, | Swain,     |
| Edwards,     | Martin,    | Terrell,   |
| Ford,        | McCormick, | Tilson—29. |
| Grace,       | McCulloch, |            |

NAYS—none.

Not voting—Gooch.

Senator Brown, under the rule, called up Senate bill No. 31, entitled "An act to create and provide for execution liens on land," which was taken up and read second time with majority and minority reports.

Senator Gooch moved to adopt the minority report.

Carried by the following vote:

## YEAS.

|            |            |            |
|------------|------------|------------|
| Brown,     | Hobby,     | Motley,    |
| Burton,    | Lair,      | Shannon,   |
| Davenport, | Martin.    | Storey,    |
| Duncan,    | McCormick, | Swain,     |
| Gooch,     | McCulloch, | Terrell,   |
| Guy,       | Moore,     | Tilson—18. |

## NAYS.

|          |            |            |
|----------|------------|------------|
| Burnett, | Lane,      | Patton,    |
| Grace,   | Ledbetter, | Stewart—7. |
| Houston, |            |            |

Not voting—Edwards, Homan.

The bill was then ordered engrossed by the following vote:

## YEAS.

|            |            |            |
|------------|------------|------------|
| Brown,     | Homan.     | Patton,    |
| Burnett,   | Lair,      | Ripetoe,   |
| Burton,    | Ledbetter, | Shannon,   |
| Davenport, | Martin,    | Storey,    |
| Duncan,    | McCormick, | Swain,     |
| Gooch,     | McCulloch, | Terrell,   |
| Guy,       | Moore,     | Tilson—23. |
| Hobby,     | Motley,    |            |

## NAYS.

|          |          |            |
|----------|----------|------------|
| Edwards, | Houston. | Stewart—5. |
| Grace,   | Lane,    |            |

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 the engrossed copies of the following Senate bills, viz:

Senate bill No. 14, entitled "An act to provide for the time and place of holding the court of appeals of the State of Texas."

Senate bill No. 36, entitled "An act providing for the transportation of convicts under contract from the counties in which they are convicted, to the penitentiary."

Senate bill No. 159, entitled "An act to prescribe the requisites of indictments in certain cases."

Senate bill No. 142, entitled "An act to regulate the admission and practice of attorneys and counselors-at-law."

Senate bill No. 277, entitled "An act amendatory of and supplemental to article 878 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,'" passed at this session.

Senate joint resolution No. 306, "Granting leave of absence from the state for one month to Hon. W. H. Burkhart, judge of the eighteenth judicial district."

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

Senate bill No. 302, entitled "An act making an appropriation of \$15,000, to aid in instruction in agriculture and the natural sciences connected therewith at the Agricultural and Mechanical College of Texas," and find all of them correctly engrossed. BROWN, *Chairman.*

(Senator Lane in the chair.)

Senator Burnett, under the rules, called up Senate bill No. 213, entitled "An act to amend article 265 of the new Penal Code," with substitute, which was taken up, read second time and substitute adopted.

Senator Burnett offered the following:

"Section ..... The near approach of the adjournment of the present session of the Legislature creates an imperative public necessity for the suspension of the rules requiring bills to be read on three several days, and said rule is suspended."

Adopted.

Senator Storey offered the following:

Add the words "or in any court in other counties."

Lost, and bill engrossed by the following vote:

YEAS.

Brown,  
Burnett,  
Burton,  
Davenport,  
Gooch,  
Guy,  
Hobby,

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

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

NAYS.

Houston,

Lane--2.

Not voting—Duncan, Edwards, Moore, Swain, Terrell, Tilson.

On motion of Senator Edwards, the time for senators calling up bills was extended through the morning session.

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

YEAS.

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

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

McCulloch,  
Motley,  
Patton,  
Ripetoe,  
Stewart,  
Shannon,  
Storey,  
Terrell--24.

NAYS--none.

Not voting—Moore, Swain, Terrell.

Bill read third time and passed.

A message was received from the House announcing the passage by that body of Senate bill No. 125, entitled "An act to ratify and declare valid a compromise by the commissioners' court of Brazoria county, and the issuance of county bonds and levy of tax therefor in settlement of bonds of said county issued under an act of the Legislature passed September 1, 1856, entitled 'an act to permit the county of Brazoria to levy a special tax for purposes of internal improvements.'"

Senate bill No. 250, entitled "An act to create the thirty-second judicial district, prescribing the times of holding the district courts therein, and providing for the appointment of a district judge for said district."

Senate joint resolution No. 35, "granting leave of absence from the state to Walter Acker."

Senate bill No. 121, entitled "An act supplemental to and amendatory of an act entitled an act to enable part owners of land to obtain partition thereof, and for other purposes."

Senate bill No. 158, entitled "An act to make an appropriation for the support of the lunatic asylum for the time beginning January 1, 1879, and ending February 28, 1879."

Senate bill No. 135, entitled "An act for the relief of the Aransas Road company."

And that the House concurs in Senate amendments to House bill No. 327, entitled "An act to better secure the collection of taxes."

Senator Burton's name was called, when he called up Senate bill No. 301, entitled "An act to provide for the organization and support of a normal school at Alta Vista College, in Waller county, for the preparation and training of colored teachers," which was read third time and passed by the following vote:

| YEAS.      |            |             |
|------------|------------|-------------|
| Burnett,   | Hobby,     | McCulloch,  |
| Burton,    | Homan,     | Moore,      |
| Davenport, | Houston,   | Ripetoe,    |
| Duncan,    | Lane,      | Stewart,    |
| Edwards,   | Ledbetter, | Shannon,    |
| Gooch,     | Martin,    | Swain,      |
| Guy,       | McCormick, | Tilson--21. |
| NAYS.      |            |             |
| Brown,     | Patton,    | Terrell--5. |
| Lair,      | Storey,    |             |

Not voting—Motley.

Senator Davenport called up Senate bill No. 53, entitled "An act for the relief of Silas Dinsmore (deceased)," which was read second time and ordered engrossed.

(President in the chair.)

Senator Buchanan, under the rules, called up substitute for Senate bill No. 303, entitled "An act to provide for the dissolution and surrender of the charter of the city of Terrell, in Kaufman county, Texas, and to provide for the payment of the debts due by said city," which was read second time and ordered engrossed.

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



YEAS.

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

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

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

NAYS--none.

Not voting--Davenport, Lane, Shannon, Terrell.

Bill read third time and passed by the following vote:

YEAS.

Brown,  
Buchanan,  
Burnett,  
Duncan,  
Edwards,  
Guy,  
Hobby,  
Homan,

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

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

NAYS--Terrell.

Not voting--Burton, Davenport, Gooch, Motley.

Senator Terrell presented the following:

"I vote no only because I regard the bill just passed as unconstitutional under section 56, article 3 of the constitution."

Senator Duncan called up Senate bill No. 207, entitled "An act supplementary to and amendatory of an act to adopt and establish the Revised Civil Statutes of the State of Texas," which was read second time and ordered engrossed.

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

YEAS.

Brown,  
Buchanan,  
Burnett,  
Duncan,  
Edwards,  
Gooch,  
Guy,  
Hobby,

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

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

NAYS--none.

Not voting--Burton, Davenport, Martin, Moore.

Bill read third time and passed.

Senator Edwards, when his name was called, moved to take up Senate bill No. 302, entitled "An act making an appropriation of fifteen thousand dollars to aid in instruction in agriculture, and the natural sciences connected therewith, at the Agricultural and Mechanical College of Texas," which was taken up, read third time and passed by the following vote:

YEAS.

Buchanan,  
Burnett,  
Burton,  
Duncan,  
Edwards,

Gooch,  
Guy,  
Hobby,  
Homan,  
Houston,

Lane,  
Ledbetter,  
McCormick,  
McCulloch,  
Moore,

Motley,  
Patton,  
Ripetoe,

Stewart,  
Shannon,  
Swain,

Terrell,  
Tilson—22.

NAYS—Lair.

Not voting—Brown, Davenport, Martin, Storey.

Senator Guy, under the rules, called up Senate bill No. 251, entitled "An act to amend article 988 of the Code of Criminal Procedure, passed by the Sixteenth Legislature," which was read second time and ordered engrossed.

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

YEAS.

Brown,  
Buchanan,  
Burnett,  
Barton,  
Davenport,  
Gooch,  
Guy,  
Hobby.

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

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

NAYS.

Edwards,  
Not voting—Duncan, Martin, Terrell.  
Bill read third time and passed.

Lane—3.

The president, after publicly reading its caption, signed Senate bill No. 103, entitled "An act to organize the state penitentiaries, and to regulate the management of the convicts therein."

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 carefully compared with the original Senate bill No. 320, "An act to amend article 826 of the Revised Civil Statutes so as to correct the conflict in the boundary line between Blanco and Kendall counties," and find the same correctly engrossed.

BROWN, *Chairman.*

The following message was received from the House:

House still refuses to concur in the Senate amendments to House joint resolution No. 2, "Proposing an amendment to the constitution," and asks for a committee of conference. Messrs. Baker, Gause and Coleman have been appointed as such committee, on part of the House, to meet a like committee on the part of the Senate.

And that Messrs. Finlay, Henderson, of Smith, and Jones, of Hunt, have been appointed a committee of conference on part of House to meet like committee on part of the Senate, on the disagreement between the two houses on House bill 187, "An act to provide for an occupation tax on the sale of spirituous, vinous and malt liquors, and for collection of the same."

Senator Hobby, under the rules, called up Senate bill No. 224, entitled "An act to amend article 539 of section 2 of an act entitled 'an act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas,'" which was taken up and read second time.

Senator Stewart offered the following:

Strike out "and not thereafter" where it occurs and add "*provided*

that such exceptions may be heard thereafter, in the discretion of the court before which the case may be pending.”

Adopted.

Senator Gooch offered the following substitute:

“Article 539. The motion to set aside an indictment or information and all exceptions shall be filed at the first term of the court after the arrest, or the indictments or information shall be held to be sufficient to put the defendant on notice of the offense charged, or attempted to be charged, and all questions of insufficiency thereof, to wit: A motion to quash (and a motion in arrest of judgment) shall be regarded as waived. When a motion to quash or exceptions are filed as herein provided, the court shall decide the same without delay and at the first term of the court, if practicable.

Adopted by the following vote:

YEAS.

Buchanan,  
Duncan,  
Gooch,  
Homan,  
Houston,

Lane,  
Lair,  
McCormick,  
McCulloch,  
Moore,

Motley,  
Ripetoe,  
Swain,  
Terrell,  
Tilson—15.

NAYS.

Brown,  
Burnett,  
Davenport,  
Edwards,

Grace,  
Hobby,  
Ledbetter,  
Patton,

Stewart,  
Shannon,  
Storey—11.

Not voting—Burton, Guy, Martin.

Senator Edwards offered the following:

Add to substitute: “The courts of this state shall not be governed by any forms or rules or law on the subject of sufficiency of indictments; and all indictments to which the defendant has not taken exceptions as herein required, shall be held good and sufficient, the constitutional requirement that all felonies shall be prosecuted by indictment to the contrary notwithstanding.”

Lost by the following vote:

YEAS.

Brown,

Edwards,

Stewart—3.

NAYS.

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

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

McCormick,  
Moore,  
Ripetoe,  
Storey,  
Swain,  
Tilson—19.

Not voting—Lane, Martin, McCulloch, Motley, Patton, Shannon, Terrell.

Senator Patton offered the following amendment:

Amendment to substitute: strike out “both” and the succeeding line “and a motion in arrest of judgment.”

Senator Grace moved to indefinitely postpone the bill, substitute and amend.

Lost by the following vote:

YEAS.

Burnett,  
Burton,

Davenport,  
Edwards,

Grace,  
Hobby,

Ledbetter,  
Martin,  
McCulloch.

Motley,  
Stewart,

Shannon.  
Swain--13.

## NAYS.

Brown,  
Buchanan,  
Duncan,  
Gooch,  
Guy,

Homan,  
Houston,  
Lane,  
Lair,  
McCormick,

Moore.  
Patton,  
Ripetoe,  
Storey,  
Tilson--15.

Not voting--Terrell.

Senator Brown moved to postpone the bill until to-morrow morning.  
Lost by the following vote:

## YEAS.

Brown,  
Burnett,  
Burton,  
Davenport,  
Edwards,

Grace,  
Hobby,  
Ledbetter,  
Martin,  
McCulloch,

Ripetoe.  
Stewart,  
Shannon,  
Swain--14.

## NAYS.

Buchanan,  
Duncan,  
Gooch,  
Guy,  
Homan,

Houston,  
Lane,  
Lair,  
McCormick,  
Moore,

Motley.  
Patton,  
Storey,  
Tilson - 14.

There being a tie vote, the president voted in the negative, and the bill was not postponed.

Senator Grace moved a call of the Senate.

Call sustained.

Roll called. Absent--Terrell.

Pending business went to the table.

Senator Homan called up Senate bill No. 177, entitled "An act to prohibit the sale, exchange or gift of intoxicating liquors within three miles of Frainesville High School, in Burleson county."

The absent senator appearing, the consideration of Senate bill No. 224 was resumed.

The amendment of Senator Patton was adopted and bill ordered engrossed by the following vote:

## YEAS.

Buchanan,  
Duncan,  
Gooch,  
Guy,  
Homan,  
Houston,

Lane,  
Lair,  
Martin,  
McCormick,  
Moore,

Motley,  
Patton,  
Storey,  
Terrell,  
Tilson--16.

## NAYS.

Brown,  
Burnett,  
Burton,  
Davenport,  
Edwards,

Grace,  
Hobby,  
Ledbetter,  
McCulloch.

Ripetoe.  
Stewart,  
Shannon,  
Swain--13.

The consideration of Senate bill No. 177 was resumed.

The bill was read second time.

Senator Homan offered the following:

Add to the bill the following:

"Section --. The near approach of the close of the session creates an

imperative public necessity that the rules requiring this bill to be read on three several days be suspended."

Adopted and bill engrossed.

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

YEAS.

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

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

McCulloch,  
Moore,  
Motley,  
Ripetoe,  
Stewart,  
Shannon,  
Storey,  
Tilson--24.

NAYS—Burton.

Not voting—Edwards, Patton, Swain, Terrell.

Bill read third time and passed.

The president, after reading its caption, signed Senate bill No. 250, entitled "An act to create the thirty-second judicial district, prescribing the times of holding the courts therein and providing for the appointment of a district judge for that district."

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

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

Your committee on enrolled bills have carefully examined and compared, and find correctly enrolled and properly signed, Senate bill No. 250, "An act to create the thirty-second judicial district, prescribing the times of holding the district courts therein, and providing for the appointment of a district judge for said district," and have presented the same to the governor for his approval this day at 12:50 o'clock P. M.

GRACE, *Chairman.*

The following message was received from the House:

That the House has adopted the report of the conference committee on the disagreements between the two houses on House bill No. 132, "An act to require persons and corporations, to whom patents for land have been granted to pay the fees thereon within sixty days from the passage of this act, and to prescribe a penalty for failure to so pay, and to provide the manner and means of enforcing the provisions hereof."

Senator Houston called up Senate bill No. 236, entitled "An act to amend title 42, chapter 4 of an act entitled 'an act to adopt and establish the Revised Statutes of the State of Texas,'" which was taken up and read second time.

Senator Houston offered the following:

Amend by adding:

"Section ..... The importance of this act to a large portion of the citizens of Texas, and the approach of the close of the session of the Legislature creates an imperative public necessity for the immediate passage of this act."

Adopted.

Senator Storey offered the following:

"Provided, That this act shall not apply to cases where a bond for cost has been given."

Lost, and bill ordered engrossed.

Senator Terrell moved that a committee of conference be appointed on the difference of the two houses on substitute for House joint resolution No. 2, "Proposing amendment to article 8 of the constitution."

Adopted, and the president appointed on said committee Senators Terrell, Hobby and Martin.

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

House bill No. 102, entitled "An act defining the duties of commissioners' courts when sitting as a board of equalization;" 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;" House bill No. 324, entitled "An act authorizing the payment of taxes of non-residents of counties to be made at the comptroller's office."

Senator Lane called up Senate bill No. 241, entitled "An act to amend articles 684 and 669 of the Penal Code," passed February 21, 1879, which was read second time.

Senator Lane offered the following amendment:

Amend by adding:

"Section ..... The near approach of the close of the session of the Legislature makes it an imperative public necessity that the rule requiring this bill to be read on three several days be suspended, and it is so suspended."

Adopted, and bill ordered engrossed.

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

## YEAS.

|            |            |            |
|------------|------------|------------|
| Brown,     | Hobby,     | McCulloch, |
| Buchanan,  | Homan,     | Moore,     |
| Burnett,   | Houston,   | Motley,    |
| Davenport, | Lane,      | Patton,    |
| Duncan,    | Lair,      | Stewart,   |
| Edwards,   | Ledbetter, | Shannon,   |
| Gooch,     | Martin,    | Storey,    |
| Guy,       | McCormick, | Tilson—24. |

## NAYS.

Burton, Ripetoe -2.  
Not voting—Swain, Terrell.

Bill read third time and passed by the following vote:

## YEAS.

|            |            |             |
|------------|------------|-------------|
| Brown,     | Houston,   | Motley,     |
| Buchanan,  | Lane,      | Patton,     |
| Davenport, | Ledbetter, | Storey,     |
| Edwards,   | Martin,    | Terrell,    |
| Gooch,     | McCulloch. | Tilson--15. |

## NAYS.

|          |            |            |
|----------|------------|------------|
| Burnett, | Hobby,     | Ripetoe,   |
| Burton,  | Homan,     | Stewart,   |
| Duncan,  | Lair,      | Shannon,   |
| Grace,   | McCormick, | Swain--14. |
| Guy,     | Moore,     |            |

Senator Edwards, from the committee of conference on the difference of the two houses on House bill No. 132, submitted the following report:

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

Your committee of conference, appointed to confer with a like committee on the part of the House of Representatives, on disagreement be-

tween the two houses upon Senate amendments to House bill No. 132, "An act to require persons and corporations to whom patents for land have been granted to pay the fees thereon within sixty days from the passage of this act, and to prescribe a penalty for failure to pay said fees, and to provide the manner and means of enforcing the provisions hereof," have had said matter under consideration, and recommend that the Senate recede from Senate amendment to section five of said act.

EDWARDS,  
LANE,  
STOREY,  
*for Senate.*  
MCCOMB,  
GAUSE,  
COLEMAN,  
*for House.*

The report of the committee was adopted.

The following bills were taken up and read first time.

Senate bill No. 315, entitled "An act to revive and validate land certificate No. 8016."

Senate bill No. 314, entitled "An act to revive and validate land certificate No. 6058."

Senate bill No. 226, entitled "An act to amend and consolidate the several acts incorporating the town of Gonzales," approved March 6, 1879, etc.

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. 103, "An act to organize the state penitentiaries, and to regulate the management of convicts therein;" and at 12:5 o'clock P. M. presented the same to the governor for his signature.

GRACE, *Chairman.*

Senator Homan introduced a bill entitled "An act to prescribe the times of holding the district courts in the ninth judicial district.

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

#### AFTERNOON SESSION.

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

Substitute for House bill No. 188, was taken up.

Senator Houston moved a call of the Senate.

Call sustained.

Roll called.

Absent—Senators Burton, Grace, Lane, Lair, Terrell.

Bill went to the table.

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," was taken up and laid over.

On motion of Senator Houston, the call was suspended, and the consideration of House bill No. 188, entitled "An act to protect the wool-growing interest of the State of Texas," was taken up and passed.

Substitute for House bill No. 23, entitled "An act to diminish the civil and criminal jurisdiction of the county courts of certain counties in this state, and conform the jurisdiction of the district courts of said counties to such change," was taken up and read second time.

Senator McCormick offered the following amendment:

Amend engrossed rider by striking out "Brazoria and Matagorda," and insert the word "and" between the words "Marion" and "Gregg."

Adopted.

Senator Motley offered the following:

Strike out "Shelby county."

Adopted.

Senator Tilson offered the following:

Strike out "Bowie county" from the bill.

Adopted.

Senator Duncan offered the following:

Strike out "Upshur, Gregg, Camp and Smith counties" wherever they occur in bill and engrossed rider.

Adopted.

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 No. 325, "An act prescribing the times of holding the district courts in the ninth judicial district," have considered the same, and I am instructed to report the same with accompanying amendments recommending its passage as amended.

SHANNON, *Chairman.*

The bill was taken up and read first time.

House bill No. 341, entitled "An act to prohibit the sale, giving away or otherwise disposing of intoxicating liquors or medicated bitters, or compounds producing intoxication, within five miles of the Southeast Texas Male and Female College, in Jasper county, and to provide a penalty for its violation," was taken up, read second time and passed to a third reading.

House bill No. 451, entitled "An act to amend 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas,' approved \_\_\_\_\_, 1879," was taken up, read second time and committee amendments adopted.

Senator Gooch offered the following:

Add to the list of exempted counties the following: "Cherokee."

Adopted.

Senator Houston offered the following:

Strike out "Tom Green."

Adopted.

Senator Tilson offered the following:

Insert "Bowie county" among list of exempt counties.

Adopted.

Senator Burton offered the following:

Add to the list of exempt counties "Fort Bend, Wharton and Waller."

Adopted.



Senator Shannon offered the following:

Add to the list of exempt counties the county of "Tarrant."

Adopted.

Senator Davenport offered the following:

Add to exempt counties, "Taylor, Callahan, Shackelford, Stephens, Eastland, Erath, Comanche and Palo Pinto."

Adopted.

Senator Duncan offered the following:

Add to list of exempt counties, "Smith, Gregg, Upshur and Camp."

Adopted.

Senator Martin offered the following:

Exempt "Limestone and Navarro."

Adopted, and bill passed to a third reading by the following vote:

YEAS.

Buchanan,  
Burnett,  
Davenport,  
Duncan,  
Gooch,  
Guy,

Hobby,  
Homan,  
Lair,  
Martin,  
McCormick,  
Motley,

Ripetoe,  
Stewart,  
Shannon,  
Storey,  
Swain,  
Tilson—18.

NAYS.

Brown,  
Houston,  
Lane,

Ledbetter,  
McCulloch,

Moore,  
Patton—7.

Not voting—Burton, Edwards, Terrell.

The consideration of Senate bill No. 23 was resumed.

Bill passed to a third reading.

Substitute for House bill No. 123, entitled "An act to amend sections 6 and 9 of 'an act to define a lawful fence and carry into effect sections 22 and 23, article 16 of the constitution of the State of Texas, authorizing the passage of stock and fence laws,' approved August 15, 1876," was taken up, read second time, committee amendments adopted and bill passed to a third reading.

The following House bills were taken up and read first time:

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."

House bill No. 207, entitled "An act to amend articles 2403, 2404 and 2405 of the Revised Statutes."

Substitute for House bill No. 33, entitled "An act to amend articles 4767 of the Revised Civil Statutes."

A message was received from his excellency the governor, which was taken up, read and referred to judiciary committee No. 1.

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

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

I most respectfully call your attention to the annexed communication of the commissioner of the general land office, and recommend that the provision referred to in the Civil Code passed at this session, requiring the school lands to be divided by surveys be repealed. The expense will be enormous, and the thing when done will be nearly useless generally. It is too important to be left to the contingency of another bill of general

character being passed at this session, which might supersede it. I therefore recommend a direct repeal of it by a separate bill having that object directly in view.

O. M. ROBERTS, *Governor.*

GENERAL LAND OFFICE,  
AUSTIN, Texas, March 20, 1879. }

*To his excellency O. M. Roberts, Governor of the State of Texas:*

SIR—Permit me to call your attention to chapter 3, sales of university public free school and asylum lands, page 594, Revised Civil Code, and to the practical working of the same as it now stands.

Articles Nos. 4038 and 4039 require that all sections of lands, heretofore or hereafter set aside for university free schools and asylums, in organized counties, shall be surveyed into quarter sections, and the lines and corners marked, and field notes returned to this office. For this service the surveyors shall be entitled to three dollars per mile for distance actually run. There are of school lands within organized counties fifteen thousand sections. To cut each of these into quarter sections, and run and mark the corners and lines, will require six miles of surveying. We have thus a draft on the school fund as follows:

Fifteen thousand sections at \$18 each, \$270,000. Many of these sections are worthless, and some would be dearly purchased at the cost of subdividing.

In view of these figures, the operation of the law upon this office is insignificant but it may be well to note briefly the duties it entails. Article 4039 would send in a short time sixty thousand descriptions of surveys and sixty thousand field notes to this office, which are to be recorded in a well bound book, etc. This would require 120 volumes of record books at a cost of \$20 per volume, say \$2400. It would necessitate the employment of at least ten additional recording clerks, at say \$10,000 per annum.

Article 4042 directs the commissioner of the general land office to compile special maps of these surveys and send copies of such maps to the county surveyors. This would necessitate the employment of at least twenty additional draftsmen, at say \$20,000 per annum.

This article also requires the commissioner to send copies of these 60,000 field notes and special maps to the respective counties, and article 4047 requires the same to be sent to the commissioners, who are to appraise the land.

Article 4060 directs that written application shall be made to surveyor for the purchase of each quarter section, which he must record and (4061) forward to this office, where it shall be again recorded "in a well bound book."

I cannot attempt to estimate just how much additional work this act will require in this department, but feel safe in saying that over and above the present regular business, an additional appropriation of probably \$40,000 per annum would be needed to enable me to discharge the extra duties therein required, and probably a year would expire before any considerable portion of the land would be ready for sale.

If not exceeding my province, I would respectfully suggest to your excellency that the act of April 24, 1874, for the sale of these lands, with a few amendments, which the experience of this department and the treasury have demonstrated to be necessary, offers the best mode of sell-

ing these lands that I have yet heard suggested. These amendments, in brief, would be:

1. Have the appraisement of all the lands in each county made at one time and by one job of work. This would reduce the expense from \$36 00 per section to probably \$2 50 or \$3 00.

2. Wipe out the several threats of forfeiture contained therein and make one forfeiture, and provide how that shall be made complete and final.

3. Permit sales in such bodies as the purchaser may desire, not less than one hundred and sixty acres.

4. Prohibit appraisers from purchasing such lands, say within twelve months from completion of their duties.

5. Leave out all conditions as to settlement, etc., on the lands.

6. Should the value of the lands in any county increase, permit the governor to order a new appraisement of unsold sections.

7. If such a thing is possible, either in this law or the Criminal Code, punish parties for cutting or destroying the timber.

I have the honor to be, very respectfully,

W. C. WALSH, *Commissioner.*

Senate bill No. 300, entitled "An act to establish a state normal school," was taken up.

Senator Moore offered the following:

Strike out all after the word "Texas," and insert "that the board of education shall invite the different localities of the state desiring the location of such institution to compete for the same by publication in at least six newspapers of the state, and the place holding out the greatest inducements shall be the place where said institution shall be located."

(Senator Stewart in the chair.)

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

YEAS.

Grace,  
Guy,  
Houston,  
Lane,  
Lair,

McCulloch,  
Moore,  
Patton,  
Shannon,

Storey,  
Swain,  
Terrell,  
Tilson--13.

NAYS.

Brown,  
Buchanan,  
Burnett,  
Burton,  
Duncan,

Edwards,  
Gooch,  
Hobby,  
Homan,  
Ledbetter,

Martin,  
McCormick,  
Motley,  
Ripetoe,  
Stewart--15.

Not voting—Davenport.

The bill was then engrossed by the following vote:

YEAS.

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

Hobby,  
Homan,  
Lane,  
Ledbetter,  
Martin,  
McCormick,

McCulloch,  
Moore,  
Motley,  
Ripetoe,  
Stewart--17.

NAYS.

Brown,  
Grace,  
Guy,  
Houston,

Lair,  
Patton,  
Storey,

Swain,  
Terrell,  
Tilson--10.

Not voting—Davenport, Shannon.

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

Carried by the following vote:

| YEAS.     |            |            |
|-----------|------------|------------|
| Buchanan, | Hobby,     | Moore.     |
| Burnett,  | Homan,     | Motley,    |
| Burton,   | Houston,   | Ripetoe,   |
| Duncan,   | Lane,      | Stewart,   |
| Edwards,  | Ledbetter, | Swain,     |
| Gooch,    | Martin,    | Terrell,   |
| Grace,    | McCormick, | Tilson—23. |
| Guy,      | McCulloch, |            |
| NAYS.     |            |            |
| Brown,    | Patton,    | Storey—4.  |
| Lair,     |            |            |

Not voting—Davenport, Shannon.

Bill read third time and passed by the following vote:

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

Not voting—Davenport, Shannon.

Senator Storey called up Senate bill No. 68, entitled "An act to amend article 794 of the Code of Criminal Procedure of this state," which was taken up and read second time.

Senator Storey offered the following:

"Whereas, the present law entails a large and unnecessary expense on the counties, an imperative public necessity and emergency exists for the immediate passage of this act, it shall therefore take effect and be in force from and after its passage."

Adopted.

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

Senator Duncan offered the following amendment to the pending bill:

"Change the title and section amended to article 794, chapter 3 of the Code of Criminal Procedure passed at this session of the Legislature."

Adopted.

Senator Storey offered the following:

A bill to be entitled "An act to amend article 794 of the Code of Criminal Procedure adopted at the present session of the Legislature."

Adopted and bill ordered engrossed.

(President in the chair.)

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

YEAS.

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

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

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

NAYS—none.

Not voting—Burton, Davenport, Stewart.

Bill read third time and passed by the following vote:

YEAS.

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

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

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

NAYS—none.

Not voting—Burton, Davenport.

Senator Lair, under the rules, called up House bill No. 375, entitled "An act to amend 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas,' approved February 1879," was taken up and read first time.

Senator Stewart (by leave) introduced a bill entitled "An act to amend article 436 of section 2 of 'an act to adopt and establish a Penal Code and Code of Criminal Procedure,'" passed at this session of the Legislature.

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

Senator Terrell (by leave) introduced a bill entitled "An act to amend 'an act fixing the time of holding the courts in the seventeenth judicial district,' approved \_\_\_\_\_, so as to make no change in the time of holding courts in said district, except in the county of Williamson."

Read by caption and referred to committee on judicial districts.

The president, after reading its caption, signed Senate bill No. 125, entitled "An act to ratify and declare valid a compromise by the commissioners' court of Brazoria county, and the issuance of county bonds and levy of tax therefor in settlement of bonds of said county issued under an act of the Legislature passed September 1, 1856, entitled 'an act to permit the county of Brazoria to levy a special tax for purposes of internal improvements,'" and the judgments in the federal court recovered thereon.

Senator Grace, under the rules, called up Senate bill No. 228, entitled "An act to amend an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,'" passed February 21, 1879, was taken up and read a second time.

Senator Edwards offered the following:

"Section 2. That the late hour of the session creates an imperative public necessity that requires the suspension of the rules requiring this bill to be read on three several days, and it is so ordered."

Adopted and bill ordered engrossed.

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

## YEAS.

Brown,  
Buchanan,  
Burnett,  
Davenport,  
Duncan,  
Edwards,  
Gooch,  
Guy,  
Hobby,

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

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

## NAYS—NONE.

Not voting—Burton, Grace, Terrell.

Bill read third time and passed.

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 and compared with the originals the engrossed copies of the following bills, viz:

Senate bill No. 107, entitled "An act to regulate the respective duties of district and county attorneys;" substitute for Senate bill No. 163, entitled "An act to establish a state board of health, to prescribe its powers and duties, to provide for the appointment of a superintendent of vital statistics, and to assign certain duties to local boards of health," and report them correctly engrossed.

BROWN, *Chairman.*

On motion of Senator Stewart, Senate bill No. 121, entitled "An act supplemental to and amendatory of an act to enable part owners of land to obtain partition thereof, and for other purposes, passed March 5, 1840," was taken up and House amendments concurred in.

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

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

Your committee on enrolled bills have carefully examined and find correctly enrolled and properly signed Senate bill No. 125, "An act to ratify and declare valid a compromise by the commissioners' court of Brazoria county, and the issuance of county bonds and levy of tax therefor in settlement of bonds of said county, issued under an act of the Legislature, passed September 1, 1856, entitled 'an act to permit the county of Brazoria to levy a special tax for purposes of internal improvements,' and the judgments in the federal court recovered thereon," and at 5:30 o'clock P. M. presented the same to the governor for his signature.

GRACE, *Chairman.*

House bill No. 337, entitled "An act to authorize counties, cities and towns to scale and fund their indebtedness and for raising means to pay the same," was taken up, read second time and passed to a third reading.

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

Carried by the following vote:

## YEAS.

Brown,  
Buchanan,  
Burnett,

Davenport,  
Duncan,  
Edwards,

Gooch,  
Grace,  
Guy,

Hobby,  
Homan,  
Houston,  
Lair,  
Ledbetter,

Martin,  
McCormick,  
McCulloch,  
Moore,  
Motley,

Ripetoe,  
Stewart,  
Shannon,  
Storey,  
Tilson—24.

NAYS—none.

Not voting— Lane, Patton, Swain, Terrell.

Bill read third time and passed by the following vote:

YEAS.

Brown,  
Burnett,  
Davenport,  
Duncan,  
Edwards,  
Gooch,  
Grace,  
Guy,  
Hobby.

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

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

NAYS—none.

Not voting—Buchanan, Swain.

Senator Brown, chairman of committee on engrossed bills, asked leave to employ an additional clerk in the engrossing department.

Leave granted.

Senator Martin entered a motion to reconsider the vote passing Senate bill No. 300 (the state normal school).

Senator Terrell (by leave) introduced a bill entitled "An act to repeal so much of 'an act to adopt and establish the Revised Civil Statutes.'" "Read by caption and referred to judiciary committee No. 1.

Senator Martin called up Senate bill No. 325, entitled "An act prescribing the times of holding the district courts of the nineteenth judicial district."

Rules suspended and bill placed on its second reading by the following vote:

YEAS.

Brown,  
Buchanan,  
Burnett,  
Davenport,  
Duncan,  
Gooch,  
Grace,  
Guy,  
Hobby.

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

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

NAYS—none.

Bill read second time.

The amendments of the committee, which was as follows, were adopted:

Amend by inserting the following section to be No. 2, and section 2 to be No. 3:

"Section 2. All writs and process heretofore issued out of the district courts of said counties and made returnable to the terms of said courts as heretofore prescribed, shall be returnable to the terms of said courts as herein prescribed, and all such writs and process are hereby declared to be as valid as if the same had originally been made returnable at the terms herein specified."

Also add the following as section 4:

"Section 4. All laws and parts of laws in conflict with this act are,

hereby repealed, and the fact that under existing law the district court in Milam county will convene on the 31st day of March, 1879, and that an act has already passed the Legislature taking Burleson county from said ninth district, creates an emergency that this act take effect and be in force from and after its passage, and it is so enacted."

The bill was then ordered engrossed.

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

|            |            |            |
|------------|------------|------------|
|            | YEAS.      |            |
| Brown,     | Homan,     | Motley,    |
| Buchanan,  | Houston,   | Patton,    |
| Burnett,   | Lane,      | Ripetoe,   |
| Davenport, | Lair,      | Stewart,   |
| Duncan,    | Ledbetter, | Shannon,   |
| Gooch,     | Martin,    | Storey,    |
| Grace,     | McCormick, | Swain,     |
| Guy,       | McCulloch, | Terrell,   |
| Hobby,     | Moore,     | Tilson—27. |
|            | NAYS—none. |            |

Not voting—Edwards.

Bill read third time and passed by the following vote:

|            |            |            |
|------------|------------|------------|
|            | YEAS.      |            |
| Brown,     | Houston,   | Motley,    |
| Burnett,   | Lane,      | Patton,    |
| Davenport, | Lair,      | Ripetoe,   |
| Duncan,    | Ledbetter, | Stewart,   |
| Gooch,     | Martin,    | Shannon,   |
| Guy,       | McCormick, | Storey,    |
| Hobby,     | McCulloch, | Terrell,   |
| Homan,     | Moore,     | Tilson—24. |
|            | NAYS—none. |            |

Not voting—Buchanan, Edwards, Swain.

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

FIFTY-NINTH DAY.

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

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

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

On motion of Senator Motley, W. N. Ramey, journal secretary, was excused until evening owing to sickness in his family.

The president, after reading its caption, signed Senate bill No. 121, entitled "An act supplemental to and amendatory of an act entitled 'an act to enable part owners of land to obtain partition thereof and for other purposes.'"

Senator Burnett presented a petition from many citizens of Madison county, "asking amendments to the local option law."

Referred to committee on state affairs.

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. 326, entitled "An act to amend 'an act fixing the time of holding the courts in the seventeenth judicial district, approved February 28, 1879, so as to make no change in the time of holding the courts in said district, except in the county of Williamson,'" have considered the same, and I am instructed to report the bill back to the Senate and recommend its passage.

SHANNON, *Chairman.*

Senator Shannon, from 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. 322, entitled "An act to provide for the appointment of notaries public, cattle and hide inspectors, justices of the peace and constables in the unorganized counties of the State of Texas," have considered the same, and I am instructed to report it back to the Senate and recommend its passage.

SHANNON, *one of the Committee.*

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

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

Your judiciary committee No. 1, to whom was referred Senate bill No. 324, entitled "An act to repeal article 2971 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,'" passed February, 1879, have carefully considered the same, and I am instructed by the committee to report the bill back to the Senate with the accompanying amendment, and, as amended, to recommend its passage.

TERRELL, *Chairman.*

Amend by adding the following section:

"Section 2. The importance of the change affected by this law in affording proper protection to insurance companies, and the near approach of the close of the session creates a public necessity for the immediate passage of this law, and the constitutional rule requiring this act to be read on three several days, be and the same is hereby suspended."

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

Your judiciary committee No. 1, to whom was referred Senate bill, to be entitled "An act to repeal so much of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed during the present session of the Legislature, as relates to sales of university, public free school and asylum lands as is contained between articles 4038 and 4080 inclusive of said act," have considered the same.

Said articles require, before sale of said lands, that the sections shall be subdivided by actual survey into quarter sections. They amount to fifteen thousand sections, and the existing law would require to effect the subdivision into surveys an expenditure of \$270,000. Many of the sections would not be worth the cost of subdividing them. To carry the law as it stands into effect would require at least ten additional clerks in the land office, at a cost of ten thousand dollars a year, and would devolve on the commissioner of the land office the duty of making out and transmitting sixty thousand field notes and special maps to the several counties of the state. Your committee believe that no benefit corresponding with this outlay of money, in our present financial condition, will result

from the enforcement of the law as it is contained in the code. They therefore instruct me to report the accompanying bill back and to recommend its passage.

TERRELL, *Chairman.*

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

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

Your finance committee, to whom was re-referred substitute House bill No. 119, entitled "An act to amend sections 9 and 26 of an act to define the duties and powers, qualifications and liabilities of assessors of taxes, and to regulate their compensation," have again considered said substitute, and being still of the opinion that the ends sought to be attained by the passage thereof are secured by articles 4705 and 4724 of the Revised Civil Statutes, they adhere to their former report and instruct me to report the bill back and again recommend that the same do not pass.

STOREY, *Chairman.*

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

Your finance committee have considered substitute House bills Nos. 305 and 335, entitled "An act to provide for the sale of all real estate bid off to the state by collectors of taxes at tax sales, the owners of which have not redeemed the same," and instruct me to report it back with the accompanying amendments, and recommend that as amended it do pass.

STOREY, *Chairman.*

Committee amendments: After the word "state," in line five, section 1, insert the following: "for taxes assessed in the county where the land is situated, since the thirty-first day of December, 1876."

Add to end of section 6 the following: "Provided, that the former owner shall have two years from the date of said deed to redeem the same by paying to the purchaser double the amount paid for said land by the purchaser at such sale, together with all subsequent taxes paid by the purchaser with eight per centum interest on the amount of such subsequent taxes."

After the word "list," in line two, section 2, insert the following: "to call to his aid the county surveyor of his county, and, as near as may be, ascertain if any lands contained in said list do not, in fact, exist in said county, or are embraced in other surveys conflicting therewith, and upon which the taxes have been paid, and after deducting the same from said list he shall proceed."

At end of section 3 add: "Not to exceed one dollar for each survey, to be paid for only out of the proceeds of the sale of such survey."

Add to section 9: "And the name of the party to whom each tract or parcel was sold."

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 find correctly enrolled and properly signed, Senate bill No. 121, "An act supplemental to and amendatory of 'an act to enable part owners of land to obtain partition thereof, and for other purposes,' passed March 5, 1840," and at 9:55 o'clock A. M. presented the same to the governor for his signature.

GRACE, *Chairman.*

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

Your committee on enrolled bills, have carefully examined and compared and find correctly enrolled and properly signed the following Senate bills, viz: Senate bill No. 158, "An act to make appropriation for the support of the Lunatic Asylum for the period beginning January 1, 1879, and ending February 28, 1879;" Senate bill No. 135, "An act for the relief of the Aransas road company;" Senate joint resolution No. 35, "Joint resolution granting leave of absence to Walter Acker," and have presented the same to the governor for his approval this day at 12:10 o'clock P. M.

GRACE, *Chairman.*

Senator Davenport introduced a bill entitled "An act to attach the county of Jones to the county of Taylor for judicial purposes."

Read by caption and referred to committee on judicial districts.

Senator Stewart introduced a bill entitled "An act to protect lands lying on or near county boundaries from double assessments."

Read by caption and referred to committee on finance.

A message was received from the House announcing the passage by that body of House bill No. 482, entitled "An act to amend article 436 of section 2 of 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas,' passed at the present session of the Legislature.

House bill No. 414, entitled "An act amending and supplementing articles 4662, 4663, 4664, 4665, 4666, 4667 and 4668 inclusive of chapter 1, title 94 of the Revised Civil Statutes, adopted February 21, 1879," and that the House concurs in Senate amendments to House bill No. 188, entitled "An act to protect the wool-growing interests of the state."

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

House bill No. 482 was referred to judiciary committee No. 2; House bill No. 414 was referred to committee on finance and 50 copies of the bill ordered printed.

(Senator Shannon in the chair.)

Senator Ledbetter called up Senate bill No. 14, entitled "An act to provide the times and places of holding the court of appeals."

(President in the chair.)

The motion to reconsider the engrossment of this bill, entered on yesterday, was adopted.

Senator Duncan moved a call of the Senate.

Call sustained.

Roll called.

Absent—Ford.

On motion of Senator Ledbetter, Senator Ford was excused, and Senate declared full.

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

YEAS.

Buchanan,  
Burton,  
Davenport,  
Duncan,

Edwards,  
Hobby,  
Lane,  
McCormick,

Motley,  
Ripetoe,  
Tilson—11.

NAYS.

Brown,  
Burnett,  
Gooch,

Grace,  
Guy,  
Homan,

Houston,  
Lair,  
Ledbetter,

Martin,  
McCulloch,  
Moore,

Patton,  
Stewart,  
Shannon,

Storey,  
Swain,  
Terrell—18.

Senator Ledbetter moved the previous question on the passage of the bill.

Motion seconded and main question ordered.

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

YEAS.

Burnett,  
Gooch,  
Grace,  
Guy,  
Homan,  
Houston,

Lair,  
Ledbetter,  
Martin,  
McCulloch,  
Moore,

Patton,  
Stewart,  
Shannon,  
Storey,  
Swain—16.

NAYS.

Buchanan,  
Burton,  
Davenport,  
Duncan,

Edwards,  
Hobby,  
Lane,  
McCormick,

Motley,  
Ripetoe,  
Tilson—11.

Not voting—Brown, Terrell.

The president after reading their captions, signed the following bills: Senate bill No. 135, entitled "An act for the relief of the Aransas road company;" Senate bill No. 158, entitled "An act to make an appropriation for the support of the Lunatic Asylum, beginning January 1, 1879, and ending February 28, 1879;" Senate joint resolution No. 35, "Granting leave of absence from the state to Walter Acker."

Senator Tilson was excused for six days.

Senator Burton was indefinitely excused.

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

### AFTERNOON SESSION.

President in the chair. Roll called; not a quorum present.

A quorum soon appeared, and the Senate proceeded to business.

House bill No. 341, entitled "An act to prohibit the sale, giving way, or otherwise disposing of intoxicating liquors or medicated bitters, or compounds producing intoxication, within five miles of the Southeast Texas Male and Female College, of Jasper county, and to provide a penalty for its violation," was taken up, read third time and passed.

Substitute for Senate bill No. 23, entitled "An act to change the civil and criminal jurisdiction of the county courts, etc.," was taken up.

Senator Duncan offered the following amendment:

Strike out "Upshur" and "Gregg" counties wherever they occur in the bill and engrossed rider.

Adopted.

Senator Motley offered the following as an amendment to his amendment of yesterday:

"Amend by striking out the amendment of yesterday exempting Shelby county from the provisions of the bill."

Adopted.

Senator Tilson offered the following:

Strike out "Cass" wherever it occurs in the bill.

Adopted.

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

YEAS.

Buchanan,  
Burnett,  
Hobby,  
Homan,  
Houston,  
Lane,

Lair,  
Ledbetter,  
Martin,  
McCormick,  
Moore,  
Ripetoe,

Stewart,  
Shannon,  
Storey,  
Swain,  
Tilson—17.

NAYS.

Davenport,  
Gooch,

Motley,

Patton—4.

Not voting—Brown, Burton, Duncan, Edwards, Grace, Guy, McCulloch, Terrell.

Senator Martin withdrew his motion to reconsider the vote passing Senate bill No. 300, entitled "An act to establish a state normal school."

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, article 16 of the constitution of the State of Texas, authorizing the passage of stock and fence laws,'" was taken up, read third time and passed.

House bill No. 451, entitled "An act to amend 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas, approved ....., 1879.'"

Senator Motley offered the following:

Place "Rusk, Panola and Shelby" among the exempted counties.

Adopted.

Bill read third time and passed.

Senator Storey entered a motion to reconsider the vote by which House bill No. 338, "An act regulating the duties of tax collectors in reference to the seizure and sale of property of delinquent taxpayers, and define the further duties, powers, qualifications and liabilities of collectors of taxes, and to regulate their compensation," was lost.

On motion of Senator Terrell, the rules were suspended, and Senate bill No. 328, entitled "An act to repeal so much of 'an act to adopt and establish the Revised Civil Statutes,'" was taken up and read first time.

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

YEAS.

Buchanan,  
Burnett,  
Davenport,  
Edwards,  
Gooch,  
Hobby,  
Homan,  
Houston,

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

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

NAYS—none.

Not voting—Brown, Burton, Duncan, Grace, Guy.

Bill read second time and ordered engrossed.

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

YEAS.

Brown,  
Buchanan,

Burnett,  
Davenport,

Edwards,  
Gooch,

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

McCormick,  
McCulloch,  
Moore,  
Motley,  
Patton,  
Ripetoe.

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

## NAYS—none.

Not voting—Burton, Duncan, Grace, Guy.

Bill read third time and passed.

On motion of Senator Terrell, the rules were suspended and Senate bill No. 324, entitled "An act to repeal article 297 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed February ....., 1879," was taken up, read second time and bill postponed to Monday the twenty-fourth instant.

(President *pro tempore* in the chair.)

Senator Shannon entered a motion to reconsider the vote by which Senate bill No. 328 was passed.

House bill No. 375, entitled "An act to amend 'an act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas,' approved February ....., 1879," was taken up and read second time.

Senator Houston offered the following amendment:

Amend by striking out all after the word "examiners" in seventh line, and before the word "he" in ninth line.

(President in the chair.)

Senator Brown offered the following amendment:

Amend by adding at the end of article 398 the following:

"*Provided*, That nothing in this act shall be construed to forbid practitioners of the Thompsonian School of Medical Practice (commonly known as steam doctors or faith doctors) in good repute, from exercising their skill upon all citizens who freely prefer them to any physicians of the ordinary school."

Senator Motley moved to lay the pending amendment on the table, which was carried by the following vote:

## YEAS.

Buchanan,  
Davenport,  
Duncan,  
Gooch,  
Grace,  
Guy,  
Homan,

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

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

## NAYS.

Brown,  
Burnett,  
Edwards,

Hobby,  
Lane,

Martin,  
Shannon--7.

Not voting—Burton, Ripetoe.

Senator Ripetoe was excused from voting.

Senator Motley moved to adjourn until 9:30 A. M. Monday.

Lost by the following vote:

## YEAS.

Buchanan,  
Burton,  
Davenport,  
Grace,

Houston,  
Moore,  
Motley,  
Patton,

Ripetoe,  
Storey,  
Swain--11.

NAYS.

Brown,  
Burnett,  
Duncan,  
Edwards,  
Gooch,  
Hobby,

Homan,  
Lane,  
Lair,  
Ledbetter,  
Martin,  
McCormick,

McCulloch,  
Stewart,  
Shannon,  
Terrell,  
Tilson---17.

Not voting—Guy.

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 carefully compared with the originals the following engrossed bills, viz :

Senate bill No. 123, entitled "An act to amend article 4759 of the Revised Civil Statutes of the State of Texas;" Senate bill No. 198, entitled "An act for the relief of the heirs of Lieutenant Samuel Wilson, deceased, who fell at Fannin's massacre, in the year 1836;" Senate bill No. 201, entitled "An act to provide for the taking and preservation of the testimony in capital cases, and the use of the testimony so taken in cases of appeal;" Senate bill No. 301, entitled "An act to provide for the organization and support of a normal school at Alta Vista College, in Waller county, for the preparation and training of colored teachers, and report all of them correctly engrossed."

BROWN, *Chairman.*

Senator Ripetoe moved to adjourn until 9:30 Monday morning.

Lost by the following vote:

YEAS.

Buchanan,  
Grace,  
Houston,  
Moore,

Motley,  
Patton,  
Ripetoe.

Storey,  
Swain,  
Terrell---10.

NAYS.

Brown,  
Burnett,  
Davenport,  
Duncan,  
Edwards,  
Gooch,

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

Martin,  
McCormick,  
McCulloch,  
Stewart,  
Shannon---17.

Not voting—Burton.

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

YEAS.

Brown,  
Edwards,  
Gooch,  
Grace,

Guy,  
Homan,  
Houston,  
Lane,

Martin,  
Motley,  
Shannon,  
Tilson---12.

NAYS

Buchanan,  
Burnett,  
Davenport,  
Duncan,  
Hobby,  
Lair,

Ledbetter,  
McCormick,  
McCulloch,  
Moore,  
Patton,

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

Not voting—Burton.

Senator Storey offered the following:

Section 1, line five, after the word "practice," insert the words "for pay, or as a regular practitioner."

Adopted.

Also, the following:

Article 398, line two, after the word "departments," insert "for pay, or as a regular practitioner."

Adopted and bill passed to a third reading by the following vote:

| YEAS.      |            |              |
|------------|------------|--------------|
| Buchanan,  | Ledbetter, | Stewart,     |
| Burnett,   | McCormick, | Storey,      |
| Duncan,    | McCulloch, | Swain,       |
| Hobby,     | Moore,     | Terrell,     |
| Lair,      | Patton,    | Tilson--15.  |
| NAYS.      |            |              |
| Brown,     | Grace,     | Martin,      |
| Burton,    | Guy,       | Motley,      |
| Davenport, | Homan,     | Ripetoe,     |
| Edwards,   | Houston,   | Shannon--14. |
| Gocch,     | Lane,      |              |

Senator Gooch introduced a bill entitled "An act to amend chapter 4 title 38 of the Revised Civil Statutes of the State of Texas," passed February 21, 1879, by creating articles 2266a and 2266b.

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

On motion of Senator Burton, the Senate adjourned until 9:30 Monday morning.

## SIXTIETH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, March 24, 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 Saturday was dispensed with and the same adopted.

(Senator Grace in the chair.)

On motion of Senator Hobby, Senator Stewart was excused for the morning.

Senator Terrell presented a memorial from many citizens of Chappell Hill, Washington county, Texas, "asking the location of the state normal school at that place, and indorsing the action of the Legislature in creating such a school."

Read and referred to the committee on educational affairs.

Senator Guy, chairman of 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. 311, entitled "A bill to be entitled 'an act for the relief of Wm. Judge,'" have considered the same, and I am instructed by a majority of of said committee 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 Senate bill No. 310, entitled "A bill to be entitled 'an act for the relief of J. S. Daugherty,'" have had the same under consideration, and find that said bill seeks relief for money alleged to have been illegally paid to the state



by said Daugherty, and asks that the comptroller be required to draw his warrant on the treasurer for the same in favor of said Daugherty, and your committee, believing they have no authority to act in the premises, instruct me to report said bill back and to ask that the same be referred to your committee on public claims and accounts. GUY, *Chairman*.

The report of the committee was adopted and the bill referred to committee on public claims and accounts.

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

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

Your committee on judicial districts, to whom was referred Senate bill No. 329, entitled "An act to attach the county of Jones to the county of Taylor for judicial purposes," have considered the same, and instruct me to report it back to the Senate and recommend its passage.

SHANNON, *Chairman*.

Senator Storey, from the conference committee on House bill No. 187 (the bell-punch bill), submitted the following report:

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

Your committee of conference to whom the disagreement of the Senate and House on Senate amendments to House bill No. 187 was referred, have had the same under consideration, and have agreed as follows:

1. That section 1 shall be amended by striking out the words "one hundred," in line four, and inserting "two hundred and fifty."

2. Amend by adding to the end of section 1 as follows: "And the tax collector shall enter on his books, when paid, such specific occupation tax to the credit of the dealer, and such dealer shall not be compelled to pay any tax that shall be due as indicated by the register until said credit is exhausted; *provided*, that no dealer whose register tax shall be less than his specific tax when his license expires, shall be entitled to any further credit, rebate or refunding of said specific occupation tax."

The adoption of which your committee recommend.

L. J. STOREY,  
W. R. SHANNON,  
MARION MARTIN,  
*Senate Committee.*

GEO. P. FINLAY,  
J. B. HENDERSON,  
*House Committee.*

On motion of Senator Duncan, the report of the committee was adopted.

Senator McCormick introduced a bill entitled "An act for the better protection of the harbors and ports of the State of Texas."

Read by caption and referred to committee on commerce and manufactures.

Senator Lair offered the following resolution:

*Resolved*, That the committee on military affairs be requested to make a report on House bill No. 394, entitled "An act concerning the organization of the state militia."

On motion of Senator Shannon, the resolution was adopted.

Senator Burnett offered the following resolution:

*Resolved*, That the Senate hold night sessions, beginning at 7:30 o'clock. Lies over under the rules.

Senator Terrell offered the following resolution:

*Resolved*, That this Legislature should not adjourn until the laws regulating the assessment and collection of taxes on many millions of acres of land situated in the unorganized counties, have been so changed as to secure the collection of several hundred thousand dollars now due the state, and that under the constitution the Senate is powerless to originate the necessary legislation; as all tax bills originate in the House.

Read and referred to the committee on finance.

Senator McCormick called up Senate bill No. 312 entitled "An act to amend and supplement the existing quarantine law of the state," which was taken up, read second time and ordered engrossed and 50 copies ordered printed.

(President in the chair.)

Senator Terrell called up Senate bill No. 326, entitled "An act to amend an act fixing the time of holding the courts in the seventeenth judicial district," approved....., so as to make no change in the time of holding courts in said district except in the county of Williamson," which was taken up and read first time.

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

YEAS.

Brown,  
Buchanan,  
Burnett,  
Burton,  
Davenport,  
Ford,  
Gooch,  
Grace.

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

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

NAYS--none.

Not voting—Duncan, Edwards, Homan, Patton.

Bill read second time and ordered engrossed.

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

YEAS.

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

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

Moore,  
Motley,  
Patton,  
Ripetoe,  
Shannon,  
Storey,  
Swain,  
Terrell--25.

NAYS--none.

Not voting—Buchanan, Edwards, Gooch.

Bill read third time and passed by the following vote:

YEAS.

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

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

McCulloch,  
Moore,  
Motley,  
Patton,  
Ripetoe,  
Shannon,  
Swain,  
Terrell--26.

NAYS—none.

Not voting—Edwards, Storey.

Senator Shannon withdrew his motion to reconsider the vote passing Senate bill No. 328, entitled "An act to repeal so much of an act to adopt and establish the Revised Civil Statutes," made on Saturday.

Senator McCulloch, under the rules, called up substitute for Senate bill No. 163, entitled "An act to create the state board of health and to define their powers and duties," which was taken up, read third time and passed.

Senator Moore called up Senate bill No. 198, entitled "An act for the relief of the heirs of Lieutenant Samuel Wilson, deceased, who fell at Fannin's massacre in 1836," was taken up, read third time and passed.

Senator Motley called up Senate bill No. 238, entitled "An act to prevent attorneys who may have represented the state in any proceeding from afterwards appearing as counsel adversely to the state in the same, or in any other proceeding involving the same subject matter, which was taken up, read second time and ordered engrossed.

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

| YEAS.      |            |            |
|------------|------------|------------|
| Brown,     | Guy,       | McCormick, |
| Burnett,   | Hobby,     | McCulloch, |
| Burton;    | Homan,     | Motley,    |
| Davenport, | Houston,   | Patton,    |
| Duncan,    | Lane,      | Ripetoe,   |
| Ford.      | Lair,      | Shannon,   |
| Gooch,     | Ledbetter, | Swain—23.  |
| Grace,     | Martin,    |            |

NAYS—none.

Not voting—Buchanan, Edwards, Moore, Storey, Terrell.

Senator Storey moved to reconsider the vote passing the pending bill to its engrossment.

Senator Homan moved to postpone the further consideration of the bill until to-morrow morning.

Carried.

The following message was received from the House:

That the House has adopted the report of the conference committee on House Bill No. 187, "An act to provide for the levy and collection of an occupation tax on the sale of spirituous, vinous and malt liquors, in quantities less than a quart, and to make an appropriation to carry the same into effect."

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 carefully examined and compared with the originals the engrossed copies of the following bills, viz:

Senate bill No. 53, entitled "An act for the relief of the heirs of Silas Dinsmore, deceased."

Senate bill No. 68, entitled "An act to amend article 794 of the Code of Criminal Procedure of this state."

Senate bill No. 128, entitled "An act to prevent the taking up and using of any horse, mare, gelding, mule, ox, cow or any other dumb animal, the property of another without his consent."

Senate bill No. 207, entitled "An act supplementary to, and amenda-

tory of, an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas.'"

Senate bill No. 228, entitled "An act to amend an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas, passed February 21, 1879.'"

Senate bill No. 236, entitled "An act to amend title 42, chapter 4 of an act entitled 'an act to adopt and establish the Revised Statutes of the State of Texas.'"

Senate bill No. 241, entitled "An act to amend articles 684 and 669 of the Penal Code, passed February 21, 1879."

Senate joint resolution No. 257, "Granting leave of absence to Hon. B. T. Estes, judge of the fifth judicial district of Texas."

Senate bill No. 272, entitled "An act further to provide for perpetuating testimony."

Senate bill No. 325, entitled "An act prescribing the times of holding the district courts of the ninth judicial district."

Senate bill No. 300, entitled "An act to establish a state normal school," and find said bills correctly engrossed. BROWN, *Chairman*.

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

House bill No. 132, entitled "An act to require persons and corporations to whom patents for land have been granted to pay the fees thereon within sixty days from the passage of this act, and to prescribe a penalty for failure to so pay said fees, and to provide the manner and means of enforcing the provisions hereof;" and House bill No. 337, entitled "An act to authorize counties, cities and towns to scale and fund their indebtedness, and for raising means to pay the same."

Senator Patton called up Senate bill No. 128, entitled "An act to prevent the taking up and using of any horse, mare, gelding, mule, ox, cow or any other dumb animal, the property of another, without his consent," which was taken up and read third time.

Senator Patton offered the following amendment:

Strike out the caption and insert therefor: "An act to amend chapter 3 of 'an act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas,' by adding another article to be called article 680a, prohibiting the use of any dumb animal, the property of another, without the consent of the owner, and prescribing a penalty therefor."

Also, strike out the word and figure "Section 1," and insert therefor "Article 680a."

Adopted and bill passed.

A message was received from the House announcing the passage by that body of House bill No. 37, entitled "An act to define official misconduct in officers of the state, county and corporations, and prescribing punishments therefor."

Substitute for House bill No. 48, entitled "An act declaring the inclosing or keeping inclosed of any public domain a misdemeanor, and prescribing a punishment therefor."

House bill No. 71, entitled "An act to further regulate and render more efficient the maintenance and management of the public free schools and institutions of learning in cities or towns in this state."

House concurs in Senate amendments to House bill No. 123, "An act to amend sections 6 and 9 of an act to define a lawful fence, and to