

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.

That the House refuses to concur in Senate amendments to House bill No. 451, "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 ..... 1879.

House does concur in Senate amendments to 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.

Senator Ripetoe called up Senate bill No. 283, entitled "An act amendatory of and supplemental to chapter 3, title 78 of the Revised Civil Statutes of the State of Texas, adopted at the present session of the Sixteenth Legislature," which was taken up and read second time.

Senator Storey offered the following amendment:

Line eleven, article 3714, fill the blank with "\$1800."

Adopted.

Senator Terrell offered the following:

Add to line eighteen, page 2, the words "and keep a complete index of the reports."

Adopted.

(President *pro tempore* in the chair.)

Senator Storey offered the following:

Line three, page 3, strike out after the word "shall" at the end of line five and insert "be empowered to issue instructions and regulations binding for observance on all officers and teachers, in all classes where the provisions of the school law may require interpretation, in order to carry out the designs expressed therein; also in cases that may arise in which the law has made no provision, and also, where necessity requires some rule in order that there may be no hardships to individuals, and no delay or inconvenience in the management of school affairs."

Adopted.

Senator Ledbetter offered the following:

In line twenty-seven insert "if" after the word "control" in section 3933.

Adopted.

Senator Storey offered the following substitute for division 6, article 3744:

At the end of line 30 insert "distribute the available school fund among the several organized school communities of his county as hereinafter provided."

Adopted.

Senator Patton offered the following:

In line sixteen, article 3745, for "fifty" insert "twenty-five," and in line seventeen, for "seventy-five" insert "fifty."

Adopted.

Senator Storey moved to reconsider the vote just taken.

Lost.

Senator Storey offered the following:

After the word "state," in line twenty-six, insert the words "having control of children."

Adopted.

Senator Terrell offered the following:

“Strike out article 3746.”

Adopted by the following vote:

Brown,  
Burnett,  
Burton,  
Davenport,  
Gooch,

YEAS.  
Guy,  
Hobby,  
Houston,  
Lane,  
McCormick,

Ripetoe,  
Shannon,  
Swain,  
Terrell--14.

Buchanan,  
Duncan,  
Edwards,

NAYS.  
Homan,  
Lair,

Ledbetter,  
Storey--7.

Not voting—Ford, Grace, Martin, McCulloch, Moore, Motley, Patton.

Senator Terrell offered the following:

Article 3747—“The *bona fide* residents of this state” instead of “any citizen,” in line twenty-nine, page 6.

Adopted.

Senator Buchanan offered the following:

Amend by adding the following to article 3748: “7. That no similar petition has been signed by the petitioner for any other community for the scholastic year for which said community is then being organized. And should the seventh statement prove untrue as to any of the signers of said petition, the children under the control of such signer shall forfeit their interest in the school fund for the scholastic year for which such community is being formed.”

Adopted.

Senator Patton offered the following amendment:

Add to article 3749: “*Provided*, That no school shall be established within two and a half miles of any other public school, unless in a town or city, unless one be white and the other colored, and that no school shall have the benefit of the available school fund unless it has a daily attendance of at least fifteen scholars during the time said public school is taught.”

Senator Storey offered the following amendment to the amendment:

Strike out of Senator Patton’s amendment, the words “and that no school shall have the benefit of the available school fund unless it has a daily attendance of at least fifteen scholars during the time said public school is taught.”

Adopted.

Senator Homan moved to reconsider the vote just taken.

Lost.

The amendment of Senator Patton, as amended was then lost.

Senator Grace offered the following:

Article 3759. Strike out all of after the word “age” in line twenty-four, and insert “and it shall not be lawful for trustees or teachers to demand as a condition of admittance into school the payment of extra tuition for pupils of scholastic age.”

Adopted.

Senator Swain offered the following:

Article 3750, line twenty-six, after the word “require,” strike out all down to line thirty.

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

Section 3750, in line twenty-seven, strike out all after the word "than" and insert "two school communities for white children and two communities for colored children shall be organized."

Adopted by the following vote:

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

The amendment of Senator Ledbetter, just adopted as a substitute for the amendment of Senator Swain, was then adopted as an amendment to the bill by the following vote:

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

Senator Grace offered the following:

Amend article 3759, page 9: add after the word "age," line twenty-five, "Provided, that in no event shall the teacher holding first-class certificates receive from the public free school fund more than \$60 per month, and those holding second-class certificates, \$40 per month, and those holding third-class certificates, more than \$25 per month."

Adopted by the following vote:

YEAS.		
Burton,	Lane,	Moore,
Davenport,	Lair,	Patton,
Edwards,	Martin,	Shannon,
Gooch,	McCormick,	Swain,
Grace,	McCulloch,	Terrell-16.
Houston,		
NAYS.		
Brown,	Guy,	Motley,
Burnett,	Hobby,	Ripetoe,
Ford,	Ledbetter,	Storey-9.

Not voting—Buchanan, Duncan, Homan.

Senator Gooch offered the following:

Amend article 3754 by adding after last word in line fifteen, page 8, viz: "Provided, that no such contract shall authorize or permit any part of a school house belonging to the state for the benefit of free schools, to be used as a residence, but shall prohibit the same."

Adopted.

(President in the chair.)

Senator Terrell offered the following:

Strike out "3794."

Adopted by the following vote:

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

YEAS.

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

Moore,  
Motley,  
Patton,  
Shannon,  
Storey,  
Swain,  
Terrell—22.

NAYS.

Brown,

Ripetoe - 2.

Not voting—Burton, Edwards, Ford, McCulloch.

The president, after reading their captions, signed the following bills:  
House bill No. 188, entitled "An act to protect the wool-growing interests of the State of Texas."

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."

Senator Burton moved to adjourn until 3 o'clock P. M.

Lost.

Senator Ledbetter offered the following:

Amend section 3748 by adding the following: "and the trustees of the community have the control of the public school house, and during the time in which no public school is being taught may rent out the house for such rent as can be obtained, such rent to be used to keep in repair such school house."

Adopted.

Senator Brown moved to adjourn until 3 o'clock P. M.

Lost.

Senator Gooch offered the following amendment:

Add to section 3749, article 20: "Persons living in the same community, who together may have as many as fifteen children within the scholastic age whom they desire to send to a private teacher or school in their community, shall be permitted to organize themselves into a 'private school community' to be named and numbered, and its just *pro rata* of the fund shall be set aside to it, and trustees of it be appointed, and the teacher employed by them shall receive the amount set aside to such private school community; *provided*, that no such private school community shall be organized in any locality at which there is not free school community or communities in which all children within the scholastic age can receive instruction."

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

AFTERNOON SESSION.

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

The following House bills were taken up and referred, to wit:

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 and towns in this state."

Referred to the committee on education.

House bill No. 48, entitled "An act declaring the closing and keeping inclosed of any public domain a misdemeanor, and prescribing a punishment therefor."

Referred to the committee on public lands.

House bill No. 37, entitled "An act to define official misconduct of officers of the state, county and corporations, and prescribing punishment therefor."

Referred to judiciary committee No. 2.

Senator Storey moved to postpone the regular business of the evening session and take up and continue the unfinished business of the morning session, being Senate bill No. 283, with the amendment of Senator Gooch pending.

Lost by the following vote:

	YEAS.	
Brown,	Edwards,	Gooch—3.
	NAYS.	
Buchanan,	Lane,	Motley,
Burnett,	Lair,	Patton.
Davenport,	Ledbetter.	Ripetoe,
Grace,	Martin,	Shannon,
Guy,	McCormick,	Storey,
Homan,	McCulloch,	Terrell—20.
Houston,	Moore,	

Not voting—Burton, Duncan, Ford, Hobby, Swain.

Senator Edwards moved to reconsider the vote "prohibiting teachers and trustees demanding extra tuition as a condition of admittance into school."

Withdrawn.

Senator Storey offered the following:

Add to article 3759, after the word "age," line twenty-four, "*Provided further*, That any private school being taught by a teacher holding a certificate of qualification may be considered as a public school community, and the children within the scholastic age attending such private school shall receive the benefit of his or her *pro rata* share of the school fund."

Adopted.

On motion of Senator Davenport, Senator Terrell was excused for the evening.

The pending bill was then ordered engrossed.

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

	YEAS.	
Brown,	Burton,	Guy,
Buchanan,	Gooch,	Hobby,
Burnett,	Grace,	Homan,

Lane,  
Lair,  
Ledbetter,  
Martin,  
McCormick,

McCulloch,  
Moore,  
Motley,  
Patton,

Ripetoe,  
Shannon,  
Storey,  
Swain--22.

NAYS--none.

Not voting—Davenport, Duncan, Edwards, Ford, Houston.

Bill read third time and passed.

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 third time and passed by the following vote:

YEAS.

Brown,  
Buchanan,  
Burnett,  
Barton,  
Davenport,  
Edwards,  
Gooch,  
Grace,

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

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

NAYS--none.

Not voting—Duncan, Ford, Houston.

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, read third time and passed.

Substitute for House bill No. 33, entitled "An act to amend article 4767 of the Revised Civil Statutes," was taken up, read second time, and, on motion of Senator Ledbetter, was postponed until to-morrow evening.

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," was taken up, read second time and passed to a third reading.

House bill No. 207, entitled "An act to amend articles 2403, 2404 and 2405 of the Revised Statutes," was taken up and read second time.

On motion of Senator Shannon, the substitute reported by the committee was adopted, and bill 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.

On motion of Senator Houston, the Senate recessed from its amendment striking out "Tom Green county."

On motion of Senator Burnett, the Senate insisted on its other amendments.

A message was received from the House announcing the passage by that body of House bill No. 50, entitled "An act authorizing the commissioner of the general land office to approve the bounty land certificate issued to the heirs of William Fishbaugh (deceased), who fell at the Alamo."

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.'"

On motion of Senator Hobby, this bill was referred to judiciary committee No. 1.

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 owners of which have not redeemed the same," was taken up and read first time.

Senator Shannon called up 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," which 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.

Brown,	Guy,	McCulloch,
Buchanan,	Hobby,	Motley,
Burnett,	Homan,	Patton,
Burton,	Houston,	Ripetoe,
Duncan,	Lane,	Shannon,
Edwards,	Lair,	Storey,
Gooch,	Martin,	Swain--22.
Grace,		

NAYS—none.

Not voting—Davenport, Ford, Ledbetter, McCormick, Moore.

Bill read second time and ordered engrossed.

Senator Shannon moved that the bill be placed on its third reading.

Carried by the following vote:

YEAS.

Brown,	Grace,	Martin,
Buchanan,	Guy,	McCulloch,
Burnett,	Hobby,	Motley,
Burton,	Homan,	Patton,
Davenport,	Houston,	Ripetoe,
Duncan,	Lane,	Shannon,
Ford,	Lair,	Storey,
Gooch,	Ledbetter,	Swain--24.

NAYS—none.

Not voting—Edwards, McCormick, Moore.

Bill read third time and passed by the following vote:

YEAS.

Brown,	Hobby,	McCulloch,
Buchanan,	Homan,	Moore,
Burnett,	Houston,	Motley,
Burton,	Lane,	Patton,
Davenport,	Lair,	Ripetoe,
Duncan,	Ledbetter,	Shannon,
Ford,	Martin,	Storey,
Grace,	McCormick,	Swain--25.
Guy,		

NAYS—none.

Not voting—Edwards, Gooch.

Senator Storey called up Senate bill No. 94, entitled "An act to create a lien in favor of proprietors of livery or other public stables, and to provide for the manner in which same may be enforced," which was taken up, read second time and ordered engrossed.

Senator Swain 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," which was taken up, read third time and passed by the following vote:

YEAS.		
Buchanan,	Hobby,	McCormick.
Burnett,	Homan,	Moore,
Ford,	Houston,	Motley,
Gooch,	Lane,	Shannon,
Grace,	Lair,	Storey,
Guy,	Ledbetter,	Swain--18.
NAYS.		
Brown,	Davenport,	Ripetoe--4.
Burton,		

Not voting—Duncan, Edwards, Martin, McCulloch, Patton.

Senator Brown called up Senate joint resolution No. 220, "Proposing amendments to article 16 of the constitution of the state by adding thereto section 58," which was taken up and read second time

Senator Lane moved a call of the Senate.

Call sustained.

Roll called. Absent—Davenport, Edwards, McCulloch.

The pending business went to the table.

Senator Buchanan called up Senate bill No. 196, entitled "An act to regulate the practice of medicine, surgery and pharmacy, and to repeal an act to be entitled 'an act to regulate the practice of medicine, approved August 31, 1876, and all other laws in conflict herewith.'"

The absent senators appearing, the consideration of Senate joint resolution No. 220 was resumed and resolution ordered engrossed by the following vote:

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

Not voting—Edwards.

The consideration of Senate bill No. 196 was resumed.

Senator Duncan introduced a substitute for the pending bill.

(Senator Edwards in the chair.)

Senator McCulloch moved to have 50 copies of the substitute printed. Adopted.

Senator Burnett called up Senate bill No. 278, entitled "An act to prevent the sale, exchange or gift of intoxicating liquors within five miles of every direction of Troy Institute, in Bell county," which was read second time.

Senator Homan offered the following:

Strike out "of" before "every," in caption, and insert "in."

Adopted.

Add the following section:

"Section ..... An imperative public necessity exists that the rules requiring this bill to be read on three several days be suspended."

Adopted, and bill ordered engrossed.



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

YEAS.

Brown,	Grace,	Martin,
Buchanan,	Guy,	McCormick,
Burnett,	Hobby,	McCulloch,
Burton,	Homan,	Moore,
Davenport,	Houston,	Patton,
Edwards,	Lane,	Shannon,
Ford,	Lair,	Storey,
Gooch,	Ledbetter,	Swain—24.

NAYS—NONE.

Not voting—Duncan, Motley, Ripetoe.

Bill read third time and passed.

Senator Shannon moved to adjourn until 7:30 P. M. to-night.

Carried by the following vote:

YEAS.

Buchanan,	Guy,	McCormick,
Burnett,	Hobby,	McCulloch,
Davenport,	Homan,	Moore,
Duncan,	Lane,	Ripetoe,
Gooch,	Lair,	Shannon,
Grace,	Martin,	Swain—18.

NAYS.

Brown,	Ford,	Patt.m,
Burton,	Houston,	Storey---8.
Edwards,	Ledbetter,	

Not voting—Motley.

NIGHT SESSION.

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

A quorum soon appearing, the Senate proceeded to business.

On motion of Senator Hobby, Senator Houston was excused during the night session.

Senator Burton called up Senate bill No. 321, entitled "An act to authorize the Austin Canal, Irrigation and Manufacturing Company to construct a dam across the Colorado river," which was read first time.

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

Carried by the following vote:

YEAS.

Brown,	Hobby,	Motley,
Burnett,	Homan,	Patton,
Burton,	Lane,	Ripetoe,
Davenport,	Ledbetter,	Shannon,
Duncan,	Martin,	Storey,
Gooch,	McCormick,	Swain,
Grace,	McCulloch,	Terrell--23.
Guy,	Moore,	

NAYS—NONE.

Not voting—Edwards, Ford, Lair.

Bill read second time.

Senator Burton offered the following amendment:

Amend by adding the following as a new section:

"Section ..... Whereas, the present session of the Legislature is near adjournment with a large number of bills of a public nature pending, there is an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and it is therefore enacted that said rule is hereby suspended."

Adopted and bill ordered engrossed.

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

## YEAS.

Brown,	Guy,	Moore,
Burnett,	Hobby,	Motley,
Burton,	Homan,	Patton,
Davenport,	Lane,	Ripetoe,
Duncan,	Ledbetter,	Shannon,
Ford,	Martin,	Storey,
Gooch,	McCormick,	Swain,
Grace,	McCulloch,	Terrell--24.

## NAYS--none.

Not voting--Buchanan, Edwards, Lair.

Bill read third time and passed.

Senator Davenport called up Senate bill No. 53, entitled "An act for the relief of the heirs of Silas Dunsmore, deceased," which was taken up, read third time and passed.

Senator Ford called up 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," which was read second time and ordered engrossed.

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

## YEAS.

Buchanan,	Grace,	McCormick,
Burnett,	Guy,	Moore,
Burton,	Hobby,	Motley,
Davenport,	Homan,	Ripetoe,
Duncan,	Lane,	Shannon,
Ford,	Ledbetter,	Storey,
Gooch,	Martin,	Swain -21.

## NAYS--Terrell.

Not voting--Brown, Edwards, Lair, McCulloch, Patton.

Bill read third time and passed by the following vote:

## YEAS.

Burton,	Lane,	Motley,
Duncan,	Ledbetter,	Ripetoe,
Ford,	McCormick,	Shannon,
Guy,	McCulloch,	Storey--14.
Hobby,	Moore,	

## NAYS.

Brown,	Davenport,	Swain,
Buchanan,	Grace,	Terrell--8.
Burnett,	Homan,	

Not voting--Edwards, Gooch, Lair, Martin, Patton.

Senator Gooch called up Senate bill No. 73, entitled "An act to provide for the record of contracts relating to land, in a manner that will

distinguish community from separate property," which was read second time and ordered engrossed.

Senator Grace called up Senate bill No. 212, entitled "An act granting Mrs. Florence Whitis the right to make a change in Laurel street in the city of Austin," which was taken up and read second time.

Senator Terrell offered the following amendment:

"Section ..... The late hour in the session of which this bill receives action and the convenience of the public and owners of adjacent property, which will be subserved by the passage of this act, creates a public necessity for the suspension of the rule which requires this bill to be read on three several days."

Adopted.

Senator Brown moved to postpone till to-morrow.

Lost and bill ordered engrossed.

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

YEAS.

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

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

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

NAYS.

Brown,

Davenport—2

Not voting—Edwards, Lair.

Bill read third time and passed.

Senator Guy 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 cases of appeal."

The motion of Senator McCormick to reconsider the engrossment of this bill was pending.

The question to reconsider was carried by the following vote:

YEAS.

Brown,  
Buchanan,  
Burton,  
Duncan,  
Ford,  
Grace,

Guy,  
Hobby,  
Homan,  
Ledbetter,  
Martin,  
McCulloch,

Moore,  
Patton,  
Ripetoe,  
Swain,  
Terrell—17.

NAYS.

Burnett,  
Davenport,  
Gooch.

Lane,  
McCormick,  
Motley.

Shannon,  
Storey—8

Not voting—Edwards, Lair.

Senator Terrell offered the following:

"Said testimony shall be used in preparing a statement of facts, but only so much shall be sent up as the presiding judge may deem necessary to present the case properly to the court of appeals."

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

Motion seconded and main question ordered.

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

	YEAS.	
Burton, Grace, Guy, Lane,	Martin, McCulloch, Moore, Patton,	Shannon, Storey, Terrell--11.

	NAYS.	
Brown, Buchanan, Burnett, Davenport, Duncan,	Ford, Gooch, Hobby, Homan, Ledbetter,	McCormick, Motley, Ripetoe, Swain--14.

Not voting—Edwards, Lair.

The bill was then ordered engrossed by the following vote:

	YEAS.	
Brown, Buchanan, Duncan, Ford, Grace,	Guy, Hobby, Homan, Lane, Martin,	McCulloch, Moore, Patton, Terrell--14.

	NAYS.	
Burnett, Burton, Davenport, Gooch,	Ledbetter, McCormick, Motley, Ripetoe,	Shannon, Storey, Swain--11.

Not voting—Edwards, Lair.

Senator Duncan called up Senate bill No. 196 (to regulate the practice of medicine, etc., and repeal the present law on the subject).

Senator Duncan withdrew his substitute offered this evening and introduced another in lieu thereof.

Senator Motley moved to print.

Lost.

Senator Ledbetter made the point of order that the substitute was not in order as it was not germane to the original bill.

Overruled and substitute adopted.

Senator Storey offered the following amendment:

“That this act shall take effect and be in full force from and after the first day of January, A. D. 1880.”

Senator Motley offered the following:

Amend by adding: “*Provided*, that no tramp shall ever be permitted to practice pharmacy.”

Senator Homan moved the previous question.

Motion seconded and main question ordered.

Senator Motley’s amendment lost.

Senator Storey’s amendment adopted and bill ordered engrossed by the following vote:

	YEAS.	
Buchanan, Duncan, Ford, Gooch, Grace, Guy,	Hobby, Homan, Lane, Martin, McCormick, McCulloch,	Moore, Patton, Ripetoe, Storey, Terrell--18.

	NAYS.	
Brown, Burnett, Burton,	Davenport, Ledbetter, Motley,	Shannon, Swain--8.

Not voting—Edwards, Lair.

Senator Hobby called up 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, which was taken up and amendment of the committee adopted.

Senator Patton offered the following:

Add after the word "repealed," (in so far only as it applies to personal property,) "such goods, wares and merchandise."

Adopted and bill ordered engrossed.

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

YEAS.

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

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

Moore,  
Motley,  
Ripetoe,  
Shannon,  
Storey,  
Swain,  
Terrell—23.

NAYS—none.

Not voting—Edwards, Grace, Lair, Patton.

Bill read third time.

Senator Gooch offered the following amendment:

Amend the caption by adding to it, viz: "In so far as it relates to goods, wares and merchandise."

Adopted and bill passed.

Senator Homan called up Senate bill No. 289, entitled "An act for the relief of Thomas Humphreys and Lucy Andrews," which was read second time.

Senator Martin offered the following:

"The fact that this session of the Legislature is near its close, and that the public domain is being rapidly taken up by locations, creates an emergency and public imperative necessity for the immediate passage of this act and the suspension of the rules requiring bills to be read on three several days; and it is therefore enacted that said rule be suspended and that this act be in force from its passage."

Adopted and bill ordered engrossed.

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

Carried by the following vote:

YEAS.

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

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

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

NAYS—none.

Not voting—Edwards, Lair.

Bill read third time and passed by the following vote:

## YEAS.

Brown,  
Buchanan,  
Burnett,  
Burton,  
Davenport,  
Ford,  
Grace,

Guy,  
Hobby,  
Homan,  
Lane,  
Ledbetter,  
Martin,  
McCormick.

McCulloch,  
Motley,  
Patton,  
Ripetoe,  
Storey  
Swain,  
Terrell--21.

## NAYS—none.

Not voting—Duncan, Edwards, Gooch, Lair, Moore, Shannon.

Senator Burton moved that the Senate adjourn till 9:30 o'clock to-morrow morning.

Lost.

Senator Lane called up Senate bill No. 304, entitled "An act supplementary of an act entitled 'an act amendatory of an act fixing the times of holding the courts of the twenty-third judicial district,' approved February 12, 1879."

Bill read second time.

Senator Lane offered a substitute for the bill.

Substitute adopted.

The bill was then ordered engrossed.

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

Carried by the following vote:

## YEAS.

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

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

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

## NAYS—none.

Not voting—Edwards, Lair, Martin, Tilson.

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

## YEAS.

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

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

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

## NAYS—none.

Not voting—Duncan, Edwards, Grace, Lair, Tilson.

Senator Ledbetter called up Senate bill No. 314, entitled "An act to revive and validate land certificate No. 6058."

The bill was read second time.

Senator Homan offered the following amendment:

"Section ..... The near approach of the close of the session creates an imperative public necessity that the rules requiring this act to be read on three several days be suspended, and they are suspended."

Adopted.

The bill was then ordered engrossed.

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

Carried by the following vote:

YEAS.		
Buchanan,	Guy,	Moore,
Burnett,	Hobby,	Motley,
Burton,	Homan,	Patton,
Davenport,	Lane,	Ripetoe,
Duncan,	Ledbetter,	Shannon,
Ford,	McCormick,	Storey,
Grace,	McCulloch,	Terrell—21.

NAYS—none.

Not voting—Brown, Edwards, Gooch, Lair, Martin, Swain, Tilson.

The bill was then read third time and passed.

On motion of Senator Burnett, the Senate adjourned till 9:30 o'clock to-morrow morning.

### SIXTY-FIRST DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, March 25, 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 accepted.

Senator Moore, chairman of the committee on commerce and manufactures, submitted the following report:

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

Your committee on commerce and manufactures, to whom was referred Senate bill No. 332, a bill to be entitled "An act for the better protection of harbors and ports of the State of Texas," have duly considered the same, and instruct me to report the same back to the Senate and recommend its passage.

MOORE, *Chairman.*

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

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

Your committee on state affairs have considered House bill No. 304, "An act to repeal 'an act to encourage irrigation and navigation,' approved August 21, 1876," and I am instructed to report same back to the Senate and to recommend that it do not pass, for the reason that its passage would materially retard the development of a large section of the state and work a serious injury to the interests of the whole state.

HOUSTON, *Chairman.*

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

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

Your committee on private land claims, having duly considered the petition of Johnson Hensley, of Waller county, for relief, find that said Hensley came to Texas before the Texas revolution, and has continuously resided in this state since that time, and is justly entitled to the relief

asked; and that due publication was made of his intention to apply at this session of the Legislature for relief. The committee therefore, recommend the passage of the accompanying bill granting to said Hensley a certificate for 1280 acres of land.

GUY, *Chairman.*

Senator Stewart introduced a bill entitled "An act amendatory of and supplementary to an act entitled 'an act to consolidate in one act and amend the several acts incorporating the city of Houston in Harris county, approved January 23, 1874, and the several acts amendatory thereof.'"

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

The resolution of Senator Burnett of yesterday with regard to holding night sessions was taken up.

Senator Storey moved to amend by inserting "on Monday, Wednesday and Friday nights."

Accepted by Senator Burnett, but withdrawn for the present.

Senator Edwards introduced a bill entitled "An act to amend sections 47 chapter 2 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed February 21, 1879.

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

A message was received from the House announcing the passage by that body of Senate joint resolution No. 215, requiring senators and representatives in congress to use their influence in securing a loan from the general government of four batteries of artillery to the adjutant general.

Substitute for Senate bill No. 288, entitled "An act amendatory of an act establishing the tenth, twelfth, thirteenth, twenty-eighth, twenty-ninth and thirtieth judicial districts, prescribing the times of holding the district courts therein, and providing for the appointment of district judges for the twenty-eighth, twenty-ninth and thirtieth judicial districts, approved February 22, 1879, and repealing an act supplemental thereto, approved March 8, 1879."

And that the House concurs in Senate amendments to House bill No. 375, "An act to amend an act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas," approved February ....., 1879.

House concurs in Senate amendments to House bill No. 451, "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 ....., 1879."

Senator Martin called up the report of the finance committee on the Toby claim, moved to adopt the same, and then moved a call of the Senate.

Call sustained.

Roll called. Absent—Ford and Gooch.

Pending business went to the table.

Senator McCormick called up Senate bill No. 315, entitled "An act to revive and validate land certificate No. 8016," which was read second time.

Senator Homan offered the following section:

"The near approach of the close of the session creates an imperative public necessity that the rules requiring this act to be read on three several days be suspended."

Adopted and bill ordered engrossed.



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

YEAS.

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

Guy,  
Hobby,  
Homan,  
Lane,  
Lair,  
Ledbetter,  
Martin,  
McCormick,  
McCulloch.

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

NAYS—none.

Not voting—Ford, Houston, Swain.

Bill read third time and passed.

Senator Houston was excused for a few minutes.

Senator McCulloch called up 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 in relation thereto, approved August 21, 1876,' by providing a mode for enforcing its provisions," which was read second time.

Senator Patton offered the following:

Amend by adding, "And this section to be called section 2 and to read as follows:

"Section 2. Whereas, the present session of the Legislature is near its close, there is an imperative public necessity which requires that the rule that every bill shall be read on three days be suspended that this bill may pass at this session, and it is so suspended."

Adopted, and bill ordered engrossed.

Senator Patton moved that the rules be suspended and bill placed on its third reading.

Carried by the following vote:

YEAS.

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

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

Motley,  
Patton,  
Ripetoe,  
Stewart,  
Shannon,  
Storey,  
Terrell--22.

NAYS.

Brown,

Buchanan--2.

Not voting—Burton, Davenport, Ford, Lane, Swain.

Bill read third time and passed.

Senator Moore called up Senate bill No. 296, entitled "An act to authorize the issuance of land certificates to those, or the heirs of those who participated in the Dawson massacre, near the Salado, in September, 1842," which was 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,  
Davenport,  
Duncan,

Gooch,  
Grace,  
Guy,

Hobby,  
Homan,  
Lane,  
Ledbetter,  
Martin,

McCormick,  
Moore,  
Motley,  
Patton,  
Ripetoe,

Stewart,  
Shannon,  
Storey,  
Swain,  
Terrell--24.

NAYS---none.

Not voting—Edwards, Ford, Houston, Lair, McCulloch.  
Bill read third time and passed.

The absent senators appearing the call was suspended and the consideration of the Toby claim was resumed.

(Senator Houston in the chair).

Senator Martin's motion to adopt the report of the finance committee on the Toby claim was lost by the following vote:

YEAS.

Brown,  
Ford,  
Grace,  
Guy,  
Hobby.

Lane,  
Martin,  
McCormick,  
McCulloch.

Ripetoe,  
Stewart,  
Storey,  
Swain--13.

NAYS.

Buchanan,  
Burnett,  
Burton,  
Davenport,  
Edwards,

Gooch,  
Homan,  
Houston,  
Lair,  
Ledbetter,

Moore,  
Motley,  
Shannon,  
Terrell--14.

Senators Duncan and Patton were excused from voting on this question by the Senate.

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

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

Your committee on education, to whom was referred House bill No. 71, "An act to further regulate and render more efficient the maintenance and management of the public free schools and institutions of learning in cities and towns in this state," have had the same under consideration, and a majority of said committee have instructed me to report the same back and recommend that it do pass.

LEDBETTER, *Chairman.*

Senator Storey (by leave) introduced a bill entitled "An act to provide for the sale or exchange of the alternate sections of school lands belonging to this state in certain cases."

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

House bill No. 50, entitled "An act authorizing the commissioner of the general land office to approve the bounty land certificate issued to the heirs of William Fishbaugh, deceased, who fell at the Alamo," was taken up and referred to the committee on private land claims.

Senator McCormick called up Senate bill No. 312, entitled "An act to amend and supplement the existing quarantine law of the State of Texas," which was read third time and postponed until the evening session.

Senator Motley called up Senate bill No. 262, entitled "An act to grant to Jackson Doyle six hundred and forty acres of land," which was read second time and ordered engrossed.

On motion of Senator Motley, 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—26.

NAYS—none.

Not voting—Davenport, Ford, Hobby.

Bill read third time and passed.

Senator Stewart called up Senate bill No. 295, entitled "An act to create the office of registrar general, and define the duties, powers and compensation of such officer," which was read second time.

Senator Stewart offered the following amendment:

Strike out the words "the registrar general" wherever they occur, and insert in lieu thereof the words "state registrar."

Adopted.

Also, the following:

Strike out "registrar general's office," in line six and seven of section 4, and insert in lieu thereof these words: "state registrar's office."

Adopted.

Also, the following:

In line twelve insert "\$10,000."

Adopted.

Also, the following:

On page 3, line three, strike out "general land office and commissioner of general land office," and insert in lieu thereof "capitol" and "governor," so that it will read: "in the capitol building as the governor may designate."

Adopted.

(President in the chair.)

Senator Lane offered the following:

Amend by striking out from the word "thereof," in line sixteen, section 5, all that follows, down to the word "upon," in line eighteen.

Adopted.

Senator Houston offered the following:

Amend section 9, by adding the following: "*Provided*, that the record of conveyances and instruments provided for herein, shall not be made unless the same shall have been previously recorded in the county where the property to be affected thereby is situated; and *provided, further*, that certified copies of the same from the records of the registrar general's office, shall be admissible in evidence only under the same restrictions and limitations as provided for the admission of such certified copies from county records, and then only when the county record of the instrument or instruments, certified copies of which are sought to be used, have been burned or destroyed.

Adopted.

Senator Lane offered the following:

Amend by adding, after the last word in section 8, in line four, the following, to wit: "And in all cases where instruments in writing, authorized by law to be recorded, have been recorded in the proper county and

the county records thereof shall have been destroyed, and the original instrument so recorded, or lost, then a certified copy of the same from the records of the registrar general may be admitted to record in the county clerk's office, and to have the same force and effect as the original so lost."

Adopted, and bill ordered engrossed.

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

## YEAS.

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

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

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

## NAYS—Patton.

Not voting—Brown, Duncan, McCormick.

Senator Storey offered the following amendment:

Amend section 9: Strike out all down to the last proviso and insert for the word "provided" the word "that."

Lost by the following vote:

## YEAS.

Brown,  
Buchanan,  
Burnett,  
Edwards,  
Gooch,

Grace,  
Guy,  
Ledbetter,  
McCulloch,  
Motley,

Patton,  
Ripetoe,  
Shannon,  
Storey---14.

## NAYS.

Davenport,  
Duncan,  
Hobby,  
Houston,

Lair,  
Martin,  
McCormick.

Stewart,  
Swain,  
Terrell---10.

Not voting---Burton, Ford, Lane, Moore, Patton.

The bill was then passed by the following vote:

## YEAS.

Brown,  
Buchanan,  
Edwards,  
Ford,  
Grace,

Guy,  
Hobby,  
Homan,  
Houston,  
Lane,

Ledbetter,  
Motley,  
Patton,  
Ripetoe,  
Stewart---15.

## NAYS.

Burnett,  
Burton,  
Davenport,  
Gooch,

Lair,  
Martin,  
McCormick,  
McCulloch,

Shannon,  
Storey,  
Swain,  
Terrell---12.

Not voting—Moore.

The president, after reading its caption, signed substitute for Senate bill No. 23, when Senator Grace offered the following motion:

That the leave of the House be requested for the withdrawal for correction 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."

Motion adopted.

Senator Shannon called up Senate bill No. 223 entitled "An act to validate bounty certificates of Joseph Hawkins," which was read second time and ordered engrossed.

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

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

Your committee on engrossed bills have examined and compared with the originals the engrossed copies of the following Senate bills and find them correctly engrossed, viz:.

Senate bill No. 31, entitled "An act to create and provide for execution liens on lands."

Senate bill No. 177, entitled "An act to prohibit the sale, exchange or gift of intoxicating liquors within three miles of Frainville High School, in Burleson county."

Substitute for Senate bill No. 213, entitled "An act to amend article 264 of the new Penal Code."

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.'"

Senate bill No. 251, entitled "An act to amend article 988 of the Code of Criminal Procedure passed by the Sixteenth Legislature."

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."

Senate bill No. 326, entitled "An act to amend an act fixing the time of holding the district courts in the seventeenth judicial district, which was approved February 28, 1879, so as to make no changes in the time of holding court in said district, except in the county of Williamson."

Senate bill No. 328, entitled "An act to repeal so much of an act to adopt and establish the Revised Civil Statutes of the State of Texas, passed at 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."

BROWN, *Chairman.*

Senator Storey called up 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 any subsequent date, and who may have failed to obtain the same to bring his action in the district court, etc.," which was 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.

Buchanan,  
Burnett,  
Burton,  
Ford,  
Gooch,  
Grace,  
Guy,  
Hobby.

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

Moore,  
Motley,  
Patton,  
Stewart,  
Storey,  
Swain,  
Terrell - 22.

NAYS.

Davenport,

Duncan--2.

Not voting—Brown, Edwards, Martin, Ripetoe, Shannon.

Bill read third time and passed by the following vote:

## YEAS.

Brown,  
Buchanan,  
Burton,  
Edwards,  
Ford,

Guy,  
Hobby,  
Houston,  
Lane,  
Ledbet'er,

McCulloch,  
Ripetoe,  
Stewart,  
Storey,  
Swain---15.

## NAYS.

Burnett,  
Davenport,  
Duncan,  
Gooch,

Grace,  
Homan,  
Lair,  
Martin,

Moore,  
Motley,  
Patton,  
Terrell---12.

Not voting—McCormick, Shannon.

(Senator Storey in the chair).

Senator Patton called up substitute for Senate bill No. 196, entitled "An act to regulate the practice of pharmacy, etc.," which was read third time.

Senator Brown offered the following:

Amend by adding to section 2: "Nothing in this act shall be construed as authorizing pharmacutists under its provisions to prescribe medically for patients."

Adopted by the following vote:

## YEAS.

Brown,  
Buchanan,  
Burnett,  
Duncan,  
Ford,  
Grace,

Guy,  
Hobby,  
Houston,  
Lair,  
McCulloch,

Moore,  
Patton,  
Ripetoe,  
Storey,  
Terrell---16.

## NAYS.

Davenport,  
Gooch,

Homan,  
Ledbetter,

Motley,  
Shannon---6.

Not voting—Burton, Edwards, Lane, Martin, McCormick, Stewart, Swain.

Senator Shannon offered the following:

"*Provided*, That this act shall not apply to druggists or clerks of druggists, who have been continuously engaged in the business of compounding medicines or filling prescriptions for the period of one year prior to the taking effect of this act."

Lost by the following vote:

## YEAS.

Burnett,  
Davenport,

Homan,  
Shannon,

Storey,  
Terrell---6.

## NAYS.

Brown,  
Buchanan,  
Duncan,  
Ford,  
Gooch,  
Grace,  
Guy,

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

McCulloch,  
Moore,  
Motley,  
Patton,  
Ripetoe,  
Stewart,  
Swain---21,

Not voting—Burton, Edwards.

The bill was then passed by the following vote:

	YEAS.	
Brown,	Hobby,	McCulloch,
Buchanan,	Homan,	Motley,
Duncan,	Lane,	Patton,
Ford,	Lair,	Ripetoe,
Gooch,	Ledbetter,	Stewart,
Guy,	McCormick,	Storey--18.
	NAYS.	
Burnett,	Grace,	Shannon,
Burton,	Houston,	Swain,
Davenport,	Martin,	Terrell--10.
Edwards,		

Not voting—Moore.

Senator Edwards called up Senate bill No. 236, entitled "An act to amend title 42, chapter 4, of 'an act to adopt and establish the Revised Statutes of the State of Texas,'" which was read third time and passed.

Senator Terrell called up Senate bill No. 288, entitled "An act amendatory of 'an act establishing the tenth, twelfth, thirteenth, twenty-eighth, twenty-ninth and thirtieth judicial districts, prescribing the times of holding the district courts therein and providing for the appointment of district judges for the twenty-eighth, twenty-ninth and thirtieth judicial districts,' approved February 22, 1879, and repealing 'an act supplemental thereto,' approved March 8, 1879," which was read first time.

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

Carried by the following vote:

	YEAS.	
Brown,	Grace,	McCulloch,
Buchanan,	Guy,	Moore,
Burton,	Hobby,	Patton,
Davenport,	Homan,	Stewart,
Duncan,	Houston,	Shannon,
Edwards,	Lair,	Storey,
Ford,	Martin,	Swain,
Gooch,	McCormick,	Terrell--24.
	NAYS—none.	

Not voting—Burnett, Lane, Ledbetter, Motley, Ripetoe.

Bill read second time and ordered engrossed.

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

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

Not voting—Ledbetter, McCormick.

Bill read third time and passed by the following vote:

	YEAS.	
Brown,	Burton,	Duncan,
Buchanan,	Davenport,	Edwards,

Ford,  
Gooch,  
Grace,  
Guy,  
Hobby,  
Homan,  
Houston,

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

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

NAYS—none.

Not voting—Burnett, Ledbetter, McCormick.

Senator Buchanan called up 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,'" which was read second time and ordered engrossed.

Senator Burnett called up Senate bill No. 118, entitled "An act extending the landlord's lien for rents to owners of residences, store-houses and other buildings," which was read second time.

Senator Burnett offered the following:

"An act to amend title 58 of the Revised Statutes of the State of Texas, passed February 21, 1879."

Adopted.

Also the following:

After the word "that," in line one, add "title 58 of the Revised Statutes of this state, passed February 21, 1879, be amended by adding articles 3122a and 3122b, viz: 3122a."

Adopted.

Also the following:

On page 1, line ten, strike out the words "section 2" and insert the following words: "Article 3122b."

Adopted.

Also, on page 1, lines seventeen and eighteen, strike out these words: "the act entitled 'an act concerning rents,' approved April 4, 1874, the object of this act," and insert "this chapter, the object of this and the preceding article."

Adopted.

Also the following: Strike out section 3 and insert the following as a substitute:

"Section 3. Whereas, there is now no law in force fully conferring and protecting rent liens of owners of buildings used as residences or for carrying on business, and this session of the Legislature is near its adjournment, there is an emergency for the immediate passage of this act and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, which rule is suspended, and it is enacted that this act be in force from its passage."

Adopted.

Senator Homan offered the following:

Strike out "execution," in article 3122a, and insert "forced sale."

Adopted and bill ordered engrossed.

(President in the chair.)

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

YEAS.

Brown,  
Buchanan,  
Burnett.

Davenport,  
Duncan,  
Edwards,

Ford,  
Gooch,  
Grace,



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

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

Ripetoe,  
Stewart,  
Shannon,  
Storey,  
Swain,  
Terrell—27.

NAYS—none.

Not voting—Burton, McCormick.

Bill read third time and passed by the following vote :

YEAS.

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

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

Moore,  
Motley,  
Patton,  
Ripetoe,  
Stewart,  
Shannon,  
Storey,  
Terrell—24.

NAYS—none.

Not voting—Burton, Grace, Hobby, McCormick, Swain.

Senator Burton called up Senate bill No. 333, entitled "An act for the relief of Johnson Hensley, of Waller county," which was read first time.

Senate bill No. 329, entitled "An act to attach the county of Jones to the county of Taylor for judicial purposes," was taken up and read first time.

Senate bill No. 311, entitled "An act for the relief of Wm. Judge," was taken up and read first time.

The following message was received from his excellency the governor:

EXECUTIVE OFFICE, STATE OF TEXAS, }  
AUSTIN, March 25, 1879. }

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

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

W. W. Lang, for assistant superintendent of the penitentiary.

Benton Randolph, Sanford Gibbs, I. M. Wynne, to be directors of the penitentiary, being residents in and near Huntsville, in Walker county, Texas.

O. M. ROBERTS, Governor.

Senator Burnett moved that the Senate go into executive session just after the morning call on to-morrow.

Carried.

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

### AFTERNOON SESSION.

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

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

Substitute for House bill No. 33, entitled "An act to amend article 4767 of the Revised Civil Statutes," was taken up, read second time and passed to a third reading.

Substitute for House bills Nos. 305 and 305, 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 rendered the same," was taken up and read second time.

The amendments of the committee were considered and adopted *seriatim*.

The first amendment of the committee was adopted by the following vote:

YEAS.		
Brown,	Hobby,	Patton,
Buchanan,	Lane,	Stewart,
Burnett,	Ledbetter,	Shannon,
Edwards,	Martin,	Storey,
Ford,	McCulloch,	Swain--17.
Guy,	Motley,	
NAYS.		
Burton,	Homan,	McCormick,
Duncan,	Houston,	Moore,
Grace,	Lair,	Ripetoe--9.

Not voting—Davenport, Gooch, Terrell.

The second, third, fourth and fifth amendments of the committee were then adopted and bill passed to a third reading.

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," was taken up and read first time.

House bill No. 304, entitled "An act to encourage irrigation and navigation," approved August 21, 1876, was taken up and read first time.

The chair, after publicly reading its caption, signed Senate joint resolution No. 215, "Requesting senators and representatives in congress to use their influence in securing a loan from the general government of four batteries of artillery."

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

Senator Stewart offered the following:

Amend section 4090 by adding these words: "*provided*, that Houston, in Harris county, shall be considered a coast town within the meaning of this act."

Adopted by the following vote:

YEAS.		
Brown,	Guy,	McCulloch,
Buchanan,	Hobby,	Motley,
Burnett,	Homan,	Patton,
Davenport,	Houston,	Ripetoe,
Duncan,	Lair,	Stewart,
Edwards,	Ledbetter,	Shannon,
Ford,	Martin,	Storey,
Gooch,	McCormick,	Swain--24.
NAYS--NONE.		

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

Also the following:

"Section 2. No quarantine officer of this state shall be empowered to draw more than ten dollars per day for such service, and all contracts made by any town, city or county authorities for a greater amount shall be disallowed by the comptroller."

YEAS.

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

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

Motley,  
Patton,  
Ripetoe,  
Stewart,  
Shannon,  
Storey,  
Swain—22

NAYS.

Davenport, Duncan—2.  
Not voting—Burton, Edwards, Grace, Lane, Terrell.

Also the following:

Amend by adding: "Section 3. All quarantine officers, whether of towns, cities, counties or state, shall be authorized to administer oaths to any person suspected of violating any quarantine regulation; and any person swearing falsely, upon conviction thereof, before any court of competent jurisdiction, may be punished therefor, as in other cases made and provided."

Adopted by the following vote:

YEAS.

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

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

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

NAYS—NONE.

Not voting—Grace, Lane, Lair, Terrell.

Also 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, and they are so suspended; and the near approach of the sickly season creates an emergency which requires this bill to take effect from its passage, and it is so enacted."

Adopted by the following vote:

YEAS.

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

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

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

NAYS—NONE.

Not voting—Davenport, Lane, McCulloch, Terrell.

The bill was then passed by the following vote:

YEAS.

Buchanan,  
Burnett,  
Burton,  
Duncan,

Edwards,  
Ford,  
Gooch,  
Grace,

Guy,  
Hobby,  
Homan,  
Houston,

Lane,  
Lair,  
Ledbetter,  
Martin,  
McCormick,

Moore,  
Motley,  
Patton,  
Ripetoe,

Stewart,  
Shannon,  
Storey,  
Swain--25.

NAYS--none.

Not voting--Brown, Davenport, McCulloch, Terrell.

Senator Edwards called up Senate bill No. 228, entitled "An act to amend 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed February 21, 1879," which was read third time and passed.

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 joint resolution No. 215, "Joint resolution requesting senators and representatives in congress to use their influence in securing loan from general government of four batteries of artillery to adjutant general," and at 3:30 o'clock P. M. presented the same to the governor for his signature. GRACE, *Chairman.*

Senator Ford called up Senate bill No. 281, entitled "An act supplemental of an act entitled 'an act to fix the times of holding the district courts of the twenty-fifth judicial district,'" which was read second time and ordered engrossed.

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

YEAS.

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

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

McCulloch,  
Moore,  
Motley,  
Patton,  
Ripetoe,  
Shannon,  
Storey,  
Swain--25.

NAYS--none.

Not voting--Brown, Edwards, Stewart, Terrell.

Bill read third time and passed by the following vote:

YEAS.

Burton,  
Davenport,  
Duncan,  
Ford,  
Gooch,  
Grace,  
Guy,  
Hobby.

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

Moore,  
Motley,  
Patton,  
Ripetoe,  
Stewart,  
Shannon,  
Swain--23.

NAYS--none.

Not voting--Brown, Buchanan, Burnett, Edwards, Storey, Terrell.

Senator Gooch called up 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," which was read second time.

The substitute of the committee adopted by the following vote:

YEAS.

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

Homan,  
Houston,  
Lane,  
Lair,  
Ledbetter,  
McCulloch,

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

NAYS.

Grace,  
Martin,

McCormick,  
Moore.

Stewart—5.

Not voting—Brown, Buchanan, Edwards, Ford, Terrell.  
Bill ordered engrossed.

Senator Guy called up Senate bill No. 80, entitled "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," which was read second time, and on motion of Senator Shannon, indefinitely postponed.

Senator Homan called up Senate bill No. 238, "An act to prevent attorneys who may have represented the state in any proceeding from afterward appearing as counsel adversely to the state in the same or any other proceeding involving the same subject matter," which was taken up.

Senator Storey offered the following:

Amend section 1 by striking out the words "or in any other proceeding involving the same subject matter," and insert the words "or any other prosecution for the same overt act or omission."

Adopted by the following vote:

YEAS.

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

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

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

NAYS—none.

Not voting—Brown, Burton, Edwards, Martin, Terrell.

Also the following:

Amend section 2: strike out all after line five and insert "the district or county court of his county or district, as the case may be, during his term of office or in any subsequent criminal prosecution against the same defendant for the same overt act or omission; *provided*, that district or county attorneys after they vacate their offices may appear as counsel in cases where from any cause they were disqualified to represent the state in that particular case."

Adopted.

On motion of Senator Storey the rule requiring the roll called in this case was dispensed with.

The bill was then passed by the following vote:

YEAS.

Buchanan,  
Burnett,  
Burton,  
Davenport,

Duncan,  
Edwards,  
Ford,  
Gooch,

Grace,  
Guy,  
Hobby,  
Homan,

Houston,  
Lane,  
Lair,  
Ledbetter,  
McCormick,

McCulloch,  
Moore,  
Motley,  
Patton,  
Ripetoe,

Stewart,  
Shannon,  
Storey,  
Swain-26.

NAYS—none.

Not voting—Brown, Martin, Terrell.

Senator Houston called up Senate bill No. 216, entitled "An act specifying fees for sale of real estate for delinquent taxes," which was read second time and ordered engrossed.

Senator Houston called up 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,' which was read second time.

Also, 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,' which was read second time.

Senator Lane called up Senate bill No. 134, entitled "An act to require the owner of surveys to patent fee therefor before filing the field notes of the same in the general land office," which was read second time.

Senator Lane offered the following amendment:

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

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

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

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

NAYS—none.

Not voting—Burton, Martin.

Bill read third time and passed.

Senator Lair called up Senate bill No. 28, entitled "An act to make bail bonds and recognizances in criminal cases a lien on the real estate of the obligors on same, to provide for registration and to prevent the discharge of defendants until said lien is recorded," which was read second time.

Senator Duncan moved to adopt substitute.

Senator Swain moved to indefinitely postpone bill and substitute.

Lost by the following vote:

YEAS.

Davenport,  
Edwards,  
Grace,  
Houston.

Martin,  
Moore,  
Motley,  
Stewart,

Shannon,  
Storey,  
Swain,  
Terrell—12.

NAYS.

Buchanan,  
Burnett,  
Burton,  
Duncan,  
Guy,

Hobby,  
Homan,  
Lane,  
Lair,  
Ledbetter,

McCormick,  
McCulloch,  
Patton,  
Ripetoe--14

Not voting--Brown, Ford, Gooch.

The substitute was then adopted.

Senator Burton offered the following:

Amend line four, section 1, by striking out all after word "the" to the word "on," and insert "judgments final."

Lost.

The Senate refused to engross the bill by the following vote:

YEAS.

Buchanan,  
Burnett,  
Duncan,  
Ford,

Guy,  
Hobby,  
Homan,  
Houston,

Lair,  
McCormick,  
Patton--11.

NAYS.

Burton,  
Davenport,  
Edwards,  
Grace,  
Lane,

Ledbetter,  
Martin,  
McCulloch  
Moore,  
Motley,

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

Not voting--Brown, Gooch, Ripetoe.

Senator Motley entered a motion to reconsider the vote on the report of the finance committee on the Toby claim.

(President in the chair.)

Senator Ford (by leave) presented a memorial from citizens of Maverick county "against the passage of a bill in the House detaching Zavilla county from Maverick county and attaching it to Uvalde county for judicial purposes," giving several reasons for the same.

Referred to committee on counties and county boundaries.

Senator Terrell entered a motion to reconsider the vote by which substitute for Senate bill No. 28 was lost.

Senator Homan presented a petition from Liberty Grange, in Burleson county, "asking the passage of a law requiring ginners and millers to enclose their mills and gins with a substantial fence to keep all stock out; that ginners be held responsible for all damage done to cotton while in their possession, etc; that millers be held responsible for sacks and grain delivered unto them, and that the toll of millers be regulated by law."

Referred to the committee on state affairs.

Also, a memorial from the county judge of Washington county, by order of the county commissioners' court, with regard to taxes due said county from railroad, and asking the passage of a general or special law to empower the county to sue for said taxes.

Referred to judiciary committee No. 1.

Senator Lane introduced a bill entitled "An act granting a land certificate of 640 acres to each of the indigent pensioners enrolled under the act approved July 28, 1876."

Read by caption and referred to committee on state affairs.

Senator Ledbetter called up Senate joint resolution No. 205, "Authorizing the governor of the State of Texas to lease certain grounds belonging to the capitol grounds of the state, in the city of Austin," which was read second time and ordered engrossed.

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

Carried by the following vote:

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

NAYS—none.

Not voting—Brown, Davenport, Edwards, Grace, Patton, Ripetoe.  
Bill read third time.

Senator Motley offered the following:

“Section ..... The near approach of the end of the session and the want of a proper law upon this subject creates an imperative public necessity and emergency that the rules be suspended, and that this act be passed at once, and take effect from and after its passage, and it is so enacted.”

Adopted by the following vote:

YEAS.		
Buchanan,	Hobby,	McCormick,
Burnett,	Homan,	McCulloch,
Burton,	Houston,	Moore,
Davenport,	Lane,	Motley,
Duncan,	Lair,	Patton,
Ford,	Ledbetter,	Shannon,
Gooch,	Martin,	Storey—22.
Guy,		

NAYS—Grace.

Not voting—Brown, Edwards, Ripetoe, Stewart, Swain, Terrell.  
The resolution was then passed by the following vote:

YEAS.		
Buchanan,	Homan,	Moore,
Burnett,	Houston,	Motley,
Davenport,	Lane,	Patton,
Duncan,	Lair,	Shannon,
Ford,	Ledbetter,	Storey,
Gooch,	Martin,	Swain,
Guy,	McCormick,	Terrell 23.
Hobby,	McCulloch,	

NAYS—Grace.

Not voting—Brown, Burton, Edwards, Ripetoe, Stewart.

Senator Martin called up Senate bill No. 284, entitled “An act to amend article 3367 of the Revised Civil Statutes of the State of Texas, adopted at the present session of the Sixteenth Legislature,” which was read first time.”

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

YEAS.		
Buchanan,	Duncan,	Hobby,
Burnett,	Ford,	Homan,
Burton,	Grace,	Houston,
Davenport,	Guy,	Lane,



Lair,  
Martin,  
McCormick,  
McCulloch,

Moore.  
Motley,  
Patton,  
Stewart,

Shannon,  
Storey,  
Swain,  
Terrell—24.

NAYS—none.

Not voting—Brown, Edwards, Gooch, Ledbetter, Ripetoe.

Bill read second time.

Senator Storey offered the following:

“Whereas, the present session of the Legislature is near its close, 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.

Senator Homan offered the following:

Insert after the word “Texas” the following: “And the name of such notary.”

Lost by the following vote:

YEAS.

Burnett,  
Burton,  
Duncan,

Guy,  
Homan,  
Lane,

McCormick,  
Patton—8.

NAYS.

Buchanan,  
Davenport,  
Gooch,  
Grace,  
Hobby,

Houston,  
Lair,  
Ledbetter,  
McCulloch,  
Moore,

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

Not voting—Brown, Edwards, Ford, Martin, Motley, Ripetoe.

Bill ordered engrossed.

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

Carried by the following vote:

YEAS.

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

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

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

NAYS—none.

Not voting—Brown, Edwards, Houston, Motley.

Bill read third time and passed by the following vote:

YEAS.

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

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

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

NAYS.

Homan,

Ledbetter—2.

Not voting—Brown, Davenport, Edwards, Motley.

The president, after reading their caption, signed the following bills:

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.

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."

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.'"

Senator Duncan 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 cases of appeal," which was read third time and passed by the following vote:

## YEAS.

Buchanan,  
Duncan,  
Ford,  
Grace,  
Guy,  
Hobby.

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

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

## NAYS.

Burnett,  
Burton,  
Edwards.

Gooch,  
Ledbetter,  
McCormick.

Ripetoe,  
Shannon—8.

Not voting—Brown, Davenport, Motley.

Senator McCormick called up Senate bill No. 332, entitled "An act for the better protection of harbors and ports of the State of Texas," which was read first time.

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

## YEAS.

Buchanan,  
Burnett,  
Burton,  
Davenport,  
Duncan,  
Ford,  
Gooch,  
Grace,  
Guy.

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

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

## NAYS—none.

Not voting—Brown, Edwards, Swain, Terrell.  
Bill read second time.

Senator Gooch offered the following:

"Section 2. The near approach of the end of the session and the want of a proper law upon the subject, creates an imperative public necessity and emergency that the rules be suspended and that this act be passed at once and take effect from and after its passage; and it is so enacted."

Adopted and bill ordered engrossed.

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

YEAS.

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

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

Moore,  
Motley,  
Patton,  
Ripetoe,  
Stewart,  
Shannon,  
Storey,  
Swain,  
Terrell---28.

NAYS—none.

Not voting—Brown.

Bill read third time and passed by the following vote:

YEAS.

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

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

McCulloch,  
Moore,  
Motley,  
Ripetoe,  
Stewart,  
Shannon,  
Storey,  
Swain,  
Terrell 27.

NAYS—none.

Not voting—Brown, Patton.

The following message was received from his excellency the governor:

EXECUTIVE OFFICE, STATE OF TEXAS, }  
AUSTIN, March 25, 1879. }

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

I herewith submit to your honorable bodies a list of the acts and joint resolutions of the present Legislature, passed up to the present time, that have become laws. Two others being in the office not yet acted on. The first in the list was approved by Governor Hubbard.

Respectfully,

O. M. ROBERTS, *Governor.*

CAPTIONS OF BILLS PASSED BY THE SIXTEENTH LEGISLATURE.

S. B. No. 1.—An act to amend section 3 of an act entitled "An act to provide for the holding of district courts when the judge thereof is absent, or is from any cause disabled or disqualified from presiding," approved August 15, 1876.

Approved January 17, A. D. 1879.

S. B. No. 11.—An act to amend an act entitled "An act fixing the times of holding the district courts of the seventh judicial district of the State of Texas," approved August 16, 1876.

Approved January 24, A. D. 1879.

H. B. No. 17.—An act making an appropriation for the mileage and per diem pay of the members, and per diem pay of the officers and employes of the Sixteenth Legislature.

Approved January 24, A. D. 1879.

S. B. No. 27.—An act prescribing the times of holding the district courts in the third judicial district.

Approved January 25, A. D. 1879.

H. B. No. 18.—An act prescribing the times of holding the district courts in the fourteenth judicial district.

Approved January 30, A. D. 1879.

H. B. No. 12.—An act making an appropriation to defray the contingent expenses of the Sixteenth Legislature.

Approved February 1, A. D. 1879.

H. B. No. 135.—An act to make an appropriation to pay the postage and expressage of the comptroller's office for six months, commencing January 1, 1879, and ending June 30, 1879.

Approved February 3, A. D. 1879.

H. B. No. 2.—An act to repeal an act entitled "An act to levy a tax on the privilege of keeping or harboring dogs and to provide for the assessment and collection of the same."

Approved February 10, A. D. 1879.

S. B. No. 38.—An act to fix the times of holding the district courts of the eighteenth judicial district of the State of Texas.

Approved February 10, A. D. 1879.

S. B. No. 139.—An act amendatory of an act entitled "an act fixing the times of holding the district courts of the twenty-third judicial district," approved August 9, 1876.

Approved February 12, A. D. 1879.

S. B. No. 15.—An act to protect mechanics, laborers and operatives on railroads against the failure of owners, contractors and subcontractors, or agents, to pay their wages when due, and to provide a lien for such wages.

Approved February 18, A. D. 1879.

S. B. No. 21.—An act to provide for designating, surveying and sale of three million and fifty thousand acres of the unappropriated public domain for the erection of a new state capitol and other necessary public buildings at the seat of government, and to provide a fund to pay for surveying said lands.

Approved February 20, A. D. 1879.

H. B. No. 3.—An act to diminish the civil and criminal jurisdiction of the county court of Leon county, and to conform the jurisdiction of the district court of said county to such change.

Approved February 6, A. D. 1879.

H. J. R. No. 4.—Joint resolution on yellow fever.

Approved January 28, A. D. 1879.

H. J. R. No. 23.—Joint resolution in regard to Aransas Pass bar.

Approved February 8, A. D. 1879.

S. J. R. No. 61.—Joint resolution granting leave of absence from the state to Hon. Allen Blacker, judge of the twentieth judicial district.

Approved February 10, A. D. 1879.

S. J. R. No. 145.—Joint resolution instructing the senators and requesting the representatives of Texas in congress to favor commercial relations with Mexico.

Approved February 14, A. D. 1879.

H. J. R. No. 21.—Joint resolution authorizing and directing the attorney general to institute and prosecute such legal proceedings as may be necessary to establish the title of the state to her university lands in McLennan and Hill counties, and to remove all clouds upon said title.

Approved February 19, A. D. 1879.

H. B. No. 9.—An act making an appropriation for the support of the public free schools for the scholastic year ending August 31, 1879.

Approved February 21, A. D. 1879.

S. B. No. 98.—An act to fix the fees of the department of state in certain cases.

Approved February 21, A. D. 1879.

S. B. No. 176.—An act establishing the tenth, twelfth, thirteenth, twenty-eighth, twenty ninth and thirtieth judicial districts, prescribing the times of holding the district courts therein, and providing for the appointment of district judges for the twenty-eighth, twenty-ninth and thirtieth judicial districts.

Approved February 22, A. D. 1879.

S. B. No. 67.—An act prescribing the times of holding the district courts in the twenty-fourth judicial district.

Approved February 24, A. D. 1879.

H. B. No. 255.—An act to reorganize the fourth judicial district of the State of Texas, and to fix the times for holding courts in the different counties composing the same.

Approved February 24, A. D. 1879.

S. B. No. 214.—An act to set aside the public lands embraced within the territorial limits of the county of Greer to educational purposes, and for the payment of the public debt.

Approved February 25, A. D. 1879.

S. B. No. 132.—An act to legalize the sale of real estate, which belonged to Stephens county, in and near the town of Breckenridge, Stephens county, Texas.

Approved February 24, A. D. 1879.

S. J. R. No. 202.—Joint resolution making an appropriation to pay interest on the bonded debt of the state to the first day of March, A. D. 1879.

Approved February 21, A. D. 1879.

H. B. No. 141.—An act making appropriations for the support of the state government for the time beginning January 1, 1879, and ending February 28, 1879.

Approved February 26, A. D. 1879.

H. B. No. 151.—An act to create the thirty-first judicial district of the State of Texas and to organize the same.

Approved February 27, A. D. 1879.

H. B. No. 151.—An act to create the thirty-first judicial district of the State of Texas and to organize the same.

Approved February 27, A. D. 1879.

S. B. No. 143.—An act to attach certain counties therein named to the twenty-fifth judicial district.

Approved March 1, A. D. 1879.

S. B. No. 59.—An act to reorganize the seventeenth judicial district of the State of Texas.

Approved February 28, A. D. 1879.

S. B. No. 60.—An act to amend an act entitled "An act to fix the times for holding the terms of the district courts for the seventeenth judicial district, including the county of McCulloch," approved July 29, 1876.

Approved February 28, A. D. 1879.

S. B. No. 184.—An act to fix the times of holding the district courts of the twenty-fifth judicial district of the State of Texas.

Approved March 1, A. D. 1879.

S. B. No. 42.—An act to provide for the care and protection of the East Texas Penitentiary.

Approved March 5, A. D. 1879.

S. B. No. 77.—An act to regulate and control the assessment of taxes on real estate.

Approved March 8, A. D. 1879.

H. B. No. 8.—An act for the preservation of oysters and oyster beds, and for protecting the rights of persons to the same, and affixing penalties.

Approved March 8, A. D. 1879.

H. B. No. 217.—An act to release certain inhabitants in the county of Lamar in this state from the payment of taxes assessed and now due for the year 1878 in consequence of a great public calamity.

Approved March 8, A. D. 1879.

S. B. No. 231.—An act amendatory of and supplemental to an act entitled "an act establishing the tenth, twelfth, thirteenth, twenty-eighth, twenty-ninth and thirtieth judicial districts, providing the times of holding the courts therein and providing for the appointment of district judges for the twenty-eighth, twenty-ninth and thirtieth judicial districts," approved ....., 1879.

Approved March 8, A. D. 1879.

S. B. No. 19.—An act to authorize the levy and collection of a special tax in counties where it may be necessary to construct or to complete or to complete payment for court houses and jails.

Approved March 11, A. D. 1879.

H. B. No. 446.—An act to authorize the mayor and board of aldermen of the town of Waxahachie to transfer its stock in the Waxahachie Tap railway.

Approved March 11, A. D. 1879.

H. B. No. 266.—An act to authorize the county of Galveston to sell the shares of the capital stock of the Gulf, Colorado and Santa Fe railway company owned by said county.

Approved March 8, A. D. 1879.

H. B. No. 258.—An act to amend section 17 of an act to incorporate the Gulf, Colorado and Santa Fe railway company and to grant land in aid of the construction of the same, passed March 28, 1873.

Approved March 8, A. D. 1879.

H. B. No. 70.—An act to amend section 2 of "an act to define the eighth judicial district, and to fix the times of holding the courts therein, approved August 11, 1876."

Approved March 13, A. D. 1879.

S. B. No. 6.—An act regulating the election of clerks of the district and county courts in counties having less than eight thousand inhabitants, and to validate the acts of persons heretofore or now holding both of said offices.

Approved March 13, A. D. 1879.

House bill No. 160.—An act to repeal "an act to provide annual pensions for the surviving soldiers of the Texan revolution, and the surviving signers of the declaration of Texan independence, and the surviving widows of such soldiers and signers," approved July 28, 1876.

Approved March 13, A. D. 1879.

H. B. No. 10.—An act to amend section 4 of an act entitled "an act to amend an act entitled 'an act to provide for the supplying of lost records in the several counties in this state, approved April 14, 1874,' approved July 13, 1876."

Approved March 13, A. D. 1879.

H. B. No. 137.—An act to repeal an act entitled "an act to authorize and require all forced sales of real estate and sales of negroes made by executors and administrators in the county of Travis to be made on Congress avenue, at the southeast corner of block No. 70," approved November 28, 1857.

Approved March 13, A. D. 1879.

H. J. R. No. 27.—Joint resolution instructing our senators and requesting our representatives in congress to ask of the United States government payment of all sums expended by Texas for frontier defense between February 28, 1855, and August 31, 1878; and the payment of the unexpended balance of seven million seven hundred and fifty thousand eight hundred and ten dollars (\$7,750,810), left with the United States government by this state for the payment of the debt of the late republic of Texas.

Approved March 13, A. D. 1879.

S. B. No. 210.—An act to reorganize the third judicial district and prescribe the times of holding the district courts in the third and seventh judicial districts.

Approved March 19, A. D. 1879.

S. B. 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.

Approved March 19, A. D. 1879.

H. B. No. 347.—An act to amend section 2 of the charter of the

corporation of Victoria, and to provide for certain changes caused thereby.

Approved March 19, A. D. 1879.

Sub. H. B. 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 provision of this act.

Approved March 19, A. D. 1879.

H. J. R. No. 47.—Joint resolution 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.

Approved March 20, A. D. 1879.

Sub. H. B. 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.

Approved March 20, A. D. 1879.

H. B. No. 67.—An act to amend an act, entitled "An act defining what money and property is subject to taxation or exemption, and the mode of listing the same." Approved August 21, 1876.

Approved March 20, A. D. 1879.

H. B. No. 138.—An act requiring the commissioner of the general land office to issue patents to parties purchasing university lands in accordance with the original subdivisions made under the act, approved August 30, 1856.

Approved March 20, A. D. 1879.

H. B. No. 95.—An act to amend "an act regulating elections," approved August 23, 1876.

Approved March 20, A. D. 1879.

H. J. R. No. 35.—Joint resolution instructing senators in congress and requesting representatives to protest to federal government against Indians being allowed to come into Texas.

Approved March 20, A. D. 1879.

S. B. 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.

Approved March 20, A. D. 1879.

H. B. No. 68.—An act to amend "an act to prohibit the exchange or gift of intoxicating liquors in any county, justices' precincts, city or town in this state that may so elect, prescribing the mode of election and affixing a punishment for its violation."

Approved March 20, A. D. 1879.

H. B. No. 15.—An act for the relief of all persons whose lands have been sold for taxes and bought in by the state.

Approved March 22, A. D. 1879.



S. B. 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.

Approved March 22, A. D. 1879.

H. B. No. 280.—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.

Approved March 22, A. D. 1879.

H. B. No. 88.—An act for the relief of Mrs. M. A. C. Wilson, widow of Wm. F. Wilson.

Approved March 22, A. D. 1879.

H. B. No. 102.—An act defining the duties of commissioners' courts when sitting as a board of equalization.

Approved March 22, A. D. 1879.

H. B. No. 276.—An act to authorize counties to take up their outstanding bonds and to issue others in lieu thereof, and to provide by special tax for the payment of interest and principal of the same.

Approved March 22, A. D. 1879.

H. B. No. 324.—An act authorizing the payment of taxes of non-residents of counties to be made at the comptroller's office.

Approved March 22, A. D. 1879.

S. B. No. 127.—An act to provide for the holding of special terms of the district courts when and where the same may be necessary.

Approved March 22, A. D. 1879.

S. B. 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.

Approved March 22, A. D. 1879.

H. B. No. 89.—An act in relation to assignments for the benefit of creditors, and to regulate the same and the proceedings thereunder.

Approved March 24, A. D. 1879.

S. B. No. 103.—An act to provide for the organization of the state penitentiaries, and to regulate the management of the convicts therein.

Approved March 24, A. D. 1879.

H. B. No. 327.—An act to better secure the collection of taxes.

Approved March 24, A. D. 1879.

S. B. 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.

Approved March 24, A. D. 1879.

S. J. R. No. 35.—Joint resolution granting leave of absence to Walter Acker.

Approved March 24, A. D. 1879.

Sub. H. B. No. 188.—An act to protect the wool-growing interests of the State of Texas.

Approved March 25, A. D. 1879.

H. B. 337.—An act to authorize counties, cities and towns to scale and fund their indebtedness, and for raising means to pay the same.

Approved March 25, A. D. 1879.

H. B. No. 132.—An act to regulate the issuance and delivery of land patents and to secure the payment of fees due thereon.

Approved March 25, A. D. 1879.

S. B. 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.

Approved March 25, A. D. 1879.

S. B. No. 20.—An act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas.

S. B. No. 54.—A bill to be entitled "An act to adopt and establish the Revised Civil Statutes of the State of Texas."

H. J. R. No. 24.—In regard to Pelican Island.

On motion of Senator Grace, the Senate adjourned until 9:30 A. M. tomorrow.

### SIXTY-SECOND DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, March 26, 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.

On motion of Senator Buchanan, Senator Storey was excused for the remainder of the week.

Senator Burnett introduced a bill entitled "An act to amend article 425 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,'" passed February 21, 1879.

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

Senator Lane introduced a bill entitled "An act to amend article 1058 of the Code of Criminal Procedure, passed at the present session of the Legislature."

Read by caption and referred to committee on finance.

Senator Hobby introduced a bill entitled "An act prescribing the times of holding the district courts in the first judicial district and regulating the returns of process therein."

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

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

IN SENATE.—The president *pro tempore* in the chair.

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

## AFTERNOON SESSION.

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

Senator Stewart (by leave) introduced a bill entitled "An act for the relief of actual occupants of the public lands."

Read by caption and referred to the committee on public lands.

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

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

Your committee on enrolled bills have examined and compared the following bills, and find them correctly engrossed, viz :

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."

Senate bill No. 94, entitled "An act to create a lien in favor of proprietors of livery or other public stables, and to provide for the manner in which the same may be enforced."

Senate bill No. 196, entitled "An act to regulate the practice of pharmacy."

Senate substitute for House bill No. 207, entitled "An act to amend article 2405 of the Revised Civil Statutes."

Senate bill No. 212, entitled "An act granting to Mrs. Florence Whitis the right to make a change in Laurel street in the city of Austin."

Senate joint resolution No. 220, "Proposing amendment to article 16 of the constitution of the state, by adding thereto section 58."

Senate bill No. 278, entitled "An act to prevent the sale, exchange or gift of intoxicating liquors within five miles in every direction of Troy Institute in Bell county."

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

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. 304, entitled "An act supplemental to an act fixing the times of holding the district courts of the twenty-third judicial district," approved February 12, 1879.

Senate bill No. 314, entitled "An act to revive and validate land certificate No. 6058."

Senate bill No. 321, entitled "An act to authorize the Austin Canal, Irrigation and Manufacturing Company to construct a dam across the Colorado river."

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."

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. BROWN, *Chairman.*

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

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

Your committee on judicial districts, to whom was referred Senate bill

No. 338, entitled "An act prescribing the times of holding the district courts in the first judicial district, and regulating the returns of process therein," have considered the same, and I am instructed to report it back to the Senate and recommend its passage. SHANNON, *Chairman*.

Senator Burnett moved that the Senate go into executive session.

Senator Houston moved a call of the Senate.

Call sustained.

Roll called. Absent—Lane, Ledbetter, Patton, Terrell.

Substitute for House bill No. 305 and 335; entitled "An act to provide for the redemption 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," was taken up, read third time and passed.

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," was taken up, read second time and passed to a third reading.

On motion of Senator Homan, 50 copies of this bill were ordered printed.

House bill No. 304, entitled "An act to repeal 'an act to encourage irrigation and navigation,' approved August 21, 1876," was taken up and read second time.

Senator Houston moved to adopt the report of the committee, which was adverse to the passage of the bill.

Lost by the following vote:

YEAS.		
Brown,	Ford,	Houston,
Davenport,	Hobby,	McCulloch—6.
NAYS.		
Buchanan,	Homan,	Moore,
Burnett,	Lair,	Motley,
Burton,	Ledbetter,	Ripetoe,
Duncan,	Martin,	Stewart,
Gooch,	McCormick,	Shannon—16.
Grace,		

Not voting—Edwards, Guy, Lane, Patton, Storey, Swain, Terrell.  
(Senator Ledbetter in the chair.)

The absent senators having returned the call was suspended, and the consideration of the motion of Senator Burnett to go into executive session was resumed.

The motion was lost by the following vote:

YEAS.		
Brown,	Grace,	McCulloch.
Burnett,	Hobby,	Ripetoe,
Davenport,	Houston,	Swain—11.
Edwards,	McCormick,	
NAYS.		
Buchanan,	Lane,	Motley,
Duncan,	Lair,	Patton,
Ford,	Ledbetter,	Stewart,
Gooch,	Martin,	Shannon,
Guy,	Moore,	Terrell—16.
Homan,		

Not voting—Burton.

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

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. 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."

The consideration of House bill No. 304 "To repeal the act to encourage irrigation and navigation," was resumed.

The Senate refused to pass it to third reading by the following vote:

YEAS.

Buchanan,  
Burnett,

Grace,  
Homan,

Lair,  
McCormick--6.

NAYS.

Brown,  
Davenport,  
Duncan,  
Edwards,  
Ford,  
Gooch,

Guy,  
Houston,  
Lane,  
Ledbetter,  
Martin,  
McCulloch,

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

Not voting—Burton, Hobby, Patton, Storey, Swain, Terrell.

Senator McCulloch called up Senate joint resolution No. 74, proposing an amendment to the constitution of the State of Texas, regulating suffrage.

Senator Stewart moved a call of the Senate.

Call sustained.

Roll called. Absent—Hobby, Swain, Terrell.

Pending business went to the table.

Senator Patton called up Senate bill No. 253.

The absent senators appearing the Senate was declared full and the consideration of Senate joint resolution No. 74 was resumed.

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

EXECUTIVE OFFICE, STATE OF TEXAS, }  
AUSTIN, March 26, 1879. }

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

GENTLEMEN—I respectfully call your attention to article 3956 of the Civil Code, providing that "no patent shall be issued upon any claim, unless a map of the county, in which the same is situated, shall have been returned to the general land office by the county surveyor of the county." The county surveyors do not make and return county maps to the general land office, and the thing is at present impracticable under existing circumstances in many of the counties, that have never returned maps as thus required.

County maps for the last twenty-five or thirty years have been made in the general land office and sent to the counties, and that is the only place where they can be made without great expense and great danger of injurious mistakes.

At an early day, when the general land office was being organized, such a law was necessary to give information of the locality of the Spanish and Mexican grants, in the counties then organized, and thereby prevent patents from being issued upon surveys, conflicting with said older grants. It has long since answered its original purpose, and has

become obsolete. Practically, maps of counties are made in the general land office by the surveys returned, and as they are returned there by the county surveyors before lands in such counties are patented, and that would be the case whether maps were returned by the county surveyors or not.

This section being re-enacted in the Civil Code may cause questions to be raised about the legality of issuing patents without a strict compliance with it. If a strict and literal compliance be held to be necessary as a condition precedent to the issuing of patents, it will stop the issuing of patents in many of the organized counties.

I therefore recommend its immediate repeal by the Legislature.

O. M. ROBERTS, *Governor.*

On motion of Senator Burnett, the message was referred to the committee on public lands.

Senate joint resolution No. 74 (the pending business), was read the second time.

Senator Shannon moved the indefinite postponement of the resolution, pending amendments, etc.

Lost by the following vote:

YEAS.		
Davenport,	Martin,	Ripetoe,
Duncan,	McCormick,	Stewart,
Homan,	Patton,	Shannon---10.
Ledbetter,		

NAYS.		
Brown,	Guy,	McCulloch,
Buchanan,	Hobby,	Moore,
Edwards,	Houston,	Motley,
Gooch,	Lane,	Swain,
Grace,	Lair,	Terrell---15.

Not voting—Burnett, Burton, Ford.

Senator Burton offered the following as an amendment to the first amendment of the committee:

Amend by striking out "ninety" and inserting in lieu thereof "five."

Lost by the following vote:

YEAS.		
Burton,	Grace,	Patton,
Duncan,	Homan,	Ripetoe-- 8.
Ford,	McCulloch,	

NAYS.		
Brown,	Hobby,	McCormick,
Buchanan,	Houston,	Moore,
Burnett,	Lane,	Motley,
Davenport,	Lair,	Stewart,
Edwards,	Ledbetter,	Swain,
Gooch,	Martin,	Terrell---23.
Guy,		

Not voting—Shannon.

The first amendment of the committee was then lost by the following vote:

YEAS.		
Brown,	Lane,	Moore,
Buchanan,	Lair,	Motley,
Gooch,	McCormick,	Swain,
Hobby,	McCulloch,	Terrell---13.
Houston,		

NAYS.

Burnett,  
Burton,  
Davenport,  
Duncan,  
Edwards,

Ford,  
Grace,  
Homan,  
Ledbetter,  
Martin,

Patton,  
Ripetoe,  
Stewart,  
Shannon—14.

Not voting—Guy.

The second committee amendment to insert "or certificate" after the word "receipt," in line sixteen of the bill.

Adopted.

Senator Gooch offered the following as an amendment to the third amendment of the committee:

Amend by striking out the words "two years" and insert the words "the next preceding two years."

Lost.

The third amendment of the committee was lost.

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

EXECUTIVE OFFICE, STATE OF TEXAS, }  
AUSTIN, March 26, 1879. }

To the honorable Senate of the State of Texas:

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

J. C. Kidd, of Houston county, in place of J. Sherer, declined.

Jas. P. Parker, Jr., of Leon county, instead of A. J. Parker, Jr., whose initials were incorrect.

J. A. Morris, of Cooke county, instead of Jas. A. Bolton, declined.

V. G. Frost, of Parker county, instead of D. G. Frost, whose initials were incorrect.

A. A. Burek, of Milam county, instead of A. A. Burek, of Burleson county; mistake in name of county.

Respectfully,

O. M. ROBERTS, *Governor*

EXECUTIVE OFFICE, STATE OF TEXAS, }  
AUSTIN, March 26, 1879. }

To the honorable Senate of the State of Texas:

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

J. R. Lec, Newton county.

J. W. Sanders, James R. Lee, O. R. Sholors, Jasper county.

H. J. M. Bridge, Menard county.

George S. Hamilton, Matagorda county.

George Ricks, Liberty county.

H. M. Cook, A. B. Hardin, Leon county.

R. M. Forbes, De Witt county.

J. M. Fullinwider, J. R. Peel, Montgomery county.

W. E. Field, B. T. Palmer, Caldwell county.

R. L. Bassett, (withdrawn) Ben. S. Rogers, William H. Vinson, Robert L. Bassett, Washington county.

C. J. E. Graham, C. G. Caldwell, G. A. Ball, Bastrop county.

D. P. Marr, Atascosa county.

James Peeler, Milam county.

F. H. Rohre, Calhoun county.

A. J. Harvey, Waller county.  
 C. Cahill, R. J. Denny, Nueces county.  
 John F. F. Doherty, Coryell county.  
 L. N. Frank, Erath county.  
 J. C. Swift, Coleman county.  
 James Graham, Johnson county.  
 John Durst, Harrison county.  
 John S. Menefee, Jackson county.  
 Joseph Styles, Bowie county.  
 Sam R. Henderson, Brazos county.  
 James O. Luby, Duval county.  
 W. C. Griffin, Hill county.

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

Senator Shannon moved that the Senate go into executive session in the morning, just after the morning call.

Adopted.

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

### SIXTY-THIRD DAY.

SENATE CHAMBER, }  
 AUSTIN, TEXAS, March 27, 1879. }

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

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

On motion of Senator Hobby, Senators Patton and Gooch were excused for the morning so as to perform important committee duty.

A message was received from the House announcing the passage by that body of Senate bill No. 68, entitled "An act to amend article 794 of the Code of Criminal Procedure of this state."

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

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

Your committee on private land claims, to whom was referred Senate bill No. 318, entitled "A bill to be entitled 'an act to legalize certain land certificates therein named,'" have considered the same and find that notice by publication as required by law has been duly given of the presentation of this claim, and a majority of your committee, after having examined the proofs filed in this case, instruct me to report said bill back to the Senate and to recommend its passage. GUY, *Chairman.*

Senator Lane, chairman of the committee on public lands, submitted the following report.

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

Your committee on public lands, to whom was referred the message of his excellency the governor in relation to the repeal of article 3955 of the Civil Code, have had the same under consideration, and instruct me to report back the accompanying bill with the recommendation that it do pass. LANE, *Chairman.*



The bill just reported was taken up and read first time.

Senator Shannon offered the following resolution:

*Resolved by the Senate, the House of Representatives concurring,* That the Sixteenth Legislature adjourn without day, Monday, the 31st day of March, 1879, at 12 o'clock m.

Senator Terrell moved to refer the resolution to the committee on finance.

Withdrawn, and the resolution lies over under the rules.

Senator McCulloch introduced a bill entitled "An act to promote the science of medicine and surgery by providing methods whereby human subjects for anatomical and scientific dissection and experiment may be lawfully obtained, and prescribing penalties for violation thereof."

Read by caption and referred to the committee on statistics, public health, etc.

Senator Hobby introduced a bill entitled "An act for the relief of the Sabine Pass and Northwestern railway company."

Read by caption and referred to committee on internal improvements.

Senator Lane introduced a bill entitled "An act to provide for the printing, binding and distributing of the Revised Civil Statutes, Penal Code and Code of Criminal Procedure, adopted and established at the present session of the Legislature."

Read by caption and referred to committee on state affairs.

Senator Grace moved that the Senate go into executive session.

Senator Duncan moved a call of the Senate.

Call sustained.

Roll called. Absent—Brown, Martin.

The pending business went to the table.

The following message was received from his excellency the governor:

EXECUTIVE OFFICE, STATE OF TEXAS, }  
AUSTIN, March 27, 1879. }

To the honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask the following correction, that J. C. Kidd be appointed notary public for Harris instead of Houston county.

Respectfully, O. M. ROBERTS, Governor.

Senator Moore called up Senate bill No. 338, entitled "An act prescribing the times of holding the district courts in the first judicial district, and regulating the returns of process therein," which was taken up and read first time.

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

YEAS.

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

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

McCulloch,  
Moore,  
Motley,  
Patton,  
Ripetoe,  
Stewart,  
Shannon,  
Terrell—24.

NAYS—none.

Not voting—Duncan, Ford, Martin, Swain.

Read a second time and ordered engrossed.

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

## YEAS.

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

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

Moore,  
Motley,  
Patton,  
Ripetoe,  
Stewart,  
Shannon,  
Swain,  
Terrell--25.

## NAYS—NONE.

Not voting—Davenport, Lane, Martin.

Bill read third time and passed.

Senator Lane, chairman of the committee on public lands (by leave), submitted the following report:

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

Your committee on public lands, to whom was referred Senate bill No. 341, entitled "An act for the relief of actual occupants of the public lands," have had the same under consideration, and instruct me to report the same back and recommend that it do pass. LANE, *Chairman.*

Senator Edwards, from the committee on finance (by leave), submitted the following report:

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

Your committee on finance, to whom was referred Senate bill No. 340, entitled an act to amend article 1058 of the Code of Criminal Procedure passed at the present session of the Legislature, 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.

EDWARDS, *for Committee.*

(Senator Edwards in the chair.)

The absent senators appearing, the Senate was announced full.

The motion to go into executive session was adopted, and the Senate accordingly went into executive session.

IN SENATE.—On motion of Senator Burnett, the confirmations of the Senate made in executive session were ordered spread on the journals.

In obedience to this order the following is entered:

That the Senate did advise and consent to all of the appointments by his excellency the governor, by communication dated March 26, of notaries public for the counties of Newton, Jasper, Menard, Matagorda, Liberty, Leon, DeWitt, Montgomery, Caldwell, Washington, Bastrop, Atascosa, Milam, Calhoun, Waller, Nueces, Coryell, Erath, Coleman, Johnson, Harrison, Jackson, Bowie, Brazos, Duval and Hill, except that of R. L. Bassett, which was sent in by error, he having been previously confirmed; and also confirmed the appointment of Benton Randolph, Sanford Gibbs and J. M. Wynne to be directors of the penitentiary.

Senator Stewart called up 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,'" when the substitute of Senator Houston, entitled "An act to amend chapter 3, title 42 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,'" "

passed February 21, 1879, was adopted and bill as substituted ordered engrossed.

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

YEAS.

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

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

McCulloch,  
Motley,  
Patton,  
Ripetoe,  
Stewart,  
Shannon,  
Swain,  
Terrell--24.

NAYS—none.

Not voting—Buchanan, Ford, McCormick, Moore.

Bill read third time and passed.

Senator Shannon called up Senate bill No. 185, entitled "An act to provide against the evils resulting from the sale of intoxicating liquors in the State of Texas," which was read second time.

Senator Homan offered this amendment:

"Section 3. The near approach of the close of the session creates an imperative public necessity that the rules requiring this act to be read on three several days be suspended, and they are suspended."

Adopted and bill ordered engrossed.

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

Carried by the following vote:

YEAS.

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

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

McCulloch,  
Motley,  
Patton,  
Ripetoe,  
Stewart,  
Shannon,  
Swain,  
Terrell--25.

NAYS—none.

Not voting—Buchanan, Ford, Moore.

Bill read third time and postponed for further consideration.

Senator Patton called up Senate bill No. 340, entitled "An act to amend article 1058 of the Code of Criminal Procedure, passed at the present session of the Legislature," which was read first time.

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

YEAS.

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

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

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

NAYS—none.

Not voting—Ford, Grace, Swain.

Bill read second time and ordered engrossed.

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

YEAS.

Buchanan,	Hobby,	Moore,
Burnett,	Homan,	Motley,
Burton,	Houston,	Patton,
Duncan,	Lane,	Ripetoe,
Edwards,	Lair,	Stewart,
Ford,	Ledbetter,	Shannon,
Gooch,	Martin,	Swain,
Grace,	McCormick,	Terrell—26.
Guy,	McCulloch,	

NAYS—none.

Not voting—Brown, Davenport.

Bill read third time and passed by the following vote:

YEAS.

Buchanan,	Hobby,	Moore,
Burnett,	Homan,	Motley,
Burton,	Houston,	Patton,
Duncan,	Lane,	Ripetoe,
Edwards,	Lair,	Stewart,
Ford,	Ledbetter,	Shannon,
Gooch,	Martin,	Swain,
Grace,	McCormick,	Terrell—26.
Guy,	McCulloch,	

NAYS—none.

Not voting—Brown, Davenport.

On motion of Senator Ledbetter, Senator Swain was added to the committee on finance.

Senator Swain called up Senate bill No. 341, entitled "An act for the relief of actual occupants of the public lands," which was read first time.

Senator Burnett moved that the rules be suspended to place the bill on its second reading.

Carried by the following vote:

YEAS.

Buchanan,	Hobby,	Moore,
Burnett,	Homan,	Motley,
Burton,	Houston,	Patton,
Davenport,	Lane,	Ripetoe,
Duncan,	Lair,	Stewart,
Edwards,	Ledbetter,	Shannon,
Gooch,	Martin,	Swain,
Grace,	McCormick,	Terrell—26.
Guy,	McCulloch,	

NAYS—none.

Not voting—Brown, Ford.

Bill read second time and ordered engrossed.

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

YEAS.

Buchanan,	Gooch,	Houston,
Burnett,	Grace,	Lane,
Burton,	Guy,	Lair,
Edwards,	Hobby,	Ledbetter,
Ford,	Homan,	Martin,

McCormick,  
McCulloch,  
Moore,

Motley,  
Patton,  
Ripetoe.

Stewart,  
Shannon—23.

NAYS—none.

Not voting—Brown, Davenport, Duncan, Swain, Terrell.

Bill read third time and passed by the following vote :

YEAS.

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

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

McCormick,  
McCulloch,  
Moore,  
Motley,  
Ripetoe,  
Stewart,  
Shannon,  
Terrell—24.

NAYS—none.

Not voting—Brown, Martin, Patton, Swain.

Senator McCormick entered a motion to reconsider the vote passing Senate bill No. 312, "An act to amend the existing quarantine law of the state."

Senator Homan called up, by unanimous consent, Senate bill No. 185 (the Ohio liquor law).

Senator Terrell offered the following amendment:

Strike out "section 5" of the bill.

Senator Homan offered the following substitute for the pending amendment:

Insert after the word "act" in line three, section 5, the words: "with the purpose of evading the provisions of this act."

Adopted by the following vote:

YEAS.

Buchanan,  
Burnett,  
Burton,  
Davenport,  
Duncan,  
Ford,

Gooch,  
Hobby,  
Homan,  
Lair,  
Martin,  
McCormick,

McCulloch,  
Moore,  
Motley,  
Shannon,  
Swain,  
Terrell—18.

NAYS.

Edwards,  
Grace,

Houston,  
Ledbetter,

Patton,  
Stewart—6.

Not voting—Brown, Guy, Lane, Ripetoe.

(President in the chair).

The amendment of Senator Homan, as substituted for the amendment of Senator Terrell, was then adopted as an amendment to the bill by the following vote:

YEAS.

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

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

Moore,  
Motley,  
Ripetoe,  
Shannon,  
Swain,  
Terrell—19.

NAYS.

Grace,  
Houston,

Lane,  
Ledbetter,

Patton,  
Stewart—6.

Not voting—Brown, Edwards, Guy.

Senator Terrell offered the following:

Strike out "section 14."

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

Strike out in section 14 the following words: "and such fines, costs and damages shall constitute a lien upon such real estate until paid," and all after "that," in section 14.

Adopted by the following vote:

## YEAS.

Buchanan,	Gooch,	McCulloch,
Burnett,	Homan,	Moore,
Burton,	Lane,	Motley,
Davenport,	Lair,	Stewart,
Duncan,	Ledbetter,	Shannon—17.
Edwards,	Martin,	

## NAYS.

Hobby,	McCormick,	Terrell—5.
Houston,	Swain,	

Not voting—Brown, Ford, Grace, Guy, Patton, Ripetoe.

The substitute was then lost as an amendment to the bill by the following vote (it taking two-thirds to adopt):

## YEAS.

Buchanan,	Gooch,	Martin,
Burton,	Homan,	Motley,
Davenport,	Lane,	Ripetoe,
Duncan,	Lair,	Shannon—13.
Edwards,		

## NAYS.

Burnett,	Ledbetter,	Stewart,
Hobby,	McCormick,	Swain,
Houston,	Moore,	Terrell—9.

Not voting—Brown, Ford, Grace, Guy, McCulloch, Patton.

Senator Gooch moved to strike out the words "as well as exemplary damages."

Lost by the following vote:

## YEAS.

Gooch,	Lair,	Terrell—3.
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## NAYS.

Buchanan,	Hobby,	Moore,
Burnett,	Homan,	Motley,
Burton,	Houston,	Patton,
Davenport,	Lane,	Stewart,
Duncan,	Martin,	Shannon,
Edwards,	McCormick,	Swain—20.
Ford,	McCulloch,	

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

Senator Ledbetter offered the following:

Amend by adding the following to section 14:

"*Provided*, that the counties of Bastrop, Fayette and Lee be exempt from the operations of this act."

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

Add, to amend the counties of Nacogdoches, Sabine, San Augustine, Houston and Angelina.

Accepted by Senator Edwards.

Senator Hobby moved the previous question on the bill and pending amendments.

Motion seconded and main question ordered by the following vote:

YEAS.

Buchanan,	Lane,	Moore,
Burnett,	Lair,	Motley,
Burton,	Martin,	Patton,
Hobby,	McCormick,	Shannon,
Homan,	McCulloch,	Swain--15.

NAYS.

Davenport,	Ford,	Ledbetter,
Duncan,	Gooch,	Stewart,
Edwards,	Houston,	Terrell--9.

Not voting—Brown, Grace, Guy, Ripetoe.

The amendment of Senator Ledbetter, as amended by the amendment of Senator Edwards, was lost by the following vote:

YEAS.

Edwards,	Ledbetter--2.
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NAYS.

Buchanan,	Homan,	Moore,
Burnett,	Houston,	Motley,
Burton,	Lane,	Patton,
Davenport,	Lair,	Stewart,
Duncan,	Martin,	Shannon,
Gooch,	McCormick,	Swain,
Guy,	McCulloch,	Terrell--22.
Hobby,		

Not voting—Brown, Ford, Grace, Ripetoe.

Bill passed by the following vote:

YEAS.

Buchanan,	Homan,	Moore,
Burnett,	Lane,	Motley,
Burton,	Lair,	Ripetoe,
Duncan,	McCormick,	Shannon,
Gooch,	McCulloch,	Swain--16.
Hobby,		

NAYS.

Davenport,	Houston,	Patton,
Edwards,	Ledbetter,	Stewart,
Ford,	Martin,	Terrell--10.
Grace,		

Not voting—Brown, Guy.

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

Senate bill No. 68, entitled "An act to amend section 794 of the Code of Criminal Procedure of this state."

House substitute for Senate bill No. 288, entitled "An act amendatory of an act establishing the tenth, twelfth, thirteenth, twenty-eighth, twenty-ninth and thirtieth judicial districts, describing the times of holding the district courts therein, and providing for the appointment of district judges for the twenty-eighth, twenty-ninth and thirtieth judicial districts," approved February 22, 1879.

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

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

Your committee on military affairs, to whom was referred House bill No. 394, entitled "An act to repeal chapters 1, 2 and 3 of title 64 of the

Civil Code, adopted February 21, 1879," have instructed me to report the same back with the recommendation that it do not pass, for the following reasons, viz:

First—By the terms of section 46, article 16 of the constitution of the state, the Legislature is required to provide by law for organizing and disciplining the militia of the state in such manner as they may deem expedient, not inconsistent with the constitution and laws of the United States.

Second—The constitution of the United States authorizes congress to pass laws regulating the militia of the States; congress enacted such laws as were contemplated by the constitution, requiring the organization of the militia in each of the states.

Third—The requirement of the constitution of this state is mandatory, as well as the acts of congress. It is incumbent upon the Legislature to enact a law organizing and disciplining the militia of the state, no option being left the Legislature as to whether or not a militia law shall be enacted under the constitution of this state. The act adopted at this session of the Legislature was carefully prepared and incorporated in the Civil Code by the commission on codes.

The bill passed by the House of Representatives in repealing chapter 1 and 2 destroys all the powers of the governor and adjutant general. Those two chapters simply define what shall constitute the militia of the state, and define the powers of the governor as commander-in-chief of the military forces of the state; also, the powers and duties of the adjutant general, as well as creating the office of adjutant general, or is rather a re-enactment of the old law.

Chapter 3, attempted to be repealed by said bill, pertains exclusively to the organizing and disciplining of the reserved militia. Your committee are of the opinion that with some few amendments to said chapter an efficient militia system can be had for the state. The committee will suggest such amendments as will relieve the law of some of its objectionable features.

Therefore, your committee report back the accompanying bill as a substitute for said House bill No. 394, and recommend its adoption.

GRACE, *Chairman.*

Senator Lane, chairman of committee on public lands (by leave), submitted the following report:

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

Your committee on public lands, to whom was referred House bill No. 48, entitled "An act declaring the enclosing or keeping enclosed of any public domain a misdemeanor, and prescribing a punishment therefor," have had the same under consideration, and unanimously instruct me to report the same back with the recommendation that it do not pass for the following reasons, viz:

1. That many counties in this state have leased their school lands for a period from ten to twenty years, and this bill would subject the lessees of such land to indictment and conviction.

2. That it is not good policy to forbid and prevent the counties from leasing their school lands.

3. That the better policy of the government is to require of the persons enclosing such lands annual rent therefor, thus increasing our state revenue.

LANE, *Chairman.*



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. 68, "An act to amend article 794 of the Code of Criminal Procedure of this state," and at 12:40 o'clock p. m. presented the same to the governor for his signature.

GRACE, *Chairman.*

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

YEAS.

Buchanan,  
Burton,  
Davenport,  
Gooch,  
Grace,  
Guy,  
Homan,

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

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

NAYS

Burnett,  
Duncan,  
Edwards,

Ford,  
Hobby,

Houston,  
Lane—7.

Not voting—Brown, Stewart.

SIXTY-FOURTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, March 28, 1879. }

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

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

On motion of Senator Davenport, Senators Gooch and Patton were excused for the day to attend to important committee duty.

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

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

Your committee on state affairs have considered Senate bill No. 337, "An act granting a land certificate of six hundred and forty acres to each of the indigent pensioners enrolled under the act approved July 28, 1876," and I am instructed to report the same back to the Senate with the recommendation that it do pass.

HOUSTON, *Chairman.*

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

Your committee on state affairs, to whom was referred Senate bill No. 345, "To provide for printing, binding and distributing the Revised Statutes, etc," instruct me to report the same back back to the Senate with the recommendation that it be referred to the committee on public printing.

HOUSTON, *Chairman.*

The report of committee was adopted, and bill referred to the committee on public printing.

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

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

Your judiciary committee No. 2 have considered Senate bill No. 336, entitled "An act amendatory of and supplementary to an act entitled 'an act to consolidate into one act and amend the several acts incorporating the city of Houston, Harris county,'" approved January 23, 1874, and the several acts amendatory thereof, and I am instructed by the committee to report the bill back to the Senate and to recommend that it do pass.

STEWART, *Chairman.*

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

Your judiciary committee No. 2 have considered Senate bill No. 193, entitled "An act to amend an act entitled 'an act regulating interest,' approved August 21, 1876," and I am instructed by a majority of the committee to report said bill back to the Senate and to recommend that it do pass.

STEWART, *Chairman.*

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

Your judiciary committee No. 2 having considered Senate bill No. 339, entitled "An act to amend article 425 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed February 21, 1879," a majority of the committee instruct me to recommend the passage of the bill.

STEWART, *Chairman.*

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

Your judiciary committee No. 2 have considered Senate bill No. 293, and I am instructed by the committee to report the bill back to the Senate and to recommend that it do pass.

STEWART, *Chairman.*

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

Your judiciary committee No. 2 have considered Senate bill No. 206, entitled "An act to prevent officers of the different asylums of the state from misapplying supplies," and I am instructed by the committee to report the bill back to the Senate and to recommend its passage.

STEWART, *Chairman.*

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

Your judiciary committee No. 2 have considered Senate bill No. 84, entitled "An act concerning incorporated cities and towns," and I am instructed by the committee to report the bill back to the Senate and to recommend its passage.

STEWART, *Chairman.*

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

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

Your committee on engrossed bills have carefully examined and compared and find correctly engrossed the following Senate bills, to wit:

No. 33.—An act to amend act 4767 of the Revised Civil Statutes of the State of Texas.

No. 134.—An act to require the owner of surveys to pay the patent fee therefor, before filing the field notes of the same in the general land office.

No. 205.—Joint resolution authorizing the governor of the State of Texas to lease certain grounds belonging to the capitol grounds in the city of Austin.

No. 216.—An act specifying fees of collectors of taxes for sale of real estate for delinquent taxes.

No. 217.—An act to prevent certain public officers from using their offices to advance their private interests.

No. 223.—An act to validate the bounty certificate of Joseph Hawkins.

No. 233.—An act to provide for the payment of claims due county superintendents and directors for services rendered for the years prior to August 31, 1876.

No. 238.—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 any other proceeding involving the same subject matter.

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

No. 244.—An act to amend an act entitled "an act to provide for the judicial forfeiture of charters, and prescribing the duties of the attorney general in relation thereto," approved August 21, 1876, by providing a mode for enforcing its provisions.

No. 265.—An act authorizing any person being a citizen of the State of Texas, who may have been entitled to land for military services in the army of the late Republic of Texas, under any law in force at that or a subsequent date, and who may have failed to obtain the same, to bring his action in the district court of Travis county for a decree of said claim authorizing the commissioner of the general land office to issue a certificate therefor.

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

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.

No. 284.—An act to amend article 3367 of the Revised Civil Statutes of the State of Texas, adopted at the present session of the Sixteenth Legislature.

No. 312.—An act to amend and supplement the existing quarantine law of the State of Texas, title 83 of the Revised Statutes.

No. 315.—An act for the relief of the heirs of Ira Ingram (deceased).

No. 332.—An act for the better protection of harbors and ports of the State of Texas.  
BROWN, *Chairman.*

Senator McCulloch, chairman of the committee on statistics of industries, public health, etc., submitted 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. 343, entitled "An act to promote the science of medicine and surgery by providing methods whereby human subjects for anatomical and scientific dissection and experiment may be lawfully obtained, and prescribing penalties for violation thereof," have had the same under consideration, and I am instructed to report the same back and recommend that it do pass.

McCULLOCH, *Chairman.*

On motion of Senator Lair, fifty copies of the bill just reported were ordered printed.

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

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

Your judiciary committee No. 2 have had under consideration Senate bill No. 63, entitled "An act concerning sales of property under execution," and a majority of said committee authorize me to report the same back with the recommendation that it pass. GRACE, *Chairman.*

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

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

Your committee on private land claims, to whom was referred House bill No. 50, being "An act authorizing the commissioner of the general land office to approve the bounty land certificate issued to the heirs of Wm. Fishbaugh, deceased, who fell at the Alamo," report that having examined the same find that due publication has been made of the application in this case, and on full and satisfactory proof being heard of the justice of the claim, your committee have instructed me to report the same favorably and recommend the passage of the bill.

GUY, *Chairman.*

Senator McCormick (by leave) withdrew his motion, made on yesterday, to reconsider the vote by which Senate bill No. 312, entitled "An act to amend the law regulating quarantine," was passed.

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. 162, to be entitled "An act to provide a method for determining what claims, locations, surveys, grants and titles to lands are forfeited to the State," and instruct me to report it back and recommend that it do not pass.

TERRELL, *Chairman.*

*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 amend title 47 chapter 2 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,'" passed during the present session, have considered the same and instruct me to report the same back and recommend its passage.

The act is intended to secure a prompt report, by all officers authorized to approve claims against the state, to the comptroller of public accounts, and authorizes him to prescribe the time within which reports shall be made. This is necessary to aid future legislatures in estimating more accurately the condition of the finances of the state. In the present condition of affairs it is impossible for the Legislature to do more than approximate the amount of outstanding claims allowed and not presented to the comptroller.

TERRELL, *Chairman.*

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

Your judiciary committee No. 1, to whom was referred Senate bill No. 334, entitled "An act to provide for the sale or exchange of the alternate sections of school lands belonging to this state, in certain cases," have considered the same, and instruct me to report it back and recommend that it do not pass.

TERRELL, *Chairman.*

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

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

Your judiciary committee No. 2 have considered House bill No. 482,, "An act to amend article 436 of section 2 of 'an act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas, passed at the present session of the Legislature'" and a majority of said committee instruct me to report, recommending that it do not pass.

HOMAN, for majority.

(Senator Homan in the chair.)

Senator Edwards introduced a bill entitled "An act for the issuance and sale of bonds for the purpose of retiring the outstanding bonds of the state, and to supply deficiencies in the revenue and to provide the mode and maner of the sale of said bonds to the several counties in this state."

Read by caption and referred to the committee on finance.

The joint resolution of Senator Shannon, offered on yesterday, "To adjourn on the 31st inst. *sine die*," was taken up.

Senator Edwards moved a call of the Senate.

Call sustained.

Roll called. Absent—Senator Lane.

Pending business went to the table.

Senator Grace offered the following concurrent resolution:

Joint resolution.

*Resolved*, That a joint committee consisting of two members from the Senate, with a like number from the House of Representatives, be appointed by each body. The duty of said joint committee shall be to select from the bills now pending before both the Senate and House of Representatives such of them as they shall deem of most importance to the interests of the state and report the same back to both houses, and when so reported said bills shall take precedence before all other bills in the order in which they are recommended by said committee, and shall be considered until they are either adopted or rejected.

The absent senator appearing, the consideration of the resolution to adjourn was resumed.

(President in the chair.)

Senator Grace made the point of order that as a resolution to adjourn on the thirty-first inst. had heretofore been offered in the Senate and indefinitely postponed, that this resolution was out of order.

Overruled.

Senator Moore offered the following amendment:

Strike out "Monday, thirty-first March," and insert "Monday, the seventh day of April."

Accepted as an amendment to the pending resolution.

Senator Lair offered the following as a substitute for the pending resolution:

*Resolved*, That the Legislature do adjourn *sine die* on the tenth day of April, 1879, at 12 o'clock m.

Senator Moore (by consent) then withdrew his amendment to the original resolution.

Senator Houston moved the previous question on the original resolution and substitute.

Motion seconded and main question ordered.

The substitute of Senator Lair was lost by the following vote:

	YEAS.	
Burnett, Edwards, Hobby,	Homan, Lair, Ledbetter,	Martin, Moore--8.
	NAYS.	
Brown, Buchanan, Davenport, Duncan, Ford, Gooch,	Grace, Guy, Houston, Lane, McCormick, McCulloch,	Motley, Patton, Stewart, Shannon, Swain, Terrell--18.

Not voting—Burton, Ripetoe.

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

	YEAS.	
Davenport, Duncan, Guy,	Homan, Lair, McCulloch,	Motley, Ripetoe, Shannon--9.
	NAYS.	
Brown, Buchanan, Burnett, Burton, Edwards, Ford, Gooch,	Grace, Hobby, Houston, Lane, Ledbetter, Martin,	McCormick, Moore, Patton, Stewart, Swain, Terrell--19.

Senator Terrell called up Senate bill No. 342, entitled "An act to repeal 3955 of the Revised Civil Code," passed at this session of Legislature, which was read second time and ordered engrossed.

(Senator Buchanan in the chair.)

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, Duncan, Edwards, Ford, Gooch,	Grace, Guy, Hobby, Homan, Houston, Lane, Lair, Ledbetter,	Martin, Motley, Patton, Ripetoe, Stewart, Shannon, Swain, Terrell--24.
	NAYS--none.	

Not voting—Davenport, McCormick, McCulloch, Moore.

Bill read third time and passed.

Senator Brown called up Senate bill No. 223, entitled "An act to validate bounty certificate of Joseph Hawkins," which was read third time and passed.

Senator Burnett called up House bill No. 394, entitled "An act to repeal chapters 1, 2 and 3 of title 64 of the Civil Code, adopted February 21, 1879," which was read first time.

Senator Burton called up Senate bill No. 333, entitled "An act for the relief of Johnson Hensley, of Waller county," which was read second time.

Senator Burton offered the following amendment:

“Section ..... Whereas, the present session of the Legislature is near adjournment, and it is important that this bill be passed at this session, there is an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended.”

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

“Section ..... The fact that the public interests require that the business before this Legislature should be rapidly disposed of creates an imperative public necessity that the rules requiring this act to be read on three several days be suspended, and they are suspended.”

Accepted by Senator Burton.

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

“The large number of bills now pending, all of which cannot receive consideration if read on three several days, connected with the fact that the growing impatience of a portion of the Senate to adjourn, threatens such action at any time, creates an imperative public necessity that the rule be suspended requiring that this bill be read on three several days.”

Withdrawn, and the substitute of Senator Homan adopted.

Senator Brown offered the following:

“Amend by striking out section 2” (the emergency clause).

Senator Terrell made the point of order that the amendment was out of order.

Point of order sustained.

Senator Terrell (by leave) presented the memorial of Brush, White and Wm. Raatz for an appropriation to pay an account for sundry articles purchased for work done for Capt. Voight as superintendent of the public buildings and grounds, for \$247 27 during the years 1875 and 1876.

Referred to committee on public claims and accounts.

Senator Brown moved to reconsider the vote adopting the amendment to the pending bill, creating “the emergency clause.”

Lost and bill ordered engrossed.

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

YEAS.

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

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

Moore.  
Patton,  
Ripetoe,  
Stewart,  
Shannon,  
Swain,  
Terrell--22.

NAYS.

Brown,

Motley--2.

Not voting—Duncan, Grace, Houston, McCormick.

Bill read third time and passed.

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

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

Your committee on engrossed bills have carefully examined and compared with the originals and find correctly engrossed the following Senate bills, viz:

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

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

No. 296.—An act to authorize the issuance of land certificates to those or the heirs of those volunteers who participated in the Dawson massacre, near the Salado, in September, 1842.

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

BROWN, *Chairman.*

Senator Davenport called up 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, which was read first time.

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

## YEAS.

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

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

Martin,  
McCormick,  
McCulloch,  
Moore,  
Motley,  
Stewart,  
Terrell—22.

## NAYS.

Brown,  
Patton,

Ripetoe,

Swain—4.

Not voting—Burton, Shannon.

Bill read second time.

Senator Houston moved to adopt the majority report of the committee, which was adverse to its passage.

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

## YEAS.

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

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

McCulloch,  
Moore,  
Motley,  
Ripetoe,  
Stewart,  
Shannon,  
Terrell—22.

## NAYS.

Buchanan,  
Davenport,

Houston,

Patton—4.

Not voting—Grace, Swain.

Senator Brown, submitted the following as his reasons for voting no on the bill just passed.

*Mr. President:* I vote no because I do not recognize any public imperative necessity to determine the question whether a man shall take his case to one justice's court or another in his county. W: M. BROWN.

(President in the chair.)

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



	YEAS.	
Burnett, Burton, Davenport, Duncan, Edwards, Ford, Gooch, Guy,	Hobby, Homan, Houston, Lane, Lair, Ledbetter, Martin, McCormick,	McCulloch, Moore, Motley, Ripetoe, Stewart, Shannon, Swain, Terrell---24.
	NAYS.	
Brown, Not voting—Grace.	Buchanan,	Patton---3.

Bill read third time and passed by the following vote:

	YEAS.	
Brown, Burnett, Burton, Duncan, Edwards, Ford, Gooch,	Guy, Hobby, Lair, Ledbetter, Martin, McCulloch, Moore,	Motley, Ripetoe, Stewart, Shannon, Swain, Terrell---20.
	NAYS.	
Buchanan, Davenport, Grace, Not voting—Homan.	Houston, Lane,	McCormick, Patton---7.

Senator Burnett, from the 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 Senate bill No. 185, entitled "An act to provide against the evil resulting from the sale of intoxicating liquors in the State of Texas."

Senate bill No. 253, entitled "An act to amend chapter 3 of title 42 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,'" passed February 21, 1879.

Also, Senate bill No. 295, entitled "An act to create the office of state registrar, and to define the duties, powers and compensation of such officer," and find said bills correctly engrossed.

BURNETT, for committee.

On motion of Senator McCormick, Senator Houston was indefinitely excused from next Wednesday after the morning session.

On motion of Senator Lair, Senator Duncan was excused indefinitely from next Monday evening.

Senator Swain (by request), introduced a "Joint resolution for the appointment of a commission of three to investigate and report upon invasions from Mexico."

Referred to committee on state affairs.

Senator Burton entered a motion to reconsider the vote passing Senate bill No. 185 (the Ohio liquor law) passed on yesterday.

Senator Hobby made the point of order that the motion was out of order as the bill was not in the possession of the Senate.

Point of order sustained.

Senator Gooch appealed from the decision of the chair.

Withdrawn.

Senator Edwards offered the following resolution:

*Resolved*, That the Senate request the House of Representatives to return to the Senate Senate bill No. 185, entitled "An act to provide against the evils resulting from the sale of intoxicating liquors in the State of Texas."

Senator Hobby moved to lay the pending resolution on the table.

Senator Edwards moved a call of the Senate.

Call sustained.

Roll called; Senate full.

Senator Hobby's motion to lay on the table was lost by the following vote:

Buchanan,  
Davenport,  
Duncan,  
Guy,  
Hobby,

## YEAS.

Homan,  
Lair,  
McCormick,  
Moore,

Motley,  
Ripetoe,  
Shannon,  
Swain--13.

Brown,  
Burnett,  
Burton,  
Edwards,  
Ford,

## NAYS.

Gooch,  
Grace,  
Houston,  
Lane,  
Ledbetter,

Martin,  
McCulloch,  
Patton,  
Stewart,  
Terrell--15.

Senator Hobby moved to indefinitely postpone the resolution.

Senator Houston moved the previous question on the motion to indefinitely postpone, and on the original resolution.

Motion seconded and main question ordered by the following vote:

Brown,  
Buchanan,  
Burton,  
Edwards,  
Gooch,  
Grace,

## YEAS.

Houston,  
Lane,  
Lair,  
Ledbetter,  
McCulloch,  
Moore,

Motley,  
Patton,  
Ripetoe,  
Stewart,  
Swain,  
Terrell--18.

Burnett,  
Davenport,  
Duncan,

## NAYS.

Ford,  
Guy,  
Homan,

McCormick,  
Shannon--8.

Not voting--Hobby, Martin.

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

Buchanan,  
Davenport,  
Duncan,  
Guy,  
Hobby,

## YEAS.

Homan,  
Lair,  
McCormick,  
McCulloch,

Moore,  
Motley,  
Shannon,  
Swain--13.

Brown,  
Burnett,  
Burton,  
Edwards,  
Ford,

## NAYS.

Gooch,  
Grace,  
Houston,  
Lane,  
Ledbetter,

Martin,  
Patton,  
Ripetoe,  
Stewart,  
Terrell--15.

The resolution of Senator Edwards was then adopted by the following vote:

Brown,  
Burton,

## YEAS.

Edwards,  
Ford,

Gooch,  
Grace,

Houston,  
Lane,  
Ledbetter,

Martin,  
Patton,  
Ripetoe,

Stewart,  
Terrell--14.

NAYS.

Buchanan,  
Burnett,  
Davenport,  
Duncan,  
Guy,

Hobby,  
Homan,  
Lair,  
McCormick,  
McCulloch,

Moore,  
Motley,  
Shannon,  
Swain--14.

There being a tie vote, the president voted in the affirmative and declared the resolution adopted.

Senator Terrell entered a motion to reconsider the vote by which Senate bill No. 253 was passed on yesterday.

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 considered House bill No. 37, entitled "An act to define official misconduct in officers of the state, county and corporations, and prescribing punishments therefor," and the committee are of the opinion that the ends sought to be accomplished by this bill have been fully attained by the provisions of the Civil and Criminal Codes, and they instruct me to report the bill back to the Senate with the recommendation that it do not pass.

STEWART, *Chairman.*

The following message was received from his excellency the governor:

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

*To the honorable Senate of the State of Texas:*

GENTLEMEN—I respectfully ask the following correction in the name of one of the pilot commissioners for the port of Galveston:

Andrew Munn instead of Anderson Munn.

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

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

Senator Edwards moved to adjourn until 3 o'clock P. M. this evening.

Adopted, and the Senate adjourned until 3 P. M.

AFTERNOON SESSION.

President in the chair. Roll called; quorum present.

Senate substitute for House bill No. 33, entitled "An act to amend article 4767 of the Revised Civil Statutes of the State of Texas," was taken up and read third time.

Senator Gooch offered the following amendment:

Strike out "\$20,000" and insert "\$15,000."

(President *pro tempore* in the chair).

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

YEAS.

Brown,  
Buchanan,  
Burnett,  
Davenport,

Duncan,  
Gooch,  
Homan,  
Lair,

McCormick,  
Patton,  
Shannon,  
Swain--12.

## NAYS.

Burton,  
Edwards,  
Ford,  
Guy,  
Hobby,

Ledbetter,  
Martin,  
McCulloch,  
Moore,

Motley,  
Ripetoe,  
Stewart,  
Terrell - 13.

Not voting—Grace, Houston, Lane.

Senator Ripetoe moved to reconsider the vote by which the resolution of Senator Edwards, asking the return of Senate bill No. 185 by the House, was adopted.

Senator Ledbetter made the point of order that the motion to reconsider was out of order as the resolution had been sent to the House, and was out of the control of the Senate.

Point of order sustained.

A message was received from the House announcing the return of Senate bill No. 185 (the Ohio liquor law).

Senator Gooch moved to reconsider the vote by which the Senate passed Senate bill No. 185.

Senator McCormick moved to lay the motion to reconsider on the table.

Senator Terrell moved a call of the Senate.

Call sustained.

Roll called. Absent—Grace, Lane, Houston.

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

The vote on which resulted as follows:

## YEAS.

Burton,  
Edwards,  
Ford,  
Gooch,  
Grace,

Ledbetter,  
Martin,  
Motley,  
Patton,

Ripetoe,  
Stewart,  
Shannon,  
Terrell—13.

## NAYS.

Brown,  
Buchanan,  
Burnett,  
Davenport,  
Duncan,

Guy,  
Hobby,  
Homan,  
Lair,

McCormick,  
McCulloch,  
Moore,  
Swain—13.

Not voting—Houston, Lane.

There being a tie vote, the president voted in the affirmative and declared the Senate adjourned until 9:30 A. M. to-morrow.

## SIXTY-FIFTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, March 29, 1879. }

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

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

On motion of Senator Shannon, Senator Guy was excused for the day on account of sickness.

On motion of Senator Houston, Senator Homan was excused indefi-

nately after to-morrow, in consequence of pressing and important business demanding his attention.

On motion of Senator Gooch, Senator Motley was excused until Monday next.

Senator Davenport introduced a bill entitled "An act to authorize and provide for the settlement of the matters in controversy between the State of Texas and the Texas and Pacific railway company, in the suit brought by the State of Texas to forfeit the land grant of said company."

Read by caption and referred to committee on internal improvements.

Senator Duncan, under the rules, called up Senate bill No. 152, entitled "An act to authorize counties, towns and cities to compromise existing railroad bonded indebtedness, and to issue new bonds at a lower rate of interest in lieu thereof," which was read second time:

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

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

The president, after publicly reading its caption, signed 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" (the bell-punch bill).

(Senator McCulloch in the chair.)

Senator Ford called up Senate bill No. 50, entitled "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," which was read second time.

Senator Ford called up House bill No. 50, entitled "An act authorizing the commissioner of the general land office to approve the bounty land certificate issued to the heirs of William Fishbaugh (deceased), who fell at the Alamo," which was read the first time.

Senator Grace called up Senate bill No. 311, entitled "An act for the relief of William Judge," which was read second time and ordered engrossed.

Senator Edwards, from the committee on finance (by leave), submitted the following report:

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

Your committee on finance, to whom was referred Senate bill No. 346, entitled "An act to provide for the issuance and sale of bonds for the purpose of retiring the outstanding bonds of this state, and supply deficiencies in the revenue, and to provide the mode and manner of the sale of bonds to the several counties of this state," have had the same under consideration, and I am instructed by a majority of said committee to report same back with the recommendation that it do pass.

EDWARDS, *for Committee.*

Senator Gooch called up Senate bill No. 329, entitled "An act to attach the county of Jones to the county of Taylor for judicial purposes," which was read second time and ordered engrossed.

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

YEAS.

Buchanan,	Homan,	Moore,
Davenport,	Houston,	Patton,
Edwards,	Lane,	Ripetoe,
Ford,	Lair,	Stewart,
Gooch,	Ledbetter,	Shannon,
Grace,	Martin,	Swain,
Hobby,	McCulloch,	Terrell--21.

NAYS—none.

Not voting—Brown, Burton, Duncan, McCormick.

Bill read third time and passed by the following vote:

YEAS.

Buchanan,	Homan,	Moore,
Davenport,	Houston,	Patton,
Edwards,	Lane,	Ripetoe,
Ford,	Lair,	Stewart,
Gooch,	Ledbetter,	Shannon,
Grace,	Martin,	Swain,
Hobby,	McCulloch,	Terrell--21.

NAYS—none.

Not voting—Brown, Burton, Duncan, McCormick.

Senator McCulloch called up Senate bill No. 339, entitled "An act amendatory of and supplementary to an act entitled 'an act to consolidate into one act and to amend the several acts incorporating the city of Houston in Harris county,' approved January 23, 1874, and the several acts amendatory thereof," which was read first time.

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

YEAS.

Buchanan,	Homan,	Moore,
Davenport,	Houston,	Patton,
Edwards,	Lane,	Ripetoe,
Ford,	Lair,	Stewart,
Gooch,	Ledbetter,	Shannon,
Grace,	Martin,	Swain,
Hobby,	McCulloch,	Terrell--21.

NAYS—none.

Not voting—Burton, Duncan, McCormick.

Bill read second time and ordered engrossed.

Senator Hobby moved that the rules be suspended and bill placed on its third reading.

Carried by the following vote:

YEAS.

Buchanan,	Homan,	Moore,
Burton,	Houston,	Patton,
Davenport,	Lane,	Ripetoe,
Duncan,	Lair,	Stewart,
Edwards,	Ledbetter,	Shannon,
Ford,	Martin,	Swain,
Gooch,	McCulloch,	Terrell--22.
Hobby,		

NAYS—none.

Not voting—Brown, Grace, McCormick.

Bill read third time and passed by the following vote:

YEAS.

Buchanan,  
Burton,  
Davenport,  
Edwards,  
Ford,  
Gooch,  
Grace,

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

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

NAYS—none.

Not voting—Brown, Duncan, Homan, Lane.

On motion of Senator Edwards, Senate bill No. 346, entitled "An act to provide for the issuance and sale of bonds for retiring the outstanding bonds of this state, and supply deficiencies in the revenue, and provide for the mode and manner of the sale of bonds to the several counties of this state," was called up, bill read first time and 100 copies of the bill ordered printed for the use of the Senate.

Senator Homan called up 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 and towns in this state," which was read third time and passed.

Senator Houston called up Senate bill No. 217, entitled "An act to prevent certain public officers from using their offices to advance their private interests," which was read third time and passed.

Senator Lair called up House bill No. 394, entitled "An act to repeal chapters 1, 2 and 3 of title 64 of the Civil Code, adopted February 21, 1879," with Senate substitute for the same, which was read second time.

Senator Grace moved to adopt the Senate substitute in lieu of the House bill.

(President in the chair.)

Senator Davenport offered the following amendment to the House bill:

In House bill strike out the words "chapters 1, 2 and 3" and insert the words "chapter 3."

Adopted.

The Senate substitute was lost and House bill passed to a third reading.

Senator Ledbetter called up Senate bill No. 185 (the Ohio liquor law), with the motion of Senator McCormick to lay on the table the motion of Senator Gooch to reconsider the vote passing the bill pending.

Senator Houston moved a call of the Senate.

Call sustained.

Roll called, and Senate full.

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

YEAS.

Buchanan.  
Davenport,  
Duncan,

Hobby,  
Homan,  
McCormick,

Shannon,  
Swain-- 8.

NAYS.

Brown,  
Burton,  
Edwards,  
Ford,  
Gooch,  
Grace,

Houston,  
Lane,  
Lair,  
Ledbetter,  
Martin,

McCulloch,  
Moore,  
Patton,  
Stewart,  
Terrell—16.

Not voting—Ripetoe.

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

Motion seconded and the main question ordered.

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

## YEAS.

Brown,  
Burton,  
Edwards,  
Ford,  
Gooch,  
Grace,

Houston,  
Lane,  
Lair,  
Ledbetter,  
Martin,

McCulloch,  
Moore,  
Patton,  
Ripetoe,  
Terrell—16.

## NAYS.

Buchanan,  
Davenport,  
Duncan,

Hobby,  
Homan,  
McCormick,

Shannon,  
Swain --8.

Not voting—Stewart.

Senator Stewart stated that he was paired with Senator Motley, who was absent; that he would have voted "aye" on the motion to reconsider and Senator Motley would have voted "no."

On motion of Senator Edwards, Senator Brown was excused for the remainder of the day in consequence of sickness in his family.

Senator Homan offered the following amendment:

Strike out proviso to section 13 and insert: "None of the provisions of this act shall apply to the selling, furnishing or using of beer, wine or cider unmixed with alcoholic liquors, nor to the use of liquors of any description at private residences or at social gatherings, when not done with the purpose of evading the provisions of this act."

Adopted by the following vote:

## YEAS.

Buchanan,  
Davenport,  
Duncan,  
Ford,  
Hobby,  
Homan,

Lair,  
Martin,  
McCormick,  
Moore,  
Patton,

Ripetoe,  
Stewart,  
Shannon,  
Swain,  
Terrell—16.

## NAYS.

Edwards,  
Grace,

Houston,  
Lane,

Ledbetter,  
McCulloch—6.

Not voting—Burton, Gooch.

Senator Gooch offered the following amendment:

Section 12, strike out the following words: "or having leased the same for other purposes, shall knowingly permit intoxicating liquors to be sold in such building or premises that have caused the intoxication, in whole or in part, of any person."

Lost by the following vote:

## YEAS.

Buchanan,  
Davenport,  
Duncan,  
Gooch,  
Hobby,

Homan,  
Lane,  
Lair,  
McCormick,  
Patton,

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

## NAYS.

Burton,  
Edwards,  
Ford,

Grace,  
Houston,  
Ledbetter,

Martin,  
McCulloch,  
Moore---9.



Senator Burton moved to recommit the bill to the committee on state affairs.

Carried by the following vote:

	YEAS.	
Burton,	Houston,	Moore.
Edwards,	Lane,	Patton,
Ford,	Ledbetter,	Stewart,
Grace,	Martin,	Terrell--12.
	NAYS.	
Buchanan,	Hobby,	McCormick,
Davenport,	Homan,	Ripetoe,
Duncan,	Lair,	Shannon,
Gooch,	McCulloch,	Swain--12.

There being a tie vote, the president voted in the affirmative and declared the bill recommitted.

The president presented to the Senate and the officers of the Senate and their families an invitation from Dr. Rainey, superintendent of the Blind Asylum, to attend a concert to be given at that institution on to-night, by the pupils of the same.

Senator Edwards (by leave) introduced a bill to be entitled "An act to fix the pay of members of the Legislature when convened in extra session within one day after adjournment of a regular or called session."

Read by caption and referred to the committee on retrenchment and reform.

Senator Lane called up 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," with adverse report of the committee.

The report of the committee was adopted and bill lost.

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

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

Your committee on public claims and accounts have considered the memorial (No. 98) of citizens of Travis county, asking for the payment of accounts in favor of White & Brush for material furnished for the capitol and capitol grounds, per request of Chas. Voight, superintendent of capitol and capitol grounds, for the sum of \$160 75, and the claim of Wm. Raatz for the sum of \$86 50 for labor on and material furnished for conservatory on capitol grounds, per request Chas. Voight, as above stated, and they direct me to report the claims back with the recommendation that the committee on finance provide for their payment in the bill making deficiency appropriations.

PATTON, *Chairman.*

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

Your committee on public claims and accounts have duly considered Senate bill No. 310, styled "An act for the relief of J. S. Daugherty," and they find that the said J. S. Daugherty and one Connallee and Ammerman, under demand of the commissioner of the general land office of the state, did illegally pay into the land office the sum of fifteen dollars for the issuing of each of the patents Nos. 32, 33, 34, 53, volume 22, first-class, to Eastland county for school purposes; the law then in force providing that no fees should be charged for such patents, and they direct me to recommend that the bill be amended by inserting between the words "Daugherty" and "for" the words: "for the use of J. S.

Daugherty, Connallee and Ammerman," and that the bill, so amended, do pass. PATTON, *Chairman.*

Senator Patton called up Senate bill No. 318, "An act to amend an act entitled 'an act to legalize certain land claims therein named,'" which was read first time.

(Senator Duncan in the chair.)

Senator Stewart called up Senate bill No. 216, entitled "An act specifying fees of collectors of taxes for sale of real estate for delinquent taxes," which was read third time and passed by the following vote:

## YEAS.

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

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

Martin,  
McCulloch,  
Moore,  
Ripetoe,  
Stewart,  
Shannon,  
Terrell—21.

## NAYS.

McCormick,

Swain—2.

Not voting—Patton.

On motion of Senator Edwards, Senator Burton was excused indefinitely from Monday next.

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

## SIXTY-SIXTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, March 31, 1879. }

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

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

Senator Terrell, chairman of the conference committee on substitute for House joint resolution No. 2, submitted the following report:

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

The undersigned, who were appointed a committee of conference on the part of the Senate and House of Representatives to consider Senate joint resolution, a substitute for Senate joint resolution No. 29 and House joint resolution No. 2, in relation to tax on farm products, have considered the same, and being unable to agree, respectfully ask to be discharged, and recommend the appointment of a committee of free conference.

A. W. TERRELL,  
EDWIN HOBBY,  
MARION MARTIN,

*Committee on part of Senate.*

BAKER,  
W. R. GAUSE,

COLEMAN,

*Committee on part of House.*

On motion of Senator Terrell, a committee of free conference was appointed on the differences of the two houses on the joint resolution just reported upon.

The president appointed Senators Terrell, Hobby and Martin on said free conference committee.

Senator Terrell introduced a bill entitled "An act for the relief of R. B. Renick, Jr."

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

Senator McCormick introduced a bill entitled "An act to amend article 3649 of the Revised Civil Statutes, passed February 21, 1879."

Read by caption and referred to committee on commerce and manufactures.

Senator Guy introduced a bill entitled "An act to amend article 1173 of the Revised Civil Statutes, passed by the Sixteenth Legislature."

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

Senator Terrell called up Senate bill No. 318, entitled "An act to legalize certain land claims therein named," which was read second time, and on motion of Senator Terrell was temporarily postponed.

The following message was received from the House announcing that by a resolution of the House the Senate is respectfully requested to meet the House in joint session on Tuesday evening at 7:30 o'clock, for the purpose of receiving the portrait of the late Gen. Thomas J. Rusk, presented to the state by Mr. John S. Morton, and that by the committee of arrangements Senator Ford has been selected to present said picture, and that Representative Coleman has been selected to receive it:

Senator Houston offered the following resolution:

*Resolved*, That the invitation of the House of Representatives requesting the presence of the Senate in joint session on the occasion of the presentation of the portrait of Gen. Thomas J. Rusk be accepted, and that the Senate attend on Tuesday evening at the appointed hour.

Resolution adopted.

Senator Buchanan called up Senate bill No. 346, entitled "An act to provide for the issuance and sale of bonds for the purpose of retiring the outstanding bonds of the state, and to supply deficiencies in the revenue, and to provide for the mode and manner of the sale of said bonds to the several counties in this state," which was read second time.

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

Senator Davenport called up Senate bill No. 138, entitled "An act to amend 'an act to amend article 766 of the Penal Code,' approved May 17, 1873," which was read second time and ordered engrossed.

(Senator Buchanan in the chair.)

Senator Edwards called up 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," with substitute therefor.

Bill read second time.

Senator Edwards offered the following amendments to the substitute:

Amend by striking out the caption and bill down to the word "one," line five, and insert in lieu thereof:

"An act to amend article three thousand, seven hundred and four (3704) of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed February 21, 1879."

"Section 1. *Be it enacted by the Legislature of the State of Texas,* That article four thousand, seven hundred and four (4704) of the above recited act be so amended as to read hereafter as follows:"

Also the following:

"Section ..... The fact that this bill should pass and take effect before the general appropriation act is passed, creates an imperative public necessity that the rules be suspended and an emergency that this bill take effect at once, and it is ordered that the rules requiring that this bill be read on three several days be suspended, and it is further enacted that this act take effect from and after its passage."

(President in the chair.)

Senator Patton moved to postpone the bill with substitute and amendments until Saturday next.

The vote upon which resulted as follows:

YEAS.		
Buchanan,	Homan,	Patton,
Davenport,	Houston,	Ripetoe.
Ford,	McCormick,	Stewart,
Grace,	McCulloch,	Shannon--13.
Guy,		
NAYS.		
Brown,	Lane,	Moore,
Duncan,	Lair,	Storey,
Edwards,	Ledbetter,	Swain,
Gooch,	Martin,	Terrell--13.
Hobby,		

There being a tie vote, the president voted in the negative and declared the bill not postponed.

On motion of Senator Edwards, the bill was postponed until Wednesday next.

On motion of Senator Edwards, Senator Motley was excused until Wednesday in consequence of sickness in his family.

Senator Ford called up House bill No. 50, entitled "An act authorizing the commissioner of the general land office to approve the bounty land certificate issued to the heirs of William Fishbaugh, deceased, who fell at the Alamo," which was read second time and passed to a third reading.

Senator Storey entered a motion to reconsider the vote ordering the engrossment of Senate bill No. 138.

Senator Hobby called up the motion of Senator Storey just entered to reconsider the engrossment of Senate bill No. 138.

The motion to reconsider was adopted.

The following message was received from the House:

That the House has adopted the report of the conference committee on disagreements of the two houses on House joint resolution No. 2 and Senate substitute joint resolution No. 29 in relation to tax on farm products, and that Messrs. Taylor, of Marion, Baker, and Smith, of Titus, have been appointed a committee of free conference upon part of the House.

Senator Storey offered the following amendment:

Amend the caption so as to read "An act to amend articles 747 and 748 of the Penal Code," adopted at the present session of the Legislature.

Adopted.

Also the following:

Strike out articles "766" and "766a," in line three, and insert articles "747" and "748."

Adopted.

Also the following:

In line seven, strike out the words "article 766" and insert "article 747."

Adopted.

Also the following:

Amend section 2 by inserting after the word "that," in line one, the words "article 748 and all other."

Adopted and bill ordered engrossed.

The following message was received from his excellency the governor:

EXECUTIVE OFFICE, STATE OF TEXAS, {  
AUSTIN, March 31, 1879. }

*To the honorable, the Senate of Texas, in Legislature assembled:*

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

A. S. B. Broadus to be district judge of the thirty-second judicial district.  
O. M. ROBERTS, *Governor.*

Senator Gooch moved that the Senate go into executive session tomorrow just after the morning call.

Adopted.

Senator Houston called up Senate joint resolution No. 92, "Amending section 24 of article 3 of the constitution of the State of Texas," which was read second time and ordered engrossed.

On motion of Senator Edwards, the engrossment of the bill was reconsidered.

Senator Edwards moved to adopt the substitute for the resolution.

Carried and joint resolution ordered engrossed.

Senator Gooch called up Senate bill No. 31, entitled "An act to create and provide for execution liens on land," which was read third time and passed.

Senator Moore called up Senate bill No. 334, entitled "An act to provide for the sale or exchange of the alternate sections of school lands belonging to this state in certain cases," which was read first time.

On motion of Senator Storey, 50 copies of the bill were ordered printed.

Senator Ripetoe called up House bill No. 394, entitled "An act to repeal chapters 1, 2 and 3 of title 64 of the Civil Code, adopted February 21, 1879," which was read third time.

Senator Patton offered the following amendment:

Strike out caption of bill and insert therefor "An act to repeal chapter 3 of title 64 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas.'"

Adopted by the following vote:

YEAS.

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

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

Patton,  
Ripetoe,  
Shannon,  
Storey,  
Swain,  
Terrell--19.

NAYS.

Grace,

McCulloch,

Stewart--3.

Not voting—Guy, Lane, McCormick.

The bill was then passed by the following vote:

## YEAS.

Brown,	Gooch,	Ripetoe,
Buchanan,	Houston,	Shannon,
Davenport,	Lair,	Storey,
Duncan,	Ledbetter,	Swain,
Edwards,	Moore,	Terrell—17.
Ford,	Patton,	

## NAYS.

Grace,	Hobby,	Stewart—5.
Guy,	McCulloch,	

Not voting—Lane, Martin, McCormick.

House bill No. 37, entitled "An act to define official misconduct in officers of the state, county and corporations, and prescribing punishment therefor," was taken up and read first time with adverse report of committee.

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

Senator Duncan called up Senate bill No. 28, entitled "An act to give forfeitures *nisi* on bail bonds and recognizances in criminal cases the force and effect of judgments."

A motion to reconsider the vote by which the bill failed to pass to engrossment, pending.

The vote referred to was reconsidered by the following vote:

## YEAS.

Brown,	Guy,	McCulloch,
Buchanan,	Hobby,	Moore,
Duncan,	Homan,	Patton,
Ford,	Lair,	Ripetoe,
Gooch,	McCormick,	Terrell—15.

## NAYS.

Davenport,	Lane,	Shannon,
Edwards,	Ledbetter,	Storey,
Grace,	Martin,	Swain—11.
Houston,	Stewart,	

The Senate then refused to engross the bill by the following vote:

## YEAS.

Brown,	Guy,	McCormick,
Buchanan,	Hobby,	McCulloch,
Duncan,	Homan,	Moore,
Ford,	Lair,	Patton—13.
Gooch,		

## NAYS.

Davenport,	Ledbetter,	Shannon,
Edwards,	Martin,	Storey,
Grace,	Ripetoe,	Swain,
Houston,	Stewart,	Terrell—13.
Lane,		

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

Senate bill No. 63, entitled "An act concerning sales under execution."

Senate bill No. 84, entitled "An act concerning incorporated cities and towns."

Senate bill No. 162, entitled "An act to provide a method for determining what claims, locations, surveys, grants and titles to lands are forfeited to the state."

Senate bill No. 198, entitled "An act to amend an act entitled 'an act regulating interest, approved August 21, 1876.'"

Senate bill No. 206, entitled "An act to prevent officers of the different asylums of the state from misapplying supplies."

Senate bill No. 293, entitled "An act to amend article 226, title 5, chapter 1 of the Code of Criminal Procedure, passed in 1879."

Senate bill No. 310, entitled "An act for the relief of J. S. Daugherty."

Senator Duncan (by leave) introduced a bill entitled "An act to regulate freight charges on all railroads in this state."

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

Also the following bills were read first time:

Senate bill No. 335, entitled "An act to amend title 47, chapter 2 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' approved February 21, 1879."

Senate bill No. 337, entitled "An act granting a land certificate of 640 acres to each of the indigent pensioners enrolled under the act approved July 28, 1876."

Senate bill No. 339, entitled "An act to amend article 425 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed February 21, 1879."

(Senator Duncan in the chair.)

Senate joint resolution No. 220, "Proposing amendment to article 16 of the constitution of the state by adding thereto section 58," was taken up, read third time and passed by the following vote:

YEAS.

Brown,  
Davenport,  
Edwards,  
Gooch,  
Grace,  
Guy,  
Hobby.

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

Moore,  
Patton,  
Ripetoe,  
Stewart,  
Shannon,  
Storey,  
Swain--21.

NAYS.

Buchanan,  
Duncan,

Ford,

McCormick--4.

Senator Terrell, on motion of Senator Shannon, was excused from voting on the passage of this bill.

Senator Guy submitted the following as his reasons for voting aye on this joint resolution:

I am opposed, as an individual, to this proposed amendment to the constitution. I think this matter should be left to legislative discretion. But adhering to my original determination to give the people, so far as my vote is concerned, a chance to speak out in all propositions to materially amend this organic law, I vote yea. R. S. GUY.

Senator Ripetoe endorsed and adopted the same reasons for his vote on the joint resolution just passed as those given by Senator Guy.

Senator Terrell (by leave) introduced a joint resolution proposing an amendment to article 5 of the constitution of the state which relates to the judiciary.

Referred to committee on constitutional amendments.

Senate substitute for House bill No. 33, entitled "An act to amend article 4767 of the Revised Civil Statutes of the State of Texas," was taken up.

Senator Gooch offered the following amendment:  
Strike out "twenty thousand" and insert "fifteen thousand" wherever it appears.

Lost by the following vote:

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

The bill was then passed.

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 carefully examined Senate bill No. 342, entitled "An act to repeal article 3955 of the Revised Civil Code, passed at this session of the Legislature," and find it correctly engrossed.

BROWN, *Chairman.*

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

Your committee on engrossed bills have carefully examined Senate bill No. 333, entitled "An act for the relief of Johnson Hensley, of Waller county," and find the said bill correctly engrossed.

BROWN, *Chairman.*

Senator Hobby moved to reconsider the vote adopting the motion to go into executive session to-morrow just after the morning call.

Carried.

Senator Grace moved to go into executive session immediately.

Lost.

Senator Homan moved to go into executive session at 3 o'clock p. m.

Withdrawn.

Senator Martin moved to reconsider the vote by which the Senate refused to go into executive session immediately.

Carried.

Senator Martin then moved to go into executive session at once.

Adopted.

IN SENATE.—(President in the chair.)

On motion of Senator Hobby, the secretary was instructed to spread upon the journals the confirmations of the Senate as made in executive session just held.

In obedience to that order it is stated that Hon. A. S. Broadus was confirmed as judge of the thirty-second judicial district of the state, and J. C. Kidd as notary public for Harris county, Texas.

On motion of Senator McCulloch the Senate adjourned until 9 o'clock A. M. to-morrow.



## SIXTY-SEVENTH DAY.

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

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

A quorum soon appearing the Senate proceeded to business.

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

On motion of Senator Davenport, Senator McCulloch was excused for two days, commencing to-morrow.

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

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

Your judiciary committee No. 2 have considered Senate bill No. 350, entitled "An act to amend article 1173 of Revised Statutes passed by the Sixteenth Legislature," and I am instructed by the committee to report said bill back to the Senate and recommend its passage.

STEWART, *Chairman.*

Senator Edwards, from 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. 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, have carefully considered the same, and a majority of your committee instruct me to report the bill back to the Senate with the accompanying amendments, and as amended to recommend its passage.

EDWARDS, *for the Committee.*

**Amendments:**

Strike out all of section 2, relating to article 4663, and substitute in lieu thereof the following: "That article 4663, of the above recited chapter, Civil Statutes, shall be and the same is hereby repealed."

In line twenty-five, section 3, insert after the word "dollars" the words "or less;" in section 3 strike out all the words following the word "dollars" in line twenty-seven and coming between the word "from" in engrossed rider No. 2.

Strike out the first proviso in engrossed rider No. 2.

Add to engrossed rider No. 2 the following proviso: "*Provided further*, that before any such commercial traveler, drummer, salesman or solicitor shall make any sales, take or receive any orders in any county of this state, he shall exhibit to the collector of such county the receipt of the comptroller for the state taxes as herein provided and shall have paid said collector the sum of ten dollars for the county."

On page 4, in line two, strike out the words "From every keeper of a public ferry, five dollars."

On page 4, strike out line three.

On page 4, in lines seventeen and eighteen, strike out these words: "that a co-partnership or firm shall pay only one tax."

On page 4, strike out the proviso commencing in line twenty-one and ending in line twenty-four.

On page 4, in line twenty-five, strike out these words: "having no permanent home in this state," and insert in lieu thereof the words: "traveling from place to place in the practice of his profession."

In line twenty-six, page 4, strike out the word "thirty" and insert in lieu thereof the word "fifty."

On page 4 strike out all the words commencing with the word "for" in line twenty-seven, and ending with the word "each" in line one, page 5, and insert in lieu thereof the following: "From every dentist, ten dollars; but a dentist shall be liable to county occupation tax only in the county of his residence."

On page 5 insert after the word "table," at the end of line two, "the devil among the tailors."

On page 5 strike out the word "one dollar" in line five, and insert after the word "bet," at the end of line four, the following: "Where the distance ran does not exceed four hundred and forty yards, twenty-five dollars."

On page 5 insert after the word "horse," in line six, the words: "For all other horse races, ten dollars for each and every horse entered."

On page 5 add after line six the following: "For every person or persons who sell pools on horse races, five dollars for each and every day they may so sell said pools."

On page 5, line three, after the word "dollars" add the following: "On all persons keeping or using for profit any hobby-horse or flying jenny, or device of that character with or without name, twenty dollars for each county where the same are kept or used."

On page 5, in line twenty, insert after the words "five dollars" the following: "For each day they may perform."

On page 5, after the word "quarter" in line twenty-one add the following: "For every exhibition where acrobatic feats are performed for profit, not connected with a circus, ten dollars for each performance. For every slight of hand performance, or exhibition of legerdemain, ten dollars."

Insert after the word "bulls" as it occurs the second time in line twenty-eight, page 5, this language: "Or between bears and dogs."

On page 6, line six, insert after the word "purposes" the words "or for the support or aid of literary associations."

On page 7, in line one, insert after the word "profit" the following: "or upon which any money or thing of value is bet or paid."

On page 6, line nineteen, strike out the words "three hundred" and insert in lieu thereof the words "one thousand."

On page 7, line one, strike out the word "fifteen" and insert in lieu thereof the word "fifty."

On page 7 strike out all the words concerning barbers commencing with the word "from," in line five, and ending with the word "works" in line seven.

On page 7, line fifteen, strike out the words "engaged in selling" and insert in lieu thereof the words "canvassing for the sale of," and in line sixteen strike out the words "three hundred," and insert the word "twenty," and in line seventeen strike out the word "twenty" and insert the word "ten."

On page 7, section 3, strike out all the words commencing with the word "from" in line twenty-three, and ending with the word "tax" in line thirty-one, and insert in lieu thereof the words, "from each office or

place where any express company, having an agent, receives or delivers its freight, there shall be collected annually a tax of ten dollars for the state, and the agent managing said office or receiving or delivering said freight shall be held responsible for the payment of said tax."

On page 8, section 3, strike out all the words following the word "tax" in line three, and all the words in line 4, and insert in lieu thereof the following: "Of two per centum on the gross earnings of said person, firm or association of persons."

On page 9, section 4, after the word "act" in line eight, insert the following: "Upon which the annual tax is more than ten dollars."

Add to section 6, page 10, the following proviso: "*Provided*, that nothing contained in this act is intended to affect the liability which, in the absence of this statute, would be incurred under any penal enactment of this state."

In section 3, page 6, insert between lines eight and nine the following: "For every hack, buggy or other vehicle let for hire, not connected with a livery stable, three dollars;" "for every wagon yard not connected with a livery, feed or sale stable, ten dollars."

Strike out section 9, engrossed rider, and insert in lieu thereof the following:

"Section 9. The comptroller shall cause occupation tax receipts for each occupation to be printed with his signature, for all occupations payable to the collectors, annual receipts for those that are paid annually, and quarterly receipts for all that can be paid quarterly; said receipts shall state the name of the occupation, and the amount of the tax, and have blanks for the year, month, and name of license, and also have a blank space for signature of the collector. These receipts shall each have a stub attached stating briefly the substance of the attached receipt, and shall be bound in books, and he shall forward to each collector a proper number of said receipts, and charge him with the amount represented therein, and cause him to account therefor. The collector, whenever collecting any occupation tax, shall fill the blanks in the receipt and the stub by writing therein the time for which he collects, and the name of the license, and shall sign the receipt and stub officially, and no person shall pursue any occupation unless he has a receipt signed as herein provided by the comptroller and collector, and every person, firm or corporation, keeping an office or having a local place of business, shall keep posted up in a conspicuous place his or their said license."

Strike out, in line three of engrossed rider No. 2, the words "two hundred," and insert in lieu thereof the words "one hundred."

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. 348, entitled "An act to authorize and provide for the settlement of the matters in controversy between the State of Texas and the Texas and Pacific railroad company in the suit brought by the State of Texas to forfeit the land grant of said company," have had the same under consideration, and I am instructed to report the bill back to the Senate with the accompanying substitute, with the recommendation that the substitute should pass.

SHANNON, *Chairman.*

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

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

Your judiciary committee No. 1, to whom was referred a bill entitled "An act to provide for the payment of the outstanding indebtedness and the future debts of the several counties in this state," have considered the same and instruct me to report it back and recommend its passage.

TERRELL, *Chairman.*

Senator Buchanan introduced a bill entitled "An act to amend articles 4746 and 4747 of the Revised Civil Statutes, adopted at the present session of the Legislature."

Read by caption and referred to committee on finance.

Senator Storey introduced a bill entitled "An act to provide for the assessment and collection of taxes on land and other property in unorganized counties, and for the enforcement of the same.

Read by caption and referred to committee on finance.

Senator Shannon, under the rules, called up Senate bill No. 348, entitled "An act to authorize and provide for the settlement of the matters in controversy between the State of Texas and the Texas and Pacific railway company, in the suit brought by the State of Texas, to forfeit the land grant of said company," with substitute for the same, which was read first time.

On motion of Senator Edwards, fifty copies of the substitute were ordered printed.

Senator Swain called up 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, which was read first time.

On motion of Senator Storey, fifty copies of the bill with Senate committee amendments, etc., were ordered printed.

Senator Terrell called up 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,'" which was read third time and passed.

Senator Ford called up House bill No. 50, entitled "An act authorizing the commissioner of the general land office to approve the bounty land certificate issued to the heirs of William Fishbaugh (deceased), who fell at the Alamo," which was read third time and passed.

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

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

Your judiciary committee No. 2 have had under consideration House bill No. 237, entitled "An act for the better protection of timber," and a majority of the committee instruct me to report it back with the accompanying amendments and, as amended, recommend that it do pass.

GOOCH, *Chairman.*

Committee amendments: Section 3 shall read as follows:

"Section 3. All persons who float any logs or timber in this state, shall on the first day of April, first day of July, first day of September, and the first day of January, of each year or within fifteen days after said dates, make a written report under oath, showing the number of logs cut or floated during the next preceding three months, the survey or surveys of land from which they were cut, or carried, and the number cut from each, and a description of the brand placed thereon, and shall file the same with the county clerk of the county in which the timber was cut; and such clerk shall record the same in a book kept for that pur-

pose, and index it and receive therefor the sum of fifty cents from the party presenting the same."

Section 4 shall read as follows:

"Section 4. That a certificate under the hand of the county clerk, containing the description of a log brand and the name of the owner thereof, with a transfer on the back of it, signed and acknowledged by such owner or proved as other instruments for record, shall be *prima facie* evidence that the person to whom the transfer is made, owns the logs described thereon."

That section 5 shall read as follows:

"Section 5. That any person who shall buy or sell any timber or log floating, or that has been floated in this state before the same has been branded, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than ten dollars for each log or piece of timber so purchased, sold or traded for.

"That any person who shall float any unbranded log or timber for market, or who shall fail to make the reports required by this act or any person who shall brand any log or timber of another without his authority, or any person who shall deface any brand on any log or timber otherwise than when it is in the act of being sawed or manufactured into lumber or other commodity for use in building, or any person not an employe of the owner who shall, without the written consent of the owner, take into possession any branded or unbranded log or timber cut for floating or sawing, or any sawed timber, lumber or shingles floating in any of the waters of this state, or deposited upon the banks of any river or stream in this state, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine not exceeding two hundred dollars for each offense. That by 'lumber' is meant lumber attached or bound together in some way for floating, and not loose lumber, and by 'shingles' is meant shingles in bunches or bundles, and not loose shingles."

That section 6 read as follows:

"Section 6. That the courts of the county in which the timber or lumber was deposited in the water, or in which it was unlawfully taken into possession, or unlawfully defaced, sold, purchased or branded as the case may be, shall have jurisdiction of the violation of the act or omission complained of or constituting an offense under this act."

"Section 7. That the near approach of the end of the session creates an imperative public necessity that the rule be suspended requiring this bill to be read on three several days, and it is therefore suspended."

On motion of Senator Gooch, the bill just reported was taken up and read first time.

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

YEAS.

Buchanan,  
Burnett,  
Davenport,  
Duncan,  
Gooch,  
Guy,  
Hobby,

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

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

NAYS--none.

Not voting—Edwards, Ford, Grace, Martin.

Bill read second time.

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

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

Carried by the following vote:

YEAS.

Buchanan,  
Burnett,  
Davenport.  
Duncan,  
Gooch,  
Guy,  
Hobby.

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

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

NAYS---none.

Not voting—Edwards, Ford, Grace, Martin.

Bill read third time.

Senator Gooch offered the following amendment:

Amend caption by adding after last words, "and lumber."

Adopted by the following vote:

YEAS.

Buchanan,  
Burnett,  
Duncan,  
Edwards.  
Gooch,  
Grace,  
Guy.

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

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

NAYS---none.

Not voting—Davenport, Ford, Lane, Martin.

The bill was then passed.

On motion of Senator Gooch, Senator Brown was excused for the day on account of sickness in his family.

Senator Terrell offered the following resolution:

"WHEREAS, under the present judiciary article in the constitution it is impossible for the supreme court to dispose of the business in that court, and no joint resolution proposing an amendment having yet passed both houses;

*Resolved*, That a special committee of five be appointed on the part of the Senate to act in conjunction with a like committee on the part of the House, to report a joint resolution submitting to the vote of the people a new judiciary article to the constitution.

On motion of Senator Lane, the resolution was taken up and adopted.

The special order being Senate bill No. 346, entitled "An act to provide for the issuance and sale of bonds for the purpose of retiring the outstanding bonds of the state and to supply deficiencies in the revenue and to provide the mode and manner of the sale of said bonds to the several counties in this state," was taken up.

The president after publicly reading their captions, signed 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. 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 and towns in this state."

(President *pro tempore* in the chair.)

Under the resolution of Senator Terrell, adopted this morning, the chair appointed the following as the committee on the part of the Senate: Senators Terrell, Edwards, Stewart, McCormick and Lane.

Senator Gooch offered the following amendment to the pending bill.

“Amend by striking out section 15.”

(Senator Ledbetter in the chair.)

On motion of Senator Terrell, Governor Throckmorton was invited to a seat within the bar of the Senate.

(President *pro tempore* in the chair.)

Senator Edwards moved a call of the Senate on the pending bill.

Call sustained.

Roll called. Absent—Ford, Guy.

On motion of Senator Burnett the call was suspended.

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

YEAS.		
Gooch,		McCormick—2.
	NAYS.	
Buchanan,	Houston,	Patton,
Burnett,	Lair,	Ripetoe,
Davenport,	Ledbetter,	Stewart,
Duncan,	Martin,	Shannon,
Edwards,	McCulloch,	Storey,
Grace,	Moore,	Swain,
Hobby,	Motley,	Terrell—21.

Not voting—Ford, Guy, Lane.

Senator Gooch offered the following:

In section 15, line seven, after the word “revenue,” insert “two hundred thousand dollars may be issued for deficiency which has accrued since Aprii, 1876.”

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

In section 15, line nine, for “\$50,000” insert “\$200,000,” and for “month,” substitute “year,” and in line ten, after the word “section,” add “except such warrants as have or may hereafter be drawn for claims hereafter due by the state.”

Lost.

Senator Gooch then withdrew his amendment.

Senator Edwards offered the following:

Section 7, line ....., strike out “\$1,373,000” and insert “\$1,573,000.”

Adopted.

Also the following:

Section 9, line twenty, fill blanks with “five.”

Adopted.

Senator Ledbetter offered the following:

Section 3, line four, strike out “sines” and insert “series,” and in line nine, section 3, strike out “sines” and insert “series.”

Adopted.

Senator Storey offered the following:

Amend section 11, line fourteen, fill blank with “five.”

Adopted.

On motion of Senator Edwards, the bill was postponed until 3 o'clock this evening.

Senator Terrell called up House joint resolution No. 32 and Senate joint resolution No. 74; "Regulating suffrage, etc." which were taken up.

Senator Stewart offered the following:

In line eighteen, strike out "poll" and insert therefor "state and county."

Senator Terrell offered the following as a substitute for the amendment of Senator Stewart:

Amend by striking out the sixth sub-division of article 6 as proposed in the joint resolution of the Senate, and insert in lieu thereof the following:

"All persons (under sixty years of age) who shall fail to exhibit to the officers holding an election his tax receipt or the certificate of the collector of taxes, showing that he has paid at least ..... days preceding the time at which he offers to vote, all taxes which were due from him for the year preceding the year in which such election may be held; *provided*, that no person shall vote who, if challenged, shall refuse to take the following oath, viz:

"I do swear that I have not given or received, nor do I expect to give or receive any money, treat or other things of value, by which my vote or any vote affected or expected to be affected at this election, nor have I given or promised any reward or made any threat by which to prevent any person from voting at this election."

Senator Martin moved a call of the Senate.

Call sustained.

Roll called. Absent—Ford, Stewart.

Pending business went to the table.

Senator Guy called up Senate bill No. 350, entitled "An act to amend article 1173 of the Revised Civil Statutes passed by the Sixteenth Legislature, which was read first time.

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

Carried by the following vote:

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

NAYS—none.

Not voting—Edwards, Ford.

Bill read second time and ordered engrossed.

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

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

NAYS—none.



Not voting—Edwards, Ford.

Bill read third time and passed.

The absent senators appearing, the Senate was announced full and the consideration of House joint resolution No. 32, and Senate joint resolution No. 74 (regulating suffrage, etc.) was resumed.

Senator Burnett offered the following:

“*Provided*, no poll tax for general revenue shall ever be imposed.”

Lost by the following vote:

YEAS.		
Burnett,	Lane,	Ripetoe,
Grace,	Martin,	Swain--7.
Hobby,		
NAYS.		
Buchanan,	Houston,	Patton,
Davenport,	Lair,	Stewart,
Duncan,	Ledbetter,	Shannon,
Ford,	McCulloch,	Storey,
Gooch,	Moore,	Terrell--17.
Guy,	Motley,	

Not voting—McCormick.

Senator Edwards stated he was paired with Senator Burton—he would vote “nay” and Senator Burton “yea” on this amendment.

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

YEAS.		
Buchanan,	Houston,	Patton,
Burnett,	Lane,	Ripetoe,
Davenport,	Lair,	Stewart,
Duncan,	Ledbetter,	Shannon,
Ford,	Martin,	Storey,
Grace,	McCormick,	Swain,
Guy,	McCulloch,	Terrell--23.
Hobby,	Moore,	

NAYS—none.

Senator Edwards was paired with Senator Burton. Senator Edwards would have voted “nay” and Senator Burton “yea” on this amendment.

Senator Gooch was paired with Senator Homan. Senator Gooch would have voted “nay” and Senator Homan “yea” on this question.

The substitute of Senator Terrell for the amendment of Senator Stewart was then adopted as an amendment to the resolution.

Senator Terrell offered the following:

Amend by inserting the word “thirty” before “days” in my amendment to sixth subdivision.

Adopted.

Senator Storey offered the following:

Strike out “the first Monday” and insert “the first Tuesday in July, A. D. 1879.”

Adopted.

Senator Shannon offered the following:

Strike out the words “under sixty years of age.”

Adopted.

Senator Storey moved to reconsider the vote adopting his amendment just adopted.

Carried and amendment withdrawn.

Senator Storey then offered the following:

Strike out "the first Monday" and insert "the first Tuesday in September, A. D. 1879."

Adopted:

Senator Martin offered the following:

"No poll-tax shall be levied except for school purposes."

Lost by the following vote:

YEAS.		
Burnett, Duncan, Ford,	Grace, Hobby, Martin,	McCormick, Ripetoe---8.
NAYS.		
Buchanan, Davenport, Gooch, Guy, Houston,	Lair, Ledbetter, McCulloch, Moore, Motley,	Patton, Shannon, Storey, Swain, Terrell---15.

Not voting—Lane, Stewart.

Senator Edwards was paired.

Senator Patton moved to adjourn until 7 o'clock P. M.

Lost by the following vote:

YEAS.		
Davenport, Ford, Gooch,	Houston, Martin, Motley,	Patton, Stewart---8.
NAYS.		
Buchanan, Burnett, Duncan, Grace, Guy, Hobby,	Lane, Lair, Ledbetter, McCormick, McCulloch,	Moore, Ripetoe, Storey, Swain, Terrell---16.

Not voting—Shannon, Edwards.

Senator Swain moved the previous question on the engrossment of the resolution.

Motion seconded and main question ordered.

The resolution (Senate joint resolution No. 74) was then ordered engrossed by the following vote:

YEAS.		
Buchanan, Duncan, Ford, Grace, Guy,	Hobby, Houston, Lair, Ledbetter, McCulloch,	Motley, Storey, Swain, Terrell---14.
NAYS.		
Burnett, Davenport, Gooch,	McCormick, Moore, Patton,	Ripetoe, Stewart, Shannon---9.

Not voting—Lane, Martin.

Senator Edwards was paired with Senator Burton, who would have voted "aye" and Senator Burton "no."

Senator Houston moved to adjourn until 7 o'clock P. M.

Lost by the following vote, (it taking a two-third vote to adopt.)

YEAS.		
Buchanan, Burnett, Davenport,	Ford, Hobby, Houston,	Lair, Martin, Moore,

Motley,  
Patton,  
Ripetoe,

Stewart,  
Storey,

Swain,  
Terrell—16.

NAYS.

Duncan,  
Edwards,  
Gooch,  
Grace,

Guy,  
Lane,  
Ledbetter,

McCormick,  
McCulloch,  
Shannon—10.

Senator Hobby called up Senate bill No. 343, entitled "An act to promote the science of medicine and surgery, by providing methods whereby human subjects for anatomical and scientific dissection and experiment may be lawfully obtained, and prescribing penalties for violation thereof," which was read first time.

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

### AFTERNOON SESSION.

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

On motion of Senator Stewart, the Senate adjourned until 7 o'clock P. M.

### NIGHT SESSION.

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

Senate bill No. 114, entitled "An act to provide for the payment of the outstanding indebtedness and the future debts of the several counties in this state," was taken up and read first time.

Senator Edwards (by leave) introduced a bill entitled "An act to amend article 4544, title 92 of the Revised Civil Statutes."

Read by caption and referred to committee on insurance, statistics and history.

Senator Patton, chairman of committee on public claims and accounts (by leave), submitted the following report:

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

Your committee on public claims and accounts have had under consideration 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," and at the request of the proposed beneficiaries under the provisions of the bill, and for the reason that they propose to offer before the committee testimony which cannot likely be had at this session of the Legislature, your committee direct me to report the said bill back to the Senate with the recommendation that no further action be taken on the same during the present session of the Legislature.

PATTON, *Chairman.*

On motion of Senator Gooch the report of the committee was adopted.

Senator Burnett (by leave) introduced a bill entitled "An act to fix, in favor of contractors, sub-contractors and material men, liens on railroads for labor done thereon or material furnished therefor, and to provide for the speedy and efficient enforcement of said liens."

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

On motion of Senator Duncan, the Senate took recess until 7:45 P. M.

7:45 P. M.

Recess expired; Senate reconvened. Roll called; quorum present.

A message was received from the House announcing that the House was ready to receive the Senate in joint session to receive the portrait of the Hon. Thos. J. Rusk, presented to the state by the artist John S. Morton, Esq.

On motion of Senator Edwards, the Senate proceeded to the hall of the House of Representatives for the purpose just indicated.

## JOINT SESSION.

Roll of Senate called; quorum present.

Roll of House called; quorum present.

Hon. Guy M. Bryan introduced Hon. John S. Ford, who, on the part of the doner, presented the portrait of Gen. Thos. J. Rusk to the Legislature of Texas, in a forcible and patriotic address well suited to the occasion.

Hon. B. M. Baker introduced Hon. W. S. Coleman, who received the portrait on the part of the Legislature of the State in an eloquent address.

The Hon. Ashbel Smith was introduced by Hon. W. S. Coleman, and made an appropriate address well befitting the occasion.

The Hon. John H. Cochran introduced his excellency O. M. Roberts, governor of the state, who spoke in glowing terms of the distinguished citizen, soldier and statesman, Gen. T. J. Rusk.

On motion of Senator Grace, Hon. Peyton F. Edwards, of Nacogdoches, addressed the Legislature on the occasion in a suitable and appropriate manner.

Representative Baker offered the following resolution, which was read, and on motion of Mr. Baker was adopted by the House.

On motion of Senator Martin, it was adopted by the Senate.

The resolution is as follows:

*Resolved*, That the Sixteenth Legislature of the State of Texas returns the most sincere thanks of the state to John S. Morton, Esq., for the most excellent portrait of the Texan patriot and statesman, Gen. Thomas J. Rusk.

*Resolved further*, That the portrait of Gen. Rusk be suspended in the capitol and carefully preserved, to the end that his face may be always as familiar to posterity as history will make his deeds.

On motion of Senator Grace, the Senate returned to its chamber.

IN SENATE.—Roll called; quorum present.

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

## SIXTY-EIGHTH DAY.

SENATE CHAMBER.

AUSTIN, TEXAS, April 2, 1879. {

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

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

Senator Brown was excused for to-day in consequence of sickness in his family.

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

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

Your judiciary committee No. 2, to whom was referred Senate bill No. 358, entitled "An act to fix in favor of contractors and sub-contractors, and material men, liens on railroads for labor done thereon and material furnished therefor, and to provide for the speedy and efficient enforcement of said liens," and having duly considered said bill, respectfully return the same with the recommendation that it do pass.

STEWART, *Chairman.*

Senator Houston offered the following resolution:

*Resolved*, that the secretary of the senate be directed to procure as at the request of the Senate copies of the addresses delivered in joint session the evening of first of April, A. D. 1879, by Senator Ford and Representative Smith on the occasion of the presentation of the portrait of General T. J. Rusk to the State of Texas; and when so procured to cause the same to be published in the journals that they may be thereby perpetuated and transmitted for the profit and instruction of those who are to come after us.

Senator Edwards offered the following amendment:

"Amend so as to have 500 copies each of the addresses of the senator from Cameron and representative from Harris county published for distribution."

Amendment adopted.

The resolution, as amended, was then adopted.

Senator Lane, under the rules, called up Senate bill No. 298, entitled "An act granting an extension of time to the Rockport, Fulton and Laredo railroad company for the construction of the road," which was read second time and ordered engrossed.

Senator Lair presented the resignation of the secretary of the Senate, which was accepted.

On motion of Senator Grace the Senate proceeded to the election of a successor to Major Chalmers, whose resignation had just been accepted.

The president announced that nominations were in order.

Senator Storey nominated J. P. C. Whitehead, Esq., (the present reading secretary).

Senator Duncan nominated W. A. Fields, Esq., (the present first assistant secretary of the Senate).

Senators Grace and Moore were appointed tellers.

Senator Duncan withdrew the name of Assistant Secretary Fields.

The Senate proceeded to ballot with the following result:

Mr. Whitehead received twenty-three votes and Mr. Fields received one vote (which was only complimentary, as he was not a candidate).

The president declared Mr. J. P. C. Whitehead duly and legally elected secretary of the Senate.

The secretary elect then came forward and was duly qualified.

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

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

Your committee on finance, to whom was referred Senate bill No. 356, entitled "An act to provide for the assessment and collection of taxes on land and other property in unorganized counties and for the enforcement

of the same," have carefully considered the same, and I am instructed by the committee to report the bill back to the Senate with the recommendation that it pass.

STOREY, *Chairman.*

Senator Ledbetter called up Senate bill No. 346, entitled "An act to provide for the issuance and sale of bonds for the purpose of retiring the outstanding bonds of the state, and to supply deficiencies in the general revenue, and to provide the mode and manner of the sale of said bonds to the several counties in this state."

(Senator Houston in the chair.)

Senator Edwards offered the following:

Insert in line fifteen, page 4, after the word "state," "after having made a contract as required in this section."

Adopted.

Senator Gooch offered the following:

Page 3, lines ten, eleven and twelve: strike out the words in line ten, after the words "they shall be," down to the word "provided;" in line twelve, and insert "sold under the direction of the governor."

Adopted.

Senator Storey offered the following:

Amend line eleven, page 3: Insert after the word "some" the following: "through the comptroller of the state or such other agents as he may deem necessary."

Adopted.

Senator Edwards offered the following:

"Section 16. The bonds created by and issued under this act, shall be received by the comptroller and treasurer in lieu of money in payment of the principal arising from any sale of lands belonging to the public free schools, university and asylums, and said bonds, when received, shall be placed to the credit of said special funds."

Adopted.

Also the following:

Add after the word "for," in line twelve, page 3, the words "and accrued interest."

Adopted.

Amend line twenty-four, page 5: Strike out the words "issued or sold to any such" and insert "exchanged for the bonds of any."

Adopted.

Add after the last word of amendment of Senator Storey, section 3, the following:

"But no such agent shall receive more than one-fourth of one per cent. on the amount sold by him for making any such sale."

Adopted.

Senator Swain offered the following:

"Strike out lines thirteen and fourteen in section 16."

Lost.

Senator Duncan offered the following:

Amend line six, page 2, by inserting after the words and figures of "July, 1879," these words, "at the option of the state."

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

Insert after the word "bonds" in line five, page 2, "of the denomination of \$100 and \$1000," and in line six, after "1879," insert the words

“and of the denomination of \$5 00 and \$10 00, at the option of the state.”

Lost.

The amendment of Senator Duncan was then lost.

Senator Duncan offered the following:

In line nineteen, page 4, after the words “eight hundred thousand” insert “payable at the option of the government thirty years from the first day of July, 1879,” and insert same language in line twenty, same page, after figures \$200,000.

Lost.

Senator Storey offered the following:

Amend line one, page 6: Strike out “any event allow therefor” and insert “no event shall the bonds be so paid out or exchanged at less than.”

Adopted.

Senator Burnett moved to reconsider the vote by which the amendment of Senator Patton was lost.

Carried.

Senator Gooch offered the following as an amendment to the amendment of Senator Patton:

In amendment, after word payable, insert “in thirty years and redeemable.”

Adopted and the pending amendment as amended was again lost.

Senator Gooch offered the following:

Page 8, line seven, after words “with bonds” insert “except the amount of such warrants as are or may be drawn, or the deficiency appropriation to the aggregate of two hundred thousand dollars.”

Adopted.

Senator Terrell offered the following:

Amend page 4, line five, by inserting after the word “governor” the words “acting in conjunction with the comptroller and treasurer,” and in line six insert “they” for word “he.”

Adopted.

Also, the following:

Strike out all after the word “year,” in line eight, page 1, down to “and,” in line ten, and insert in lieu thereof the following: “on presentation at the treasury.”

Lost by the following vote:

	YEAS.	
Buchanan,	Guy,	Lair,
Davenport,	Houston,	Terrell--6.
	NAYS.	
Burnett,	Lane,	Ripetoe,
Duncan,	Ledbetter,	Stewart,
Edwards,	Martin,	Shannon,
Ford,	McCormick,	Storey,
Gooch,	Motley,	Swain--17.
Grace,	Patton,	

Not voting—Hobby, Moore.

Senator Gooch offered the following:

“And shall keep a duplicate list of the bonds and coupons destroyed, stating the number, series and amount of both bonds and coupons destroyed, and sign the same, and one copy thereof shall be deposited in the office of the comptroller of public accounts, and one in that of the

secretary of state, and such redemption and destruction shall be noted by the custodians of the registry made thereof at the time of their issuance."

Adopted.

Senator Patton offered the following:

"Strike out section 17."

Senator McCormick offered the following:

In lines thirteen and fourteen on page 8, section 16 of the printed bill, strike out the words "being issued at a rate of one-half of one per cent. less than it would be if made taxable."

Lost by the following vote:

YEAS.		
Burnett, Ledbetter,	Martin, McCormick,	Ripetoe---5.
NAYS.		
Buchanan, Davenport, Duncan, Edwards, Ford, Gooch, Grace,	Guy, Hobby, Houston, Lane, Lair, Moore, Motley,	Patton, Stewart, Shannon, Storey, Swain, Terrell--20.

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

YEAS.		
Buchanan, Burnett, Davenport, Duncan, Ford,	Gooch, Hobby, Lair, Moore, Patton,	Ripetoe, Shannon, Storey, Swain--14.
NAYS.		
Edwards, Grace, Guy, Houston,	Lane, Ledbetter, Martin, McCormick.	Motley, Stewart, Terrell--11.

(President in the chair.)

The president, after reading its caption, signed House bill No. 50, entitled "An act authorizing the commissioner of the general land office to approve the bounty land certificates issued to the heirs of William Fitzbaugh, deceased, who fell at the Alamo."

Senator Duncan, from the 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 and find correctly engrossed Senate bill No. 350, "An act to amend article 1173 of the Revised Civil Statutes passed by the Sixteenth Legislature," also Senate joint resolution No. 74, "Joint resolution proposing an amendment to the constitution of the State of Texas."

DUNCAN, *for Committee.*

Senator Edwards offered the following:

Strike out "entered of record," line nine, page 3, and insert "registered;" and strike out the words "and recorded," in line ten, same section.

Adopted.



Senator Storey offered the following:

Amend line twenty-eight, section 7, by inserting after the word "select," the following, viz: "or at the treasury of the state, at the option of the holder."

Adopted.

Senator Gooch offered the following:

Amend page 2, section 2, line seven after the word "rate" strike out the word "of" and insert in lieu thereof the words "not higher than."

Lost by the following vote:

YEAS.		
Buchanan,	Guy,	Patton,
Burnett,	Hobby,	Shannon,
Duncan,	Lair,	Swain—10.
Gooch,		

NAYS.		
Davenport,	Lane,	Motley,
Edwards,	Ledbetter,	Ripetoe,
Ford,	Martin,	Stewart,
Grace,	McCormick,	Storey,
Houston,	Moore,	Terrell—15.

Senator Terrell moved to reconsider the vote adopting the last amendment of Senator Storey.

Carried and the amendment again adopted.

Senator Ford moved to reconsider the vote by which section 17 was stricken out.

Senator Edwards moved a call of the Senate.

Call sustained.

Roll called. Absent—Ford.

Pending business went to the table.

The absent senator appearing, the Senate was announced full, and the consideration of the pending bill was resumed.

The motion of Senator Ford to reconsider was then carried by the following vote:

YEAS.		
Edwards,	Lane,	Ripetoe,
Ford,	Ledbetter,	Stewart,
Grace,	Martin,	Storey,
Guy,	McCormick,	Terrell—14.
Houston,	Motley,	

NAYS.		
Buchanan,	Gooch,	Patton,
Burnett,	Hobby,	Shannon,
Davenport,	Lair,	Swain—11.
Duncan,	Moore,	

The motion of Senator Patton to strike out section 17 was then lost by the following vote:

YEAS.		
Buchanan,	Gooch,	Patton,
Burnett,	Hobby,	Stewart,
Davenport,	Lair,	Shannon,
Duncan,	Moore,	Swain—12.

NAYS.		
Edwards,	Lane,	Motley,
Ford,	Ledbetter,	Ripetoe,
Grace,	Martin,	Storey,
Guy,	McCormick,	Terrell—13.
Houston,		

The bill was then ordered engrossed by the following vote:

## YEAS.

Burnett,  
Edwards,  
Ford,  
Grace,  
Guy,  
Houston,

Lane,  
Lair,  
Ledbetter,  
Martin,  
Moore.

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

## NAYS.

Stewart,  
Buchanan,  
Davenport,  
Not voting—Ripetoe.

Duncan,  
Gooch,  
Hobby,

McCormick,  
Patton,  
Terrell- 9.

Senator Burnett called up Senate bill No. 358, entitled "An act to fix in favor of contractors and subcontractors and material men liens on railroads for labor done thereon and material furnished therefor, and to provide for the speedy and efficient enforcement of said liens," which was read first time and fifty copies ordered printed.

Senator Patton called up Senate bill No. 318, entitled "An act to legalize certain land claims therein named," which was taken up and the Senate refused to pass the bill to its engrossment.

Senator Edwards offered the following resolution:

*Resolved,* That the comptroller of public accounts be requested to furnish to the Senate a statement of the condition of the accounts of each tax collector in this state, relating to the collection of taxes for the years 1876 and 1877; and that said report shall show specifically what taxes were assessed for each of said years and turned over to each collector, and amount of same collected and reported, and amount paid into the treasury, and amount collected and not reported or so paid in.

Resolution adopted.

Senator Storey called up Senate bill No. 356, entitled "An act to provide for the assessment and collection of taxes on lands and other property in unorganized counties, and for the enforcement of the same," which was read first time.

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

Carried by the following vote:

## YEAS.

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

Grace,  
Guy,  
Hobby,  
Houston,  
Lair,  
Ledbetter,  
Moore,

Motley,  
Patton,  
Ripetoe,  
Shannon,  
Storey,  
Swain,  
Terrell—21.

## NAYS—none.

Not voting—Lane, Martin, McCormick, Stewart.

Bill read second time.

Senator Storey offered the following:

Add to section 6 "or if demanded by the owner."

Adopted, and bill ordered engrossed.

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

YEAS.

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

Guy,  
Hobby,  
Houston,  
Lair,  
Ledbetter,  
McCormick,  
Moore,

Motley,  
Patton,  
Ripetoe,  
Shannon,  
Storey,  
Swain,  
Terrell--21.

NAYS—none.

Not voting—Duncan, Lane, Martin, Stewart.

Bill read third time.

Senator Buchanan offered the following:

“Amend by striking out section 6.”

Adopted.

On motion of Senator Davenport, Assistant Secretary W. A. Fields was excused from Saturday next until to-day week.

The pending bill was then passed by the following vote:

YEAS.

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

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

Patton,  
Ripetoe,  
Stewart,  
Shannon,  
Storey,  
Swain,  
Terrell--22.

NAYS.

Grace,

Houston--2.

Not voting—Hobby.

Senator Gooch, from 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 the following bills and find them correctly engrossed:

Substitute for Senate joint resolution No. 92, entitled “Joint resolution amending section 24, article 3 of the constitution.”

Senate bill No. 138, entitled “An act to amend articles 747 and 748 of the Penal Code adopted at the present session of the Legislature.”

Senate bill No. 311, entitled “An act for the relief of Wm. Judge.”

Senate bill No. 329, entitled “An act to attach the county of Jones to the county of Taylor for judicial purposes.”

Senate bill No. 336, entitled “An act amendatory of and supplementary to an act entitled ‘an act to consolidate in one act and amend the several acts incorporating the city of Houston in Harris county, approved January 23, 1874, and the several acts amendatory thereof.’”

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

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

Carried by the following vote:

YEAS.

Buchanan,  
Burnett,  
Davenport,

Duncan,  
Edwards,  
Ford,

Gooch,  
Grace,  
Guy,

Houston,  
Lane,  
Lair,  
Ledbetter,  
Martin,

McCormick,  
Moore.  
Motley,  
Patton,  
Ripetoe.  
NAYS—none.

Stewart,  
Shannon,  
Storey,  
Swain,  
Terrell—24.

Not voting—Hobby.

### SIXTY-NINTH DAY.

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

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

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

A message was received from the House announcing as follows:

That the House has adopted the following concurrent resolution:

*Resolved*, That the House of Representatives of the Sixteenth Legislature, the Senate concurring, do adjourn *sine die* on Monday, April fourteenth, at 12 o'clock m.

The House concurs in Senate amendments to House bill 394, "An act to repeal chapters 1, 2 and 3 of title 64 of the Civil Code," adopted February 21, 1879.

That the House has adopted the following resolution:

WHEREAS, Under the present judiciary article in the constitution it is impossible for the supreme court to dispose of the business in that court and no joint resolution proposing an amendment has yet passed both houses

*Resolved*, That a special committee of five be appointed on the part of the House to act in conjunction with a like committee on the part of Senate to report a joint resolution, submitting to the vote of the people a new judiciary article to the constitution; and that Messrs. Jones, of Hunt, Coleman, Gause, McComb, Frost, Finlay, Taylor, of Marion, Johnston, of Leon, Wurzbach and English have been appointed a committee upon the part of the House.

Senator Moore, chairman of committee on commerce and manufactures, submitted the following report:

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

Your committee on commerce and manufactures, to whom was referred Senate bill No. 352, "An act to be entitled 'an act to amend article 3649 of the Revised Civil Statutes,' passed February 21, 1879," have carefully considered the same, and instruct me to report the bill back to the Senate and recommend its passage.

MOORE, *Chairman.*

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

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

Your committee on finance have had under consideration Senate concurrent resolution, "to require the state treasurer, when any of the state's moneys, bonds or warrants are to be deposited, paid out, sold or received in or through any public or private bank or banking institution, to do such