

business with such bank or banking institution that are known to be solvent and reliable, and that will transact such business for the state without charge, or for the least amount of percentage," and I am instructed by the committee to report the resolution back to the Senate with the following amendments: Strike out the word "agreeing," in the caption, and insert in lieu thereof, the word "concurring." Strike out all after the word "percentage," at the end of the fourth line from the bottom; and as so amended to recommend its adoption.

STOREY, *Chairman.*

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

Your committee on finance, to whom was referred Senate bill No. 355, entitled "An act to amend articles 4746 and 4747 of the Revised Civil Statutes adopted 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 do pass.

STOREY, *Chairman.*

The president, after reading its caption, signed 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.

Senator Stewart called up Senate joint resolution No. 9, "Proposing an amendment to article 1 section 11 of the constitution," with a substitute, which was read second time.

Senator Stewart moved to adopt the substitute of the committee.

Adopted.

Senator Burnett offered the following:

Strike out the word "twice" and insert "once."

Lost by the following vote:

YEAS.		
Burton, Lair,	Martin,	Moore—4.
NAYS.		
Buchanan, Davenport, Duncan, Edwards, Ford, Gooch,	Grace, Guy, Hobby, Lane, Ledbetter, McCormick,	Ripetoe, Stewart, Shannon, Storey, Swain, Terrell—18.

Not voting—Motley, Patton.

Senator Storey offered the following:

Amend by striking out the word "affidavit."

Adopted.

Senator Edwards offered the following as a substitute for the substitute of the committee:

"All prisoners shall be bailable by sufficient sureties, unless charged with felonious homicide, when the proof is evident. But this shall not be so construed as to prevent bail after indictment found upon examination in such manner as may be prescribed by law."

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

Before the words "felonious homicide," insert the letter "a."

Adopted.

Senator Ledbetter moved to postpone the pending bill until day after to-morrow.

Lost.

Senator Edwards then withdrew his substitute.

Senator Duncan offered the following:

Insert after "homicide" "or any capital felony."

Adopted, and joint resolution ordered engrossed.

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.

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

Lost by the following vote (it taking a four-fifth vote to suspend).

YEAS.

Buchanan,
Burnett,
Duncan,
Gooch,
Hobby,

Lair,
Ledbetter,
Martin,
Moore,
Motley,

Patton,
Ripetoe,
Swain,
Terrell---14.

NAYS.

Davenport,
Edwards,
Ford,
Grace,

Guy,
Lane,
McCormick,

Stewart,
Shannon,
Storey---10.

Senator Gooch (by leave) introduced a joint resolution requesting our senators and representatives in congress to use their influence to secure the passage of what is known as the inter-state commerce bill, introduced by Hon. John H. Reagan, of Texas, or of some other having the same object in view.

Referred to the committee on internal improvements.

The president placed before the Senate the resolution reported from the House this morning "appointing a joint committee to prepare a new judiciary article to the constitution."

On motion of Senator Ledbetter, the Senate adopted the resolution referred to, and the president appointed on said committee, on the part of the Senate, Senators Terrell, Edwards, Stewart, McCormick and Lane.

Senator Edwards moved to add five more senators to the committee just appointed.

Adopted.

Senator Edwards moved to reconsider the vote just taken.

Motion withdrawn, and the following senators were added to the committee, under the motion of Senator Edwards just adopted, to wit: Senators Hobby, Shannon, Storey, Buchanan and Gooch.

Senator Buchanan called up Senate bill No. 335, entitled "An act to amend articles 4746 and 4747 of the Revised Civil Statutes, adopted at the present session of the Legislature," which was read first time.

Senator Storey called up joint resolution "amending section 18 article 3 of the constitution," which was read second time and ordered engrossed.

(Senator Stewart in the chair.)

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

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

Carried by the following vote:

YEAS.		
Buchanan,	Lane,	Patton,
Burnett,	Lair,	Ripetoe,
Davenport,	Ledbetter,	Stewart,
Duncan,	Martin,	Shannon,
Edwards,	McCormick,	Storey,
Gooch,	Moore,	Swain,
Guy,	Motley,	Terrell—21.
	NAYS—Grace.	

Not voting—Ford, Hobby.

Bill read third time and passed.

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

House bill No. 75, entitled "An act to amend section 21, section 37 and section 38 of 'an act to provide for the election of justices of the peace, and to define their powers and jurisdiction,' approved August 17, 1876."

House bill No. 78, entitled "An act to amend section 16 of 'an act regulating elections,' approved August 23, 1876."

House bill No. 99, entitled "An act to amend section 46 of 'an act to encourage stockraising and for the protection of stockraisers,' approved August 23, 1876."

House bill No. 101, entitled "An act to refund to any person all moneys that have been paid into the state treasury on any note or obligation given for university lands and not properly credited to the same."

The bills just reported from the House were taken up and referred as follows:

House bill No. 75 referred to judiciary committee No. 1.

House bill No. 78 referred to judiciary committee No. 2.

House bill No. 99 referred to committee on stock and stockraising.

House bill No. 101 referred to committee on finance.

Senator Ford 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 separate from community property," which was read third time and passed.

Senator Grace called up Senate bill No. 311, entitled "An act for the relief of William Judge," which was read third time and passed.

Senator Lair 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 second time.

On motion of Senator Davenport, the pending bill was postponed until to-morrow.

(President in the chair.)

Senator McCormick called up Senate bill No. 352, entitled "An act to amend article 3649 of the Revised Civil Statutes, passed February 21, 1879," which was read first time.

(Senator McCormick in the chair.)

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

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

Your committee on insurance, statistics and history, to whom was referred Senate bill No. 357, "An act entitled 'an act to amend article

4544, title 92, of an act to adopt and establish the Revised Civil Statutes of the State of Texas, passed at the present session of the Legislature," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

EDWARDS, *Chairman.*

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

IN SENATE.—(President in the chair.)

Senator Ledbetter moved that the secretary be instructed to enter upon the journals the confirmations made by the Senate in the executive session just held.

In obedience to which order it is stated that the Senate confirmed Andrew Munn, as pilot commissioner of the port of Galveston (the name, Anderson Munn, heretofore acted upon, not being the correct name), and W. W. Lang, as assistant superintendent of the penitentiary.

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

SEVENTIETH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, April 4, 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 yesterday was dispensed with and same adopted.

On motion of Senator Edwards, Senator Gooch was excused until Tuesday morning next.

A message was received from the House announcing the passage by that body of House bill No. 412, entitled "An act making appropriations for deficiencies, beginning September 1, 1876, and ending February 28, 1879, and for previous years."

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

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

Senate bill No. 46, entitled "An act to provide for the election of district attorneys in certain judicial districts of the State of Texas."

House concurs in Senate amendments to House bill No. 237, "An act for the better protection of timber."

The House refuses to concur in Senate substitute for substitute House bill No. 33, "An act to amend article 4767 of the Revised Civil Statutes," asks for a committee of conference, and Messrs. Gaither, McComb, Merritt and King have been appointed a committee on part of the House.

The House concurs in Senate amendments to substitute House bills 305 and 335, "An act 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."

The following bills just reported from the House were taken up and referred to appropriate committees, to wit:

House bill No. 497, to judiciary committee No. 2.

House bill No. 412, to the committee on finance.

On motion of Senator Grace, a committee of conference was appointed on the differences of the two houses on substitute for House bill No. 33, entitled "An act to amend article 4767 of the Revised Civil Statutes of the State of Texas," reported from the House this morning.

The president appointed as said committee on the part of the Senate, Senators Grace, Duncan and Ledbetter.

On motion of Senator Stewart, Senator Brown was excused for the day in consequence of sickness in his family.

Senator Motley, chairman of the committee on state asylums, submitted the following report:

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

Your committee on asylums, in obedience to a resolution of the Senate, appointed a sub-committee with power to send for papers and examine witnesses; as soon thereafter as possible said sub-committee, in conjunction with a like sub-committee on the part of the House of Representatives, proceeded to examine into the management, conduct and affairs of the Lunatic Asylum. The sub-committee have made a thorough examination of the books and have visited the asylum and satisfied themselves as to the treatment, comfort and convenience of the insane confined therein.

We find that the affairs of the asylum have been for the past two years economically administered. For instance, while in other institutions for insane, the number of medical officers is one to each one hundred patients, in this asylum, where there are three hundred patients, there are only two medical officers. In addition to this, in other institutions, the services of a clerk, treasurer and frequently an apothecary are required and paid salaries; here all this work is performed by the superintendent and assistants. Again, while in other institutions the allowance is one attendant for every ten patients, in this we have one attendant for eighteen patients. In other institutions, in addition to these regular attendants, the services of a supervisor are deemed necessary, whose duty is to exercise supervision over the other attendants; here this service is performed by the matron and steward.

We find that the cost to the state per capita per annum of each patient is \$173, while the average cost per capita per annum throughout the United States is \$267, a difference of \$94 per capita in favor of the present management.

In the matter of improvement, we find that under the present superintendency accommodations have been made for two hundred patients, at a cost per capita of about \$250, while the average cost throughout the United States is \$2100, making a difference in favor of the Texas institution of \$1850. For example, in the State of New York the cost of accommodations per capita is \$3100; here we see a difference in favor of Texas of \$2850.

Rumors have been afloat that cruelties have been practiced; that patients were confined in dark rooms; that straight jackets were the order of the day. Your committee have specially investigated these rumors, although they had not the respectability of complaints, and we emphatically deny the truth or foundation of such rumors. Dark rooms do not exist within the walls of the asylum; there are no straight jackets, nor are restraints of any kind practiced, except in a very light degree. The

number of cures and the hygienic condition of this institution compare most favorably with others of the kind throughout the United States. The treatment of the patients is kind and considerate, and a person ignorant of the character of the building visiting the Texas asylum could not tell that he was within the confines of a lunatic asylum.

In view of the above facts and others not necessary to be specifically enumerated, we can safely say that the institution for the insane of Texas is accomplishing as much and more for the money expended than any other of a similar character in the United States. Your committee are of the opinion that Dr. D. R. Wallace, the present superintendent, is the right man in the right place. Your committee think that the highest interests of the state demand that no changes be made, either in the management or the superintendency; that the present incumbents have in a remarkable degree shown their efficiency and fidelity. In the whole investigation your committee were unable to find a solitary instance of abuse of trust or authority on the part of the superintendent, assistant managers, matron, steward or employes. On the contrary, we find that every action of the officials has been characterized by kindness and consideration. Harmony prevails throughout every department, and in conclusion we think it due the present superintendent that we embody in this report our hearty endorsement of the management, conduct and affairs of the lunatic asylum for the past two years.

MORLEY, *Chairman Senate Committee.*

LARKIN, *Chairman House Committee.*

The president, after reading its caption, signed House bill No. 237, entitled "An act for the better protection of timber."

Senator Terrell offered the following resolution:

Resolved, the House concurring, That since the joint committee appointed on the part of the Senate and House to prepare a new judiciary article have been unable to meet and deliberate on account of the sessions of the House, which are held during the night as well as day, that the said committee be excused during afternoon sessions from attendance on both houses until their report is made.

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

Resolved, That the senators appointed on the joint committee of the two houses on constitutional amendments be excused from attending at the evening sessions of the Senate whenever the committee of the House will agree to meet the Senate committee, and that the House be notified of the adoption of this resolution.

On motion of Senator Terrell, the pending resolution and substitute were laid over until to-morrow morning.

Senator Stewart (by leave) introduced a bill entitled "An act to amend the second section of 'an act to regulate the respective duties of district and county attorneys, approved August 21, 1876.'"

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

Senator Grace, under the rules, called up Senate bill No. 310, entitled "An act for the relief of J. S. Daugherty," which was read second time.

The amendments of the committee were adopted and the bill ordered engrossed.

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

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

Your committee on internal improvements, to whom was referred Senate joint resolution No. 359, "Instructing our senators and requesting our representatives in congress to use their influence to secure the passage of what is known as the inter-state commerce bill, introduced by Hon. Jno. H. Reagan, of Texas, or of some other having the same object in view," have considered the same, and I am instructed to report it back to the Senate and recommend its passage. SHANNON, *Chairman.*

Senator Hobby 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 second time.

Senator Stewart moved to postpone the bill until next Tuesday, which was carried by the following vote:

YEAS.		
Davenport, Duncan, Edwards, Ford, Grace,	Guy, Lane, McCormick, McCulloch, Patton,	Stewart, Shannon, Storey, Terrell—14.
NAYS.		
Buchanan, Burnett, Gooch,	Hobby, Lair, Ledbetter,	Martin, Moore, Motley—9.

Not voting—Storey.

Fifty copies of the bill, with amendments, were ordered printed again.

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

Senator Gooch offered the following amendment.

"Strike out that part of the bill which exempts the certificates or land from taxation."

Senator Swain moved to postpone the bill to Thursday next.

Senator Shannon moved to postpone the bill until Wednesday next just after the morning call, and make it the special order for that time, and from day to day until disposed of, and that fifty copies of the bill be printed for the use of the Senate.

The motion of Senator Swain was lost by the following vote:

YEAS.		
Buchanan, Lair, Martin,	McCulloch, Moore, Patton,	Storey, Swain, Terrell—9.
NAYS.		
Burnett, Davenport, Duncan, Edwards, Ford,	Gooch, Grace, Guy, Lane, Ledbetter,	McCormick, Motley, Stewart, Shannon—14.

Not voting—Hobby, Ripetoe.

Senator Edwards made the point of order that as one motion to postpone had been voted down, Senator Shannon's motion is out of order.

Point sustained.

(Senator Duncan in the chair.)

The amendment of Senator Gooch to the pending bill was then adopted.

Senator Ford offered the following:

Insert after the word "signers," in line eleven, the following: "or who may make proof of being entitled to a pension in pursuance of said law and the provisions of this act."

Adopted.

Senator Shannon moved to postpone the bill until Wednesday next, and make it the special order for that time, and from day to day until disposed of, and that fifty copies of the bill be printed for the use of the Senate.

Adopted.

Senator McCormick called up Senate bill No. 352, entitled "An act to amend article 3649 of the Revised Civil Statutes, passed February 21, 1879," which was read a second time.

Senator Stewart moved to postpone the bill until to-morrow, just after the morning call.

Carried.

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 had under consideration and examination the following resolution and bills, and have found the same correctly engrossed:

Senate joint resolution No. 234, entitled "Joint resolution amending section 11 of article 1 of the constitution of the State of Texas."

Senate joint resolution No. 234, entitled "Joint resolution amending section 18 article 3 of the constitution."

Senate bill No. 339, "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.

Gooch, for Committee.

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

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

Your committee on public claims and accounts have considered "Resolution authorizing the committee on public claims and accounts to ascertain and report whether there is an unpaid balance due General Leslie Combs by the State of Texas," and direct me to report that the near approach of the close of the present session of the Legislature and the urgent necessity for the enactment of certain laws of general importance render it improper, if not impracticable, for the present Legislature to enter upon the investigation by said resolution authorized and required, and they further direct me to report the resolution back with the recommendation that it do lie upon the table.

PATTON, Chairman.

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

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

Your committee on public claims and accounts have had under consideration the "memorial of Eggleston & Bro. asking that appropriation be made to pay certain claims against the state for supplies furnished Capt.

J. L. Hall's command," and direct me to report the same back with the request that it be referred to the committee on finance.

PATTON, *Chairman.*

The report of the committee was adopted and bill referred to the committee on finance.

Senator Terrell, chairman of the committee of conference on the differences of the two houses on Senate substitute for House joint resolution No. 2 "proposing amendments to article 8 of the constitution," (the smoke house tax question), submitted the following as the report of said committee:

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

Your committee of free conference, to whom was referred House substitute for House joint resolution No. 2, and the Senate joint resolution being a substitute for Senate joint resolution No. 29, have duly considered the matters of disagreement between the two houses concerning both resolutions, and respectfully report the accompanying substitute and recommend its passage:

While the substitute does not meet the approval of all the members of the committee, it is acquiesced in by all in view of the fact that before it can become a part of the organic law it must be approved by the people at the ballot box. Some change in the constitution on the subject of tax exemptions of farm products is, it is believed, almost universally demanded, and in the judgment of your committee no proposed change can receive the requisite majority in both houses, which does not submit to a vote of the people a total exemption of farm products while in the hands of the producer.

TERRELL,

HOBBY,

MARTIN,

for Senate.

TAYLOR, of Marion,

BAKER,

SMITH, of Titus,

for House.

THE SUBSTITUTE OF THE CONFERENCE COMMITTEE.

Substitute for the Senate substitute for Senate joint resolution No. 29, and for the House substitute for House joint resolution No. 2, recommended by committee of free conference, viz: joint resolution amending article 8 of the constitution of the State of Texas by adding a new section to be section 19:

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

Section 19. Farm products in the hands of the producer and family supplies for home and farm use, are exempt from all taxation, until otherwise directed by a two-thirds vote of all the members elect to both houses of the Legislature.

And be it further resolved, That the governor be requested to submit to the vote of the electors of the state the foregoing proposed amendment to the constitution, at an election to be ordered on the first Tuesday in September, A. D. 1879, in accordance with the provisions of article 17 of the state constitution.

(President in the chair.)

Senator Duncan moved that the report of the committee and substitute be postponed until the first day of May next.

Lost by the following vote:

YEAS.		
Davenport,		Duncan—2.
NAYS.		
Buchanan,	Ledbetter,	Ripetoe,
Burnett,	Martin,	Stewart,
Ford,	McCormick,	Shannon,
Gooch,	McCulloch,	Storey,
Guy,	Moore	Swain.
Hobby,	Motley,	Terrell—19.
Lair,		

Not voting—Edwards, Grace, Lane, Patton.

Senator Terrell moved a call of the Senate.

Call sustained.

Roll called. Absent—Edwards, Grace, Lane, Patton.

Pending business went to the table.

Senator Duncan called up Senate bill No. 46, entitled "An act to provide for the election of district attorneys in certain judicial districts of the State of Texas."

Senator Gooch moved a call of the Senate.

Call sustained.

Roll called. Absent—Grace, Patton.

During the call the pending bill went to the table.

Senator McCulloch 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."

The absent senators appearing, the Senate was announced full and the consideration of the report of the conference committee on the differences of the two houses on Senate substitute for House joint resolution No. 8 was resumed.

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

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

The undersigned Senators presented the following to be entered as the reasons for their votes just cast:

We vote yea, though our preference for a more limited exemption was made known by reasons therefor spread on the journals at a former day of the session. Assessments are made of property on hand on the first day of January of each year. By that time the poorer farmers of the state and farm tenants have sold their farm produce, and if any profit has been made by the year's labor, however small, it is on hand in the

shape of money or other property, and must still be taxed, while the wealthier farmer only, who can afford to hold his produce for a higher price, is benefitted by the exemption. We believe an exemption of such an amount only as would be required to meet the average necessities of a Texas family, is all that reflecting people require. A given amount of money must be raised from some source to meet the necessities of the state, and the exemption of the entire cotton, sugar and wheat crop of Texas in the hands of the wealthy planters who are able to hold it, only increases the taxes on small farmers and the poor. Such is our individual view, though since finding that we are in a minority we will not oppose the substitute as reported by the free conference committee, as it must at last receive the approval of the people before it becomes a part of the constitution.

A. W. TERRELL,
MARION MARTIN,
W. D. LAIR,
J. W. MOORE.

The consideration of Senate bill No. 46, which had gone to the table during the call, was now resumed.

Senator Motley offered the following amendment:

Amend report of House committee by striking out "second judicial district."

Withdrawn.

Senator Duncan moved that the Senate do not concur in House amendment adding second judicial district to the bill.

(President *pro tempore* in the chair).

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

YEAS.

Buchanan,
Burnett,
Duncan,
Ford,
Guy,
Lair,

Ledbetter,
Martin,
McCormick,
McCulloch,
Moore,

Motley,
Ripetoe,
Stewart,
Shannon,
Terrell—16.

NAYS.

Davenport,
Edwards,
Gooch,

Grace,
Hobby,
Lane,

Storey,
Swain—8.

Not voting—Patton.

Senator Terrell presented the following as his reasons for voting aye on this motion:

"I vote yea, because the matter is local, pertaining to one district. While I believe that a district attorney should be provided for every district in which there are inefficient county attorneys, I defer in this matter to the opinion of the local senator, believing that the interests of the state can be protected in a committee of conference."

Senator Duncan offered the following amendment:

Amend the printed amendment offered by the House to section 2 of the bill by adding to said amendment these words: "Who shall hold his office until the next general election, at which time and at each succeeding general election, a district attorney shall be elected."

Adopted.

Senator Martin offered the following:

Amend: "Do not concur in House amendments," in the insertion in the bill of the thirteenth judicial district.

Adopted.

The other House amendments concurred in.

The consideration of Senate bill No. 343 was resumed.

Senator Lane offered the following:

Amend by adding the following: "Section The near approach of the close of the session, makes it an imperative public necessity that the rule requiring this bill to be read on three several days be suspended, and it is therefore so enacted."

Adopted.

Senator Davenport moved to indefinitely postpone the bill.

Lost by the following vote:

YEAS.		
Burnett,	Grace,	Shaannon--5.
Davenport,	Stewart,	
NAYS.		
Buchanan,	Lane,	Motley,
Edwards,	Lair,	Patton,
Ford,	Ledbetter,	Storey,
Gooch,	McCormick,	Swain,
Guy,	McCulloch,	Terrell--17.
Hobby,	Moore.	

Not voting—Duncan, Martin, Ripetoe.

Senator McCulloch offered the following:

Amend by striking out "be it resolved," wherever it occurs in the bill, and insert "be it enacted."

Adopted, and bill ordered engrossed by the following vote:

YEAS.		
Buchanan,	Lane,	McCulloch,
Edwards,	Lair,	Moore,
Ford,	Ledbetter,	Motley,
Gooch,	Martin,	Patton,
Guy,	McCormick,	Storey--16.
Hobby,		

NAYS.		
Burnett,	Stewart,	Swain,
Davenport,	Shannon,	Terrell- 9.
Grace,		

Not voting—Duncan, Ripetoe.

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,	Lane,	Motley,
Davenport,	Lair,	Patton,
Edwards,	Ledbetter,	Ripetoe,
Ford,	Martin,	Storey,
Gooch,	McCormick,	Swain,
Guy,	McCulloch,	Terrell--21.

NAYS.		
Grace,	Stewart,	Shannon--3.

Not voting—Duncan.

Bill read third time and passed by the following vote:

YEAS.		
Buchanan,	Lane,	McCulloch,
Edwards,	Lair,	Motley,
Gooch,	Ledbetter,	Patton,
Guy,	McCormick,	Storey--13.
Hobby,		

NAYS.

Burnett,
Davenport,
Duncan,
Ford,

Grace,
Martin,
Moore,
Ripetoe.

Stewart,
Shannon,
Swain,
Terrell—12.

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

Senate bill No. 225, entitled "An act to diminish the civil and criminal jurisdiction of the county court of Trinity county and to conform the jurisdiction of the district court of said county to said change."

And that the House has adopted the report of the committee of free conference on the disagreements of the two houses on Senate joint resolution No. 29 and House joint resolution No. 2, and that the substitute recommended by said committee of free conference has passed by two-thirds of all the members elected to the House.

On motion of Senator Terrell, Senate bill No. 324, just reported from the House with amendments, was referred to the committee on insurance, history and statistics.

Senator Storey (by leave) introduced a bill, entitled "An act to allow the heirs of Thomas Toby to sue the state."

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

The following messages were received from his excellency the governor:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, April 4, 1879. }

To the honorable Senate of the State of Texas:

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

J. D. Easton, Z. T. Fulmore, W. P. Gaines, Osceola Archer, Irwin Eggleston, H. B. Barnhart, W. S. Hotchkiss, J. W. Lawrence, P. De Cordova, Jas. E. Rector, E. W. Shauds, Edward Summerrow, Albert Brown, W. von Rosenberg, N. S. Walton, Flavias Everett, W. B. Raney, Jas. M. Thornton, Jas. D. Sheeks, James R. Johnson, Travis county.

L. M. Mays, John W. Posey, Sidney Seymour, Samuel C. Taylor, J. A. Montgomery, George W. Logan, J. P. Magill, H. B. Shepard, Duncan G. Smith, J. A. Muir, Barclay Martin, W. E. Bouchelle, J. E. Stiles, James Elliott, R. W. Dodd, R. H. Price, John McCamley, J. W. Hodges, John Threadgill, D. V. Grant, Williamson county.

A. G. Walker, Columbus Townsend, Woods Miller, Alvin Anderson, Richard Hill, Reuben Senterfit, W. B. Abney, James A. Hamman, John A. Huling, Whitfield Chalk, Lampasas county.

T. P. Hall, E. J. Moses, C. C. Stewart, Thomas Vaughn, J. J. Haynes, Tilman Faubion, Randolph Lawrence, T. E. Hammond, Burnet county.

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, April 4, 1879. }

To the honorable Senate of the State of Texas:

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

Henry P. Downman, of Waller county, in place of Henry P. Dowman.

J. F. Templeton, of Cherokee county, in place of J. A. Templeton
 Wm. Scurlock, of Johnson county, in place of Wm. Scarlock.
 C. Y. Kouns, of Johnson county, in place of C. Z. Kouns.
 Sam Davis, of Hunt county, in place of B. R. Wilson, deceased.

Respectfully,

O. M. ROBERTS, *Governor.*

EXECUTIVE OFFICE, STATE OF TEXAS, }
 AUSTIN, April 4, 1879. }

To the honorable Senate of the State of Texas:

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

J. W. Hale, Wise county (postponed action).

J. T. White, Smith county.

J. S. Wilson, C. W. Noyes, Collin county.

John J. Mullins, Clay county.

A. F. Brigance, Grimes county.

T. W. Redman, Uvalde county.

Wade Horton, Montague county.

William Charlton, Kaufman county.

M. D. Kirkpatrick, Cameron county.

W. B. Rhode, R. F. Skrehat, Lavaca county.

N. B. Patterson, Delta county.

W. A. McDowell, Jackson county.

C. W. Hartup, Calhoun county.

P. T. Norwood, J. A. Lindsay, A. B. Flint, Marion county.

C. Palmore, Cass county.

Respectfully,

O. M. ROBERTS, *Governor.*

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

Adopted.

Senator Guy entered a motion to reconsider the vote by which Senate bill No. 343, "Providing subjects for anatomical dissection, scientific discovery," etc., was passed.

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

SEVENTY-FIRST DAY.

SENATE CHAMBER,
 AUSTIN, TEXAS, April 5, 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 same adopted.

On motion of Senator Edwards, Senator Stewart was excused indefinitely from Monday next.

On motion of Senator Hobby, Senator Swain was excused for six days from Monday next.

On motion of Senator Swain, Senator Tilson was excused for six days from Monday next.

Senator Motley, chairman of committee on state asylums, submitted the following report:

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

Your committee on asylums beg leave to report that, in compliance with a resolution adopted by the Senate and House of Representatives, authorizing the appointment of a joint sub-committee, with power to send for papers and examine witnesses, said sub-committee was appointed and proceeded, as soon thereafter as practicable, to investigate the management, conduct and affairs of the institution of learning for the blind, and have submitted to your committee, by report, the result of their investigation; and your committees instruct us to submit the following for the consideration of the Senate and House of Representatives:

The financial management of the institution has been an honest and efficient one. Every monetary transaction connected with the management is explicitly and satisfactorily shown by the books of the superintendent; the purpose and the result of every expenditure is patent.

Perfect harmony prevails in every department of the institution, and among the pupils happiness reigns supreme. The superintendent, Dr. Rainey, and the unfortunate blind under his charge, seem bound together by a silken cord of love—he actuated by the most tender motives of parental solicitude—they by those feelings of gratitude and love which should govern children in their domestic relations. This state of affairs is truly commendable, and is apparent to all who visit this home of the blind of Texas.

We would call the attention of the Legislature to the following facts, as reported by the sub-committee: • “We find upon examination that the institution is not large enough for the proper management of the affairs pertaining to the different departments. The kitchen, wherein cooking is done for over ninety persons, is only thirteen feet square; this room is almost entirely filled by an enormous hotel cooking stove and utensils. The only available space for laundry is a small frame building, 10x20 feet, wherein are congregated wash tubs, old fashioned boilers, a smoothing-iron stove, a bedstead for drying purposes and the dirty clothes for over ninety persons. In addition, in wet weather, for over a week at a time, it is impossible to dry the clothing. We submit that the building is entirely unsuited for the purposes. Music is a constituent element in the perfection of the education of the blind; there is no room for piano tuning; there are no commodious music rooms. We find for instance, one room serving the purposes of an office for the superintendent, music room for teacher and practice, class singing and bed room; other rooms are as badly crowded. Costly musical instruments, from force of necessity, are placed in open halls, where they are liable to abuse and the practice on which disturbs the literary teachers. The palings around the enclosure are sadly in need of repairs.”

We might go on and enumerate a hundred inconveniences arising from the necessarily crowded state of things; but we have enumerated enough to show that the institution should be enlarged. To place the institution on a basis which would warrant a comparison with similar institutions in the older states, more than fifty thousand dollars would be necessary; but, in view of the present financial embarrassment of the state, we recommend that \$7500 be appropriated to build a school room, laundry, kitchen, and other improvements, the need for which is so pressing. There should be no hesitancy in appropriating this amount, for we believe that on it depends the efficiency of the school. In conclusion,

your committee deem it necessary to state that they would be recreant to their trust and remiss in their duty did they not fail to note the fact that they are fully impressed with the conviction that the present superintendent and his subordinates have discharged, with marked ability and fidelity, the high and responsible trust confided to their care. By their superb management, they have made the Blind Asylum an honor to the state; they have made it an asylum for the blind in every sense of the word. We feel no hesitancy in asserting that there is not a child in the institution who does not prefer the pleasures and associations of the place to those of their own home, however pleasant the latter may be. There is a bond of sympathy between them as indissoluble as adamant, and the links of which are as firm as steel. Your committee cannot refrain from expressing their firm conviction that when those charged with the management of these state charities discharge their trusts with efficiency and fidelity they are entitled to appreciative testimonials from us, the representatives of the people. Your committee are of the opinion that sound policy, and the good of these unfortunates, forbid any changes in the management, unless for inefficiency, negligence or lack of integrity; that it is the highest duty of the state to provide for the education and culture of the unfortunate and to render them as comfortable and happy as their condition in life will admit. To make this institution what the state desires some money will be required; and your committee have recommended a specific amount, which at the best will no more than provide for those improvements, absolutely necessary.

MOTLEY,

Chairman Senate Committee..

LARKIN,

Chairman House Committee.

Senator Lair offered the following resolution:

Resolved, That the secretary of the Senate be required, after the adjournment of the Sixteenth Legislature, to make out an alphabetical list of all the unfinished business of the present session and file the same with the secretary of state, taking his receipt therefor. Also an alphabetical list of all Senate bills that may have become laws, and forward one to each of the members of the Senate. He is hereby further required to superintend the printing of the journals, correct the proof and make a complete index of the journal; and upon completion of the journal and laws, general and special, of this session to forward a copy of each to every member of the Senate; and for this purpose the secretary of the Senate shall be, and is hereby, continued in office for sixty days after the adjournment.

LAIR.

Resolution read and adopted.

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

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

Your committee on finance have had under consideration House bill No. 303, "An act to repeal joint resolution No. 9, approved August 28, 1876," and we find that the joint resolution sought to be repealed has already been repealed by the adoption of the Revised Civil Statutes; I am, therefore, instructed by the committee to recommend that the bill do not pass.

STOREY, *Chairman.*

Report of the committee adopted and bill lost.

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

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

Senator Burnett moved to spread on the journals the confirmations of the Senate, just made in executive session.

Accordingly the following is entered:

That the Senate, in executive session, did advise and consent to all of the appointments by his excellency the governor of notaries public for the counties of the twenty-fifth senatorial district, and also for the following counties:

Smith, Collin, Clay, Grimes, Uvalde, Montague, Kaufman, Cameron, Lavaca, Delta, Jackson, Calhoun, Marion and Cass.

And, also of Henry P. Downman, of Waller county, in place of Henry P. Dowman.

Wm. Scurlock, of Johnson county, in place of Wm. Scarlock.

C. Y. Kouns, of Johnson county, in place of C. Z. Kouns.

Sam Davis, of Hunt county, in place of B. R. Wilson, deceased.

Senate bill No. 352, entitled "An act to amend article 3649 of the Revised Civil Statutes," passed February 21, 1879, was taken up and ordered engrossed.

Senator Swain called up House resolution on adjournment *sine die*.

On motion of Senator Shannon, the resolution was postponed until Friday next.

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

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

Your committee on engrossed bills have carefully examined Senate bill No. 182, entitled "An act amendatory of an act entitled 'an act to prohibit the sale, exchange or gift of intoxicating liquors in any county, justice's precinct, town or city in the state that may so elect, prescribing the mode of election and affixing a punishment for its violation,' approved June 24, 1876;" and report that they find it correctly engrossed.

PATTON, *for Committee.*

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

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

Your committee on engrossed bills, to whom was referred Senate bill No. 345, "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."

Senate bill No. 356, "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."

Senate bill No. 298, "An act granting an extension of time to the Rockport, Fulton and Laredo railroad company for the extension of its road."

Senate bill No. 310, "An act for the relief of J. S. Daugherty," have carefully examined and compared the same and find the same correctly engrossed.

DUNCAN, *for Committee.*

Senator Tilson called up substitute for Senate joint resolution No 92, amending "section 24 article 3 of the constitution," which was read third time and passed by the following vote:

YEAS.

Buchanan,
Davenport,
Duncan,
Ford,
Grace,
Guy,
Hobby,
Lane,

Lair,
Martin,
McCormick,
McCulloch,
Moore,
Motley,
Patton,

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

NAYS—Burnett.

Not voting—Edwards, Gooch, Ledbetter.

Senator Buchanan called up Senate bill No. 355, entitled "An act to amend articles 4746 and 4747 of the Revised Civil Statutes, adopted at the present session of the Legislature," which was read a second time and ordered engrossed.

Senator Martin entered a motion to reconsider the vote by which substitute for Senate joint resolution No. 92 was passed.

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

Senator Burnett offered the following amendment:

Section 1, lines two and three, strike out the words "paid for performance of labor" and insert in lieu thereof the following: "performed any contract for labor."

Adopted and bill ordered engrossed.

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

YEAS.

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

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

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

NAYS—none.

Not voting—Buchanan, Gooch, Grace, Lane, Martin.

Bill read third time and passed by the following vote:

YEAS.

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

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

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

NAYS—none.

Not voting—Buchanan, Gooch, Terrell.

Senator Davenport called up Senate bill No. 348, entitled "An act to authorize and allow railroad companies to surrender their rights to reservation of the public domain," which was read second time.

Senator Moore offered the following amendment:

Amend by adding after the word "railroads" in the twenty-sixth line, the following:

"*And it is also provided,* That where locations have been made on any such reservation from the public domain by others than the railroad companies, for the benefit of which said reservation was made, and said locations have been patented by the state, such patents so issued by the state shall be deemed a legal and valid title to the lands upon which said patents have issued."

Senator Patton moved to postpone the bill and pending amendment until Monday next after the morning call.

Carried.

Senator Edwards called up Senate bill No. 346, entitled "An act to provide 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," which was read third time.

Senator Duncan moved a call of the Senate.

Call not sustained.

Senator Edwards offered the following amendment:

"Section The fact that a portion of said bonds should be sold on or before the first day of July, 1879, creates an emergency that requires this act to take effect at once, and it is therefore declared that this act shall take effect and be in force from and after its passage."

Adopted by the following vote:

YEAS.

Brown,
Burnett,
Edwards,
Ford,
Grace,
Hobby,

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

Motley,
Ripetoe,
Stewart,
Storey,
Terrell,
Tilson---18.

NAYS.

Buchanan,
Davenport,

Duncan,
Guy,

Patton,
Swain---6.

Not voting—Moore, Shannon.

Senator Patton offered the following amendment:

"Strike out section 17 of the bill."

Adopted by the following vote:

YEAS.

Buchanan,
Burnett,
Davenport,
Duncan,
Edwards,
Hobby.

Lane,
Lair,
Ledbetter,
Martin,
McCulloch,
Motley,

Patton,
Stewart,
Shannon,
Storey,
Swain,
Tilson---18.

NAYS.

Brown,
Ford,
Grace,

Guy,
McCormick,

Ripetoe,
Terrell---7.

Not voting—Moore.

Bill passed by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,

Davenport,
Edwards,
Ford,

Grace,
Hobby,
Lane,

Lair,
Ledbetter,
Martin,
McCulloch,
Moore,

Motley,
Patton,
Ripetoe,
Stewart,

Shannon,
Storey,
Swain,
Tilson—22.

NAYS.

Guy,

McCormick,

Terrell—3.

Not voting—Duncan.

Senator Motley 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," with adverse report of the committee.

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

Senator Terrell (by leave) withdrew the resolution offered by him on yesterday, with regard to excusing joint committee on preparing new judiciary article

Senator Storey (by leave) withdrew his substitute for same offered on yesterday.

(The president in the chair.)

A message was received from the House announcing the passage by that body of House bill No. 402, entitled "An act to amend chapters 19 and 20 of title 29, and chapters 3 and 4 of title 42 of 'an act to adopt and establish the Revised Statutes of the State of Texas.'"

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

Senate bill No. 49, entitled "An act to give effect to section 2, article 9 of the constitution, regulating the manner of removing and locating county seats."

Senate bill No. 52, entitled "An act to protect the rights of pre-emption settlers who have heretofore or may hereafter enlist in the frontier battalion or other military forces of the state," and Senate bill No. 53, entitled "An act for the relief of the heirs of Silas Dunmore (deceased).

The House bills just reported from the House were taken up and referred as follows:

House bill No. 402 to judiciary committee No. 1.

House bill No. 445 to committee on finance.

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

Substitute for House bills 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."

Substitute for Senate joint resolution No. 29 and House joint resolution No. 2, "Amending article 8 of the constitution of the State of Texas by adding a new section, to be section 19."

Senate substitute for House bill No. 207, entitled "An act to amend articles 2403, 2404 and 2405 of the Revised Statutes."

Senate bill No. 225, entitled "An act to diminish the civil and criminal jurisdiction of the county court of Trinity county, and conform the jurisdiction of the district court of said county to said change."

And Senate bill No. 207, entitled "An act supplemental to, and amen-

datory of, an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas.

(Senator Swain in the chair.)

Senator Guy 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 third time and passed.

Senator Grace called up Senate bill No. 310, entitled "An act for the relief of J. S. Daugherty," which was read third time and passed by the following vote:

YEAS.		
Brown,	Lair,	Patton,
Ford,	Ledbetter,	Ripetoe,
Grace,	Martin,	Stewart,
Guy,	McCulloch,	Shannon,
Hobby,	Moore,	Storey,
Lane,	Motley,	Swain—18.
NAYS.		
Buchanan,	Davenport,	Tilson—4.
Burnett,		

Not voting—Duncan, Edwards, McCormick, Terrell.

Senator Hobby called up Senate joint resolution No. 9, "Amending section 11 of article 1 of the state constitution."

Senator Lane offered the following amendment:
Amend by striking out the word "information."
Adopted.

Senator Duncan offered the following:

After "other felonious homicide," when it last occurs, insert "or capital felony."

Adopted.

Senator Stewart offered the following:

Strike out the words "by an indictment" so that the bill will read, "who may be charged with felonious homicide."

Adopted.

Amend after the sentence "charged with felonious homicide and other capital felony" the words "and where the proof is evident."

Adopted by the following vote:

YEAS.		
Brown,	Lane,	Motley,
Buchanan,	Lair,	Patton,
Burnett,	Ledbetter,	Ripetoe,
Duncan,	Martin,	Stewart,
Edwards,	McCormick,	Shannon,
Grace,	McCulloch,	Terrell,
Guy,	Moore,	Tilson—22.
Hobby,		
NAYS.		
Davenport,	Storey,	Swain—3.

Not voting—Ford.

The resolution was then lost by the following vote:

YEAS.		
Buchanan,	Hobby,	Moore,
Burnett,	Lane,	Motley,
Duncan,	Lair,	Ripetoe,
Edwards,	Martin,	Stewart,
Ford,	McCulloch,	Shannon,
Grace,	McCormick,	Swain—19.
Guy,		

NAYS.

Brown,
Davenport,Ledbetter,
Patton,Terrell,
Tilson—6.

The following message was received from the House announcing that the House concurs in Senate amendments to House amendments to Senate bill No. 46, "An act to provide for the election of district attorneys in certain judicial districts of the State of Texas."

The House recedes from its amendment adding "thirteenth district;" and that the House insists upon its amendment adding the "second judicial district," and asks for a free conference.

Messrs. McComb, Johnston of Shelby, and Gause have been appointed as such committee on part of the House.

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

Senator Martin called up his motion to reconsider the vote passing Senate joint resolution No. 92 (increasing the pay of legislators after sixty days to five dollars per day).

The motion to reconsider was lost by the following vote:

YEAS.

Burnett,
Edwards,
Lane,Lair,
Ledbetter,
Martin,Stewart,
Shannon—8.

NAYS.

Brown,
Davenport,
Duncan,
Ford,
Grace,Guy,
McCormick,
Moore,
Patton,
Ripetoe.Storey,
Swain,
Terrell,
Tilson—14.

Not voting—Buchanan, Hobby, McCulloch, Motley.

Senator Martin entered the following as his protest against the passage of the resolution the Senate has just refused to reconsider :

I vote yea to reconsider the vote for the reason that it is my opinion that I am interested in the result of the resolution which proposes to increase my own pay from two dollars to five dollars per day; and article 3, section 22 of the constitution reads as follows: "A member who has a personal or private interest in any measure or bill proposed or pending before the Legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon;" and for the further reason that we have during the entire session voted to *reduce* the salary and pay of all other officers and employes of the government; and therefore I am opposed to *increasing* our own pay. MARION MARTIN.

Senator Grace submitted the following majority report of the conference committee on substitute for Senate bill No. 33:

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

Your committee of conference to whom was referred Senate substitute for House bill No. 33, have carefully considered the matter of difference between the two houses, concerning said Senate substitute for said House bill No. 33, and a majority of said committee respectfully report the said bills back and recommend the passage of House bill No. 33, instead of said Senate substitute, and would suggest that said House bill be so amended as not to conflict with section 9 of the act 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," passed at the present session of the Legislature.

GRACE,
DUNCAN,
for Senate.

GAITHER,
KING,
MERRITT,
McCOMB,
for House.

Senator Ledbetter submitted the following as a minority report from the same committee :

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

The undersigned, one of the conference committee on Senate substitute for House bill No. 33, entitled "An act to amend article 4767 of an act to adopt the Civil Statutes of the State of Texas," can not agree with the majority of said committee, and for the following reasons: The law as it now stands on the Civil Statutes, and as it will remain for this session, in relation to the compensation of assessors of taxes, allows to the assessor five per cent. on the first \$20,000 of state taxes and two per cent. on all sums assessed over that sum, and three per cent. on the first ten thousand dollars of county taxes and two per cent. on all taxes assessed over that sum.

The House bill proposes to give the collector of taxes five per cent. on the first \$10,000, three per cent. on the next \$20,000, and two per cent. on the remaining amount for the state, and one-half this amount for taxes collected for the county, this makes a large difference in the compensation of the assessors and the collectors. The Senate bill proposes to give the collector five per cent. on the first \$20,000 and two per cent. on the remaining amount collected of state taxes, and three per cent. on the first \$10,000 of county taxes and two per cent. on the remaining amount of county taxes collected.

The Senate bill makes the compensation of the collectors conform to the fees allowed assessors, which I think approximates the correct standard.

I prefer the Senate bill to the House bill for the further reason that I believe the compensation allowed collectors under the Senate bill to be about just compensation for their services.

LEDBETTER, *for Minority.*

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

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

Your committee on engrossed bills have examined Senate bill No. 340, entitled "An act to amend article 1058 of the Code of Criminal Procedure of the State of Texas," passed at the present session of the Legislature; Senate bill No. 341, entitled "An act for the relief of actual occupants of the public lands," and find them correctly engrossed.

BROWN, *Chairman.*

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 cor-

rectly enrolled and properly signed, Senate bill No. 207, "An act supplementary to and amendatory of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas;'" also Senate bill No. 225, "An act to diminish the civil and criminal jurisdiction of the county court of Trinity county, and conform the jurisdiction of the district court of said county to said change," and at 11:30 o'clock A. M. presented the same to the governor for his signature.

GRACE, *Chairman*.

(President in the chair.)

Senators Motley, Edwards and Duncan were appointed by the president as a committee of conference on the differences of the two houses on Senate bill No. 46 (the district attorney bill).

Senator Grace called up reports of conference committee on substitute for House bill No. 33, just submitted to the Senate.

Senator Duncan (by leave) introduced a bill entitled "An act to amend section 5 of final title of 'an act to adopt and establish the Civil Statutes of the State of Texas, passed at the present session of the Legislature, said section relating to county boundaries.'"

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

On motion of Senator Duncan, the Senate adjourned until 3 o'clock this afternoon.

AFTERNOON SESSION.

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

The consideration of the majority report of the conference committee on House bill No. 33 was resumed.

Senator Martin moved the adoption of the minority report of the conference committee.

Senator Stewart (by leave) introduced a joint resolution "authorizing the appointment of an agent to collect moneys due the State of Texas by the United States government."

Referred to committee on finance.

Senator Brown entered a motion to reconsider the vote by which Senate joint resolution No. 9 was lost.

Senator Ford offered the following resolution:

WHEREAS, It is the duty of states to pay due respect to the memory of those who have served them faithfully; and,

Whereas, The men composing the Texas army and who won the battle of San Jacinto are entitled to the gratitude of the people of Texas and of the lovers of freedom throughout the world; and,

Whereas, The Senate of the State of Texas has learned with pain and regret that O. H. Wilcox, one of the heroes of San Jacinto, departed this life to-day at 2 o'clock P. M.; be it therefore

Resolved, That this Senate adjourn until 9 o'clock A. M. Monday next as a mark of respect to the deceased.

The resolution was read and adopted.

The Senate accordingly adjourned until 9 o'clock A. M. Monday.

SEVENTY-SECOND DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, April 7, 1879. }

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

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

On motion of Senator Tilson, Senator Davenport was excused indefinitely from Monday next, the fourteenth instant.

Senator Hobby, from committee on insurance, statistics and history, submitted the following report:

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

Your committee on insurance, statistics and history, to whom was referred Senate bill No. 324, "An act to repeal article 2991 of the Revised Civil Statutes," together with House amendments thereto, have instructed me to report the bill back and recommend that the Senate concur in said amendment.

HOBBY, *for Committee.*

Senator Burnett introduced a joint resolution entitled "Joint resolution proposing an amendment to section 14 of article 8 of the constitution, and to repeal section 16 of said article."

Referred to committee on constitutional amendments.

Senator Davenport introduced the following resolution:

Be it resolved, That the assistant sergeant-at-arms be retained in office thirty days after adjournment, and that it be his duty to make a complete inventory of all furniture and other articles in the Senate chamber and pertaining thereto, and to take a receipt for same from the superintendent of public buildings and grounds and deposit one copy with the secretary of state.

Resolved further, That said sergeant-at-arms shall help the secretary in any way that he shall see fit to direct.

On motion of Senator Storey, the resolution was laid over one day.

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

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

Your judiciary committee No. 1, to whom was referred Senate bill No. 363, "An act to amend section 10 of final title of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' said section relating to county boundaries," have considered the same, and a majority of said committee instruct me to return the bill to the Senate with the recommendation that it do pass.

DUNCAN, *for Committee.*

On motion of Senator Motley, Capt. W. N. Ramey, journal secretary, was excused for the day on account of sickness.

Substitute for Senate bill No. 348, "An act to authorize and allow railroad companies to surrender their rights to reservations of the public domain," being the special order, was taken up, the pending question being the amendment of Senator Moore, which was read as follows:

Amend by adding after the word "railroads" in the twenty-sixth line, the following: "*And it is also provided,* that where locations have been made on any such reservation from the public domain by others than the

railroad companies for the benefit of which said reservation was made, and said locations have been patented by the state, such patents so issued by the state shall be deemed a legal and valid title to the lands upon which said patents have issued."

Senator Moore (by leave) withdrew his amendment.

Senator Lair offered the following amendment:

"And that all such lands so surrendered, shall only be applied and used for public free schools, and the payment of the public debt, except such, if any, as may be selected for the construction of a state capitol building."

Senator Patton offered the following as a substitute for Senator Lair's amendment:

Add after words "suit," in line fourteen, "and it is hereby specially provided that the lands that may be relinquished under the provisions of this act, shall be subject to location only under the provisions of the act reserving from location lands forfeited to the state, approved August 13, 1876."

Senator Lair accepted the substitute of Senator Patton, and withdrew his own amendment.

The amendment of Senator Patton was then adopted, and the bill ordered engrossed.

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

YEAS.

Brown,	Homan,	Moore,
Buchanan,	Lane,	Motley,
Burnett,	Lair,	Patton,
Davenport,	Ledbetter,	Shannon,
Edwards,	Martin,	Storey,
Ford,	McCormick,	Terrell,
Guy,	McCulloch,	Tilson--21.

NAY--Duncan.

Not voting--Hobby, Ripetoe.

The bill was then read third time.

Senator Shannon 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."

Adopted unanimously.

Senator Duncan moved to postpone the bill until Wednesday next, but withdrew his motion.

Senator Terrell offered the following amendment:

Strike out the words "and also the right to acquire more than sixteen sections of land per mile," on first page.

Adopted by the following vote:

YEAS.

Brown,	Hobby,	McCulloch,
Buchanan,	Homan,	Moore,
Burnett,	Lane,	Patton,
Davenport,	Lair,	Shannon,
Duncan,	Ledbetter,	Storey,
Ford,	Martin,	Terrell,
Grace,	McCormick,	Tilson--21.

NAYS--Edwards.

Not voting--Guy, Motley, Ripetoe.

Senator Storey offered the following amendment:

Seventh line from last line, amend by inserting after the word "force," the following: "not to exceed sixteen sections of land per mile."

Adopted by the following vote:

YEAS.

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

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

McCulloch,
Moore,
Patton,
Ripetoe,
Shannon,
Storey,
Terrell--22.

NAYS--NONE.

Not voting--Ford, Motley.

The bill was then passed.

Senator Homan (by leave) introduced a bill to be entitled "An act to amend section 2 of an act entitled 'an act to create the thirty-second judicial district, prescribing the times of holding the district courts therein, and providing for the appointment of a district judge for said district,' approved March 22, 1879."

Referred to committee on judicial districts.

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

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

Senate bill No. 53, "An act for the relief of Silas Dinsmore, deceased."

Senator Storey (by leave) introduced a bill to be entitled "An act to attach the county of Concho to the twentieth judicial district and to fix the time for holding district court therein."

Referred to judiciary committee No. 1.

Senator Homan (by leave) introduced a memorial of the citizens of Washington county, asking the repeal of the law creating the office of public weigher, which was read and referred to judiciary committee No. 1.

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

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

Your committee on enrolled bills have carefully examined and find correctly enrolled and properly signed Senate bill No. 52, "An act to protect the rights of pre-emption settlers who have heretofore or may hereafter enlist in the frontier battalion, or other military forces of the state."

Senate bill No. 53, "An act for the relief of the heirs of Silas Dinsmore, deceased," and have this day at 9:35 o'clock A. M. presented the same to the governor for his signature.

GRACE, *Chairman.*

Senator Edwards (by leave) offered the following resolution:

Resolved, That the secretary of the senate be required to procure and publish a list of the captions of all of the bills of the present Legislature that have become laws, and that five hundred copies of said list be printed.

Adopted.

Senator Hobby called up Senate bill No. 324, "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," with the House amendments thereto.

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

Senator Lane 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 its road," which was read third time and passed by the following vote:

YEAS.		
Brown,	Lane,	Motley,
Edwards,	Lair,	Patton,
Ford,	Ledbetter,	Ripetoe,
Grace,	Martin,	Shannon,
Guy,	McCormick,	Storey,
Hobby,	McCulloch,	Tilson--20.
Homan,	Moore,	
	NAYS—Terrell.	

Senator Duncan, from judiciary committee No. 1, to whom was referred Senate bill No. 363, "An act to amend section 10 of final title of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' said section relating to county boundaries," have considered the same and a majority of said committee instruct me to return the bill to the Senate with the recommendation that it do pass.

DUNCAN, *for Committee.*

Senator Terrell, from the joint committee of conference of the two houses, to take into consideration amendments to the judiciary article of the constitution, submitted the following report:

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

Your joint committee, appointed by joint resolution to act with a like committee on the part of the House to take into consideration amendments to the judiciary articles of the constitution, have met the House committee in joint session and considered said amendments, and have agreed upon a constitutional amendment to article 5 of the constitution which the joint committee unanimously instructed us to report to the House of Representatives with the recommendation that it do pass as a substitute for Senate joint resolution Nos. 2 and 105, and said substitute has been this day reported to the House of Representatives in accordance with said instructions.

A. W. TERRELL,

Chairman Senate Committee.

JONES, of Hunt,

Chairman House Committee.

Senator McCormick called up Senate bill No. 352, "An act to amend article 3649 of the Revised Civil Statutes, passed February 21, 1879," which was read third time and passed.

Senator Moore called up Senate bill No. 297, "An act to authorize the adjutant general to sell or exchange inferior arms and munitions of war on hand and not in use by the state," which was read a second time and ordered engrossed.

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

YEAS.

Brown,
Buchanan,
Burnett,
Davenport,
Ford,
Grace,
Guy,

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

Moore,
Motley,
Patton,
Ripetoe,
Shannon,
Storey,
Tilson--21.

NAYS--none.

Not voting—Duncan, Edwards, McCormick, Terrell.

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

YEAS.

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

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

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

NAYS--none.

Not voting—Burnett, Duncan, McCormick.

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

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

Your committee on judicial districts have considered Senate bill No. 366, to amend section 2 of "An act to create the thirty-second judicial district," and I am instructed to recommend its passage.

SHANNON, *Chairman.*

On motion of Senator Buchanan, Senate bill No. 49, "An act to give effect to section 2, article 9 of the constitution, regulating the manner of removing and locating county seats," was taken up together with the House amendments to same, and the House amendments concurred in.

Senator McCulloch called up Senate joint resolution No. 234, "Amending section 18 of article 3 of the constitution," and same read third time and lost by the following vote:

YEAS.

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

Hobby,
Lane,
Lair,
Ledbetter,
McCulloch,
Moore,

Motley,
Patton,
Ripetoe,
Shannon,
Storey,
Tilson--18.

NAYS.

Burnett,
Edwards,

Homan,
Martin,

McCormick,
Terrell--6.

Senator Grace was excused for fifteen minutes.

Senator McCormick gave notice of motion to reconsider the vote by which Senate joint resolution No. 234 was lost.

A message was received from the House announcing the passage of substitute for House bill No. 90, entitled "An act to amend title 29, chapter 6, article 1235 of the Revised Civil Statutes passed at the present session of the Legislature."

Senator Lair called up Senate bill No. 252, "An act to amend chapter 2 of title 15, and chapter 1 of title 16 in the Code of Criminal Procedure

of an act, entitled 'an act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas.'

Bill read third time and passed.

(Senator Homan in the chair.)

Senator Motley called up Senate bill No. 166, "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," which was read second time and ordered engrossed.

Senator Ripetoe called up Senate bill No. 366, "An act to amend section 2 of an act entitled 'an act to create the thirty-second judicial district, prescribing the times of holding the district courts therein, and providing for the appointment of a district judge for said district,' approved March 22, 1879," and the bill was read first time.

On motion of Senator Burnett, the rule was suspended to place the bill on its second reading by the following vote:

YEAS.

Brown,	Lane,	Motley,
Burnett,	Lair,	Patton,
Duncan,	Ledbetter,	Ripetoe,
Edwards,	Martin,	Shannon,
Ford,	McCormick,	Storey,
Guy,	McCulloch,	Terrell,
Homan,	Moore,	Tilson—21.

NAYS—none.

Not voting—Buchanan, Davenport, Hobby.

The bill was read second time and ordered engrossed.

On motion of Senator Burnett, the rule was further suspended to place the bill on its third reading by the following vote:

YEAS.

Brown,	Lane,	Motley,
Burnett,	Lair,	Patton,
Davenport,	Ledbetter,	Ripetoe,
Duncan,	Martin,	Shannon,
Edwards,	McCormick,	Storey,
Ford,	McCulloch,	Terrell,
Guy,	Moore,	Tilson—22.
Homan,		

NAYS—none.

Not voting—Buchanan, Hobby.

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

YEAS.

Brown,	Homan,	Motley,
Burnett,	Lane,	Patton,
Davenport,	Lair,	Ripetoe,
Duncan,	Ledbetter,	Shannon,
Edwards,	Martin,	Storey,
Ford,	McCormick,	Terrell,
Guy,	McCulloch,	Tilson—21.

NAYS—none.

Not voting—Buchanan, Hobby, Moore.

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

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

Your judiciary committee No. 1, to whom was referred Senate bill No.

365, entitled "An act to attach the county of Concho to the twentieth judicial district, and to fix the time of holding the district court therein," have considered the same, and instruct me to report the same back and recommend its passage.
 TERRELL, *Chairman.*

Senator Storey called up the bill just reported (Senate bill No. 365), and same was read first time.

On motion of Senator Storey, the rule was suspended to place the bill on its second reading by the following vote:

YEAS.

Brown,	Hobby,	Motley,
Burnett,	Homan,	Patton,
Davenport,	Lane,	Ripetoe,
Duncan,	Lair,	Shannon,
Edwards,	Ledbetter,	Storey,
Ford,	Martin,	Terrell,
Guy,	McCulloch.	Tilson--21.

NAYS--none.

Not voting--Buchanan, McCormick, Moore.

Bill then read second time and ordered engrossed.

On motion of Senator Storey, the rule was further suspended to place the bill on its third reading by the following vote:

YEAS.

Brown,	Homan,	Motley,
Burnett,	Lane,	Patton,
Davenport,	Lair,	Ripetoe,
Duncan,	Ledbetter,	Shannon,
Edwards,	Martin,	Storey,
Ford,	McCormick,	Terrell,
Guy,	McCulloch,	Tilson--22.
Hobby,		

NAYS--none.

Not voting--Buchanan, Moore.

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

YEAS.

Brown,	Homan,	Motley,
Burnett,	Lane,	Patton,
Davenport,	Lair,	Ripetoe,
Duncan,	Ledbetter,	Shannon,
Edwards,	Martin,	Storey,
Ford,	McCormick,	Terrell,
Guy,	McCulloch,	Tilson--22.
Hobby,		

NAYS--none.

Not voting--Buchanan, Moore.

Senator Terrell called up Senate bill No. 363, "An act to amend section 10 of final title of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed at the present session of the Legislature, said section relating to county boundaries," which was read first time.

On motion of Senator Duncan, the rule was suspended to place the bill on its second reading by the following vote:

YEAS.

Brown,	Edwards,	Hobby,
Burnett,	Ford,	Homan,
Davenport,	Grace,	Lane,
Duncan,	Guy,	Lair,

Ledbetter,
Martin,
McCormick,
Motley,

Patton,
Ripetoe,
Shannon,

Storey,
Terrell,
Tilson—22.

NAYS—none.

Not voting—Buchanan, Moore.

The bill was then read second time and ordered engrossed.

On motion of Senator Duncan, the rule was further suspended to place the bill on its third reading by the following vote:

YEAS.

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

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

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

NAYS—none.

Not voting—Buchanan, McCormick, McCulloch, Moore.

The bill was then read third time and passed.

Senator Storey called up Senate bill No. 309, "An act to amend article 4556 of the Revised Civil Statutes of the State of Texas, adopted at the present session of the Legislature," which was read first time.

On motion of Senator Storey, the rule was suspended to place the bill on its second reading by the following vote:

YEAS.

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

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

McCulloch,
Motley,
Patton,
Ripetoe,
Storey,
Terrell,
Tilson—21.

NAYS—none.

Not voting—Brown, Ford, Moore, Shannon.

The bill was then read a second time and ordered engrossed.

On motion of Senator Storey, the rule was further suspended to place the bill on its third reading by the following vote:

YEAS.

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

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

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

NAYS—none.

Not voting—Brown, Ford, Moore.

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

YEAS.

Buchanan,
Burnett,
Duncan,
Edwards,
Grace,
Guy,

Hobby,
Lane,
Lair,
Ledbetter,
McCulloch,
Motley,

Patton,
Ripetoe,
Shannon,
Storey,
Terrell,
Tilson—18.

NAYS.

Homan, Martin, McCulloch—3.
 Not voting—Brown, Davenport, Ford, Moore.

On motion of Senator Duncan, the motion to adopt the minority report of the conference committee on Senate substitute for House bill No. 33, "An act to amend article 4767 of the Revised Civil Statutes," was taken up.

Senator Duncan moved a call of the Senate, which was seconded and roll called. Absent—Brown, Buchanan, Edwards, Grace, Hobby.

On motion of Senator Davenport, the Senate adjourned until 9 o'clock to-morrow morning

SEVENTY-THIRD DAY.

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

Senate met pursuant to adjournment; president in the chair. Roll called; quorum present. Prayer by elder R. M. Gano, of the Christian church.

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

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

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

Your committee on constitutional amendments, to whom was referred Senate joint resolution No. 367, entitled "Joint resolution proposing an amendment to section 14 of article 8 of the constitution, and to repeal section 16 of said article," respectfully return the same with the recommendation of a majority of the committee that it pass.

EDWARDS, *Chairman.*

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

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

Your judiciary committee No. 1 have considered House bill No. 402, to be entitled "An act to amend chapters 19 and 20 of title 29, and chapters 3 and 4 of title 42 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,'" and instruct me to report it back and recommend its passage.

TERRELL, *Chairman.*

Senator Edwards introduced a joint resolution entitled "Joint resolution prescribing the mode and manner of submitting constitutional amendments to the vote of the people."

Referred to committee on constitutional amendments.

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

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

Your committee on finance, to whom was referred Senate joint resolution No. 364, entitled "A joint resolution authorizing the governor to appoint an agent to collect moneys due the State of Texas by the United States," have carefully considered the same, and I am instructed by the committee to report the resolution back to the Senate with the recommendation that it pass.

STOREY, *Chairman.*

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

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

Your committee on finance, to whom was referred House bill No. 445, entitled "An act to provide for the assessment and collection of the taxes on land and other property situated in unorganized counties, and for the enforcement of the same," have duly considered the bill, and I am instructed by the committee to report the same back to the Senate with the recommendation that it pass.

STOREY, *Chairman.*

Senator Guy introduced a bill to be entitled "An act to encourage the settlement and organization of unorganized counties."

Referred to committee on public lands.

On motion of Senator Terrell, fifty copies of House bill No. 402, "An act to amend chapters 19 and 20 of title 29, and chapters 3 and 4 of title 42 of 'an act to adopt and establish the Revised Statutes of the State of Texas'" were ordered printed.

On motion of Senator Ledbetter, fifty copies of House bill No. 445, "An act to provide for the assessment and collection of taxes on land and other property situated in unorganized counties, and for the enforcement of the same," were ordered printed.

On motion of Senator Tilson, substitute for House bill No. 90, "An act to amend title 29, chapter 6, article 1235 of the Revised Civil Statutes, passed at the present session of the Legislature," was taken up and read first time.

Senator Motley, chairman of Senate committee of conference on the the difference between the two houses on Senate bill No. 46, submitted the following report:

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

Your committee of conference on the part of the Senate to confer with a like committee on the part of the House upon the matters of difference between the House and Senate upon Senate bill No. 46, "An act to provide for the election of district attorneys in certain judicial districts of the State of Texas," have met said committee and considered said matters of difference and failed to agree, and respectfully report the same back and recommend that a committee of free conference between the two houses be appointed to consider the same.

MOTLEY,
DUNCAN,
EDWARDS,

On the part of the Senate.

McCOMB,
JOHNSON,
SCOTT,

On the part of the House.

The following message was received from the House announcing that the House has adopted the report of the conference committee on the disagreements arising between the two houses on Senate bill No. 46, "An act to provide for the election of district attorneys in certain judicial districts in the State of Texas," and Messrs. McComb, Johnston of Shelby and Scott have been appointed a committee of free conference on the part of the House.

On motion of Senator Motley, a committee of free conference consist-

ing of Senators Motley, Duncan and Edwards, was appointed on the above bill (Senate bill No. 46).

On motion of Senator Burnett, Senate joint resolution No. 367, "Proposing an amendment to section 14 of article 8 of the constitution, and to repeal section 16 of said article," was taken up and read first time.

On motion of Senator Burton, Senator Ripetoe was excused from tomorrow morning until the 16th inst.

On motion of Senator Davenport, the resolution offered by him on yesterday, as to duties of the assistant sergeant-at-arms after adjournment of the Legislature, was taken up and adopted.

Senator Ford presented a petition of General William Steele, late adjutant general of the state, asking that he be reimbursed for the difference between warrants sold by him, and moneys on hand and paid into the treasury at the time he was relieved from duty.

Read and referred to committee on finance.

Senator Guy called up his motion made on the fourth instant to reconsider the vote by which Senate bill No. 343, "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," was passed, and the same was reconsidered by the following vote:

YEAS.

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

Guy,
Homan,
Lair,
Ledbetter,
Martin,
McCormick,
McCulloch,

Moore,
Motley,
Patton,
Shannon,
Storey,
Terrell,
Tilson—21.

NAYS.

Buchanan,

Hobby---2.

Not voting—Burton, Lane, Ripetoe.

Senator McCulloch offered the following amendment:

Amend by striking out "county asylum or infirmary or public hospital" wherever these words occur in the bill.

Adopted by the following vote:

YEAS.

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

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

Motley,
Ripetoe,
Shannon,
Storey,
Terrell,
Tilson--20.

NAYS.

Brown,

Davenport,

Patton—3.

Not voting—Buchanan, Edwards, Ford, Martin.

Senator Brown offered the following amendments:

Amend section 1, line four, by inserting after the word "relation" the words "or other person."

Amend section 1, line six, by inserting after the word "kin" the words "or other person who will assume the burial."

Amend section 2, line thirty-one, by inserting after the word "notice" the words "and upon failure of other persons."

Adopted by the following vote:

YEAS.

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

Edwards,
Ford,
Gooch,
Hobby,
Lane,

Martin,
Ripetoe,
Shannon,
Storey,
Tilson—16.

NAYS.

Homan.
Lair,
Ledbetter,
Not voting—Grace, Guy, Moore.
The bill was then lost by the following vote:

McCormick,
McCulloch,
Motley,
Moore.

Patton,
Terrell--8.

YEAS.

Brown,
Duncan,

Motley,

Patton--4.

NAYS.

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

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

McCulloch,
Ripetoe,
Shannon,
Storey,
Terrell,
Tilson--19.

Not voting—Ford, Grace, Guy, Moore.

Senator McCulloch entered a motion to reconsider the vote by which the bill was lost, and, on his motion, the motion to reconsider was postponed until to-morrow by the following vote:

YEAS.

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

Guy,
Hobby,
Homan,
Lane,
Martin,
McCormick,

McCulloch,
Moore,
Ripetoe,
Storey,
Terrell,
Tilson--19.

NAYS.

Burton,
Duncan,

Edwards,
Lair,

Motley,
Shannon--6.

Not voting—Ledbetter, Patton.

A message was received from the House, announcing the passage by that body of Senate bill No. 325, "An act to prescribe the times of holding the district courts in the ninth judicial district," with amendments.

Senate bill No. 312, "An act to amend and supplement the existing quarantine laws of the State of Texas," with amendments.

Substitute to Senate bill No. 303, "An act to provide for the surrender and dissolution 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."

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

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

Your committee on state affairs have had under consideration Senate joint resolution No. 347, being "Joint resolution for the appointment of a commission of three to investigate and report upon invasions from Mexico," and I am instructed by the committee to recommend that the resolution do pass.

STOREY, *Chairman.*

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

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

Your judiciary committee No. 2, to whom was referred House bill No. 78, "An act to amend section of an act regulating elections, approved August 23, 1876," have considered the same, and a majority of the committee have instructed me to report the bill back to the Senate and recommend its passage.

HOBBY, *for Committee.*

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

Your judiciary committee No. 2 have considered House bill No. 497, to be entitled "An act to amend articles 3955 and 3963 of the Revised Civil Statutes, passed at the present session of the Legislature," and a majority of said committee instruct me to report it back and recommend its passage.

HOBBY, *for Committee.*

On motion of Senator McCormick, the Senate concurred in the House amendments to Senate bill No. 312 relative to the quarantine laws of the state.

Senator Edwards (by leave) offered the following resolution:

Resolved, That the committee on printing be authorized to employ temporarily a sufficient number of clerks to copy the laws that take effect from and after their passage for the printer.

Senator Hobby offered the following amendment to the resolution:

Amend the resolution by inserting after the word "passage" the following words: "And amendatory of the Revised Civil Statutes, and Criminal Code and Code of Criminal Procedure."

Amendment adopted, and the resolution, as amended, was then adopted.

The following message was received from his excellency the governor and read, and, on motion of Senator Duncan, the message and bill referred to judiciary committee No. 1.

EXECUTIVE OFFICE, STATE OF TEXAS, {
AUSTIN, April 7, 1879: }

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

GENTLEMEN:--I herewith return to your honorable body the bill entitled "An act supplemental to and amendatory of an act entitled 'to revise the civil statutes of the State of Texas,'" without my approval, together with my objections to it becoming a law, as follows, to wit: "It modifies and amends one or more sections of said act recited in the caption without referring to or re-enacting that, or any other section, contrary to the 36th section of the 3d article of the constitution of the State of Texas."

Respectfully,

O. M. ROBERTS, *Governor.*

The president, after publicly reading their captions, signed Senate bill No. 49, "An act to give effect to section 2, article 9 of the constitution, regulation the manner of removing and locating county seats," and Senate bill No. 324, "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."

On motion of Senator Homan, the Senate concurred in the House amendments to Senate bill No. 325, "An act to prescribe the times of holding the district courts in the ninth judicial district."

Senator Hobby called up House bill No. 414, "An act amending and supplementing articles 4662, 4663, 4664, 4665, 4666 and 4668, inclusive, of chapter 1, title 94 of the Revised Civil Statutes, adopted February 21, 1879."

On motion of Senator Patton, the consideration of the bill was postponed until to-morrow morning just after morning call.

Senator Storey, chairman of 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. 412, entitled "An act making appropriation for deficiencies, beginning September 1, 1876, and ending February 28, 1879, and for previous years," have duly considered the same, and I am instructed by the committee to report the bill back to the Senate with the accompanying amendments, and, as amended, to recommend its passage. STOREY, *Chairman.*

Amendments: Under the head "adjutant general's office," strike out the proviso.

Under the head "pensions," strike out the proviso, and insert in lieu thereof the following: "*provided*, that a board consisting of the comptroller, commissioner of the general land office and attorney general shall pass upon all such pension claims as said board, or either of them, shall have good reason to believe to be fraudulent or procured by false testimony or personification, and shall defer payment of such claim until the same shall have been investigated, established and approved by said board in such manner as they may prescribe, and that said board act as one."

Under the head "miscellaneous" add the following:

For Earnest Krohn, beef for Blind Asylum up to January 1, 1879..	\$62 43
For Joseph Ludsinger, beef, for Deaf and Dumb Asylum, up to February 28, 1879.....	288 00
For Brush, White & Raatz, goods furnished superintendent of public buildings, up to February 12, 1879.....	247 27
For A. & F. C. Eans, cedar trees planted in public grounds up to January 23, 1876.....	307 25
For G. W. Erwin, furnishing water for plants and trees in public grounds from March 10 to October 15, 1875, balance...	452 00
For Lee Blocker, porter to Attorney General Clark.....	112 50
Thomas J. Durant, for costs expended as attorney for the state, up to December 8, 1873.....	90 60
For Dr. C. B. Comb, services as health officer at Brazos de Santiago, Texas, from September 1, 1878, to November 16, 1878,	\$898 67
For guards on the Morgan line steamers and English steamers, goods quarantined at Brazos de Santiago, Texas, prior to December 5, 1878:	
William Clark.....	40 00
Alphonio Cantee.....	40 00
Pedra Vega.....	40 00
A. B. Barton.....	40 00
Josheph Champion.....	40 00
Wm. Lightburn.....	40 00
Wm. H. Putegnat.....	40 00
A. C. Howell.....	40 00
Total.....	\$320 00

For guards on schooners <i>Manantice</i> and <i>Annie</i> from November 7 to November 16, inclusive, during quarantine:	
Jose Rodriguez.....	\$40 00
A. B. Barton.....	40 00
A. C. Howell.....	40 00
<hr/>	
Total.....	\$120 00
For Geo. H. L. Weber, health officer at Brazos de Santiago, Texas, for the year 1876.....	
	\$515 00
For E. B. Frost, services as boatman at Brazos de Santiago, Texas, for the year 1876, during quarantine.....	
	\$257 50
For payment of services of detective and attorneys employed by the governor in the detection and prosecution of land forgers, to be drawn from the treasury on warrants, based on certificates of the governor, as follows:	
For Thos. E. Sneed, attorney.....	\$5,000 00
For Amos E. Foster, detective.....	7,500 00
or so much thereof as may be necessary.	
For pay of teachers of public free schools, and for services of school directors, principals and county superintendents of public free schools, prior to July 1, 1878:	
For teachers.....	\$60,000 00
For directors, principals and superintendents.....	50,000 00

Payment of warrants on last two items to be deferred and bear interest as prescribed by law, payable at the option of the state at any time within five years from the passage of this act.

On motion of Senator Storey, fifty copies of the bill (House bill 412), with the amendments of the committee, were ordered printed.

On motion of Senator Storey, fifty copies of House bill No. 445, "An act to provide for the assessment and collection of taxes on land and other property situated in unorganized counties and for the enforcement of the same," were ordered printed.

Senator Hobby (by leave) submitted the following report from judiciary committee No. 2:

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

Your judiciary committee No. 2, to whom was referred Senate bill No. 361, entitled "An act to amend the second section of 'an act to regulate the respective duties of district and county attorneys,' approved August 21, 1876," respectfully return the same and a majority of the committee recommend its passage.

Hobby, for Committee.

On motion of Senator Lane, Senate substitute for House bill No. 33, together with the majority and minority reports of the committee of conference thereon was taken up, the pending question being the motion to adopt the minority report.

The minority report was adopted by the following vote:

YEAS.

Burton,
Ford,
Guy,
Hobby,
Lane,

Ledbetter,
Martin,
McCulloch,
Moore,

Motley,
Ripetoe,
Storey,
Terrell--13.

NAYS.

Brown,
Buchanan,
Burnett,
Duncan,

Gooch,
Homan,
Lair,
McCormick,

Patton.
Shannon.
Tilson--11.

Not voting—Davenport, Edwards, Grace.

Senator Ledbetter moved that the Senate adhere to its substitute to the bill.

Senator Duncan moved a call of the Senate, which was seconded and roll called.

Absent—Grace.

The Senate not being full, the pending business went to the table.

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

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

Your committee on engrossed bills have examined Senate bill No. 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."

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

Senate bill No. 352, entitled "An act to amend article 3649 of the Revised Civil Statutes," passed February 21, 1879.

Senate bill No. 355, entitled "An act to amend articles 4746 and 4747 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' adopted at the present session of the Legislature."

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, or material furnished therefor, and to provide for the speedy and efficient enforcement of said liens," and find them correctly engrossed.

BROWN, *Chairman.*

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

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

Your committee on enrolled bills have carefully examined and find correctly enrolled and properly signed Senate bill No. 49, "An act to give effect to section 2, article 9 of the constitution, regulating the manner of removing and locating county seats;" Senate bill No. 324, "An act to amend articles 2931 and 2971 of the Revised Civil Statutes of the State of Texas, passed at the present session of the Legislature," and at 10:20 o'clock A. M. presented the same to the governor for his signature.

GRACE, *Chairman.*

Senator Buchanan called up Senate bill No. 355, "An act to amend 'an act to amend article 766 of the Penal Code,' approved May 17, 1873."

The Senate being announced full, the consideration of Senate substitute for House bill No. 33, and the reports of the conference committee thereon, was resumed, the pending question being that the Senate do adhere to its substitute.

Senator Hobby moved to reconsider the vote adopting the minority report of the committee.

Carried, and the report of the minority of the committee again adopted by the following vote:

YEAS.		
Burton,	Lane,	Moore,
Edwards,	Ledbetter,	Ripetoe,
Ford,	Martin,	Storey,
Guy,	McCulloch,	Terrell—14.
Hobby,	Motley,	

NAYS.		
Brown,	Gooch,	McCormick,
Buchanan,	Grace,	Patton,
Burnett,	Homan,	Shannon,
Davenport,	Lair,	Tilson---13.
Duncan,		

Senate bill No. 355 was again taken up, read third time and passed.

Senator Moore called up Senate bill No. 334, to be 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 second time.

Senator Terrell offered the following amendment, which was adopted:

"Section, That no exchange shall be authorized or effected under this act until a value shall be fixed (under oath), by the county commissioners in each county on each school section, and also upon each section surveyed with it, and a like valuation shall be fixed (under oath) by each county surveyor, of said lands. Said valuations shall be reduced to writing, and after being sworn to as herein provided, shall be filed in the office of the county clerk, and a certified copy thereof shall be forwarded to the governor. In no case shall said exchange of school lands be made for lands of less value, nor shall the officers herein authorized to effect said exchange make the same until the receipt of said sworn valuations, and they shall prosecute further enquiry if they have reasons to believe that the same have been improperly valued."

(Senator Lane in the chair.)

The Senate refused to order the bill to engrossment, and the same was lost by the following vote:

YEAS.		
Brown,	Martin,	Terrell—5.
Lane,	Storey,	

NAYS.		
Buchanan,	Gooch,	McCormick,
Burnett,	Grace,	Moore,
Burton,	Hobby,	Patton,
Davenport,	Homan,	Ripetoe,
Duncan,	Lair,	Shannon,
Edwards,	Ledbetter,	Tilson---19.
Ford,		

Not voting—Guy, McCulloch, Motley.

Senator Ripetoe called up Senate bill No. 361, to be entitled "An act to amend the second section of 'an act to regulate the respective duties of district and county attorneys,' approved August 21, 1876," read first time.

Senator Story called up the motion heretofore entered to reconsider the vote by which Senate bill No. 234 was lost.

The motion to reconsider was adopted.

Senator Terrell offered the following amendment which was lost.

In last sentence insert "while governor" in lieu of the words "during the term for which he is elected governor."

Senate joint resolution No. 234, proposing an amendment to section 18 article 3 of the constitution, was then passed by the following vote;

YEAS.

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

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

Moore,
Motley,
Patton,
Ripetoe,
Shannon,
Storey,
Tilson—21.

NAYS.

Burnett,
Edwards,

Homan,
Martin,

Terrell—5.

Not voting—Ford.

The president, after publicly reading the caption, signed Senate bill No. 325, entitled "An act to prescribe the times of holding the district courts in the ninth judicial district."

Senator Edwards (by leave) introduced a bill, to be entitled "An act to amend title 48 chapter 5 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed February 21, 1879."

Referred to judiciary committee No. 1.

Senator Gooch (by leave) introduced a bill to be entitled "A joint resolution to amend section 4 article 3 of the constitution of the State of Texas."

Referred to committee on constitutional amendments.

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

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

Your committee on engrossed bills have examined Senate bill No. 309, entitled "An act to amend article 4556 of the Revised Civil Statutes of the State of Texas, adopted at the present session of the Legislature;" Senate bill No. 365, entitled "An act to attach the county of Concho to the twentieth judicial district, and to fix the time for holding district courts therein;" Senate bill No. 366, entitled "An act to amend section 2 of an act entitled 'an act to create the thirty-second judicial district, prescribing the times of holding the district courts therein, and providing for the appointment of a district judge for said district,' approved March 22, 1879;" Senate bill No. 166, entitled "An act requiring the commissioner of the general land office to issue patents to parties purchasing university lands in accordance with the original subdivisions made under the act approved August 30, 1856;" Senate bill No. 297, entitled "An act to authorize the adjutant general to sell or exchange inferior arms and munitions of war on hand and not in use by the state;" Senate bill No. 363, entitled "An act to amend section 10 of final title of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed at the present session of the Legislature, said section relating to county boundaries," and find said bills correctly engrossed.

BROWN, Chairman.

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 compared and find correctly enrolled and properly signed Senate bill No. 325, "An act to prescribe the times of holding the district courts in the ninth judicial district," and have presented the same to the governor for his approval this day at 12:25 o'clock P. M. GRACE, *Chairman.*

Senate joint resolution No. 347, entitled "A joint resolution for the appointment of a committee of three to investigate and report upon invasions from Mexico," was taken up, read first time and fifty copies ordered printed for the use of the Senate.

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

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

Your judiciary committee No. 1, having had under consideration Senate bill No. 370, entitled "An act to amend title 48 chapter 5 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,'" a majority of said committee instruct me to report said bill back to the Senate with the recommendation that it do pass.

EDWARDS, *for Committee.*

On motion of Senator Edwards, the pending business was postponed and the bill just reported, to wit: Senate bill No. 370, to be entitled "An act to amend title 48 chapter 5 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed February 21, 1879," was taken up and read first time.

On motion of Senator Edwards, the rules were suspended to put the bill on its second 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,
Shannon,
Storey,
Terrell,
Tilson—26.

NAYS—none.

Not voting—Ford.

Bill read second time and ordered engrossed.

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

YEAS.

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

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

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

NAYS—none.

Not voting—Grace, Homan, Ford.

Bill read third time and passed.

(President in the chair.)

The following bills were taken up and read first time:

House bill No. 78, to be entitled "An act to amend section sixteen (16) of an act regulating elections, approved August 23, 1876."

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

Senate bill No. 357, to be entitled "An act to amend article 4544, title 92, of the Revised Civil Code."

Senate joint resolution No. 364, entitled "A joint resolution authorizing the governor to appoint an agent to collect moneys due the State of Texas by the United States."

Senate bill No. 359, entitled "A joint resolution requesting our senators and representatives in Congress to use their influence to secure the passage of what is known as 'the inter-state commerce bill,' introduced by the Hon. John H. Reagan, of Texas, or of some other bill having the same object in view."

Senate bill No. 323, to be entitled "An act to amend article 2754 of the Revised Civil Code, approved February, 1879."

Senate bill No. 51, to be entitled "An act for the encouragement of agriculture, and to provide for the collection and preservation of agricultural statistics."

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

SEVENTY-FOURTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, April 9, 1879. }

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

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

On motion of Senator Motley, Captain William N. Ramey, the journal secretary, was excused for the day on account of sickness.

On motion of Senator Patton, Senator Hobby was excused indefinitely from next Monday.

Senator Motley, chairman of Senate committee of free conference on Senate bill No. 46, "An act to provide for the election of a district attorney in certain judicial districts of the State of Texas," submitted the following report:

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

A minority of your committee of free conference, to whom was referred the disagreement between the two houses concerning the House amendment to Senate bill No. 46, "A bill to provide for the appointment of district attorneys in certain judicial districts of the State of Texas," beg leave to report that they do not agree with the majority of said committee in recommending that the Senate concur in the House amendment inserting the second judicial district as a district to hereafter have a district attorney. We believe that the greatest good to the greatest number will be secured by the present system of county attorneys, and we

are satisfied that more than three-fourths of the said second judicial district do not desire a change.

MOTLEY,
for Senate Committee.
SCOTT,
for House Committee.

Senator Duncan, from the same committee, submitted the following report:

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

A majority of your committee of free conference, to whom was referred the disagreement between the two houses concerning House amendment to Senate bill No. 46, "A bill to provide for the appointment of district attorneys in certain judicial districts of the State of Texas," said amendment being to provide for the appointment of a district attorney in the second judicial district, beg leave to report that a majority of your committee recommend the concurrence of the Senate in said House amendment.

EDWARDS,
DUNCAN, *Senate.*
JOHNSON, *House.*
MCCOMBS, *Majority.*

Senator Grace offered the following concurrent resolution:

Resolved, That a committee of three be appointed by the president of the Senate to act with a like committee from the House of Representatives—the duty of which joint committee shall be to wait upon the court of appeals and learn of said court what room they need for the transaction of the business coming before them; and said committee to report back to the two houses what action the Legislature should have in providing the necessary room for said court.

Adopted, and Senators Grace, Guy and Burnett appointed as said committee on the part of the Senate.

The president of the Senate, after publicly reading their captions, signed Senate bill No. 303, "An act to provide for the surrender and dissolution of the charter of the city of Terrell, in Kaufman county, Texas," and Senate bill No. 312, "An act to amend and supplement the existing quarantine law of the State of Texas."

Senator Burnett called up Senate joint resolution No. 367, entitled "Joint resolution proposing an amendment to section 14 of article 8 of the constitution, and to repeal section 16 of said article."

The joint resolution was read second time.

On motion of Senator Storey, Senator Buchanan was excused for the day, on account of sickness.

Senator Burton offered the following amendment:

Amend by striking out "two years" wherever it occurs in the joint resolution and insert "four years."

Lost.

The resolution was then ordered engrossed by the following vote:

YEAS.

Burnett,
Burton,
Duncan,
Edwards,
Ford,
Gooch,

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

McCormick,
McCulloch,
Patton,
Shannon,
Tilson--17.

NAYS.

Davenport, Moore, Terrell---5.
 Martin, Storey,
 Not voting—Grace, Motley.

(President *pro tempore* in the chair.)

Senator Burton called up House bill No. 402, "An act to amend chapters 19 and 20 of title 29, and chapters 3 and 4 of title 42 of 'an act to adopt and establish the Revised Statutes of the State of Texas.'"

The bill was taken up and read first time:

On motion of Senator Lair, the rule was suspended to place the bill on its second reading by the following vote:

YEAS.

Brown,	Guy,	McCulloch,
Burnett,	Hobby,	Moore;
Burton,	Homan,	Motley,
Davenport,	Lane,	Patton,
Edwards,	Lair,	Terrell,
Ford,	Ledbetter,	Tilson---20.
Grace,	Martin,	

NAYS.

Duncan,	McCormick,	Storey---5.
Gooch,	Shannon,	

The bill was then read second time.

A message was received from the House announcing the passage by that body of Senate bill No. 338, "An act prescribing the times of holding the district courts in the first judicial district, and regulating the returns of process therein," and Senate bill No. 332, "An act to provide for the appointment of notaries public, cattle and hide inspector, justices of the peace and constables in the unorganized counties of the State of Texas," and that the House has adopted report of conference committee on difference arising between the Houses on Senate substitute for House bill 33, "An act to amend article 4767 of the Revised Civil Statutes," and asks for a free conference, and that Messrs. McComb, English, Jones of Hunt and Reeves have been appointed a committee of free conference on part of the House, in accordance with the suggestions of said report.

The consideration of House bill No. 402 was resumed.

Senator Gooch offered the following amendment:

"Strike out article 1401."

Senator Storey offered the following amendment:

Amend article 1401, line two, page 3: insert after the word "residents" the words "or before the court trying the case."

(Senator Burnett in the chair.)

Senator Duncan offered the following as a substitute for Senator Storey's amendment:

Strike out the words "the county judge," in line one, page 3, and insert "a justice of the peace."

(President *pro tempore* in the chair.)

Senator Duncan withdrew his amendment.

Senator Storey's amendment was then adopted.

Senator Storey offered the following amendment:

Strike out all of the article after the word "cost" in line three, page 3, and insert the following: "Which affidavit may be contested by any officer of the court or party to the suit, whereupon it shall be the duty of the court trying the case, if in session, or the county judge of the county

in which the suit is pending, to hear evidence and to determine the right of the party under the act to his appeal."

Adopted.

Senator Gooch's amendment striking out article 1401, was then lost by the following vote:

	YEAS.	
Burnett,	Gooch,	McCulloch,
Duncan,	McCormick,	Patton—6.
	NAYS	
Brown,	Guy,	Moore,
Burton,	Hobby,	Shannon,
Davenport,	Lane,	Storey,
Edwards,	Lair,	Terrell,
Ford,	Ledbetter,	Tilson—17.
Grace.	Martin,	

Not voting—Homan, Motley.

Senator Gooch offered the following amendment:

"Strike out article 1420."

Adopted.

Senator Duncan moved that the vote by which Senator Storey amended article 1401 be reconsidered, and withdrew his motion.

Senator Duncan re-offered his amendment as follows:

Strike out the words "the county judge," in line one, page 3, and insert "a justice of the peace."

Lost.

Senator Storey offered the following amendment:

Amend line twenty-three, article 1420*b*, by striking out the words "from the adjournment of the court," and insert the words "after a demand for payment."

Adopted.

Senator Gooch offered the following amendment:

Line twenty-eight, page 3, after the words "shall not prevent the district clerk," insert "county clerk or justice of the peace."

Adopted.

Senator Ledbetter offered the following amendment:

Substitute for article 1438 in the bill: "Article 1438. A party who is required to give security for costs may file with the clerk an affidavit that he is too poor to pay the costs of court, and is unable to give security therefor; and it shall thereupon be the duty of the clerk to issue process and to perform all other services required of him in the same manner as if security had been given; *provided*, the clerk shall have the right to contest, by proof or otherwise, the inability of the party to pay the costs, or his inability to give security for the same."

Senator Gooch offered the following amendment to Senator Ledbetter's substitute for article 1438:

Add to substitute: "Said contest to be tried by the judge or justice of the court at the next term after the filing of the contest."

Accepted by Senator Ledbetter.

Senator Guy offered the following amendment to the substitute:

Amend by inserting in line seventeen, after the word "clerk," the words: "or justice of the peace."

Also accepted by Senator Ledbetter.

Senator Ledbetter's amendment was then adopted.

Senator Storey moved to reconsider the vote adopting Senator Gooch's amendment to line twenty-eight, page 3.

Motion carried, and Senator Gooch's amendment was again adopted by the following vote:

YEAS.

Burnett,
Duncan,
Ford,
Gooch,
Guy,

Hobby,
Homan,
Lane,
Lair,

McCormick,
McCulloch,
Patton,
Shannon--13.

NAYS.

Burton,
Davenport,
Edwards,

Ledbetter,
Martin,
Storey,

Terrell,
Tilson--8.

Not voting—Brown, Grace, Moore, Motley.

Senator Gooch offered the following amendment:

Lines twenty-seven and twenty-eight, page 3, strike out "to the supreme court."

Adopted.

Senator Edwards offered the following amendment:

Amend caption by inserting the word "civil," and in line five, page 1, insert the word "civil" before the word "statutes."

Adopted.

Senator Lane offered the following amendment:

Amend by inserting between lines seventeen and eighteen, on page 6, the following: "Issuing each license to attorney, and recording proceedings thereon, five dollars; filing and recording declaration of intention to become a citizen of the United States, two dollars; issuing certificate of naturalization, two dollars and fifty cents."

Adopted.

Senator Terrell offered the following amendment:

Add after "suit," in line three, page 5: "*provided*, that if the party cast in the suit has filed his oath of inability to pay costs during the progress of the cause, or be unable to pay costs, the county judge shall be allowed by the commissioners' court such compensation as they may deem proper, not to exceed three dollars for each such case."

Adopted.

Senator Burton offered the following amendment:

Amend page 6, line twenty-two, by striking out all after the word "determine."

Adopted.

Senator Storey offered the following amendment:

Strike out the words "justice of the peace," in line twenty-eight, page 3.

Lost.

Senator Burnett offered the following amendment:

Page 8, line four, after the word "process," add the following: "sheriffs and constables shall receive."

Senator Tilson offered the following amendment:

Page 6, add to article 2392 after the word "determine" the words "not to exceed the sum of \$300 per annum."

Senator Lane offered the following as a substitute for Senator Tilson's amendment:

Amend by adding after the word "determine" in line twenty-two, page

6, "not to exceed \$300 in all counties of population under twenty thousand, and not to exceed \$500 in counties of population of twenty thousand and over."

Accepted by Senator Tilson.

Senator Gooch offered the following amendment to Senator Lane's amendment:

Strike out of the amendment all after the words "\$300."

Lost by the following vote:

YEAS.		
Brown,	Duncan,	Lair,
Burnett,	Gooch,	McCormick,
Davenport,	Homan,	Shannon---9.
NAYS.		
Edwards,	Lane,	Motley,
Ford,	Ledbetter,	Patton,
Grace,	Martin,	Storey,
Guy,	McCulloch,	Terrell,
Hobby,	Moore,	Tilson---15.

Not voting—Burton.

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

YEAS.		
Brown,	Lane,	Motley,
Duncan,	Ledbetter,	Patton,
Ford,	Martin,	Storey,
Grace,	McCulloch,	Terrell,
Guy,	Moore,	Tilson—16.
Hobby,		

NAYS.		
Burnett,	Edwards,	Lair,
Burton,	Gooch,	McCormick,
Davenport,	Homan,	Shannon—9.

Senator Storey offered the following amendment:

Amend article 1420a, line eighteen: Strike out the words "and justices of the peace."

Adopted.

Senator Patton moved to reconsider the vote by which the last amendment of Senator Storey was adopted.

Carried.

Senator Storey's amendment was then adopted.

Senator Burton offered the following amendment:

Amend line twenty-eight, page 7, by striking out "\$200" and insert "\$300;" also in line thirty-one, by striking out "one dollar" and insert in lieu thereof "two dollars."

Lost.

The bill was then passed to a third reading by the following vote:

YEAS.		
Brown,	Hobby,	Moore,
Burton,	Homan,	Motley,
Davenport,	Lane,	Shannon,
Duncan,	Lair,	Storey,
Edwards,	Ledbetter,	Terrell,
Ford,	Martin,	Tilson--20.
Guy,	McCulloch,	
NAYS.		
Burnett,	McCormick,	Patton--4.
Gooch,		

Not voting—Grace.

On motion of Senator Terrell, the rule was suspended to place the bill on its third reading by the following vote:

YEAS.

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

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

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

NAYS.

Duncan,

Gooch—2.

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

YEAS.

Burton,
Davenport,
Edwards,
Ford,
Guy,
Hobby,

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

Moore,
Motley,
Storey,
Terrell,
Tilson—17.

NAYS.

Brown,
Burnett,
Duncan,

Gooch,
McCormick,

Patton,
Shannon—7.

Not voting—Grace.

A message was received from the House announcing that that body had adopted the majority report of the free conference committee on the differences between the Senate and House on Senate bill No. 46, "An act to provide for the election of district attorneys in certain judicial districts of the State of Texas."

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

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

Your committee on enrolled bills have carefully examined and find correctly enrolled and properly signed, substitute for Senate bill No. 303, "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 debts due by said city;" Senate bill No. 312, "An act to amend and supplement the existing quarantine law of the State of Texas," and at 10 o'clock A. M. have presented the same to the governor for his signature.

GRACE, *Chairman.*

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

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

Your committee on engrossed bills have examined Senate bill No. 370, entitled "An act to amend title 48 chapter 5 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed February 21, 1879," and find it correctly engrossed.

BROWN, *Chairman.*

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

Your committee on engrossed bills have examined Senate joint resolution No. 367, proposing an amendment to section 14 of article 8 of the

constitution and to repeal section 16 of said article, and find the same correctly engrossed.

BROWN, *Chairman.*

Senator Storey (by leave) introduced a bill to be entitled "An act to amend article 4761 of the Revised Civil Statutes," adopted at the present session of the Legislature.

Referred to committee on finance.

Also a bill to be entitled "An act to amend article 106 of the Penal Code," adopted at the present session of the Legislature.

Referred to committee on finance.

The president appointed Senators Ledbetter, Grace and Duncan a committee of free conference to confer with a like committee on the part of the House, as to differences arising between the two houses on Senate substitute for House bill No. 33.

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

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

Your committee on constitutional amendments, to whom was referred Senate joint resolution No. 368, entitled a "Joint resolution prescribing the mode and manner of submitting constitutional amendments to a vote of the people," have had the same under consideration, and instruct me to return the same to the Senate with the recommendation that it do pass.

EDWARDS, *Chairman.*

On motion of Senator Edwards, fifty copies of said Senate joint resolution No. 368 were ordered printed for the use of the Senate.

Senator Edwards (by leave) introduced the following bills:

A bill to be entitled "An act to amend article 4466 of an act to adopt and establish the Revised Civil Statutes of the State of Texas."

Referred to committee on retrenchment and reform.

A bill to be entitled "An act to amend article 97 of an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas."

Referred to judiciary committee No 1.

Senator Motley moved to adopt the minority report of the committee of free conference on House amendment to Senate bill No. 46, entitled "An act to provide for the election of district attorneys in certain judicial districts of the State of Texas."

Senator Storey moved the previous question on the minority and majority reports of said conference committee.

Seconded and the main question ordered by the following vote :

YEAS.

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

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

Motley,
Patton,
Shannon,
Storey,
Terrell,
Tilson—20.

NAYS.

Brown,
Burnett,

Burton,
Edwards,

Ford—5.

The minority report was then lost by following vote :

YEAS.

Burton,
Guy,
Lair,

Ledbetter,
Martin,
Moore,

Motley,
Shannon—8.

NAYS.

Brown,
Burnett,
Davenport,
Duncan,
Ford,
Gooch,

Grace,
Hobby,
Homan,
Lane,
McCormick,

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

Not voting—Edwards.

The question recurring upon the adoption of the majority report, it was adopted by the following vote :

YEAS.

Brown,
Burnett,
Davenport,
Duncan,
Ford,
Gooch,

Grace,
Hobby,
Homan,
Lane,
Lair,
McCormick,

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

NAYS.

Burton,
Guy,

Ledbetter,
Motley,

Shannon—5.

Not voting—Edwards.

Senator Edwards stated, as his reason for not voting, that he was paired with Senator Ripetoe, who is absent; that he would have voted yea, and Senator Ripetoe would have voted nay, if present.

Senator Burton (by leave), introduced a bill to be entitled "An act to amend an act entitled an act to fix the fees of the department of state in certain cases, approved, 1879."

Referred to judiciary committee No. 1.

Senator Grace entered a motion to reconsider the vote by which the resolution continuing the assistant sergent-at-arms in office for thirty days after adjournment of the Senate, was passed on yesterday.

Senator Shannon moved to adjourn until 3 o'clock this evening.

Lost.

On motion of Senator Duncan, Assistant Secretary W. A. Fields was excused until to-morrow on account of pressing business.

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

SEVENTY-FIFTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, April 10, 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 same adopted.

Senator McCormick presented the memorial of Hon. Chas. H. Leonard, mayor of Galveston, in behalf of the city, "asking that the city of Galveston be reimbursed for expenses incurred in carrying out quarantine regulations from 1870 to 1877, under state laws for that purpose, and for which the state has made no appropriation."

Referred to committee on finance.

Senator Brown, from the committee on retrenchment and reform, submitted the following report:

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

Your committee on retrenchment and reform, to whom was referred Senate bill No. 375, entitled "An act to amend article 4466 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,'" have had the same under consideration, and instruct me to report it to the Senate recommending its passage.

BROWN, *for Committee.*

Senator Homan, from the committee on public lands, submitted the following as a majority report:

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

Your committee on public lands have considered Senate bill No. 369, "An act to encourage the settlement and organization of unorganized counties," and a majority of the committee instruct me to return it to the Senate, with the accompanying amendments, with the recommendation that it pass as amended.

HOMAN, *for majority.*

Amendments: Add to section 3 the following: "And the certificates authorized by this act to be issued shall be held to be in lieu of all other grants to which any of said one hundred and fifty families might otherwise be entitled under the pre-emption laws of this state."

Add the following section to the bill:

"Section 4. 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."

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

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

Your committee on finance, to whom was referred Senate bill No. 372, entitled "An act to amend article 4761 of the Revised Civil Statutes, adopted at the present session of the Legislature," have carefully considered the same, and I am instructed by the committee to report the bill back to the Senate with the recommendation that it pass.

STOREY, *Chairman.*

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

Your committee on finance, to whom was referred Senate bill No. 373, entitled "An act to amend article 106 of the Penal Code of the State of Texas, passed at the present session of the Legislature," have carefully considered the same, and I am instructed by the committee to report the bill back to the Senate with the recommendation that it pass.

STOREY, *Chairman.*

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

Your committee on finance, to whom was referred Senate bill No. 330, entitled "An act to protect lands lying on or near county boundaries from double assessment," 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 Duncan introduced a bill entitled "An act to amend section 4 of an act entitled 'an act creating the office of district attorney in certain judicial districts of the state,' passed at the present session of the Legislature."

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

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

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."

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."

Senator Gooch (under the rules) called up Senate joint resolution No. 359, "Requesting our senators and representatives in congress to use their influence to secure the passage of what is known as the inter-state commerce bill, introduced by Hon. John H. Reagan, of Texas, or of some other having the same object in view," which was read second time and ordered engrossed.

Senator Gooch moved to suspend the rules and place the resolution on its third reading.

Carried by the following vote:

YEAS.

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

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

McCulloch,
Moore,
Patton,
Shannon,
Storey,
Terrell,
Tilson---23.

NAYS—none.

Not voting—Homan, Motley.

Resolution read third time and passed by the following vote:

YEAS.

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

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

Moore,
Motley,
Patton,
Shannon,
Storey,
Terrell,
Tilson--22.

NAYS--none.

Not voting—Ford, Homan, Lair.

Senator Grace called up his motion entered on yesterday to reconsider the vote by which the resolution "retaining the assistant sergeant-at-arms thirty days after adjournment for certain purposes," was adopted.

Senator Lair moved to lay the motion to reconsider on the table.

Lost by the following vote:

YEAS.

Davenport,
Duncan,
Homan,

Lair,
McCormick,
McCulloch,

Moore,
Patton,
Terrell--9.

NAYS.

Brown,
Burnett,
Burton,
Edwards,
Gooch,

Grace,
Guy,
Hobby,
Lane,
Ledbetter,

Martin,
Shannon,
Storey,
Tilson--14.

Not voting—Ford, Motley.

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

The motion seconded and main question ordered.

The motion to reconsider carried by the following vote :

YEAS.

Brown, Burnett, Edwards, Gooch, Grace,	Lane, Ledbetter, Martin, Moore,	Motley, Shannon, Storey, Terrell—13.
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NAYS.

Burton, Davenport, Duncan, Ford,	Guy, Hobby, Homan, Lair,	McCormick, McCulloch, Patton, Tilson—12.
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Senator Gooch moved to refer the resolution to the committee on finance.

Lost by the following vote:

YEAS.

Burnett, Gooch,	Grace, Lane,	Shannon, Tilson--6.
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NAYS.

Brown, Burton, Davenport, Duncan, Guy, Hobby,	Homan, Lair, Ledbetter, Martin, McCormick, McCulloch,	Moore, Motley, Patton, Storey, Terrell—17.
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Not voting—Edwards, Ford.

Senator Brown offered the following amendment:

Amend by striking out "thirty" and inserting "five" days.

Senator Gooch moved to postpone the resolution and amendment until to-morrow morning.

Lost.

Senator Ledbetter offered the following as an amendment to the pending amendment of Senator Brown:

Strike out "five" and insert "ten" days."

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

Motion seconded and main question ordered.

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

YEAS.

Burnett, Ledbetter, Moore,	Motley, Patton,	Storey, Tilson--7.
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NAYS.

Brown, Burton, Davenport, Duncan, Ford, Gooch,	Grace, Guy, Hobby, Homan, Lair,	Martin, McCormick, McCulloch, Shannon, Terrell—16.
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Not voting—Edwards, Lane.

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

YEAS.

Brown,
Burnett,
Edwards,Gooch,
Grace,
Martin.Shannon,
Storey,
Tilson--9.

NAYS.

Burton,
Davenport,
Duncan,
Ford,
Hobby,Homan,
Lair,
Ledbetter,
McCormick,
McCulloch,Moore,
Motley,
Patton,
Terrell---14.

Not voting—Guy, Lane.

The resolution was then adopted by the following vote:

YEAS.

Burton,
Davenport,
Duncan,
Ford,
Guy,Hobby,
Homan,
Lair,
McCormick,McCulloch,
Patton,
Storey,
Terrell---13.

NAYS.

Brown,
Burnett,
Edwards,
Gooch,Grace,
Lane,
Ledbetter,
Martin,Moore,
Motley,
Shannon,
Tilson---12.

Senator Grace entered the following protest against the passage of this resolution:

"I protest against the adoption of this resolution for that no assistant to secretary of the senate has ever heretofore been employed to aid him in arranging, proofing and indexing the journals of the Senate. That the secretary is retained after the session adjournment for sixty days at \$5 per day for the purpose of arranging, proofing and indexing the journals—a much longer time than is necessary for any one competent man to perform the labor. That one man can perform the labor of inventorying the property belonging to the Senate chamber in six hours at furthest in one day. Therefore this resolution makes a useless waste of \$150 of the money belonging to the state."

A message was received from the House announcing the passage by that body of Senate bill No. 366, "An act to amend section 2 of an act entitled 'an act to create the thirty-second judicial district, prescribing the times of holding the district courts therein and providing for the appointment of a district judge for said district,' approved March 22, 1879."

Senate bill No. 365, entitled "An act to attach the county of Concho to the twentieth judicial district and to fix the time for holding the district court therein."

Senate bill No. 270, entitled "An act granting further time to the Corpus Christi, San Diego and Rio Grande Narrow Gauge railroad company."

Senate bill No. 181, entitled "An act to reorganize the sixteenth judicial district and to provide for the time of holding courts therein."

Senate bill No. 304, entitled "An act supplementary of an act entitled 'an act fixing the time of holding the courts of the twenty-third judicial district,' approved February 12, 1879."

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 of the State of Texas,' approved February _____, 1879," with amendments.

Senate bill No. 326, entitled "An act to amend an act fixing the time of holding the courts in the seventeenth judicial district, approved, 'so as to make no change in the time of holding courts in said district, except in the county of Williamson,'" with amendments.

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

On motion of Senator Terrell, the House amendments to Senate bill No. 326, just reported from the House, were concurred in.

On motion of Senator Ford, the Senate concurred in House amendments to Senate bill No. 281, just reported from the House.

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

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

Your judiciary committee No. 1, to whom was referred Senate bill No. 377, "An act to amend section 4 of an act entitled 'an act creating the office of district attorney in certain judicial districts of the state,' passed at the present session of the Legislature," beg leave to report the bill back and recommend its passage.

DUNCAN, *for Committee.*

House bill No. 465, just reported from that body, was taken up and referred to judiciary committee No. 2.

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

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

Your judiciary committee No. 1, to whom was referred Senate bill to be entitled "An act to amend article 97 of an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas," passed during the present session of the Legislature, have considered the same, and instruct me to report it back with recommendation that it do pass. The amendment re-enacts the section as it now stands, but extends the penalties for misapplication of public money to those collectors of taxes or of other funds which belong to the state, who retain the same in their possession for thirty days after receiving notice from the comptroller of public accounts to pay the same over to the treasurer.

TERRELL, *Chairman.*

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

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

Your committee on engrossed bills have examined the Senate amendments to House bill No. 402, and find said amendments correctly engrossed.

BROWN, *Chairman.*

Substitute for House bill No. 90, entitled "An act to amend title 29, chapter 6, article 1235 of the Revised Civil Statutes, passed at the present session of the Legislature," was taken up and read second time.

Senator Hobby offered the following amendment:

Amend by adding this proviso:

"*Provided*, That if there be no newspaper published in the judicial district, then the citation shall be published in the nearest judicial district, in the county where the suit is instituted, in which a newspaper is published."

Adopted and bill passed to a third reading.

The following message was received from the House stating that the House concurs in Senate amendments to House bill No. 402, "An act to amend chapters 19 and 20 of title 29, and chapters 3 and 4 of title 42 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas.'"

Senator Hobby called up Senate bill No. 369, entitled "An act to encourage the settlement and organization of the unorganized counties," which was read first time.

(Senator Duncan in the chair.)

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

YEAS.

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

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

Motley,
Patton,
Shannon,
Storey,
Terrell,
Tilson--20.

NAYS.

Burnett,
Grace,

Lair,

Moore--4.

Not voting—Burton.

Bill read second time.

The first committee amendment was adopted.

The second committee amendment (emergency clause) was adopted by the following vote:

YEAS.

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

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

Moore,
Motley,
Patton,
Shannon,
Storey,
Tilson--20.

NAYS.

Brown,
Burnett,

Duncan,
Lair,

Terrell--5.

Senator Gooch offered the following amendment:

Section 1, after the words "one hundred and fifty families," insert the following: "having an average taxable capital of five hundred dollars."

Senator Homan offered the following as a substitute for the pending amendment and section 1 of the bill:

"SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That whenever one hundred and fifty heads of families, having an average taxable capital of five hundred dollars, shall hereafter locate and settle in one colony with their families, upon the lands of any unorganized county of this state, they shall be entitled to demand and receive from the state thirty-seven and one-half sections of land of six hundred and forty acres each, to be located in accordance with the general laws of the state."

Adopted, and the substitute then adopted as an amendment to the bill.

On motion of Senator Davenport, the bill was recommitted to committee on public lands.

On motion of Senator Storey, Senator Buchanan was excused for the day on account of sickness.

Senator Davenport called up Senate bill No. 377, entitled "An act to amend section 4 of an act entitled 'an act creating the office of district attorney in certain judicial districts of the state,' passed at the present session of the Legislature," 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.

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

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

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

NAYS—none.

Not voting—Burton.

Bill read second time and ordered engrossed.

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

YEAS.

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

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

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

NAYS—none.

Not voting—Burton, Moore.

Bill read third time and passed by the following vote:

YEAS.

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

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

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

NAYS—none.

Not voting—Burton, Moore.

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. 322, "An act to provide for the appointment of notaries public, cattle and hide inspectors, justices' of the peace and constables in the unorganized counties of the State of Texas."

Senate bill No. 338, "An act prescribing the times of holding the district courts in the first judicial district and regulating the return of pro-

cess therein," and at 11:20 o'clock A. M. presented the same to the governor for his signature.

GRACE, *Chairman.*

Senator Edwards called up Senate bill No. 375, entitled "An act to amend article 4466 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,'" which was read first time.

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

YEAS.

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

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

McCulloch,
Motley,
Patton,
Shannon,
Storey,
Terrell,
Tilson--22.

NAY—Brown.

Not voting—McCormick, Moore.

Bill read second time.

Senator Edwards offered the following amendment:

"Section 2. The late hour of the session creates an imperative public necessity that the rules requiring this bill to be read on three several days be suspended, and it is so ordered; and the fact that the salary is now fixed at too high a figure creates an emergency that this take effect at once. And it is further enacted, that this bill take effect and be in force from and after its passage."

Adopted and bill ordered engrossed.

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

Carried by the following vote:

YEAS.

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

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

McCulloch,
Moore,
Patton,
Shannon,
Storey,
Terrell,
Tilson--23.

NAY—Brown.

Not voting—Motley.

Bill read third time and passed by the following vote:

YEAS.

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

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

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

NAYS—none.

Senator Homan called up Senate bill No. 374, entitled "An act to amend article 97 of 'an act to adopt and establish a Penal Code and Code

of Criminal Procedure for the State of Texas," which was read first time.

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

Carried by the following vote:

YEAS.

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

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

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

NAYS—NONE.

Not voting—Brown, Davenport, Homan.
Bill read a second time.

Senator Storey offered the following amendment:

Amend by inserting after the words "bank check," the words: "or postoffice orders."

Adopted.

Senator Patton offered the following:

"*Provided*, that this act shall not be construed to prevent collectors of taxes from paying warrants drawn by the comptroller of public accounts on the treasurer in favor of officers living in their district or county as provided by law."

Adopted.

Senator Hobby offered the following:

Add subdivision sixth—

"Sixth. The willful failure of any officer to pay into the state treasury at the time prescribed by law whatever funds he may have on hand."

Change subdivision "sixth" to "seven."

Adopted.

Senator Edwards offered the following:

"Section 2. The late hour of the session creates an imperative public necessity that the rule requiring that this bill be read on three several days be suspended, and it is so ordered."

Adopted and bill ordered engrossed.

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

Carried by the following vote:

YEAS.

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

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

Moore,
Motley,
Patton,
Shannon,
Storey,
Terrell,
Tilson—21.

NAY—Brown.

Not voting—Grace, Homan, McCormick.

Bill read third time and passed by the following vote:

YEAS.

Burnett,
Davenport,

Duncan,
Edwards,

Gooch,
Hobby,

Lane,
Lair,
Ledbetter,
Martin,

McCulloch.
Moore,
Motley,
Patton,

Shannon,
Storey,
Terrell,
Tilson—18.

NAYS.

Brown,
Burton,

Ford,

Guy—4.

Not voting—Grace, Homan, McCormick.

(President in the chair.)

Senator Lane called up Senate bill No. 372, entitled "An act to amend article 4761 of the Revised Civil Statutes, adopted at the present session of the Legislature," which was read first time.

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

YEAS.

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

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

McCulloch,
Moore,
Patton,
Shannon,
Storey,
Terrell,
Tilson--22.

NAYS—none.

Not voting—Brown, Burton, Motley.

Bill read second time.

Senator Gooch offered the following amendment:

In section 1, after words "comptroller of public accounts," add "or by law."

Adopted.

Senator Edwards offered the following amendment:

Add to section: "and the collector of taxes shall finally settle with the comptroller and pay into the treasury all funds in his hands arising from taxes assessed for the previous year, and all occupation taxes collected to date, on or before the first day of May of each year."

Senator Martin offered the following amendment to Senator Edwards' amendment:

Amend by inserting "first of July" in lieu of the "first day of May."

Adopted.

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

Senator Gooch offered the following amendment:

"*Provided*, that nothing in this article shall prevent the collector from paying state warrants drawn in favor of his district or county, in such manner as may be allowed or prescribed by law."

Adopted and bill ordered engrossed.

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

YEAS.

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

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

Motley,
Patton,
Shannon,
Storey,
Terrell,
Tilson--20

NAYS—Burton.

Not voting—Brown, Duncan, Grace, Ledbetter.

Bill read third time and passed by the following vote:

YEAS.

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

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

Moore,
Motley,
Patton,
Shannon,
Storey,
Terrell,
Tilson---21.

NAYS—none.

Not voting—Brown, Duncan, Grace, Ledbetter.

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

AFTERNOON SESSION.

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

Senator Davenport moved to adjourn until 9 o'clock A. M. to-morrow. Carried.

SEVENTY-SIXTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, April 11, 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 Hobby, Senator Duncan was excused indefinitely from Monday next.

On motion of Senator Storey, Senator Buchanan was excused for the day on account of sickness.

Senator Edwards introduced a joint resolution granting leave of absence to W. B. Wall, county judge of Houston county.

Referred to committee on state affairs.

Senator Lair called up House resolution to adjourn *sine die* on the fourteenth instant.

Senator Burnett offered the following amendment:

Strike out "Monday, 14" and insert "April 22."

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

Strike out "14" and insert "April 30."

Lost.

Senator Ledbetter moved to postpone the pending resolution and amendment to Monday next.

Senator Edwards moved to postpone the resolution and amendment to Thursday next.

Lost.

Senator Ledbetter's motion to postpone to Monday next was lost by the following vote:

YEAS.		
Brown,	Gooch,	Ledbetter,
Burton,	Grace,	Patton,
Duncan,	Houston,	Terrell--11.
Edwards,	Lane	
NAYS.		
Burnett,	Lair,	Motley,
Davenport,	Martin,	Shannon,
Guy,	McCulloch,	Storey,
Hobby,	Moore,	Tilson--13.
Homan,		

Not voting—Ford.

Senator Houston moved a call of the Senate.

Call sustained.

Roll called. Absent—Ford.

Pending business went to the table.

On motion of Senator Edwards, Senator McCormick was excused for the morning.

The president, after publicly reading their captions, signed Senate bill No. 181, entitled "An act to reorganize the sixteenth judicial district and to provide for the time of holding courts therein."

Senate bill No. 46, entitled "An act to provide for the election of a district attorney in certain judicial districts of the State of Texas."

Senate bill No. 270, entitled "An act granting further time to the Corpus Christi, San Diego and Rio Grande railroad company."

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 of the State of Texas,' approved February, 1879."

Senate bill No. 326, entitled "An act to amend 'an act fixing the time of holding the courts in the seventeenth judicial district,' approved, so as to make no change in the time of holding courts in said district, except in the county of Williamson."

Senate bill No. 365, entitled "An act to attach the county of Concho to the twentieth judicial district and to fix the time of holding district courts therein."

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

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

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

Your judiciary committee No. 1, to whom was referred Senate bill No. 376, entitled "An act to amend an act entitled an act to fix the fees of the department of state in certain cases, approved, 1879," have carefully considered the same, and I am instructed by the committee to report the bill back to the Senate with the recommendation that it do not pass.

TERRELL, *Chairman.*

Senator Lane, for the majority of the judiciary committee No. 1, submitted the following report:

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

Your judiciary committee No. 1, to whom was referred Senate bill No. 362, entitled "An act to allow the heirs of Thomas Toby to sue the state," have carefully considered the same, and I am instructed by the committee to report the bill back to the Senate with the following amendments: 1. Strike out in section 2 the words "but not by writ of error." 2. Strike out section 3. And as so amended to recommend its passage.

LANE, *for majority of Committee.*

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

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

Your committee on public lands have had under consideration Senate bill No. 369, entitled "An act to encourage the settlement and organization of unorganized counties," and direct me to report the same back with the recommendation that it do not pass.

LANE, *Chairman.*

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

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

Your finance committee have had under consideration House bill 101, "An act to refund to any person all moneys that have been paid into the state treasury on any note or obligation given for university lands and not properly credited to the same."

The committee find that this bill was intended to secure the payment out of the treasury of \$62 44, paid by a citizen of Texas to the state treasurer in 1861; that said payment was not the full amount required by law of said citizen; that the treasurer refused to give the citizen credit for the same, but did not give him a private memorandum certificate to the effect that the credit would be given when the balance due the state was paid. We find further, that no entry whatever was made in the treasury department of this payment, and the committee believe that this money ever found its way into the treasury of the state, for the reason that the payment required to complete the installment was not made while the then treasurer was in office; I am therefore instructed by the committee to recommend that the bill do not pass.

STOREY, *Chairman.*

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

Your committee on state affairs, to whom was referred Senate joint resolution No. 319, "Requesting our members in congress to bring to the consideration of that body the subject of establishing a line of vessels between the port of Galveston and the Mexican ports on the gulf," have carefully considered the same, and I am instructed by the committee to report the resolution back to the Senate with recommendation that it pass.

STOREY, *for Committee.*

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

Your committee on finance, to whom was referred Senate bill No. 48, entitled "An act to amend 'an act to provide for a speedy assessment and collection of taxes upon land and real estate, in cases where such property has been subject by law to taxation, but the assessment thereof has been omitted,'" have duly considered the same, and your committee find that the legislation sought in this bill has already been considered in

House bills on the same subject. I am therefore instructed by the committee to report the bill back to the Senate with the recommendation that it lay on the table.

STOREY, *Chairman.*

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

Your committee on finance to whom was referred Senate bill No. 22, entitled "An act to amend section three of 'an act to regulate taxation and fix the rate of the same,'" have carefully considered the same, and your committee find that the legislation sought by this bill has been considered in House bills on the same subject; I am therefore instructed by the committee to report the bill back to the Senate with the recommendation that it lay on the table.

STOREY, *Chairman.*

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

Your finance committee have had under consideration Senate bill No. 44, 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,' approved August 21, 1878," and your committee find that legislation on the same subject and to the same end, has been considered in House bills; I am therefore instructed by the committee to report the bill back to the Senate with the recommendation that it lay on the table.

STOREY, *Chairman.*

Senator Ledbetter called up House bill No. 412, entitled "An act making appropriations for deficiencies beginning September 1, 1878, and ending February 28, 1879, and for previous years," which was read first time.

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

The Senate being announced full, the consideration of the adjournment resolution was resumed.

Senator Duncan raised the point of order that the adjournment resolution was not properly before the Senate, as it was taken up without a suspension of the rules, which had not been done.

Overruled.

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

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

Your committee on engrossed bills have examined Senate joint resolution No. 359, requesting our senators and representatives in Congress to use their influence to secure the passage of what is known as the interstate commerce bill introduced by Hon. John H. Reagan, and find it correctly engrossed.

BROWN, *Chairman.*

Senator Hobby moved the previous question on the adjournment resolution of the House with pending amendment.

Motion seconded and main question ordered.

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

YEAS.

Burnett,
Davenport,
Guy
Hobby,
Homan,

Lair,
Martin,
McCulloch,
Moore,
Motley,

Patton,
Shannon,
Storey,
Tilson—14.

NAYS.

Brown,
Burton,
Duncan,
Edwards,

Ford,
Gooch,
Grace,
Houston,

Lane,
Ledbetter,
Terrell—11.

The House resolution, as amended, was then adopted by the following vote:

YEAS.

Burnett,
Davenport,
Grace,
Guy,
Hobby,
Homan,

Lair,
Ledbetter,
Martin,
McCulloch,
Moore,

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

NAYS.

Brown,
Burton,
Duncan,

Edwards,
Ford,
Gooch,

Houston,
Lane,
Terrell—9.

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 the following Senate-bills, to wit:

Senate bill No. 46, "An act creating the office of district attorney in certain judicial districts of the state;"

Senate bill No. 181, "An act to reorganize the sixteenth judicial district of the State of Texas and to provide for the times of holding court therein;"

Senate bill No. 270, "An act granting further time to the Corpus Christi, San Diego and Rio Grande Narrow Gauge railroad company;"

Senate bill No. 291, "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;"

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

Senate bill No. 365, "An act to attach the county of Concho to the twentieth judicial district and to fix the time for holding district courts therein;"

Senate bill No. 366, "An act to amend section 2 of an act entitled 'an act to create the thirty-second judicial district, prescribing the times of holding the district courts therein and providing for the appointment of a district judge for said district,' approved March 22, 1879," and at 9:45 o'clock A. M. presented the same to the governor for his signature.

GRACE, *Chairman.*

Senator Ledbetter moved to reconsider the vote adopting House resolution of adjournment.

Senator Shannon moved to lay the motion to reconsider on the table.

Senator Hobby moved the previous question on the motion to lay on the table.

Senator Edwards moved a call of the Senate.

Call sustained.

Roll called and Senate full.

The motion of Senator Hobby for the previous question was seconded and main question ordered.

The motion of Senator Shannon to lay the motion to reconsider on the table was lost by the following vote:

YEAS.		
Burnett,	Homan,	Motley,
Davenport,	Lair,	Patton,
Guy,	McCulloch,	Shannon,
Hobby,	Moore,	Tilson--12.
NAYS.		
Brown,	Gooch,	Ledbetter.
Burton,	Grace,	Martin,
Duncan,	Houston,	Storey,
Edwards,	Lane,	Terrell--13.
Ford,		

Senator Edwards moved to postpone the motion to reconsider. Lost by the following vote:

YEAS.		
Brown,	Ford,	Lane,
Burton,	Gooch,	Ledbetter,
Duncan,	Grace,	McCulloch,
Edwards,	Houston,	Terrell--12.
NAYS.		
Burnett,	Lair,	Patton,
Davenport,	Martin,	Shannon,
Guy,	Moore,	Storey,
Hobby,	Motley,	Tilson--13.
Homan,		

Senator Homan moved the previous question on the motion of Senator Ledbetter to reconsider the vote adopting the adjournment resolution. Motion seconded and main question ordered.

The motion to reconsider was lost by the following vote:

YEAS.		
Brown,	Ford,	Lane,
Burton,	Gooch,	Ledbetter,
Duncan,	Grace,	McCulloch,
Edwards,	Houston,	Terrell--12.
NAYS.		
Burnett,	Lair,	Patton,
Davenport,	Martin,	Shannon,
Guy,	Moore,	Storey,
Hobby,	Motley,	Tilson--13.
Homan,		

The special order being Senate bill No. 337, entitled "An act granting a land certificate of six hundred and forty acres to each of the indigent pensioners enrolled under the act approved July 28, 1876," was taken up and read second time.

(Senator Gooch in the chair.)

A message was received from the House announcing the passage by that body of Senate bill No. 262, entitled "An act to grant Jackson Doyle six hundred and forty acres of land;" and House bill No. 395 entitled "An act to limit the terms of the district court of Marion county."

House bill No. 395, just received from the House, was taken up and referred to judiciary committee No. 1.

Senator Lane offered the following amendment:

Amend by adding after the word "certificate," in fourteenth line of section 3, the following, viz:

"*Provided*, That should the said commissioner have any grounds to believe, or be advised that the applicant is physically able to support himself, or that he is not truly in indigent circumstances as defined in this act, or that the applicant was fraudulently or illegally enrolled as indigent pensioner under the act approved July 28, 1876, then he shall suspend the issuance of the land certificate herein provided for and require further proof in the manner and to the extent he may designate."

Adopted.

Senator Ford offered the following amendment:

Amend by adding the following as

"Section That in every case the commissioner of the general land office shall before issuing a certificate for 640 acres of land to any person claiming the same under the provisions of this act, require proof of the following facts: First—That the person upon whose services the claim is founded did actually perform the services or do the acts required by the constitution and laws made in pursuance thereof to entitle him or those claiming under or through him to receive said certificate. Second—That the proof of indigence be in strict conformity with this act. Third—That the proof required to establish these facts shall be record evidence, which, if necessary, shall be corroborated by parol evidence, and the evidence must be full, conclusive and complete. It shall be the duty of the comptroller of public accounts, in preparing a list for the commissioner of the general land office, as required in section two of this act, to omit from said list the names of all pensioners he knows, believes or suspects have been guilty of perpetrating a fraud upon the State of Texas by false-swearing, personating another, or in any other manner; and he shall tabulate the said names so omitted, and state the reasons for his action in each case, and he may support said reasons by record evidence or other proof of a credible character; and he shall be governed by the provisions of this section in furnishing a list of the persons who may apply for relief in the future, and may present proof in support of the application for a certificate. In any and every case in which the commissioner of the general land office considers the proof insufficient, or where there is evidence of fraud committed or attempted to be committed upon the generosity of the state, he shall not issue a certificate for 640 acres of land to any original claimant or to any one claiming under or through him."

Senator Terrell offered the following as an amendment to the amendment of Senator Ford:

"Section 4. Before any benefit shall accrue to any one under the provisions of this act, a certificate shall be procured by a board of three surviving veterans of the revolution of 1836, who shall be appointed by the governor, and one of whom shall be the president of the veterans appointed, stating that they believe that the applicant is entitled under the provisions of this act to its benefits, and especially that they are satisfied of the fact that the applicant is in indigent circumstances."

Adopted, and the amendment of Senator Ford, as amended by the amendment of Senator Terrell, was then adopted, and bill ordered engrossed.

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

Carried by the following vote:

YEAS.

Brown,	Hobby,	McCulloch,
Burnett,	Homan,	Moore,
Duncan,	Houston,	Motley,
Edwards,	Lane,	Patton,
Ford,	Lair,	Shannon,
Gooch,	Ledbetter,	Storey,
Grace,	Martin,	Tilson--21.

NAYS—none.

Not voting—Burton, Davenport, Terrell.

Bill read third time and passed by the following vote:

YEAS.

Brown,	Hobby,	McCulloch,
Burnett,	Homan,	Motley,
Duncan,	Houston,	Patton,
Edwards,	Lane,	Shannon,
Ford,	Lair,	Storey,
Gooch,	Ledbetter,	Terrell,
Grace,	Martin,	Tilson--22.
Guy,		

NAYS—none.

Not voting—Burton, Davenport, Moore.

A message was received from the House announcing the passage by that body of Senate bill No. 88, entitled "An act to amend articles 518 and 519 of an act entitled 'an act to establish a Code of Criminal Procedure for the State of Texas,'" with amendments.

On motion of Senator Houston, Senate bill No. 88, just reported from the House, was taken up and House amendments concurred in.

Senator Ledbetter called called up House bill No. 412 (the deficiency bill), and on his motion the rules were suspended and bill placed on its second reading by the following vote:

YEAS.

Brown,	Hobby,	McCulloch,
Burnett,	Homan,	Motley,
Duncan,	Houston,	Patton,
Edwards,	Lane,	Shannon,
Ford,	Lair,	Storey,
Gooch,	Ledbetter,	Terrell,
Guy,	Martin,	Tilson--21.

NAYS—none.

Not voting—Burton, Davenport, Grace, Moore.

On motion of Senator Lair, Senator McCormick was excused from voting.

Bill read second time.

The first committee amendment providing an additional board was considered.

Senator Patton offered the following as a substitute for the first committee amendment:

On page 2, lines twenty-six and twenty-seven, strike out "and whether the same was provided for by pre-existing law."

Withdrawn, and the first committee amendment (the proviso to the adjutant general's department) was adopted by the following vote:

YEAS.

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

Grace;
Hobby,
Houston,

Lair,
Ledbetter,
McCulloch,

Moore,
Motley,
Storey--15.

NAYS.

Davenport,
Homan,

Martin,
Patton,

Shannon,
Tilson--6.

Not voting—Duncan, Lane.

Senator Lane did not vote on the question, because of interest in the question.

On motion of Senator Davenport, Senator Terrell was excused for the day on account of sickness.

Senator Davenport stated he was paired with Senator Terrell; that he would vote no and Senator Terrell yea on this question.

The second amendment of the committee (providing an auditorial board to pass on the pension claims), was considered.

Senator Storey offered the following as an amendment to second committee amendment:

After the word "act" insert words "without delay."

Adopted, and the committee amendment as amended was then adopted.

The third committee amendment (to pay E. Krohn for beef for Blind Asylum), was adopted.

(President in the chair.)

Senator Storey offered the following:

"Amend amendments offered by the committee by striking out lines one and two, page 2 of committee amendments (which was fourth committee amendment)."

Adopted.

Senator Edwards offered the following:

Amend the fifth committee amendment by striking out "February 12, 1879," and inserting "August 1, 1877."

Adopted, and the fifth committee amendment adopted.

The fifth committee amendment as amended (the accounts of Brush, White & Ratz for 1875-6 with Voight), was adopted by the following vote:

YEAS.

Brown,
Davenport,
Gooch,
Homan,
Houston,

Lane,
Ledbetter,
Martin,
McCulloch,
Moore,

Motley,
Patton,
Shannon,
Storey--14.

NAYS.

Burnett,
Burton,
Edwards,

Ford,
Grace,
Hobby,

Lair.
Tilson--8.

Not voting—Duncan.

The sixth committee amendment (to pay Eanes for trees under Voight), was adopted.

The seventh committee amendment (to pay Erwin for water in contract with Capt. Voight, etc).

Adopted.

The eighth committee amendment (to pay Lee Blocker for porter services) was adopted.

The ninth committee amendment (to pay Durant costs expended as attorney for state).

Adopted.

Senator Lane offered the following (which is an amendment to tenth committee amendment):

Amend by striking out from line twelve to line twenty-six on page 2, and insert in lieu thereof "for payment of health officers, guards and employes on the Gulf coast under the quarantine laws, \$5000."

Adopted.

The tenth committee amendment, as amended, was then adopted.

Senator Edwards offered the following as an amendment to the eleventh committee amendment:

Add line four, page 3, "or so much of either sum as may be necessary."

Adopted.

The eleventh committee amendment, as amended, adopted.

Senator Edwards offered the following amendment to twelfth committee amendment:

Line thirty strike out "thereof" and insert "of either sum."

Adopted, and twelfth committee amendment, as amended, adopted.

Senator Gooch offered the following:

Page 4, after line nineteen and before line twenty, insert "amount due S. N. Pickens, inspector of the East Texas Penitentiary, for labor as such during the month of January, 1879, fourteen days, seventy dollars."

Adopted.

Senator Burton offered the following:

"For paying Geo. W. Grant for ten acres of land on which the penitentiary graveyard, near Huntsville, is located, one hundred and fifty dollars; to be paid on warrant issued by comptroller on receipt of warranty deed to said land, vesting the same in the state, said deed to be approved by the superintendent of the penitentiary."

Adopted.

Senator Burton offered the following:

"To Wm. P. Huff, ex-district clerk of Fort Bend county, for costs due in the case of J. B. Wygal et als. (in 1871) vs. the treasurer of the State of Texas, with regard to escheated property of Clark, deceased, etc., five hundred dollars."

Lost by the following vote:

YEAS.		
Brown,	Davenport,	Houston,
Burnett,	Edwards,	Lane--8.
Barton,	Ford.	
NAYS.		
Gooch,	Martin,	Patton,
Grace,	McCulloch,	Shannon,
Hobby,	Moore,	Storey,
Lair,	Motley,	Tilson--13.
Ledbetter,		

Not voting—Duncan, Homan.

Senator Edwards offered the following:

"Strike out lines nine, ten, eleven, twelve and thirteen on page 2."

Adopted and bill ordered engrossed.

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

YEAS.		
Brown,	Davenport,	Gooch,
Burnett,	Edwards,	Grace,
Barton,	Ford,	Hobby,

Houston,
Lane,
Lair,
Ledbetter,

Martin,
McCulloch,
Moore,
Motley,

Patton,
Shannon,
Storey,
Tilson—21.

NAYS—NONE.

Not voting—Duncan, Homan.

Bill read third time.

A quorum not being present the sergeant-at-arms was dispatched for absentees.

The president after reading its caption, signed Senate bill No. 88, entitled "An act to amend sections 518 and 519 of an act entitled 'an act to establish a Code of Criminal Procedure for the State of Texas.'"

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

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

To the honorable Senate of the State of Texas:

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

M. W. Sincemaker to be cattle and hide inspector in the unorganized county of Wichita, as authorized in Senate bill No. 88, entitled "An act to provide for the appointment of notaries public, hide inspectors, justices of the peace and constables in the unorganized counties of the State of Texas." Respectfully, O. M. ROBERTS, *Governor.*

The following communication was received from Senator McCormick, tendering his resignation as state senator:

AUSTIN, TEXAS, April 11, 1879.

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

SIR—It is known to the Senate and to the people that I have been appointed to the office of United States district judge for the northern judicial district of Texas.

Desiring to accept that appointment I hereby submit my resignation of the office of senator from the nineteenth senatorial district of Texas to take effect immediately.

In withdrawing from the Senate, I beg leave to bear my humble testimony to the impartial, just and generous treatment which the members of the political minority have uniformly received at the hands of the majority during the time that I have been a member of the Senate.

Permit me also to tender to each member of the Senate with whom I have thus been associated, this public expression of my grateful sense of the kind consideration ever shown to me personally by each one of them.

Very respectfully,

A. P. McCORMICK.

Senator Edwards moved that the resignation of Senator McCormick be accepted, and in doing so addressed the Senate in the following eloquent and appropriate remarks:

"*Mr. President*—I move the acceptance of the resignation of the Hon. A. P. McCormick, and I do this with mingled feelings of regret and gratification. Having served in the last and present Senate with the senator from Brazoria, a warm personal attachment has sprung up between us, and I have learned to know and appreciate his real personal worth as well as his usefulness as a legislator. I regret that he leaves these legislative halls, for in him we all feel that we lose one of our ablest and

wisest counselors. As a member of a party of different politics it affords me pleasure to testify to his candor and fairness; his ability and untiring devotion to the real interests of the state.

"Mr. President, while I, in connection with the rest of his comrades, will regret deeply that the senator from Brazoria by this act severs his connection with us, it gratifies us to know that he is called from among us to fill a high judicial position—a position that will not reflect more credit upon him than his integrity and ability will redound to the dignity and elevation of the bench.

"In my opinion, Mr. President, the northern district of Texas is very fortunate in its new judge. As a gentleman, jurist and judge he has not his superior anywhere or in any particular in this state, and but few may be classed as his peers.

"In leaving us he takes with him from these halls our sincere good wishes and earnest hope for his continued welfare and prosperity."

Senator Storey then seconded the motion of Senator Edwards, and, in doing so, said:

"That the senator from Nacogdoches had expressed the sentiment of every senator upon this floor—republican and democrat alike—without reference to party affiliations or political sentiments."

The resignation of Senator McCormick was accepted.

Senator Shannon moved that the remarks on the acceptance of the resignation of Senator McCormick be entered on the journals as the sentiment of the Senate with regard to the retiring senator.

Adopted.

Senator Edwards moved that the governor be notified of the resignation of Senator McCormick.

Adopted.

Senator Brown moved that the letter of resignation of the senator retiring be entered on the journals.

Adopted.

Senator Ford offered the following resolution:

Resolved, That the comptroller of the state be requested to transmit at once to the Senate the names and residence (if known) of all persons who have received the benefit of "An act to provide annual pensions for surviving soldiers of the Texas revolution, etc.," approved July 28, 1876, and that he also give from any records, papers or receipts in his office the name of the agent or attorney who acted in procuring or receiving for each person the benefits of said act.

Read and adopted.

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

Carried.

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 House bill No. 75, entitled "An act to amend sections 21, 27 and 38 of 'an act to provide for the election of justices of the peace, and to define their powers and jurisdiction,' approved August 17, 1876," have duly considered the same, and I am instructed by the committee to report the accompanying substitute and recommend that it do pass.

TERRELL, *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 compared and find correctly enrolled and properly signed Senate bill No. 304, "An act supplemental to 'an act fixing the times of holding the district courts of the twenty-third judicial district,' approved February 12, 1879," and have presented the same to the governor for his signature this day at 10:55 o'clock A. M.

GRACE, *Chairman.*

Senator Homan (by leave) introduced a bill entitled "An act to amend article 2993 of chapter 3 of title 42 of an act entitled 'an act to adopt and establish the revised Civil Statutes of the State of Texas,' passed at the first session of the Sixteenth Legislature."

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

Senator Brown moved to adjourn until nine o'clock to-morrow morning.

Ruled out of order.

On motion of Senator Brown, the sergeant-at-arms was instructed to compel the attendance of the absent senators.

Senator Hobby, for 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. 465, "An act to amend 'an act to incorporate the city of San Antonio and grant a new charter to said city,' and to repeal 'an act to incorporate the city of San Antonio,' approved July 17, 1856, and 'an act to amend the act to incorporate the city of San Antonio, approved February 11, 1860,' approved August 13, 1870," and I am instructed to report the bill back and recommend its passage.

HOBBY, *for Committee.*

The absent senators appearing, House bill No. 412 was passed by the following vote:

YEAS.

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

Gooch,
Grace,
Hobby,
Homan,
Houston,
Lair,
Ledbetter,

Martin,
McCulloch,
Moore,
Motley,
Shannon,
Storey,
Tilson—21.

NAYS—none.

Senators Lane and Patton explained that they were interested in the bill, and hence did not vote.

Senator Homan entered the following as his explanation of his vote:

"I am personally interested in this bill to the extent that I hold claims against the state which will be covered by the appropriation to pay costs due district and county attorneys, and have asked to be excused from voting; but because there is not a quorum without me, I vote 'aye' to prevent the failure of the deficiency appropriation bill."

Senator Duncan entered a motion to reconsider the vote by which the bill was passed.

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

SEVENTY-SEVENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, April 12, 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 same adopted.

On motion of Senator Lair, Senator Davenport was excused for the morning session.

The president, after publicly reading its caption, signed House bill No. 402, entitled "An act to amend chapters 19 and 20 of title 29, chapters 3 and 4 of title 42 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas.'"

A message was received from the House announcing the passage by that body of House bill No. 459½, entitled "An act to authorize any county, city or town in this state to compromise existing bonded indebtedness, and to issue new bonds to be sold or exchanged for this purpose, and to provide for the efficient collection of the taxes to pay the principal and interest of such new bonds."

Senate bill No. 352, entitled "An act to amend article 3649 of the Revised Civil Statutes, passed February 21, 1879."

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

IN SENATE.—Senator Brown moved that the confirmations just made in executive session be entered on the journals.

Carried.

It is accordingly here stated that the Senate in executive session did advise and consent to the appointment of M. W. Shoemaker to be cattle and hide inspector in the unorganized county of Wichita and of J. F. Templeton to be notary public in Cherokee county.

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 Senate bill No. 379, "An act to amend article 2393 of chapter 3 of title 42 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas, passed at the first session of the Sixteenth Legislature,'" and I am instructed to recommend its passage. HOMAN, for Committee.

House bill No. 75, entitled "An act to amend section 21, section 37 and section 38 of "An act to provide for the election of justices of the peace, and to define their powers and jurisdiction," approved August 17, 1876, was taken up and read first time.

House bill No. 465, entitled "An act to amend 'an act to incorporate the city of San Antonio and grant a new charter to said city, and to repeal 'an act to incorporate the city of San Antonio,' approved July 17, 1856,' and 'an act to amend the 'act to incorporate the city of San Antonio,' approved February 11, 1860,' approved August 13, 1870," was taken up and read first time.

House bill No. 101, entitled "An act to refund to any person all moneys that have been paid into the state treasury, or any note or obligation given for university lands, and not properly credited to the same," was taken up and read first time.

Senate bill No. 352, entitled "An act to amend article 3649 of the Revised Civil Statutes, passed February 21, 1879," was taken up, and on motion of Senator Gooch, House amendments were concurred in.

Senator Martin called up House bill No. 445, entitled "An act to provide for the assessment and collection of the taxes on land and other property situated in unorganized counties and for the enforcement of the same," which was read second time.

Senator Storey offered the following amendment:

Section 2, line four, strike out the words "state and county."

Senator Ledbetter offered the following as a substitute for the amendment of Senator Storey:

Amend by striking out in line four, section 2, the words "and county."

Senator Edwards moved that Senator McCormick be invited to take his old seat in the Senate chamber.

Adopted.

House bill No. 459½, reported from the House this morning, was taken up and referred to judiciary committee No. 1.

(Senator Houston in the chair.)

A message was received from the House announcing the passage by that body of Senate bill No. 377, entitled "An act to amend section 4 of an act entitled 'an act creating the office of district attorney in certain judicial districts of this State,' passed at the present session of the Legislature."

(President in the chair.)

The president, after publicly reading its caption, signed Senate bill No. 352, entitled "An act to amend article 3649 of the Revised Civil Statutes, passed February 21, 1879."

(Senator Houston in the chair.)

Senator Lair moved the previous question upon Senator Ledbetter's substitute.

Senator Edwards moved a call of the Senate.

Call sustained.

Roll called; Senate full.

The motion of Senator Lair for the previous question was seconded and the main question ordered.

The substitute was lost by the following vote:

YEAS.

Brown,
Edwards,
Ford,

Grace,
Lane.

Ledbetter,
Martin—7.

NAYS.

Burnett,
Duncan,
Gooch,
Guy,
Hobby,
Homan,

Houston,
Lair,
McCulloch,
Moore,
Motley,

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

Not voting—Buchanan, Burton.

Senator Duncan moved the previous question upon Senator Storey's amendment.

Motion seconded and main question ordered.

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

	YEAS.	
Brown, Burton, Edwards, Ford,	Grace, Lane, Ledbetter,	Martin, McCulloch, Storey—10.

	NAYS.	
Burnett, Duncan, Gooch, Guy, Hobby,	Homan, Houston, Lair, Moore, Motley,	Patton, Shaanon, Terrell, Tilson—14.

Not voting—Buchanan.

Senator Storey offered the following amendment:

Add to section 2: "*Provided*, that no county or special taxes shall be levied and collected from the unorganized county for the benefit of the county to which the same is attached for judicial purposes, except so much as the organized county may have paid out for the enforcement of the law in said unorganized county."

(President in the chair.)

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

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

	YEAS.	
Gooch, Hobby, Lair,	Moore, Patton.	Terrell, Tilson—7.

	NAYS.	
Brown, Burnett, Burton, Duncan, Edwards,	Ford, Guy, Homan, Houston, Lane,	Ledbetter, Martin, McCulloch, Shannon, Storey—15.

Not voting—Buchanan, Grace, Motley.

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

	YEAS.	
Brown, Burton,	Edwards, Ford,	Lane, Storey—6.

	NAYS.	
Burnett, Duncan, Gooch, Guy, Hobby, Homan,	Houston, Lair, Ledbetter, Martin, McCulloch,	Moore, Patton, Shannon, Terrell, Tilson—16.

Not voting—Buchanan, Grace, Motley.

Senator Patton offered the following:

On page 5, section 14, after the word "purposes" in line seventeen, strike out remainder of section.

Adopted.

Senator Gooch offered the following:

Add to section 9, "and make a deed to the state to the same including in one deed all lands bid in for the state on any one day."

Adopted, and bill passed to a third reading.

Senator Gooch moved to reconsider the vote passing the bill to a third reading.

Lost.

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

Carried by the following vote:

YEAS.		
Buchanan,	Homan,	Moore,
Burnett,	Houston,	Patton,
Duncan,	Lane,	Shannon,
Ford,	Lair,	Storey,
Guy,	Ledbetter,	Terrell,
Hobby,	McCulloch,	Tilson--18.

NAYS.		
Brown,	Edwards,	Gooch--4.
Burton,		

Not voting—Grace, Martin, Motley.

Bill read third time.

Senator Gooch offered the following amendment:

Add to section 9 in the amendment, after the words "to the state," insert "for the use of the permanent school fund," and strike out "section 10."

Lost by the following vote:

YEAS.		
Buchanan,	Homan,	Patton,
Burnett,	Lair,	Shannon,
Duncan,	McCulloch.	Storey,
Gooch,	Moore,	Terrell--14.
Guy,	Motley,	

NAYS.		
Brown,	Ford,	Ledbetter,
Burton,	Grace,	Tilson--8.
Edwards,	Lane,	

Not voting—Hobby, Houston, Martin.

The bill was then passed by the following vote:

YEAS.		
Buchanan,	Homan,	Patton,
Burnett,	Lair,	Shannon,
Duncan,	Ledbetter,	Storey,
Ford,	Moore,	Terrell,
Gooch,	Motley,	Tilson--16.
Guy,		

NAYS.		
Brown,	Edwards,	Lane,
Burton,	Grace,	McCulloch--6.

Not voting—Hobby, Houston, Martin.

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

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

Your committee on enrolled bills have carefully examined and find correctly enrolled and properly signed Senate bill No. 88, "An act to amend articles 560 and 561 of 'an act to adopt and establish a Code of Criminal Procedure for the State of Texas,' as adopted by the Sixteenth Legislature;" also Senate bill No. 262, "An act to grant Jackson Doyle a headright of six hundred and forty acres of land," and at 9:45 o'clock A. M. presented the same to the governor for his signature.

GRACE, *Chairman.*

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

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

Your judiciary committee No. 1, to whom was referred House bill No. 395, "An act to limit the terms of the district court of Marion county," have had the same under consideration, and I am instructed to report the bill back with the recommendation that it do pass.

TILSON, *for Committee.*

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

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

Your judiciary committee No. 1, to whom was referred House bill No. 459½, have carefully considered the same, and instruct me to report it back with recommendation that it do pass. The habit which existed a few years since of voting county and city subsidies to railroads has resulted in a number of counties in a bonded indebtedness, for the payment of which taxes have been assessed now over due. To enable the railroad corporations and the holders of bonds on the one hand and the counties and towns on the other to compromise these debts is the main object of the bill. The impatience of the people of some localities under the load of debt thus imposed induces the committee to ask early action on the bill.

TERRELL, *Chairman.*

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

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

Your committee on enrolled bills have carefully examined and find correctly enrolled and properly signed Senate bill No. 352, "An act to amend article 3649 of the Revised Civil Statutes, passed February 21, 1879," and at 11:35 o'clock A. M. this day presented the same to the governor for his signature.

GRACE, *Chairman.*

The president, after publicly reading its caption, signed Senate bill No. 377, entitled "An act to amend section 4 of an act entitled 'an act creating the office of district attorney in certain judicial districts of this state,' passed at the present session of the Legislature."

Senator Duncan called up his motion entered on yesterday to reconsider the vote passing House bill No. 412 (the deficiency bill).

The motion to reconsider carried.

Senator Duncan offered the following amendment:

Amend by adding to miscellaneous appropriations this item, "For payment of clerks' and sheriffs' costs in suits instituted against delinquent taxpayers under law of June 2, 1873, \$5000."

Adopted.

The consideration of the pending bill was temporarily suspended.

House bill No. 459½, entitled "An act to authorize any county, city or town in this state to compromise existing bonded indebtedness and to issue new bonds to be sold or exchanged for this purpose, and to provide for the efficient collection of the taxes to pay the principal and interest of such new bonds," was taken up and read first time.

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

YEAS.

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

Grace,
Guy,
Homan,
Lair,
Ledbetter,
Martin,
McCulloch.

Moore,
Motley,
Patton,
Shannon,
Storey,
Terrell,
Tilson--21.

NAYS—none.

Not voting—Buchanan, Hobby, Houston, Lane.

Bill read second time and passed to a third reading.

The consideration of House bill No. 412 resumed.

Senator Storey offered the following amendment:

“For balance of salary due General Steele, \$1166 66 $\frac{2}{3}$.”

Senator McCulloch moved the previous question on the pending amendment.

Motion seconded and main question ordered.

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

YEAS.

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

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

McCulloch,
Moore,
Motley,
Patton,
Shannon,
Storey,
Terrell—21.

NAYS—none.

Not voting—Buchanan, Burton, Hobby, Tilson.

Senator Edwards offered the following:

Add, page 5, after line ten, “for purchase of supplies for Blind Asylum in month of January and February, 1879, \$200 00.”

Pending on adjournment.

Senator Brown (by leave) introduced a bill entitled “An act to amend section 1 of 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, authorizing the passage of stock and fence laws,’ approved April 15, 1876, passed at the present session of the Legislature.”

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

The following message was received from his excellency the governor:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, April 12, 1879.

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

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

S. R. Smith and John W. Cary, residents of Huntsville, to be directors of penitentiaries, in place of S. Gibbs and Benton Randolph, declined.

Respectfully, O. M. ROBERTS, Governor.

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

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

Your committee on enrolled bills have carefully examined and find correctly enrolled and properly signed Senate bill No. 377, “An act to amend

section 4 of an act entitled an act creating the office of district attorney in certain judicial districts of this state, passed at the present session of the Legislature," and at 12:50 o'clock P. M. this day presented the same to the governor for his signature.

GRACE, *Chairman.*

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

AFTERNOON SESSION.

Senate met pursuant to adjournment; president in the chair. Roll called; no quorum present.

The sergeant-at-arms was dispatched for absent members.

On motion of Senator Edwards, the Senate took recess for ten minutes.

Recess expired. Senate met. Roll called; quorum present.

Senator Burnett moved to go into executive session.

Adopted.

IN SENATE.—Senator Burnett moved that the confirmations just made in executive session be entered on the journals.

Adopted.

It is accordingly stated that the Senate in executive session did advise and consent to the appointment of S. R. Smith and J. W. Cary to be directors of the penitentiaries.

The consideration of unfinished business on adjournment, being House bill No. 412 (the deficiency bill), was resumed.

The amendment of Senator Edwards pending.

The amendment was adopted by the following vote:

YEAS.

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

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

Martin,
McCulloch,
Moore,
Shannon,
Storey,
Terrell,
Tilson—21.

NAYS—Patton.

Not voting—Buchanan, Burton, Motley.

Senator Ford offered the following amendment:

Under head of sheriffs, etc., add: "For the payment of expenses and costs incurred in the rendition of fugitives from justice from Mexico in pursuance of provisions of extradition treaty, or so much thereof as may be necessary, (\$500)."

Adopted by the following vote:

YEAS.

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

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

Ledbetter,
McCulloch,
Moore,
Shannon,
Storey,
Terrell—20.

NAYS.

Grace.
Not voting—Buchanan, Martin, Motley.

Patton.

Tilson—3.

Senator Duncan offered the following amendment:

Add to miscellaneous appropriation this item: "For Garden Horticultural company, for trees and shrubbery for capitol grounds, \$122 50."

Adopted by the following vote:

YEAS.

Brown,
Davenport,
Duncan,
Ford,
Gooch,
Guy.

Houston,
Lane,
Lair,
Ledbetter,
McCulloch.

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

NAYS.

Burnett,
Burton,
Edwards,

Grace,
Hobby,
Homan.

Martin,
Tilson---8.

Not voting--Buchanan, Motley.

Senator Duncan moved to postpone the bill until Monday morning.
Lost.

The bill was then passed by the following vote:

YEAS.

Brown,
Burnett,
Burton,
Davenport,
Duncan,
Edwards,

Ford,
Gooch,
Guy,
Lair,
Ledbetter,
Martin,

McCulloch,
Moore,
Motley,
Shannon,
Storey,
Tilson--18.

NAYS.

Grace,

Hobby,

Terrell--3.

Not voting--Buchanan, Houston.

Senators Homan and Lane were disqualified from voting in consequence of interest in the bill.

House bill No. 395, entitled "An act to limit the terms of district court of Marion county," was taken up and read first time.

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

YEAS.

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

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

Moore,
Motley,
Patton,
Shannon,
Storey,
Terrell,
Tilson---23.

NAYS--Grace.

Not voting--Buchanan, Houston.

Bill read a second time and passed to a third reading.

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

Carried by the following vote:

YEAS.

Brown,
Burnett,
Burton,
Davenport,
Duncan,

Edwards,
Ford,
Gooch,
Grace,
Guy,

Hobby,
Houston,
Lane,
Lair,
Ledbetter,

Martin,
McCulloch,
Moore,

Motley,
Patton,
Shannon,

Storey,
Terrell,
Tilson--24.

NAYS—none.

Not voting—Buchanan, Homan.

Bill read third time and passed by the following vote:

YEAS.

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

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

Moore,
Motley,
Patton,
Shannon,
Storey,
Terrell,
Tilson--23.

NAYS—none.

Not voting—Buchanan, Davenport, Homan.

Senator Edwards offered the following resolution:

Resolved, that Senate rule 63 be amended so as hereafter to read as follows:

“63. Upon the final passage of all amendments proposed to the constitution and of all other questions requiring a two-thirds vote, except a motion to suspend the rules, the presiding officer shall call for the yeas and nays, and they shall be entered on the journals.”

Lies over under the rules.

Senator Houston called up House bill No. 465, entitled “An act to amend ‘an act to incorporate the city of San Antonio and grant a new charter to said city, and to repeal an act to incorporate the city of San Antonio,’ approved July 17, 1856; and an act to amend ‘an act to incorporate the city of San Antonio,’ approved February 11, 1860, approved August 13, 1870.”

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

Carried by the following vote:

YEAS.

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

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

Moore,
Motley,
Patton,
Shannon,
Storey,
Terrell,
Tilson--23.

NAYS.—none.

Not voting—Buchanan, Davenport, Martin.

Bill read second time.

Senator Houston offered the following amendment:

“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 this act take effect from its passage, and it is so enacted.”

Adopted and bill passed to a third reading.

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

YEAS.

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

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

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

NAYS—none.

Not voting—Buchanan, Davenport, Lane.

Bill read third time and passed by the following vote:

NAYS.

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

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

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

NAYS—none.

Not voting—Buchanan, Davenport, Lane.

Senator Houston entered a motion to reconsider the vote by which House bill No. 412 (the deficiency bill) was passed.

Substitute for House bill No. 90, entitled "An act to amend title 29, chapter 6, article 1235 of the Revised Civil Statutes, passed at the present session of the Legislature," was taken up and read third time.

Senator Hobby offered the following amendment:

In line eighteen of the bill, after the word "in," strike out the remainder of the sentence and insert the following words: "The judicial district where the suit is pending, but if there be no newspaper published in such judicial district, then it shall be published in the nearest district to the district where the suit is pending. Such citation shall be published once in each week for four successive weeks previous to the return thereof."

Adopted by the following vote:

YEAS.

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

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

Martin,
McCulloch,
Moore,
Motley,
Patton,
Shannon,
Terrell,
Tilson—24.

NAYS—none.

Not voting—Buchanan, Storey.

Bill passed.

House bill No. 497, entitled "An act to amend articles 3955 and 3963 of the Revised Civil Statutes, passed at the present session of the Legislature," was taken up and read a second time.

Senator Terrell moved to postpone the bill.

Lost.

Senator Burnett moved to recommit the bill to the committee on general land office.

Carried.

House bill No. 78, entitled "An act to amend section 16 of 'an act regulating elections, approved August 23, 1876,'" was taken up and read a second time.

Senator Patton moved to print fifty copies of the bill.

Carried.

Senator Storey moved to adjourn until 9:30 A. M. Monday.

Carried by the following vote:

YEAS.		
Brown,	Guy,	McCulloch,
Burnett,	Homan,	Moore,
Burton,	Houston,	Motley,
Davenport,	Lair,	Patton,
Ford,	Ledbetter,	Storey,
Gooch,	Martin,	Terrell—19.
Grace,		
NAYS.		
Duncan,	Hobby,	Shannon,
Edwards,	Lane,	Tilson—6.
Not voting—Buchanan.		

SEVENTH-EIGHTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, April 14, 1879. }

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

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

Senator Lane offered the following resolution:

WHEREAS, the constitution requires the Senate at the close of the session to elect one of its members president *pro tempore*; and
Whereas, the session is now near its close; therefore, be it
Resolved, That the Senate do now proceed to the election of a president *pro tempore*.

Ordered to lie over until the evening session.

The following message was received from the House:

House concurs by a two-third vote in Senate amendments to House bill 465, "An act to amend the charter of the city of San Antonio."

On motion of Senator Guy, Senator Motley was excused for three days on account of sickness in his family.

On motion of Senator Storey, Senator Moore was excused indefinitely from Monday next.

Senator McCulloch called up the motion to reconsider the vote by which Senate bill No. 243 (to provide subjects for anatomical dissection and scientific experiment) was lost.

The motion to reconsider carried by the following vote:

YEAS.		
Brown,	Homan,	Moore,
Buchanan,	Houston,	Patton,
Duncan,	Lane,	Storey,
Ford,	Lair,	Terrell,
Gooch,	Ledbetter,	Tilson—17.
Hobby,	McCulloch,	

NAYS.

Burton,
Grace.

Stewart,

Shannon—4.

Not voting—Burnett, Edwards, Guy, Martin.

On motion of Senator Brown, the bill was recommitted to the committee on statistics of industries, public health, etc.

Senator Moore called up substitute for Senate bill No. 116, entitled "An act to amend section 12 of 'an act to establish and provide further support and maintenance of an efficient system of public free schools,' approved August 16, 1876."

The amendment of Senator Edwards pending.

The first amendment of Senator Edwards was adopted by the following vote:

YEAS.

Brown,
Ford,
Gooch,
Hobby,

Lane,
Lair,
Ledbetter,
Martin,

Moore,
Storey,
Terrell,
Tilson—12.

NAYS.

Buchanan,
Burnett,
Burton,
Grace,

Guy,
Homan,
McCulloch,

Patton,
Stewart,
Shannon—10.

Not voting—Duncan, Houston.

Senator Edwards stated that he was paired with Senator Ripetoe—that he would vote "yea" on this measure, and Senator Ripetoe would vote "nay."

Senator Burnett moved the indefinite postponement of the bill.

Senator Guy moved a call of the house.

Call sustained.

Roll called. Absent—Brown, Houston.

Pending business went to the table.

Senator Patton called up Senate bill No. 232, entitled "An act to amend chapter 3 title 78 of the Revised Statutes, by creating article 3732a," which was read second time and ordered engrossed.

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

YEAS.

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

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

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

NAYS—none.

Not voting—Burton, Duncan, Homan, Houston.

Bill read third time.

Senator Gooch offered the following amendment:

"Section..... The lateness of the session and the absence of a proper law upon this subject creates an imperative public necessity and emergency that the rule be suspended and that this bill pass at once and take effect from and after its passage."

Adopted by the following vote:

YEAS.

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

Guy,
Hobby,
Homan,
Houston,
Lane,
Lair,
Ledbetter,
Martin,
NAYS—none.

McCulloch,
Moore,
Patton,
Ripetoe,
Shannon,
Storey,
Terrell,
Tilson--24.

Not voting—Brown.

The bill then passed by the following vote:

YEAS.

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

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

NAYS—none.

Moore,
Patton,
Stewart,
Shannon,
Storey,
Terrell,
Tilson--21.

Not voting—Brown, Duncan, Edwards, Ford.

(Senator Edwards in the chair.)

Senator Stewart called up Senate bill No. 361, entitled "An act to amend the second section of an act to regulate the respective duties of district and county attorneys," approved August 21, 1876, which was read second time and ordered engrossed.

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

Carried by the following vote:

YEAS.

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

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

NAYS—none.

Moore,
Patton,
Stewart,
Shannon,
Storey,
Terrell,
Tilson--22.

Not voting—Duncan, Grace, Houston.

Bill read third time.

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

(President in the chair.)

The absent senators appearing the Senate was announced full, and the consideration of Senate bill No. 116 was resumed, the motion to indefinitely postpone pending.

(Senator Gooch in the chair.)

Senator McCulloch moved the previous question.

Senator Edwards moved a call of the Senate.

Call sustained.

Roll called. Absent—Grace.

Pending business again went to the table.

Senator Burnett (by leave) introduced a bill entitled "An act authorizing the comptroller of public accounts to sign and issue certificates of

indebtedness remaining in his office and unsigned or unissued by the auditorial board established by an act entitled "An act to provide for the payment of the public debt, approved May 2, 1871," and to provide for the payment of said certificates.

Read by caption and referred to committee on public claims and accounts.

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

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

Your judiciary committee No. 1, to whom was referred Senate bill No. 380, have considered the same, and I am instructed to report the same back and to recommend that the same do pass. The bill proposes to amend section 1 of "An act to amend sections 6 and 9 of 'an act to define a lawful fence,' etc., passed at the present session of the Legislature."

TERRELL, *Chairman.*

Senator Duncan (by leave) offered the following resolution:

Resolved, that the secretary be instructed to wait upon the House of Representatives and to request the return to the Senate of Senate concurrent resolution to adjourn *sine die* on twenty-second of April.

Lies on the table.

The absent senator appearing the Senate was announced full, and the consideration of Senate bill No. 116 was resumed.

The motion of Senator McCulloch for the previous question was seconded and main question ordered.

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

YEAS.

Buchanan,
Burnett,
Burton,
Ford,
Grace,

Guy,
Homan,
Houston,
McCulloch,

Pattin,
Stewart,
Shannon.
Swain--13.

NAYS.

Brown,
Duncan,
Gooch,
Hobby.

Lane,
Lair,
Ledbetter,
Martin,

Storey,
Terrell,
Tilson--11.

Senator Moore said he was paired with Senator Davenport; that he would vote "nay," and Senator Davenport would vote "yea."

Senator Edwards said he was paired with Senator Ripetoe; that he would vote "nay," and Senator Ripetoe "yea."

(President in the chair.)

Senator Shannon 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."

The first committee amendment was considered.

Senator Edwards offered a substitute for the committee amendment and withdrew it.

Senator Swain offered the following as an amendment to the first committee amendment:

"Strike out one-half of one per cent. and insert two-fifths of one per cent."

Withdrawn.

The pending committee amendment was then adopted by the following vote:

YEAS.		
Brown,	Lane,	Shannon,
Duncan,	Lair,	Storey,
Edwards,	Ledbetter,	Terrell,
Gooch,	Martin,	Tilson - 14.
Hobby,	Moore,	
NAYS.		
Buchanan,	Homan,	Patton,
Burnett,	Houston,	Stewart,
Burton,	McCulloch,	Swain--10.
Guy,		

Not voting—Ford, Grace.

Senator Shannon moved to reconsider the vote just taken, and on this motion moved a call of the Senate.

Call sustained.

Roll called; Senate full.

Senator Shannon's motion to reconsider carried by the following vote:

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

Senator Moore said he voted to reconsider because on the vote to adopt the amendment he improperly voted, as he was paired with Senator Davenport, and he wished to reconsider so as to correct his mistake in voting.

Senator Edwards said he voted to reconsider because on the vote to adopt the amendment he overlooked the fact that he had paired with Senator Ripetoe, and wished to reconsider so he could correct his vote so given by mistake.

Senator Gooch stated he voted to reconsider so as to enable senators who voted under a misapprehension to correct their votes.

Senator Burnett moved to lay the pending committee amendment on the table.

Carried by the following vote:

YEAS.		
Buchanan,	Guy,	Patton,
Burnett,	Homan,	Stewart,
Burton,	Houston,	Shannon,
Ford,	McCulloch,	Swain--13.
Grace,		
NAYS.		
Brown,	Lane,	Storey,
Duncan,	Lair,	Terrell,
Gooch,	Ledbetter,	Tilson--11.
Hobby,	Martin,	

Senator Edwards stated that he was paired with Senator Ripetoe. That he would vote "no" and Senator Ripetoe "aye."

Senator Moore stated he was paired with Senator Davenport. He would vote "no" and Senator Davenport "aye" on this question.

The second committee amendment was adopted.

The third committee amendment was adopted.

(President *pro tempore* in the chair.)

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

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, April 14, 1879. }

To the honorable Senate of the State of Texas:

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

Robert Rutherford, of Houston, to be medical health officer for the State of Texas.

Respectfully,

O. M. ROBERTS, *Governor.*

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, April 14, 1879. }

To the honorable Senate of the State of Texas:

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

W. W. Spivey to be district attorney for the second judicial district.

John N. Henderson to be district attorney for the ninth judicial district.

Charles S. Todd to be district attorney for the fifth judicial district.

Respectfully,

O. M. ROBERTS, *Governor.*

(President in the chair.)

Senator Homan moved that the Senate go into executive session at 3 o'clock this evening to consider the appointments just sent to the Senate by his excellency the governor.

Carried unanimously.

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

AFTERNOON SESSION.

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

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

IN SENATE.—Senator Gooch moved that the secretary enter on the journals the confirmations just made in executive session.

It is accordingly stated that the Senate does advise and consent to the appointment of Robert Rutherford, of the city of Houston, to be medical health officer for the State of Texas.

W. W. Spivey—to be district attorney for the second judicial district of the state.

John N. Henderson—to be district attorney for the ninth judicial district.

Charles S. Todd—to be district attorney for the fifth judicial district.

Senator Houston called up his motion to reconsider the vote passing House bill No. 412 (the deficiency bill).

The motion to reconsider was lost.

The consideration of the pending business on adjournment (House bill No. 414) was resumed.

Senator Shannon offered the following substitute for committee amendment:

Strike out all of section 3 after the word "otherwise" in line four, page 3, and insert "to be paid to the tax collectors of the several counties in which said commercial traveler, drummer, salesman, or solicitor of trade may ply his occupation, an annual occupation tax of ten dollars for the benefit of the state and five dollars for the benefit of the county; *provided*, that such person shall not be required to pay the same if the person, firm, or association of persons represented by him, or for whom he is soliciting trade, shall have paid a wholesale merchant's occupation tax of two hundred dollars; *provided further*, that no city or town shall levy or collect any occupation tax upon such commercial traveler, drummer, salesman, or solicitor.

Senator Terrell offered the following as an amendment to the substitute of Senator Shannon:

Provided, also, that such person shall not be required to pay a drummer's tax if he represents only a firm or person who, under the law, has paid such wholesale occupation tax to the state as is required by law.

Senator Duncan moved the previous question.

Motion seconded and main question ordered.

The pending amendment as amended was then lost by the following vote:

YEAS.		
Ford,	Shannon,	Terrell--4.
McCulloch,		
NAYS.		
Brown,	Guy,	Martin,
Burnett,	Hobby,	Moore,
Burton,	Homan,	Patton,
Duncan,	Houston,	Stewart,
Edwards,	Lane,	Storey,
Gooch,	Lair,	Swain,
Grace,	Ledbetter,	Tilson--21.

Not voting—Buchanan.

Senator Lane offered the following amendment as a substitute for the pending committee amendment:

Amend by striking out all of section 3 from and after the word "dollars," on line two, page 3, and substitute therefor, to wit:

"From every commercial traveler, drummer, salesman or solicitor of trade, by sample or otherwise, an annual occupation tax of twenty dollars, and that the tax herein required shall be paid to the comptroller of public accounts, whose receipt, under seal, shall be evidence of the payment of such tax; *provided*, that before any such commercial traveler, drummer, salesman or solicitor shall make any sales, take and 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 ten dollars for the county."

Lost.

Senator Gooch offered the following amendment to the pending amendment.

Strike out "twenty dollars" and insert "twenty-five dollars;" strike out "ten dollars" and insert "five dollars."

Senator Edwards offered the following amendment to the committee amendment:

Strike out of committee's amendment lines one and two, page 2, all after the word "provided," and add "provided no county, city or town shall levy or collect any occupation tax upon such commercial traveler, drummer, salesman or solicitor of trade."

(The president in the chair.)

The president, after publicly reading its caption, signed House bill No. 465, entitled "An act to amend 'an act to incorporate the city of San Antonio and grant a new charter to said city,' and to repeal 'an act to incorporate the city of San Antonio,' approved July 17, 1856, and 'an act to amend the act to incorporate the city of San Antonio,' approved August 13, 1870."

The following message was received from the House:

That the House concurs in Senate amendments to House bill No. 90, "An act to amend title 29, chapter 6, article 1235 of the Revised Civil Statutes, passed at the present session of the Legislature."

House refuses to concur in first amendment and does concur in second amendment to House bill No. 445, "An act to provide for the assessment and collection of the taxes on land and other property situated in unorganized counties, and for the enforcement of the same."

Senator McCulloch moved the previous question on the pending amendments to the committee amendments to the pending bill.

Motion seconded and main question ordered.

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

YEAS.		
Brown, Duncan, Edwards, Ford,	Gooch, Hobby, McCulloch,	Moore, Patton, Tilson—10.
NAYS.		
Burnett, Burton, Grace, Guy, Homan,	Lane, Lair, Ledbetter, Martin,	Stewart, Shannon, Storey, Swain—13.

Not voting—Buchanan, Houston, Terrell

The amendment of Senator Gooch was lost.

The amendment of Senator Lane was lost.

The fourth committee amendment was then adopted by the following vote:

YEAS.		
Buchanan, Burnett, Duncan, Edwards, Gooch,	Hobby, Houston, Lair, Martin,	Moore, Stewart, Storey, Swain—13.
NAYS.		
Brown, Ford, Grace, Guy,	Homan, Lane, Ledbetter, McCulloch.	Patton, Shannon, Tilson—11.

Not voting—Burton, Terrell.

The fifth committee amendment was adopted by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Duncan,
Edwards,

Gooch,
Hobby,
Houston,
Lane.

Moore,
Patton,
Storey,
Swain---13.

NAYS.

Burton,
Ford,
Grace,
Guy,

Homan,
Lair,
Ledbetter,
Martin.

McCulloch,
Stewart,
Shannon,
Tilson---12.

Not voting—Terrell.

Senator Duncan offered the following as a substitute for sixth committee amendment:

Strike out and insert:

“Provided, no county tax shall be required of any commercial traveler, drummer, salesman or solicitor of trade.”

Senator Gooch moved the previous question on Senator Duncan's amendment and committee amendment six.

Motion seconded and main question ordered.

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

YEAS.

Duncan,
Ford,
Gooch,
Grace,

Guy,
Ledbetter,
McCulloch,
Moore.

Stewart,
Swain,
Tilson---11.

NAYS.

Buchanan,
Burnett,
Burton,
Edwards,

Hobby,
Homan,
Lane,
Lair,

Martin,
Patton,
Shannon,
Storey---12.

Not voting—Brown, Houston, Terrell.

The sixth committee amendment was adopted by the following vote:

YEAS.

Brown,
Burnett,
Burton,
Duncan,
Edwards,

Hobby,
Homan,
Lane,
Lair,
Martin,

Patton,
Shannon,
Storey,
Tilson---14.

NAYS.

Ford,
Gooch,
Grace,

Guy,
Ledbetter,
McCulloch,

Moore,
Stewart---8.

Not voting—Buchanan, Houston, Swain, Terrell.

Senator Duncan moved to reconsider the vote just taken.

A message was received from the House announcing the passage by that body of substitute for Senate bill No. 12, entitled “An act to amend article 4257 of the Revised Civil Statutes, passed at the present session of the Legislature;”

And Senate bill No. 153, entitled “An act to provide for building a new state capital,” with amendments.

Substitute for Senate bill No. 12, just reported from the House, was taken up and referred to the committee on internal improvements.

Senate bill No. 153, just reported from the House, was taken up and, on motion of Senator Storey, House amendment concurred in.

House bill No. 445, entitled “An act to provide for the assessment and

collection of taxes on land and other property situated in unorganized counties, and for the enforcement of the same," was taken up and, on motion of Senator Storey, the Senate adhered to its amendment.

On motion of Senator Ledbetter, a committee of conference of three senators were appointed on part of the Senate on the disagreement of the two houses on the pending bill.

Senators Ledbetter, Guy and Swain were appointed a committee on the part of the Senate.

Senator Homan moved to lay on the table the motion of Senator Duncan, to reconsider the vote adopting the sixth committee amendment.

Carried by the following vote:

YEAS.		
Burnett,	Houston,	Moore,
Burton,	Lane,	Patton,
Edwards,	Lair,	Shannon,
Hobby,	Martin,	Storey---13.
Homan,		

NAYS.		
Brown,	Gooch,	Stewart,
Buchanan,	Grace,	Swain,
Duncan,	Guy,	Tilson---11.
Ford,	Ledbetter,	

Not voting—McCulloch, Terrell.

Senator Gooch moved to lay the seventh committee amendment on the table.

Lost by the following vote:

YEAS.		
Burnett,	Guy,	Stewart,
Burton,	Lair,	Shannon---8.
Gooch,	Patton,	

NAYS.		
Brown,	Hobby,	Martin,
Buchanan,	Houston,	Moore,
Duncan,	Lane,	Storey,
Edwards,	Ledbetter,	Tilson---13.
Grace,		

Not voting—Ford, Homan, McCulloch, Swain, Terrell.

The seventh committee amendment was adopted by the following vote:

YEAS.		
Brown,	Grace,	Moore,
Buchanan,	Houston,	Storey,
Edwards,	Ledbetter,	Swain,
Ford,	Martin,	Tilson--12.

NAYS.		
Burnett,	Guy,	Lair,
Burton,	Hobby,	Patton,
Duncan,	Homan,	Stewart,
Gooch,	Lane,	Shannon---12.

Not voting—McCulloch, Terrell.

There being a tie vote, the president voted in the affirmative and declared the amendment adopted.

A message was received from the House announcing the passage by that body of Senate joint resolution No. 263, entitled "Joint resolution relating to medals for Texas veterans;"

Senate bill No. 363, entitled "An act to amend section 10 of final title

of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed at the present session of the Legislature," said sections relating to county boundaries;

Senate bill No. 273, entitled "An act to amend section 5, article 16, title 4 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' approved February, 1879;"

And Senate bill No. 79, with amendments.

Senate bill No. 79, just reported from the House, was taken up and, on motion of Senator Gooch, House amendments were concurred in.

The eighth committee amendment (to tax annually keeper of toll bridge ten dollars), was lost.

The ninth committee amendment was adopted.

The tenth committee amendment was adopted.

The eleventh committee amendment was adopted.

The twelfth committee amendment was adopted.

The thirteenth committee amendment was adopted.

Senator Duncan moved to reconsider this vote.

Lost.

The fourteenth committee amendment was adopted.

The fifteenth committee amendment was adopted.

The sixteenth committee amendment was adopted.

The seventeenth committee amendment was adopted.

The eighteenth committee amendment was adopted.

The nineteenth committee amendment was adopted.

The twentieth committee amendment was adopted.

The twenty-first committee amendment was adopted.

The twenty-second committee amendment was adopted.

The twenty-third committee amendment was adopted.

The twenty-fourth committee amendment was adopted.

The twenty-fifth committee amendment was adopted by the following vote:

YEAS.

Brown,
Duncan,
Edwards,
Ford,
Guy,

Homan,
Lair,
Ledbetter,
Martin,

Shannon,
Storey,
Swain,
Tilson—13.

NAYS.

Burnett,
Burton,
Gooch,

Grace,
Hobby,
Houston,

Moore,
Patton,
Stewart—9.

Not voting—Buchanan, Lane, McCulloch, Terrell.

The twenty-sixth committee amendment was adopted.

The twenty-seventh committee amendment was adopted.

Senator Burnett called for a division of twenty-eighth committee amendment.

The first part, strike out the words "engaged in selling" and insert in lieu thereof the words "canvassing for the sale of."

Adopted.

The second part, in lines eleven and twelve, strike out the words "three hundred" and insert the word "twenty."

Adopted.

The third division, in line twelve strike out the word "twenty" and insert the word "ten."

Adopted.

Senator Ford offered the following substitute for twenty-ninth committee amendment:

"From every person, firm or association of persons doing an express business in this state, an annual tax of seven hundred and fifty dollars shall be levied and collected; this tax to be paid by such person, firm or association of persons doing an express business, to the comptroller of public accounts, whose receipt, under seal, shall be issued to the company or companies; certified copies of which shall be evidence of the payment of the state, county and municipal occupation tax; *provided*, that two hundred and fifty dollars of said annual tax shall be apportioned *pro rata*, according to the amount of business done in each, among the counties in which said company or companies may have offices, and agents representing and doing business for the same, by the comptroller of public accounts, and paid in accordance therewith to each county, or passed to its credit."

Adopted.

The committee amendment, as thus amended, was adopted.

Senator Homan offered the following substitute for the thirtieth committee amendment:

Page 7, line twenty-seven, strike out the word "five" and insert "two."

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

SEVENTY-NINTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, April 15, 1879. }

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

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

Senator McCulloch, chairman of 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 re-committed 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 carefully re-examined said bill, and finding that there is no material objection thereto, the committee have instructed me to report said bill, with the accompanying amendments, back to the Senate with their recommendation that it do pass.

McCULLOCH, *Chairman.*

Amend section 1, line six, by inserting after the word "kin," the words "or other person who will assume the burial."

Amend section 3, line thirty-one, by inserting after the word "notice," the words "upon failure of other persons."

Amend section 1, line two, by striking out the word "any," making it read "this" instead of "any" state.

Amend by striking out "county asylum or infirmary, or public hospital," wherever these words occur in the bill.

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

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

Your committee on public claims and accounts, to whom was referred Senate bill No. 381, entitled "An act authorizing the comptroller of public accounts to sign and issue certificates of indebtedness remaining in his office, and unsigned and unissued by the auditorial board, established by an act entitled 'an act to provide for the payment of the public debt of the State of Texas,' approved May 2, 1871, and to provide for the payment of the same," have duly considered said bill, and respectfully return the same and recommend its passage. PATTON, *Chairman.*

Senator Swain introduced a bill entitled "An act to change and define the times of holding the district courts in the fifth judicial district of the State of Texas."

Read by caption and referred to committee on judicial districts.

Senate bill No. 369, entitled "An act to encourage the settlement and organization of unorganized counties," was taken up with an adverse report of the committee.

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

Senate bill No. 376, entitled "An act to amend 'an act to fix the fees of the department of state in certain cases,' approved _____, 1879," was taken up with adverse report of committee.

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

Senate joint resolution No. 368, "Prescribing the mode and manner of submitting constitutional amendments to a vote of the people," was taken up and read first time.

The following bills were taken up and read first time:

Senate bill No. 379, entitled "An act to amend article 2393 of chapter 3 of title 42 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed at the first session of the Sixteenth Legislature."

Senate bill No. 373, entitled "An act to amend article 106 of the Penal Code of the State of Texas," passed at the present session of the Legislature.

Senate bill No. 362, entitled "An act to allow the heirs of Thomas Toby to sue the state."

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

Senate bill No. 48, entitled "An act to be entitled 'an act to amend an act to provide for the speedy assessment and collection of taxes upon land and real estate in cases where such property has been subject by law to taxation, but the assessment thereof has been omitted."

Senate bill No. 22, entitled "An act to amend section 3 of an act to regulate taxation and fix the rate of the same."

Senate joint resolution No. 319, "Requesting our members in congress to bring to the consideration of that body the subject of aiding a line of vessels between the port of Galveston and the Mexican ports on the gulf."

Senate bill No. 44, 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," approved August 21, 1876.

Senate bill No. 380, entitled "An act to amend section 1 of 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, authorizing the passage of stock and fence laws,'" approved August 16, 1876, passed at the present session of the Legislature.

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

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

Your committee on judicial districts, to whom was referred Senate bill No. 382, to be entitled "An act to change and define the times of holding the district courts in the fifth judicial district of the State of Texas," have considered the same, and I am instructed to report it back to the Senate and recommend its passage.

SHANNON, *Chairman.*

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

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 House substitute for Senate substitute for Senate bill No. 12, entitled "An act to regulate railroad companies and dealers with them, and to provide a remedy for persons injured thereby, and to provide a punishment for violations of the provisions thereof," entitled "An act to amend article 4257 of the Revised Civil Statutes, passed at the present session of the Legislature," have considered the same, and I am instructed by a majority of the committee to report it back to the Senate and recommend its passage.

SHANNON, *Chairman.*

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

House bill No. 101, entitled "An act to refund to any person all moneys that have been paid into the state treasury on any note or obligation given for university lands and not properly credited to the same," was taken up with adverse report of the committee.

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

On motion of Senator Brown, Senate bill No. 380 (amending the fence act) was taken up and the rules suspended and bill placed on its second reading by the following vote:

YEAS.

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

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

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

NAYS—none.

Not voting—Burton, Terrell.

Bill read second time.

Senator Brown offered the following amendment:

"Section 2. Whereas, the defect growing out of a clerical omission in section 1 of the above recited act as engrossed, permits the building of fences insufficient to prevent the passage of stock allowed to run at

large, and may cause great injury and loss, an emergency and imperative public necessity thereby arise for immediate legislation; therefore the rule requiring this act to be read on three several days is hereby suspended, and this act shall take effect from and after its passage."

Adopted and bill ordered engrossed.

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

YEAS.

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

Hobby,
Homan,
Houston,
Ledbetter,
Martin,
McCulloch,
Patton,

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

NAYS.

Lair.

Moore—2.

Not voting—Edwards, Grace, Lane.

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

YEAS.

Brown,
Burnett,
Burton,
Duncan,
Gooch,
Guy,

Hobby,
Homan,
Ledbetter,
Martin,
McCulloch,
Patton,

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

NAYS.

Houston,

Lair,

Moore—3.

Not voting—Edwards, Ford, Grace, Lair.

On motion of Senator Brown, the vote just taken was reconsidered and the bill again passed by the following vote:

YEAS.

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

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

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

NAYS—Houston.

Not voting—Edwards, Ford, Grace.

(President *pro tempore* in the chair).

Senator Patton entered a motion to reconsider the vote indefinitely postponing Senate bill No. 116.

The unfinished business, being House bill No. 414 (the tax bill), was taken up, Senator Homan's substitute for the thirtieth committee amendment pending.

The substitute was adopted by the following vote:

YEAS.

Brown,
Burnett,
Burton,
Duncan,
Guy,

Hobby,
Homan,
Houston,
Lair,

Patton,
Shannon,
Terrell,
Tilson—13.