

NAYS.

Edwards,
Ford,
Grace,
Lane,

Ledbetter,
Martin,
McCulloch
Moore,

Stewart,
Storey,
Swain--11.

On motion of Senator Storey, the vote just taken was reconsidered.

A message was received from the House announcing the passage by that body of Senate bill No. 182, entitled "An act amendatory of 'an act to prohibit the sale, exchange or gift of intoxicating liquors in any county, justice's precinct, city or town in this state that may so elect,' " etc.; and that the House insists upon its disagreement to Senate amendments to House bill No. 445, and that Messrs. McComb, Coleman, Daniel, Taylor of Fannin and Wurzbach are appointed as a conference committee on the part of the House.

Senator Lane called up Senate bill No. 182, just reported from the House, and moved that the House amendment to the bill be concurred in.

Carried by the following vote:

YEAS.

Brown,
Burnett,
Duncan,
Ford,
Gooch,
Grace,
Guy,

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

Moore,
Patton,
Shaannon,
Storey,
Swain,
Tilson--19.

NAYS.

Houston.

Stewart,
Not voting--Burton, Edwards, McCulloch.

Terrell--3.

On motion of Senator Grace, Senator Gooch was excused for the morning session.

A message was received from the House announcing the passage by that body of House bill No. 359, entitled "An act to authorize the governor, attorney general and superintendent of the penitentiary to contract for conveying convicts from place where sentenced to the penitentiary.

Senator Duncan moved the previous question on the pending substitute of Senator Homan for thirtieth committee amendment.

Motion seconded and main question ordered.

The substitute was adopted and the amendment of committee, as substituted, was adopted.

Senator Storey offered the following as an amendment to the thirty-first committee amendment:

Amend section 3, page 7, line twenty-six, by inserting after the word "car," the following, viz: "not owned by the railway company."

Adopted.

Committee amendment thirty-one, as amended, was then adopted.

The thirty-second committee amendment was then adopted.

The thirty-third committee amendment was adopted.

Senator Burnett moved to reconsider the vote adopting the sixth committee amendment.

Carried.

Senator Burnett offered the following amendment to said committee amendment:

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

Adopted and amendment, as amended, adopted.

Senator Swain offered the following amendment to the bill:

Page 3, line twenty-five, between the words "state warrants," insert "or county."

Adopted.

Senator Brown offered the following:

Strike out the word "from" and all that follows to and including the word "solicitor" in line fourteen, page 3.

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

Amend by striking out all of section 3 from and after the word "dollars," in line two, page, and substitute therefor, to wit: "From every commercial traveler, drummer, salesman or solicitor of trade, by sample or otherwise, an annual occupation tax of \$30, 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 or receive any orders in any county of this state, he shall exhibit to the collector of such county, the receipt of the comptroller for the state taxes as herein provided, and shall have paid the collector \$5 for the county."

Adopted by the following vote:

YEAS.

Burnett,
Edwards.
Ford,
Grace,
Hobby,
Homan,

Houston,
Lane,
Lair,
Ledbetter,
Martin,
Patton,

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

NAYS.

Brown,
Duncan,

McCulloch,
Moore,

Terrell—5.

Not voting—Burton, Guy.

The substitute of Senator Lane was then adopted as an amendment to the bill.

(President in the chair.)

The president, after reading their captions, signed the following bills: House bill No. 395, entitled "An act to limit the terms of the district court of Marion county."

Senate bill No. 153, entitled "An act to provide for the building of a new state capitol."

(President *pro tempore* in the chair.)

Senator Terrell offered the following amendment:

Amend on page 3, by adding after the word "solicitor" in line fourteen, these words, viz: "*Provided*, that nothing herein contained shall apply to any one soliciting subscriptions for religious, literary or historical books or maps."

Adopted by the following vote:

YEAS.

Duncan,
Ford,
Hobby,
Homan,
Lair,

Ledbetter,
Martin,
McCulloch,
Moore,
Patton,

Storey,
Swain,
Terrell,
Tilson—14.

NAYS.

Brown,
Burnett,
Edwards,

Grace,
Guy,
Houston,

Lane,
Stewart,
Shannon—9.

Not voting—Burton.

Senator Patton offered the following amendment:

In line nine, page 8, after the word "prescribe," add: "there shall also be collected as above provided from every person, firm or association of persons owning or running any railroad cars, steamboats or stage coaches in this state, one-quarter of a cent per mile for all their passenger travel, which amount they are hereby charged with the collection of from their passenger travel; and they are hereby authorized for this purpose to add one-quarter of a cent to their rate of charges for passenger travel fixed by law."

Adopted.

Senator Storey offered the following:

Amend section 3, page 8, by striking out all after the word "mill," line thirteen, down to the word "this," line fourteen, and insert "for every full-rate message and one-half that for every message less than a full-rate message sent."

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

For "one mill" substitute "ten cents" and for "one-half a mill" "five cents."

Lost by the following vote:

YEAS.

Hobby,

Lair,

Patton—3.

NAYS.

Brown,
Burnett,
Burton,
Edwards,
Ford,
Grace,
Guy,

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

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

Not voting—Duncan.

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

Strike out "mill" where it occurs and insert "cent" in lines thirteen and fourteen.

Adopted by the following vote:

YEAS.

Burnett,
Edwards,
Ford,
Guy,
Hobby,
Homan,

Houston,
Lane,
Lair,
Ledbetter,
Martin,

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

NAYS.

Brown,
Duncan,
Grace.

Moore,
Stewart,

Storey,
Terrell—7.

Not voting—Burton.

The substitute of Senator Swain was then adopted as an amendment to the bill.

Senator Storey offered the following amendment:

Add to the end of section 3 the following: "*Provided further*, that nothing herein contained shall authorize the levy or collection of any county or municipal tax upon any such chartered companies for messages sent."

Adopted.

Senator Terrell offered the following:

Amend by striking out on page 4 all between the words "in" in line one and "dollars" in line seven, inclusive, which imposes taxes on operators in a photographic or daguerrean gallery.

Lost.

(President in the chair.)

Senator Duncan offered the following:

Add after the word "for," line eighteen, page 5, the words "pleasure or."

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

Insert after the word "store," in line twenty, page 5, the following: "or upon which any money or thing of value is paid."

Adopted.

The substitute was then adopted as an amendment to the bill.

Senator Ledbetter offered the following:

Amend by adding to section 3 the following: "On each gas company manufacturing gas fifty dollars."

Adopted.

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

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. 153, "An act to provide for the erection of a new state capitol," and have presented the same to the governor for his approval this day at 11:55 o'clock A. M.

GRACE, Chairman.

A message was received from the House announcing the passage by that body of House bill No. 492, entitled "An act to provide for the sale of the alternate sections of land in organized counties, as surveyed by railroad companies and other works of internal improvements and set apart for the benefit of the common school fund, and to repeal all laws in conflict therewith."

Senator Edwards offered the following amendment:

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That article 4662 be and the same is so amended as to hereafter read as follows:

"Article 4662. There shall be levied and collected an annual direct *ad valorem* state tax of one-half of one per centum of the cash value thereof estimated in lawful currency of the United States, on all real property situated and all movable property owned in this state on the first day of January of each and every year, except so much thereof as may be exempted by the constitution and laws of this state, which cash value shall be estimated in lawful currency of the United States. There shall

also be levied on all the property described in this article, an *ad valorem* state tax of one-eighth of one per centum of the cash value thereof estimated and paid, as prescribed in this article, for the payment of interest on the public debt, and to provide a sinking fund to pay the principal thereof."

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

Lost.

Senator Swain moved a call of the Senate.

Call sustained.

Roll called; Senate full.

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

YEAS.

Brown,
Duncan,
Edwards,

Lane,
Ledbetter,
Martin,

Storey,
Terrell,
Tilson---9.

NAYS.

Burnett,
Burton,
Ford,
Grace,
Guy,

Hobby,
Homan,
Houston,
Lair,
McCulloch,

Moore,
Patton,
Stewart,
Shannon,
Swain---15.

Several senators gave notice of entering on the journals their reasons for their vote just given.

The undersigned senators presented the following as the reason for voting nay on the vote just given:

We vote no because the amendment proposes an additional and entirely unnecessary tax upon the people, and because we do not believe the proposition is made seriously, but as a thrust at the action of the majority of the Senate in refusing to destroy the free school system by reducing the appropriation necessary for its maintenance.

HOMAN,
GUY,
SHANNON,
PATTON.

The president, after reading its caption, signed substitute House bill No. 90, entitled "An act to amend title 29, chapter 8, article 1235, the Revised Civil Statutes," passed at the present session of the Legislature.

Senator Stewart offered the following amendment to the pending bill.

Amend by adding to line 12 on page 5 the following: "For every bill-poster in a town or city of more than ten thousand inhabitants, an annual tax of fifteen dollars."

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

Add to line twelve, page 5:

"From every person, firm or association of persons pursuing the occupation of posting up advertising bills or notices, tacking up advertising cards or notices of tin, wood or other material, painting or lettering words or pictures on fences or other places as a means of advertising, the sum of fifty dollars per annum, and each county in which the occupation may be pursued, an annual tax of five dollars."

"From every person or firm keeping a shooting gallery at which a fee is paid or demanded, an annual tax of twenty dollars in each county."

Senator Stewart withdrew his amendment.

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

Instead of "fifty dollars" insert "twenty dollars."

Accepted by Senator Edwards.

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

Strike out "twenty" where it occurs and insert "ten."

Lost, and the amendment of Senator Edwards, as amended, was adopted.

Senator Burnett offered the following:

Add to section 3: "From every person or firm selling or engaged in selling Spanish mules or ponies east of the Colorado river, ten dollars for each such mule or pony sold."

Senator Storey moved to lay the pending amendment on the table.

Carried.

Senator Edwards offered the following:

Add in line twenty-six, page 8, section 4, after the word "annual" in amendment of committee adopted, the word "state."

Adopted.

Also the following:

Strike out section 1, first line, and insert the following: "Section 1. Be it enacted by the Legislature of the State of Texas, That article 4662 of the Revised Civil Statutes," shall hereafter read as follows: "Article 4662."

Adopted.

Senator Homan offered the following:

Add to section 3, page 8 the following:

"*Provided further*, That the payment of the tax heretofore imposed by law shall not authorize any person or firm to pursue an occupation upon which a tax is imposed by this act, except on compliance with the provisions of this act, and such person or firm shall have credit on the amount of tax levied by this act for the amount already paid by him or them, or so much of the term paid for as shall not have expired at the time this act shall take effect."

Adopted.

Also the following:

Page 9, section 4, line eight, insert after the word "liquors" the following: "or for keeping any nine or ten-pin alley or billiard, bagatelle, pigeon-hole or Jenny Lind table, devil among the tailors, or anything of the kind used for profit."

Adopted.

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

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

Your committee on engrossed bills have examined and find correctly engrossed:

Senate bill No. 374, entitled "An act to amend article 97 of 'an act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas.'"

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, 1836."

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

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

Senate bill No 375, entitled "An act to amend article 4466 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed February 21, 1879."

Senate bill No. 372, entitled "An act to amend article 4761 of the Revised Civil Statutes of the State of Texas, adopted at the present session of the Legislature."

Senate bill No. 361, entitled "An act to amend the second section of an act entitled 'an act to regulate the respective duties of district and county attorneys,' approved August 21, 1876."

BROWN, *Chairman.*

The bill under consideration was passed to a third reading.

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

Carried by the following vote:

YEAS.

Brown,	Hobby,	Moore,
Burnett,	Homan,	Patton,
Burton,	Houston,	Stewart,
Duncan,	Lane,	Shannon,
Edwards,	Lair,	Storey,
Ford,	Ledbetter,	Swain,
Grace,	Martin,	Tilson---23.
Guy,	McCulloch,	

NAYS—None.

Not voting—Terrell.

Bill read third time.

Senator Edwards offered the following amendment:

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

Adopted by the following vote:

YEAS.

Brown,	Homan,	Moore,
Burnett,	Houston,	Patton,
Burton,	Lane,	Stewart,
Duncan,	Lair,	Shannon,
Edwards,	Ledbetter,	Storey,
Ford,	Martin,	Swain,
Guy,	McCulloch,	Tilson--22.
Hobby,		

NAYS—Grace.

Not voting—Terrell.

Senator Houston moved a call of the Senate.

Call sustained.

Roll called. Absent—Terrell.

The pending business went to the table.

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 the purpose, and to provide

for the efficient collection of the taxes to pay the principal and interest of such new bonds," was taken up.

The absent senator returning, the Senate was announced full, and the consideration of the pending bill, House bill No. 414 (the tax bill), was resumed and bill passed by the following vote:

YEAS.

Edwards,	Lane,	Patton,
Ford,	Lair,	Stewart,
Guy,	Ledbetter,	Shannon,
Hobby,	Martin,	Storey,
Homan,	Moore,	Swain—16.
Houston,		

NAYS.

Brown,	Duncan,	Terrell,
Burnett,	Grace,	Tilson—8.
Burton,	McCulloch,	

The consideration of House bill No. 459 $\frac{1}{2}$ was resumed.

Senator Duncan offered the following:

Add to section 5, "and provided no bonds issued under this act shall be sold at less than par; each bond sold shall be made to bear the lowest rate of interest that will give it a par value."

Adopted by the following vote:

YEAS.

Brown,	Homan,	Patton,
Burnett,	Houston,	Stewart,
Burton,	Lane,	Shannon,
Duncan,	Lair,	Storey,
Edwards,	Ledbetter,	Terrell,
Ford,	Martin,	Tilson—20.
Guy,	Moore,	

NAYS.

Grace,	McCulloch,	Swain—3.
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Not voting—Hobby.

Also the following:

After section 9 insert two new sections, numbered 10 and 11, and change section 10 to section 12. Said two new sections to read as follows:

"Section 10. That this act shall not be construed to repeal an act entitled 'an act to authorize counties, cities and towns to scale and fund their indebtedness, and for raising means to pay the same,' approved March 25, A. D. 1879," except in so far as said act may apply to bonds issued under an act entitled "an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvements," approved April 12, A. D. 1871, and to that extent it is hereby repealed.

Adopted by the following vote:

YEAS.

Brown,	Homan,	Patton,
Burnett,	Houston,	Shannon,
Burton,	Lane,	Storey,
Duncan,	Lair,	Swain,
Edwards,	Ledbetter,	Terrell,
Grace,	Martin,	Tilson—20.
Guy,	Moore,	

NAYS—McCulloch.

Not voting—Ford, Hobby, Stewart.

Senator Gooch offered the following amendment:

“Section 11. That the words ‘property taxpayers,’ as used in this act is meant persons owning property in the county, city or town where the election is held, who have paid the taxes due thereon levied against them during the last preceding year before that in which the election is held.”

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

YEAS.		
Brown,	Guy,	Ledbetter,
Burton,	Houston,	Storey,
Duncan,	Lane,	Terrell,
Edwards,	Lair,	Tilson—13.
Grace,		

NAYS.		
Burnett,	McCulloch,	Stewart,
Homan,	Moore,	Shannon,
Martin,	Patton,	Swain—9.

Not voting—Ford, Hobby.

A message was received from the House announcing the passage by that body of Senate bill No. 167, entitled “An act to amend an act creating the office of public weigher and regulating the appointments and defining the duties and liabilities thereof.”

Senator Patton offered the following amendment:

Strike out “property taxpayers” and insert therefor “qualified voters.”

Pending on adjournment.

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

AFTERNOON SESSION.

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

The absent members soon appearing, a quorum was announced and the Senate proceeded to business.

Senate bill No. 167 (the public weigher’s bill), reported from the House this morning with amendments, was taken up and referred to the committee on agricultural affairs.

On motion of Senator Edwards, the pending business was postponed five minutes and his resolution offered on yesterday to amend the rules was taken up.

Senator Homan moved a call of the Senate.

Call sustained.

Roll called. Absent—Terrell, Moore, Burton, Grace.

Pending business went to the table.

The consideration of House bill No. 459½ resumed.

The amendment of Senator Patton pending.

The amendment was lost by the following vote.

YEAS.		
Burnett,	Patton,	Swain—5.
Homan,	Shannon,	

NAYS.		
Brown,	Ford,	Hobby,
Duncan,	Gooch,	Houston,
Edwards,	Guy,	Lane,

Lair,	McCulloch,	Storey,
Ledbetter,	Moore,	Tilson--17.
Martin,	Stewart,	

Not voting—Burton, Grace, Terrell.

House bill No. 359, entitled "An act to authorize the governor, attorney general and superintendent of the penitentiary, to contract for conveying convicts from the places where sentenced to the penitentiary," was taken up and referred to the committee on penitentiary.

Senator Duncan offered the following amendment:

Insert in line nineteen, section 17, after the word "originated," the words "upon or."

Adopted by the following vote:

YEAS.		
Brown.	Guy.	Ledbetter.
Burnett.	Hobby.	McCulloch,
Duncan.	Homan,	Moore,
Edwards,	Houston,	Storey,
Gooch,	Lane,	Swain,
Grace,	Lair,	Tilson--18.
NAYS.		
Patton,	Stewart,	Shannon--5.

Not voting—Burton, Ford, Martin, Terrell.

The bill then passed by the following vote:

YEAS.		
Brown,	Hobby,	Moore.
Duncan,	Houston.	Stewart,
Edwards,	Lane,	Storey,
Gooch.	Lair,	Swain,
Grace,	Ledbetter,	Tilson--17.
Guy.	McCulloch.	
NAYS.		
Burnett,	Martin,	Shannon--5.
Homan,	Patton,	

Not voting—Burton, Ford, Terrell.

Senator Swain called up 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."

The substitute reported by the committee was adopted and bill passed to a third reading.

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

Carried by the following vote:

YEAS.		
Brown,	Homan,	Moore,
Burnett.	Houston,	Patton.
Edwards.	Lane,	Stewart.
Gooch,	Lair,	Shannon,
Grace.	Ledbetter.	Storey.
Guy,	Martin.	Swain,
Hobby,	McCulloch,	Tilson - 21.
NAYS—none.		

Not voting—Burton, Duncan, Ford, Terrell.

Bill read third time and passed by the following vote:

YEAS.

Brown,
Burnett,
Edwards,
Ford,
Gooch,
Grace,
Guy,
Hobby,

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

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

NAYS--none.

Not voting--Burton, Duncan, Terrell.

A message was received from the House announcing the passage by that body of Senate bill No. 209, entitled "An act for the relief of Joseph Fenner," and that the House refuses to concur in Senate amendments to House bill No. 412 (the deficiency bill), asks for a conference committee and appoints Messrs. Coleman, Wurzbach, Taylor, Daniel and McComb as such committee on the part of the House."

On motion of Senator Shannon, the Senate refused to recede from its amendments to said bill.

Senators Shannon, Storey, Lane, Edwards and Stewart were appointed as such committee on the part of the Senate.

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

Senator Burnett offered the following amendment:

Page 3, line seven, after the word "filled" add the following: "and except the name of the political party whose candidates are on the ticket."

Adopted by the following vote:

YEAS.

Brown,
Burnett,
Edwards,
Ford,
Gooch,

Guy,
Hobby,
Homan,
Lane,
Ledbetter,

Martin,
McCulloch,
Patton,
Shannon,
Swain--15.

NAYS.

Duncan,
Grace,
Houston,

Lair,
Moore,
Stewart,

Storey,
Terrell,
Tilson--9.

Not voting--Burton.

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

Senate bill No. 79, entitled "An act to validate certain acts of notaries public who have used seals with the word 'Texas' engraved between the points of the star thereon, instead of around the margin thereof."

Senate joint resolution No. 263, "Relating to medals for Texas veterans."

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. 363, entitled "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"

Senator Shannon offered the following amendment:

Strike out all between the word "years," in fourth line, and the word "provided," in seventh and eighth line, page 3.

Pending on adjournment.

(Senator Edwards in the chair.)

A message was received from the House announcing the passage by that body of Senate joint resolution No. 257, "granting leave of absence to Hon. B. T. Estes, judge of the fifth judicial district of Texas," and Senate bill No. 212, "granting to Mrs. Florence Whitis the right to make a change in Laurel street, in the city of Austin."

House bill No. 492, reported from the House to-day, was taken up and referred to committee on public lands.

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

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, April 15, 1879. }

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

I respectfully call your attention to the following facts: There is a suit of very great importance to the state now pending and being carried on in the federal court at Austin, and now requiring attention for its defense relating to a claim founded upon the Mercer colony contract brought and prosecuted against the commissioner of the general land office, concerning which I herewith refer to you the letter of the attorney, showing that the necessity of giving it serious consideration is urgent and immediate, which necessity in part has arisen within the last few days.

There are now pending in the district a number of suits for very large amounts of land, perhaps over a half a million of acres, situated in the southwestern part of the state, under claims of title from the State of Tamaulipas, authorized to be brought against the state.

There are numerous suits pending and to be brought in Travis and other counties in favor of the state, on tax collectors' bonds and on other bonds, and prosecutions in land fraud cases that require a great deal of professional labor. There are also suits pending and to be brought for the state in other counties, and investigations to be made, and evidence hunted up and taken in all of the suits for the state, whether brought in the county of Travis or in other counties. There is no appropriation for the payment of expenses for witnesses or for taking depositions in any of these numerous judicial proceedings, which may often be found very necessary to prosecute or defend the interests of the state.

In addition to this, there is not sufficient force at the command of the attorney general or of the governor to have these important suits attended to in Travis and other counties. In consequence of this, private attorneys have been engaged and have rendered good service for the state. The cost of this private service in the last two years has been perhaps not less than ten thousand dollars. To show that the professional force is not sufficient, it may be stated that the attorney general is almost continually employed in his office in giving opinions and instructions to the officers of the state and other necessary and indispensable duties. The assistant attorney general is constantly employed in the court of appeals and in the supreme court for nine months in the year representing the state in said courts.

It would greatly promote the efficiency and diminish the expense to the state of this department by increasing the force in a way to make it permanent as long as the present emergency may continue. It will cost

less and get more varied service to have an officer appointed by the governor or elected by the Legislature, to hold for two years, with a competent salary to act as general fiscal agent and attorney for the state whenever required in any and all of the courts of the state, under the direction of the attorney general and governor.

I respectfully recommend this to be done, and that an appropriation be made to carry out the purposes above indicated.

O. M. ROBERTS, *Governor.*

ATTORNEY GENERAL'S OFFICE, }
AUSTIN, April 14, 1879. }

Hon. O. M. Roberts, Governor of Texas:

SIR—I desire to call your attention, and through you to the attention of the Legislature, if you deem the matter of sufficient importance, the following matter, viz: A suit is now pending in the circuit court of the United States for this judicial district, instituted by George Hancock, of Kentucky, to enforce an alleged contract entered into between Sam Houston, as president of the Republic of Texas, with Charles F. Mercer, in which it is sought to restrain the commissioner of the general land office from hereafter patenting lands in the territory known as comprising the Mercer colony, and to require the commissioner to issue land certificates for about one million acres of the public lands of the state. This suit has been on the docket of said court for several years, but Hancock having departed this life, it is now sought to be revived by his representative, General Preston.

The first information this office had of this claim was through the counsel of General Preston, a few days ago, and on Saturday last by subpoena served upon the commissioner.

From the hasty examination I have been able to make of the matter I feel disinclined to enter alone upon its defense, and considering the vast interest involved, not alone as to the value of property when considered in dollars and cents, but also the important principles which the case must call in question, i. e. the power of the federal judiciary to control the official action of the head of the executive department of this government, induces me to call this matter to your serious attention.

While I have no fears of the ultimate result of this litigation, should the case be properly presented, yet I feel it my duty to say that no appropriation has been made to defend this claim, nothing to take depositions or to prepare the case for trial on the facts. Again, in this connection I desire to call your attention to the fact that under the law there is nothing requiring this office to defend claims of this kind. The duties of the attorney general as prescribed by law and defined by the constitution do not require him to represent the state in the federal courts. If it should be considered that the attorney general should defend this suit, then it may well be said that he should follow it to the supreme court at Washington, or, if the suit had been filed at Galveston or Brownsville, that he should attend the courts there.

I therefore respectfully insist that owing to the vast amount of labor required of this office it is utterly impossible to give the matter the attention its importance demands. Therefore I earnestly recommend that some action be taken looking to a vigorous defense of this suit by private counsel.

I am, sir, very respectfully, etc.,

GEO. McCORMICK, *Attorney General.*

On motion of Senator Ledbetter, the message was referred to the committee on state affairs.

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

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

Your committee on engrossed bills have examined Senate bill No. 389, 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 to carry into effect sections 22 and 23, article 16 of the constitution of the State of Texas authorizing the passage of stock and fence laws,' approved August 15, 1876, passed at the present session of the Legislature," and find it correctly engrossed.

BROWN, *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 the following Senate bills:

No. 79, "An act to validate certain acts of notaries public who have used seals with the word 'Texas' engraved between the points of the star thereon instead of around the margin thereof;"

No. 363, "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;"

No. 273, "An act to amend section 5, article 16, title 4 of an act entitled an act to adopt and establish the Revised Civil Statutes of the State of Texas," approved February, 1879;

Senate joint resolution No. 263, "Joint resolution relating to medals for Texas veterans;"

And have presented the same to the governor for his signature this day at 3:50 o'clock P. M.

GRACE, *Chairman.*

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

EIGHTIETH DAY.

SENATE CHAMBER,

AUSTIN, TEXAS, April 16, 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 Swain, chairman of committee on penitentiary, submitted the following report:

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

Your committee on penitentiary, to whom was referred House bill No. 359, "An act to authorize the governor, attorney general and superintendent of the penitentiary to contract for conveying convicts from the places where sentenced to the penitentiary," have considered the same,

and a majority of said committee instruct me to report the bill to the Senate and recommend its passage. SWAIN, *Chairman.*

Senator Tilson introduced a bill entitled "An act regulating contracts for labor, and affixing a penalty for a violation thereof."

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

The resolution of Senator Lane, with regard to the election of a president *pro tempore*, was taken up.

On motion of Senator Stewart, the resolution was postponed until next Saturday, at 10 o'clock A. M.

Substitute for Senate bill No. 12, entitled "An act to regulate railroad companies," was taken up, with House substitute for same.

House substitute adopted.

On motion of Senator Terrell, 50 copies of House substitute were ordered printed, and bill made the special order for to-morrow, at 10 o'clock A. M.

Senator Swain called up Senate bill No. 382, entitled "An act to change and define the times of holding the district courts in the fifth judicial district of the State of Texas," which was read a second time and ordered engrossed.

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

YEAS.

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

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

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

NAYS—none.

Not voting—Grace, Martin.

Bill read third time and passed by the following vote:

YEAS.

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

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

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

NAYS—none.

Not voting—Ford.

A message was received from the House announcing the passage of Senate bill No. 93, entitled "An act to provide for transcribing county records in certain cases."

Senate bill No. 113, entitled "An act for the preservation of fish, and to build fish-ways and fish-ladders," with amendments.

Senate bill No. 204, entitled "An act requiring persons enclosing public free school lands to pay an annual rent therefor," with amendments.

On motion of Senator Lane, Senate rule No. 36 was suspended and Senate bill No. 204, just reported from the House, was taken up and House amendments concurred in.

Senator Hobby (by leave) offered the following resolution:

Resolved, That rule 36 of the Senate be rescinded.

Senator Hobby moved that rule 67 of the Senate (requiring a four-fifths vote to suspend, etc.) be suspended, and the resolution be acted on at once.

Carried.

Senator Brown offered the following:

Insert after "commitment," "and when so committed."

Lost.

The resolution of Senator Hobby was adopted.

Senator Shannon (by leave) presented a petition from the grand jury of Jack county "Asking the Legislature to enact a law to protect county finances, stating the collector of taxes collects the taxes in money and through friends buys scrip at greatly reduced rates, and pays it in the county treasury at par in lieu of the money collected, by this means depreciating county scrip and embarrassing the county finances; that there is no law requiring the collector to turn over the money he collects," etc.

Referred to committee on finance.

On motion of Senator Stewart, Senator Patton was excused for the morning session.

Senate bill No. 113, "Protecting fish," etc., with amendments, reported from the House this morning, was taken up.

On motion of Senator Terrell, House amendments were concurred in.

House bill No. 338, "An act to amend section 21 of 'an act regulating the duties of tax collectors in reference to the seizure and sale of property of delinquent taxpayers and to define the further duties, powers, qualifications and liabilities of collectors of taxes, and to regulate their compensation,'" etc., was taken up with a motion pending to reconsider the vote adopting adverse report of committee.

The motion to reconsider was adopted and bill postponed until the evening session.

Senator Stewart called up Senate bill No. 330, entitled "An act to protect lands lying on or near county boundaries from double assessments."

Senator Terrell offered the following amendment:

Strike out the words "or near."

Adopted and bill ordered engrossed.

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

Carried by the following vote:

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

YEAS.

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

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

NAYS—none.

Not voting—Buchanan, Burton, Ford, Grace.

Bill read third time and passed by the following vote:

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

YEAS.
Hobby,
Homan,
Houston,
Lair,
Ledbetter,
Martin,
McCulloch,
Moore,

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

NAYS--none.

Not voting—Buchanan, Burton, Lane.

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

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, April 16, 1879.

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

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

A. T. McKinney to be district attorney of the fourth judicial district of the State of Texas.

Respectfully,

O. M. ROBERTS, *Governor.*

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, April 16, 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:

T. H. Mosley, J. M. Smith, Archer county.

J. M. Cox, Gonzales county.

W. F. Christee, McLennan county.

W. E. Doyle, Limestone county.

Oscar Starcke, Guadalupe county.

A. L. Brigance, Robertson county.

J. M. Rogers, Jack county.

J. E. Carpenter, Victoria county.

B. H. Powell, Grimes county.

J. H. Brownlee, Waller county.

Wm. N. McKarney, Wheeler county.

C. C. Mills, Throckmorton county.

A. Tacket, Baylor county.

Thomas P. Martin, Marion county.

James H. Parks, Donley county.

Wm. H. Roberts, Jr., Coryell county.

N. A. Mize, San Jacinto county.

T. A. Brown, Harrison county.

William J. Robinson, Nueces county.

E. R. Thomas, Austin county.

Respectfully,

O. M. ROBERTS, *Governor.*

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, April 16, 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:

A. C. Lenert, of Fayette county, in place of C. W. Meyer, declined.
James D. Sheeks, of Travis county, instead of James D. Sheek.

Benj. H. Denton, of Lamar county, in place of Wm. F. Gill, resigned.

A. J. Chambers, of Tarrant county, in place of R. W. Tannahill, declined.

J. C. Key, of Navarro county, in place of James Robinson, declined.

H. G. Damon, of Navarro county, in place of J. M. Doden, declined.

W. J. Crosby, of Cherokee county, in place of Asa Brown, deceased.

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

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, April 16, 1879.

To the honorable Senate of the State of Texas:

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

E. H. Foreman, Navarro county.

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

Senator Burnett moved that the Senate go into executive session to consider the appointments just sent to the Senate by his excellency the governor, on to-morrow, just after morning call.

Carried.

(President *pro tempore* in the chair.)

The unfinished business being House bill No. 78, entitled "An act to amend section 16 of 'an act regulating elections,'" approved August 23, 1876, was taken up with the amendment of Senator Shannon pending.

Senator Homan moved the previous question on the pending amendment.

Motion not seconded.

Senator Terrell moved a call of the House.

Call sustained.

Roll called. Absent—Buchanan, Burton.

Pending business went to the table.

Senate joint resolution No. 9, "amending section 11 of article 1 of the constitution," was taken up on motion of Senator Brown to reconsider the vote by which the resolution was lost, which was pending.

The motion to reconsider carried by the following vote:

YEAS.

Brown,
Burnett.
Duncan.
Edwards.
Ford,
Goch.
Grace.
Guy.

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

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

NAY—Terrell.

Not voting—Buchanan, Burton.

Senator Stewart moved a call of the Senate.

Call sustained.

Roll called. Absent—Senator Burton.

Pending business went to the table.

The Senate was announced full and the consideration of Senate bill No. 78 was resumed.

The pending amendment of Senator Shannon was lost by the following vote:

YEAS.		
Burnett, Burton, Hobby,	Homan, Martin,	Ripetoe, Shannon---7.
NAYS.		
Brown, Buchanan, Duncan, Edwards, Ford, Goch, Grace,	Guy, Houston, Lane, Lair, Ledbetter, McCulloch,	Moore, Stewart, Storey, Swain, Terrell, Tilson-- 19.

Senator Swain offered the following amendment:

In line seventeen, after the word "dollars," add "and if the name of any candidate shall be printed and voted on any party ticket other than that printed for the party to which the candidate so voted for belongs, such vote shall be deemed fraudulent and shall not be considered in the count."

Lost.

Senator Terrell offered the following:

Amend by inserting after "filled" in line seven: "The said paper shall be selected and the form and shape of each ticket prescribed by the county commissioners' court, and paid for by the county; and upon it shall be printed (if possible) the names of candidates in type of uniform character, or if not printed, the names of the candidates may be written on said tickets, and the voter shall in all cases be instructed by the judges holding the election of the name of each candidate whose name is upon his ticket when he desires it."

Senator Homan offered the following substitute for pending amendment:

Add to section 2: "*Provided*, That all election tickets shall be in the exact shape of a five-pointed star, and any person voting a star with more than five points shall be deemed guilty of a felony, and on conviction shall be punished by confinement in the penitentiary not less than five nor more than fifty years."

Senator Stewart moved to lay the substitute on the table.

Carried.

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

"And all tickets shall not exceed four inches in width and shall be long enough to embrace all the names desired to be printed thereon, and shall be delivered at least ten days before the election to the candidate desiring them."

Accepted by Senator Terrell.

(Senator Duncan in the chair.)

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

Senate bill No. 274, entitled "An act to amend articles 130 and 132 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed at the present session of the Legislature."

Substitute for House bill No. 463, entitled "An act to amend the charter of the city of Dallas."

April 16, 1879.

House bill No. 501, entitled "An act to amend article 1333 of the Revised Civil Statutes of the State of Texas," passed at the present session of the Legislature."

(President in the chair.)

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

Senate bill No. 209, entitled "An act for the relief of Joseph Fenner."

Senate joint resolution No. 257, "granting leave of absence to Hon. B. T. Estes, judge of the fifth judicial district of Texas."

Senator Terrell moved the previous question on the pending amendments to bill under consideration.

Motion seconded and main question ordered.

The pending amendment of Senator Terrell, as amended by the amendment of Senator Swain, was lost by the following vote:

YEAS.

Brown,
Duncan,
Grace,

Lane,
Lair,
McCulloch

Swain,
Terrell--8.

NAYS.

Burnett,
Barton,
Edwards,
Ford,
Gooch,

Guy,
Homan,
Houston,
Ledbetter,
Martin,

Moore,
Ripetoe,
Stewart,
Storey,
Tilson--15.

Not voting—Buchanan, Hobby, Shannon.

Senator Burton offered the following:

Amend page 3, line five, after the word "printed," by striking out all down to line twelve.

Lost by the following vote:

YEAS.

Burnett,
Burton,

Homan,
Ripetoe,

Swain--5.

NAYS.

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

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

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

Not voting—Buchanan.

Senator Houston offered the following:

Amend page 3, lines five and six: Strike out the words "rule" and "mark," and transpose the word "or" so as to read "or stamp."

Adopted by the following vote:

YEAS.

Burnett,
Burton,
Edwards,
Ford,
Gooch,

Hobby,
Homan,
Houston,
Lane,
Martin,

Ripetoe,
Stewart,
Shannon,
Storey--14.

NAYS.

Brown,
Duncan,
Grace,
Guy,

Lair,
Ledbetter,
Moore,

Swain,
Terrell,
Tilson--10.

Not voting—Buchanan, McCulloch.

Bill passed to a third reading by the following vote:

YEAS.		
Duncan, Edwards, Gooch, Grace, Guy,	Homan, Houston, Lane, Lair, Ledbetter,	McCulloch, Moore, Stewart, Storey---14.
NAYS.		
Brown, Burnett, Burton, Ford,	Hobby, Martin, Ripetoe, Shannon,	Swain, Terrell, Tilson--11.

Not voting—Buchanan.

Senator Homan gave the following as his reason for voting aye on the vote just cast:

“I vote aye in order to move a reconsideration.”

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

Lost by the following vote:

YEAS.		
Duncan, Edwards, Gooch, Grace,	Houston, Lane, Ledbetter,	Moore, Stewart, Storey---10.
NAYS.		
Brown, Burnett, Burton, Ford, Guy,	Hobby, Homan, Lair, Martin, McCulloch,	Ripetoe, Shannon, Swain, Terrell, Tilson--15.

Not voting—Buchanan.

The motion to reconsider the vote passing the pending bill to the third reading was carried by the following vote:

YEAS.		
Brown, Burnett, Burton, Ford, Gooch, Hobby,	Homan, Lair, Martin, McCulloch, Moore,	Ripetoe, Shannon, Swain, Terrell, Tilson--16.
NAYS.		
Duncan, Edwards, Grace,	Guy, Houston, Lane,	Ledbetter, Stewart, Storey--9.

Not voting—Buchanan.

Senator Terrell moved to reconsider the vote by which the amendment of Senator Houston was adopted.

Senator Homan moved to lay Senator Terrell's motion to reconsider on the table.

Lost by the following vote:

YEAS.		
Burnett, Burton, Duncan, Ford,	Hobby, Homan, Houston, Martin,	McCulloch, Ripetoe, Shannon, Swain--12.

NAYS.

Brown,
Edwards,
Gooch,
Grace,
Guy,

Lane,
Lair,
Ledbetter,
Moore,

Stewart,
Storey,
Terrell,
Tilson—13.

Not voting—Buchanan.

The motion of Senator Terrell, to reconsider the vote adopting the amendment of Senator Houston, was adopted by the following vote:

YEAS.

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

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

Stewart,
Storey,
Swain,
Terrell,
Tilson—17.

NAYS.

Burnett,
Burton,
Edwards,

Ford,
Homan,
Houston,

Martin,
Ripetoe,
Shannon—9.

Senator Shannon moved the indefinite postponement of the bill and pending amendments.

Senator Storey offered an amendment to the amendment of Senator Houston:

Amend Senator Houston's amendment by striking out the word "mark."
Adopted.

Senator Shannon's motion to indefinitely postpone the bill was lost by the following vote:

YEAS.

Burnett,
Burton,
Ford,
Hobby,

Homan,
Martin,
Ripetoe,

Shannon,
Storey,
Swain—10.

NAYS.

Brown,
Buchanan,
Duncan,
Edwards,
Gooch,
Grace.

Guy,
Houston,
Lane,
Lair,
Ledbetter.

McCulloch,
Moore,
Stewart,
Terrell,
Tilson—16.

Senator Lane offered the following as an amendment to the amendment of Senator Houston:

Amend by inserting the following between the words "filled" and "provided" on eighth line of page 3, to wit:

"*Provided*, such ballots may be written or printed on plain white foolscap, legal cap or letter paper."

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

Motion seconded and main question ordered.

The amendment of Senator Lane to the amendment of Senator Houston was adopted.

The amendment of Senator Houston as amended was then adopted by the following vote:

YEAS.

Buchanan,
Burnett,

Burton,
Edwards,

Ford,
Grace,

Hobby,
Homan,
Houston,
Lane,

Lair,
Moore,
Ripetoe,

Stewart,
Shannon,
Storey—16.

NAYS.

Brown,
Duncan,
Gooch,

Guy,
Ledbetter,
McCulloch,

Swain,
Terrell,
Tilson—9.

Not voting—Martin.

Bill passed to a third reading by the following vote:

YEAS.

Brown,
Buchanan,
Duncan,
Edwards,
Gooch,
Grace,

Guy,
Houston,
Lane,
Lair,
Ledbetter,
McCulloch,

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

NAYS.

Burnett,
Burton,
Ford,

Hobby,
Homan,
Martin,

Ripetoe,
Shannon,
Swain—9.

A message was received from the House announcing the passage of Senate bill No. 130, entitled "An act to make an appropriation for the support of the state government for the years beginning March 1, 1879, and ending February 28, 1881," with amendments.

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."

Substitute for House bill No. 463, reported from the House this morning, was referred to the committee on state affairs.

House bill No. 501, just reported from the House, was referred to judiciary committee No. 2.

House substitute for Senate bill No. 130 (the general appropriation bill) was referred to committee on finance.

House bill No. 359, entitled "An act to authorize the governor, attorney general and superintendent of the penitentiary to contract for conveying convicts from the places where sentenced to the penitentiary," was taken up and read first time.

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 the following Senate bills:

No. 209, "An act for the relief of Joseph Fenner."

No. 257, "Joint resolution granting leave of absence to Hon. B. T. Estes, judge of the fifth judicial district of Texas," and have presented the same to the governor for his signature this day at 11:20 o'clock A. M.

GRACE, *Chairman.*

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

AFTERNOON SESSION.

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

A message was received from the House announcing the passage by that body of Senate bill No. 239, entitled "An act prescribing the times of holding the courts in the twenty-second judicial district, with amendments," and that the House concurs in Senate amendments to House bill 459½, "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. 94, entitled "An act to create a lien in favor of proprietors of livery or other public stables and to provide for the manner in which the same may be enforced," was taken up, read third time and passed.

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

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

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

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

Your committee on state affairs, to whom was referred Senate joint resolution No. 378, "granting leave of absence from the state to W. B. Wall, county judge of Houston county, for sixty days," have duly considered said resolution, and respectfully return the same with the accompanying substitute and recommend that the substitute do pass.

EDWARDS, *for Committee.*

The substitute, just reported, was taken up and read first time.

Senator Edwards introduced a bill entitled "An act to amend article 1135, chapter 1, title 28 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed February 21, 1879."

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

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

Senate bill No. 224, entitled "An act to amend article 539, of section 2, of an act entitled 'an act to adopt and establish a Penal Code and Code of Criminal Procedure of the State of Texas,'" was taken up and read third time.

Senator Ledbetter moved a call of the Senate.

Call sustained.

Roll called. Absent—Burton, Terrell, Grace.

Pending business went to the table.

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

Senator Edwards moved a call of the Senate.

Call sustained.

Roll called. Absent—Burton, Grace, Terrell.

Pending business went to the table.

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

(Senator Stewart in the chair.)

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

Carried by the following vote:

YEAS.

Brown.	Homan,	Patton,
Burnett.	Houston,	Ripetoe.
Edwards,	Lane,	Stewart,
Ford,	Lair,	Shannon,
Gooch,	Ledbetter,	Storey,
Guy,	Martin,	Swain,
Hobby,	Moore,	Tilson---21.

NAYS—none.

Not voting—Buchanan, Burton, Duncan, Grace, McCulloch, Terrell.
Bill read third time and passed by the following vote:

YEAS.

Brown.	Homan.	Patton,
Burnett,	Houston,	Ripetoe,
Edwards,	Lane,	Stewart,
Ford,	Lair,	Shannon,
Gooch,	Ledbetter,	Storey,
Guy,	Martin,	Swain,
Hobby,	Moore,	Tilson—21.

NAYS—none.

Not voting—Buchanan, Burton, Duncan, Grace, McCulloch, Terrell.

On motion of Senator Edwards, the call of the Senate was suspended and the consideration of Senate bill No. 233 resumed.

The bill was then passed.

Senate bill No. 361, entitled "An act to amend the second section of an act entitled 'an act to regulate the respective duties of district and county attorneys,' approved August 21, 1876," was taken up, read third time, and on motion of Senator Gooch, was postponed until tomorrow.

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 third time.

The Senate was announced full, and the consideration of Senate bill No. 224 was resumed.

Bill passed by the following vote:

YEAS.

Brown,	Homan,	Moore,
Buchanan,	Houston,	Patton,
Duncan,	Lair,	Terrell,
Gooch,	Martin,	Tilson—14.
Hobby,	McCulloch,	

YEAS.

Burnett,
Burton,
Edwards,
Ford,
Grace,

Guy,
Lane,
Ledbetter,
Ripetoe,

Stewart,
Shannon,
Storey,
Swain---13.

The consideration of Senate joint resolution No. 367 was resumed.

Senator Ledbetter offered the following amendment:

Amend by striking out all after "qualified," in line nine.

Lost by the following vote:

YEAS.

Brown,
Buchanan,
Burton,
Edwards.

Ford,
Guy,
Ledbetter,
Patton,

Ripetoe,
Storey,
Swain,
Tilson---12.

NAYS.

Burnett,
Gooch,
Grace,
Hobby.

Homan,
Houston,
Lair,
Martin.

McCulloch,
Moore,
Stewart,
Shannon---12.

Not voting--Duncan, Lane, Terrell.

The resolution was then lost by the following vote (it taking two-thirds to adopt):

YEAS.

Brown,
Burnett,
Edwards,
Ford,
Gooch,

Guy,
Hobby,
Homan,
Houston,
Lair,

McCulloch,
Patton,
Stewart,
Shannon---14.

NAYS.

Burton,
Grace,
Ledbetter,
Martin,

Moore,
Ripetoe,
Storey.

Swain,
Terrell,
Tilson---10.

Not voting--Buchanan, Duncan, Lane.

Senator Storey introduced a bill entitled "An act to amend title 53, chapter 2 of the Revised Civil Statutes of the State of Texas, adopted at the present session of the Legislature, by adding article 2942a."

Read by caption and referred to committee on finance.

The president, after publicly reading their captions, signed Senate bill No. 182, entitled "An act amendatory of 'an act to prohibit the sale, exchange or gift of intoxicating liquors in any county, justice's precinct, city or town in this state that may so elect, prescribing the mode of election and affixing a punishment for its violation,' approved June 24, 1876;"

Senate bill No. 204, entitled "An act to require persons enclosing public free school lands to pay an annual rent therefor;"

Senate bill No. 113, entitled "An act for the preservation of fish, and to build fish ways and fish ladders;"

Senate bill No. 274, entitled "An act to amend articles 130 and 132 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed at the present session of the Legislature."

Senator Edwards, 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. 384, to be entitled "An act to amend article 1135, chapter 1, title 28 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed February 21, 1879," have given the same due consideration, and I am instructed to report it back to the Senate and recommend that it do pass.

EDWARDS, *for Committee.*

The bill just reported was read first time.

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

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

Your finance committee, to whom was referred Senate bill No., "An act to amend article 53, chapter 2 of the Revised Civil Statutes of the State of Texas, adopted at the present session of the Legislature, by adding article 2942a," and I am instructed by the committee to report the bill back to the Senate with the recommendation that the same do pass.

STOREY, *Chairman.*

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

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

Carried by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Edwards,
Ford,
Gooch,
Grace,
Guy,

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

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

NAYS—none.

Not voting—Burton, Lane, Tilson.

Bill read second time.

Senator Terrell offered the following amendment:

Amend by inserting the word "final" before "judgment."

Adopted and bill ordered engrossed.

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

YEAS.

Brown,
Buchanan,
Burnett,
Edwards,
Ford,
Gooch,
Guy,

Hobby,
Homan,
Lair,
Ledbetter,
Martin,
McCulloch,
Moore.

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

NAYS—none.

Not voting—Burton, Grace, Houston, Lane, Tilson.

Bill read third time and passed.

Senate joint resolution No. 74, "proposing an amendment to the constitution of the State of Texas," was taken up.

(President in the chair.)

Senator Homan moved a call of the Senate.

Call sustained.

Roll called. Absent—Duncan, Lane, McCulloch, Tilson.

On motion of Senator Stewart the call was suspended.

Senator Terrell moved a call of the Senate.

Call sustained.

Roll called. Absent—Duncan, Lane, McCulloch.

The pending business went to the table.

On motion of Senator Houston, the Senate concurred in House amendments to Senate bill No. 289, entitled "An act prescribing the times of holding the courts in the twenty-second judicial district of the State."

On motion of Senator Homan, Senator Duncan was excused for the evening on account of sickness.

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

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

Your committee on enrolled bills have carefully examined and compared and find correctly enrolled and properly signed the following Senate bills:

No. 118—An act for the preservation of fish, and to build fish ways and fish ladders;

No. 274—An act to amend articles 130 and 132 of an act entitled "an act to adopt and establish the Revised Civil Statutes of the State of Texas," passed at the present session of the Legislature;

No. 182—An act amendatory of an act entitled "an act to prohibit the sale, exchange or gift of intoxicating liquors in any county, justices' precinct, city or town in this state that may so elect, prescribing the mode of election and affixing a punishment for its violation," approved June 24, 1876;

No. 204—An act to require persons enclosing public free school lands to pay an annual rent therefor, and have presented the same to the governor for his signature this day at 4:15 o'clock P. M.

GRACE, *Chairman.*

The Senate was announced full and the consideration of Senate joint resolution No. 74 was resumed, and resolution lost by the following vote (its taking a two-thirds vote to adopt):

YEAS.

Brown,
Buchanan,
Duncan,
Edwards,
Ford,
Guy,

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

McCulloch,
Storey,
Swain,
Terrell,
Tilson--17.

NAYS.

Burnett,
Burton,
Gooch,
Grace,

Homan,
Moore,
Patton,

Ripetoe,
Stewart,
Shannon--10.

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

EIGHTY-FIRST DAY.

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

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

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

On motion of Senator Homan, Senator Gooch was indefinitely excused on account of sickness in his family.

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

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

Your committee on state affairs, to whom was referred the message of his excellency the governor, bearing date April 15, 1879, have considered the recommendations therein contained, and I am instructed to report the accompanying bill, intended to carry out said recommendations, and to recommend that it do pass.

Houston, *Chairman.*

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

Your committee on state affairs, to whom was referred substitute House bill No. 433, entitled "An act to amend the charter of the city of Dallas," have considered the same and find that due notice of same by publication has been given. Your committee find some clerical errors in said bill, to correct which they submit the following amendments. In section 1, line two, first page, strike out "90" and insert "99;" on page 2, section 90, strike out "90" and insert "99;" also in line thirteen, page 3, strike out "inclusive" and insert "exclusive," and your committee instruct me to recommend that said bill, as so amended, do pass.

Houston, *Chairman.*

A message was received from the House announcing the passage by that body of substitute for House bill No. 438, entitled "An act to authorize Messrs. Cunningham & Ellis, lessees of the state penitentiary, to sue the state.

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

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

Your committee on private land claims, to whom was referred "Memorial of the heirs of John D. Groesbeck, deceased," asking that the commissioner of the general land office be required to issue to them a certificate to the amount of certain locations which they allege were wrongfully made on a league and labor of land granted to Salvador Castillo, from the government of Mexico, and transferred by regular chain down to said Groesbeck, deceased, have had the same under consideration, and find what your committee suppose to be the said grant, but which being in the Spanish language, your committee are unable to translate. They find a regular chain of title from said Castillo to said Groesbeck, but find no notice of this application filed among said papers, nor any evidence that said notice has been given as required. A majority, therefore, of your committee instruct me to report said memorial back with the recommendation that the prayer of said memorialists be not granted.

Guy, *Chairman.*

On motion of Senator Houston, Senate bill No. 386, entitled "An act to better provide for the prosecution and defense of all actions by or against the state," was taken up and read first time.

On motion of Senator Houston, Senator Terrell was excused for the day on account of illness.

House substitute for Senate bill No. 12 (to amend article 4257 of the Revised Civil Statutes), was taken up.

Senator Tilson moved to postpone the bill until to-morrow.

Senator Tilson withdrew his motion to postpone.

Senator Brown renewed the motion to postpone the pending bill until to-morrow.

Lost.

Senator Brown offered the following amendment:

Strike out "fifty cents," in line two, and insert "37½ cents."

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

Motion seconded and main question ordered.

Senator Brown made the point of order that the previous question was moved before his amendment was read and was therefore out of order.

Point sustained.

The amendment of Senator Brown was then read.

Senator Lair again moved the previous question on the pending bill and amendment.

Motion seconded and main question ordered.

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

	YEAS.	
Brown,	Duncan,	Swain—3.
	NAYS.	
Buchanan,	Hobby,	Moore.
Burnett,	Homan,	Patton.
Barton,	Houston.	Ripetoe.
Edwards,	Lair.	Stewart.
Ford,	Ledbetter,	Shannon.
Grace,	Martin,	Storey—20.
Guy,	McCulloch,	

Not voting—Lane, Tilson.

The bill then passed to a third reading.

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

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

Your committee on stock and stockraising have considered 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," and a majority of said committee direct me to report said bill back with the recommendation that it do pass. PATTON, *Chairman.*

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

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

Senator Burnett moved that the confirmations just made in executive session be entered on the journals of the Senate.

Carried, and it is accordingly stated that all the appointments of notaries public contained in the message of his excellency of yesterday were confirmed; also, the appointment of A. T. McKinney as district attorney for the fourth judicial district of the state.

Senator Swain called up House bill No. 359, entitled "An act to authorize the governor, attorney general and superintendent of the penitentiary to contract for the carrying of convicts from the places where sentenced to the penitentiary," which was read second time.

(President in the chair.)

Senator Ledbetter moved to postpone the bill until to-morrow morning, and that fifty copies of the bill be printed.

Carried.

Substitute for House bill No. 488, entitled "An act to authorize Messrs. Cunningham & Ellis, lessees of the state penitentiary, to sue the state," was taken up and referred to the committee on penitentiary.

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. 93, "An act to provide for transcribing county records in certain cases;"

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

Senate bill No. 239, "An act prescribing the times of holding the district courts in the twenty-second judicial district;"

Senate bill No. 380, "An act to amend section 1 of an act to amend sections 6 and 9 of 'an act to define a lawful fence, and to carry into effect sections 22 and 23, article 16 of the constitution of the State of Texas, authorizing the passage of stock and fence laws, approved August 15, 1876,' passed at the present session of the Legislature," and at 11:45 o'clock A. M. presented the same to the governor for his signature.

GRACE, *Chairman.*

The following message was received from the House, which announced that the House has had under consideration 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," with Senate amendments thereto, and the House concurs in the first and second amendments; disagrees to the third, fourth, fifth, sixth and seventh amendments; concurs in the eighth, ninth, tenth, eleventh and twelfth amendments; disagrees to the thirteenth amendment; concurs in the fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second and thirty-third amendments; disagrees to the thirty-fourth amendment; concurs in the thirty-fifth and thirty-sixth amendments; disagrees to the thirty-seventh amendment; concurs in the thirty-eighth, thirty-ninth, fortieth, forty-first and forty-second amendments; disagrees to the forty-third amendment; concurs in the forty-fourth, forty-fifth, forty-sixth and forty-seventh amendments.

On motion of Senator Martin, the Senate adhered to its amendments to House bill No. 414 (the tax bill), and asked for a conference committee.

Senators Edwards, Martin, Brown, Ford and Swain were appointed as said conference committee on the part of the Senate.

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 amendments to substitute Senate bill No. 130, "An act to make appropriation for the support of the state government for the years beginning March 1, 1879, and ending February 28, 1881, and have instructed me to report the same back to the Senate with the recommendation that the following of said amendments be concurred in, to wit:

Executive office—Nos. 2, 3, 5, and in No. 7, except as to the amount stricken out and inserted, to which we do not agree.

State department—Nos. 1, 5.

Treasury department—Nos. 3, 7, 9.

Comptroller's office—Nos. 3, 4, 5, 6.

General Land office—Nos. 1, 4, 5, 7, 8, 9, 10, 11.

Lunatic asylum—Nos. 3, 4, 5, 7, 8, 9.

Blind Asylum—Nos. 2, 3, 4.

Deaf and Dumb Asylum—Nos. 2, 3, 4, 5.

Penitentiary—No. 1.

Quarantine—Nos. 1, 2, 3.

Attorney general's office—Nos. 1, 2, 3, 4.

Adjutant general's office—Nos. 2, 4, 6, 7, 8, and in so much of No. 9 as reduces the amount appropriated to \$100,000 instead of \$150,000, and the division made thereof, but do not agree to the insertion of the words "if necessary."

Judiciary—Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12.

Public buildings and grounds—No. 2.

Educational—No. 1.

Miscellaneous—Nos. 1, 2, and in "section 2."

And that the following of said amendments be not concurred in, to wit:

Executive office—Nos. 1, 4, 6, 8, and in that part of No. 7 striking out \$20,000 and inserting \$10,000.

State department—Nos. 2, 3, 4.

Treasury department—Nos. 1, 2, 4, 5, 6, 8.

Comptroller's office—Nos. 1, 2, 7, 8.

General land office—Nos. 2, 3, 6.

Lunatic Asylum—Nos. 1, 2, 6.

Blind Asylum—Nos. 1, 5.

Deaf and Dumb Asylum—Nos. 1, 6, 7, 8.

Pensions—No. 1.

Attorney general's office—No. 5.

Adjutant general's office—Nos. 1, 3, 5, and in the insertion of the words "if necessary" as used in No. 9.

Public buildings and grounds—No. 1.

Department of insurance, statistics and history—Nos. 1, 2, 3, 4.

Educational—No. 2.

STOREY, *Chairman.*

On motion of Senator Lane, the report of the finance committee was adopted.

Senator Lane moved to appoint a conference committee of five senators on the difference of the two houses on this bill (substitute for Senate bill No. 130, the general appropriation bill) to act with a like committee on the part of House.

Senators Storey, Lane, Ledbetter, Buchanan and Hobby were appointed a conference committee on the part of the Senate.

Senator Homan introduced a bill entitled "An act to attach the unorganized county of Runnels to the county of Coleman for surveying purposes."

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

Senator Tilson called up the motion of Senator Patton to reconsider the vote by which Senate bill No. 116 (amending the school law as to the appropriation for schools, etc.) was indefinitely postponed.

(Senator Homan in the chair.)

The motion of Senator Patton to reconsider the vote indefinitely postponing Senate bill No. 116 was carried by the following vote:

YEAS.

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

Homan,
Houston,
Lair,
Martin,
McCulloch,
Moore.

Motley,
Patton,
Stewart,
Shannon,
Storey,
Tilson--19.

NAYS

Burnett,
Not voting—Grace, Lane, Ledbetter, Swain.

Burton.

Ripetoe--3.

Senator Patton offered a substitute for the pending bill.

Senator Burnett offered the following amendment:

Amend caption by adding "article 4664," and add following:

"Section That article 4664 of the Revised Civil Statutes shall hereafter read as follows:

"Article 4664. There shall be levied on and collected from every male person between the ages of twenty-one and sixty years, resident within this state (Indians not taxed, persons who are blind and unsound of mind excepted), on the first day of January of each year an annual poll tax of one dollar for the use of public free schools."

Senator Patton made the point of order that the amendment of Senator Burnett was out of order, as it was not germane to the subject matter of the bill.

Point sustained.

The substitute of Senator Patton for the bill was adopted.

Senator Duncan offered the following amendment:

"Strike out the reference to dogs."

Ruled out of order and bill ordered engrossed by the following vote:

YEAS.

Brown,
Buchanan,
Ford,
Guy,
Hobby,
Homan.

Houston,
Lane,
Lair,
Ledbetter,
McCulloch,
Moore.

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

NAYS.

Burnett,
Burton.

Duncan,
Martin,

Ripetoe--5.

Not voting—Edwards, Gooch, Grace, Tilson.

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

Brown,
Buchanan,
Edwards,
Ford,
Grace,
Guy,
Hobby,
Homan.

YEAS.
Houston,
Lane,
Lair,
Ledbetter,
Martin,
McCulloch,
Moore,
Motley,

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

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

NAYS.
Burton,

Duncan—3.

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

YEAS.
Homan,
Houston,
Lane,
Lair,
Ledbetter,
McCulloch,
Moore,

Motley,
Patton,
Stewart,
Shannon,
Storey,
Swain,
Tilson—21.

Burnett,
Burton,

NAYS.
Duncan,
Martin,

Ripetoe—5.

The undersigned senators presented the following as their reasons for voting "aye" on the vote just cast.

We vote "aye" on the substitute of the senator from Lavaca to Senate bill No. 116, because the Civil Code sets aside one-fourth of the revenue and all poll taxes to the schools, and although not in favor of setting aside as much as one-fourth of the revenue, that proposition was defeated, and we vote for this substitute because it eliminates the general revenue poll tax and is the best we can do.

EDWARDS,
LANE,
STOREY,
LEDBETTER,
BROWN,
LAIR.

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

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

Your committee on engrossed bills have examined Senate substitute for House bill No. 75, entitled "An act to provide for appeals and writs of certiorari from judgments of justices' courts in counties in which the civil and criminal jurisdiction of county courts has been transferred to the district courts;"

Senate bill No. 330, entitled "An act to protect lands lying on county boundaries from double assessments;"

Senate bill No. 382, entitled "An act to change and define the times of holding the district courts in the fifth judicial district of the State of Texas;"

Senate bill No. 385, entitled "An act to amend title 53, chapter 2 of the Revised Civil Statutes of the State of Texas," adopted at the present session of the Legislature by adding article 2942d, and find said bills correctly engrossed.

BROWN, Chairman.

Senate bill No. 200, entitled "An act to validate certain land certifi-

cates issued on bounty land warrants to John Steele, Wm. S. Williamson, Robert Middleton, John Scully and Richard Eggleston," was taken up and read second time.

On motion of Senator Ford the bill was postponed until to-morrow.

(President in the chair.)

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

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

Your committee on agricultural affairs, to whom was referred Senate bill No. 167, entitled "An act creating the office of public weigher," and House amendments thereto, have carefully considered said amendments, and instruct me to return the bill with the recommendation that the Senate concurs in the House amendments numbers one, two, three, four and six, embraced in an engrossed rider, and refuses to concur in House amendment number five, which is number two on the engrossed rider.

MARTIN, *Chairman.*

The report of committee adopted and Senators Martin, Lair, Brown and Motley were appointed a conference committee on the difference of the two houses on this bill.

Senator Ford introduced a bill entitled "An act to amend sections 15 and 20 of an act entitled 'an act to provide for the protection of the State of Texas against invasion of hostile Indians, Mexicans or other marauding or thieving parties,' approved April 10, 1874."

Read by caption and referred to committee on Indian affairs and frontier protection.

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

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

Your committee on state affairs have considered Senate bill No., "An act to attach the unorganized county of Runnels to the county of Coleman for surveying purposes," and I am instructed to recommend its passage.

HOUSTON, *Chairman.*

The following message was received from the House:

"That Messrs. Finlay, Reeves, Cochrane of Austin, Henderson of Van Zandt and Douglas, have been appointed a committee of conference on part of the House on differences between the two houses on Senate bill 167, the public weigher bill. That Messrs. Coleman, Collins, Pickett, Gause and Taylor of Marion, have been appointed a conference committee on part of the House on differences arising between Senate and House on House amendments to Senate bill No. 180, being the general appropriation bill. Also, that Messrs. Henderson, of Van Zandt, Wurzbach, King, Gaiter and Upton have been appointed a conference committee on part of the House on differences arising between the two houses on Senate amendments to House bill No. 414, being the tax bill."

Senator Duncan moved to adjourn until seven o'clock p. m.

Lost by the following vote:

YEAS.

Buchanan,
Burnett,
Duncan,
Edwards,

Guy,
Lair,
Moore,
Motley,

Stewart,
Storey,
Swain--11.

NAYS.

Brown,
Burton,
Ford,
Grace,
Hobby.

Homan,
Houston,
Ledbetter,
Martin,
McCulloch,

Patton,
Ripetoe,
Shannon,
Tilson—14.

Not voting—Lane.

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

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

Your committee on Indian affairs and frontier protection, to whom was referred Senate bill No., amending sections 15 and 26 of an act approved April 10, 1874; have had the same under consideration, and said committee have instructed me to report that said bill if passed will reduce the expense of maintaining the frontier battalion in the field, as at present provided for in the general appropriation bill, between ten and twelve thousand dollars per year, and as a measure of economy your committee recommend that the bill do pass.

FORD, *Chairman.*

The bill just reported 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.

Buchanan,
Barnett,
Burton,
Duncan,
Ford,
Grace,
Guy,

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

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

NAYS—none.

Not voting—Brown, Edwards, Lane, Ripetoe, Swain.

Bill read second time and ordered engrossed.

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

Carried by the following vote:

YEAS.

Brown,
Buchanan,
Barnett,
Burton,
Duncan,
Edwards,
Ford,
Grace,
Guy.

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

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

NAYS.—none.

Bill read third time and passed by the following vote:

YEAS.

Brown,
Buchanan,
Barnett,
Burton,
Duncan,
Edwards,
Ford,
Grace,
Guy,

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

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

NAYS—NONE.

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

Senate bill No. 93, entitled "An act to provide for transcribing county records in certain cases."

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

Senate bill No. 239, entitled "An act prescribing the times of holding the district courts in the twenty-second judicial district."

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.'"

Senator Patton called up 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 13, 1876, which was read first time.

Senator Duncan moved to adjourn until 8 o'clock P. M.

Lost by the following vote:

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

The president signed, after reading its caption, House bill No. 459½, and afterwards withdrew his signature from the bill.

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

Carried by the following vote:

	YEAS.	
Brown, Burton, Duncan, Edwards, Ford, Grace, Guy, Hobby,	Homan, Houston, Lane, Lair, Ledbetter, Martin, McCulloch, Motley,	Patton, Ripetoe, Stewart, Shannon, Storey, Swain, Tilson—23.

Buchanan,
Bill read second time.

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

Lost by the following vote:

	YEAS.	
Burnett, Burton, Ford, Grace,	Houston, Ledbetter, McCulloch, Patton,	Ripetoe, Swain, Tilson—11.
	NAYS.	
Brown, Buchanan,	Duncan, Edwards,	Guy, Hobby,

Homan,
Lane,
Lair,

Martin,
Moore,
Motley,

Stewart,
Shannon,
Storey--15.

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

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

Your committee on engrossed bills have examined Senate bill No. 381, 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 of the State of Texas,' approved May 2, 1871," and to provide for the payment of said certificates, and find it correctly engrossed. BROWN, *Chairman.*

On motion of Senator Storey, the Senate adjourned until 7:30 P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment; president in the chair. Roll called; no quorum present.

On motion of Senator Shannon, the Senate adjourned until 9:30 to-morrow morning.

EIGHTY-SECOND DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, April 18, 1870. }

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.

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

House bill No. 437, entitled "An act prescribing the number of hours per day in which employes in the departments of the state government shall labor;"

Senate bill No. 186, entitled "An act requiring railroad companies to stop their trains at the boundary lines of the State of Texas for a certain length of time;"

House bill No. 206, entitled "An act in relation to chattel mortgages and other investments intended to operate as mortgages of, or liens upon personal property and the record thereof," with amendments;

Senate bill No. 243, entitled "An act to amend article 1289 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas;'"

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

And Senate bill No. 321, entitled "An act to authorize the Austin

Canal, Irrigation and Manufacturing company to construct a dam across the Colorado river."

The president took up and referred House bill No. 437, just reported from the House, to the committee on state affairs;

House bill No. 206 to judiciary committee No. 2;

And Senate bill No. 321, with amendments, just reported from the House, was referred to the committee on state affairs.

The following message was received from the House:

The House has adopted the report of the conference committee on the disagreements between the two houses on Senate bill No. 167, being the public weigher bill, and that Messrs. Finlay, Reeves, Douglass, Henderson of Van Zandt, and Cochran have been appointed a committee of free conference on part of House.

Senator Tilson called up Senate bill No. 186, just returned from the House, and House amendments concurrd in.

Senator Hobby offered the following resolution:

"Resolved, by the Senate (the House concurring), That all conference committees, now or hereafter appointed during the session shall have the power of free conference committee in respect to all questions referred to said committees."

Adopted.

Senator Storey, from the conference committee on the differences of the two Houses on substitute for Senate bill No. 130 (the general appropriation bill), submitted the following report:

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

The conference committee appointed on the disagreements between the Senate and House on Senate bill No. 130 (the general appropriation bill), have carefully considered the same, and, while agreeing in most matters, find it necessary to sit as a free conference. They therefore ask that they be allowed to sit as a committee of free conference.

COLEMAN,
TAYLOR of Marion,
COLLINS,
GAUSE,
PICKETT,
House Committee.

STOREY,
LANE,
HOBBY,
LEDBETTER,
BUCHANAN,
Senate Committee.

The report of the committee was read and adopted.

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

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

Your committee on penitentiaries, to whom was referred substitute House bill No. 438, "An act to authorize Messrs. Cunningham & Ellis, lessees of the state penitentiary, to sue the state," have considered the same, and a majority of said committee instructs me to return the bill to the Senate and recommend its passage.

SWAIN, *Chairman.*

Senator Edwards, for the committee on public printing, submitted the following report:

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

Your committee on public printing, to whom was referred Senate bill No. 345, "An act to provide for the printing, binding and distribution of the Revised Civil Statutes, Penal Code and Code of Criminal Procedure," adopted and established at the present session of the Legislature, have had the same under consideration, and I am instructed to report the same back to the Senate with accompanying amendments and recommend its passage.

EDWARDS, *for Committee.*

Add to section 2: "And the edition shall be electrotyped, and the copyright and plates shall be owned by the state, and the plates carefully preserved by the printing board."

Add to section 5: "And the secretary of state shall, immediately upon the delivery to him of the first volumes, proceed under the copyright laws of the United States to secure the copyright of said work in favor of the State of Texas."

Senator Ledbetter, from the committee of conference, on the disagreement of the two houses on House bill No. 445, "providing for the assessment and collection of the taxes on land and other property situated in unorganized counties, and for the enforcement of the same," submitted the following report:

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

Your committee of conference on the disagreement of the two houses on 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," beg leave to submit the following report: The committee recommend that the Senate recede from its amendment to section 14 of the bill. The committee further recommend that in section 2, line three of the bill, after the word "state" strike out the words "and county."

LEDBETTER, *Chairman Senate Committee.*

McCOMB, *Chairman House Committee.*

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

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

Your committee on general land office, to whom was referred House bill No. 497, entitled "An act to amend articles 3955 and 3963 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 said committee to report said bill back to the Senate and to recommend its passage.

GUY, *Chairman.*

Senator Martin, from the conference committee appointed to consider the differences of the two houses on Senate bill No. 167 (the public weigher's bill), submitted the following report:

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

Your committee of conference, to whom was referred the disagreement of the two houses on Senate bill No. 167, have had the same under con-

sideration, and cannot agree; they therefore recommend that the matter in question be referred to a committee of free conference.

MARTIN,
LAIR,
BROWN,
MOTLEY,

Senate Committee.

FINLAY,
REEVES,
DOUGLASS,
HENDERSON of Van Zandt,
COCHRAN,

House Committee.

Report adopted and the same committee appointed a committee of free conference.

The following message was received from his excellency the governor:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, April 18, 1879. }

To the honorable Senate of Texas in session assembled :

GENTLEMEN—I herewith return to your honorable body the Senate bill entitled “An act to provide for the dissolution and surrender of the city charter of the city of Terrell, in Kaufman county, and to provide for the payment of the debts due by said city,” without my approval, together with my objections to its becoming a law. It violates the constitution, inasmuch as it regulates the affairs of the city by a local and special law, wherein a general law can be made applicable. This restriction upon the power of the Legislature is designed to prevent the consumption of time in the passage of numerous acts of the kind and to enforce uniformity in the laws of different localities wherever it is practicable to do so. That it is practicable is illustrated by the general law for the incorporation of cities and towns; and though it might seem to be equally proper for that law to embrace provisions for surrendering charters of cities as well as creating them, still, it not having been done, it is a proper subject for a general and not for a local and special law.

O. M. ROBERTS, *Governor.*

The message was taken up, read and referred to judiciary committee No. 1.

Senator Homan called up Senate bill No. 388, “Attaching the unorganized county of Runnels to Coleman county for surveying purposes,” which was read first time.

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

Carried by the following vote:

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

NAYS—none.

Not voting—Ford.

Bill read second time and ordered engrossed.

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

YEAS.

Brown,
Buchanan,
Burnett,
Burton,
Duncan,
Grace,
Guy,
Hobby,
Homan,

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

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

NAYS—none.

Not voting—Edwards, Ford.

Bill read third time and passed by the following vote:

YEAS.

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

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

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

NAYS—none.

Senator Houston called up Senate bill No. 114, entitled "An act to provide for the payment of the outstanding indebtedness and the further debts of the several counties in this state," which was read second time.

Senator Houston introduced the following amendment:

Strike out of caption the words "future debts."

Adopted and bill ordered engrossed.

Senator Martin, chairman of free conference committee on the differences of the two houses on Senate bill No. 167 (the public weighers' bill), submitted the following report:

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

Your committee of free conference, to whom was referred the disagreement of the two houses on House amendment to Senate bill No. 167, to strike out "three" line in line three, section 1, and insert "seven," have duly considered the same, and recommend the adoption of the following in lieu of said amendment, to wit: Strike out "three" in line three, section 1, and insert "five."

MARTIN,
LAIR,
BROWN,
MOTLEY,

Senate Committee.

FINLAY,
REEVES,
DOUGLASS,
HENDERSON, of Van Zandt,
COCHRAN,

House Committee.

The report of the committee was adopted.

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

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

Your committee on state affairs have considered House bill No. 437, "An act prescribing the number of hours per day in which employes in the departments of the state government shall labor," and I am instructed to report the same back to the Senate and to recommend its passage.

HOUSTON, *Chairman.*

The president, after publicly reading its caption, signed 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."

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

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

Your committee on state affairs have considered House amendment to Senate bill No. 321, referred to this committee, and I am instructed to report the same back to the Senate and recommend that the House amendment be concurred in.

HOUSTON, *Chairman.*

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

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

Senator Lane offered the following amendment:

Amend by striking out the words "of sale" in second line, on page 2, and insert in lieu thereof "purchaser's deed."

Adopted and bill passed to a third reading.

A message was received from the House announcing the passage of Senate bill No. 336, entitled "An act amendatory of and supplementary to an act entitled 'an act to consolidate in one act and amend the several acts incorporating the city of Houston, in Harris county,' approved January 23, 1874," and the several acts amendatory thereof."

Senator Lair called up House substitute for Senate bill No. 12, entitled "An act to regulate railroads."

Senator Edwards moved a call of the Senate.

Call sustained.

Roll called. Absent—Patton.

Pending business went to the table.

Senator Ledbetter called up House bill No. 463, entitled "An act to amend the charter of the city of Dallas," which was read first time.

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

YEAS.

Buchanan,
Burnett,
Burton,

Duncan,
Ford,
Guy,

Hobby,
Homan,
Houston,

Lane,
Lair.
Ledbetter,
Martin,
McCulloch,

Moore,
Motley.
Ripetoe.
Stewart,

Shannon,
Storey,
Terrell,
Tilson—22.

NAYS—none.

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

Bill read second time.

The report of the committee was adopted.

Senator Guy offered the following:

Amend line seven on page 2 by striking out "county," and inserting "council."

Adopted and bill passed to a third reading.

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

YEAS.

Brown,
Buchanan,
Burnett,
Burton,
Edwards,
Ford,
Guy,
Hobby.

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

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

NAYS—none.

Not voting—Duncan, Grace, Homan, Lane, Patton.

Bill read third time and passed by the following vote:

YEAS.

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

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

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

NAYS—none.

Not voting—Lane, Patton.

The Senate being announced full, the consideration of House substitute for Senate bill No. 12 was resumed.

Bill read third time.

Senator Brown offered the following amendment:

Insert after the word "provided" in line sixteen, page 3, the following, "that a car load may be hauled at a less rate than a smaller quantity, but no railroad company shall charge a larger rate for one car load than for a greater number of car loads of freight of the same class from the same point to a common destination, and all freight shall be receipted for and moved as near as may be in the order in which it is delivered for shipment, and provided further."

Lost.

(Senator Houston in the chair.)

Senator Brown moved to reconsider the vote passing the bill to a third reading.

Senator Burton moved a call of the Senate.

Call sustained.

Roll called. Absent—Moore.

Pending business went to the table.

(President in the chair.)

The President, after publicly reading their captions, signed Senate bill No. 275, entitled "An act to amend articles 75 and 79 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed at the present session of the Legislature;"

And Senate bill No. 243, entitled, "An act to amend article 1289 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed at the present session of the Legislature."

Senator Grace called up Senate bill No. 336, entitled "An act amendatory of and supplemental to an act entitled 'an act to consolidate in one act and amend the several acts incorporating the city of Houston in Harris county,' approved January 23, 1874," and the several acts amendatory thereof, and the amendments of the House concurred in.

The Senate being announced full, the motion to reconsider the vote passing House substitute for Senate bill No. 12 was again considered.

The motion to reconsider was lost by the following vote:

YEAS.

Brown,
Burnett.

Burton,
Patton,

Storey,
Terrell--6.

NAYS.

Buchanan,
Duncan,
Edwards,
Ford,
Grace,
Guy,
Hobby,

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

Moore,
Motley,
Ripetoe,
Stewart,
Shannon,
Swain,
Tilson--21.

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

YEAS.

Brown,
Burnett,

Moore,
Storey,

Terrell--5.

NAYS.

Buchanan,
Burton,
Duncan,
Edwards,
Ford,
Grace,
Guy.

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

Motley,
Patton,
Ripetoe,
Stewart,
Shannon,
Storey,
Terrell--21.

Not voting—Lane.

The bill was then passed by the following vote:

YEAS.

Buchanan,
Burnett,
Burton,
Duncan,
Edwards,
Ford,
Grace,
Guy,
Hobby.

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

Motley,
Patton,
Ripetoe,
Stewart,
Shannon,
Storey,
Swain,
Tilson--25.

NAYS.

Brown,

Terrell--2

Senator Burton called up Senate joint resolution No. 364, "Authorizing the governor to appoint an agent to collect money due the State of Texas by the United States," which was read second time.

Senator Terrell offered the following amendment:

"Nor shall he in any event receive more than five per cent. on the amount collected."

Adopted.

Senator Storey offered the following:

Strike out the words, "and is otherwise indebted to the State of Texas."

Adopted, and resolution ordered engrossed.

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

Carried by the following vote:

YEAS.

Brown,
Burton,
Duncan,
Edwards,
Grace,
Guy,
Hobby,

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

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

NAYS—Burnett.

Not voting—Buchanan, Ford, Houston, Lane, Terrell.

Bill read third time and passed by the following vote:

YEAS.

Duncan,
Edwards,
Ford,
Grace,
Guy,
Hobby.

Lane,
Lair,
Ledbetter,
McCulloch,
Moore,
Motley,

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

NAYS.

Brown,
Burnett,

Burton,
Homan,

Ripetoe—5.

Not voting—Buchanan, Houston, Martin, Terrell.

Senator McCulloch called up Senate bill No. 343, "To provide subjects for anatomical dissection and scientific experiment," which was read a second time.

On motion of Senator McCulloch, the committee amendments were adopted.

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. 275, entitled "An act to amend articles 75 and 79 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,'" passed at the present session of the Legislature; also, Senate bill No. 243, entitled "An act to amend article 1289 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,'" and have presented the same to the governor for his signature this day at 11:35 o'clock A. M.

GRACE, *Chairman.*

The pending bill (Senate bill No. 349) was ordered engrossed by the following vote:

YEAS.		
Brown, Duncan, Hobby, Lane,	Lair, Ledbetter, McCulloch, Motley,	Patton, Storey, Swain, Tilson—12.
NAYS.		
Burnett, Burton, Edwards, Grace,	Homan, Martin, Moore,	Ripetoe, Stewart, Shannon—10.

Not voting—Buchanan, Ford, Guy, Houston, Terrell.

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

YEAS.		
Brown, Burnett, Burton, Duncan, Guy, Hobby, Homan,	Lane, Lair, Ledbetter, Martin, McCulloch, Moore, Motley,	Patton, Ripetoe, Stewart, Shannon, Storey, Swain, Tilson—21.
NAYS—Grace.		

Not voting—Buchanan, Edwards, Ford, Houston, Terrell.

Bill read third time and passed by the following vote:

YEAS.		
Brown, Guy, Hobby, Lane,	Lair, Ledbetter, McCulloch, Motley,	Patton, Storey, Swain—11.
NAYS.		
Burton, Burnett, Duncan, Edwards,	Grace, Homan, Martin, Moore,	Ripetoe, Stewart, Shannon—11.

Not voting—Buchanan, Ford, Houston, Tilson.

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

Senator Edwards called up Senate bill No. 345, entitled "An act to provide for the printing, binding and distributing the Revised Civil Statutes, Penal Code and Code of Criminal Procedure, adopted and established at present session of the Legislature," 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.		
Brown, Burnett, Burton, Duncan, Edwards, Ford, Grace, Guy,	Hobby, Homan, Lane, Lair, Ledbetter, Martin, McCulloch, Moore,	Motley, Patton, Ripetoe, Stewart, Shannon, Storey, Swain, Tilson—24.
NAYS—none.		

Not voting—Buchanan, Houston, Terrell.

Bill read second time.

(Senator Patton in the chair.)

On motion of Senator Edwards, the committee amendments were adopted.

Senator Edwards offered the following amendment:

In second amendment of committee adopted strike out the words "immediately upon the delivery to him of the first volumes" and insert the words "as soon as practicable."

Adopted.

On motion of Senator Storey, the bill was postponed until the evening session.

Senator Edwards called up Senate bill No. 384, entitled "An act to amend article 1135, chapter 1, title 28 of "An act to adopt and establish the Revised Civil Statutes of the State of Texas, passed Feb. 21, 1879," which was read first time.

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

Carried by the following vote:

YEAS.		
Brown,	Houston,	Patton,
Burnett,	Lane,	Ripetoe.
Edwards,	Lair,	Stewart,
Ford,	Ledbetter,	Shannon,
Grace,	Martin,	Storey,
Guy,	McCulloch,	Swain,
Hobby,	Moore,	Terrell,
Homan,	Motley,	Tilson—24.
	NAY—Duncan.	

Not voting—Buchanan, Burton.

Bill read second time and ordered engrossed.

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

YEAS.		
Brown,	Hobby,	Patton,
Burnett,	Houston,	Stewart,
Duncan,	Lane,	Shannon,
Edwards,	Lair,	Storey,
Ford,	Ledbetter,	Swain,
Grace,	Moore,	Terrell--20.
Guy,	Motley,	
	NAY—Ripetoe.	

Not voting—Buchanan, Burton, Homan, Martin, McCulloch, Tilson.

Bill read third time and passed by the following vote:

YEAS.		
Brown,	Homan,	Motley,
Burnett,	Houston,	Patton,
Duncan,	Lane,	Stewart,
Edwards,	Lair,	Shannon,
Ford,	Ledbetter,	Storey,
Grace,	Martin,	Swain,
Guy,	McCulloch,	Terrell,
Hobby,	Moore,	Tilson—24.
	NAY—Ripetoe.	

Not voting—Buchanan, Burton.

A message was received from the House announcing that the House

has adopted the report of the committee of free conference on Senate bill No. 167, "An act relating to public weighers."

The chair presented the following invitation to the Senate:

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

The members and employes of your honorable body are respectfully invited to attend a basket picnic to be given by the Austin Fire Department on Monday next, April 21, (San Jacinto day); at the Capita. State Fair Grounds, in celebration of their eleventh anniversary.

E. T. EGGLESTON, *for Committee of invitation.*

On motion of Senator Hobby, the thanks of the Senate was returned for the kind invitation extended.

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

AFTERNOON SESSION.

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

On motion of Senator Edwards recess was taken until 3:30 P. M.

Recess expired.

The Senate reconvened; president in the chair. Roll called; quorum present.

Senator Moore called up House bill No. 445 (with regard to the assessment and collection of taxes in the unorganized counties).

Senator Shannon moved that the Senate do not concur in the report of the conference committee, and that a free conference committee be appointed.

Senator Duncan moved the previous question on the question pending.

Motion seconded and main question ordered.

Senator Shannon's motion was adopted by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Burton,
Duncan,
Hobby,

Homan,
Lair,
McCulloch,
Moore,
Patton,
Ripetoe,

Stewart,
Shannon,
Storey,
Terrell,
Tilson—17.

NAYS.

Edwards.
Grace,

Houston,
Lane,

Ledbetter,
Motley—6.

Not voting—Ford, Guy, Martin, Swain.

Senators Shannon, Guy, Swain and Lane were appointed said free conference committee on the part of the Senate.

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

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

Your committee on public lands have had under consideration House bill No. 492, entitled "An act to provide for the sale of the alternate sections of land in organized counties belonging to the public free schools," and instruct me to report the same back, with the accompanying substitute, and recommend that such substitute do pass.

LANE, *Chairman.*

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

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

Your committee on enrolled bills have carefully examined and find correctly enrolled and properly signed Senate bill No. 186, "An act requiring railroad companies to stop their trains at the boundary lines of the State of Texas for a certain length of time," and at 12:25 o'clock p. m. this day presented the same to the governor for his signature.

GRACE, *Chairman.*

Senator Grace, chairman special committee, submitted the following report:

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

Your committee appointed to inquire into and report what accommodations were necessary for the court of appeals in the discharge of the duties imposed on them at the capitol, have conferred with the judges of said court, and find that they have but one room in which to transact the business coming before them. Your committee are of the opinion that the interests of the state will be greatly subserved by the erection of an addition to the present supreme court building, said addition to contain four rooms of the dimensions of twenty by twenty-two feet. Your committee are of opinion that the erection of said addition would be less expensive to the state than to pay rent for rooms for the use of said court of appeals. The said proposed addition can be erected with brick or stone at a cost of from \$1500 to \$2500, as one-third of the walls of said proposed addition would be composed of the walls of the present supreme court building. Your committee say that the rooms in the capitol building do not furnish sufficient accommodations for the different departments of the state for which they are now used, and for the use of committees when the Legislature is in session. For the foregoing reasons your committee think it is important to erect the addition to the supreme court building proposed. Your committee recommend the passage of the accompanying bill.

GRACE,

GUY,

Senate Committee.

HOLMES,

FINLAY,

GAUSE,

House Committee.

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—

Substitute for Senate bill No. 116, entitled "An act to amend article 3704 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas;'"

Senate bill No. 386, entitled "An act to amend sections 15 and 20 of an act entitled 'an act to provide for the protection of the frontier of the State of Texas against the invasion of hostile Indians, Mexicans or other marauding or thieving parties, approved April 10, 1879;'"

Senate bill No. 388, entitled "An act to attach the unorganized county of Runnels to Coleman county for surveying purposes," and find them correctly engrossed.

BROWN, *Chairman.*

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

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, April 18, 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. D. Riley and T. C. White, of Burnet county.

E. Ryeppa, of Karnes county.

Respectfully, O. M. ROBERTS, Governor.

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, April 18, 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, also to the following corrections of names previously sent in:

W. T. Hefly, of Milam county.

W. W. Hazlewood, of Falls county.

D. F. McLin, of Leon county, in place of A. B. Hardin, declined.

Irving Eggleston, of Travis county, instead of Irwin Eggleston.

C. K. Stribling, of Shackelford county, in place of J. K. Stribling.

Respectfully, O. M. ROBERTS, Governor.

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, April 18, 1879. }

To the honorable Senate of the State of Texas:

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

P. E. Pearson to be district attorney of the eighteenth judicial district.

Felix J. McCord to be district attorney of the seventh judicial district.

James I. Perkins to be district attorney of the third judicial district.

Respectfully, O. M. ROBERTS, Governor.

Senator Duncan moved that the Senate go into executive session immediately to consider the appointments just sent to the Senate.

Adopted unanimously.

IN SENATE.—Senator Duncan moved that the confirmations just made in executive session be entered on the journals.

It is accordingly stated that all the nominations sent in by the governor, in the messages just read, were confirmed.

Senator Houston moved to reconsider the vote by which the Senate refused to concur in House amendments to Senate bill No. 346 (the bond bill).

Adopted.

On motion of Senator Edwards, the said bill was taken up and House amendments concurred in.

Senator Stewart called up House bill No. 78, entitled "An act to amend section 16 of 'an act regulating elections,' approved August 23, 1876," which was read third time and passed by the following vote:

YEAS.

Brown,
Buchanan,
Edwards,

Grace,
Guy,
Hobby,

Houston,
Lane,
Lair,

Ledbetter,
McCulloch,
Moore.

Motley,
Stewart,
Storey,
NAYS.

Terrell,
Tilson—17.

Burnett,
Burton,
Ford,

Homan,
Martin,
Patton,

Ripetoe,
Shannon,
Swain—9.

Not voting—Duncan

Senator Patton called up 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; which was read second time.

Senator Swain introduced a bill entitled "An act to require the governor of the state to countersign certificates for land issued from the general land office."

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

Senator Shannon, from conference committee on House bill No. 412 (the deficiency bill), submitted the following report:

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

The committee of conference appointed to consider the disagreements between the Senate and House on House bill No. 412, "An act making appropriations for deficiencies beginning September 1, 1876, and ending February 28, 1879, and for previous years," have carefully and fully considered the same, and in the main the conference committee have agreed, but the committee cannot agree upon some of the matters submitted to us, and therefore ask that they be allowed to sit as a committee of free conference.

SHANNON,
STOREY,
LANE,
EDWARDS,
STEWART,

On part of the Senate.

COLEMAN,
WURZBACH,
TAYLOR, of Fannin,
DANIEL,
McCOMB,

On part of the House.

On motion of Senator Shannon the report was read and adopted.

(Senator Swain in the chair.)

Senator Terrell offered the following amendment to the pending bill: Amend by striking out "Travis county."

Adopted.

Senator Shannon moved to recommit this bill to the committee on stock and stockraising.

Carried.

The following message was received from the House:

That the House has adopted the report of the conference committee on House bill No. 414, and have appointed Henderson of Van Zandt, King, Wurzbach, Flewellen and Upton as a committee of free conference to act with a like committee on the part of the Senate.

Senator Edwards, from the conference committee on House bill No. 414 (the tax bill), submitted the following report:

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

Your committee of conference, appointed on behalf of the Senate and House of Representatives to take into consideration the matters of disagreement between the two houses in regard to Senate amendments to House bill No. 414, "An act amending and supplementing articles 4662, 4663, 4664, 4665, 4666, 4667 and 4668 inclusive, of caption 1, title 94 of the Revised Civil Statutes, adopted February 21, 1879," have duly considered the same and make the following report: We recommend that the House concur in Senate amendments 5, 6, 7, 13 and 37, and that the Senate recede from amendments Nos. 3, 4, 22 and 34, and ask that a committee of free conference be appointed to consider Senate amendment No. 43, your committee being unable to agree upon said amendment.

EDWARDS,
MARTIN,
FORD,
BROWN,
SWAIN,

Senate Committee.

W. B. HENDERSON,
KING,
WURZBACH,
GAITHER,
UPTON.

House Committee.

Senator Edwards moved the adoption of the report of the conference committee, except as to the thirty-fourth amendment.

Adopted, and the same committee was appointed as a free conference committee on the said bill.

Senator Lane moved the reconsideration of the vote passing to a third reading substitute for House bill No. 338, entitled "An act to amend section 21 of 'an act regulating the duties of tax collectors in reference to the seizure and sale of the property of delinquent taxpayers, and to define the further duties, powers, qualifications and liabilities of collectors of taxes, etc.'"

Carried.

Senator Lane offered the following amendment:

"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 so enacted."

Adopted, and bill passed to a third reading.

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

YEAS.

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

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

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

NAYS—none.

Bill read third time and passed.

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

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

Your judiciary committee No. 2 have had under consideration House bill No. 206, entitled "An act in relation to chattel mortgages and other instruments intended to operate as mortgages of liens upon personal property and the record thereof," and I am instructed by a majority of the committee to report said bill back to the Senate and to recommend that it do pass.

STEWART, *Chairman.*

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

Your judiciary committee No. 2 have had under consideration House bill No. 301, entitled "An act to amend article 1333 of the Revised Civil Statutes of the State of Texas, passed at the present session of the Legislature," and I am instructed by a majority of the committee to report said bill back to the Senate and to recommend its passage.

STEWART, *Chairman.*

The following message was received from the House:

Substitute House bill No. 463—House concurs in Senate amendments.

Senate bill No. 389; "To make an appropriation to erect an addition to the supreme court building," was taken up and read first time.

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 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.*

The undersigned senators presented the following to be entered on the journals:

Mr. President—On the sixteenth instant the following proposition was submitted to the vote of the Senate, viz:

Senator Edwards offered the following amendment:

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That article 4662 be and the same is so amended as to hereafter read as follows:

Article 4662. There shall be levied and collected an annual direct *ad valorem* state tax of one-half of one per centum of the cash value thereof, estimated in lawful currency of the United States, on all real property situated and all movable property owned in this state, on the first day of January of each and every year, except so much thereof as may be exempted by the constitution and laws of this state, which cash value shall be estimated in lawful currency of the United States. There shall also be levied on all the property described in this article an *ad valorem* state tax of one-eighth of one per centum of the cash value thereof, estimated and paid as prescribed in this article for the payment of interest on the public debt and to provide a sinking fund to pay the principal thereof.

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

Lost.

Senator Guy moved a call of the Senate.

Call sustained.

Roll called; Senate full.

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

YEAS.		
Brown,	Lane,	Storey,
Duncan,	Ledbetter,	Terrell,
Edwards,	Martin,	Tilson--9.
NAYS.		
Burnett,	Hobby,	Moore,
Burton,	Homan,	Patton,
Ford,	Houston,	Stewart,
Grace,	Lair,	Shannon,
Guy,	McCulloch,	Swain--15.

Several senators gave notice of entering on the journals their reasons for their votes just given.

We now desire to spread upon the journal our reasons for the vote thus cast:

We vote "yea" for the reason that the appropriation to the public free schools of one-fourth of the general revenue will have the certain effect of dishonoring the credit of the state by discounting the warrants of the treasury not less than twenty per centum, or force us from necessity to defer the payments thereof, and will cause a deficiency of not less than five hundred thousand dollars in the next two years; and that a wise and sound policy demands that this accumulation of state debt should cease; that we pay as we go, and not amass for the future a mountain of interest-bearing debt, which will be a mortgage upon the labor, property and occupations of our people.

LANE,
EDWARDS,
TERRELL.

On motion of Senator Lane, the Senate took recess until 8 o'clock to-night.

NIGHT SESSION.

Senate met; quorum present. President in the chair.

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

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

Your judiciary committee No. 2 have considered Senate bill No. 390, entitled "An act to require the governor of the state to countersign certificates for land issued from the general land office," and I am instructed by a majority of the committee to report said bill back to the Senate and to recommend its passage.

STEWART, *Chairman.*

The president, after first reading its caption, signed Senate bill No. 167, "An act to amend an act entitled 'an act creating the office of public weigher and regulating the appointment, and defining the duties and liabilities thereof.'"

Senate bill No. 390 was then taken up and read first time.

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

YEAS.

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

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

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

NAYS—none.

Not voting—McCulloch, Terrell.

The bill was then read second time.

Senator Swain offered the following amendment:

Add to the caption of the bill the words "in certain cases."

Adopted, and the bill was ordered engrossed.

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

YEAS.

Brown,
Buchanan,
Burnett,
Burton,
Duncan,
Grace,
Guy,
Hobby,

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

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

NAYS—none.

Not voting—Edwards, Ford, Lane Terrell.

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

YEAS.

Brown,
Buchanan,
Burnett,
Burton,
Duncan,
Grace,
Guy,
Hobby,

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

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

NAYS—none.

Not voting—Edwards, Ford, Lane.

A message was received from the House, announcing the passage of substitute for House bill No. 401, "An act amending article 352 of title 18, chapter 2, article 357 of chapter 3, and article 474 of chapter 10 of the Revised Civil Statutes, passed February, 1879."

On motion of Senator Duncan, the bill just announced from the House (substitute for House bill No. 401) was taken up and read.

Senator Duncan moved that the rule be suspended to place the bill on its second reading.

Senator Patton moved to postpone the bill until to-morrow, but withdrew his motion and moved that the bill be referred to the committee on state affairs.

Carried.

Senator Lair (by leave) offered a bill to be entitled "An act to authorize the survivors of Terry's Texas rangers to erect a monument to the dead of that command in the burying grounds belonging to the state at Austin."

Referred to committee on public buildings and grounds.

Senator Lair, chairman of committee on public buildings and grounds (by leave), submitted the following report:

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

Your committee on public buildings and grounds, to whom was referred Senate bill No., "A bill to be entitled 'an act to authorize the survivors of Terry's Texas rangers to erect a monument to the dead of that command in the burying grounds belonging to the state at Austin,'" have considered the same, and instruct me to return the bill to the Senate with the recommendation that the bill pass.

LAIR, *Chairman.*

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

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

Carried by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Burton,
Duncan,
Guy,
Hobby,
Homan,

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

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

NAYS—none.

Not voting—Edwards, Ford, Grace, Moore, Stewart.

Bill read second time.

Senator Shannon offered the following amendment:

Amend by inserting after "Terry rangers" the words "and Granbury's brigade."

Withdrawn.

Senator Terrell offered the following:

Insert in the place of "Terry rangers," wherever it occurs, the words, "any regiment, brigade or division of Texas troops who fought in any war of the United States prior to 1861 or in the late civil war."

Senator Brown offered the following:

Add the words "of Texas troops" after the word "division" wherever it occurs in the bill.

Senator Homan moved to table all the pending amendments.

Senator Duncan called for a division of the question.

Senator Brown's amendment was tabled.

Senator Terrell's amendment was laid on the table by the following vote:

YEAS.

Buchanan,
Duncan,
Edwards,
Grace,
Guy,

Hobby,
Homan,
Houston,
Lane,
McCulloch,

Motley,
Patton,
Stewart,
Shannon---14.

NAYS.

Brown,
Burnett,
Burton,
Ford,

Lair,
Ledbetter,
Moore,

Storey,
Swain,
Terrell---10.

Not voting—Martin, Ripetoe, Tilson.

Senator Lane offered the following substitute for the pending bill:

Be it enacted by the Legislature of the State of Texas, That the survivors of any regiment, brigade or division of Texas soldiers in the Confederate army, be and the same are hereby authorized to erect a monument in the state cemetery, in honor of the dead of their respective commands.

Senator Hobby moved the previous question.

Motion seconded and main question ordered by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Grace,
Guy,

Hobby,
Homan,
Lane,
Lair,
Ledbetter,

McCulloch,
Moore.
Motley,
Stewart,
Swain—15.

NAYS.

Burton,
Duncan,

Ford,
Houston,

Shannon,
Terrell—6.

Not voting—Edwards, Martin, Patton, Ripetoe, Storey, Tilson.

The substitute of Senator Lane was adopted by the following vote:

YEAS.

Brown,
Burnett,
Duncan,
Edwards,
Grace,

Guy,
Hobby,
Lane,
Ledbetter,
Martin,

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

NAYS.

Buchanan,
Burton,
Ford,

Homan,
Houston,
Lair,

McCulloch,
Storey,
Swain—9.

Not voting—Ripetoe, Tilson.

Senator Patton was excused from voting.

Senator Terrell presented the following in explanation of his vote:

"I vote 'yea,' though I would cheerfully vote for permission to erect a similar monument by the friends of any who fell in the defense of whom they believed to be right, and in obeying the call of the state or government which they believed was entitled to their allegiance."

(Senator Houston in the chair).

Senator Lane moved to reconsider the vote adopting the substitute for the pending bill.

Substitute withdrawn and the original bill ordered engrossed.

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

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

Your committee on engrossed bills have examined Senate bill No. 390, entitled "An act to require the governor of the state to countersign certificates for land hereafter issued from the general land office in certain cases," and find it correctly engrossed.

BROWN, *Chairman.*

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

Carried by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,

Burton,
Ford,
Guy,

Hobby,
Homan,
Houston,

Lair,
Ledbetter,
Martin,
McCulloch,
Moore,

Motley,
Patton,
Ripetoe,
Stewart,
Shannon;

Storey,
Swain,
Terrell,
Tilson—23.

NAYS—NONE.

Not voting—Duncan, Edwards, Grace, Lane.

Bill read third time and passed.

Senator Brown introduced a bill entitled "An act to amend an act entitled 'an act to amend article 4257 of the Revised Civil Statutes, passed at the present session of the Legislature.'"

Read by caption and referred to committee on internal improvements.

The following bills were taken up and read first time:

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."

House bill No. 437, entitled "An act prescribing the number of hours per day in which employes in the departments of the state government shall labor."

Substitute for House bill No. 438, entitled "An act to authorize Messrs. Cunningham & Ellis, lessees of the state penitentiary, to sue the state."

House bill No. 125, entitled "An act providing for the issuance of bonds for the investment of the proceeds arising from the sale of county school lands, and to direct how the money obtained shall be used."

Senator Edwards, chairman of conference committee on House bill No. 414 (the tax bill), submitted the following report:

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

Your committee of free conference, appointed on behalf of the Senate and House of Representatives to consider the matter of disagreement between the two houses in regard to Senate amendment No. 43 to House bill No. 414, "An act amending and supplementing articles 4662, 4663, 4664, 4665, 4666, 4667 and 4668, inclusive, of chapter 1 title 94 of the Revised Civil Statutes, adopted February 21, 1879," have duly considered the same and make the following report:

That the Senate recede from its amendment No. 43, and that the following be adopted as substitute for amendment No. 43:

Strike out the first proviso, page 3, Senate printed bill, and insert:

"*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 merchant's occupation tax, as provided in this section, of two hundred dollars; and any firm, person or association of persons desiring to be represented or solicit trade by such commercial traveler or travelers shall have the right to do so by paying to the comptroller of the state a state tax of two hundred dollars, payable annually in advance; and such person, firm or association of persons paying such tax shall be exempt from the payment of any other state occupation tax as a merchant."

And your committee further recommend the following amendment, in order to harmonize the liquor tax in this act with the provisions of the bell punch law: "Add to section 3, "*provided, further*, that the tax herein levied upon retailers of spirituous, vinous, or other intoxicating liquors

or medicated bitters in quantities less than a quart and upon the retail of beer, shall cease and be inoperative from and after the first day of October, 1879."

FLEWELLEN,
HENDERSON, of Van Zandt,
UPTON,
KING,
WURZBACH,
House Committee.
EDWARDS,
MARTIN,
FORD,
BROWN,
SWAIN,
Senate Committee.

(President in the chair.)

Senator Shannon, chairman of committee on internal improvements, submitted the following report:

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

Your committee on internal improvements, to whom was referred Senate bill No. 392, "An act to amend an act entitled 'an act to amend article 4257 of the Revised Civil Statutes, passed at the present session of the Legislature,'" have had the same under consideration, and I am instructed to return the same to the Senate and recommend its passage.

SHANNON, *Chairman.*

Senator Homan moved the previous question on the pending report. The vote on the adoption of the report resulted as follows:

YEAS.

Brown,
Buchanan,
Edwards,
Ford,

Guy,
Homan,
Ledbetter,
Martin,

Moore,
Ripetoe,
Storey,
Swain—12.

NAYS.

Burnett,
Burton,
Grace,
Houston,

Lane,
Lair,
McCulloch,
Patton,

Stewart,
Shannon,
Terrell,
Tilson---12.

Not voting—Duncan, Hobby, Motley.

There being a tie vote the president voted in the affirmative and declared the report of the committee adopted.

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

EIGHTY-THIRD DAY.

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

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

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

Senator Brown, chairman of the 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. 114, entitled "An act to provide for the payment of the outstanding indebtedness of the several counties in this state;"

Senate bill No. 384, entitled "An act to amend article 1135, chapter 1, title 27 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas;'"

Senate bill No. 391, entitled "An act to authorize the survivors of Terry's Texas rangers to erect a monument to the dead of that command in the burying grounds belonging to the state at Austin," and find them correctly engrossed.

BROWN, *Chairman.*

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

Your committee on engrossed bills have examined the amendments embraced in an engrossed rider to Senate bill No. 343, and find said amendments correctly engrossed.

BROWN, *Chairman.*

The resolution of Senator Lane to elect a president *pro tempore* was taken up as special order for to-day.

Resolution adopted and the Senate proceeded to an election for the same.

Senator Guy nominated Hon. L. J. Storey, with the understanding that Senator Hobby was not a candidate for re-election to the position.

Hon. Ed. Hobby, the present president *pro tempore*, seconded the nomination.

Senator Edwards remarked as follows:

"*Mr. President*—Knowing as I do that the senator from Polk (Senator Hobby), who has filled the position of president *pro tempore* so ably and satisfactorily to this Senate, declines to be re-elected, as he contemplates resigning his position as senator, I take pleasure in seconding the nomination of the senator from Caldwell, and trust he will be unanimously elected."

Senator Burnett offered the following resolution:

Resolved, That the thanks of the members of this body are tendered to Hon. Edwin Hobby, president *pro tempore* of the Senate, for the ability and impartiality with which he has discharged his official duties.

Resolved, That appreciating the ability of Senator Hobby as a parliamentarian, his fidelity, industry and impartiality as a presiding officer, and the high regard this body entertains of his worth personally, and as a senator, the Senate regrets that he declines a re-election, which he so justly merits at our hands.

Senator Burnett in offering the foregoing resolution appropriately remarked as follows:

"*Mr. President*—It being understood that the president *pro tempore* would not accept a re-election, I feel sure the resolutions just read will be unanimously adopted. They express the sincere feelings of the political minority in the Senate, and I know they will meet a hearty response from every senator. In parting with Senator Hobby we all trust his public life will not terminate, but that he may be called to a position for which his ability and learning as a lawyer, his executive abilities and his conscientious christian manhood so eminently fit him.

"I take pleasure also, Mr. President, in seconding the nomination of the senator from Caldwell for president *pro tempore*. There is no senator of the dominant party to whose election the opposition element could urge

the least objection, so uniform has been the courtesy extended to us without exception; but at the same time we are glad to know that the choice has fallen on the able senator from Caldwell, whose long service and untiring industry as a legislator and accomplishments as a gentleman so eminently entitle him to our respect and confidence."

Senator Hobby, the retiring president *pro tempore* of the Senate, delivered the following pathetic remarks:

"*Mr. President*—I have no language to express my appreciation of the honors conferred upon me by this Senate. My resignation will be placed in the executive office, to take effect on the day of adjournment, and in making this announcement I desire to express my sincere thanks to the officers of this body for their uniform courtesy. To the Senate (including yourself, *Mr. President*)—the ablest and most industrious ever assembled within these walls—I have to say that I shall part from you with unspeakable regret, proud indeed of your friendship, grateful for your kindness. The evidences of your confidence and esteem, so often manifested, will be cherished by me among the most pleasant and holy of life's memories."

The following appropriate remarks were expressed by the president of the Senate.

"Before announcing the vote upon the pending resolution, the chair desires to express to the honorable senator from Polk his high appreciation of the kindly and valuable assistance rendered the chair by the honorable senator during the present session of the Senate.

"The chair feels that whatever of skill and success exhibited by the presiding officer has been, in a large measure, due to the ability and experience of the retiring president *pro tempore*, upon whom the chair has not hesitated to call at all times and upon all occasions."

The resolution was adopted by the following vote:

YEAS.

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

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

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

NAYS.—none.

Not voting—Hobby.

Senators Houston and Guy were appointed tellers.

Senator Shannon moved that the remarks of the president, president *pro tempore*, Senator Burnett, etc., be entered on the journals.

Adopted.

The first ballot for president *pro tempore* resulted as follows:

Senator Storey received twenty-six votes, which was a unanimous vote of the body.

Senators Hobby and Burnett were appointed by the president to escort the president *pro tempore* elect to the chair, which duty they performed, when Hon. L. J. Storey, the president elect, delivered the following suitable remarks:

"*Fellow senators*—I scarcely know how to express my thanks for the honor you have conferred upon me. More than six long years ago, at

the instance of a noble and patriotic constituency, I accepted a seat in the legislative halls of Texas, and have since had the good fortune to be retained in my seat in the councils of the state. During that period many questions of deep interest to the country have been under discussion—questions upon which my ardent temperament forbade my silence—and upon which I always took an earnest stand either for or against the proposed legislation. And although at times the contest became heated, earnest, stubborn and occasionally bitter, yet I am glad to know that with the passing hour went all the bitterness, and there remains but the recollection of the more pleasant hours spent together in the discharge of a public duty to a common country. And during these long years, crowded as they are with fond reminiscences of the past, I recall to mind that I have often had reasons to be thankful for the kind consideration shown me by the officers and members of the two houses of the Legislature. But to-day my heart is filled with gratitude to my fellow senators for the honor conferred upon me. And sincerely hoping that no misfortune will befall the distinguished executive of the state, or my friend the honored lieutenant governor, by which the state will be deprived of their valuable services, or by which I might be promoted and brought into the active service of the state, I can only say that, should such a misfortune befall the state, in the discharge of whatever duty I may be called upon to perform, I will be governed by that rule of action which I have always endeavored to keep before my mind to guide my official conduct: that is to do what I believe to be right regardless of consequences, and what my humble judgment dictates to be for the best interest of the state. Again, senators, I thank you for this expression of your esteem and confidence.

L. J. STOREY."

On motion of Senator Homan, the remarks of the president *pro tempore* elect was entered on the journals.

The president, after publicly reading its caption, signed House substitute for Senate bill No. 12, entitled "An act to regulate the management of railroad companies."

On motion of Senator Edwards the Senate took recess for 30 minutes.

Recess expired and Senate reconvened.

(President in the chair.)

Roll called; quorum present.

On motion of Senator Edwards the members of the free conference committee on the deficiency bill were excused from the morning session of the Senate, to attend to their committee duties.

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

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

Your committee on state affairs have considered substitute House bill No. 401, "An act amending article 352, title 17, chapter 2, article 357, chapter 3, and article 474, chapter 10 of the Revised Civil Statutes, passed February, 1879," and I am instructed to report the same back to the Senate with the recommendation that it do not pass for many reasons, among which are the following, viz:

Your committee are of the opinion that the law, as contained in the Revised Civil Statutes, sought to be amended, is amply sufficient; that vacancies in offices elective by the people should not be filled in the

manner proposed in this bill; that the power sought to be vested in mayors are too arbitrary and are not sufficiently guarded against abuse; that the provision seeking to authorize the levying of a labor tax for the improvements of streets, etc., would result unjustly and oppressively and be an unwise amendment to the present law.

Houston, *Chairman.*

Senator Patton called up Senate bill No. 386, entitled "An act to better provide for the prosecution and defense of all actions by or against the state."

Was taken up and read second time.

Senator Houston offered the following amendment:

Fill first blank in section 2 with the words "state's attorney."

Lost by the following vote:

YEAS.

Brown,
Buchanan,
Gooch,
Grace,

Guy,
Hobby,
Houston,

McCulloch,
Patton,
Terrell--10.

NAYS.

Burnett,
Burton,
Duncan,
Homan,

Lair,
Ledbetter,
Martin,
Moore,

Motley,
Ripetoe,
Swain,
Tilson--14.

Not voting—Edwards, Ford, Lane, Stewart, Shannon, Storey.

On motion of Senator Lair, the vote just taken was reconsidered.

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

Amend by striking out "state's attorney" wherever it occurs in the bill and insert in lieu thereof: "second assistant attorney general"; also fill the blank with the same.

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

Senator Swain offered the following amendment:

Strike out "an annual salary of," and insert "three thousand dollars per annum for salary and expenses."

Adopted.

The following message was received from the House:

House has adopted the report of the free conference committee on the disagreements of the two houses, arising from the Senate amendments to House bill No. 414, the same being the tax bill.

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

House concurs in Senate amendments to substitute House bill No. 388, "An act to amend section 21 of 'an act regulating the duties of tax collectors in reference to the seizure and sale of property of delinquent taxpayers, and to define the further duties, powers, qualifications and liabilities of collectors of taxes, and to regulate their compensation,'" approved August 21, 1876.

That the House had passed House joint resolution No. 64, "granting to Hon. Gustave Cook, judge of the criminal district court of Galveston and Harris counties, thirty days leave of absence from the state."

Senate joint resolution No. 306, "granting leave of absence from the state for one month to Hon. W. H. Burkhart, judge of the eighteenth judicial district."

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

And Senate bill No. 301, "To provide for the organization and support of a normal school at Alta Vista College, in Waller county, for the preparation and training of colored teachers," with amendments.

On motion of Senator Burnett, the Senate concurred in House amendments to Senate bill No. 301, entitled "An act to provide for the organization and support of a normal school at Alta Vista College, in Waller county, for the instruction of colored teachers."

Senator Gooch offered the following amendment to the pending bill: Insert in blank "six thousand dollars."

Adopted by the following vote:

YEAS.		
Brown,	Gooch,	McCulloch
Buchanan,	Hobby,	Patton,
Burton,	Houston,	Storey,
Duncan,	Lane,	Swain,
Edwards,	Ledbetter,	Terrell--16.
Ford,		

NAYS.		
Burnett,	Lair,	Ripetoe,
Grace,	Martin,	Stewart,
Guy,	Moore,	Shannon,
Homan,	Motley,	Tilson--12.

Senator Burnett offered the following:

"And the governor shall dispense with the services of the second assistant attorney general whenever in his judgment it may be done without detriment to the interests of the state."

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

After "removal by the governor" insert "when his services are no longer absolutely necessary, and that the office shall cease to exist with such removal."

Senator Homan moved the previous question on the pending amendment and substitute.

Motion seconded and main question ordered.

The substitute of Senator Duncan for the amendment of Senator Burnett was adopted by the following vote:

YEAS.		
Buchanan,	Homan,	Moore,
Duncan,	Houston,	Motley,
Edwards,	Lair,	Patton,
Ford,	Ledbetter,	Ripetoe,
Gooch,	Martin,	Terrell,
Guy,	McCulloch,	Tilson--18.

NAYS.		
Brown,	Burnett,	Burton--3.

Not voting—Grace, Hobby, Lane, Stewart, Shannon, Storey, Swain. (The most of these senators were on committee duty.)

The substitute was then adopted as an amendment to the bill.

The following message was received from the House announcing the passage by that body of substitute for Senate joint resolution "Proposing amendments to certain sections of article 5 of the constitution;"

House bill No. 358, entitled "An act to provide for the publication of notices of judicial sales in certain cases;"

And that the House has appointed free conference committee on the differences of the two houses on 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," and that Messrs. McComb, Coleman, Daniel, Taylor of Fannin and Wurzbach are appointed as such committee on the part of the House.

Senator Duncan offered the following amendment to the pending bill:

Before \$3000 insert "at the rate of."

Adopted.

Senator Houston offered the following amendment:

Fill the blank with the word "five."

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

Motion seconded and main question ordered.

The pending amendment adopted and bill ordered engrossed by the following vote:

YEAS.		
Brown,	Ford,	Lair,
Buchanan,	Gooch,	McCulloch,
Burton,	Hobby,	Storey,
Duncan,	Houston,	Terrell--12.
NAYS.		
Burnett,	Lane,	Motley,
Grace,	Ledbetter,	Ripetoe,
Guy,	Moore,	Tilson -10.
Homan,		

The following senators were paired:

Senator Martin, who would have vote "nay," with Senator Edwards, who would have voted "yea."

Senator Patton, who would have voted "yea," with Senator Stewart, who would have voted "nay."

Senator Swain, who would have voted "yea," with Senator Shannon, who would have voted "nay."

(The absent senators were excused on committee duty.)

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

YEAS.		
Brown,	Gooch,	Ledbetter,
Buchanan,	Guy,	McCulloch,
Burnett,	Hobby,	Moore,
Burton,	Homan,	Ripetoe,
Duncan,	Houston,	Terrell--17.
Ford,	Lair,	
NAYS.		
Grace,	Motley,	Tilson--3.

Not voting--Storey.

The same parties were paired, and in the same manner, on this vote as on the last one.

Bill read third time and passed by the following vote:

YEAS.		
Brown,	Gooch,	McCulloch,
Buchanan,	Hobby,	Storey,
Duncan,	Houston,	Swain,
Ford,	Lair,	Terrell--12.

NAYS.

Burnett,
Burton,
Grace,
ay,

Homan,
Ledbetter,
Moore,

Motley,
Ripetoe,
Tilson--10.

The same senators were paired in the same manner, and would vote the same way as already stated.

Senate bill No. 392, entitled "An act to amend an act entitled 'an act to amend article 4257 of the Revised Civil Statutes,' passed at the present session of the Legislature," was taken up and read first time.

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

Carried by the following vote:

YEAS.

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

Guy,
Hobby,
Homan,
Lair,
Ledbetter,
Martin,
McCalloch,

Moore,
Motley,
Patton,
Ripetoe,
Swain,
Terrell,
Tilson--21.

NAYS--none.

Not voting--Grace, Lane.

Bill read second time.

Senator Houston moved a call of the Senate.

Call sustained.

Roll called. Absent--Buchanan, Edwards, Lane, Stewart, Shannon, Storey (nearly all of whom were on committee duty).

Pending business went to the table.

Senator Swain called up Senate bill No. 359, entitled "An act to authorize the governor, attorney general and superintendent of the penitentiary to contract for conveying convicts from the places where sentenced to the penitentiary.

Senator Swain offered the following amendment:

"Section The interests of the State of Texas involved in this bill are such as creates an emergency that this bill should take effect from and after its passage, and the near approach of the close of the session is such an imperative necessity as justifies the suspension of the constitutional rule requiring this bill to be read on three several days, and said rule is hereby suspended."

Adopted.

Senator Ledbetter offered the following:

Amend by adding to section 1 the following:

"And it shall be the duty of the district clerk to notify the contractor by letter or otherwise of any person or persons convicted in his court as soon as the court adjourns."

Adopted.

Also the following:

Amend by adding to section 2 the following:

"Provided, That should the person making such contract fail or refuse to call on the sheriff of any county for any convicts within one month after the adjournment of the court in which said convicts were tried, then the sheriff shall proceed at once to carry such convicts to the penitentiary as though no such contract had been entered into."

Adopted.

Senator Burton offered the following:

Amend section 2, line seventeen, by inserting after the word "convicts" the following: "together with a copy of the decree of the court before which said defendant or defendants were tried, convicted and sentenced."

Adopted.

Senator Patton offered the following:

Add after the word "law," in line nine, "and at the same time not increase the expense of the counties in keeping convicts."

Adopted.

Senator Homan offered the following:

Add to section 1: "And contractor shall pay all expenses of feeding and keeping such convicts after ten days from the date of their conviction."

Adopted.

Bill 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,	Hobby,	Moore,
Buchanan,	Homan,	Motley,
Burnett,	Houston,	Patton,
Burton,	Lair,	Ripetoe,
Ford,	Ledbetter,	Swain,
Gooch,	Martin,	Terrell,
Grace,	McCulloch,	Tilson---22.
Guy,		

NAYS—Duncan.

Bill read third time.

Senator Terrell offered the following amendment:

"Section In all cases where a convict is demanded by a contractor, or by any agent appointed by him, the authority of such person, under the seal of the state, presented to the clerk of the court in which the conviction has been obtained, shall be sufficient authority for the said clerk to issue his warrant in the name of the state, requiring said contractor or his agent to take charge of said convict and deliver him inside of the walls of the penitentiary or to the lessees."

Adopted by the following vote:

YEAS.

Brown,	Hobby,	Moore,
Buchanan,	Homan,	Motley,
Burnett,	Houston,	Patton,
Burton,	Lair,	Ripetoe,
Ford,	Ledbetter,	Swain,
Gooch,	Martin,	Terrell,
Grace,	McCulloch,	Tilson---22.
Guy,		

NAYS—none.

The bill was then passed by the following vote:

YEAS.

Brown,	Gooch,	Houston,
Buchanan,	Grace,	Lair,
Burnett,	Guy,	Ledbetter,
Duncan,	Hobby,	Martin,
Ford,	Homan,	McCulloch,

Moore,
Motley,
Patton,

Ripetoe,
Swain,

Terrell,
Tilson--22.

NAYS--NONE.

The senators not voting on the different votes on this bill were on committee duty.

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 Senate bill No. 167, "An act to amend an act entitled 'an act creating the office of public weigher, and regulating the appointment and defining the duties and liabilities thereof,'" and at 11:10 o'clock, A. M., to-day, presented the same to the governor for his signature.

GRACE, *Chairman.*

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

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

Your committee on engrossed bills have examined Senate joint resolution No. 364, "Authorizing the governor to appoint an agent to collect moneys due the State of Texas by the United States," and herewith report it correctly engrossed.

BROWN, *Chairman.*

Senator Tilson called up House bill No. 492, entitled "An act to provide for the sale of the alternate sections of land in unorganized counties, as surveyed by railroad companies, and other works of internal improvements, set apart for the benefit of the common school fund, and to repeal all laws in conflict thereof," which was read first time.

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

Bill read second time and postponed until 3 o'clock P. M.

(Senator Houston in the chair).

House bill No. 501, entitled "An act to amend article 1333 of the Revised Civil Statutes of the State of Texas, passed at the present session of the Legislature," was taken up and read first time.

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

Carried by the following vote:

YEAS.

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

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

Moore,
Motley,
Patton,
Ripetoe,
Swain,
Terrell,
Tilson--23.

NAYS--none.

Bill read second time and passed to a third reading.

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

YEAS.

Brown,
Buchanan,
Burnett,

Duncan,
Ford,
Gooch,

Grace,
Guy,
Hobby,

Homan,
Houston,
Lair,
Ledbetter,
Martin,

McCulloch,
Moore,
Motley,
Patton,

Ripetoe,
Swain,
Terrell,
Tilson—22.

NAYS—none.

Bill read third time and passed.

The president, after publicly reading its caption, signed Senate bill No. 390, entitled "An act to require the governor of the state to counter-sign certificates for land issued from the general land office."

Substitute for House bill No. 438, entitled "An act to authorize Cunningham & Ellis, lessees of the state penitentiary, to sue the state," was taken up and read second time.

Senator Terrell moved a call of the House.

Call sustained.

Roll called. Absent—Gooch, Grace.

On motion of Senator Buchanan, 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.

On motion of Senator Houston, the Senate took a recess for one hour in order that the absent senators might be able to finish work on conference committees.

At the expiration of the hour, the Senate was called to order. Roll called; quorum present.

On motion of Senator Storey, the pending business was postponed to take up Senate bill No. 345, "An act to provide for the printing, binding and distributing of the Revised Civil Statutes, Penal Code and Code of Criminal Procedure, adopted and established at the present session of the Legislature," said bill being on its engrossment.

Senator Storey offered the following amendment:

Amend by adding to section 2 the following: "and the governor shall appoint a codifier, whose duty it shall be to select from the acts passed at the present session of the Legislature, all amendments to said Codes, and insert the amended sections in the place of the original sections of the act adopting the Codes; and when new sections have been added to any chapter and title, he shall insert the new sections in their proper places, and shall note by marginal or foot references the page of the amending section, or by which a new section was enacted; and where any general law, passed at this session, modifies a section, but the same is not amended, and re-enacted in said law, he shall leave the section of the Code as it was adopted, but shall, by marginal or foot note refer to the law so modifying the section. Said codifier shall have his work done by the time the publisher contracted with under this act is ready for the copy. He shall prepare an accurate index of each Code, as amended, and shall read and revise the proof of the Statutes, index, etc., as printed, and shall receive for his services the same compensation as was allowed the commissioners who revised the Codes, for the time he is actually engaged in the duties required of him, the same to be paid upon certificate of the governor, out of the amount appropriated for printing the Revised Statutes."

Senator Edwards offered the following:

Strike out first amendment of committee, all down to the word "and," and insert in lieu thereof "and the printing board may, in their discretion, cause said edition to be electrotyped."

Adopted and bill ordered engrossed.

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

Carried by the following vote:

YEAS.

Brown,	Homan,	Motley,
Buchanan,	Houston,	Patton,
Burnett,	Lane,	Ripetoe,
Burton,	Lair,	Stewart,
Duncan,	Ledbetter,	Storey,
Edwards,	Martin,	Swain,
Ford,	McCulloch,	Tilson--21.

NAYS—none.

Not voting—Gooch, Grace, Guy, Hobby, Moore, Shannon, Terrell.

Bill read third time and passed by the following vote:

YEAS.

Brown,	Homan,	Motley,
Buchanan,	Houston,	Patton,
Burnett,	Lane,	Ripetoe,
Burton,	Lair,	Stewart,
Duncan,	Ledbetter,	Storey,
Edwards,	Martin,	Swain,
Ford,	McCulloch,	Tilson—21.

NAYS—none.

Not voting—Gooch, Grace, Guy, Hobby, Moore, Shannon, Terrell.

The president, after publicly reading their captions, signed Senate bill No. 336, entitled "An act amendatory and supplementary to an act entitled 'an act to consolidate in one act and amend the several acts incorporating the city of Houston, in Harris county.'"

Senate bill No. 346, entitled "An act to provide for the issuance and sale of bonds for the purpose of retiring the outstanding bonds of the state, and to supply deficiencies in the revenue, and to provide the mode and manner of the sale of said bonds to the several counties in this state."

Senate bill No. 301, entitled "An act for the organization and support of a normal school at Alta Vista College, in Waller county, for the preparation and training of colored teachers."

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

House bill No. 501, entitled "An act to amend article 1333 of the Revised Civil Statutes of the State of Texas, passed at the present session of the Legislature."

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

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

(Senator Houston in the chair.)

House bill No. 492, entitled "An act to provide for the sale of the alternate sections of land in the organized counties as surveyed by railroad companies and other works of internal improvements and set apart for the benefit of the common school fund, and to repeal all laws in conflict therewith," was taken up.

A message was received from the House announcing the passage of Senate bill No. 308, entitled "An act to validate the sale of certain town lots of county lands situated in the county of McCulloch."

Senate bill No. 370, entitled "An act to amend title 45, chapter 5 of an act entitled 'an act to adopt and establish the Revised Civil Statutes,'" adopted February 21, 1879.

Senate substitute for House bill No. 75, "To amend sections 21, 37 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, with amendments.

House has adopted report of conference committee on the differences between the two houses, on Senate amendments to House bill No. 445, "An act to provide for the assessment and collection of taxes on land in unorganized counties, and for the enforcement of the same."

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

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

Your judiciary committee No. 2 have considered House bill No. 358, entitled "An act to provide for the publication of notices of judicial sales in certain cases," and I am instructed by a majority of said committee to report said bill back to the Senate and to recommend its passage.

STEWART, *Chairman.*

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

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

Your committee on enrolled bills have carefully examined and find correctly enrolled and properly signed—

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

Senate bill No. 336, "An act amendatory of and supplementary to an act entitled 'an act to consolidate in one act and amend the several acts incorporating the city of Houston, in Harris county, approved January 23, 1874,' and the several acts amendatory thereof;" and

Senate bill No. 346, "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," and at 4:55 o'clock P. M. presented the same to the governor for his signature.

GRACE, *Chairman.*

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

Your committee on enrolled bills have carefully examined and compared, and find correctly enrolled and properly signed Senate bill No. 390, entitled "An act to require the governor of the state to countersign certificates for land issued from the general land office hereafter in certain cases," and have presented the same to the governor for his signature this day at 12:45 o'clock P. M.

GRACE, *Chairman.*

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

Your committee on enrolled bills have carefully examined and find correctly enrolled and properly signed Senate bill No. 301, entitled "An act to provide for the organization and support of a normal school at Prairie View (formally called Alta Vista), in Waller county, 'for the preparation and training of colored teachers;'" and at 5:10 o'clock P. M. presented the same to the governor for his signature. GRACE, *Chairman.*

On motion of Senator Burnett, Senate substitute for House bill No. 75, just reported from the House with amendments, was taken up and House amendments concurred in.

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

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, April 19, 1879. }

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

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

S. J. Hunter, of Hopkins county, to be district attorney of the eighth judicial district. Respectfully, O. M. ROBERTS, *Governor.*

Senator Grace moved that the Senate go into executive session at 8:30 to-night to consider the nomination sent to the Senate from the executive office this evening.

Adopted.

Senator Shannon submitted the following from the free conference committee appointed on House bill No. 445:

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

Your committee of free conference on the matters of difference between the House and Senate on House bill No. 445, "An act to provide for the assessment and collection of taxes on land in unorganized counties and for the enforcement of the same," submit the following report: The committee recommend that the House concur in the Senate amendment to section 14 of the bill, and that the bill be amended in section 2, line three, by striking out the words "and county" after the word "state."

McCOMB,
COLEMAN,
DANIELS,
WURZBACH,
TAYLOR of Fannin,
On part of the House.
SHANNON,
LANE,
GUY,
SWAIN,
On part of the Senate.

Senator Gooch moved the previous question on the pending report: Motion seconded and main question ordered. The report of the committee was adopted.

Senator Shannon, from the free conference committee on House bill No. 412 (the deficiency bill), submitted the following report:

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

Your committee of free conference, appointed to meet a like committee appointed on the part of the House of Representatives, to take into consideration the disagreements of the two houses in relation to House bill No. 412, entitled "An act making appropriations beginning September 1, 1876, and ending February 28, 1879, and for previous years," have duly considered the same and respectfully submit the following report, viz:

That the House concur in Senate amendments Nos. 1, 3, 4, 6, 7, 8, 12, 14, 17 and 18, and that the Senate recede from Senate amendments Nos. 15, 16 and 19, and that Senate amendment No. 2 be amended by striking out all of the amendment after the word "proviso."

That Senate amendment No. 5 be amended by striking out "\$307 25," inserting in lieu thereof "\$200."

That amendment No. 9 be amended by adding after the word "employs" the words "at other places than Galveston."

That amendment No. 10 be amended so as to read as follows: "For payment of services of detectives, attorneys, informers and prosecutors employed in the detection and prosecution of land forgers, \$12,000."

[This appropriation is placed under the control of the governor, to be used in settling at his discretion with attorneys, detectives, informers and prosecutors in said detection and prosecution, to be paid out on warrants drawn on the treasury, based upon the certificates signed by the governor.]

That amendment No. 11 be amended by striking out "\$60,000" and inserting "\$30,000," and by striking out "\$50,000" and inserting "\$20,000."

That Senate amendment No. 13 be amended by inserting after the word "vesting" the words "a perfect title thereto," and your committee recommend that said amendments as herein amended be adopted.

Your committee further recommend the following additional amendments:

Add to section 1 the following:

"For damages sustained by Messrs. Kanmacher & Denig, on account of change made in location of the site of the East Texas penitentiary, after having entered into contract to build the same, \$2500 00. This appropriation shall be paid only upon Messrs. Kanmacher & Denig giving a full receipt for all claims against the state for any matter whatsoever growing out of the contract to build said penitentiary, or the payment of the same."

Add a new section to be section 2:

"Section 2. That warrants drawn under this appropriation act (except those in favor of school teachers) shall bear interest at the rate of four per cent. per annum from their date, and shall be made payable on or before five years from the first day of July, 1879, and the interest shall be paid annually at the treasury, and the payment endorsed upon the warrant; *provided*, that the treasurer may pay said warrants in the order of their date out of the proceeds of bonds issued to meet deficiencies in the revenue, or out of any money on hand in excess of the amount necessary to meet the current expenses of the state government.

"Section 3. The fact that there is no appropriation to pay the claims herein stated creates an emergency that requires that this act take effect at once, and it is therefore enacted that this act take effect and be in force from and after its passage."

SHANNON,
LANE,
EDWARDS,
STOREY,
STEWART,
Senate Committee.
COLEMAN,
McCOMB,
DANIELS,
WURZBACH,
TAYLOR, of Fannin,
House Committee.

Senator Storey, chairman of committee on free conference on Senate bill No. 130 (the general appropriation bill), submitted the following report:

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

Your joint free conference committee, to whom was referred the subject matter of disagreements between the Senate and House, respecting Senate bill No. 130, "An act to make appropriations for the support of the state government for the years beginning March 1, 1879, and ending February 28, 1881," have considered the subject matter of disagreement, and beg leave to report as follows:

That the Senate concur in the House amendments to the following items:

Executive Department—Line four, strike out "400" and insert "300, 300;" line five, strike out "400" and insert "300, 300;" line six, strike out "250, 250" and insert "200, 200;" line seven, strike out all after the word "executive" and insert in lieu thereof, "state and educational department, 360, 360;" strike out in lines eight, nine and ten, "1200, 1200" and insert "500, 500;" strike out "lines thirteen and fourteen" and insert "for the payment of rewards, and for paying attorneys for prosecuting offenders against the laws of this state and for representing the state in civil cases" (to be under the control and paid upon warrants issued on certificates of the governor), 15,000, 15,000;" line seventeen, strike out "3500, 3500," and insert "2000" in first column.

State Department—In line sixteen, concur in the following amendment: After the word "statutes," insert "Penal Code and Code of Criminal Procedure."

Treasury Department—Line four, strike out ".....," and insert "for salary of one additional book-keeper, to be paid one-half out of the university fund and one-half out of the proceeds of the sale of common school land, 1350, 1350;" line eight, strike out "300, 300," and insert "250, 250;" line eleven, strike out "100, 100" and insert "50, 50;" line thirteen, strike out "30,000" and insert "40,000;" line fifteen, insert the following, after the word "debt," "to be invested in state bonds."

Comptroller's Department—Line four, strike out "1200, 1200" and insert "1000, 1000;" line five, strike out "1650, 1650" and insert "1500, 1500;" line seven, strike out "900, 900" and insert "1000, 1000;" line eight, strike out "1200, 1200" and insert "1350, 1350;" line nine, strike out "900, 900" and insert "1000, 1000;" line ten, insert between the words "clerks" and "at" the following: "one-half of whom may be females."

General Land Office—Line five, strike out "1200, 1200" and insert "1350, 1350;" line six, strike out "1200, 1200" and insert "1000, 1000;" line seven, strike out "1500, 1500" and insert "1300, 1300;" in line eight, strike out "2000, 2000" and insert "1800, 1800;" in line nine, strike out "2400, 2400" and insert "2000, 2000;" in line ten, strike out "1200, 1200" and insert "1000, 1000;" in line eleven, insert after the word "clerks" the following: "all of whom may be females in the discretion of the commissioner;" in line fourteen, strike out the word "ten" before the word "assistant," and strike out "10,000, 10,000" and insert "9000, 9000;" in line sixteen, strike out "360, 360" and insert "300, 300;" in line eighteen, strike out "500, 500" and insert "750, 750;" in line twenty, strike out "150, 150" and insert "100, 100."

Lunatic Asylum—In line one, strike out "2000, 2000" and insert "1800, 1800;" in line four, strike out "900, 900" and insert "700, 700;" in line eight, strike out "1800" and insert "2000," strike out "864, 864" and insert "960, 960;" line eleven, strike out entirely; in line twelve, strike out "300, 300" and insert "180, 180;" in line eighteen, strike out "1000, 1000" and insert "500, 500;" in line twenty-one, strike out "800 800" and insert "400 400;" in line twenty-two, strike out "800, 800" and insert "500, 500;" lines twenty-six, twenty-seven, twenty-eight and twenty-nine, strike out.

Blind Asylum—In line one strike out "2000, 2000" and insert "1800, 1800;" insert between lines two and three, for salary of music teacher "600, 600;" in line seven, strike out "300, 300" and insert "330, 330;" in line eight, strike out "360, 360," and insert "420, 420;" in line nine, strike out "5000, 2500" and insert in first column "7500."

Deaf and Dumb Asylum—In line one strike out "2000, 2000," insert "1800, 1800;" after line five add the following: "For salary of instructor in printing and expert employed by printing board, 1000, 1000;" strike out line six; in line nine, strike out "300, 300," insert "180, 180;" in line ten, strike out "240, 240," insert "150, 150;" in line eleven, strike out "420, 420," insert "300, 300;" in line thirteen, strike out "11,000, 11,000," insert "7000, 7000;" in line fourteen, strike out "6000," insert "2500."

Penitentiary—Strike out in line one, "30,000, 30,000," and insert "40,000, 40,000."

Quarantine—In line one, after word "officers", insert "and for expenses incurred;" in line two, strike out "12,000, 12,000" and insert "20,000, 20,000;" strike out from line three to line seventeen and insert, "For building quarantine station houses at such points as the health officer may deem suitable, 50,000," in first column.

Attorney General's Office—In line two, insert before the word "traveling" the words "salary and;" in line five, strike out "1200, 1200" and insert "1000, 1000;" in line nine, strike out "1000, 1000" and insert "1500, 1500;" in line ten, strike out "300, 300" and insert "100, 100;" in line eleven, strike out "250" and insert "125" in each column.

Adjutant General's Department—Strike out in line two, "1200, 1200" and insert "for salary of chief clerk for two months, 250;" line three, strike out and insert "for salary of clerk 50 per month;" line four, strike out "450, 450" and insert "200, 200;" insert after line four, the following: "For handling and transportation of arms, munitions and ammunitions, 500;" line five, strike out "and porter hire," also strike out "300, 300" and insert "50, 50;" line six, strike out the words "and paying rent;" line seven, strike out "1000, 1000" and insert "for rent of room for storage of arms and ammunition, until completion of said building, 200, in first column;" line nine, strike out "300, 300" and insert "150, 150;" strike out lines ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen and eighteen, inclusive, and insert "for protection of the frontier and suppression of lawlessness and crime (twenty thousand dollars of which will be appropriated each year to the organization of a force to operate in southwest Texas, but to be subject to the order of the governor in an emergency to be used elsewhere), 100,000, 100,000."

Public Buildings and Grounds—Strike out all under this head and insert "for labor upon public grounds and taking care of public buildings, shrubbery within the enclosure, and for renovating water closet at north gate of the capitol yard, all to be under the supervision of the commissioner of insurance, statistics and history, and warrants to issue upon his certificates for labor performed, 600, 600. For removal of the fence off of the streets on the east line of the state cemetery and repairing fence; filling graves in state cemetery, 50, 50."

Insurance, Statistics and History—Line two, strike out "1200, 1200," and insert "1000, 1000," and insert "one clerk, to be state librarian." Insert under this head "for one porter for department of insurance, adjutant general and attorney general, 300, 300." Strike out the balance under this head.

Under department of insurance, statistics and history, Senate and House recede from lines seven, eight, nine, ten, eleven and twelve, and recommend as a substitute therefor the following: "For stationery, postage, printing, fuel, lights, purchasing, binding and express charges on books for the public library, and for office furniture, and expenses for procuring historical archives from this and foreign countries for public library, \$500, \$500; for subscription for newspapers for public library, \$100, \$100."

That the House recede from the following House amendments:

First House amendment, strike out "1500" in line two of the bill, and insert "1200."

Executive Department.

State Department—That the House recede from amendments to lines three, four, five, seven and eleven.

Treasury Department—House recedes from amendment to lines five and nine.

Comptroller's Department—House recedes from amendments to lines thirteen and sixteen.

Department of Insurance, Statistics and History—House recedes from amendment to line one.

Educational—Strike out “1500” in line three, and insert “1800, 1800;” strike out the following words in lines ten, eleven, twelve and thirteen: “to include normal schools of this state for the years ending August 31, 1880 and 1881.”

Your committee recommend the adoption of the above report.

COLEMAN,
COLLINS,
TAYLOR, of Marion,
GAUSE,
PICKETT,
House Committee.

STOREY,
HOBBY,
LANE,
LEDBETTER,
BUCHANAN,
Senate Committee.

On motion of Senator McCulloch, the Senate adjourned until 8 o'clock to-night.

NIGHT SESSION.

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

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

Senate bill No. 370, entitled “An act to amend title 43, 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.

Senate joint resolution No. 306, “Granting leave of absence from the state for one month to Hon. W. H. Burkhart, judge of the eighteenth judicial district.”

Senate bill No. 73, entitled “An act to provide for the record of contracts relating to land in a manner that will distinguish community from separate property.”

Senator Patton, chairman of the committee on stock and stock-raising, (by leave); submitted the following report:

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

Your committee on stock and stockraising have again had under consideration 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,” and again instruct me to return said bill to the Senate with the recommendation that it do pass.

PATTON, Chairman.

Senator Houston called up House joint resolution No. 64, “Granting to Hon. Gustave Cook, of the criminal district court of Galveston and Harris counties, thirty days’ leave of absence from the state,” which was read first time.

Senator Houston moved a suspension of the rules to place the resolution on its second reading.

Carried by the following vote:

YEAS.		
Brown,	Houston,	Patton,
Buchanan,	Lane,	Ripetoe,
Burnett,	Lair,	Stewart,
Burton,	Ledbetter,	Shannon,
Grace,	Martin,	Storey,
Guy,	McCulloch,	Terrell,
Hobby,	Moore,	Tilson---22.
Homan,		

NAYS—none.

Not voting—Duncan, Edwards, Ford, Gooch, Motley, Swain.
Resolution read a second time and passed to a third reading.

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

YEAS.		
Brown,	Homan,	Patton,
Buchanan,	Houston,	Ripetoe,
Burnett,	Lane,	Stewart,
Edwards,	Lair,	Shannon,
Grace,	Ledbetter,	Storey,
Guy,	Martin,	Terrell,
Hobby,	McCulloch,	Tilson—21.

NAYS—none.

Not voting—Burton, Duncan, Ford, Gooch, Moore, Motley, Swain.
Resolution read third time and passed by the following vote:

YEAS.		
Brown,	Homan,	Patton,
Buchanan,	Houston,	Ripetoe,
Burnett,	Lane,	Stewart,
Burton,	Lair,	Storey,
Edwards,	Ledbetter,	Swain,
Grace,	Martin,	Terrell,
Guy,	McCulloch,	Tilson—23.
Hobby,	Moore,	

NAYS—none.

Not voting—Duncan, Ford, Gooch, Motley, Shannon.

Senator Stewart called up 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."

Senator Shannon offered the following:

"Add Parker county to the number of counties exempted from operation of the law."

Adopted.

Senator Lane offered the following:

Amend on line nineteen, page 1, after the word "state" by inserting the following: "Except those bordering on Red river."

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

Motion seconded and main question ordered.

The amendment of Senator Lane was adopted by the following vote:

YEAS.		
Brown,	Edwards,	Homan,
Burton,	Ford,	Houston,
Duncan,	Hobby,	Lane,

Lair,
Ledbetter,
McCulloch,
Motley,

Patton,
Ripetoe,
Stewart,

Storey,
Terrell,
Tilson—19.

NAYS.

Burnett,
Grace,
Guy,

Martin,
Moore,

Shannon,
Swain—17.

Not voting—Buchanan, Gooch.

Bill passed to third reading.

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

Lost by the following vote, it taking four-fifths to suspend:

YEAS.

Brown,
Burnett,
Burton,
Duncan,
Edwards,
Hobby,
Homan,

Houston,
Lane,
Lair,
Ledbetter,
McCulloch,
Motley,

Patton,
Ripetoe,
Stewart,
Storey,
Terrell,
Tilson—19.

NAYS.

Ford,
Grace,
Guy,

Martin,
Moore,

Shannon,
Swain—7.

Not voting—Buchanan, Gooch.

Senator Duncan called up House bill No. 206, entitled "An act in relation to chattel mortgages and other instruments intended to operate as mortgages of, or liens upon personal property and the record thereof," which was taken up and read a second time.

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

YEAS.

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

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

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

NAYS.

Ripetoe,

Swain—2.

Not voting—Gooch.

Bill read second time.

Senator Houston offered the following amendment to section 2:

Strike out the words: "but the original may be filed without having been acknowledged."

Adopted by the following vote:

YEAS.

Brown,
Burnett,
Burton,
Edwards,
Guy,
Hobby,

Homan,
Houston,
Lane,
Ledbetter,
Martin,
McCulloch,

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

NAYS.

Buchanan,
Duncan,
Grace,

Lair,
Swain,

Terrell,
Tilson--7.

Not voting—Ford, Gooch, Stewart, Storey.

Bill passed to a third reading.

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

Carried by the following vote:

YEAS.

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

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

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

NAYS—none.

Not voting—Gooch, Houston, Moore.

Bill read third time and passed by the following vote:

YEAS.

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

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

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

NAYS—none.

Not voting—Houston, Swain.

A message was received from the House announcing the passage of Senate bill No. 300, entitled "An act to establish a state normal school."

Senator Terrell was granted leave to add his name to the reasons of Senators Edwards and Lane for voting "aye" on the amendment to Senate bill No. 116, "To levy an additional ad valorem tax to pay the public debt;" published in the journals of yesterday.

Senator Storey called up the report of the free conference committee on substitute for Senate bill No. 130, "The general appropriation bill."

Senator Swain moved to adopt the report of the committee and moved the previous question on the pending question.

The report was adopted by the following vote:

YEAS.

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

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

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

NAYS.

Ford,
Not voting—Stewart, Terrell,

Grace--2.

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 Senate bill No. 383, entitled "An act regulating contracts for labor and affixing a penalty for a violation thereof," have had the same under consideration, and I am instructed by a majority of said committee to report the same back with the recommendation that it do pass.

TILSON, *for Committee.*

The president, after publicly reading their captions, signed Senate bill No. 308, entitled "An act to validate the sale of certain town lots and county lands situated in the county of McCulloch," and House bill No. 75, entitled "An act to amend section 21, section 37, 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.

Substitute House bill No. 438, "An act to authorize Messrs. Cunningham & Ellis, lessees of the state penitentiary, to sue the state," was taken up and read second time.

Senator Brown moved the previous question on the bill, which was ordered, and the bill passed to a third reading by the following vote:

YEAS.

Brown,
Duncan,
Edwards,
Ford,
Grace,
Guy,
Hobby,

Houston,
Lane,
Lair,
Ledbetter,
McCulloch,
Motley,

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

NAYS.

Buchanan,
Burnett,
Burton,

Gooch,
Homan,
Martin,

Moore.
Terrell—8.

Not voting—Patton.

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

YEAS.

Brown,
Burnett,
Burton,
Duncan,
Edwards,
Ford,
Grace,
Guy,
Hobby,

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

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

NAY—Gooch.

Not voting—Buchanan.

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

YEAS.

Brown,
Duncan,
Edwards,
Ford,
Grace,
Guy,
Hobby,

Houston,
Lane,
Lair,
Ledbetter,
McCulloch,
Motley,

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

NAYS.

Buchanan,
Burnett,
Burton,

Gooch,
Homan,
Martin,

Moore,
Terrell--8.

Not voting--Patton.

Senator Shannon called up the report of the committee of free conference on House bill No. 412, "An act making appropriations for deficiencies, beginning September 1, 1876, and ending February 28, 1879, and for previous years," which was read and adopted by the following vote:

YEAS.

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

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

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

NAYS.

Grace,

Terrell,

Tilson--3.

Senator Lane called up Senate substitute for House bill No. 492, "An act to provide for the sale of the alternate sections of land set apart and appropriated for the support of the public schools."

(Senator Hobby in the chair.)

Bill read second time.

Senator Duncan moved the previous question on the adoption of the substitute, and the same was seconded and ordered.

The Senate substitute was then adopted by the following vote:

YEAS.

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

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

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

NAYS.

Burnett,
Burton.

Homan,
Moore,

Ripetoe--5.

Not voting--Patton.

Senator Patton offered the following amendments:

On page 4, section 3, after the word "provided," in line twelve, strike out the remainder of section and insert therefor, "that these lands and no subdivision of them shall be sold for a less sum than one dollar and a half per acre."

Senator Gooch moved the previous question on the amendment and the substitute.

Seconded, and the main question ordered.

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

YEAS.

Buchanan,
Burnett,
Burton,
Duncan,
Guy,

Homan,
McCulloch,
Moore,
Motley,

Patton,
Shannon,
Swain,
Tilson--13.

NAYS.

Brown,
Ford,
Gooch,
Grace,
Hobby,

Houston,
Lane,
Lair,
Ledbetter,
Martin,

Ripetoe,
Stewart,
Storey,
Terrell--14.

Not voting—Edwards.

The bill was then ordered engrossed.

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

YEAS.

Brown,
Buchanan,
Burton,
Edwards,
Ford,
Gooch,
Grace,
Guy,

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

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

NAYS.

Burnett,
Duncan,

Motley,
Patton,

Shannon--5.

Not voting—McCalloch.

The bill was then read third time.

Senator Duncan moved to postpone further consideration of the bill until Monday morning just after the morning call.

A message was received from the House announcing the passage of Senate bill No. 179, "An act to define in what civil cases depositions of witnesses may be taken."

Senator Gooch moved the previous question on the motion to postpone, and the passage of the bill; seconded and the main question ordered.

The motion to postpone was lost by the following vote:

YEAS.

Buchanan,
Burnett,
Burton,
Duncan,

Guy,
Homan,
Motley,
Patton,

Stewart,
Shannon,
Swain,
Tilson--12.

NAYS.

Brown,
Edwards,
Ford,
Gooch,
Grace,

Hobby,
Houston,
Lane,
Lair,
Ledbetter,

Martin,
McCulloch,
Moore,
Storey,
Terrell--15.

Not voting—Ripetoe.

The bill was then passed by the following vote:

YEAS.

Brown,
Edwards,
Ford,
Gooch,
Grace,

Hobby,
Houston,
Lane,
Lair,
Ledbetter,

Martin,
Moore,
Stewart,
Storey,
Terrell--15.

NAYS.

Buchanan,
Burnett,
Burton,
Duncan,

Guy,
Homan,
McCulloch,
Motley,

Patton,
Shannon,
Swain,
Tilson--12.

Senator Brown called up Senate bill No 392, "An act to amend an act entitled 'an act to amend article 4257 of the Revised Civil Statutes,' passed at the present session of the Legislature."

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

Motion seconded and main question ordered.

The bill was ordered engrossed by the following vote:

YEAS.

Brown,	Grace,	Moore,
Buchanan,	Guy,	Motley,
Burnett,	Homan,	Stewart,
Duncan,	Lane,	Shannon,
Edwards,	Lair,	Storey,
Gooch,	McCulloch,	Terrell--18.

NAYS.

Burton,	Houston,	Patton,
Hobby,	Ledbetter,	Ripetoe - 6.

Not voting—Ford, Martin, Swain, Tilson.

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

YEAS.

Brown,	Guy,	Moore,
Buchanan,	Hobby,	Motley,
Burnett,	Homan,	Ripetoe,
Burton,	Houston,	Shannon,
Duncan,	Lane,	Storey,
Edwards,	Lair,	Terrell,
Gooch,	Ledbetter,	Tilson--23.
Grace,	McCulloch,	

NAYS—none.

Not voting—Ford, Martin, Patton, Stewart, Swain.

Bill read third time.

Senator Brown moved the previous question on the passage of the bill.

Motion seconded and main question ordered.

Bill passed by the following vote:

YEAS.

Brown,	Gooch,	Stewart,
Buchanan,	Guy,	Shannon,
Burnett,	Homan,	Storey,
Duncan,	Moore,	Terrell--14.
Edwards,	Motley,	

NAYS.

Burton,	Houston,	Ripetoe,
Ford,	Lair,	Swain,
Grace,	Ledbetter,	Tilson--11.
Hobby,	Patton,	

Not voting—Lane, Martin, McCulloch.

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

Senator Edwards called up House substitute for Senate joint resolution Nos. 5 and 102, "proposing an amendment to article 5 of the constitution of the State of Texas."

Senator Edwards offered a substitute for the resolution.

Senator Terrell moved to postpone the resolution until the first session of the Senate next week.

On motion of Senator Ledbetter the Senate went into executive session.

IN SENATE.—Senator Motley moved that the confirmations just made in executive session be entered on the journals.

Carried.

It is accordingly stated that the Senate confirmed the appointment of S. W. Hunter as district attorney of the eighth judicial district of the state.

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

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

Your committee on engrossed bills have examined Senate bill No. 386, entitled "An act better to provide for the prosecution and defense of all actions by or against the state," and find it correctly engrossed.

BROWN, *Chairman.*

On motion of Senator Motley, the Senate adjourned until 9:30 A. M. Monday.

EIGHTY-FOURTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, April 21, 1879. }

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

On motion of Senator Tilson, the reading of the journals of Saturday was dispensed with. They were not adopted as the evening and night sessions were not printed and the manuscript journals were still in the hands of the printer.

Senator Lair, chairman of the committee on public buildings and grounds, submitted the following report:

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

Your committee on public buildings and grounds have examined the books, papers, etc., of the late superintendent of public buildings and grounds (Wm. Neal Ramey) at his own request, and find the same all correct, and that the public funds under his control have been properly accounted for. He has many vouchers or receipts from various persons for material, shrubbery, plants, labor done, etc., showing that the parties are all paid in full for the same.

Mr. Ramey, in addition, certifies that all claims against the state for everything done or furnished during his administration have been paid in full, and he pledges himself to defend the state against any claim or claims that may be brought against the same for the time he has filled this position—from August 1, 1877, to January 21, 1879—and desires the matter placed on record.

We also find that appropriations were made for the public buildings and grounds to the thirty-first of December, 1878, and that Mr. Ramey expended on labor appropriation forty-four dollars more than the appropriation, but that of the appropriation for trees, plants, etc., he expended fourteen dollars less than the appropriation, making of the combined appropriations thirty dollars more than was appropriated to December 31, 1878.

The said superintendent does not ask to be reimbursed for this amount expended over the appropriation; we would, however, recommend that

the fourteen dollars not expended on the appropriation for trees, plants, etc., be placed to the labor appropriation as part of the forty-four dollars he expended over the amount appropriated for labor, still leaving the superintendent thirty dollars out that he paid over the amounts appropriated, and for which he desires and asks no reimbursement.

From December 31, 1878, to January 21, 1879, the concluding portion of the time of his term, there was no appropriation and in preparing the grounds to turn over in good order at the end of his term, and to attend to the same while he was attending to his duties in the Legislature, he employed labor and paid for it out of his salary as superintendent to the amount of twenty-five dollars, making fifty-five dollars in all he has expended out of his own private funds, and for which he asks no reimbursement, except the fourteen dollars already referred to.

We take pleasure in stating that the public buildings and grounds were turned over in good order by the said superintendent, and considering the smallness of the appropriation under his control, he deserves credit for the manner in which the business was managed.

LAIR, *Chairman.*

Senator Duncan moved that the report just made be taken up for consideration and adoption.

The report was read and unanimously adopted.

A message was received from the House announcing the passage by that body of House bill No. 121, entitled "An act to ascertain the amount due teachers for services rendered in the public schools from September 1, 1873, to August 31, 1876, and to provide for the payment of the same."

House bill No. 336, entitled "An act establishing and prescribing the manner of ascertaining the boundaries of counties."

House bill No. 422, entitled "An act to provide for the assessment and collection of taxes on lands that have not been rendered for assessment and taxation from the year 1871 to 1876," and repealing "An act to enforce collection of delinquent taxes on lands assessed since January, 1870."

Senate bill No. 118, entitled "An act extending the lien for rent to owners of residences, store houses and other buildings."

Senate bill No. 128, entitled "An act to prevent the taking up and using of any horse, mare, gelding, mule, ox, cow or any other dumb animal the property of another, without his consent."

Senate bill No. 90, entitled "An act to suppress lawlessness and crime and organize a force for that purpose," with amendments.

Substitute for Senate bill No. 125, entitled "An act to ratify and declare valid a compromise with the commissioners' court of Brazoria county, and the issuance of county bonds and levy of tax therefor in settlement of bonds of said county issued under an act of the Legislature, passed September 1, 1856," etc.

Senate bill No. 350, entitled "An act to amend article 1173 of the Revised Civil Statutes, passed by the Sixteenth Legislature."

Substitute for Senate bill No. 320, entitled "An act to amend article 826 of the Revised Civil Statutes, so as to correct the conflict in the boundary line between Blanco and Kendall counties."

Senate bill No. 163, entitled "An act to create and establish a state board of health for the State of Texas and to define their powers and duties."

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 herewith return to the Senate the following Senate bills, No 57, "An act to create the twenty-eighth judicial district;" No. 65, "Protest from members of the San Antonio bar," and No. 89, "Petition of citizens of McCulloch county asking for the formation of a new judicial district, and protesting against changes heretofore made in the seventeenth judicial district," and ask to be discharged from further consideration.

SHANNON, *Chairman.*

A message was received from the House announcing that the House concurs in Senate amendments to House bill No. 206, "An act in relation to chattel mortgages and other instruments intended to operate as mortgages of or liens upon personal property and the record thereof."

Also, House concurs in Senate amendments to House bill No. 359, "An act to authorize the governor, attorney general and superintendent of the penitentiary to contract for conveying convicts from the places where sentenced to the penitentiary."

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

Senate bill No. 120, entitled "An act to prevent the taking up and using of any horse, mare, gelding, mule, ox, cow or any other dumb animal, the property of another, without his consent."

And Senate bill No. 300, entitled "An act to establish a state normal school."

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

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

Your committee on enrolled bills have carefully examined and find correctly enrolled and properly signed—

Senate bill No. 73, "An act to provide for the record of contracts relating to land in a manner that will distinguish separate from community property;"

Senate bill No. 370, "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;" also,

Senate joint resolution No. 306, "Joint resolution granting leave of absence from the state for one month to Hon. W. H. Burkhart, judge of the eighteenth judicial district," and at 9:15 o'clock A. M. presented the same to the governor for his signature.

GRACE, *Chairman.*

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

Your committee on enrolled bills have carefully examined and find correctly enrolled and properly signed Senate bill No. 75, entitled "An act to provide for appeals and writs of *certiorari* from judgments of justices' courts in counties in which the civil and criminal jurisdiction, or either, of county courts has been transferred to the district courts;"

Also, Senate bill No. 308, entitled "An act to validate the sale of certain town lots and county lands situated in the county of McCulloch;" and have at 9:15 o'clock A. M. presented the same to the governor for his signature.

GRACE, *Chairman.*

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

Senate bill No. 350 to judiciary committee No. 1.

House bill No. 121 to committee on finance.

Senator Ledbetter, chairman of free conference committee on House bill No. 33, submitted the following report:

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

Your committee of free conference on the matters of difference between the House and Senate on House bill No. 33, and Senate substitute therefor, have had the same under consideration, and submit the following report, to wit: Your committee recommend that the Senate substitute for House bill No. 33 be adopted.

LEDBETTER, *Chairman Senate Committee.*
 McCOMB, *Chairman House Committee.*

On motion of Senator Gooch, the report was adopted.

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

On motion of Senator Lane, the Senate refused to concur in House amendments to the bill, and a committee of conference was appointed with powers of a free conference committee.

Senators Lane, Terrell and Motley were appointed as said committee on the part of the Senate.

Senator McCulloch offered the following resolution:

WHEREAS, The House has failed to concur with the Senate in the amendments to the judiciary article of the constitution; and,

Whereas, We are within a few paces of the end of a long and laborious lane of legislation; and,

Whereas, There is an existing imperative public necessity for the immediate passage of a suitable amendment to the judiciary clause of the constitution, as well as many other important measures; therefore be it

Resolved, That the Senate annul the resolution to adjourn on Tuesday, the twenty-second at 12 ~~m~~.

Senator Lane offered the following substitute for the resolution of Senator McCulloch:

Resolved, By the Senate and House of Representatives, that the president of the Senate and speaker of the House of Representatives be authorized to close the present session by adjourning their respective houses *sine die* on Thursday, the 24th day of April, 1879, at 12 o'clock m.

Senator Burnett moved to postpone until to-morrow.

Lost, and substitute adopted by the following vote:

YEAS.

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

Guy,
 Hobby,
 Houston,
 Lane,
 Ledbetter,
 McCulloch,

Motley,
 Ripetoe,
 Stewart,
 Storey,
 Swain—17.

NAYS.

Brown,
 Burton,
 Grace,
 Homan,

Lair,
 Martin,
 Moore,

Patton,
 Shannon,
 Tilson--10.

Not voting—Terrell.

The president referred House bill No. 442, and substitute for Senate bill No. 123, to the committee on finance.

House bill No. 336 and substitute for Senate bill No. 320 to the committee on counties and county boundaries. (These bills were reported from the House this morning and captions just given.)

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

Lost by the following vote:

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

Not voting—Terrell.

Senator Edwards withdrew the motion to reconsider.

Senator Guy then moved to reconsider the vote adopting the substitute of Senator Lane.

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

Senator Lane moved a call of the Senate.

Call sustained.

Roll called. Absent—Terrell.

The pending business went to the table.

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 bills:

Senate bill No. 179, entitled "An act to define in what civil cases depositions of witnesses may be taken;"

Senate bill No. 300, entitled "An act to establish a state normal school," and at 9:35 o'clock A. M. presented the same to the governor for his signature.

GRACE, *Chairman.*

On motion of Senator Duncan, Senator Lair was excused indefinitely from 12 M. to-morrow.

The president, after publicly reading its caption, signed House joint resolution No. 64, "Granting to Hon. Gustave Cook, of the criminal district court of Galveston and Harris counties, thirty days leave of absence from the state," etc.

The senate was announced full, when the reconsideration of Senator Guy's motion to reconsider was resumed.

The motion to reconsider was lost by the following vote:

YEAS.		
Brown,	Homan,	Shannon,
Burton,	Martin,	Swain,
Grace,	Motley,	Tilson—11.
Guy,	Patton,	

NAYS.

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

Hobby,
Houston,
Lane,
Lair,
Ledbetter,
McCulloch,

Moore,
Ripetoe,
Stewart,
Storey,
Terrell—17.

Senator Stewart, chairman 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 Senate bill No. 350, with House amendment, entitled "An act to amend article 1173 of the Revised Civil Statutes, passed by the Sixteenth Legislature," and I am instructed by a majority of the committee to report said bill back to the Senate and to recommend that the bill, as amended, do pass.

STEWART, *Chairman.*

On motion of Senator Guy, the amendments of the House to this bill were concurred in.

Senator Stewart called up Senate joint resolution No. 9, which is as follows:

JOINT RESOLUTION AMENDING SECTION 11 OF ARTICLE I OF THE CONSTITUTION OF THE STATE OF TEXAS.

SECTION 1. *Be it resolved by the Legislature of the State of Texas,* That section 11 of article 1 of the constitution of the State of Texas be so amended as to read as follows, viz:

"All prisoners shall be bailable by sufficient sureties except those who may be charged with felonious homicide, or any capital felony, and where the proof is evident, in which cases no bail shall be allowed, unless it be shown that the state has, after indictment found, twice continued the case, and then bail may be allowed if the judge or court to whom application has been made shall deem it proper to grant it; but this provision shall not be so construed as to prevent bail in cases other than those of felonious homicide or capital felony after indictment upon examination of the evidence in such manner as may be prescribed by law."

(Senator Hobby in the chair.)

The previous question was moved.

Motion seconded and main question ordered.

The pending resolution was adopted by the following vote:

YEAS.

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

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

Martin,
McCulloch,
Moore,
Motley,
Ripetoe,
Stewart,
Shannon—22.

NAYS.

Ledbetter,
Patton,

Storey,
Swain,

Terrell,
Tilson—6.

Senator Shannon called up House bill No. 358, entitled "An act to provide for the publication of notices of judicial sales in certain cases," which was read first time.

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

YEAS.

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

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

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

NAYS.

Edwards,
Not voting—Guy, McCulloch.
Bill read second time.

Grace,

Houston—3.

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

House substitute for Senate joint resolutions Nos. 102 and 5, "proposing an amendment to article 5 of the state constitution," was taken up.

Senator Edwards offered a substitute for the resolution.

The pending substitute of Senator Edwards was adopted by the following vote:

YEAS.

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

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

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

NAYS—none.

Not voting—Duncan, Guy.

On motion of Senator Lair, Senator Duncan was excused indefinitely on account of sickness in his family.

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 substitute for House bill No. 492, entitled "An act to provide for the sale of the alternate sections of land set apart and appropriated for the support of the public schools;"

Senate bill No. 345, entitled "An act to provide for the printing, binding and distribution of the Revised Civil Statutes, Penal Code and Code of Criminal Procedure, adopted and established at the present session of the Legislature;"

Senate bill No. 392, entitled "An act to amend an act entitled 'an act to amend article 4257 of the Revised Civil Statutes, passed at the present session of the Legislature,' and herewith return them correctly engrossed.

BROWN, *Chairman.*

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,'" was taken up and passed by the following vote:

YEAS.

Brown,
Burnett,
Edwards,
Gooch,
Guy,
Hobby,

Homan,
Lane,
Lair,
McCulloch,
Moore,
Motley,

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

NAYS.

Burton,
Ford,

Grace,
Houston,

Martin,
Shannon—6.

Not voting—Buchanan, Duncan, Ledbetter, Swain, Tilson.

Senator Houston called up House bill No. 437, entitled "An act prescribing the number of hours per day in which employes in the departments of the state government shall labor," which was read second time and passed to a third reading.

The consideration of the substitute for House substitute for Senate joint resolutions Nos. 5 and 102 was resumed.

Senator Gooch offered the following amendment:

Line twenty-three, page 2: in section 2 of this bill relating to section twenty-two, strike out the words "of the county courts and."

Adopted.

Senator Edwards moved a call of the Senate.

Call sustained.

Roll called. Absent—Lane, Ledbetter, Martin, Moore, Swain, Tilson.

Pending business went to the table.

(Senator Houston in the chair.)

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, read second time and passed to a third reading.

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

Carried by the following vote:

YEAS.

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

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

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

NAYS—none.

Not voting—Duncan, Grace, Moore, Motley, Patton.

Bill read third time and passed by the following vote:

YEAS.

Brown,
Buchanan,
Burnett,
Edwards,
Ford,
Gooch,
Grace,
Guy,
Hobby,

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

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

NAYS—none.

Not voting—Burton, Duncan, McCulloch.

House bill No. 125, entitled "An act providing for the issuance of bonds for the investment of the proceeds arising from the sale of the county school lands and to direct how the money so obtained shall be used," was taken up.

The Senate was announced full and the consideration of substitute for House substitute for Senate joint resolutions No. 102 and 5, was resumed.

The substitute as amended was adopted as an amendment to the constitution by the following vote:

YEAS.		
Brown,	Homan,	Motley,
Buchanan,	Houston,	Patton,
Burnett,	Lane,	Ripetoe,
Duncan,	Lair,	Stewart,
Edwards,	Ledbetter,	Shannon,
Ford,	Martin,	Storey,
Gooch,	McCulloch,	Terrell,
Grace,	Moore,	Tilson—25.
Hobby,		

NAYS—none.

Not voting—Swain.

Senators Burton and Guy were excused from voting on this resolution.

Senators Stewart, Lane and Duncan gave notice of spreading reasons on the journal for their vote just cast.

(President in the chair.)

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

Senate bill No. 350, entitled "An act to amend article 1173 of the Revised Civil Statutes passed by the Sixteenth Legislature;"

Senate bill No. 118, entitled "An act extending the lien for rents to owners of residences, store houses and other buildings;"

And Senate bill No. 179, entitled "An act to define in what civil cases depositions of witnesses may be taken."

Senator Martin, from special committee, submitted the following report:

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

Your joint committee appointed to investigate the subject of forgeries of land titles in this state, instruct me to report that they have been engaged for several weeks in examining witnesses and documents at such times as the Senate and House were not holding their sessions; they find that it has been impossible to gain anything like a full knowledge of the operations in fraudulent land titles; that the evidence had before your committee develops the fact that there has, for several years past, been a combination of forgers operating in this state, and that their work affects the titles of hundreds of thousands of acres of land in the state; that owing to the limited time in which your committee has had to pursue these investigations, it is impossible to make a report that would furnish in detail the information sought to be obtained by its appointment. Much testimony has been taken and numerous documents and paper files have been examined, but the time has only been sufficient to ferret out the facts connected with a few of the fraudulent transactions indicated in the testimony taken before your committee; and it has, there-

fore, been determined by the committee that it would be advisable not to attempt a detailed report of the developments made, the more so because it would be improper to make a public report of many facts contained in the evidence.

Your committee recommend the passage of House bill No. 506 and Senate bill No. 271. They also recommend that a new committee be appointed to continue the labors commenced by the present committee, and, to that end, recommend the adoption of the accompanying joint resolution.

Your committee further recommend that the volume of testimony taken by this committee be delivered into the hands of the committee to be appointed and that this committee be discharged.

MARTIN,
Chairman Senate Committee.
 HOMAN,
 LANE,
 BUCHANAN,
 DUNCAN.
 FROST,
Chairman House Committee.
 PICKETT,
 BAKER,
 FOSTER,
 JOHNSON.

The committee, with this report, submitted the following joint resolution:

“Authorizing the appointment of a committee to sit during the vacation of the Legislature to continue the investigation of land forgeries, and prescribing their powers and duties.”

The resolution accompanying the report was read first time.

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

YEAS.		
Brown,	Gooch,	Ledbetter,
Buchanan.	Guy,	Martin,
Burnett,	Hobby,	Motley,
Burton,	Homan,	Ripetoe,
Duncan,	Houston,	Stewart,
Edwards,	Lane,	Shannon,
Ford,	Lair,	Storey--21.
NAYS.		
Patton,	Terrell,	Tilson--4.
Swain,		

Not voting—Grace, McCulloch, Moore.

Resolution read second time.

Senator Martin offered the following resolution:

Amend by filling blank with “five dollars.”

Adopted and resolution ordered engrossed.

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

Carried by the following vote:

YEAS.		
Brown,	Burnett,	Edwards,
Buchanan,	Burton,	Ford,

Gooch,
Grace,
Guy,
Homan,
Houston,
Lair,

Ledbetter,
Martin,
McCulloch,
Moore,
Motley,

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

NAYS.

Patton,
Not voting—Duncan, Hobby, Lane.

Swain,

Tilson--3.

Bill read third time and passed by the following vote:

YEAS.

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

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

McCulloch,
Moore,
Motley,
Stewart,
Shannon,
Storey,
Terrell--21.

NAYS.

Grace,
Guy,

Patton,
Ripetoe,

Swain,
Tilson--6.

Not voting—Burton.

Senator McCulloch moved to adjourn until 8 o'clock to-night, as to-day is the anniversary of the battle of San Jacinto, and a legal holiday.

Lost by the following vote:

YEAS.

Buchanan,
Ford,

McCulloch,
Patton,

Swain,
Terrell--6.

NAYS.

Brown,
Burnett,
Duncan,
Edwards,
Gooch,
Grace,

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

Martin,
Moore,
Motley,
Ripetoe,
Stewart,
Tilson--18.

Not voting—Burton, Hobby, Shannon, Storey.

The following message was received from the House:

House adheres to its amendments to Senate bill No. 90, "An act for the suppression of lawlessness and crime," and that Messrs. Collins, Pickett and Linn have been appointed a committee of conference with powers of free conference upon part of the House to meet a like committee upon part of the Senate.

Senator Lane, from the conference committee on Senate bill No. 90, submitted the following report:

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

Your committee of conference with powers of free conference have had under consideration the difference between the Senate and House upon Senate bill No. 90, entitled "An act to suppress lawlessness and crime, and to organize a force for that purpose," and do recommend that the House do recede from its amendment, and that said bill be amended by the addition of the following section, No. 8, to wit:

"Section 8. That the officers and members of all military companies organized for the protection of the frontier or for the suppression of

lawlessness and crime in this state, shall receive pay for services in accordance with the rate established by section 4 of this act."

And amend further by numbering section 8 in the original bill section No. 9:

LANE,
TERRELL,
MOTLEY,

Committee for Senate.

COLLINS,
PICKETT,
LINN,

Committee for House.

On motion of Senator Houston, the report was adopted.

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

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

Your committee on internal improvements, to whom was referred Senate bill No. 83, entitled "An act declaring the minimum amount of the capital stock of railway companies hereafter chartered by special act of the Legislature of this state, and Senate bill No. 344, entitled "An act for the relief of the Sabine Pass and Northwestern Railway Company," herewith return the same to the Senate and respectfully ask to be discharged from their further consideration.

SHANNON, *Chairman.*

Senator Brown moved to take up the motion of Senator Stewart to reconsider the vote passing Senate bill No. 392, entitled "An act to amend an act entitled 'an act to amend article 4257 of the Revised Civil Statutes,' passed at the present session of the Legislature."

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

Motion seconded and main question ordered.

The motion to reconsider was lost by the following vote :

YEAS.

Burton,
Ford,
Hobby,

Houston,
Ledbetter,
Patton,

Stewart,
Storey,
Tilson--9.

NAYS.

Brown,
Buchanan,
Burnett,
Duncan,
Edwards,
Gooch,

Grace,
Guy,
Homan,
Lane,
Lair,
Martin,

Moore,
Ripetoe,
Shannon,
Swain,
Terrell--17.

Not voting—McCulloch, Motley.

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

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

Your committee on finance have had under consideration the memorial of the mayor of Galveston, asking that the state reimburse the city of Galveston the sum of \$28,623 09 as the amount paid out by that city for expenses of quarantine during the years 1870 and down to the fifteenth day of February, 1877; \$19,000 of this sum is claimed for the pay of the health officer and \$9623 09 for other expenses.

The law under which this claim is made was approved June 10, 1870, and requires towns and cities to keep up a quarantine when the governor

shall so direct in a proclamation issued for that purpose. This law also requires that the town or city shall collect certain fines, fees and penalties, and at the end of the quarantine declared by the governor they shall make a succinct statement of receipts and expenditures, and forward the same to the comptroller, and the state shall pay the excess of expenditures over receipts, if any. It seems that no report was made by Galveston for the years 1870, 1871 and 1872, and now in this memorial for the first time the city presents her claim for \$12,265 94 as the total sum expended by the city for quarantine purposes during those years, without giving any account whatever of the sums collected as fines, fees, etc., authorized and required by the law to be collected.

The committee cannot presume that the city collected no fees, fines and penalties required by law. On the contrary we conclude that it is more probable that the officials did their duty in that respect, and the expenses were all paid out of the fines and fees authorized by law to be collected.

Again we find that this memorial claims as expenses for 1873, \$1291 23, and as salary of quarantine officer \$3300, while the records of the comptroller's office show that the city of Galveston presented its claim at the proper time to that office for \$3868, which included \$1200 as the salary of the health officer and \$226 expenses to New York to attend health association. This account was approved by the auditorial board and paid, except the item for \$226, which was rejected. On this claim Galveston received from the state \$2307 23 and from fines, fees, etc, \$1334 23.

For the year 1874, this memorial claims for expenses of quarantine \$1690 85 and for salary of health officer \$3600, while the records of the comptroller's office show that the claim presented to that office at the proper time was for \$2190 85, all of which was approved by the auditorial board and paid by the state, except an item of \$80, expenses of quarantine officer to Austin, which was rejected.

For the year 1875 this memorial claims as the balance over and above receipts \$2251 15, as expenses and salary of health officer \$3600, whereas the records of the comptroller's office show that the city for that year claimed \$2671 15, of which Governor Coke approved only \$2251 15, which was paid by the state.

For the year 1876 this memorial claims as expenses a balance of \$3083, and for salary of health officer \$3600, while the claim presented to the comptroller was for only \$3083, of which Governor Coke only allowed \$2100, and which was paid by the state.

We find for the years 1875 and 1876 the city of Galveston kept up the quarantine for some time after the expiration of the time named in the proclamation of the governor, and the expenses for that time was rejected by the governor.

For January and to the 15th day of February, 1877, this memorial claims as expenses \$559, and for salary of health officer in this language: "for January and to February 15, 1877, one and one-half months at \$2000 per year \$250," whereas the records of the comptroller's office for the entire year 1877 shows the amount claimed and paid for that year was for expenses \$1890, and salary of the health officer \$3000. The itemized account presented in this memorial, under the seal of the city and official signature of the city clerk, shows that the salary of the health officer for that year was only \$2000, whereas the account presented by the city at the time and paid by the state was for the health officer

\$3000, or \$1000 more than the city was entitled to for that year, even if the state was liable for the full year's salary.

The memorial asks nothing for the year 1878; but upon an investigation of this matter we find that the claim presented against the state for that year by Galveston was approved and paid, the amount being \$5590, of which \$3000 was for the salary of the health officer. We are not advised whether or not that any ordinance of the city had been passed raising the salary of the health officer from \$2000 in 1877 to \$3000 in 1878. And if no such change was made we fear the same mistake was made by the city in 1878 that she did in 1877. That is to claim and get \$3000 per annum instead of \$2000, which seems to be the real annual salary of that officer.

We further find that the city claims and have sometimes collected the full annual salary, whereas under the act of 1870 it was never contemplated that the state should pay no expenses or salary except for the time the quarantine was kept up under the proclamation of the governor and the committee, and borne out in this construction of the law by the official acts of Governor Coke on some of these very accounts for the years 1875 and 1876, where it is seen he rejected claims for expenditures made after the expiration of the time for which the governor declared the quarantine.

We further report that these neglected claims are found in the itemized accounts presented to the Legislature in this memorial.

Believing that Galveston has already received more from the state, for quarantine purposes for the years 1870 to 1878, both inclusive, than she was entitled to, I am instructed by a unanimous vote of the committee, to return the memorial to the Senate with the recommendation that the relief prayed for be not granted.

STOREY, *Chairman.*

On motion of Senator Lair, the report of the committee last read was adopted.

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 compared and find correctly enrolled and properly signed Senate bill No. 118, "An act to amend title 58 of the Revised Civil Statutes of the State of Texas," passed February 21, 1879; Senate bill No. 128, "An act to prevent the taking up and using of any horse, mare, gelding, mule, ox, cow or any other dumb animal the property of another, without his consent;" Senate bill No. 350, "An act to amend article 1173 of the Revised Civil Statutes passed by the Sixteenth Legislature," and at 11:45 o'clock A. M. presented the same to the governor for his signature.

GRACE, *Chairman.*

Senator Ford moved to adjourn until 8 o'clock to-night in honor of and out of respect for the day, which is the forty-third anniversary of the battle of San Jacinto, the great victory which secured Texan independence, sustaining his motion with forcible and patriotic remarks.

The motion carried by the following vote:

YEAS:

Buchanan,
Burnett,
Duncan,
Ford,
Gooch,
Grace,

Guy,
Ledbetter,
Martin,
McCulloch
Motley,
Patton,

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

NAYS.

Burton,
Edwards,
Hobby,
Homan,
Not voting—Brown.

Houston,
Lane,
Lair,

Moore,
Stewart,
Storey---10.

NIGHT SESSION.

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

A quorum soon appeared and the Senate proceeded to business.

A message was received from the House announcing the passage by that body of Senate bill No. 252, entitled "An act to amend chapter 2 of title 15, and chapter 1 of title 16 in the Code of Criminal Procedure of an act entitled 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas;'"

House bill No. 220, entitled "An act concerning depositions upon oral interrogatories and the mode and manner of taking the same;"

House adopted the report of the free conference committee on the differences of the two houses, arising on the House amendments to Senate bill No. 130, the same being the general appropriation bill;

House refused to adopt the report of the free conference committee on the deficiency appropriation bill, asks for another committee of free conference, and that Messrs. Coleman, Gause, Collins, McComb and Reeves have been appointed such free conference committee upon part of the House; and that the House has adopted the report of the free conference committee on the disagreements between the two houses, arising from House amendments to Senate bill No. 90, "An act for the suppression of lawlessness and crime."

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

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

Your committee on county and county boundaries have had under consideration House bill No. 336, substitute for Senate bill No. 320, "An act establishing and prescribing the manner of ascertaining the boundaries of counties," and I am instructed by a majority of said committee to report said bills back to the Senate and recommend the passage of the substitute with an amendment.

TILSON, *Chairman.*

Senator Storey called up the bill just reported, which was taken up and read first time.

Senate Storey moved that the rules be suspended and bill placed upon its second reading by the following vote:

YEAS.

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

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

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

NAYS—NONE.