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OF THE

SENATE OF TEXAS,

BEING THE

Regular Session, Nineteenth Legislature,

BEGUN AND HELD AT THE

CITY OF AUSTIN, JANUARY 13, 1885.

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1885.

SENATE JOURNAL.

FIRST DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, January 13, 1885. }

In accordance with law, the Senate of the Nineteenth Legislature met in the Senate Chamber of the Capitol, in the city of Austin, at 12 o'clock m. to-day (January 13, 1885), and was called to order by Hon. Marion Martin, Lieutenant-Governor of the State.

Prayer by Rev. R. K. Smoot, of Travis, Chaplain of the Senate of the Eighteenth Legislature.

The roll being called, the following Senators answered to their names:

First District—W. L. Douglass.
Second District—C. J. Garrison.
Third District—W. H. Pope.
Fourth District—J. A. Peacock.
Fifth District—Sam D. Stinson.
Sixth District—J. L. Camp, Jr.
Seventh District—C. B. Kilgore.
Eighth District—M. Y. Randolph.
Ninth District—J. W. Jones.
Tenth District—W. M. Jerdone.
Eleventh District—John Woods.
Twelfth District—H. Knittle.
Thirteenth District—J. P. Fowler.
Fourteenth District—J. S. Perry.
Fifteenth District—L. J. Farrar.
Sixteenth District—J. O. Terrell.
Seventeenth District—John Johnson.
Eighteenth District—W. O. Davis.
Nineteenth District—Temple Houston.
Twentieth District—W. R. Shannon.
Twenty-first District—W. H. Getzendaner.
Twenty-second District—R. H. Harrison.
Twenty-third District—C. K. Bell.
Twenty-fourth District—Geo. W. Glasscock.
Twenty-fifth District—George Pfeuffer.
Twenty-sixth District—Rud. Kleberg.
Twenty-seventh District—E. F. Hall.
Twenty-eighth District—A. W. Houston.
Twenty-ninth District—J. H. Calhoun.
Thirtieth District—J. H. Traylor.
Thirty-first District—W. A. Evans.

The credentials of the new members, excepting Senators Bell, Harrison and Pope, were presented, and those holding credentials, to-wit: Senators Calhoun, Camp, Douglass, Garrison, Glasscock, Hall, Houston of Wheeler, Jerdone, Kilgore, Knittle, Stinson, Terrell and Woods, had the oath of office administered them by the Lieutenant-Governor.

On motion of Senator Houston of Bexar, the new Senators not holding credentials were also sworn in.

Lieutenant Governor Martin then delivered the following address:

GENTLEMEN OF THE SENATE: If custom had not made it my duty, I would not feel called upon to address the Senate, as I am satisfied that you fully appreciate the importance of the occasion that calls us together. The magnitude and importance of your action as a legislative body can scarcely be stated in terms of exaggeration. Whatever may be our opinion of the importance of other departments of our government, we realize the fact that the law making department is the great heart that forces the life blood through every arm and department of our government. Your action involves not only the welfare and prosperity of our own people, but affects our character and credit abroad.

Upon you rests the responsibility of bringing the expenses of our State within the revenues without impairing or destroying the efficiency of the public service. To do this you may find it necessary to use the pruning knife placed in your hands by a people struggling under the weight of accumulated debts from the effects of two successive short crops. Our natural advantages and resources are so great that I do not think we have anything to fear from any momentary embarrassment of our cash balance.

The rapid increase of our wealth and population is to-day exciting the wonder and admiration of the civilized world, and we have nothing to fear for the future of our great State if we will *practice* that economy in the administration of our public affairs that is *preached* by all parties and by all public men.

Having been associated with many of you for years in the service of our State, I can say with confidence that I have no fears that the people of our State will have no cause to regret any action of the Nineteenth Legislature. I deem it unnecessary to ask your support in maintaining the rules and orders of the Senate, as I am confident I will receive it upon all occasions when my own action entitles me to it.

I now declare the Senate of the Nineteenth Legislature in session and ready to proceed to business.

Senator Johnson offered the following resolution:

Resolved, That the Senate do now proceed to the election of the following officers: Secretary, First Assistant Secretary, Sergeant-at-Arms, Doorkeeper, Engrossing Clerk, Enrolling Clerk, who shall, for the present, perform the duties of Calendar Clerk.

And also—

Resolved, That a committee of five be appointed to report what additional officers of the Senate are necessary to be elected; also, how many clerks, porters and pages shall be appointed, and what per diem each officer, clerk, porter and page shall receive for his services.

Senator Houston of Bexar offered the following as a substitute for the foregoing resolution:

Resolved, 1. That the Senate do now proceed to organization by the election of the following officers, viz: Secretary, First Assistant Secretary, Second Assistant Secretary, Calendar Clerk, Engrossing Clerk, Enrolling Clerk, Sergeant-at-Arms, Assistant Sergeant-at-Arms, Doorkeeper, one Chaplain, President pro tem.

Resolved, 2. That the President appoint a committee of five, to report as soon as practicable, what other employees may be necessary, and what compensation shall be allowed.

The substitute was adopted by the following vote:

YEAS—25.

Bell,	Getzendaner,	Knittel,
Calhoun,	Glasscock,	Peacock,
Camp,	Hall	Randolph,
Davis,	Houston of Bexar,	Shannon,
Douglass,	Houston of Wheeler,	Stinson,
Evans,	Jerdone,	Terrell,
Farrar,	Jones,	Traylor,
Fowler,	Kleberg,	Woods.
Garrison,		

NAYS—6.

Harrison,	Kilgore,	Pfeuffer,
Johnson,	Perry,	Pope.

The Senate then proceeded to organize by the election of the following officers, and Senators Houston of Bexar, Farrar and Harrison were appointed as tellers.

Nominations being announced in order by the President,

Senator Glasscock placed in nomination for Secretary, William Neal Ramey, which was seconded by Senator Pope.

Senator Pope moved that the nominee be elected by acclamation.

The motion was ruled out of order, as the Constitution requires the election of officers by ballot.

On the first ballot William Neal Ramey received thirty-one votes, and was declared unanimously elected, and was duly sworn in.

Senator Kleberg placed in nomination for First Assistant Secretary, C. M. Boynton, of Hamilton county, which was seconded by Senator Traylor.

Senator Peacock nominated for the same place J. E. Rodgers, of Hill county.

Mr. Rodgers nomination was seconded by Senator Getzendaner.

On the first ballot Mr. Boynton received seventeen votes, and Mr. Rodgers thirteen votes.

Mr. Boynton, having received a majority of the votes cast, was declared elected, and was sworn in.

Senator Randolph nominated W. M. Imboden for Second Assistant Secretary.

Senator Houston of Wheeler seconded the nomination.

Senator Houston of Bexar nominated W. M. Hunter, for re-election;

Which was seconded by Senator Knittel.

On the first ballot Imboden received twenty-five votes, and Mr. Hunter received five votes.

Imboden was declared elected, and was sworn in by the President.

Senator Jerdone nominated for Calendar Clerk Alexander Sampson, of Galveston.

The nomination was seconded by Senator Randolph.

Senator Kilgore placed in nomination C. L. Martin, of Dallas.

On first ballot Sampson received seventeen votes and Martin received fourteen votes.

Mr. Sampson having received a majority of the votes cast, was declared elected by the President, and sworn in.

For Engrossing Clerk, Senator Glasscock placed in nomination Mr. R. C. Walker, of Travis county.

Senator Davis nominated for the same office A. P. Finlay, of Grayson county.

Senator Evans seconded the nomination.

On first ballot Mr. Finlay received twenty votes and Mr. Walker eleven votes.

Finlay was declared elected, and sworn.

Thomas B. Jones, of Henderson, county, was placed in nomination for Enrolling Clerk by Senator Kilgore, seconded by Senators Terrell and Houston of Bexar.

Senator Kleberg nominated Yancey Lewis, of Gonzales, which was seconded by Senator Woods.

Senator Glasscock placed J. H. Ingram, of Travis, in nomination.

Yancey Lewis received, on first ballot, 21 votes, and

Mr. Jones received 10 votes.

Mr. Lewis was declared elected, and sworn.

For Sergeant-at-Arms, Senator Pfeuffer nominated William Dunn, of Guadalupe.

Senator Perry nominated A. A. Burck, of Milam.

Senator Jones nominated Stafford Smith, of Harris.

Senator Bell nominated J. C. Roberts of Bell; seconded by Senator Harrison.

Senator Jerdone seconded the nomination of Stafford Smith.

Senator Shannon nominated C. W. McGehee, of Parker.

Senator Peacock nominated J. H. Davis, of Franklin.

Senator Terrell seconded the nomination of Davis.

Senator Pope nominated W. T. Brewer, of Rusk.

Mr. Brewer's nomination was seconded by Senator Kilgore.

FIRST BALLOT.

Dunn.....	3
Burck.....	10
Smith.....	5
Roberts.....	3
McGehee.....	2
Davis.....	3
Brewer.....	5

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

Senator Shannon withdrew the name of C. W. McGehee.

SECOND BALLOT.

Dunn.....	1
Burck.....	7
Smith.....	7
Roberts.....	4
Davis.....	4
Brewer.....	6

Senator Pfeuffer withdrew the name of William Dunn.

The balloting was ordered to be continued,

No candidate having received a majority of the votes cast.

THIRD BALLOT.

Burck.....	7
Smith.....	8
Roberts.....	5
Davis.....	3
Brewer.....	8

The name of J. H. Davis was withdrawn by Senator Peacock.

An election was not had, and the fourth ballot was cast as follows :

FOURTH BALLOT.

Burck.....	11
Smith.....	6
Roberts.....	5
Brewer.....	8

No one elected.

FIFTH BALLOT.

Burck.....	8
Smith.....	7
Roberts.....	6
Brewer.....	9

The sixth ballot was taken, with the following result :

SIXTH BALLOT.

Burck.....	9
Smith.....	8
Roberts.....	6
Brewer.....	8

No election, and Seventh ballot was ordered, and resulted in the following :

SEVENTH BALLOT.

Burck.....	8
Smith.....	5
Roberts.....	8
Brewer.....	9

Senator Davis moved that the Senate adjourn till 3 o'clock.

Lost.

EIGHTH BALLOT.

Burck.....	7
Smith.....	9
Roberts.....	6
Brewer.....	8
Rodgers, J. C.....	1

No choice.

NINTH BALLOT.

Burck.....	8
Smith.....	8
Roberts.....	7
Brewer.....	8

TENTH BALLOT.

Burck.....	9
Smith.....	7
Roberts.....	7
Brewer.....	8

ELEVENTH BALLOT.

Burck.....	8
Smith.....	8
Roberts.....	4
Brewer.....	11

TWELFTH BALLOT.

Burck.....	9
Smith.....	4
Roberts.....	5
Brewer.....	13

THIRTEENTH BALLOT.

Burck.....	8
Smith.....	3
Roberts.....	6
Brewer.....	14

Senator Jones withdrew the name of Stafford Smith.

FOURTEENTH BALLOT.

Burck.....	11
Roberts.....	4
Brewer.....	16

Brewer having received a majority of the votes cast, was declared duly elected, and was Administered the oath of office.

For Assistant Sergeant-at-Arms Senator Houston of Bexar nominated Clem S. Bee, of Bexar county. Senator Fowler nominated T. C. Baird, of Bastrop county.

Senator Terrell nominated J. A. Stewart, of Travis.

Senator Glasscock seconded the nomination of Mr. Stewart, and

By request placed in nomination W. A. McDaniel, of Travis, and J. W. Ray, of Bell.

Senator Pope seconded the nomination of Mr. Baird.

Senator Douglass nominated Frank T. Bates, of Harris.

Senator Jones seconded Mr. Bates' nomination.

Senator Farrar seconded the nomination of Mr. McDaniel.

The Senate proceeded to ballot for the nominees as follows:

FIRST BALLOT.

Baird.....	6
Bee.....	5
Stewart.....	10
Bates.....	5
McDaniel.....	1
Ray.....	4

No choice.

SECOND BALLOT.

Baird.....	5
Bee.....	7
Stewart.....	11
Bates.....	4
McDaniel.....	1
Ray.....	2

No choice.

Senator Glasscock withdrew the name of W. A. McDaniel.

THIRD BALLOT.

Baird.....	7
Bee.....	6
Stewart.....	13
Bates.....	3
Ray.....	2

The name of J. W. Ray was withdrawn by Senator Glasscock.

Frank T. Bates' name was withdrawn by Senator Douglass.

FOURTH BALLOT.

Baird.....	5
Bee.....	5
Stewart.....	21

Mr. Stewart being declared duly elected was sworn in.

Senator Shannon nominated W. A. Squires, of Clay county, for Doorkeeper.

Seconded by Senators Kleberg and Houston of Wheeler.

Senator Getzendaner nominated A. J. Dorn, of Travis county.

Seconded by Senator Glasscock.

M. B. Irwin, of Milam, was nominated by Senator Calhoun.

Senator Harrison nominated G. A. King, of Falls.

Seconded by Senator Garrison.

The balloting proceeded as follows:

FIRST BALLOT.

Squires.....	10
Dorn.....	14
Irwin.....	2
King.....	5

Senator Calhoun withdrew Irwin from nomination.

SECOND BALLOT.

Squires.....	11
Dorn.....	13
King.....	7

No choice.

THIRD BALLOT.

Squires.....	11
Dorn.....	14
King.....	6

No election.

FOURTH BALLOT.

Squires.....	13
Dorn.....	14
King.....	3

Senator Harrison withdrew the name of King.

FIFTH BALLOT.

Squires.....	12
Dorn.....	19

Dorn was declared elected, and sworn in.

For Chaplain, Senator Kleberg nominated Rev. Dr. Smoot, of Travis county.

Senators Glasscock and Randolph seconded the nomination.

On the first ballot Dr. Smoot was elected by a unanimous vote of 29.

The Senate proceeded to the election of President pro tem.

Senator Houston of Bexar placed in nomination W. R. Shannon, of Parker.

Seconded by Senators Jones, Evans and Traylor. Senator Shannon received 30 votes on the first ballot, and

Was declared duly elected President pro tem. of the Senate, and sworn.

Senator Houston offered the following resolution:

Resolved, That immediately after morning call to-morrow the Senators proceed to cast lots for seats in the Senate, and that it be done in this manner, viz.: The Secretary shall place the names of Senators in a hat, and after mixing well, shall draw them one at a time, and as the names are drawn the Senators shall select their seats.

Senator Pfeuffer offered the following amendment:

By striking out the words "after morning call to-morrow," and inserting in lieu thereof the word "now."

Accepted.

Senator Peacock offered the following amendment:

That the Senators retire from the Senate chamber, and as their names are called they will come forward and select their seats.

Accepted, and

The resolution as amended adopted.

The Senators proceeded to select seats according to the resolution adopted.

The following committee was appointed by the President, under resolution of Senator Johnson, as substituted by Senator Houston of Bexar, to-wit:

Senators Johnson, Houston of Bexar, Garrison, Getzendaner and Traylor.

Senator Traylor offered the following resolution:

Resolved, That the President appoint two committees of three Senators each, one to inform the Governor, and the other to inform the House of Representatives that the Senate is organized and ready to proceed to business.

Senator Peacock offered the following substitutes:

Resolved, That the President of the Senate appoint a committee of three to notify the House of Representatives that the Senate has organized and is ready to proceed with business.

Be it resolved by the Senate, the House of Representatives concurring. That the President of the Senate appoint a committee of three Senators to act with a like committee on the part of the House of Representatives to inform the Governor that the Legislature has been organized and is ready to proceed with business.

Substitute lost, and

Resolution of Senator Traylor adopted.

Senator Jones offered the following resolution:

Resolved, That the Senate be controlled and governed by the rules adopted by the Senate of the Eighteenth Legislature until otherwise ordered.

Adopted.

The President appointed on committee to notify the House of the organization of the Senate, Senators Traylor, Houston of Bexar, and Bell.

Also, on committee to notify the Governor of the organization of Senate, Senators Peacock, Houston of Wheeler, and Kilgore.

On motion of Senator Pfeuffer,

The Senate adjourned till 10 a. m. to-morrow.

SECOND DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, January 14, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Martin in the chair.

Roll called.

Quorum present.

Prayer by Chaplain, Rev. R. K. Smoot.

On Senator Peacock's motion,

The reading of the journal of yesterday was dispensed with.

Under the call for bills and resolutions, the following were introduced:

By Senator Evans:

A bill to be entitled "An act to amend article 253, chapter 2, title 11, of the Penal Code."

A bill to be entitled "An act to amend article 496, chapter 2, title 19, of the Penal Code."

A bill to be entitled "An act to amend article 549, title 15, chapter 11, of the Penal Code."

The three bills referred to Judiciary Committee No. 2.

By Senator Pope:

A bill to be entitled "An act to amend article 2514, chapter 5, title 47, of an act entitled an act to adopt and establish the Revised Civil Statutes of the State of Texas, adopted February 28, 1879."

Referred to Judiciary Committee No. 2.

By Senator Hall:

A bill to be entitled "An act to reorganize the Twenty-eighth Judicial District of the State of Texas, and to provide the times for holding the district court therein."

Referred to Committee on Judicial Districts.

By Senator Randolph the following resolutions were introduced:

Resolved, That the Sergeant-at-Arms be authorized to purchase postage stamps and stationery necessary for the use of the Senate.

Adopted.

Be it resolved by the Legislature of the State of Texas, That the Secretary be requested to furnish for the use of each member of the Senate a copy of the Revised Statutes of the State, and of the acts of the general and called sessions of the Sixteenth, Seventeenth and Eighteenth Legislatures, and that the Sergeant-at-Arms of the Senate procure the same.

Adopted.

By Senator Houston of Wheeler:

A bill to be entitled "An act to diminish the civil and criminal jurisdiction of the county court of Montague county, and to conform the jurisdiction of the district court to such change."

Referred to Judiciary Committee No. 2.

A bill to be entitled "An act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the common school, university, blind, deaf and dumb, lunatic and orphan asylum funds of the State of Texas, and to repeal all laws in conflict therewith."

Referred to Committee on Public Lands.

By Senator Woods:

A bill to be entitled "An act to amend chapter 2, article 566, of the Revised Civil Statutes, and to prohibit the formation and chartering of corporations for the purpose of purchasing, locating or subdividing lands, and the sale and conveyance of the same."

Referred to Judiciary Committee No. 1.

By Senator Houston of Wheeler:

Joint resolution proposing an amendment to section 12 of article 8 of the Constitution.

Referred to Committee on Constitutional Amendments.

By Senator Fowler:

A bill to be entitled "An act to amend an act entitled 'an act regulating the removal of the disabilities of minors,' approved March 2, 1881."

Referred to Judiciary Committee No. 1.

By Senator Getzendaner:

A bill to be entitled "An act to amend article 4, title 2, of the Revised Statutes of the State of Texas."

Referred to Judiciary Committee No. 1.

Senator Harrison offered the following resolution, which was adopted:

Resolved, That the Senators hang their coats and hats in the cloak room, and to that end the President instruct the Sergeant-at-Arms to prepare the cloak room for this purpose.

By permission,

Senator Houston of Wheeler introduced

A petition from citizens of Montague county, A. L. Matlock and others, asking the transfer of the jurisdiction of the civil and criminal jurisdiction of the county court of Montague county.

Referred to Judiciary Committee No. 2.

On motion of Senator Traylor,

Two hundred copies of the committees appointed were ordered printed for the use of the Senate.

Senator Peacock, chairman of committee appointed to wait upon the Governor and inform him that the Senate is organized and ready to receive any communication he may wish to make, reported that duty performed, and that his Excellency will send in his message in a few moments.

Senator Jones moved that the Senate take a recess subject to the call of the gavel.

Adopted.

The Senate took a recess.

Senate called to order.

The following message was received from the Governor and read in full:

EXECUTIVE OFFICE,
AUSTIN, TEXAS, January 13, 1885. }

To the Honorable the Senate and House of Representatives of the Nineteenth Legislature:

GENTLEMEN—I welcome you to the capital of the commonwealth, as the accredited agents of the people of Texas, with that confidence which insures perfect trust in your wisdom, patriotism and devotion to the best interests of all the people.

I congratulate you and the country on the universal quiet, peace and freedom of society from those local disturbances that are so disastrous to civilization in other States. The people of Texas are blessed in their entire freedom from external and illegal interference of our federal agency in the choice of her public servants and the administration of her affairs, and have great cause to be thankful to an overruling Providence for the blessings they are now enjoying.

There are pharisees in other lands who do not fail to curl the lip of derision when Texas is mentioned, but people who know our condition can but pity the ignorance of the bigoted sect who decry our fair land.

Two of the severest and most trying seasons experienced for twenty-seven years have just past, and yet our growth and general prosperity have been unprecedented. For these years we show an increase in our aggregate wealth of two hundred and twenty-five millions of dollars, and an increase in population nearly four hundred thousand. While our staple product has been cut short, our grain crops have been abundant.

At this the beginning of our labors, I wish to direct your attention to the great inconvenience, and often disastrous consequences, of postponing important measures until near the close of the session. In the general desire to return to their respective homes, members are often induced to accept or submit to measures that their better judgments condemn, and sometimes important and needed legislation fails entirely for the want of time. The Executive always hesitates to disapprove of measures, even when his judgment tells him they are ill advised and improper, if his disapproval would likely defeat them entirely or force a prolongation of the session. Every consideration calls for action on weighty and important matters at the very earliest date possible.

SCHOOL, UNIVERSITY AND ASYLUM LANDS.

According to the latest estimate of the Commissioner of the General Land Office, there remains unsold:

	Acres.
School lands.....	24,513,498
University lands.....	
Deaf and Dumb Asylum lands.....	
Blind Asylum lands.....	
Lunatic Asylum lands.....	
Orphan Asylum lands.....	

The Land Board created by the Eighteenth Legislature has disposed of Free School lands by sale, 1,965,201 acres; University lands, 14,400 acres; Deaf and Dumb Asylum lands, 58,800 acres; Blind Asylum lands, 22,908 acres;

Lunatic Asylum lands, 18,658 acres; Orphan Asylum lands, 50,033 acres.

It has leased :

	Acres.
Free School lands.....	1,759,325
University lands.....	42,080
Deaf and Dumb Asylum lands.....	640
Blind Asylum lands.....	760

The law under which this board has been acting was so thorough a compromise that embraced no well defined system, and the board has had great difficulty in administering it. The chief aim of the board has been to make these lands subserve the purposes for which they were dedicated by the people of Texas, and so not to injure any section of the State, or to retain them.

In some instances these lands are not worth the price placed on them by the Eighteenth Legislature, and in some cases they are worth more. While a system of classification was necessary, the board saw that to undertake it, under the act in question, would cost the respective funds heavily.

At the time of the passage of the law known as the "Land Enclosure Act," passed by the special session of the Eighteenth Legislature, the board was not selling or leasing any watered sections. The board was of opinion, and this opinion was concurred in by the Executive, that the true policy for the State to adopt was to dedicate the waters and strips of land around them to perpetual public use.

It is well known that in those dry regions the waters give value to the lands for many miles around them. To allow the waters to fall into the hands of a few private parties would render the adjacent lands almost worthless. After the passage of the Enclosure Act referred to, it was demonstrated to the board in some instances that watered sections were enclosed, and so far from any lands, except that which belonged to the owner of the enclosure, that they would be of no use to anyone else, unless sold or leased, and in such cases only the board leased.

I now recommend the permanent dedication of these waters and a strip of land at least two hundred yards in width along and around them to the public use; and if it shall require a constitutional amendment to effect the same, I recommend the passage of a joint resolution proposing such amendment.

I do not believe that those lands capable of supporting an agricultural population should be leased for a long term of years; nor should lands of any description be leased so as to allow their enclosure in large bodies without leaving, at convenient distances, ample passways. At least one-half of all the agricultural lands in each county should be reserved from lease and left open to the actual settler. Except lands unfit for agriculture, leases should not exceed six years. It is well known that any system of leasing is opposed in some sections of the State; but I doubt that the lands not needed by the actual settler should remain open and free for the strongest to monopolize, to the exclusion of all the balance of the people. If these lands were public lands, as formerly, and we were stationary in growth, as we were in the not very distant past, it would be impolitic to lease them. But they are not public lands. They have been dedicated to sacred and holy purposes, and should, in some way, help to support the respective institutions to which they have been set apart.

I herewith submit a statement from the chief clerk of the Land Board showing in detail its operations, to which your attention is invited.

The General Land Office is the natural and proper head of all land matters, and, in measures to be adopted for the disposition of the School, University and Asylum lands, the Commissioner of that office should be the head, with authority to employ such force as may be needed. The Executive has great respect for the wishes of the two houses, but he must decline to serve on this Board. The labors of the Executive office have grown until great endurance is required to perform them. The Governor is now the head of eight boards. The Constitution clearly contemplates that he shall not be required to perform any duty except those pertaining to his office or named in the Constitution.

By the Constitution he is one of the Board of Education and Public Printing. The Legislature saw fit to leave him off the Printing Board, but put him on all others. The duties of his office are quite enough for any man to perform, and he desires to be relieved of all duty on boards not contemplated by the Constitution.

FINANCE AND TAXATION.

The present depressed financial condition of the people has had no parallel for many years. The chief causes of this condition are three in number. While the State has had no direct agency in bringing about the situation, and although she cannot under the Constitution do anything beyond precept and example to remedy it, still a brief recital of the causes will not be amiss.

1. The entire amount of money in the United States is about fourteen hundred and eight millions of dollars. When we consider the fact that nearly one-third of this sum has been taken from the people by their agents, in the shape of taxes, absolutely locked up and withdrawn from circulation, can we wonder that money is scarce and the country oppressed?

2. For the last fifteen years the building of railways has progressed at a rapid rate. Most of these roads have been built with foreign capital. The daily drain on the money of the country gathered up by these roads, and shipped to other countries, to pay interest on the borrowed capital, makes it another great factor in producing the present condition of money matters.

3. And the last of these great causes is the rapid and unparalleled accumulation of vast fortunes in the hands of a few persons, aided in various ways by favoritisms by governments.

The present conditions cannot be traced to natural causes. The ground has produced in abundance; but the abundant staples that should have rewarded the husbandmen munificently, is worthless for want of money.

When the present Executive took the oath of office, he declared that there was no justification for the people's agents exacting of them more money than was absolutely required to carry on the affairs of government in an economical manner. There was then to the credit of the general revenue about five hundred thousand dollars. At the end of the year ending February 28, 1883, there was about three hundred thousand dollars. The Eighteenth Legislature paid deficiencies created by former administration to about one hundred and five thousand dollars; enlarged and refitted the Deaf and Dumb, Blind and Lunatic Asylums; erected the North Texas Lunatic Asylum, at a cost of two hundred thousand dollars; paid large debts due the Free Schools and University; and reduced taxation for general purposes from twenty-two and a half to seventeen and a half cents on the \$100.

The Common School funds have been invested in good interest-bearing bonds; the University funds have also

been invested; and there is yet ample money in the treasury for general present purposes. In the treasury there are special funds amounting to several hundred thousand dollars, lying idle, that should be unlocked in some way.

The sources from which we can derive revenue are :

Ad valorem tax on \$603,000,000 at 17½ cents...	\$1,055,250
Estimated poll tax.....	155,000
Occupation tax.....	775,000
Office fees and receipts.....	150,000
Special tax to Comptroller.....	80,000
Other sources.....	20,000
<hr/>	
Total.....	\$2,235,250

The total estimated losses and expenses to be deducted from the above, as shown by the Comptroller's report, aggregate the sum of \$2,206,184.20.

It is believed that this amount can be greatly reduced by the adoption of the suggestions of retrenchment and reform herein mentioned, as well as other methods that may be adopted.

The appropriation heretofore made for the sinking fund can be omitted. It has not been set aside by the Comptroller and Treasurer, under the last appropriation, because they and the Executive believed it wholly useless.

When we are anxious to get our bonds, and cannot procure them except at an enormous premium, it would seem folly to set aside a sinking fund to take them up at maturity.

I believe it to be our duty to use the greatest economy possible, with a due regard to an efficient public service. If, upon a thorough investigation, there be found desks or employees that can be dispensed with without detriment to the public service, let them be omitted from the appropriation bill. If uselesse bureaus are in existence, let them be cut off. If it is found that higher salaries are paid than are necessary, let them be reduced.

Should we need more money for extraordinary purposes than will be derived from the general revenue sources, it will be our duty to use the special funds in the treasury. Of the several hundred thousand dollars that have been there for years, not one cent of revenue has been derived therefrom. It is withdrawn from the people, and we are taxing them to subserve the very purpose for which this money has been collected. If we use it at a reasonable interest, the interest goes to the support of our own institutions, and not to foreign bankers. Bonds for this purpose can be placed in the treasury payable at the pleasure of the State. If we borrow from abroad, the bonds must run many years or we could not borrow at all; and when we want the bonds back, we have to pay a heavy premium. I am unalterably opposed to this method, and recommend that we borrow these special funds if we need the money.

SHERIFFS' AND CLERKS' FEES.

I have no doubt of the propriety of having all such fees and costs paid in the counties where they are created.

No good reason can be shown for sending a sheriff or clerk to the treasury of the State to get fees paid that have been earned in the counties, simply because the case is called a felony case. The judge is often overworked. He feels that it is not exactly a part of the duty of a judge to be examining bills of cost. No one in the county feels particularly interested, and hence often exorbitant bills are presented and paid at the treasury. These cost bills should be passed upon by the commissioners' courts, or the

judge, if thought better, and then paid by the counties where created. The taxpayer, the court and all concerned would then have a chance to detect errors or overcharges, and commissions and other expenses attending this collection at the capital would be avoided. The reasons here urged in the cases named apply equally to the pay of attached witnesses. The money comes out of the people at all events. There seems to be a strange inconsistency in allowing the counties to collect and use all moneys arising from forfeited bail bonds and recognizances, and then to require the treasury of the State to pay the costs incurred in the main branch of the same case.

NORMAL SCHOOLS.

Both the Sam Houston and Prairie View Normal Schools are in a very flourishing and satisfactory condition. These schools are maintained by the State. It is submitted whether it is not enough for the State to furnish the buildings, libraries, apparatuses and teachers for these schools, as in the free schools. It would seem quite enough—requiring students, who are in all cases grown men and women, to provide their own board. The State does not even take the orphan child and undertake its entire care and raising, or board, and there appears no good reason for paying the board of young men and women who are receiving professional training free.

AGRICULTURAL AND MECHANICAL COLLEGE.

This school has been greatly improved in all its departments. The mechanical department is on a much larger and better scale than formerly; and so is the agricultural. The property is in charge of Gen. W. P. Hardeman, and the faculty has nothing to do with the outside management, as formerly.

The last Legislature made no appropriation to support the college, and the students are paying their own way. The college now has students and an excellent faculty. Its military department is under the management of Lieutenant Mallory, of the United States army. The farm has been enlarged and restocked with a suitable number of cows and mules.

The only stock on the premises when the college came into the hands of the present management, of the bovine species, was one bull, and the increase derived to the institution was not perceptible.

The Constitution makes the College a part of the University, and whatever funds that will be needed to carry it on, it seems, should be appropriated out of the available University fund.

THE UNIVERSITY.

This institution has been in operation nearly two years, and the present Executive has left its management entirely with the Board of Regents. In the appointment of new members of the board, he has been controlled by:

1. A desire to conform to the law, which required the Regents to be taken from different parts of the State.
2. A desire to have the board non-partisan, if possible;
- and
3. Fitness for the position.

And these considerations in the inverse order here named. Section 6 of the act of 1881—the tenure of office of the Regents—extends one class to eight years. By reference to section 30; article 15 of the Constitution, it will be seen that the tenure of all officers whose terms are not fixed by the Constitution cannot be extended beyond two

years, and I therefore suggest an amendment to the law, so that it may conform to the Constitution.

I call your attention to the nature of the appropriation of the available fund under which the University has been carried on. It seems indefinite, and is found in section 18 of the act of 1881, page 81. It appears to be in direct violation of section 6, article 8 of the Constitution, which declares that no appropriation shall extend beyond two years. I recommend a revision of the law, that it may conform to the Constitution.

LUNATIC ASYLUMS.

The improvement and extension of the asylum at Austin has, in the main, been completed. There are now 555 inmates at that institution—its full capacity.

It is a source of profound gratification to be able to say that the institution has never, at any period of its existence, been in so excellent a condition as at present; the credit for which is due to Dr. Denton and the present board of managers.

The main building of the North Texas Asylum is now completed. Its capacity is about four hundred inmates, and it is an excellent building. It and ——— acres have been paid for with the \$200,000 appropriation passed by the Eighteenth Legislature. It remains for the Legislature to make provision for furnishing and carrying it on.

The original act establishing this institution provided that it should be erected under the supervision of the medical superintendent and the supervising architect. This act also provided for the immediate erection of a temporary asylum, at the place selected for the permanent asylum. But the Legislature adjourned without making provision for supplying and supporting this temporary asylum, and therefore it was not erected. The board of managers, however, elected a medical superintendent, whose whole time has been spent in assisting and advising in the erection of the main building.

The amended law passed by the Eighteenth Legislature concerning asylums, provides that the tenures of office of the boards of managers shall be two, four and six years. Here, again, the Constitution is disregarded, and I recommend that the law be so changed that it will conform to the Constitution.

The present mode of supplying the asylum will have to be changed, as it will not be applicable to the North Texas Asylum. It is suggested that a better and cheaper way would be to require a printed list of articles needed, with notice that bids would be received until a certain day, to be mailed to the principal houses dealing in the goods required. This method would not only be cheaper than the present—advertising in one paper in Austin and one in Galveston—but it would reach and attract the attention of many more dealers.

I invite your attention to the last report of Dr. Denton, medical superintendent at the capital; especially to that part referring to a separate building for persons of color.

DEAF AND DUMB, AND BLIND INSTITUTES.

The condition of these institutions is excellent, and can scarcely be improved; consequently there remains but little for this Legislature to do touching them, except the usual appropriation for their maintenance.

PUBLIC PRINTING AND BINDING.

The utility of the printing establishment at the Deaf and

Dumb Institute has been clearly demonstrated. Some of the neatest and best printing for the departments is done there; and with a little enlargement it can be made available for all the printing and binding required by the State, at a cost greatly below the prices now paid. It is suggested that the court reports, which are now published at a great expense, could be printed and bound there. It would be light work for a judge when writing an opinion to make the syllabus; then the work of preparation for publication would be small. These suggestions, if acted on, will save the large expense annually attending the publication of these reports.

MONEYS EXPENDED BY THE GOVERNOR.

Of the appropriations placed at the disposal of the Executive to pay rewards, costs and attorneys' fees, being fifteen thousand dollars for each year, there have been paid \$15,768.88.

Of the \$50,000 appropriated at the special session of the Eighteenth Legislature, the sum of \$15,066.34 has been paid out to this date. For all these sums vouchers are on file with the Comptroller. In the use of these funds the greatest economy has been observed. Rewards have only been offered for the arrest of criminals charged with the higher grade of crimes. As a rule these rewards have not been made public, because their publication would have tended to put the criminals on their guard and enabled them to have evaded arrest. It has also been an invariable custom of the present Executive, before offering rewards, to require a statement in writing from the prosecuting officer to the effect that evidence sufficient to convict was in existence, and that a conviction could be secured if the criminal was arrested.

Under the operation of the legislation of the special session of the Eighteenth Legislature, and the use of the money placed at my disposal, the epidemic of evil intended to be reached was rapidly swept away; and fence cutting now occurs not more frequently than other crimes. The correction of that evil is also largely due to a healthier sentiment among the people, and a comprehension of the truth that no central power, in republican governments, can protect a people from the lawless without the aid of the good people, and the hearty co-operation of the local machinery of government. This truth, in our system, has also demonstrated another, to wit: The injunction of the Constitution, that the Governor shall see that the law is faithfully executed, does not mean that law that some one may tell him has been violated, but the law that he is told in some official way has been violated.

RAILWAYS.

So far as I have been informed, no one, who has studied the railway problems, has doubted the inefficiency of the railroad bill passed by the Eighteenth Legislature. It was passed near the end of the session, and it was thought best to demonstrate to the country what efficacy there was in it by an effort to execute it. Mr. James H. Britton was appointed Engineer under the law. It was thought by the country and the Executive that no better man could be found, and his views and conclusions are herewith transmitted.

The State, by its charters and subsidies, built the main lines of these roads. The Constitution, article 10, sections 2, 3 and 4, clearly requires the Legislature to pass adequate laws for the management of railways. Article 10, section 6, prohibits the consolidation of these roads with foreign roads; yet it is a notorious fact that every trunk

or main line in Texas is, to all intents and purposes, not only consolidated with other roads, but so are far absorbed by them that all official business—all the principal offices, books and records, are situated in other States. In some cases, in ordinary litigation with our home roads, this consolidation and foreign control even permit the companies to remove such litigation to the federal courts.

The Engineer informs us that he cannot have access to the books of the various companies.

The dividends and earnings of some of our home roads are taken to support other roads beyond our borders.

It is alleged that to legislate on this subject makes capital timid, and that what we need is more roads. We are informed again that not a road in Texas is paying expenses. Let those who make these arguments reconcile them if they can. The Executive remembers well that the last time he traveled from Fort Worth to Dallas he could not get a seat in the sleeper or any of the other coaches of the train, and that he, and a number of gentlemen with him, had to stand during the entire trip. This fact is not related in a complaining spirit, but to show that the business of the road is very great.

It will not do to say that railways cannot be controlled, because no law has yet been enacted on that subject that has been declared unconstitutional.

It may be that, after having given them lands enough to build the roads, and after having granted them liberal charters, we will have to confess that the people's agents will not control them. It may be that we will have to invite further aggressions on the rights of the State by a neglect of plain duty. I would not see these roads crippled, unless it be that requiring them to fulfill their duty to the people is crippling them.

There is no interest that is not grasping. There is no interest that does not obtain every advantage it can from governments. I feel, however, that the excellent men managing railways in Texas will not object to reasonable regulations.

I call your attention to the inconvenience and trouble constantly arising between the two races. I submit whether, if the colored race is forced into second-class cars, it would not be proper to demand for them a reduction of fare. The policy of separating the races on the trains will not be questioned.

STATE TROOPS.

Although this force has, in the last two years, done great service, I believe that it can be reduced to about fifty men, with the necessary officers.

ARMY AND NAVY.

I recommend a thorough reorganization of the militia.

The navy consists of one steamer, the "Hygeia," which was built in New York at a cost of \$15,000. She is a fine vessel, of — tons burthen, and has been in the service of the quarantine station at Galveston during the past season.

FISCAL YEAR.

It seems proper that the fiscal and appropriation years should begin and end together. This is recommended by the Comptroller, and I believe his recommendation should be adopted.

CAPITOL BUILDING.

This structure has now progressed to the first floor, and

the work is advancing as rapidly as seems advisable. I invite your attention to the report of the Capitol Commissioners, which is herewith transmitted.

It is greatly regretted that the contract did not provide for the use of granite, as there is no doubt of its great superiority to the material called for, and is quite as accessible.

ASSESSMENT LAWS.

It is notorious that in many portions of the State there are large interests that are not assessed at all, and in other sections very improperly done.

I cite but one instance. The rolls show but seven thousand and head of cattle in Wichita county. It is safe to say—and no well-informed person will doubt it—that there are at least one hundred thousand cattle in the county.

One of the wealthiest cattle men in North Texas told the Executive, during the special session of the Eighteenth Legislature, that the bulk of his property had not been assessed and taxes paid on for seven years. It will be necessary for the two houses to correct this great evil, for indeed it is great, because by it taxation becomes unequal. The little farmer or small stock man remembers to a head the number of cattle or stock he has, and renders them. If he should forget, his neighbors will remind him.

CENSUS.

It is suggested that our rapid progress in wealth and population demands a new census. It is believed that we can have a complete census taken, during the coming spring, without cost to the State, or at all events by the expenditure of a small sum of money. Section 22 of the act of Congress of March 3, 1879, page 480, reads as follows:

"SEC. 22. That if any State or Territory, through its duly appointed officers or agents, shall, during the two months beginning on the first Monday of June of the year which is the mean between the decennial censuses of the United States is by this act directed to be taken, take and complete a census in all respects according to the schedules and forms of enumeration in the census of the United States, and shall deposit with the Secretary of the Interior, on or before the first of September following, a full and authentic copy of all schedules returned and reports made by the officers and agents charged with such enumeration, then the Secretary of the Treasury shall, upon receiving a certificate from the Secretary of the Interior that such schedules and reports have been duly deposited, pay, on the requisition of the Governor of such State or Territory, out of any funds in the Treasury not otherwise appropriated, a sum equal to fifty per centum of the amount which was paid to all supervisors and actual enumerators within such State or Territory at the United States census next preceding, increased by one half of the percentage of gain in population in such State or Territory between the two United States censuses next preceding; provided, that the blank schedules used for the purpose of the enumeration herein provided for shall be similar, in all respects of form and size of heading and ruling, to those used in the census of the United States."

With one supervisor and the necessary enumerators, who may be our assessors, we can dispense with much of the expense of the decennial census, and it is believed that the amount paid by the United States, with economy, will enable us to have this census taken. I recommend the passage of suitable measures to have it done.

FREE SCHOOLS.

The recent amendments to the Constitution and laws, pertaining to free schools, have enabled the Board of Education to greatly improve them; and it is believed that at no time in the past have the friends of education had so much to encourage them. The present scholastic year will be about six months, and is believed to be ample, except in cities, towns and thickly settled districts, where additional months can be added if the people desire them.

Under the act passed at the last special session of the Legislature, Hon. B. M. Baker was appointed Superintendent of Public Instruction, and at the recent election he was chosen by the people to that position. I invite your careful attention to his report to the Board of Education, which is herewith submitted.

ESTIMATE OF AVAILABLE SCHOOL FUND.

Tax on \$603,000,000 at 10c.....	\$603,000
Poll tax.....	310,000
One-fourth occupation tax.....	211,000
Interest on county bonds.....	104,622
Interest on State bonds.....	117,900
Interest on railroad bonds.....	100,000
Interest on land notes.....	450,000
Land sales and leases.....	350,000
Accumulated interest.....	70,000
	\$2,316,522
Deduct probable losses, insolvent polls 100,000	
Expenses of assessing, collecting and insolvents.....	135,000— \$235,00
	\$2,081,522

With this sum and the accumulations from leases and sale notes for land, it is clear that the school tax can be reduced to nine or ten cents.

PENITENTIARIES.

The Eighteenth Legislature, at its regular session, abrogated the provisional leases of the penitentiaries made by the former board, and required the present board to assume control.

A settlement was made with Cunningham & Ellis, and they were paid \$59,444.98, the sum which was due them.

Under the authority given them, the board purchased from Cunningham & Ellis a farm near Huntsville, with stock, gin and gin house, for the sum of \$21,000. This farm is being successfully and profitably operated on penitentiary account.

On October 10, 1883, the board effected a contract with Messrs. Wiggins & Simpson for shop room and seventy-five hands, to continue for a period of ten years. These gentlemen are now carrying on their foundry and machine shops.

On July 19, 1883, the board entered into a contract with Messrs. Comer & Farris for the use of the furnace and one thousand hands at Rusk for the period of ten years. The furnace and all necessary buildings were erected, and the contractors commenced operation, but from the stringency of money matters, the low price of iron and other causes not necessary to mention in this connection, they failed, and the board was compelled to take charge of the furnace and hands. A settlement with Comer & Farris was made, the State taking materials on hand in their shops at appraised value to the amount due the State. There is no

present prospect of reletting the works, owing to the scarcity of money and the low price of iron.

There are now 2632 prisoners in the two penitentiaries, and I invite the attention of the Legislature to the rapid increase of convicts. There can be no doubt that a reform in some shape is necessary. There are some offenses for which a lower grade of punishment should be adopted. The wisdom of allowing juries to inflict the penalty of confinement in the penitentiary for life for deliberate murder is not apparent. The man who wilfully takes life should no longer be permitted to annoy society or government.

Looking to the lessening of the number of convicts in the penitentiaries, I again suggest the necessity for a house of correction, in which might be confined boys and others rendered harmless by reason of age or other conditions.

The penitentiaries can only house about 1600 convicts, while we have on hand 2632. Very large expenditures will be required before all convicts can be placed inside the walls.

It is questionable whether the act of the Eighteenth Legislature prohibiting the use of convicts on public works was either wise or constitutional. There is no sound reasoning in the idea that convicts come in competition with what is termed honest labor when worked out of the walls. It is certain that they are engaged outside of the walls in labor that free men will not do, and that when placed in the walls they must be put at trades that will force them into competition with free and honest labor—industries that are not new, but those now in operation throughout the world. Persons who peep through enclosures or windows, or who use fine field glasses to shock themselves, may be shocked at the sight of convicts at work; and yet it is safe to say that ninety-five per cent of those who go to the vicinity of the penitentiaries or convict camps visit them. However, when it can be done with a due regard to other interests, there is no doubt but that inside the walls is the proper place for convicts.

Article 16, section 24, of the Constitution, clearly contemplates that convicts may be employed on public works, and the law above referred to is of doubtful validity.

The present board has managed to make the penitentiaries self-sustaining, but it has been mainly through the wages derived from outside labor and the strictest economy. Great credit is due to the officers of the two penitentiaries for the faithful manner in which those institutions have been managed.

Although the present Executive requested the Eighteenth Legislature to designate the class of labor for convicts to be employed in, it only placed one restriction on their employment, and that is elsewhere referred to in this paper. Hence the force then employ on railways was allowed to remain, and others have been hired to the roads, on farms, and to shop owners in the buildings, from time to time, the State in all instances retaining entire control of the convicts.

CLAIMS AGAINST THE FEDERAL GOVERNMENT.

The board constituted under the law passed by the Eighteenth Legislature organized and appointed a number of clerks to audit and arrange the claims under the rules prescribed. Prior to the adjournment of the last Congress the board dispatched Maj. A. J. Dorn to Washington with about \$700,000 of these claims, but on account of additional restrictions imposed by the federal authorities these claims were registered and withdrawn. This subject is fully presented in the report of the Adjutant-General, to which your attention is invited.

STOCK INTERESTS.

In view of the fact that nearly all the States are establishing a quarantine system to guard against the introduction of diseased stock, and to prevent possible damage, we should adopt some system to protect our stock interests.

PUBLIC EXPENDITURE.

It is due to the people that a thorough investigation should be made into the organization and operations of each department of the Government, with a view of determining whether methods may not be suggested that will lessen expenses and at the same time insure good service.

CARRYING OF ARMS.

On the seventeenth day of April, 1884, I issued a proclamation withdrawing the whole territory of Texas from the list of frontier counties, and extended the law prohibiting the carrying of six-shooters and other small arms to all parts of the State. It cannot be denied that the penalty for the violation of the law regulating the carrying of arms is too small. No one who is evil disposed hesitates to run the risk of being fined, while peaceable persons, against whom evil is meditated, will, as a general thing, obey the law, and are placed at a great disadvantage. I recommend an increase of the penalty.

FEES.

Some of the departments have a system of fees that adds to the general revenue a handsome sum, and it is suggested that other departments and offices might also be made to contribute likewise, without inconvenience to the service. It may be found, upon investigation, that it would be better to pay salaries instead of fees to some.

THE ALAMO.

Under the authority of an act of the Eighteenth Legislature, I purchased the Alamo property in San Antonio.

There is no one authorized to take charge of and control this property, and I have had it locked up to preserve it from being despoiled by thoughtless persons.

Some veteran might be given charge of it under such regulations as the two houses think proper to prescribe.

The reports of the various officers who are required to report, which have not been specially mentioned herein, are also herewith respectfully transmitted for your consideration, from which much valuable information can be derived.

Respectfully,

JOHN IRELAND,
Governor.

Senator Kleberg introduced the following resolution:

Resolved by the Senate of the State of Texas, That five thousand copies of the Governor's message be printed.

Senator Pfeuffer offered an amendment that two thousand copies in addition be printed in German.

Senator Fowler offered a substitute for Senator Pfeuffer's amendment, to print one thousand in German and one thousand in Bohemian.

Accepted and adopted.

Senator Houston of Wheeler offered to amend the resolution that one thousand copies be printed in Spanish.

Adopted.

Resolution as amended adopted.

The President announced the following appointments of committees:

Judiciary No. 1—Senator Houston of Bexar, Chairman; Senators Kleberg, Farrar, Davis, Kilgore, Camp, Terrell, Peacock, Shannon, Woods, Harrison, Douglass, Glascock.

Judiciary No. 2—Senator Davis, Chairman; Senators Jones, Pope, Bell, Fowler, Stinson, Randolph, Houston of Wheeler, Calhoun, Evans, Hall.

Constitutional Amendments—Senator Kilgore Chairman; Senators Davis, Johnson, Houston of Wheeler, Pope, Farrar, Houston of Bexar, Getzendaner, Traylor, Peacock, Pfeuffer, Terrell, Bell.

Education—Senator Pfeuffer Chairman; Senators Farrar, Knittle, Houston of Bexar, Getzendaner, Jones, Stinson, Glascock, Calhoun, Evans, Harrison.

Internal Improvements—Senator Shannon, Chairman; Senators Douglass, Jones, Getzendaner, Bell, Perry, Traylor, Houston of Bexar, Fowler, Farrar, Randolph.

Finance—Senator Traylor, Chairman; Senators Getzendaner, Perry, Johnson, Pope, Kleberg, Evans, Davis, Knittle, Jones, Hall.

Private Land Claims—Senator Stinson, Chairman; Senators Kleberg, Bell, Calhoun, Hall.

Penitentiaries—Senator Jones, Chairman; Senators Peacock, Terrell, Evans, Randolph, Stinson, Traylor, Farrar, Davis, Kilgore.

Public Health—Senator Jerdone, Chairman; Senators Douglass, Pope, Jones, Houston of Bexar, Hall, Knittle.

Military Affairs—Senator Douglass, Chairman; Senators Fowler, Shannon, Jerdone, Randolph, Houston of Wheeler, Glascock.

Public Lands—Senator Peacock, Chairman; Senators Evans, Houston of Wheeler, Calhoun, Shannon, Davis, Traylor, Terrell, Kilgore, Bell, Jerdone.

State Affairs—Senator Randolph, Chairman; Senators Fowler, Getzendaner, Evans, Hall, Camp, Kleberg, Garrison, Kilgore.

Commerce and Manufactures—Senator Terrell, Chairman; Senators Jerdone, Jones, Harrison, Houston of Bexar, Pope, Perry.

Roads and Bridges—Senator Perry, Chairman; Senators Getzendaner, Woods, Johnson, Evans, Farrar, Harrison.

Claims and Accounts—Senator Getzendaner, Chairman; Senators Perry, Fowler, Knittle, Camp, Woods, Stinson.

Contingent Expense—Senator Woods, Chairman; Senators Randolph, Traylor, Getzendaner, Stinson.

General Land Office—Senator Bell, Chairman; Senators Kleberg, Garrison, Hall, Calhoun.

Federal Relations—Senator Pope, Chairman; Senators Shannon, Fowler, Randolph, Jerdone.

Counties and County Boundaries—Senator Harrison, Chairman; Senators Camp, Evans, Johnson, Farrar.

Public Debt—Senator Evans, Chairman; Senators Kleberg, Getzendaner, Camp, Pfeuffer, Perry, Traylor, Peacock, Bell.

Public Printing—Senator Evans, Chairman; Senators Calhoun, Woods, Glascock, Camp.

Frontier Protection—Senator Houston of Wheeler, Chairman; Senators Shannon, Hall, Farrar, Calhoun, Traylor, Perry.

State Asylums—Senator Farrar, Chairman; Senators Getzendaner, Peacock, Knittle, Glascock, Camp, Terrill.

Stock and Stockraising—Senator Kleberg, Chairman; Senators Calhoun, Shannon, Houston of Wheeler, Woods.

Agricultural Affairs—Senator Johnson, Chairman; Senators Traylor, Perry, Garrison, Knittle.

Retrenchment and Reform—Senator Knittle, Chairman; Senators Pfeuffer, Johnson, Shannon, Camp, Kilgore.

Treasurer's and Comptroller's Offices—Senator Calhoun, Chairman; Senators Jones, Kilgore, Harrison, Douglass.

Privileges and Elections.—Senator Camp, Chairman; Senators Stinson, Houston of Wheeler, Garrison, Douglass.

Public Buildings and Grounds.—Senator Glasscock, Chairman; Senators Getzendader, Peacock, Bell, Pfeuffer, Fowler, Jerdone.

Rules.—Senator Hall, Chairman; Senators Houston of Bexar, Fowler, Jones, Peacock.

Insurance, Statistics and History.—Senator Garrison, Chairman; Senators Perry, Johnson, Getzendaner, Farrar.

Judicial Districts.—Senator Fowler, Chairman; Senators Bell, Kleberg, Camp, Farrar.

Engrossed Bills.—Senator Bell, Chairman; Senators Camp, Stinson, Calhoun, Harrison.

Enrolled Bills.—Senator Fowler, Chairman; Senators Kleberg, Terrell, Douglass, Traylor.

By leave,
Senator Jones introduced a bill to be entitled "An act to repeal an act entitled 'an act to provide for the payment of the expenses of attached witnesses in felony cases,' approved April 23, 1883."

Referred to Judiciary Committee No. 2.
The President appointed the Assistant Sergeant-at-Arms to receive and distribute mail.

Senator Kleberg, by leave, introduced "A bill to prescribe the times of holding district courts in the thirty-sixth judicial district of Texas."

Referred to Committee on Judicial Districts.
Senator Jones moved an adjournment until 10 o'clock to-morrow morning.

Withdrawn.
Senator Peacock offered the following :

Resolved, That each member of the Senate be allowed to subscribe for and take as many as fifty copies of such daily papers as he may select, to be paid for out of the contingent funds of the Senate, at not exceeding 3 cents per copy, provided that such newspapers shall publish the full proceedings of both Houses of each day, or a substantial and intelligent synopsis of the same.

The following substitute for the resolution of Senator Peacock was offered by Senator Pfeuffer.

Resolved, That each member of the Senate be furnished with fifty copies of the daily Legislative Record, containing the proceedings of the Senate, to be placed on the Senator's desks during the morning session.

Withdrawn.
Senator Houston of Bexar moved the previous question on the pending resolution.

Motion seconded,
Main question ordered, and
Resolution adopted by the following vote:

YEAS—17.

Camp,	Houston of Wheeler,	Shannon,
Davis,	Kilgore,	Stinson,
Evans,	Peacock,	Terrell,
Garrison,	Perry,	Traylor,
Getzendaner,	Pope,	Woods.
Glasscock,	Randolph,	

NAYS—13.

Bell,	Hall,	Jones.
Calhoun,	Harrison,	Kleberg,
Douglass,	Houston of Bexar,	Kaittel,
Farrar,	Johnson,	Pfeuffer.
Fowler,		

ABSENT, NOT VOTING.

Jerdone.
Senator Woods offered the following resolution:

Resolved, That the Sergeant-at-Arms be required to furnish each Senator with a copy of the rules of the Senate of the Eighteenth Legislature.

Adopted.
On motion of Senator Perry,
The Senate adjourned until 10 o'clock to-morrow morning.

THIRD DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, January 15, 1885. }

The Senate met pursuant to adjournment.
Lieutenant-Governor Martin in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
On motion of Senator Kleberg,
The reading of the journal of yesterday was dispensed with.
On motion of Senator Jones,
Doorkeeper A. J. Dorn was excused to attend the funeral of General Wm. Steele.
Senator Traylor, for special committee, made the following majority report under the call for reports of special committees:

COMMITTEE ROOM,
AUSTIN, January 14, 1885.

Hon. Marion Martin, President of the Senate:
Your special committee, appointed to ascertain what Senate employees are necessary, in addition to those already elected, and to recommend the compensation which they should allow, have considered the subject, and a majority of your committee instruct me to report the following resolution:

Resolved, That the President of the Senate shall appoint a Postmaster, three porters, and three pages; and the chairmen of Judiciary Committee No. 1, of Judiciary Committee No. 2, and of the Finance Committee shall each have the power to appoint a committee clerk whenever, in his judgment, his services may be necessary, which clerks shall also be required to do general committee work when not engaged on their respective committees; that the porters and pages be allowed two dollars per day each, and the others named receive the same pay as the Senators. It is believed that in the earlier part of the session no other employees than those named will be required, and if exigencies shall hereafter arise requiring others, they can be provided for at that time.

TRAYLOR,
For Majority Committee.

Senator Johnson presented the following minority report:

COMMITTEE ROOM,
AUSTIN, January 14, 1885.

Hon. Marion Martin, President of the Senate.
Your special committee, appointed to ascertain what Senate employees are necessary, in addition to those already elected, and to recommend the compensation which they shall receive, have considered the subject, and I, differing from a majority of your committee, respectfully submit the following resolution:

Resolved, That the duties of Postmaster be given to the Assistant Sergeant-at-Arms, and that the Assistant Sergeant-at-Arms be ex-officio Postmaster of the Senate, and that the President of the Senate shall appoint three committee clerks, whose duty it shall be to serve any committee when their services are required, and also appoint three porters and two pages; that the committee clerks shall receive \$3.50 per day, and the porters and pages receive \$1.50 per day.

Resolved further, That further services may be engaged when required by the business.

JOHN JOHNSON,
Minority.

Message was received from the House announcing that the House is organized and now ready for business.

The majority report was adopted by the following vote:

YEAS—22.

Bell,	Harrison,	Pfeuffer,
Camp,	Houston of Bexar,	Randolph,
Davis,	Houston of Wheeler,	Shannon,
Douglass,	Kilgore,	Stinson,
Fowler,	Kleberg,	Terrell,
Garrison,	Knittle,	Traylor,
Getzendaner,	Peacock,	Woods.
Glasscock,		

NAYS—8.

Calhoun,	Hall,	Perry,
Evans,	Johnson,	Pope.
Farrar,	Jones,	

ABSENT, NOT VOTING.

Jerdone.

Senator Kleberg offered an amendment, as follows:

Amend by adding that the Committees on Education and Penitentiaries shall also be entitled to a clerk.

Lost by the following vote:

YEAS—9.

Douglass,	Houston of Wheel'r	Perry,
Glasscock,	Kleberg,	Pfeuffer,
Houston of Bexar,	Knittle,	Woods.

NAYS—21.

Bell,	Garrison,	Peacock,
Calhoun,	Getzendaner,	Pope,
Camp,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Evans,	Johnson,	Stinson,
Farrar,	Jones,	Terrell,
Fowler,	Kilgore,	Traylor.

ABSENT, NOT VOTING.

Jerdone.

Senator Harrison offered to amend by paying pages and porters one dollar and fifty cents per day.

Lost by the following:

YEAS—9.

Bell,	Evans,	Johnson,
Calhoun,	Hall,	Kilgore,
Camp,	Harrison,	Pfeuffer.

NAYS—20.

Davis,	Houston of Wheeler,	Randolph,
Douglass,	Jones,	Shannon,
Farrar,	Kleberg,	Stinson,
Fowler,	Knittle,	Terrell,
Garrison,	Peacock,	Traylor,
Glasscock,	Perry,	Woods.
Houston of Bexar,	Pope,	

ABSENT, NOT VOTING.

Jerdone,

Pfeuffer.

The following was offered by Senator Perry:

Amend the resolution so as to allow the President of the Senate to appoint one committee clerk to serve any committee needing his services.

Lost.

Senator Evans offered to amend by inserting:

That the pay of committee clerks and Postmaster shall be three dollars per day.

Lost, as follows:

YEAS—2.

Evans,	Perry.
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NAYS—27.

Bell,	Hall,	Peacock,
Calhoun,	Harrison,	Perry,
Camp,	Houston of Bexar,	Pope,
Douglass,	Houston of Wheeler,	Randolph,
Farrar,	Johnson,	Shannon,
Fowler,	Jones,	Stinson,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Traylor,
Glasscock,	Knittle,	Woods.

ABSENT, NOT VOTING.

Jerdone,

Pfeuffer.

The resolution of the majority adopted.

Under the resolution the President made the following appointments:

For Postmaster, Byron Drew, of Kaufman.

Pages: Eddie Jones, John Marrow and Earnest Holland.

Porters: Sam Miller, Dennis Watkins and Lee Blocker.

The following bills and resolutions were introduced:

By Senator Kleberg:

Joint resolution amending sections two, five and seven of the Constitution.

Referred to Committee on Constitutional Amendments.

By Senator Shannon:

A bill entitled "An act making an appropriation for the mileage and per diem pay of members and the per diem pay of officers and employees of the Nineteenth Legislature."

Referred to Finance Committee.

By Senator Fowler:

A bill to be entitled "An act to amend article 685 of the Code of Criminal Procedure."

Referred to Judiciary Committee No. 2.

A bill to be entitled "An act to repeal articles 547 and 548 of the Penal Code."

Referred to Judiciary Committee No. 2.

A bill to be entitled "An act to amend article 411 of the Code of Criminal Procedure."

Referred to Judiciary Committee No. 2.

By Senator Perry:

A bill to be entitled "An act to give orders of sale foreclosing liens upon real estate the force and effect of writs of possession."

Referred to Judiciary Committee No. 1.

By Senator Harrison:

A bill to be entitled "An act to amend and carry into effect article 4238 of the Revised Statutes of the State of Texas."

Referred to Judiciary Committee No. 1.

A bill entitled "An act to amend and carry into effect article 4170 of the Revised Statutes of Texas."

Referred to Judiciary Committee No. 1.

By Senator Randolph:

A bill entitled "An act to amend chapter two (2) of title twenty (20) of an act entitled 'An act to adopt and establish the Revised Civil Statutes of Texas,' which was presented to the Governor for his approval on the 25th day of February, 1879, and became a law without his signature, and to add to said chapter articles 574a, 574b and 574c."

Referred to Judiciary Committee No. 1.

A bill entitled "An act to detect and punish hog thieves."

Referred to Judiciary Committee No. 2.

A bill entitled "An act to amend article 722, chap-

ter 8, title 17, of the Penal Code of the State of Texas."

Referred to Judiciary Committee No. 2.

A bill entitled "An act to amend article 4411 of the Revised Civil Statutes."

Referred to Committee on Roads and Bridges.

A bill entitled "An act to authorize the transfer of occupation licenses."

Referred to Finance Committee.

By Senator Evans:

A bill to be entitled "An act to abolish the office of Fish Commissioner, and dispose of all fish ponds and all other property connected with or belonging to the fish department."

Referred to Committee on State Affairs.

A bill to be entitled "An act to amend Article 339, chapter 4, title 10, of the Penal Code."

Referred to Judiciary Committee No. 2.

A bill to be entitled "An act to prescribe the number of copies of each day's proceedings of the two houses of the Legislature while in session, and to provide for the printing of the same."

Referred to Committee on Printing.

By Senator Terrell:

A bill entitled "An act to amend chapter 21 of the General Laws of Texas, passed by the Eighteenth Legislature at its called session, and approved February 6, 1884, by adding section 3, relating to the destruction of fences and punishment therefor."

Referred to Judiciary Committee No. 2.

A bill entitled "An act to repeal article 323, and to amend articles 318, 319, 320, 321 and 322 of title 9, chapter 4, of the Penal Code, relating to unlawfully carrying arms."

Referred to Judiciary Committee No. 2.

By Senator Davis:

"An act to prescribe the times and places of holding the Supreme Court and Court of Appeals."

Referred to Judiciary Committee No. 1.

A bill to be entitled "An act to regulate reservations in sales of personal property."

Referred to Judiciary Committee No. 1.

"An act to further regulate the waiver of service and the confession of judgments in civil suits."

Referred to Judiciary Committee No. 1.

A bill to be entitled "An act to fix the venue of suits for the wrongful or malicious suing out of attachments."

Referred to Judiciary Committee No. 1.

"An act to amend articles 730 and 731 of the Code of Criminal Procedure."

Referred to Judiciary Committee No. 2.

By Senator Camp:

A bill to be entitled "An act to amend article 3602, chapter 13, of the General Laws of Texas, passed by the called session of the Seventeenth Legislature approved May 4, A. D. 1883, relating to the hiring of county convicts."

Referred to Judiciary Committee No. 1.

By Senator Johnson:

A bill to be entitled "An act to amend article 145, chapter 1, title 6, Civil Code State of Texas, relating to penalties for bribing and influencing electors."

Referred to Committee on State Affairs.

By Senator Kleberg:

A bill entitled "An act to amend article 636, title 8, chapter 3, of the Code of Criminal Procedure."

Referred to Judiciary Committee No. 2.

A bill to be entitled "An act to amend article 635, Code of Criminal Procedure."

Referred to Judiciary Committee No. 2.

A bill to be entitled "An act to amend article 652, Code of Criminal Procedure."

Referred to Judiciary Committee No. 2.

By Senator Woods:

A bill to be entitled "An act to amend article 317, chapter 3, title 9, of the Penal Code."

Referred to Judiciary Committee No. 1.

A bill to be entitled "An act to repeal article 2430, chapter 4, title 42, of 'An act to adopt and establish the Revised Civil Statutes of the State of Texas.'"

Referred to Judiciary Committee No. 1.

By Senator Traylor:

"An act to amend chapter 3 of title 17 of the Penal Code, by adding after article 684, articles 684a and 684b."

Referred to Judiciary Committee No. 2.

"An act to amend article 870 of the Code of Criminal Procedure, by adding thereto articles 870a and 870b."

Referred to Judiciary Committee No. 2.

By Senator Pope:

Joint resolution proposing an amendment to article 6, section 1, of the Constitution of the State of Texas.

Referred to Committee on Constitutional Amendments.

By Senator Getzendaner:

A bill to be entitled "An act to provide for the investment of the permanent free school fund."

Referred to Committee on Finance.

Senator Garrison moved a reconsideration of the vote by which the resolution of Senator Peacock, to-wit,

Resolved, That each member of the Senate be allowed to subscribe for and take as many as fifty copies of such daily papers as he may select, to be paid for out of the contingent funds of the Senate, at not exceeding 3 cents per copy, provided that such newspaper shall publish the full proceedings of both Houses of each day, or a substantial and intelligent synopsis of the same,

was on yesterday adopted.

The motion was carried by the following vote:

YEAS—16.

Bell,	Hall,	Kleberg,
Calhoun,	Harrison,	Knittle,
Douglass,	Houston of Bexar,	Perry,
Farrar,	Johnson,	Pfeuffer,
Fowler,	Jones,	Woods.
Garrison,		

NAYS—14.

Camp,	Houston of Wheeler,	Shannon,
Davis,	Kilgore,	Stinson,
Evans,	Peacock,	Terrell,
Getzendaner,	Pope,	Traylor.
Glasscock,	Randolph,	

ABSENT, NOT VOTING.

Jerdone.

Senator Perry moved to amend by striking out "fifty" and inserting "twenty-five."

Senator Kleberg offered an amendment to the amendment of Senator Perry by striking out "twenty-five" and inserting "one."

Senator Pope moved the previous question on the amendments.

Motion seconded, and

Main question ordered.

Amendment of Senator Kleberg was lost by vote of 13 to 17, as follows:

YEAS—13.

Bell,
Calhoun,
Douglass,
Fowler,
Garrison,

Hall,
Harrison,
Johnson,
Jones,

Kleberg,
Knittle,
Pfeuffer,
Woods.

NAYS—17.

Camp,
Davis,
Evans,
Farrar,
Getzendaner,
Glasscock,

Houston of Bexar, Randolph,
Houston of Wheeler, Shannon,
Kilgore, Stinson,
Peacock, Terrell,
Perry, Traylor,
Pope,

ABSENT, NOT VOTING.

Jerdone.

The amendment of Senator Perry was voted on. There being a tie vote, the President voted in the affirmative, adopting the amendment, as follows:

YEAS—15.

Beall,
Calhoun,
Douglass,
Farrar,
Garrison,

Glasscock,
Hall,
Harrison,
Houston of Bexar,
Johnson,

Jones,
Kleberg,
Knittle,
Perry,
Pfeuffer.

NAYS—15.

Camp,
Davis,
Evans,
Fowler,
Getzendaner,

Houston of Wheeler, Shannon,
Kilgore, Stinson,
Peacock, Terrell,
Pope, Traylor,
Randolph, Woods.

ABSENT, NOT VOTING.

Jerdone.

The resolution as amended was voted on and lost, to-wit:

YEAS—7.

Evans,
Farrar,
Glasscock,

Houston of Bexar,
Kilgore,

Perry,
Terrell.

NAYS—23.

Bell,
Calhoun,
Camp,
Davis,
Douglass,
Fowler,
Garrison,
Getzendaner,

Hall,
Harrison,
Houston of Wheeler, Randolph,
Johnson, Shannon,
Jones, Stinson,
Kleberg, Traylor,
Knittle, Woods,
Peacock,

Pfeuffer,
Pope,
Pfeuffer,
Pope,
Shannon,
Stinson,
Traylor,
Woods.

Senator Davis moved a reconsideration of the vote just taken and that the matter be laid on the table.

Carried by the following vote:

YEAS—24.

Bell,
Calhoun,
Davis,
Douglass,
Farrar,
Fowler,
Garrison,
Getzendaner,

Glasscock,
Hall,
Harrison,
Houston of Wheeler, Randolph,
Johnson, Shannon,
Jones, Stinson,
Kilgore, Traylor,
Kleberg, Woods.

Knittle,
Peacock,
Perry,
Pfeuffer,
Pope,
Shannon,
Stinson,
Traylor,
Woods.

NAYS—6.

Camp,
Evans,

Houston of Bexar,
Randolph,

Stinson,
Terrell.

By leave,

Senator Shannon introduced a bill to be entitled "An act to repeal an act entitled 'An act to further provide for the regulation of railroads,' abolishing the office of State railroad engineer, his clerk, salaries, etc."

Referred to Committee on Internal Improvements.

Senator Jones moved that Senator Douglass be excused indefinitely on account of sickness.

Adopted.

Senator Jerdone, on motion of Senator Jones, was excused for the day.

The following communication was received from the Comptroller:

OFFICE OF COMPTROLLER,
AUSTIN, TEXAS, January 14, 1885.

Hon. Marion Martin, President of the Senate Nineteenth Legislature, Austin, Texas:

SIR:—I have the honor to hand you the following statement in obedience to section 25 of an act passed in February, 1884, to establish and maintain a system of public free schools in the State of Texas, etc., which section provides that the "Comptroller shall, on or before the meeting of each regular session of the Legislature, report to the Legislature an estimate of the amount of the available school fund to be received for the succeeding two years, and which may be subject to appropriation for the establishment and support of public schools, and the several sources from which the same accrue."

ESTIMATE.

Ad valorem school tax of 12½ cents on the \$100.....	753,826
Educational poll tax.....	315,664
One-fourth of the occupation taxes.....	211,000
Interest on county bonds held by the permanent school fund.....	104,622
Interest on State bonds held by the permanent school fund.....	117,900
Interest on railroad bonds held by the permanent school fund.....	95,000
Interest on land notes.....	479,616
Receipts from transactions of the Land Board (estimate from the Land Board).....	325,000
Interest on (\$82,168.82) bonds yet so be provided for to August 31, 1883.....	68,123
Interest on probable investments of the permanent school fund.....	10,000

Total \$2,490,751

Deduct estimated losses in collecting, as follows, namely:

Insolvent poll taxes.....	\$100,000
Cost of assessing and collecting, delinquents, insolvents, errors, sales, etc.....	150,000—
	250,000

Net total for one year..... \$2,230,751
Multiplying the above estimate for 1 year by two (less the item of interest on \$82,168.82 bonds) we have the probable receipts for school purposes for the next two years..... \$4,393,379

In the above estimate no deduction is made for any default in payment of interest on the land notes held by the permanent school fund, nor has any increase in taxable values for 1885 and 1886 been considered.

In this connection I beg respectfully to call attention to the appropriation made at the regular session of the Eighteenth Legislature to pay interest and principal of bonds belonging to the school fund which had been classed as of doubtful validity.

It will be remembered that an appropriation was made from the funds received from the sale of public domain to pay this class of bonds, viz: \$320,367.13 and interest, aggregating \$431,781.58; \$82,168.82 and interest, aggregating \$150,292.46, belonging to the permanent school fund; and \$134,472.26 with interest, aggregating \$236,272.57 belonging to the permanent university fund.

The amount of revenue received from the sale of public domain has not been sufficient to pay the whole of this class of bonds, and \$82,168.82 with interest, amounting to \$150,292.46, belonging to the permanent school fund, is yet unpaid. There is now in the treasury to the credit of the land sales fund \$95,601.88, which is sufficient to pay either the principal or interest, but not both.

It is thought advisable that the principal of the bonds (\$82,168.82) be paid first, in order that the funds may be invested in interest-bearing securities, thereby increasing the available fund by the amount of the interest on the investment. After payment of the principal of the bonds, there will be left of the land sales fund \$13,433.06, which can be applied

to the payment of the interest on the bonds, leaving the amount of interest to be provided from some other source, \$54,690.58.

Attention is also called to the frequent complaints made to this department that the school fund apportioned to the several counties is not received in time to meet promptly the expenses of the schools. This arises from the fact that the amount of school fund apportioned to the counties is not in the State treasury at the time the apportionment is made.

Under the system now in force the apportionment is made in July of each year, not from the amount already in the State treasury, but is based upon an estimate of what will be received during the next year. The county treasurers are notified of this apportionment as soon as made, and certificates sent to them showing the amounts due their counties respectively. The schools are opened in advance of the collection of the taxes, and expenses accrue before there is money in hand to meet them. The difficulties of our present system of paying to the several counties their pro rata of the school fund are more apparent now than at any other time. Heretofore the large cash balance in the State treasury to the revenue account permitted an advance by the collectors of taxes to the school fund of all the taxes collected by them until the whole amount due the counties was paid. The certificates so paid by the collectors were then returned by them, and the fund withdrawn from the treasury by warrant on the school fund and distributed to the several accounts for which they were collected. These temporary advances were not embarrassing to the treasury, for the reason that the large surplus of revenue on hand prevented any danger of suspension of cash payment of warrants.

Having now no surplus on hand with which to tide the treasury over any temporary suspension of receipts, an advance to the counties of any part of the revenue would render it impossible for the Treasurer to have at all times sufficient funds with which to meet current demands on the treasury. The collectors are now directed to pay on the certificates held by the county treasurers only the school taxes collected by them, and in no case to use any part of the revenue tax in payment of the certificates.

The school tax is not collected fast enough in sufficient amount to meet the demands of the schools upon the county treasurers, hence the complaints which are being constantly made to this department.

This office has no data as to the amount necessary annually for the support of the public free schools.

Respectfully,

WM. J. SWAIN, Comptroller.

The following message was received from the House:

Resolved, That a committee of three be appointed by the Speaker to act with a like committee appointed by the Senate, for the purpose of perfecting arrangements for counting the vote for Governor and Lieutenant-Governor, and for making arrangements for the inauguration of these officers.

Adopted January 15, 1885. Committee consisting of Pendleton of Bell, Cravens and Bishop.

A. D. SADLER,
Chief Clerk of the House.

Senator Shannon moved that a committee be appointed by the President to act with the committee from the House in counting the vote for Governor and Lieutenant-Governor.

Carried, and

Senators Terrell, Shannon and Kilgore were appointed on the committee.

The following communication was received from the Governor and read:

To the Senate and House of Representatives:

I perform the painful duty of informing the two houses of the recent deaths of Colonel H. P. Brewster and General W. Steele. Both have been distinguished citizens, and have held important offices in the State.

Colonel Brewster came to Texas a mere youth, and has been intimately connected with the Texas government in various ways most of his life. At the time of his death, on December 23, 1884, he held the office of Commissioner of Insurance, Statistics and History.

General Steele, long a resident of the State, and for several years Adjutant-General, died on the twelfth instant at San Antonio.

I recommend suitable measurers in honor of these distinguished men.
JOHN IRELAND,
Governor of Texas.

On motion of Senator Houston of Bexar, The communication was referred to the Committee on State Affairs, with the request that said committee report to the Senate the proper action to be taken in relation to the subject matter thereof.

By leave, Senator Kleberg introduced a bill, "An act for the relief of W. S. Booth."

Referred to Committee on Claims and Accounts. Senator Shannon moved that the Senate adjourn till 10 o'clock a. m. to-morrow.

The motion carried, and the Senate adjourned accordingly.

FOURTH DAY.

SENATE CHAMBER,)
AUSTIN, TEXAS, January 16, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Martin in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

On motion of Senator Randolph,

The reading of the Journal of yesterday was dispensed with.

Senator Traylor, for the Finance Committee, made the following report:

COMMITTEE ROOM,

AUSTIN, January 15, 1885.

Hon. Marion Martin, President of the Senate:

SIR—Your Committee on Finance, to whom was referred Senate Bill No. 13, entitled "An act making an appropriation for the mileage and per diem pay of members, and the per diem pay of officers and employees of the Nineteenth Legislature," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

TRAYLOR, Chairman.

Senator Terrell made the following report for the special joint committee:

COMMITTEE ROOM,

AUSTIN, January 15, 1885.

Hon. Marion Martin, President of the Senate, and Hon. L. L. Foster, Speaker of the House of Representatives:

The joint committee appointed to arrange the time, place and manner of opening and publishing the election returns for the Governor and Lieutenant-Governor of this State, and to make all necessary arrangements for the inauguration and installation of said officers, beg leave to submit the following report:

1. The said returns shall be opened and published in the manner prescribed by the Constitution, at 11 o'clock a. m., January 16, A. D. 1885, in the Hall of the House of Representatives.

2. The Senate shall assemble in joint session with the House of Representatives, in the Hall of the House, at 12 o'clock m., on Tuesday, January 20, A. D. 1885, to witness the inauguration and installation of the Governor and Lieutenant-Governor elect; and that Judge A. S. Walker administer the oath of office to those officials; and that the public generally be invited to be present at the inauguration.

J. O. TERRELL,
Chairman Senate Committee.

GEO. C. PENDLETON,
Chairman House Committee.

The following bills and resolutions were introduced:

By Senator Johnson:

A bill to be entitled "An act to repeal articles

2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822 and 2823, of the Revised Civil Statutes of Texas, and to provide for the performance of the duties required by law of the Commissioner of Insurance, Statistics and History."

Referred to Judiciary Committee No. 1.

By Senator Johnson:

A bill to be entitled "An act to protect the enclosed lands of every person, by persons shooting, hunting, fishing and fowling."

Referred to Judiciary Committee No. 2.

By Senator Traylor:

"An act making appropriations for deficiencies in the appropriations heretofore made for payment of expenses in support of the government up to February 28, 1885, being for payment of claims registered in the Comptroller's Office in accordance with law, and for outstanding claims not registered, and other deficiencies."

Referred to Finance Committee.

"An act making an appropriation to defray the contingent expenses of the Nineteenth Legislature."

Referred to Finance Committee.

By Senator Hall:

A bill to be entitled "An act to provide for the appointment of special clerks of the district and county courts in certain cases."

Referred to Judiciary Committee No. 1.

A bill to be entitled "An act to repeal article 1264, chapter 8, title 29, of the Revised Civil Statutes."

Referred to Judiciary Committee No. 1.

A bill to be entitled "An act to amend article 3011, chapter 1, title 57, of the Revised Civil Statutes."

Referred to Judiciary Committee No. 1.

A bill to be entitled "An act to amend article 3014, chapter 1, title 57, of the Revised Civil Statutes."

Referred to Judiciary Committee No. 1.

By Senator Glasscock:

"An act for the relief of John McHorse."

Referred to Committee on Private Land Claims.

"An act to amend article 726, chapter 9, Penal Code."

Referred to Judiciary Committee No. 2.

By Senator Woods:

"An act to amend article 714 of the Code of Criminal Procedure."

Referred to Judiciary Committee No. 2.

A bill to be entitled "An act to amend chapter 4 of title 9 of the Penal Code, by adding thereto articles 323a, 323b and 323c, so as to provide for punishing persons for selling deadly weapons to minors, and punish persons for carrying concealed weapons, and define brass knuckles."

Referred to Judiciary Committee No. 2.

By Senator Harrison:

A bill entitled "An act to provide for the registration of writs of attachment which have been levied upon land in the office of county clerk of the county where such land is situate."

Referred to Judiciary Committee No. 1.

By Senator Bell:

A bill, "An act to make it penal to use language, or be guilty of conduct calculated to provoke a breach of the peace and to prescribe the punishment therefor."

Referred to Judiciary Committee No. 2.

By Senator Kleberg:

An act entitled "An act to protect stock raisers, providing for the destruction of wolves, etc."

Referred to Committee on Stockraising.

By Senator Farrar:

"An act to amend articles 1801, 1802, 1823, 1867, 1921, 1923, 1924, 1932, 1934, 1944, 1949, 1964, 1973, 1974, 1978, 2025, 2041, 2056, 2057, 2067, 2068, 2070, 2071, 2072, 2081 and 2182 of the Revised Statutes of Texas."

Referred to Judiciary Committee No. 1.

By Senator Gertzendaner:

A bill to be entitled "An act to provide for the investment of the permanent public free school funds of the counties."

Referred to Committee on Education.

Senator Harrison introduced the following resolution:

Resolved, That the Commissioner of the General Land Office be requested to report to the Senate, at the earliest time possible, what, if any, lands have been patented through his office, embraced within the territorial limits of the county of Greer since the twenty-fifth day of February, A. D. 1879, and upon what class of certificates the same were patented, and to whom patented, giving number of acres patented to each person, firm or corporation and the date of issuance of each patent.

2. That the President appoint a committee of three to notify the Commissioner of the adoption of this resolution and its contents.

By Senator Garrison:

Joint resolution proposing to amend article 6, section 1, of the Constitution of the State of Texas.

Referred to Committee on Constitutional Amendments.

The resolution of Senator Harrison, requesting the Commissioner of the General Land Office to report to the Senate the lands patented through his office embraced within the territorial limits of Greer county since the twenty-fifth day of February, 1879, was called up.

Senator Davis offered the following amendment:

Amend by adding:

And who owned the certificate, where they resided, and who acted as the agents of the owners.

Accepted.

Senator Peacock moved to amend by striking out section 2.

Accepted, and

The resolution as amended adopted.

Senator Randolph introduced the following:

Resolved, That each Senator be required to contribute one dollar and fifty cents of his per diem to the Sergeant-at-Arms, for the purpose of buying fifty copies of daily papers to send to the people of his district.

On motion of Senator Kleberg,

The resolution was tabled.

Senator Traylor introduced the following resolution:

Resolved, That one hundred copies of all bills having favorable committee reports be printed for the use of the Senate.

Senator Getzendaner offered the following substitute for the pending resolution:

Resolved, That of each bill reported favorably, and of each substitute reported by the several committees, there shall be printed one hundred copies for the use of the Senate.

Accepted, and

The resolution, as amended, was adopted.

Senator Houston of Bexar, by leave, introduced the following:

Resolved, That the Committee on Printing be instructed to inquire, and report as soon as practicable, at what additional cost a stenographic report of the proceedings of the Senate

can be procured and printed in the journal of the Senate, and the advisability of having such work done.

Also, what the additional cost would be to have a short statement of the purpose of each bill and resolution considered by the Senate printed in the journal.

Adopted.

Senator Kleberg, by leave, introduced a bill to be entitled "An act to provide for the management and control of the lands set aside for the benefit of the University of Texas."

Referred to Committee on Public Lands.

Senator Glasscock, by leave, introduced the following resolution:

Resolved, That the sergeant-at arms of the Senate be required to furnish to each member of the present House of Representatives one copy of each day's journals of the present session of the Senate, and a copy of each bill that passes the Senate.

On motion of Senator Houston of Bexar, that part of the resolution relating to copies of bills after passage was stricken out, and the resolution adopted.

On motion of Senator Traylor, Senate bill 13, "An act to provide for the payment of the mileage and per diem pay of the members, and the per diem pay of the officers and employees of the Legislature," was taken up and,

On motion of Senator Traylor.

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

YEAS—27.

Bell,	Glasscock,	Peacock,
Calhoun,	Hall,	Perry,
Camp,	Harrison,	Pfeuffer,
Davis,	Houston of Bexar,	Randolph,
Evans,	Johnson,	Shannon,
Farrar,	Jones,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Getzendaner,	Knittle,	Woods.

NAYS—1.

Houston of Wheeler.

Bill read second time, and ordered engrossed.

On motion of Senator Traylor,

The rules were suspended, and

The bill was placed on its third reading by the following vote:

YEAS—28.

Bell,	Glasscock,	Peacock,
Calhoun,	Hall,	Perry,
Camp,	Harrison,	Pfeuffer,
Davis,	Houston of Bexar,	Randolph,
Douglass,	Houston of Wheeler,	Shannon,
Evans,	Jones,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Garrison,	Knittle,	Woods.

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—29.

Bell,	Glasscock,	Peacock,
Calhoun,	Hall,	Perry,
Camp,	Harrison,	Pfeuffer,
Davis,	Houston of Bexar,	Randolph,
Douglass,	Houston of Wheeler,	Shannon,
Evans,	Johnson,	Stinson,
Farrar,	Jones,	Terrell,
Fowler,	Kilgore,	Traylor,
Garrison,	Kleberg,	Woods.
Getzendaner,	Knittle,	

NAYS—none.

On motion of Senator Traylor, Senator Houston of Bexar was excused till next Monday at 12 m.; and Senator Pope till Thursday next, on account of important business.

On motion of Senator Houston of Wheeler, Senator Glasscock was excused till Monday next at 12 o'clock m.

On motion of Senator Jones, Senator Jerdone was excused for the day, on account of sickness.

On motion of Senator Terrell, The report of the committee on counting the vote of the Governor and Lieutenant-Governor was taken up and adopted.

The following message was received from the House:

HOUSE OF REPRESENTATIVES.
AUSTIN, January 16, 1885.

Hon. Marion Martin, President of the Senate:

SIR—The report of the Joint Committee of the two Houses to count the vote for Governor and Lieutenant Governor has been adopted by the House.

A. D. SADLER,
Chief Clerk of the House.

On motion of Senator Shannon, The Senate took a recess subject to call of gavel.

IN SENATE.

A message was received from the House announcing that that body was ready to receive the Senate for the purposes described in the above report.

On motion of Senator Terrell, The Senators repaired to the House of Representatives for the purposes set forth in the resolution.

JOINT SESSION.

The joint session of the two Houses was called to order at 11 o'clock a. m., in Representative Hall, Lieutenant-Governor Martin, President of the Senate, occupying a seat on the right of the Speaker.

Roll of the Senate called.

Quorum present.

Roll of the House called.

Quorum present.

The Speaker of the House announced that the object of the joint session was to count the vote for Governor and Lieutenant-Governor, cast at the general election held on the fourth day of November, A. D., 1884.

The Speaker presented the following communication, which was read by Chief Clerk:

DEPARTMENT OF STATE,
AUSTIN, January 16, 1885.

Hon. L. L. Foster, Speaker of the House of Representatives:

SIR—I have the honor to hand you the election returns for Governor and Lieutenant-Governor, received at this department.

Very respectfully,

JOS. W. BAINES,
Secretary of State.

The President appointed Senators Terrell, Shannon and Kilgore, on the part of the Senate, and the Speaker of the House appointed, as Tellers on the part of the House, Representatives Linn, Henderson and Muse.

Who then proceeded to count the vote for Governor and Lieutenant-Governor as aforesaid.

On motion of Representative Henderson,
The joint session adjourned to 2 o'clock p. m.
On motion of Senator Terrell,
The Senators retired to the Senate Chamber.

IN SENATE.

Senator Bell submitted the following report from Committee on Engrossed Bills:

COMMITTEE ROOM,
AUSTIN, January 16, 1885.

Hon. Marion Martin, President of the Senate:

SIR—Your Committee on Engrossed Bills have carefully examined and compared Senate Bill No. 13, being "An act making an appropriation for the mileage and per diem pay of members and the per diem pay of officers and employees of the Nineteenth Legislature," and find the same correctly engrossed.

C. K. BELL, Chairman.

The following communication was received from the House this morning:

HOUSE OF REPRESENTATIVES,
AUSTIN, January 16, 1885.

Hon. Marion Martin, President of the Senate:

SIR—In obedience to a custom heretofore practised by the House of Representatives, I herewith send you the following list of officers elected by the House of Representatives of the Nineteenth Legislature, to-wit:

- L. L. Foster, Speaker.
- A. D. Sadler, Chief Clerk.
- Geo. W. Finger, Reading Clerk.
- J. S. Boggs, Calendar Clerk.
- R. M. Johnston, Journal Clerk.
- W. L. McDonald, Engrossing Clerk.
- J. W. Boynton, Enrolling Clerk.
- M. M. Boggess, Sergeant-at-Arms.
- H. T. Prater, Assistant Sergeant-at-Arms.
- W. I. C. Autry, Doorkeeper.
- Rinaldo Hotchkiss, Assistant Doorkeeper.
- J. W. Poindexter, Chaplain.
- Marchant Little, Postmaster.

Attest: A. D. SADLER, Chief Clerk.

On motion of Senator Getzendaner,
The Senate adjourned until 2 o'clock p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.
Lieutenant Governor Martin in the chair.
Roll called.
Quorum present.

Senator Houston of Wheeler offered the following resolution:

Resolved, That the secretary of the State Land Board be required to furnish, for the information of the Senate, a report showing the number of acres leased in each county, name of lessee, and the proportions respectively leased to corporations and individuals, the price per acre, whether such land was dry or watered, the term of years for which such lease was made; also, the number of acres for which application has been made, and upon which no rental has ever been paid; also, the number of acres sold to actual settlers, counties where same are situate, and the number of acres, where situate, and the quantities sold to persons other than actual settlers.

Senator Bell offered the following amendment:

Amend by inserting after the word "county" in sixth line, the words, "and the number of acres unleased in each county."

Accepted.

Senator Randolph offered the following amendment:

Amend by adding as follows: "And show how many applications that have been rejected on bids less than eight cents per acre. Also, the amount sold to actual settlers that has heretofore been leased."

Accepted, and

The resolution, as amended, was adopted.

Senator Woods introduced a bill entitled "An act to amend article 690, chapter 90, of the Penal Code of the State of Texas, as amended April 4, 1881."

Referred to Judiciary Committee No. 2.

Senator Jones presented a petition from the Live Stock Association of Southeast Texas, asking certain legislation with reference to livestock.

Referred to Committee on Stock and Stock-raising.

The following communication was received from A. N. Denton, Superintendent of the State Lunatic Asylum:

STATE LUNATIC ASYLUM,
AUSTIN, January 15, 1885.

Hon. Marion Martin, President of the Senate:

DEAR SIR—I desire through the presiding officer of the Senate to invite each and every Senator to visit this Institution at any time that may be most convenient to them, and make a thorough inspection of the Asylum and the inmates. At any time that they can visit the Asylum I will take pleasure in conducting them through the institution.

I have the honor to remain your obedient servant,

A. N. DENTON,
Superintendent State Lunatic Asylum.

On motion of Senator Jones,

The Senate took a recess, subject to call.

The Senate was called to order.

On motion of Senator Terrell,

The Senate repaired to the House of Representatives to complete the count of the vote cast on the fourth of November last for Governor and Lieutenant-Governor.

JOINT SESSION.

Senate roll called.

Quorum present.

House roll called.

Quorum present.

The count of the vote cast for Governor and Lieutenant-Governor having been completed,

The tellers presented the following tabulated statement of the votes cast at the general election held on Tuesday, the fourth day of November, A. D. 1884, for Governor and Lieutenant-Governor, to-wit:

Counties.	For Governor.				For Lieutenant-Governor.		
	Ireland.	Jones.	Norton.	Scating.	Gibbs.	Haynes.	Scating.
Anderson.....	1,976	1,653	2		2,002	1	
Angelina.....	898	59	56	2	858	36	
Aransas.....	139	8	20		156	26	
Archer.....	33	95	1		64	55	6
Atascosa.....	613	116	7		716	36	
Austin.....	1,408	1,310		48	1,451	1,522	
Bandera.....	455	25	67	1	476	76	
Bastrop.....	859	2,572	1		1,242	1,663	
Baylor.....	269		3	31	313	3	1
Bee.....	238	4	11		244	12	
Bell.....	4,146	771	21		4,483	13	383
Bexar.....	4,212	1,662	324	35	4,197	1,236	132
Blanco.....	553	183	19	100	571	151	
Bosque.....	1,681	429	85		1,217	118	
Bowie.....	1,257	617	79		1,273	690	
Brazoria.....	424	16	1,117		437	1,148	
Brewster.....	1,349	1,705		344	1,493		
Brown.....	1,076	688	40	3	1,756	56	
Burleson.....	957	1,111		15	1,119		957
Burnet.....	691	745	13		1,351	26	
Caldwell.....	1,161	1,074			1,464	768	
Calhoun.....	175	103		2	178	41	
Callahan.....	710		15	134	857	19	
Cameron.....	1,888	1,263	5	1	1,888	4	
Camp.....	569	546			905	548	
Cass.....	1,776	1,491	102		1,700	210	
Chambers.....	278		50		303	115	
Cherokee.....	2,124	584	128		2,761	129	
Clay.....	655	316	22		892	209	
Coleman.....	525	298	9		824	13	
Collin.....	4,328	406	595		4,858	649	
Colorado.....	1,332	1,753	1	1	1,381	1,701	

Counties.	For Governor.				For Lieutenant-Governor.		
	Ireland.	Jones.	Norton.	Scat'ing	Gibbs.	Haynes.	Scat'ing
Comal	567	403	1		464		1
Comanche	960	946	9		1,735	132	
Cooke	236	37	1			26	
Cook	3,293	283	48		3,665	538	
Correll	1,949	553	38		2,446	60	
Dallas	6,277	268	1,882		6,288	1,784	
Deits	937	160	115		1,003	150	
Denton	2,968	501	225		3,262	505	
De Witt	917	718	11		914	617	4
Dimit	175	62	18		219	28	
Douley	114	22			124		12
Duval	417			143	356		
Eastland	698	676	21		1,099	60	228
Edwards	84	126	1		195	7	
Ellis	4,312	515	184		4,467	10	
E. Pas.	1,346	253	204		1,346	633	
Erath	1,944	832	59		2,478	73	
Falls	2,061	1,532	6		2,179	38	
Fannin	3,724	911	99		3,822	116	
Fayette	2,755	2,159	11		2,997	1,968	
Fort Bend	205	1,284	302		301	1,881	
Franklin	949	12	20		957	37	1
Freestone	1,437	1,133			1,539		
Frio	279	218			447	1	
Galveston	4,212	1,543	297	2	4,334	1,312	
Gillespie	545	298	103		478	483	
Goliad	526	313	4		533	12	
Gonzales	1,682	1,102	1		1,886	8	8
Grayson	5,465	1,111	1,421	1	5,735	1,061	24
Gregg	749	837	2		776	871	
Grimm	1,448	896	691		1,479	1,810	
Groesbeke	1,494	621	100		1,354	54	858
Hamilton	1,152	316	17		1,427	28	7
Harris	188	222	35		373	102	
Harrison	3,399	2,880	78		3,213	2,658	
Hays	2,601	661	5		2,737	601	
Hays	1,116	534	22		1,249	409	
Hemphill	1,280	393	115		1,333	405	6
Hidalgo	62	3		4	599		
Hill	3,295	600	161		3,482	324	
Hood	1,080	127	16		1,155	22	5
Hopkins	2,758	123	150		2,773	358	
Howard	184	65	59		229	85	
Houston	1,539	20	1,239				
Hunt	3,632	67	387		3,689	381	1
Jack	1,023	516	3		1,287	10	
Jackson	1,224	246	11	1	1,242	232	
Jasper	427	200	84		511	282	
Jefferson	565	316			841		
Johnson	3,294	302	76		2,366	78	13
Jones	283	55	6		336	5	
Karnes	348	53	23		352	53	19
Kaufman	3,121	145	561		3,146	639	
Kendall	233	17	328		188	385	1
Kerr	354	141	9	4	369	147	
Kimble	134	210	10		381	12	
Kiuey	426	310	8		456	256	
Lamar	3,384	356	886		3,638	1,155	
Lampasas	911	640	10		1,304	70	168
La Salle	348	30	1		381	1	
Lavaca	1,437	704	12		1,633	60	503
Lee	956	1,046			1,816	23	
Leon	1,308	228	716		1,570	725	
Liberty	514	4	305	4	521	314	
Limestone	2,077	698	8		2,297	7	8
Live Oak	317	1	1		317	1	
Llano	794	407	3		1,186	2	
Madison	677		221	246	869	285	
Martini	1,109	1,109	46		392	10	
Mason	530	144	111	1	646	128	
Mataorda	236	132	332		250	466	
Maverick	179	239			181	4	133
McCluskey	286	131	5		431	18	1
McLennan	2,992	1,459	77		3,248	116	
McMullen	189	21	1		188	4	
Medina	403	293	66	1	449	368	1
Menard	184	65			204	52	
Milam	2,539	1,146	168		3,217	8	
Mitchell	244	343	15		334	71	
Montague	2,050	860	52	1	2,795	62	1
Montgomery	970	1,031	1		1,946	19	
Morris	514	404	33		586	432	
Nacogdoches	1,687	456	75		1,894	44	9
Navarro	3,337	1,150	192		3,502	186	
Newton	557	110	56		563	187	
Nolan	265	128	8		340	12	
Nueces	996	65	114		1,036		
Oldham	87	68			158		
Orange	534	121	17		543	156	
Palo Pinto	915	438	18	2	1,184	21	
Panola	1,622	54	363		1,437	304	1
Parker	2,587	782	97		2,938	324	1
Pecos	249	59	6		236	66	
Folk	801	112	524		923	536	
Presidio	465	43	196	3	508	218	
Rains	473	92	35		533	35	
Red River	1,408	32	1,070	2	1,543	41	
Refugio	118	37			132	14	
Roberts	2,253	1,566	763		2,532	771	
Rockwall	686		29		684	14	
Ruess	228	92			310		
Rusk	2,043	10,318	71		2,114	11	1,354
Sabine	243	85	74		613		

Counties.	For Governor.				For Lieutenant-Governor.		
	Ireland.	Jones.	Norton.	Scat'ing	Gibbs.	Haynes.	Scat'ing
San Augustine	630	56	327		651	244	
San Jacinto	310	105	583		423	508	
San Patricio	122	3	11		122	11	
San Saba	636	414	19		1,020	25	
Scurry	34	96			110	16	
Shackelford	318	73	106	3	383	109	1
Shelby	1,540	48	15		1,685	13	
Smith	2,647	1,957	45		2,657	56	
Somervell	403	143			599		
Starr	363	253	1		367		
Stephens	474	234	6		700	6	
Tarrant	4,230	2,155	19		5,122	24	7
Taylor	672	311	36		903	124	
Throckmorton	172	63	5		213	16	
Titus	1,004	212			1,006	199	
Tom Green	601	591	22		714	332	130
Travis	2,542	3,021	73		3,482	113	
Trinity	901	297	27		921	231	
Tyler	785	414	36	59	327	962	
Upshur	1,345	694	105		1,379	540	1
Uvalde	540	113	6		629	6	
Van Zandt	2,088	611	6		2,223	430	
Victoria					665	745	
Walker	723	1,294	2		899	1,026	
Waller	790	40	1,160		824	1,177	
Washington	2,414	2,987	284		2,524	2,631	63
Webb	1,375	31	352		1,377	385	
Wharton	169	742	10		163	730	
Wheeler	149	259			138		241
Wichita	340	81	76		383	123	
Willbarger	182	31	22		203	22	
Williamson	2,084	1,299	55		2,909	38	569
Wilson	902	357	11		1,250	67	56
Wise	3,291	703	99		3,773	65	195
Wood	1638	257	331		1,695	447	
Young	628	183	23		727	85	
Zapata	16		92		16	92	
Zavala	121			42	161		

The vote having been cast up, the Speaker announced that, for Governor,

John Ireland received 210,534
 George W. Jones received 88,230
 A. B. Norton received 24,485
 Scattering 1,261

In compliance with his constitutional duty, The Speaker declared John Ireland duly and constitutionally elected Governor of the State of Texas. The Speaker further announced that, for Lieutenant-Governor,

Barnett Gibbs received 232,685
 John L. Haynes received 52,347
 Scattering 8,028

Whereupon, in compliance with his constitutional duty, and under the sanction of the Legislature, The Speaker declared Barnett Gibbs duly and constitutionally elected Lieutenant-Governor of the State of Texas.

On motion of Senator Terrell
 The Senators repaired to the Senate Chamber.

IN SENATE.

On motion of Senator Shannon,
 The Senate adjourned till 10 o'clock to-morrow morning.

FIFTH DAY.

SENATE CHAMBER,
 AUSTIN, TEXAS, January 17, 1885.

The Senate met pursuant to adjournment.
 Lieutenant-Governor Martin in the chair.
 Roll called.
 Quorum present.
 Prayer by the Chaplain.
 On motion of Senator Perry,

The reading of the journal of yesterday was dispensed with.

On motion of Senator Fowler, Senator Knittle was excused for the day. Senators Jones and Pfeuffer were excused for the day, on motion of Senator Kleberg.

On Senator Randolph's motion, Senator Jerdone was excused till Monday. For Judiciary Committee No. 2, Senator Davis made the following reports:

COMMITTEE ROOM,
AUSTIN, January 16, 1885.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 1, entitled "An act to amend article 549, title 15, chapter 11, of the Penal Code," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

As the article now reads no one can be convicted of any grade of homicide unless the body of the deceased, or portions of it, are found and sufficiently identified to establish the fact of killing. The bill strikes out the word "killing," and inserts "the death of the person charged to have been killed."

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 16, 1885.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 2, entitled "An act to amend article 496, chapter 2, title 19 of the Penal Code," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

The bill seeks to make some changes in the law defining aggravated assault, which are not deemed by the Committee of sufficient importance to justify an amendment of the Statute.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 16, 1885.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 6, entitled "An act to diminish the civil and criminal jurisdiction of the county court of Montague county, and to conform the jurisdiction of the district court to such change," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 16, 1885.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee, No. 2, to whom was referred Senate bill No. 16, entitled "An act to amend Article 441 of the Code of Criminal Procedure," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

The bill dispenses with a useless and technical recital in judgments forfeiting bail bonds, and which has often resulted in a failure of substantial justice.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 16, 1885.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 22, entitled "An act to amend article 722, chapter 8, title 17, of the Penal Code of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the accompanying amendments.

The bill relates to the offense of robbery. While it makes no material change in the existing law, the bill as amended eliminates a useless and meaningless clause from the present statute.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE AMENDMENTS TO SENATE BILL NO. 22.

1. Change title and enacting clause so as to make it "An act to amend an act entitled 'An act to amend article 722, chapter 8, title 9, of the Penal Code of the State of Texas,' approved April 12, 1883."

2. Strike out all after "five years," in eighth line of article 722.

COMMITTEE ROOM,
AUSTIN, January 16, 1885.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 26, entitled "An act to amend article 339, chapter 4, title 10, of the Penal Code," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

The bill changes the statutory definition of "disorderly house."

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 16, 1885.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 34, entitled "An act to amend articles 730 and 731 of the Code of Criminal Procedure," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass. The bill seeks to amend the existing law so as to permit the defendant in a criminal action to testify, and to make the two sections named conform to such change.

All of which is respectfully submitted.

DAVIS, Chairman.

Senator Evans made the following minority report on Senate bill No. 2 for Judiciary Committee No. 2:

COMMITTEE ROOM,
AUSTIN, January 17, 1885.

Hon. Marion Martin, President of the Senate:

We, a part of your Committee on Judiciary No. 2, to whom was referred Senate bill No. 2, entitled "An act to amend article 496, chapter 2, title 19 of the Penal Code, which bill has been reported upon unfavorably by a majority of said committee, beg leave to file and ask for the adoption of the following minority report:

Under subdivision five, as the article proposed to be amended now reads, no person under the age of twenty-one years, however stout and robust, can be punished for an aggravated assault and battery when committed upon a female or a child, or when committed by a female upon a child. A man of twenty years of age who weighs two hundred pounds—one of the strength of a Sampson—may inflict blows upon a child or a female, and the only punishment that can be inflicted upon him is a fine, as fixed by law, for simple assault and battery: while, on the other hand, should a man, though small of stature and of little strength, happen to strike a female or a child, he subjects himself to a fine of not less than twenty-five dollars nor more than five hundred dollars, and he may be imprisoned twelve months in the county jail.

We think that the law as it now is creates an unequal punishment for that which is really the same offense, or should be so classed.

We would therefore respectfully ask that said bill be favorably accepted by the Senators; that the report of the majority of said committee be rejected, and that said bill do pass.

W. A. EVANS,
J. P. FOWLER,
SAM. D. STINSON,
J. H. CALHOUN.

Senator Fowler for committee on Judicial Districts, made the following reports:

COMMITTEE ROOM,
AUSTIN, JANUARY 16, 1885.

Hon. Marion Martin, President of the Senate:

Your Committee on Judicial Districts, to whom was referred Senate bill No. 12, entitled, "A bill to prescribe the times of holding district courts in the thirty-sixth judicial district of Texas," have carefully considered the same and instruct me to report the same back with the recommendation that

it do pass. There is no law providing a time for holding the district court in Zavalla county, in said district, and the purpose of this bill is to provide the time for holding said court in said county, and also to work some desirable changes in the times of holding the district court in several of the other counties in said district.

All of which is respectfully submitted.

FOWLER, Chairman.

COMMITTEE ROOM.

AUSTIN, January 16, 1885.

Hon. Marion Martin, President of the Senate:

Your Committee on Judicial Districts, to whom was referred Senate bill No. 5, a bill to be entitled "An act to re-organize the twenty-eighth judicial district of the State of Texas, and to provide the times for holding the district court therein," have carefully considered the same, and instruct me to report the same back with the recommendation that it do pass.

Zapata county, in said district, although an organized county with a population of about 4,000, has not a sufficient number of English speaking persons qualified to serve as jurors to enable the district court to be held within the county with advantage, and the purpose of this bill is to attach said county to Webb county for judicial purposes, and to make some desirable changes in the time of holding the district court in several of the other counties in said district.

All of which is respectfully submitted.

FOWLER, Chairman.

The following bills and resolutions were introduced:

By Senator Evans:

A bill to be entitled "An act to amend articles 2170, 2171, 2172, 2173, 2176, 2178 and 2179 of the Civil Statutes of Texas."

Referred to Judiciary Committee No. 1.

By Senator Davis:

"An act to amend article 852 of the Code of Criminal Procedure."

Referred to Judiciary Committee No. 2.

By Senator Jones:

A joint resolution requesting our Senators and Representatives in Congress to urge the passage of the Eads bill.

Referred to the Committee on Federal Relations.

By Senator Harrison:

A bill entitled "An act to regulate assignments for the benefit of creditors, and to repeal the assignment act of the Sixteenth Legislature, approved March 24, 1879, and the amendments thereto passed by the Eighteenth Legislature and approved April 7, 1883."

Referred to Judiciary Committee No. 1.

By Senator Woods:

A bill to be entitled "An act establishing a reformatory farm for the confinement, reform and utilization of convicts under the age of eighteen years."

Referred to Judiciary Committee No. 1.

By Senator Traylor:

A bill to be entitled "An act to amend article 4683 of the Revised Civil Statutes of the State of Texas."

Referred to Committee on Finance.

A bill to be entitled "An act to transfer to the general revenue account certain funds now in the State Treasury to the credit of other accounts."

Referred to Finance Committee.

By Senator Bell:

A bill to be entitled "An act to amend article 636, chapter 3, title 8, of the Code of Criminal Procedure of the State of Texas."

Referred to Judiciary Committee No. 2.

By Senator Perry:

A bill to be entitled "An act to amend section 71 of 'An act to establish and maintain a system of public free schools for the State of Texas,' and to repeal so much of chapter 3 of title 78 of the Revised Civil Statutes of the State of Texas as refers to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of law in conflict with this act passed by the Eighteenth Legislature at its called session."

Referred to Committee on Education.

By Senator Farrar:

An act entitled "An act to amend chapter 3 of 'An Act to adopt and establish a Penal Code of the State of Texas,' by inserting article 355a."

Referred to Judiciary Committee No. 2.

A bill to be entitled "An act to amend articles 2489, 2490, 2493, 2503, 2506, 2550, 2557, 2562, 2563, 2565, 2566, 2574, 2575, 2611, 2614, 2632, 2649 and 2677 of the Revised Statutes of Texas."

Referred to Judiciary Committee No. 1.

By Senator Davis:

A bill to be entitled "An act to authorize district judges to change the venue in cases of felony before indictment is found."

Referred to Judiciary Committee No. 2.

"An act to further regulate the collection of taxes on real estate, including lands heretofore bought by the State at delinquent tax sales."

Referred to Finance Committee.

Senator Fowler moved to suspend the regular order of business and take up Senate Bill No. 5, a bill to be entitled "An act to re-organize the twenty-eighth judicial district of the State of Texas, and to provide the times for holding the district court therein."

Adopted.

Senator Fowler moved to suspend the constitutional rule, and place the bill on its second reading.

Adopted by the following vote:

YEAS—22.

Bell,	Hall,	Peacock,
Calhoun,	Harrison,	Perry,
Camp,	Houston of Wheeler,	Shannon,
Davis,	Johnson,	Stinson,
Evans,	Jones,	Terrell,
Fowler,	Kilgore,	Traylor,
Garrison,	Kleberg,	Woods.
Getzender,		

NAYS—none.

Bill read second time, and ordered engrossed.

Senator Fowler moved to suspend the constitutional rule and place the bill on its third reading.

Adopted by the following vote:

YEAS—21.

Bell,	Getzender,	Peacock,
Calhoun,	Hall,	Perry,
Camp,	Harrison,	Randolph,
Davis,	Houston of Wheeler,	Shannon,
Evans,	Jones,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Woods.

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—24.

Bell,	Hall,	Perry,
Calhoun,	Harrison,	Randolph,
Camp,	Houston of Wheeler,	Shannon,
Davis,	Johnson,	Stinson,
Evans,	Jones,	Terrell,
Farrar,	Kilgore,	Traylor,
Fowler,	Kleberg,	Woods.
Garrison,	Peacock,	
Getzendaner,		

NAYS—none

On motion of Senator Fowler,
Senate bill No. 12, a bill to prescribe the times of holding the district court in the thirty-sixth judicial district of Texas,

Was taken up out of its regular order.

On Senator Fowler's motion,

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

YEAS—26.

Bell,	Getzendaner,	Perry,
Calhoun,	Hall,	Pfeuffer,
Camp,	Harrison,	Randolph,
Davis,	Houston of Wheeler,	Shannon,
Douglass,	Johnson,	Stinson,
Evans,	Jones,	Terrell,
Farrar,	Kilgore,	Traylor,
Fowler,	Kleberg,	Woods.
Garrison,	Peacock,	

NAYS—none.

Bill read second time.

Senator Fowler offered the following amendment:
Amend caption by striking out the word "bill" and inserting the word "act" in its place.

Adopted and bill ordered engrossed.

On motion of Senator Fowler,

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

YEAS—25.

Bell,	Getzendaner,	Peacock,
Calhoun,	Hall,	Perry,
Camp,	Harrison,	Randolph,
Davis,	Houston of Wheeler,	Shannon,
Douglass,	Johnson,	Stinson,
Evans,	Jones,	Terrell,
Farrar,	Kilgore,	Traylor,
Fowler,	Kleberg,	Woods.
Garrison,		

NAYS—none.

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

YEAS—24.

Bell,	Getzendaner,	Peacock,
Calhoun,	Hall,	Perry,
Camp,	Harrison,	Randolph,
Douglass,	Houston of Wheeler,	Shannon,
Evans,	Johnson,	Stinson,
Farrar,	Jones,	Terrell,
Fowler,	Kilgore,	Traylor,
Garrison,	Kleberg,	Woods.

NAYS—none.

On motion of Senator Houston of Wheeler,
Senate Bill No. 6, "An act to diminish the civil and criminal jurisdiction of the county court of Montague County, and to conform the jurisdiction of the district court to such change,"

Was take up out of its regular order,

On Senator Houston of Wheeler's motion, the rules were suspended, and

The bill placed on its second reading by the following vote:

YEAS—25.

Bell,	Getzendaner,	Peacock,
Calhoun,	Hall,	Perry,
Camp,	Harrison,	Randolph,
Davis,	Houston of Wheeler,	Shannon,
Douglass,	Johnson,	Stinson,
Evans,	Jones,	Terrell,
Farrar,	Kilgore,	Traylor,
Fowler,	Kleberg,	Woods.
Garrison,		

NAYS—none.

Bill read second time and ordered engrossed.

On motion of Senator Houston of Wheeler,

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

YEAS—25.

Bell,	Getzendaner,	Peacock,
Calhoun,	Hall,	Perry,
Camp,	Harrison,	Randolph,
Davis,	Houston of Wheeler,	Shannon,
Douglass,	Johnson,	Stinson,
Evans,	Jones,	Terrell,
Farrar,	Kilgore,	Traylor,
Fowler,	Kleberg,	Woods.
Garrison,		

Bill read third time and passed by the following vote:

YEAS—25.

Bell,	Hall,	Perry,
Calhoun,	Harrison,	Randolph,
Camp,	Houston of Wheel'r	Shannon,
Davis,	Johnson,	Terrell,
Douglass,	Jones,	Traylor,
Farrar,	Kilgore,	Woods,
Fowler,	Kleberg,	Stinson,
Garrison,	Peacock,	
Getzendaner,		

NAYS—none.

Senator Jones, by leave, introduced a bill entitled "An act to authorize counties to issue bonds for bridge purposes, and to levy a tax to pay the same; also to validate bonds heretofore issued for bridge purposes."

Referred to Committee on Roads and Bridges.

Senator Shannon, for Committee on Federal Relations, submitted the following report:

COMMITTEE ROOM,

AUSTIN, January 17, 1885.

Hon. Marion Martin, President of the Senate:

Your Committee on Federal Relations, to whom was referred a Joint Resolution No. —, requesting our Senators and Representatives in Congress to urge the passage of the Eads bill, have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that the same be adopted.

SHANNON, for Committee.

On motion of Senator Jones,

The joint resolution just reported was taken up out of its regular order.

Senator Jones moved to suspend the rules and place the resolution on its second reading.

The Senate refused to suspend the rules by the following vote:

YEAS—17.

Bell,	Getzendaner,	Perry,
Calhoun,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Douglass,	Houston of Wheeler,	Traylor,
Farrar,	Jones,	Woods.
Fowler,	Kleberg,	

NAYS—7.

Camp,
Evans,
Garrison,

Johnson,
Kilgore,

Stinson,
Terrell.

On motion of Senator Terrell,
The Senate adjourned till Monday morning at 10 o'clock.

SIXTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, January 19, 1885. }

The Senate met pursuant to adjournment.
Lieutenant-Governor Martin in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
On motion of Senator Traylor,
The reading of the Journal of Saturday was dispensed with.

REPORTS FROM STANDING COMMITTEES.

Senator Traylor, for Committee on Finance, made the following reports:

COMMITTEE ROOM,
AUSTIN, January 17, 1885.

Hon. Marion Martin, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 44, entitled "An act to provide for the investment of the Public School Fund," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the following amendment, viz:
Amend section 1 by striking out \$500,000 and add \$100,000.
Amend section 2 by adding after the word value, "or where the amount of such bonds will increase the indebtedness of such city, town or county to a greater amount than 7 per cent of its taxable values." And amend section 3 by adding, "by the Board of Education," at the end of the section.
All of which is respectfully submitted.

TRAYLOR,
Chairman.

COMMITTEE ROOM,
AUSTIN, January 17, 1885.

Hon. Marion Martin, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 50, entitled "An act making an appropriation to defray the contingent expenses of the Nineteenth Legislature," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.
All of which is respectfully submitted.

TRAYLOR,
Chairman.

COMMITTEE ROOM,
AUSTIN, January 17, 1885.

Hon. Marion Martin, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 24, entitled "An act to authorize the transfer of occupation censuses," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the following amendments, viz:

Amend section 1 by adding: "Nor shall such license be transferred to any other person or persons than those who are the immediate purchasers of the vendor to whom the licenses were originally granted, and can only be transferred once. And in case of the death of the person to whom said license was granted, his legal representatives shall be author-

ized to sell the license or carry on the business under the license granted to the deceased, provided such business shall be continued at the same place.

All of which is respectfully submitted.

TRAYLOR,
Chairman.

Senator Randolph, for Committee on State Affairs, made the following report:

COMMITTEE ROOM,
AUSTIN, January 17, 1885.

Hon. Marion Martin, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 36, entitled "An act to amend article 145, chapter 1, title 6, Criminal Code, State of Texas, relating to penalties for bribing and influencing electors," have carefully examined the same, and instruct me to report the same back with the recommendation that it be re-referred to Judiciary Committee No. 2.

All of which is respectfully submitted.

RANDOLPH,
Chairman.

Re-referred to Judiciary Committee No. 2.
Senator Bell, for the Committee on Engrossed Bills, made the following report:

COMMITTEE ROOM,
AUSTIN, January 19, 1885.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate Bill No. 5, being "An act to reorganize the twenty-eighth judicial district of the State of Texas, and to provide the times for holding the district court therein," and find the same correctly engrossed.

BELL,
Chairman.

The following bills and resolutions were introduced:

By Senator Evans:

A bill to be entitled "An act requiring the Comptroller of Public Accounts, Commissioner of the General Land Office, and State Treasurer to employ females, when their services can be had, to fill one-half the clerkships in the several departments under the control of these officers."

Referred to Committee on State Affairs.

By Senator Stinson:

A bill to be entitled "An act to repeal articles 320, 321 and 323, and to amend articles 318 and 322, title 9, chapter 4, of the Penal Code of the State of Texas."

Referred to Judiciary Committee No. 2.

A bill to be entitled "An act to amend article 500, chapter 3, title 15 of the Penal Code of the State of Texas."

Referred to Judiciary Committee No. 2.

A bill to be entitled "An act to amend articles 606 and 609, and to repeal article 607, chapter 15 of title 15 of the Penal Code of the State of Texas."

Referred to Judiciary Committee No. 2.

A message was received from the House of Representatives that Senate bill No. 13, a bill entitled "An act making an appropriation for the mileage and per diem pay of members and the per diem pay of officers and employees of the Nineteenth Legislature," had passed that body.

By Senator Shannon:

A bill to be entitled "An act to repeal sections 1, 2, 3, 4, 5 and 6, and to amend sections 7, 8, 9, 10 and 11, of an act entitled 'an act to further provide for the regulation of railroads and transportation lines in the State of Texas, and to provide for the creation of the office of and appointment of a State En-

gineer and his Secretary, and their salaries and duties; to prevent unjust discrimination and extortion in the rates charged for transportation of freight and passengers in this State, and to provide a mode of procedure in relation thereto."

Referred to Committee on Internal Improvements.

By Senator Woods:

"An act to amend article 178, chapter 4 of title 6, of the Penal Code, so as to prevent selling liquors on election day."

Referred to Judiciary Committee No. 2.

By Senator Bell:

"An act to amend article 685, title 8, chapter 5 of the Code of Criminal Procedure of the State of Texas."

Referred to Judiciary Committee No. 2.

"An act to amend title 10, chapter 1, of the Code of Criminal Procedure of the State of Texas by adding thereto articles 870a and 870b."

Referred to Judiciary Committee No. 2.

By Senator Terrell:

Joint resolution Amending section 3, of article 5, of the Constitution.

Referred to Committee on Constitutional Amendments.

By Senator Peacock:

A bill to be entitled "An act to amend article 617, chapter 2, Code Criminal Procedure."

"An act to further regulate attachments in county and justice courts."

Referred to Judiciary Committee No. 2.

Senator Kleberg offered the following:

Resolved, That the President of the Senate appoint a special committee of three Senators to arrange for appropriate memorial services of the late J. C. Buchanan, who died on the day of December, 1884, while a member of the Senate of the Eighteenth Legislature of Texas.

Adopted.

Senators Kleberg, Camp and Kilgore were appointed on the committee.

By Senator Davis:

Resolved, That the President of the Senate be requested to place the Senator from Lavaca on Judiciary Committee No. 2.

Adopted.

The President appointed Senator Woods as a member of Judiciary Committee No. 2.

On motion of Senator Traylor,

Senate bill No. 50 was taken up out of the regular order of business.

On motion,

The rules were suspended and

The bill passed to its second reading by the following vote:

YEAS—24.

Bell,	Getzendaner,	Kleberg,
Calhoun,	Glassecock,	Knittle,
Camp,	Hall,	Peacock,
Davis,	Harrison,	Randolph,
Douglass,	Houston of Bexar,	Shannon,
Evans,	Houston of Wheeler,	Terrell,
Farrar,	Johnson,	Traylor,
Fowler,	Kilgore,	Woods.

NAYS—1.

Stinson.

ABSENT, NOT VOTING—3.

Garrison, Jerdone, Jones.

Bill read second time, and

Ordered engrossed.

Senator Traylor moved to suspend the rules and pass the bill to its third reading.

Carried by the following vote:

YEAS—25.

Bell,	Getzendaner,	Knittle,
Calhoun,	Glassecock,	Peacock,
Camp,	Hall,	Perry,
Davis,	Harrison,	Randolph,
Douglass,	Houston of Wheeler,	Shannon,
Evans,	Johnson,	Terrell,
Farrar,	Kilgore,	Traylor,
Fowler,	Kleberg,	Woods.
Garrison,		

NAYS—1.

Stinson.

The bill was read a third time and

Passed by the following vote:

YEAS—24.

Bell,	Garrison,	Kleberg,
Calhoun,	Getzendaner,	Peacock,
Camp,	Glassecock,	Perry,
Davis,	Hall,	Randolph,
Douglass,	Harrison,	Shannon,
Evans,	Houston of Wheeler,	Terrell,
Farrar,	Johnson,	Traylor,
Fowler,	Kilgore,	Woods.

NAYS—1.

Stinson.

Senator Kleberg offered the following resolution:

Resolved, That the President appoint a committee clerk to serve as general committee clerk.

Lost.

On motion of Senator Randolph
Senator Jerdone was excused indefinitely.

On motion of Senator Kleberg
Senator Jones was excused for the day.

On motion of Senator Farrar

The Senate adjourned till to-morrow morning at 10 o'clock.

SEVENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, January 20, 1885. }

The Senate met pursuant to adjournment.
Lieutenant-Governor Martin in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

On motion of Senator Shannon,

The reading of the journal of yesterday was dispensed with.

REPORTS FROM STANDING COMMITTEES.

By Senator Kleberg:

COMMITTEE ROOM,
AUSTIN, January 20, 1885.

Hon. Marion Martin, President of the Senate:

Your Committee on Stock and Stockraising, to whom was referred Senate bill No. 61, entitled "An act to protect stock-raisers, providing for the destruction of wolves, etc." have had the same under consideration, and a majority of the committee instruct me to report the same back with the recommendation that it do pass.

KLEBERG, Chairman.

By Senator Traylor:

COMMITTEE ROOM,
AUSTIN, January 19, 1885.

Hon. Marion Martin, President of the Senate:

SIR—Your Committee on Finance, to whom was referred Senate bill No. 77, entitled "An act to further regulate the collection of taxes on real estate, including lands heretofore bought by the State at delinquent tax sales," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

TRAYLOR, Chairman.

The President gave notice of the signing of Senate bill No. 13, "An act making an appropriation for the mileage and per diem pay of members and the per diem pay of officers and employees of the Nineteenth Legislature."

By Senator Traylor:

COMMITTEE ROOM,
AUSTIN, January 19, 1885.

Hon. Marion Martin, President of the Senate:

SIR—Your Committee on Finance, to whom was referred Senate bill No. 49, entitled "An act making appropriations for deficiencies in the appropriations heretofore made for payment of expenses in support of the government up to February 28, 1885, being for the payment of claims registered in the Comptroller's Office in accordance with law, and for outstanding claims not registered, and other deficiencies," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

TRAYLOR, Chairman.

Senator Perry submitted the following majority and minority reports for Committee on Roads and Bridges.

COMMITTEE ROOM,
AUSTIN, January 20, 1885.

Hon. Marion Martin, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred Senate bill No. —, entitled "An act to amend article 4411 of the Revised Statutes of the State of Texas," have carefully examined the same, and a majority of said committee instruct me to report the same back to the Senate with the recommendation that it do not pass. The object of said bill is to increase the time now prescribed by law for working on the public roads, from five to ten days in each year. It is the opinion of the majority of your committee that the time now prescribed for that purpose is sufficient.

PERRY, Chairman.

COMMITTEE ROOM,
AUSTIN, January 20, 1885.

Hon. Marion Martin, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred Senate bill No. 23, entitled "An act to amend article 4411 of the Revised Statutes of the State of Texas," a majority of whom having reported back that the same do not pass, we herewith submit a minority report. We have carefully examined the same, and we report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

R. H. HARRISON,
JOHN WOODS,
Minority.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, January 19, 1885.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 12, being "An act to prescribe the times of holding district courts in the thirty-sixth judicial district of Texas," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, January 20, 1885.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 50, being "An act making an appropriation to defray the contingent expenses of the Nineteenth Legislature," and find the same correctly engrossed.

BELL, Chairman.

Senator Houston of Bexar, for Judiciary Committee No. 1, made the following reports:

COMMITTEE ROOM,
AUSTIN, January 20, 1885.

Hon. Marion Martin, President of the Senate:

Your committee to whom was referred Senate bill No. 19, entitled a bill to be entitled "An act to amend and carry into effect article 4170 of the Revised Statutes of Texas;" and

Senate bill No. 18, entitled a bill to be entitled "An act to amend and carry into effect article 4238 of the Revised Statutes of the State of Texas,"

Having considered the same, beg leave to report the same to the Senate and recommend that they be referred to the Committee on Internal Improvements.

Respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, January 20, 1885.

Hon. Marion Martin, President of the Senate:

Your committee to whom was referred Senate bill No. 10, entitled a bill to be entitled "An act to amend article 4, title 2, of the Revised Statutes of Texas," having considered the same, beg leave to report it to the Senate with the recommendation that it do not pass, for the reason that the present law on the subject is sufficient.

Respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, January 20, 1885.

Hon. Marion Martin, President of the Senate:

Your Committee to whom was referred Senate bill No. 33, entitled a bill to be entitled "An act to fix the venue of suits for the wrongful or malicious suing out of attachments," beg leave to report that they have considered the same and report it back with the recommendation that it pass.

Respectfully submitted.

HOUSTON of Bexar, Chairman.

Senator Houston of Bexar, for Judiciary Committee No. 1, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, January 20, 1885.

Hon. Marion Martin, President of the Senate:

Your Committee to whom was referred Senate bill No. 31, entitled "An act to regulate reservations in sales of personal property," beg leave to report that they have considered the same, and recommend that it do pass.

Respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, January 20, 1885.

Hon. Marion Martin, President of the Senate:

Your Committee to whom was referred Senate bill No. 32, entitled "An act to further regulate the waiver of service and the confession of judgments in civil suits," having considered the same, beg leave to report it back to the Senate with amendments herewith, and recommend that it do pass as amended.

COMMITTEE AMENDMENT NO. 1.

Strike out the word "pretended," in section one.

COMMITTEE AMENDMENT NO. 2.

Add to section 2 the words: "Or be so construed as to invalidate any power of attorney to waive service or confess judgment given after the institution of suit."

Respectfully submitted.

HOUSTON of Bexar, Chairman.

(Senator Traylor in the chair.)

Senator Shannon introduced the following resolution:

WHEREAS, Hon. Marion Martin, the retiring Lieutenant-Governor of the State of Texas, has made a faithful, efficient and impartial presiding officer and public servant, and has, in his relations both public and in his private intercourse with Senators, exhibited in a high degree those qualities of mind and heart which challenge the respect and admiration of his associates and endeared him to all, and

Whereas, we desire to give public expression of these, our views and feelings, in an appropriate manner; therefore, be it

Resolved by the Senate of the State of Texas, That Hon. Marion Martin, retiring Lieutenant-Governor of the State of Texas, has made a faithful and efficient officer, and that he carries with him, in retirement, our high appreciation of his exalted ability and worth as a gentleman and officer, and our best wishes for his future prosperity, happiness and continued usefulness.

Senator Shannon moved the adoption, by aye and nay vote, of the resolution.

Adopted unanimously as follows:

YEAS—28.

Bell,	Hall,	Peacock,
Calhoun,	Harrison,	Perry,
Camp,	Houston of Bexar,	Pfeuffer,
Davis,	Houston of Wheeler,	Randolph,
Evans,	Johnson,	Shannon,
Farrar,	Jones,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Getzendaner,	Knittle,	Woods.
Glasscock,		

NAYS—none.

Senator Houston of Bexar, by leave, submitted the following reports for Judiciary Committee No. 1.

COMMITTEE ROOM,
AUSTIN, January 20, 1885.

Hon. Marion Martin, President of the Senate:

SIR—Your committee to whom was referred Senate bill No. 8, to be entitled "An act to amend chapter 2, article 566 of the Revised Civil Statutes, and to prohibit the formation and chartering of corporations for the purpose of purchasing, locating or subdividing lands and conveyance of the same," having considered the same, beg leave to report it to the Senate with amendments herewith, with the recommendation that it do pass as amended.

Respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE AMENDMENT NO. 1.

After subdivision six, insert "Seven. For the purchase, subdivision and sale of land in cities, towns and villages," and number following subdivisions accordingly.

COMMITTEE AMENDMENT NO. 2.

Add to subdivision 18 the words "in cities, towns and villages."

COMMITTEE AMENDMENT NO. 3.

Strike out subdivision 26 and provisos.

COMMITTEE ROOM,
AUSTIN, January 20, 1885.

Hon. Marion Martin, President of the Senate:

Your Committee to whom was referred Senate bill No. 17, entitled a bill to be entitled "An act to give orders of sale foreclosing liens upon land," the force and effect of writs of possession," beg leave to report the same, back to the Senate with the recommendation that it pass.

Respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, January 20, 1885.

Hon. Marion Martin, President of the Senate:

Your Committee to whom was referred Senate bill No. 59, entitled a bill entitled "An act to provide for the registration

of writs of attachment which have been levied upon land, in the office of the county clerk of the the county where such land is situate;"

Also Senate bill No. 62 entitled "An act to amend articles 1801, 1802, 1823, 1867, 1921, 1923, 1924, 1932, 1934, 1944, 1949, 1964, 1973, 1974, 1978, 2023, 2041, 2056, 2057, 2067, 2068, 2070, 2071, 2072, 2081 and 2182 of the Revised Statutes of Texas;"

Also Senate bill No. 66 entitled a bill to be entitled "An act to amend articles 2170, 2171, 2172, 2173, 2176, 2178 and 2179 of the Civil Statutes of Texas;"

Also Senate bill No. 68, entitled a bill entitled "An act to regulate assignments for the benefit of creditors, and to repeal the assignment act of the Sixteenth Legislature, approved March 24, 1879, and the amendments thereto passed by the Eighteenth Legislature and approved April 7, 1883;"

Also Senate bill No. 69, entitled "An act establishing a reformatory farm for the confinement, reform and utilization of convicts under the age of eighteen years;"

Also Senate bill No. 75, entitled "An act to amend articles 2489, 2490, 2493, 2505, 2506, 2550, 2557, 2562, 2563, 2565, 2566, 2574, 2575, 2611, 2614, 2632, 2649 and 2677 of the Revised Statutes of Texas;"

Beg leave to report the same back to the Senate, with the request that fifty copies of each be printed for the use of the committee.

Respectfully submitted.

HOUSTON of Bexar, Chairman.

On motion of Senator Houston of Bexar,
The report was adopted as to the printing of the bills.

BILLS AND RESOLUTIONS.

By Senator Calhoun:

"An act to amend chapter 4 of title 7 of the Code of Criminal Procedure of the State of Texas, by adding article 451a immediately after article 451, for the purpose of specifying what notice shall be given before amendment of scire facias proceedings is made."

Referred to Judiciary Committee No. 2.

By Senator Johnson:

A bill to amend article 3031 of the Revised Civil Statutes of Texas."

Referred to Judiciary Committee No. 2.

"An act to repeal articles 3051, 3052 and 3053 and to amend article 3055 of the Revised Civil Statutes of Texas."

Referred to Judiciary Committee No. 2.

By Senator Hall:

A bill, "An act to provide the manner of serving citations on foreign corporations doing business within this State."

Referred to Judiciary Committee No. 1.

By Senator Perry:

"An act to require the record of official bonds and other bonds or contracts in which the State of Texas or any county is interested."

Referred to Judiciary Committee No. 1.

By Senator Getzendaner:

"An act to amend article 685 of the Code of Criminal Procedure."

Referred to Judiciary Committee No. 2.

A bill, "An act to amend articles 749 and 750 of the Code of Criminal Procedure."

Referred to Judiciary Committee No. 2.

By Senator Randolph:

A bill, "An act to punish for deer hunting by fire light at night time."

Referred to Judiciary Committee No. 2.

The following resolution was offered by Senator Pfeuffer, and was adopted:

Resolved, That the Committee on Education be and the same is hereby requested to make a full inspection into the condi-

tion, affairs and wants of the State University, with authority to send for persons and papers, and report as soon as practicable by bill or otherwise.

By Senator Garrison:

A bill, "An act amending chapter 3, article 816 of the Penal Code of the State of Texas."

Referred to Judiciary Committee No. 2.

Senator Jones offered the following resolution:

Resolved, That the Sergeant-at-Arms of the Senate furnish each member of the Senate with a paper file.

Adopted.

By Senator Calhoun:

"An act to amend article 1828 of the Revised Civil Statutes of the State of Texas."

Referred to Judiciary Committee No. 1.

A message was received from the House announcing the passage of joint resolution providing for the appointment of three members of each body as a committee on inaugural ceremonies, and announcing the appointment on the part of the House, Representatives Upton, Haynes and Taylor.

On motion of Senator Traylor, the resolution was adopted, and the President appointed Senators Traylor, Houston of Bexar, and Bell.

The following communication was received and read:

AUSTIN, TEXAS, January 17, 1885.

Hon. Marion Martin, Lieutenant-Governor and President of the Senate of Texas:

SIR—I have the honor of extending to you, and through you to the Senate of Texas, now in Legislature assembled, a cordial invitation to be present at, and participate in the interesting and important ceremonies of laying the corner stone of the new Capitol of Texas on the second day of March, 1885, the forty-ninth anniversary of the Declaration of Texan Independence.

I will be pleased to be advised if the honorable body over which you preside shall take any order in the premises.

By direction of the Committee of Invitation.

J. A. HOOPER,
Chairman

WILL LAMBERT,
Secretary Executive Committee.

By leave,

Senator Houston of Bexar made the following reports:

COMMITTEE ROOM,
AUSTIN, January 20, 1885.

Hon. Marion Martin, President of the Senate:

Your committee to whom was referred Senate bill No. 35, entitled a bill entitled "An act to amend article 3602, chapter 15 of the General Laws of Texas, passed by the Called session of the Seventeenth Legislature, approved May 4, A. D. 1882, relating to the hiring of county convicts," beg leave to report the same, with amendment herewith, and recommend that it pass as amended.

Respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE AMENDMENT.

Add the words "and provided further, that no convict shall be required to serve for a longer term than two years to satisfy any one judgment of conviction."

COMMITTEE ROOM,
AUSTIN, January 20, 1885.

Hon. Marion Martin, President of the Senate:

Your committee to whom was referred Senate bill No. 88, entitled "An act to further regulate attachments in county and justices' courts," have considered the same, and a majority of the committee have instructed me to report the same to the Senate with the recommendation that it do pass.

Respectfully submitted.

HOUSTON of Bexar, Chairman.

Senator Peacock, for Committee on Public Lands, submitted the following report, by leave:

COMMITTEE ROOM,
AUSTIN, January 20, 1885,

Hon. Marion Martin, President of the Senate:

Your Committee on Public Lands, to whom was referred Senate bill No. 7, entitled "An act to provide for the sale of all lands heretofore set apart for the Common School, University, Blind, Deaf and Dumb, Lunatic and Orphan Asylum funds of the State of Texas, and to repeal all laws in conflict therewith, have carefully examined the same, and instruct me to report the same back with the recommendation that fifty copies of said bill be printed for the use of the committee.

All of which is respectfully submitted.

PEACOCK, Chairman.

On motion,

The report was adopted.

(Senator Traylor in the chair.)

Senate bill No. 1, "An act to amend article 549, title 15, chapter 11, of the Penal Code," was taken up in its regular order,

Read second time and ordered engrossed.

Senate bill No. 2, "An act to amend article 496, chapter 2, title 19, of the Penal Code," was taken up in its regular order, and,

On motion of Senator Davis action on the bill was postponed, and

The bill together with the majority and minority reports of the committee were ordered printed.

On motion of Senator Houston of Wheeler,

One hundred copies of the correct lists of the standing committees be printed.

(President *pro tem.* in the chair.)

The following communication, with accompanying resolution, addressed to the Speaker of the House, was read by the Secretary:

AUSTIN, January 18, 1885.

Hon. L. L. Foster, Speaker House of Representatives:

SIR—I have the honor herewith to hand you certified copy of a resolution adopted by the Texas Live Stock Association, at its recent session in this city. Respectfully requesting that you will lay the same before the honorable House of Representatives,

I am very respectfully,

Your obedient servant,

WILL LAMBERT,
Secretary Texas Live Stock Association.

Resolved, That we, the members of the Texas Live Stock Association, now in session in the city of Austin, respectfully ask of the Nineteenth Legislature of the State of Texas the passage of a joint resolution instructing our Senators, and requesting our Representatives in Congress from this State, to co-operate with Hon. Columbus Upson in his effort to secure, at the hands of the United States Congress, the establishment of a national cattle trail for the outlet of Texas cattle.

I certify that the above resolution was adopted by the Texas Live Stock Association, at its session in this city, Friday, January 15, 1885.

WILL LAMBERT,
Secretary.

AUSTIN, January 18, 1885.

Referred to Committee on Federal Relations.

Senator Glasscock introduced a bill entitled "An act to amend articles 1024 and 1025, chapter 4, title 26 of the Revised Statutes."

Referred to Judiciary Committee No. 1.

The President laid before the Senate,

Senate bill No. 16, "An act to amend article 441 of the Code of Criminal Procedure."

Bill taken up.

Read second time and ordered engrossed.

Senate bill No. 22, entitled "An act to amend ar-

title 722, chapter 8, title 17 of the Penal Code of the State of Texas," was taken up in its regular order and

Read second time.

The first committee amendment was adopted.

The second committee amendment was adopted, and

The bill was ordered engrossed.

Senate bill No. 26, "An act to amend article 339, chapter 4, title 10 of the Penal Code," was taken up in its regular order.

Read second time and ordered engrossed.

Senate bill No. 34, "An act to amend articles 730 and 731 of the Code of Criminal Procedure," was taken up in its regular order and

Read second time.

On motion of Senator Davis,

The pending bill was postponed till to-morrow.

Senator Traylor, chairman of Senate committee appointed to inform the Governor and Lieutenant-Governor of the result of the count of the late election, submitted the following report:

Hon. Marion Martin, President of the Senate, and Hon. L. L. Foster, Speaker of the House of Representatives:

The joint committee of the Senate and House, appointed for the purpose of communicating to the Governor and Lieutenant-Governor the result of the recent election, beg leave to submit the following report:

1. That they have informed the Governor and Lieutenant-Governor of their election by handing them a copy of the journal of the joint session of the Senate and House, held for the purpose of counting the vote, and containing full election returns.

2. That a joint session of the Senate and House will be held to-day at 12 o'clock m., in Representative Hall, for the purpose of conducting the inaugural ceremonies, and that the oath of office will be administered to the Governor and Lieutenant-Governor by A. M. Jackson, Esq., notary public.

TRAYLOR,
HOUSTON of Bexar,
BELL,
Senate Committee.
UPTON,
HAYNES,
TAYLOR,
House Committee.

Adopted.

On motion of Senator Jones,

The Senate took a recess subject to the call of the President.

(The President in the chair.)

The Senate called to order.

A message was received from the House, that that body had adopted the report of the joint committee of the two houses arranging the inaugural ceremonies of the Governor and Lieutenant-Governor.

Senator Fowler, chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 20, 1885.

Hon. Marion Martin, President of the Senate:

SIR—Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 13, being "An act making an appropriation for the mileage and per diem pay of the members, and the per diem pay of the officers and employees of the Nineteenth Legislature, and find the same correctly enrolled, and have this day, at 11:50 o'clock a. m., presented the same to the Governor for his approval.

FOWLER, Chairman.

A message was received from the House announcing that body was in readiness to receive the Senate

for the purpose of installing the Governor and Lieutenant-Governor.

On motion of Senator Terrell,

The Senators repaired to the hall of the House of Representatives to participate in the inaugural ceremonies of Governor and Lieutenant-Governor.

IN JOINT SESSION.

Senate roll called.

Quorum present.

House roll called.

Quorum present.

The President of the Senate, on the part of the Senate, appointed Senator Terrell, and the Speaker on the part of the House appointed Representatives Upton and McKinney as a joint committee to wait upon the Governor and Lieutenant-Governor elect and inform them that the Legislature was in joint session and ready to receive them.

The Speaker of the House then introduced Hon. John Ireland, the present Governor as well as the Governor elect, who after taking the oath of office, administered by A. M. Jackson, jr., Esq., delivered the following inaugural address:

I have repeated to day the oath of fidelity to the Constitution, and by implication to the people of the State, that I took two years ago. I then expressed some apprehension of my ability to give entire satisfaction to all the people. In taking the oath, I relied largely on the wisdom, patriotism and forbearance of my countrymen. In that trust I have not been mistaken or deceived. The generosity and zealous support extended to me by the two houses and the people has been thorough and full, to the extent, indeed, of filling me with gratitude and cementing my devoting to the best interest of the commonwealth.

True, I have not pleased all. I have not had public gifts in my keeping for all who have sought them—for self or friends. Sometimes I have found myself between the arms of the selfish and their goal. I now declare that no act or deed of mine has been dictated or done with any other view or motive than the general good of the people.

No one could more fondly seek the aid and assistance of his friends than I have done; yet when I have heard all, being responsible myself to the people, I have acted on my own judgment.

The stumbling block in the paths of our race, often as public servants and as private individuals, is the rugged boulder of self-interest. Just to the extent that we can divest ourselves of that, in the same ratio will our acts be promotive of public good, and satisfactory to ourselves. If I, in a public capacity, find myself constantly trimming sail, or a member of either house is beset as a legislator, with consideration, self-imposed or thrust upon him, of private ends, our actions will be unsatisfactory and detrimental to the public service. When our public service is ended, if we can take a retrospect and feel that we have done our whole duty to the people and our country, we may well be satisfied.

With reasonable legislation our country will continue to grow and prosper. The border will continue to recede, our new counties will continue to organize, the six-shooter and the Spencer rifle will disappear, and the people will be able to elect a local government that will afford protection to life and property without having to appeal to a central power to do that for which local officers are created. I feel sure that in the two houses will be found earnest public servants, and that when differences spring up they will be the result of honest motives. We want stability in our laws and form of government, and it is much better to conform to an awkward or improvident law, than to be constantly changing our system. We cannot have perfection, and legislators often deserve well of their country by opposing constant changes. When a few leading subjects have been disposed of, we always feel that we are ready to quit at any day. Whatever is done should tend towards requiring every person to let every other person alone in the enjoyment of what is his; to lessen the burdens of the people in the way of taxes, to afford speedy redress in the courts for wrongs; and finally, to leave the people free from

any governmental control or supervision, except so far as may be necessary to accomplish the few great ends pointed out.

Since my late message to the two houses was penned, the knowledge has reached me of the perpetration of a series of horrible crimes, murders and thefts on Texas soil by incurable bands of predatory bands from Mexico.

Since it has become known that neither Mexico nor the United States will surrender one of their own citizens to be taken to the other government to be tried for crime, the people on the right bank of the Rio Grande have become emboldened, and they stand on Mexican soil covered with the blood of our women and children and their booty in sight of our people.

I have made repeated efforts, through the Secretary of State, to induce a discussion of the propriety of so amending the treaty of 1861 as to permit any one, no matter where his allegiance may be, to be extradited, but no results have followed. Commercial treaties and money affairs seem to be of more importance than the blood of our people.

In the last few days I have written to the President, giving him full accounts of the condition of affairs on the Rio Grande, and have also informed him that Texas can, if need be, protect herself, and minute companies and State troops on that border have been directed to protect our people without deference to nice points of international law. If the Federal troops, whose duty it is under the Constitution, are too tender to patrol that border, or if a few companies in the interior to make a show at dress parade are of more importance, it would seem that their presence on our soil is of but little practical use.

These remarks are not intended as a criticism of the commanding officers in Texas, but of the general management of the War Department.

It has been suggested that the members of the two houses may wish to visit the Cotton Exposition before final adjournment. If this conclusion is reached, I hope the adjournment will be without pay to either members or employees. If this mode is adopted, it would doubtless be satisfactory to the country. By a concurrent resolution the two houses may adjourn for fourteen days.

The Speaker then introduced the Hon. Barnett Gibbs, Lieutenant-Governor elect, who, after taking the oath of office, administered by A. M. Jackson, jr., Esq., delivered the following inaugural address:

Fellow-citizens and members of the Texas Legislature:

To-day I assume the duties of Lieutenant-Governor, to which office I have been chosen by the people and into which I have been inducted by their representatives. I hardly think it necessary to do more than renew to you those pledges of fidelity which every man elected to office should make and redeem. My official relations will be principally with the Senate, but I cannot in this joint session refrain from expressing the hope that the two houses will work harmoniously, and that the result of their joint labors will redound to the greater prosperity and contentment of their people.

Individual ambitions and the ambitions of either house to deserve most of the country, should rather promote harmony than discord; for we will, one and all, be judged rather by final results than by individual efforts.

It is the effect of legislation upon the social and industrial condition of the people that they look to in estimating the value of services rendered by their representatives.

This is the true measure, for theories of government, and spasmodic efforts at reform are worth nothing unless they have sufficient merit to receive the approval of a majority, and thus produce practical results.

So far as the general political condition of the State is concerned, no people could be more content than are the people of Texas.

There are no general issues to be settled by this Legislature, as the people are practically a unit in the approval of the liberal policies that have been inaugurated and perfected by successive Democratic administrations. In spite of this condition of things, for which we have every reason to be thankful, there remains for this Legislature much labor requiring wisdom and patience for its proper performance.

The success of all measures depend upon the proper arrangement and observance of details, and this is especially true of political measures, where the motives for strict performance of duty is not so great, and the inspection not so thorough and frequent as in private affairs. While statutes should be simplified as far as possible, and changed only when the necessity

was obvious, yet in their enactment care should be taken not to leave too much in the discretion of executive officers; neither will the people justify the delegation on our part to executive boards those legislative powers and duties which are lodged by the Constitution in our respective bodies.

A careful study of our system of government must have convinced the most of you, that after all, the legislative department is the great seat of power and responsibility. It is this department which is primarily responsible for all failures in the administration of government.

Our Constitution was framed with the intention of making all other departments of the government mere machines, to be constructed and oiled by the representatives of the people.

I would not refer to this matter had I not learned from recent observations that the people disapprove of the delegation made in more than one instance of legislative powers to executive departments. These extra constitutional prerogatives and duties have rather been thrust upon than sought by our executive department, but what is now an unwilling and slight encroachment on their part might, by lapse of time and strengthened by precedent, become a cherished claim.

It is a very easy matter for public opinion, as expressed by representatives or through the press of the country, to formulate a general policy as to the management of the penitentiary system or any other important department of the government.

When it comes to laying a permanent foundation for the profitable employment of nearly three thousand convicts, rapidly increasing in numbers, it will require a careful study of your two houses to meet the emergency, for this is no longer a political question, but a practical business question, to be settled on sound business principles.

We may say amen to the declaration in favor of putting the convicts in the walls, yet it does not alter the cold fact that we have not walls for more than one-half the convicts; we may flippantly say take the convicts and build walls; yet the truth must be confessed that we have already built penitentiaries at great cost, which are so far away from commercial centers and so much at the mercy of private railroad corporations, that they are practically useless, except as dungeons. The present unjust and shiftless policy of working the convicts on railroads for hire may be for a while a quasi financial success, but leaves the future unprovided for, and the day the railroads cease to employ them, they must go into camp and a life of idleness. Such a condition of things would require a called session.

Public opinion has declared in favor of a liberal school system, and has enforced its views, yet it is left to the legislative judgment to perfect the details, so that there shall be proper supervision without unnecessary extravagance, so that the teacher shall be well and surely paid for his services, and at the same time shall be compelled to faithfully render those services.

Public opinion has declared in a general way in favor of a revenue from the school land, yet it has been left to the legislative judgment to declare how this demand can best be complied with, and at the same time justice done to those sections in which the lands are located.

The people have declared in a general way in favor of an economical administration of the State government, but they have left it to you to say how far this economy is consistent with an efficient administration. After all it is upon your wisdom, as manifested in legislative details, that the success of administration depends. Our constituents don't expect us to run the government of a great State like Texas, either on talk or a small amount of money; they expect the proper protection of life, liberty and property, whatever the expense may be, but they will not willingly tolerate the creation or continuance of any department or annual expenditures to perform functions which each citizen can best perform for himself.

The people expect of us a guardianship of the deaf and dumb and of the blind and insane, and other unfortunates, but no guardianship of themselves to the extent of furnishing them fish for their tables, or rules for the management of their individual business.

The people don't expect us by legislation to add anything to their substance, but only ask that you take from it only so much as is necessary to the proper performance of the ordinary and legitimate functions of government.

It is the province of government, and the commercial interests of the State look to us for regulations that will protect the strong against the weak; for legislation that will protect the honest debtor against harsh and unscrupulous creditors, and that will protect all creditors from the fraud of debtors, and their collusion with one creditor to the detriment of others;

such regulations are not regarded by them as in restraint of trade or the exercise of individual discretion.

The many should be protected against the rapacity and accumulated powers of the few, but on the other hand their numbers will not justify the sacrifice even to the many of the individual rights of one citizen.

Justice is, or should be, the same under all circumstances, and while Texas is a great State with varied interests, I believe we can legislate for it as a unit, without injustice to any section; provided that we do not, in our anxiety each to benefit his own section, entirely overlook the reasonable demands of other sections. Economy in public affairs is of the utmost importance, as sufficient extravagance will creep in unawares; but, in our desire to make a good record in this respect, we should beware of temporary expedients which may result in a present reduction of taxes, only to pile up mountain high future difficulties.

Our land, penitentiary, educational and other systems should not be based on the one idea alone of reducing taxes, but the money necessarily expended, no matter how great the amount, and the policy pursued, should be with a view to permanency. It is better for the State that we expend a large amount of money in providing the necessary means of carrying on the government in a stable and respectable manner, than to spend one-half of this amount in carrying on the government in a "from hand to mouth style," having in the end nothing to show for the expenditures except the fact that we still survive.

In the earlier days of Texas, when the annual income, even with a high rate of taxation, was small, when the future of the State was uncertain, the representatives of the people were justified in neglecting many of the important duties of government, but things are changed in this respect.

We have a State so large and populous, and are increasing so rapidly in wealth and population, that we cannot do justice by it unless we lay a broad foundation in all governmental affairs.

Taking the last ten years as a basis, the next ten years in the life of our State will be marked by greater changes than fifty years in some of our older States. In legislating we should also remember that Texas to-day has varied commercial interests as important as our agricultural and stock interests, and due regard should be had for the fostering of these interests.

Many of us here to-day will live to see it a great manufacturing State, if experimental legislation does not make capital timid.

Every dollar spent in dodging the proper responsibilities of government is a dollar lost, and every reputation built up by pandering to the present, and disregarding the future, is a reputation at the mercy of that day of reckoning, which in politics comes early and often.

I have not assumed the right to make any suggestions as to necessary legislation, as this the prerogative of his Excellency the Governor, and the ground has been fully covered by him.

In the performance of my duties as presiding officer of the Senate, I consider myself as a member of the legislative department, and have spoken as such.

I feel certain that the relations between the two houses will be pleasant, and that the result of their labors will be profitable to the people.

If I have said more than the occasion justifies, you will no doubt excuse me, when you reflect that under the Constitution I am to a great extent a silent member of the Senate.

If I have said less than was expected of me, it is because I feel that the suggestions of his Excellency, and your own wisdom and experience are better guides than any suggestions I might make.

The Speaker then declared that the Hon. John Ireland and Hon. Barnett Gibbs were duly installed as Governor and Lieutenant-Governor of Texas.

It being then announced that the joint session was closed,

On motion of Senator Shannon,
The Senate retired to its chamber.

IN SENATE.

Hon. Marion Martin, the retiring Lieutenant-Governor and President of the Senate, delivered the following valedictory address:

Gentlemen of the Senate:

My successor having taken the oath to perform the duties of Lieutenant-Governor of our State, my duties as your presiding officer have ended, and I now assume the duties and obligations of a private citizen, entitled to wear the crown of a sovereign. In a government like ours, it can do no harm to impress upon our minds that those who assume the duties and responsibilities of any office, however high and important, only becomes a servant and not a ruler of those who placed the trust in their hands.

In reviewing my acts as a servant of the people of our State, during a period of twenty-five years, I can only regret that I have not been able to serve them with more ability, and the benefits resulting from my acts have not been equal to my desires. But I can say, not only in your presence, but in the presence of Him who has prolonged my life, that every public act of my life has been directed to the good of the people and the prosperity of my State. My public life has been made pleasant from my association with men who would have been considered great men in any age of the world; men who aided in making our past history the pride of all men who love our State; men who assisted in laying the foundation of our present wealth and prosperity, and instilled in our minds bright hopes of a glorious future. Many of them have passed away, but their acts and deeds will endure forever. To have been associated with such men in their efforts to make Texas what she is to-day, would have been a sufficient reward for any service that I could possibly have rendered my State; but to have received such a unanimous endorsement, and approval of my public service, as expressed in your resolution, is certainly a reward that any man could well afford to have devoted the best days of his life to the service of his country to have received it.

The confidence and esteem of those we have been associated with in the discharge of responsible duties, is the highest reward that can be obtained upon earth, and the richest legacy we can leave our children, and gentlemen of the Senate, I do assure you that it will ever be my most zealous and unceasing effort to merit the continuance of your good opinion as expressed in your resolution, and shall carry it with me to my home, as the solace of advancing years. I now thank you for the cordial support you have ever given me as your presiding officer, and assure you that I shall never cease to rejoice in your individual welfare, and that you carry with you to the bosom of your family and friends, my best wishes for your future prosperity and happiness, and may you continue to enjoy not only the confidence of your constituents, but the confidence of all good men who desire the future prosperity of our great State.

I now present to my successor this gavel, made of timber, that grew upon my place, where I have resided for thirty years, assuring him of my confidence that he will ever use it with strict impartiality, and for the best interest of our State.

The incoming Lieutenant-Governor and President of the Senate on taking the chair addressed the Senate as follows:

Gentlemen of the Senate:

In entering upon the discharge of my duties as presiding officer of the Senate, in addition to what I have already said, I will only express the hope that our official relations will be as pleasant as have been my personal relations with the most of you. I assure you of my intentions to rule impartially and do whatever I can to expedite the business of the session.

My predecessor has presented me with a new and neat gavel and I hardly hope to wield it with as great satisfaction as he wielded the old one. If I turn it over to my successor considerably battered and worn, it will be your fault, not mine.

The Senate can now proceed to business.

On motion of Senator Houston of Bexar,
The Senate adjourned until 10 a. m. to-morrow.

Immediately afterwards the Senators presented the retiring Lieutenant-Governor and President of the Senate, Hon. Marion Martin, with a fine gold-headed cane through the President *pro tem.* of the Senate, Hon. W. R. Shannon, who did so in a few appropriate remarks, and which were responded to by Lieutenant-Governor Martin in a very suitable and feeling manner.

EIGHTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, January 21, 1885.

The Senate met pursuant to adjournment.
Lieutenant-Governor Barnett Gibbs in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain, Dr. Smoot.
On motion of Senator Randolph,
The reading of the journal of yesterday was dispensed with.

REPORTS FROM STANDING COMMITTEES.

By Senator Pfeuffer:

COMMITTEE ROOM,
AUSTIN, January 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Education, to whom was referred Senate bill No. 63, entitled "An act to provide for the investment of the permanent public free school fund of the counties," have had the same under consideration, and report the same back to the Senate with the following amendments:

Section 2, after the word "annually," at the end of section, add "or semi-annually, as the commissioners may contract."

Section 3, after the words "county judge or trustee," second line, strike out the words "with the sheriff of the county as alternate trustee."

Section 4, line 6, strike out the word "clear," and insert "unencumbered" in lieu thereof.

With the recommendation that it do pass as amended.

All of which is respectfully submitted.

PFEUFFER, Chairman.

By Senator Davis:

COMMITTEE ROOM,
AUSTIN, January 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 81, entitled "An act to amend article 500, chapter 3, title 15 of the Penal Code of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the accompanying amendment.

The bill seeks to increase the punishment of assaults with intent to murder when committed with a pistol, etc.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE AMENDMENT.

Strike out all after "double," line 13 of article 500.

COMMITTEE ROOM,
AUSTIN, January 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 67, entitled "An act to amend article 852 of the Code of Criminal Procedure," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

In appeals from the county courts to the Court of Appeals in misdemeanor cases, the present law requires the recognition to state the offense of which the defendant is charged. The bill dispenses with this requirement, which is difficult to comply with, and has too often resulted in the dismissal of causes without a hearing on their merits.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary No. 2, to whom was referred Senate bill No. 60, entitled "An act to make it penal to use language or be guilty of conduct calculated to provoke a breach of the peace, and to prescribe the punishment therefor," have carefully examined

the same, and instruct me to report the same back with the recommendation that it do pass.

The bill seeks to make it a misdemeanor for one person to curse or abuse another or to use any other language calculated to provoke a breach of the peace.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 57, entitled "An act to amend article 714 of the Code of Criminal Procedure," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

Article 714 attempts to define what offenses include others. Some of its provisions have been adjudged by the Court of Appeals to be unconstitutional, and the object of the bill is to conform the article to the recent decisions.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 42, entitled "An act to amend chapter 3 of title 17 of the Penal Code, by adding, after article 684, articles 684a and 684b," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

The bill seeks to make it a misdemeanor to strike a dwelling house with a stone or other missile, or to break or injure a dwelling house not occupied.

The committee is of the opinion that if the law upon the subject is not already sufficient, the matter is not of sufficient importance to call for additional legislation.

All of which is respectfully submitted.

DAVIS, Chairman.

Senator Bell gave notice of intention to file a minority report on Senate bill No. 42.

By Senator Davis:-

COMMITTEE ROOM,
AUSTIN, January 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 39, entitled "An act to amend article 652 of the Code of Criminal Procedure," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

The bill seeks to so amend the existing law as to allow defendants in felony cases, less than capital, but five peremptory challenges, and the State the same number.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 38, entitled "An act to amend article 635, Code of Criminal Procedure," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

The bill seeks to so amend the existing law as to allow defendants in capital cases but ten peremptory challenges, and the State the same number.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 28, entitled "An act to amend chapter 21 of the general laws of Texas, passed by the Eighteenth Legislature at its called session, and approved February 6, 1834, by adding section 3, relating to destruction of fences and punishment thereof," have carefully examined the same, and instruct me

to report the same back with the recommendation that it do not pass.

The chief object of the bill is to permit the conviction of a person charged with fence cutting upon the uncorroborated evidence of an accomplice or participant.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 3, entitled "An act to amend article 353, chapter 2, title 11, of the Penal Code," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

Under the present law it is not an offense to dispose by raffle of any property under the value of \$500. The bill strikes out \$500, and makes it an offense to dispose of property of any value by raffle.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 21, entitled "An act to detect and punish hog thieves," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the accompanying amendment, with the understanding that such Senators as desire so to do, may exempt the counties composing their districts from the operation of this bill.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE AMENDMENT.

Add "unless the head and ear-marks be neither defaced, removed or altered."

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, January 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judiciary No. 2, to whom was referred Senate bill No. 14, entitled a bill to be entitled "An act to amend article 685 of the Code of Criminal Procedure," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the accompanying amendment. As the law now is any infringement of the eight articles referred to, if the error is excepted to at the trial, necessitates a reversal of the judgment, although no injury could reasonably have resulted to the defendant's rights by such error, and the purpose of the amendment proposed by this bill is to authorize a reversal only when injury may have resulted in the opinion of the Court of Appeals.

All of which is respectfully submitted.

FOWLER, for Committee.

COMMITTEE AMENDMENT TO SENATE BILL NO. 14.

Amended by inserting after the words "injury of the, etc.," the words, "substantial rights of the defendant."

BILLS AND RESOLUTIONS.

By Senator Getzendaner:

To repeal an act approved March 28, 1883, entitled "An act to provide annual pensions for the surviving soldiers or volunteers of the Texas revolution, and the surviving signers of the Declaration of Independence of Texas, and the surviving widows of such soldiers, volunteers and signers."

Referred to Committee on State Affairs.

The following resolution was offered by Senator Jones, and after being read was referred to the Committee on Public Buildings and Grounds:

Resolved, That the Committee on Public Buildings and

Grounds be instructed to inquire and report to the Senate whether the Capitol Building Commission cannot be dispensed with or abolished without detriment to the State's interest, and also report whether or not the duties now performed by said Capitol Commission cannot be hereafter performed by the Capitol Board and the Superintendent of Construction.

Senator Jones introduced the following resolution, which being read, was referred to Committee on Public Buildings and Grounds:

Whereas, The question of building the exterior walls of the superstructure of the new State Capitol of granite instead of limestone, as called for by the contract, has been extensively discussed throughout the State;

And whereas, Both the present and the future interests of Texas demand that her new State Capitol should be constructed of the best and most durable material obtainable for that purpose;

And whereas, For large structures such as the proposed new State Capitol, granite is generally considered superior to all other kinds of building material; therefore

Resolved, That the Capitol Board and the Superintendent of Construction be and they are hereby requested and instructed to furnish for the information and use of the Senate, an estimate and statement of the difference in the costs, if any, between granite and limestone; and whether it would put the State to any additional cost to have the exterior walls of the superstructure of the new State Capitol constructed of granite instead of limestone; and that such estimate and statement be furnished at as early a date as practicable.

By Senator Glasscock:

"A bill to authorize the Governor to grant pardons and to regulate the mode, manner and procedure therefor, and to provide for the revoking of pardons, and to prescribe a penalty for violating the conditions of a pardon."

Referred to Judiciary Committee No. 1.

"A bill to authorize the Governor to appoint policemen to preserve and maintain order on railroad trains, and to make the conductors of railroad trains policemen, and defining the terms of office and duty of such policemen."

Referred to Judiciary Committee No. 2.

By Senator Bell:

To amend articles 3227, 3228, 3229, 3230, 3231, 3233, 3234 and 3239 of, and to add article 3233a to title 63 of the Revised Statutes of the State of Texas.

Referred to Judiciary Committee No. 2.

By Senator Calhoun:

To amend article 735, chapter 7, title 8 of the Code of Criminal Procedure, for better defining in what cases husband and wife may be witnesses against each other.

Referred to Judiciary Committee No. 2.

An act to amend articles 324 and 328 in chapter 1, title 10 of the Penal Code, for better defining, convicting and punishing the crime of bigamy.

Referred to Judiciary Committee No. 2.

Senator Woods introduced the following resolution:

Resolved, That the President of the Senate be requested to appoint one more porter, whose duty shall be to assist the porter appointed by the House to attend to the water closets.

Adopted by the following vote:

YEAS—14.

Bell,	Houston of Wheeler,	Pfeuffer,
Calhoun,	Jones,	Shannon,
Farrar,	Kleberg,	Traylor,
Fowler,	Knittle,	Woods.
Houston of Bexar,	Peacock,	

NAYS—10.

Garrison,	Harrison,	Perry,
Getzendaner,	Johnson,	Randolph,
Glasscock,	Kilgore,	Terrell.
Hall,		

ABSENT, NOT VOTING.

Camp, Douglass, Stinson.
Davis, Evans,

By Senator Farrar:

"An act to amend article 2861 of title 1, chapter 4 of the Revised Statutes of Texas."

Referred to Judiciary Committee No. 1.

Senator Pfeuffer introduced the following, which was adopted:

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That there be raised a joint committee, consisting of three from the Senate, to be appointed by the President thereof, and five from the House, to be appointed by the Speaker thereof, whose duty it shall be to visit the Agricultural and Mechanical College, State Normal Schools at Huntsville and Prairie View, as soon as practicable during this session of the Legislature, and report the condition of said schools to the respective branches of the Legislature.

By Senator Harrison:

"An act to create the office of public weigher, and to prescribe the duties of such officer, and to regulate public weighing, and to repeal all former laws on the subject."

Referred to Judiciary Committee No. 1.

"An act to amend chapter 127, general laws of the regular session of the Sixteenth Legislature, approved April 22, 1879, by adding thereto section 11."

Referred to Judiciary Committee No. 1.

"An act to amend title 17, chapter 17 of the Penal Code of the State of Texas, by adding thereto article 797a."

Referred to Judiciary Committee No. 2.

Senator Garrison submitted the following communication:

AUSTIN, TEXAS, January, 1885.

To the Honorable the Senate of the State of Texas:

We, the undersigned granite cutters, hereby present to your honorable body a block of Texas granite from Burnet county, showing some of the different styles of workmanship used on granite, the said block being deposited in the Representative hall of the Temporary Capitol for your inspection.

Respectfully,

H. A. SMITH,
ROBERT HOUGHTON,
GEORGE BERRY,
W. A. MITCHELL,

Committee of Granite Cutters, New State Capitol.

Referred to Committee on Public Buildings and Grounds.

By Senator Houston of Bexar:

"An act to amend 'an act to regulate the appointment of notaries public,' etc., approved April 1, 1881."

Referred to Judiciary Committee No. 1.

On motion of Senator Houston of Wheeler, Senator Douglass was excused indefinitely. Senate bill No. 34, "An act to amend articles 730 and 731 of the Code of Criminal Procedure," was taken up as unfinished business.

Senator Bell offered the following amendment:

Amend by adding after the word "witness," in line 6 page 2, "and if he offer himself as a witness he may be examined by the counsel for the State as to all matters material to the issues involved in the case, and may be impeached or contradicted as any other witness."

Adopted by the following vote:

YEAS—24.

Bell,	Hall,	Peacock,
Calhoun,	Harrison,	Perry,
Davis,	Houston of Bexar,	Pfeuffer,
Evans,	Houston of Wheeler,	Randolph,
Farrar,	Johnson,	Shannon,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Traylor,
Glasscock,	Knittle,	Woods.

NAYS—3.

Camp,	Fowler,	Jones.
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Senator Bell offered the following amendment:

Amend by adding to and after line 8 of page 2, "and it shall be the duty of the court, in such case, to instruct the jury as to their duty under the provisions of this section."

Lost by the following vote:

YEAS—9.

Bell,	Glasscock,	Perry,
Farrar,	Johnson,	Stinson,
Getzendaner,	Kleberg,	Traylor.

NAYS—17.

Calhoun,	Hall,	Peacock,
Camp,	Harrison,	Pfeuffer,
Davis,	Houston of Bexar,	Randolph,
Evans,	Houston of Wheeler,	Shannon,
Fowler,	Jones,	Woods.
Garrison,	Kilgore,	

Senator Kilgore offered the following amendment:

Amend by striking out all after the word "witness," in line 6, and insert the words "but the failure of the defendant to testify shall not create any presumption against him, nor shall reference be made to, or any comment made upon such failure during the trial."

Adopted.

The bill was ordered engrossed by the following vote:

YEAS—19.

Bell,	Houston of Wheeler,	Pfeuffer,
Davis,	Jones,	Randolph,
Evans,	Kilgore,	Shannon,
Garrison,	Knittle,	Terrell,
Glasscock,	Peacock,	Traylor,
Hall,	Perry,	Woods.
Harrison,		

NAYS—9.

Calhoun,	Fowler,	Johnson,
Camp,	Getzendaner,	Kleberg,
Farrar,	Houston of Bexar,	Stinson.

A message was received from the House announcing the passage by that body of Senate concurrent resolution No. 1, appointing a joint committee to visit the State schools at Bryan, Huntsville and Prairie View.

Senator Bell offered the following privileged reports:

COMMITTEE ROOM,
AUSTIN, January 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 16, being "An act to amend article 441 of the Code of Criminal Procedure," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, January 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 1, being "An act to amend article

549, title 15, chapter 11, of the Penal Code," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, January 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 22, being "An act to amend an act entitled 'an act to amend article 722, chapter 8, title 9, of the Penal Code of the State of Texas,' approved April 12, 1883," and find the same correctly engrossed.

BELL, Chairman.

The following message was received from the Governor:

To the Honorable the Senate:

I ask your consent to the appointment of

H. P. Bee, to be Commissioner of Statistics, History and Insurance.

Eugene Diggs, to be district attorney of the thirtieth judicial district.

B. B. Hart, to be district attorney of the seventh judicial district.

Joseph W. Bains, to be Secretary of State.

Respectfully,

JNO. IRELAND,
Governor of Texas.

Senator Houston of Bexar moved that the Senate go into executive session to-morrow morning immediately after roll call, to consider the appointments submitted by the Governor.

Adopted.

The following communication was received from the Commissioner of the General Land Office:

GENERAL LAND OFFICE.
AUSTIN, TEXAS, January 19, 1885.

Hon. Barnett Gibbs, Lieutenant-Governor and President of the Senate:

SIR—In response to resolution of your honorable body, of the sixteenth instant, I hand you herewith statement of certificates patented in Greer county, Texas, since February 25, 1879, with other information sought.

I have honor to be yours respectfully,

W. C. WALSH, Commissioner.

List of all Surveys Patented in Greer County.

Grantee.	Class.	Patentee.	Quantity.	Date of Patent.	Remarks—Agent.
John Campbell	Donation	John Campbell	1280	January 23, 1884	H. C. Sweet, Hampton.
Mrs. Caroline M. K. D. Campbell	do	Mrs. C. M. K. D. Campbell	1280	October 15, 1884	do do
Lewis C. Clemons	do	Lewis C. Clemons	1280	October 14, 1884	do do
George W. Petty	do	Geo. W. Petty	1280	October 15, 1884	do do
J. L. Dallas	do	J. L. Dallas	1280	February 13, 1884	do do
Mrs. B. Belcher	do	Mrs. B. Belcher	1280	October 15, 1884	do do
Mrs. Anna M. Bryan	do	Mrs. Anna M. Bryan	1280	January 23, 1884	do do
John H. Herron	do	John H. Herron	640	November 23, 1883	John M. Swisher, Austin.
John H. Herron	do	John M. Swisher	640	do	do do
Josiah Dycher	do	do	640	do	do do
Josiah Dycher	do	D. H. McFaddin	640	do	do do
D. H. McFaddin	do	do	640	do	do do
D. H. McFaddin	do	John M. Swisher	640	do	do do
Mrs. Cordelia Armstrong	do	do	640	February 16, 1884	do do
Mrs. Cordelia Armstrong	do	Mrs. Cordelia Armstrong	640	do	do do
Mrs. Martha C. Tobin	do	Mrs. Martha C. Tobin	640	November 23, 1883	do do
Mrs. Martha C. Tobin	do	John M. Swisher	640	do	do do
John Ingram	do	do	640	do	do do
John Ingram	do	John Ingram	640	do	do do
C. B. Stewart	do	C. B. Stewart	640	do	do do
C. B. Stewart	do	John M. Swisher	640	do	do do
Gustave Elley	do	do	640	do	do do
Gustave Elley	do	Gustave Elley	640	do	do do
G. C. Bruner	do	G. C. Bruner	640	do	do do
G. C. Bruner	do	John M. Swisher	640	do	do do
Washington Anderson	do	Washington Anderson	640	do	do do
Washington Anderson	do	John M. Swisher	640	do	do do
S. Y. Reams	do	do	640	do	do do
S. Y. Reams	do	do	640	do	do do
B. O. W. McManus	do	do	640	do	do do
B. O. W. McManus	do	B. O. W. McManus	640	do	do do
M. H. Scott	do	M. H. Scott	640	February 16, 1884	do do
M. H. Scott	do	John M. Swisher	640	do	do do
Sarah L. Cox	do	do	640	do	do do
Sarah L. Cox	do	Sarah L. Cox	640	do	do do
Eliza Gasley	do	Eliza Gasley	640	September 25, 1883	do do
Eliza Gasley	do	John M. Swisher	640	do	do do
Samuel G. Evetts	do	do	640	do	do do
Samuel G. Evetts	do	Samuel G. Evetts	640	do	do do
Phillip Walker	do	Phillip Walker	640	do	do do
Phillip Walker	do	John M. Swisher	640	do	do do
Sarah J. Connell	do	do	1280	September 24, 1883	do do
Azubah Ward	do	do	640	October 13, 1883	do do
Azubah Ward	do	Azubah Ward	640	do	do do
Sophonra Castleman	do	John M. Swisher	1280	September 26, 1883	do do
Preston Bland	do	do	1280	do	do do
Mary A. Abler	do	do	1280	do	do do
Sidney L. Cole	do	do	1251	February 11, 1884	do do
Walter P. Lane	do	do	640	September 25, 1883	do do
Robert Fletcher	do	do	1280	September 22, 1883	do do
John Allen	do	Day, Powers, Maddox Bros. & Anderson	1280	March 28, 1884	Maddox Brothers & Anderson, Austin.
A. M. Money	do	do	1280	do	do do
Elefair Heck	do	do	1280	do	do do
Nancy Lewis	do	do	1280	April 1, 1884	do do
Elzira Jowell	do	do	1280	do	do do
Margaret Brigham	do	do	1280	do	do do
Acencion M. de Henriquez	do	do	640	April 2, 1884	do do
Bridget Paschal	do	do	640	April 1, 1884	do do
Elizabeth H. McGill	do	do	640	do	do do
George H. Hall	do	do	640	do	do do
M. Currier	do	do	640	do	do do
Ann Williamson	do	do	640	do	do do
E. V-taw	do	do	640	do	do do
John Davis	do	do	640	do	do do
Wm. P. Tindall	do	do	640	April 3, 1884	do do
Cyrus Wickson	do	do	640	do	do do
John Pollan	do	do	640	April 2, 1884	do do
Joseph L. Dugat	do	do	1280	April 4, 1884	do do
Patience Clanton	do	do	1280	March 31, 1884	do do
Martha Ann Todd	do	do	1280	do	do do
Pleasant McAnally	do	do	1280	April 4, 1884	do do
Lavinia K. White	do	do	1280	March 31, 1884	do do
Jennings O'Banion	do	do	1280	do	do do
Mary S. Perkins	do	do	640	do	do do
Levi J. Parker	do	do	1280	do	do do
Thos. H. Eatin	do	do	1280	do	do do
Nathaniel Addison	do	do	1280	do	do do
Wm. Crittendon	do	do	1280	April 1, 1884	do do
Diana Gilliland	do	do	1280	do	do do
Mary Ann Darst	do	do	1280	March 28, 1884	do do
Eliza Jane Hobson	do	do	1280	April 4, 1884	do do
Jno. J. Bowman	do	do	1280	March 28, 1884	do do
Geo. W. Shelton	do	do	1280	do	do do
Ira Stephenson	do	do	1280	March 29, 1884	do do
James M. Harber	do	do	1280	do	do do
Hardin Nevills	do	do	1280	April 28, 1884	do do
Nancy Fullerton	do	do	1280	do	do do
Matilda Green	do	do	1280	do	do do
Samuel Damon	do	do	1280	April 2, 1884	do do
Harriet Wells	do	do	1280	March 3, 1884	do do
R. H. Mathews	do	do	1280	March 28, 1884	do do
Henrietta Lamar	do	do	1280	do	do do
John W. Healer	do	do	1280	April 4, 1884	do do
Caleb Holloway	do	do	1280	March 28, 1884	do do
Jacob Walters	do	do	1280	do	do do
E. N. Eubanks	do	do	1280	do	do do
Sarah H. Prewett	do	do	1280	March 31, 1884	do do

List of all Surveys Patented in Greer County—continued.

Grantee.	Class.	Patentee.	Quantity.	Date of Patent.	Remarks—Agent.
Mary Caruthers.....	Donation...	Day, Poweras, Maddox Bros. & Anderson	1280	April 2, 1884.....	Maddox Brothers & Anderson, Austin.
Peter Tumlinson.....	do	do	1280	April 3, 1884.....	do do
Jane H. Perry.....	do	do	1280	April 2, 1884.....	do do
Susanah Russell.....	do	do	1280	do	do do
Sarah Isaacs.....	do	do	1280	do	do do
Robert P. Crockett.....	do	do	1280	do	do do
Osborn W. Randolph.....	do	do	1280	April 3, 1884.....	do do
J. W. Hancock.....	do	do	1280	do	do do
Hiram Watts.....	do	do	1280	do	do do
Susan Hodges.....	do	do	1280	do	do do
R. D. McAnelly.....	do	do	1280	do	do do
John Schlaborn.....	do	do	1280	do	do do
Jane Pata.....	do	do	1280	do	do do
W. F. Nelson.....	do	do	1280	do	do do
Rebecca Hopkins.....	do	do	1280	do	do do
Lemuel Smith.....	do	do	1280	March 31, 1884.....	do do
Daniel Miller.....	do	do	1280	April 4, 1884.....	do do
Samuel W. McKneely.....	do	do	1280	March 31, 1884.....	do do
Marcella de la Garza.....	do	do	1280	do	do do
Elizabeth Pace.....	do	do	1280	do	do do
James T. D. Wilson.....	do	do	1280	April 2, 1884.....	do do
Mary F. Cayce.....	do	do	1280	do	do do
Sarah Hallmark.....	do	do	1280	do	do do
Samuel C. H. Rogers.....	do	do	1280	March 31, 1884.....	do do
Anthony Deffenbaugh.....	do	do	1280	do	do do
Spencer Morris.....	do	do	1280	do	do do
Elizabeth Henry.....	do	Elizabeth Henry.....	1280	April 4, 1884.....	do do
Jane C. Scarborough.....	do	Day, Powers, Maddox Bros. & Anderson.	1280	do	do do
George Green.....	do	do	1280	April 1, 1884.....	do do
Stephen McLaughlin.....	do	do	1280	April 2, 1884.....	do do
Wm. S. McKenzie.....	do	do	1280	April 3, 1884.....	do do
Isaac P. Stein.....	do	do	1280	March 29, 1884.....	do do
Squire Haggard.....	do	do	1280	do	do do
Martin Toole.....	do	do	1280	March 31, 1884.....	do do
Sophia A. Williams.....	do	do	1280	April 1, 1884.....	do do
Susan T. West.....	do	do	1280	do	do do
Nancy Standifer.....	do	do	1280	March 29, 1884.....	do do
John Bland.....	do	do	1280	do	do do
Stephen H. Darden.....	do	do	1280	do	do do
Hiram Brown.....	do	do	1280	March 27, 1884.....	do do
Elizabeth Bryan.....	do	do	1280	April 2, 1884.....	do do
Wm. J. Cannon.....	do	do	1280	do	do do
C. J. Duncan.....	do	do	1280	do	do do
Daniel Parker.....	do	do	1280	April 3, 1884.....	do do
Sarah McMahan.....	do	do	1280	April 2, 1884.....	do do
Madison G. Whitaker.....	do	do	1280	April 4, 1884.....	do do
John Mackey.....	do	John M. Swisher.....	1280	November 10, 1883.....	John M. Swisher, Austin.
James Cunningham.....	do	do	1280	September 24, 1883.....	do do
Samuel McCulloch.....	do	George W. Brackenridge.....	1280	September 22, 1883.....	do do
Robert Price.....	do	John M. Swisher.....	1280	September 26, 1883.....	do do
Eliza J. Cleveland.....	do	Day, Powers, Maddox Bros. & Anderson.	1280	April 1, 1884.....	Maddox Brothers & Anderson, Austin.
W. H. Moore.....	do	do	1280	do	do do
William Reed.....	do	do	1280	do	do do
Wm. L. Hunter.....	do	do	1280	August 12, 1884.....	do do
Philip E. Pierce.....	do	do	1280	August 11, 1884.....	do do
DeWitt C. Lyon.....	do	do	1280	August 12, 1884.....	do do
D. H. Elenz.....	do	do	1280	August 11, 1884.....	do do
J. L. Standifer.....	do	do	1280	do	do do
Mary A. Love.....	do	do	1280	do	do do
Jesse L. McCorklin.....	do	do	1280	do	do do
Eliaz H. Bates.....	do	do	1280	August 12, 1884.....	do do
Mary A. Martin.....	do	do	1280	do	do do
William Connell.....	do	do	1280	August 11, 1884.....	do do
Edward Brown.....	do	do	1280	do	do do
Phebe Hoffman.....	do	do	1280	do	do do
Joseph Ware.....	do	Joseph Ware.....	1280	do	do do
Mrs. M. G. Wells.....	do	Day, Powers, Maddox Bros. & Anderson.	1280	do	do do
Rebecca Clary.....	do	do	1280	do	do do
M. W. Cartwright.....	do	do	1280	March 31, 1884.....	do do
Sallie M. Kinney.....	do	Sallie M. Kinney.....	640	November 22, 1883.....	John M. Swisher, Austin.
Sallie M. Kinney.....	do	John M. Swisher.....	640	do	do do
Campbell Taylor.....	do	do	640	do	do do
Campbell Taylor.....	do	Campbell Taylor.....	640	do	do do
Minerva Montgomery.....	do	Minerva Montgomery.....	640	November 24, 1883.....	do do
Minerva Montgomery.....	do	John M. Swisher.....	640	do	do do
John Harvey.....	do	do	640	November 22, 1883.....	do do
John Harvey.....	do	John Harvey.....	640	do	do do
L. C. Cunningham.....	do	L. C. Cunningham.....	640	November 21, 1883.....	do do
L. C. Cunningham.....	do	John M. Swisher.....	640	do	do do
Mrs. Juana Hensley.....	do	do	640	do	do do
Mrs. Juana Hensley.....	do	Mrs. Juana Hensley.....	640	do	do do
B. F. Peter.....	do	N. Cochran and K. Collins.....	1280	do	do do
G. C. Shaw.....	do	G. C. Shaw.....	640	do	do do
G. C. Shaw.....	do	John M. Swisher.....	640	September 25, 1883.....	do do
Ann Morrison.....	do	do	640	November 23, 1888.....	do do
Ann Morrison.....	do	Ann Morrison.....	640	do	do do
Joe T. Cook.....	do	Joe T. Cook.....	640	September 26, 1883.....	do do
Joe T. Cook.....	do	John M. Swisher.....	640	do	do do
Mary J. Ham.....	do	do	662	November 10, 1888.....	do do
Mary J. Ham.....	do	Mary J. Ham.....	640	do	do do
Valentine Burch.....	do	Valentine Burch.....	640	November 12, 1883.....	do do
Valentine Burch.....	do	John M. Swisher.....	640	do	do do
Mrs. Amanda Wright.....	do	Mrs. Amanda Wright.....	640	November 21, 1883.....	do do
Mrs. Amanda Wright.....	do	John M. Swisher.....	640	do	do do
George B. Erath.....	do	do	640	do	do do
George B. Erath.....	do	Geo. B. Erath.....	640	do	do do
James Burch.....	do	James Burch.....	640	do	do do
James Burch.....	do	John M. Swisher.....	640	do	do do
Mrs. Benty Johnson.....	do	do	640	November 24, 1883.....	do do
Mrs. Benty Johnson.....	do	Mrs. Mathany Johnson.....	640	do	do do

List of all Surveys Patented in Greer County—continued.

Grantee.	Class.	Patentee.	Quantity.	Date of Patent.	Remarks—Agent.
Charles R. Duncan.....	Donation ...	Chas. R. Duncan.....	640	November 22, 1883.....	John M. Swisher, Austin.
Charles R. Duncan.....	do	John M. Swisher.....	640	do	do do
John Sweeney.....	do	do	640	do	do do
John Sweeney.....	do	John Sweeney.....	640	do	do do
Edward Manton.....	do	Edward Manton.....	640	November 24, 1883.....	do do
Edward Manton.....	do	John M. Swisher.....	640	do	do do
G. H. Love.....	do	do	640	May 9, 1884.....	do do
G. H. Love.....	do	G. H. Love.....	640	do	do do
Betsy C. Cochran.....	do	Betsy C. Cochran.....	640	November 22, 1883.....	do do
Betsy C. Cochran.....	do	John M. Swisher.....	640	do	do do
Pendleton Rector.....	do	do	640	November 21, 1883.....	do do
Pendleton Rector.....	do	Pendleton Rector.....	640	do	do do
N. Austin.....	do	N. Austin.....	640	November 22, 1883.....	do do
N. Austin.....	do	John M. Swisher.....	640	do	do do
Mrs. E. P. Anderson.....	do	do	640	November 24, 1883.....	do do
Mrs. E. P. Anderson.....	do	Mrs. E. P. Anderson.....	640	do	do do
W. W. Hornsby.....	do	W. W. Hornsby.....	640	November 23, 1883.....	do do
W. W. Hornsby.....	do	John M. Swisher.....	640	do	do do
Oscar Farish.....	do	do	640	November 22, 1883.....	do do
Sanders Walker.....	do	S. S. & S. D. Walker.....	1280	September 26, 1883.....	do do
Alphonzo Seel.....	do	do	1280	September 22, 1883.....	do do
William Phillips.....	do	John M. Swisher.....	1280	November 15, 1883.....	do do
E. Swearingen.....	do	do	640	November 22, 1883.....	do do
E. Swearingen.....	do	E. Swearingen.....	640	do	do do
Mrs. Julia A. Thomas.....	do	Mrs. Julia A. Thomas.....	640	November 23, 1883.....	do do
Mrs. Julia A. Thomas.....	do	John M. Swisher.....	640	do	do do
Mrs. Hermine Bunton.....	do	do	640	November 21, 1883.....	do do
Mrs. Hermine Bunton.....	do	Mrs. Hermine Bunton.....	640	do	do do
James M. Hill.....	do	James M. Hill.....	640	do	do do
James M. Hill.....	do	John M. Swisher.....	640	May 8, 1884.....	do do
Mrs. Eva Lancaster.....	do	do	640	November 23, 1883.....	do do
Mrs. Eva Lancaster.....	do	Mrs. Eva Lancaster.....	640	do	do do
W. P. Zuber.....	do	W. P. Zuber.....	640	do	do do
W. P. Zuber.....	do	John M. Swisher.....	640	do	do do
A. Buffington.....	do	do	640	do	do do
A. Buffington.....	do	A. Buffington.....	640	do	do do
J. W. McHorse.....	do	John M. Swisher.....	1280	November 22, 1883.....	do do
J. B. Pier.....	do	do	640	do	do do
J. B. Pier.....	do	J. B. Pier.....	640	do	do do
Benj. F. Whittaker.....	do	Benj. F. Whittaker.....	640	do	do do
Benj. F. Whittaker.....	do	John M. Swisher.....	640	do	do do
Marius C. Zuniga.....	do	J. M. Dav, Jno. W. Powers and Maddox Bros. & Anderson	1280	March 29, 1884.....	Maddox Brothers & Anderson, Austin.
Menan Smith.....	do	do	1280	do	do do
Needham Boon.....	do	do	1280	do	do do
John Hendry.....	do	do	1280	do	do do
David Holderman.....	do	do	1280	do	do do
H. E. Perry.....	do	do	1280	do	do do
Miranda Colley.....	do	John M. Swisher.....	640	November 10, 1883.....	John M. Swisher, Austin.
George W. Davis.....	do	do	1280	September 26, 1883.....	do do
Silas Edens.....	do	do	1280	do	do do
William Goodwin.....	do	do	1280	September 24, 1883.....	do do
Teresa Lackey.....	do	do	1280	November 7, 1883.....	do do
Mrs. Arie Mays.....	do	do	1280	September 24, 1883.....	do do
John M. Swisher.....	do	do	1280	October 31, 1883.....	do do
Isaac Reed.....	do	do	1280	September 27, 1883.....	do do
Z. Robinson.....	do	do	1280	February 7, 1884.....	do do
A. J. Sowell.....	do	do	1280	September 26, 1883.....	do do
A. F. Dinamore.....	do	do	320	January 29, 1884.....	do do
A. F. Dinamore.....	do	A. F. Dinamore.....	320	do	do do
John C. Tom.....	do	John M. Swisher.....	1280	September 24, 1883.....	do do
Emily Vanderpool.....	do	do	1280	November 7, 1883.....	do do
B. A. Van Sickle.....	do	do	1280	February 8, 1884.....	do do
W. H. Bishop.....	do	do	640	November 8, 1883.....	do do
Mrs. Eliza A. Billingsley.....	do	Mrs. E. A. Billingsley.....	640	November 22, 1883.....	do do
Mrs. Eliza A. Billingsley.....	do	John M. Swisher.....	640	do	do do
Total number of acres.....			256,533½		

GENERAL LAND OFFICE, AUSTIN, January 19, 1885.

I hereby certify that the foregoing is a true and correct statement of all lands patented in Greer county since the 25th day of February, 1879, as shown by the records and archives of this office.

W. C. WALSH, Commissioner.

The following communication was received and read:

AUSTIN, TEXAS, January 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

SIR—I am directed by the Faculty of the University of Texas to extend to the members of the Senate of the Nineteenth Legislature an invitation to visit the University at such times during the present session as may suit their convenience. I am further directed to invite them to attend the

series of lectures now being delivered by the professors of the University. These lectures are duly announced in the Austin Daily Statesman.

Very respectfully,
LESLIE WAGGENER, Chairman.

On motion of Senator Jones,
The Senate adjourned till to-morrow morning at ten o'clock.

NINTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, January 22, 1885. }

The Senate met pursuant to adjournment.
Lieutenant-Governor Gibbs in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain.
On motion of Senator Houston of Wheeler,
The reading of the journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Knittle:
Petition of city council of Brenham, asking the exemption of all volunteer firemen in active service from jury service.
Referred to Judiciary Committee No. 2.
By Senator Fowler:
Petition of the Colored Men's State Convention, held in Houston in August 1884.
Referred to Committee on State Affairs.

REPORTS OF STANDING COMMITTEES.

By Senator Davis:

COMMITTEE ROOM,
AUSTIN, January 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 15, entitled "An act to repeal articles 547 and 548 of the Penal Code," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.
All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 36, entitled "An act to amend article 145, chapter 1, title 6, Criminal Code State of Texas, relating to penalties for bribing and influencing electors," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.
All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 40, entitled "An act to amend article 317, chapter 3, title 9 of the Penal Code," have carefully examined the same, and instruct me to report the accompanying substitute therefor and recommend that such substitute do pass.
All of which is respectfully submitted.

DAVIS, Chairman.

SUBSTITUTE.

Senate bill No. 40, "An act to amend article 317 of the Penal Code of the State of Texas."

COMMITTEE ROOM,
AUSTIN, January 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 43, entitled "An act to amend article 870 of the Code of Criminal Procedure, by adding thereto articles 870a and 870b," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 56, entitled "An act to amend article 726, chapter 9, Penal Code," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 86, entitled "An act to amend title 10, chapter 1 of the Code of Criminal Procedure of the State of Texas, by adding thereto articles 870a, 870b," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 87, entitled "An act to amend article 617, chapter 2, Code Criminal Procedure," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

Senator Bell offered the following minority report:

COMMITTEE ROOM,
AUSTIN, January 22, 1885.

Hon. Barnett Gibbs, President of the Senate:

The undersigned members of your Judiciary Committee No. 2, to whom was referred Senate bill No. 86, entitled "An act to amend title 10, chapter 1 of the Code of Criminal Procedure, by adding thereto articles 870a and 870b," do not concur with a majority of said committee in reporting the bill unfavorably, and respectfully assign our reasons for dissenting from a majority of the committee. The proposed amendments provide that cases shall not be reversed by the Court of Appeals on account of any technical errors which may be committed in the trial court unless in the opinion of the Court of Appeals such error may have prejudiced the substantial rights of the defendants. The object of those who favor the amendments is not to prevent the Court of Appeals from considering or even to authorize them to disregard any error committed by the trial court which could have affected the jury in their findings, but simply to authorize them to decline to consider those technical errors and defects which compel the reversal of so many cases, when no error which could possibly have affected or changed the verdict of the jury has been committed. We therefore recommend that the bill do pass.

BELL, for the minority.

On motion of Senator Bell,
Senate bill No. 86, together with the majority and minority report, was ordered printed.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, January 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

The undersigned members of your Judiciary Committee No. 2, to whom was referred Senate bill No. 56, entitled "An act to amend article 726, chapter 9 of the Penal Code," do not concur with a majority of said committee in reporting the bill unfavorably, and respectfully assign our reasons for dissenting from a majority of the committee.

The bill seeks to amend the law so as to make it theft for any one to fraudulently sell the property of another. Under the law, as it has been construed by the Court of Appeals, a party who has not had possession of personal property cannot be convicted, however fraudulently he may have acted. We think experience has here pointed out a defect in our laws in this respect, and that such defect should be cured by proper amendments.

We therefore recommend that the bill do pass.

BELL, for Minority of Committee.

COMMITTEE ROOM,
AUSTIN, January 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 37, entitled "An act to amend article 536, title 8, chapter 3 of the Code of Criminal Procedure," have carefully examined the same, and instruct me to report the accompanying substitute for the same back, with the recommendation that it do pass.

All of which is respectfully submitted.

BELL, for the Committee.

By Senator Traylor:

COMMITTEE ROOM,
AUSTIN, January 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance to whom was referred Senate bill No. 71, entitled "An act to transfer to the general revenue account certain funds now in the State Treasury to the credit of other accounts," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, for the reason these funds have long been lying idle in the Treasury, and must continue so unless appropriated to some other use by legislative enactment.

All of which is respectfully submitted.

TRAYLOR, Chairman.

COMMITTEE ROOM,
AUSTIN, January 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 70, entitled "An act to amend article 4682 of the Revised Civil Statutes of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

TRAYLOR, Chairman.

COMMITTEE ROOM,
AUSTIN, January 22, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your committee on Internal Improvements, to whom was referred Senate bill No. 83, entitled "An act to repeal sections 1, 2, 3, 4, 5 and 6, and to amend sections 7, 8, 9, 10 and 11, of an act entitled 'an act to further provide for the regulation of railroad and transportation lines in the State of Texas, and to provide for the creation of the office of, and appointment of, a State Engineer, and his secretary, and their salaries and duties, to prevent unjust discrimination and extortion in the rates charged for transportation of freight and passengers in this State, and to provide a mode of procedure in relation thereto,' approved April 10, 1883," have had the same under consideration, and have unanimously instructed me to report it back to the Senate and recommend its passage.

All of which is respectfully submitted.

SHANNON, Chairman.

COMMITTEE ROOM,
AUSTIN, January 22, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 19, entitled "An act to amend and carry into effect article 4170, Revised Statutes of the State of Texas," have had the same under consideration, and instruct me to recommend the following amendment, and as so amended, to recommend its passage.

Respectfully,

SHANNON, Chairman.

AMENDMENT TO SENATE BILL NO. 19.

After the word "article," in twenty-fifth and twenty-sixth lines, strike out the following: "one-half to go to the informer and the other half to the State," and insert "recoverable in any court having jurisdiction of the amount involved, in a suit in the name of the county in which the cause of action accrued, one-half to go to the informer when recovered, and the other half to the road and bridge fund of such county. By 'the informer,' is meant the person making the affidavit of the facts, on which the county or resident district attorney, as the case may be, shall bring suit; and it shall be the duty of such county or district attorney, upon the making of such affidavit by any person, to at once institute against the company violating the provisions of this article, a suit in the

proper court to recover such penalty or penalties, and his failure or refusal to do so shall be sufficient cause for his removal from office. The proceedings under this article shall be conducted in the same manner as civil suits, and the county or district attorney attending to such suit shall be entitled to a fee, in each case, of twenty-five dollars, to be docketed as a part of the cost of the case; provided, that when two or more penalties are sought to be recovered in one and the same suit, but one such fee shall be allowed; and provided further, if the county be cast in the suit, no cost shall be charged against such county."

COMMITTEE ROOM,
AUSTIN, January 22, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 45, entitled "An act to repeal an act entitled 'an act to further provide for the regulation of railroad and transportation lines in the State of Texas, and to provide for the creation of the office of and appointment of a State Engineer and his Secretary, and their salaries and duties, to prevent unjust discrimination and extortion in the rates charged for transportation of freight and passengers in this State, and to provide a mode of procedure in relation thereto,' approved April 10, 1883," have duly considered the same, and instruct me to say that having recommended the passage of Senate bill No. 83, which bill proposes to so amend the act which this bill proposes to repeal as to divest it of all (in the opinion of the committee) of its objectionable provisions, they are of opinion that this bill should lie on the table.

Respectfully submitted.

SHANNON, Chairman.

By Senator Perry:

COMMITTEE ROOM,
AUSTIN, January 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred Senate bill No. 78, entitled "An act to authorize counties to issue bonds for bridge purposes, and to levy a tax to pay the same; also to validate bonds heretofore issued for bridge purposes," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the following amendments.

All of which is respectfully submitted.

PERRY, Chairman.

COMMITTEE AMENDMENTS TO SENATE BILL NO. 78.

First amendment: Amend first section by inserting after the word "years" in the twelfth line, the words "redeemable after five years, at the option of the counties."

Second amendment: Amend section 2 by striking out the word "fifteen" in the third line, and insert in its stead the word "eight."

BILLS AND RESOLUTIONS.

By Senator Peacock:

A bill to further regulate the practice in the district, county and justice courts of the State of Texas.

Referred to Judiciary Committee No. 1.

By Senator Traylor:

A bill to provide for the issuance and sale of the bonds of the State to supply deficiencies in the revenue, and to provide the mode and manner of the sale of said bonds.

Referred to Finance Committee.

Senator Glasscock introduced the following:

Whereas, The delay in publishing bills introduced and the reports of committees has a tendency to retard the Senate in matters of legislation; therefore, be it

Resolved, That the Committee on Public Printing for the Senate be requested to ascertain the cause of delay in publishing bills introduced and reports of committees of the Senate on such bills introduced; and that said Committee on Public Printing be authorized to have such public printing done at the earliest time practicable.

Referred to Committee on Public Printing.

By Senator Hall:

"An act to repeal section 4 of 'an act defining who are officers of this State and prescribing their rights, powers, duties and privileges,' approved February 15, 1881."

Referred to Judiciary Committee No. 1.

By Senator Terrell:

A bill to amend chapter 6, title 26 of the Revised Statutes, adding article 103^{2a}.

Referred to Judiciary Committee No. 2.

By Senator Kleberg:

A bill to amend section 24 of "An act to redistrict the State into judicial districts and to fix the time for holding courts therein," approved April 8, 1883.

Referred to Committee on Judicial Districts.

On motion of Senator Houston of Bexar,

The Senate went into executive session.

IN SENATE.

On motion of Senator Houston of Bexar,

The result of the executive session was ordered spread upon the pages of the Senate journal, and the Governor be notified of such actions, as follows:

The Senate advises and consents to the appointment of Eugene Diggs as district attorney of thirtieth judicial district.

The Senate advises and consents to appointment of B. B. Hart as district attorney of the seventh judicial district.

The Senate advises and consents to the appointment of Joseph W. Baines as Secretary of State.

On motion of Senator Getzendaner, Senator Farrar was excused for the day and remainder of the present week.

On motion of Senator Jones, Senator Harrison was placed on Committee on Penitentiaries.

On motion of Senator Pfeuffer, Senator Shannon was placed on Committee on Education.

On motion of Senator Glasscock, Senator Jones was placed on Committee on Public Buildings and Grounds.

On motion of Senator Traylor, Senator Bell was added to Finance Committee. Senator Bell offered the following privileged report:

COMMITTEE ROOM,
AUSTIN, January 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 26, being "An act to amend article 339, chapter 4, title 10 of the Penal Code," and find the same correctly engrossed.

BELL, Chairman.

By leave, Senator Stinson submitted the following minority report on Senate bill No. 42:

COMMITTEE ROOM,
AUSTIN, January 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

We, a part of the Judiciary Committee No. 2, to whom was referred Senate bill No. 42, entitled "An act to amend chapter 3, title 17, of the Penal Code, by adding after article 684, articles 684a and 684b, a majority of whom, having reported the same back with a recommendation that it do not pass, we herewith submit a minority report, and ask that the same be adopted by the Senate in the place of the majority report.

Having examined the bill carefully, we are of the opinion that it makes an offense of a character of conduct that should

be punished by the laws of our State, and for which there is no penalty at present, wherefore we ask that the same do pass.
STINSON, for minority of committee.

On motion of Senator Evans, Senator Shannon was added to Finance Committee.

Senator Houston of Bexar moved that the committees be declared filled.

After considerable discussion, and The previous question being moved by Senator Getzendaner, which was seconded, and

The main question being ordered, The motion was adopted by the following vote:

YEAS—19.

Calhoun,	Hall,	Peacock,
Davis,	Houston of Bexar,	Perry,
Evans,	Jones,	Pfeuffer,
Fowler,	Kilgore,	Randolph,
Garrison,	Kleberg,	Shannon,
Getzendaner,	Kuittle,	Woods.
Glasscock,		

NAYS—8.

Bell,	Houston of Wheeler,	Terrell,
Camp,	Johnson,	Traylor.
Harrison,	Stinson,	

Senate bill No. 1, "An act to amend article 549, title 15, chapter 11, of the Penal Code," was taken up in its regular order and

Read third time and passed.

On motion of Senator Garrison, Senator Pope was excused for the day.

Senate bill No. 16, "An act to amend article 44 of the Code of Criminal Procedure," was taken up in its regular order, on its third reading,

Read a third time and passed.

Senate bill No. 22, "An act to amend an act entitled 'an act to amend article 722, chapter 8, title 9, of the Penal Code of the State of Texas,' approved April 12, 1883," was taken up in its regular order, on its third reading,

Read third time and passed.

Senate Bill No. 26, "An act to amend article 339, chapter 4, title 10 of the Penal Code," was taken up on its regular order on its third reading,

Read third time and passed.

Senate Bill No. 8, "An act to amend chapter 2, article 566 of the Revised Civil Statutes, and to prohibit the formation and chartering of corporations for the purposes of purchasing lots or sub-dividing lands, and the sale and conveyance of the same," was taken up in its regular order,

Read second time with committee amendments, and

On motion of Senator Randolph, action was postponed and the bill made the special order for tomorrow after morning call.

Senate bill No. 17, "An act to give orders of sale foreclosing liens upon real estate the force and effect of writs of possession," was laid before the Senate on its second reading.

Read second time and ordered engrossed.

(Senator Shannon in the chair.)

Senate concurrent resolution No. 5, a joint resolution requesting our Senators and Representatives in Congress to urge the passage of the Eads bill, was taken up.

Senator Hall offered the following amendment:

Amend by adding to the resolution: "Provided, the appropriation for the improvement of the bar off Corpus Christi and Brazos Santiago be continued, and not impaired thereby."

Senator Terrell offered to amend the amendment by adding Sabine Pass.

Accepted.

Senator Houston of Bexar offered to amend by adding Aransas Pass.

Accepted.

Senator Houston of Wheeler offered to amend by adding mouth of the Brazos River.

Withdrawn, and

The amendment of Senator Hall, as amended, was lost.

Senator Terrell offered the following amendment:

Provided, That the ownership and control of the wharf and coast line of Galveston harbor, or such portion thereof as shall be sufficient for the use of all ships or vessels of every description that may pass through the Eads channel shall first be vested in the State of Texas; and, provided further, that not more than one-half of the amount appropriated shall be paid to the contractor or contractors until there is a depth of thirty feet of water over the bar.

After considerable discussion,

Senator Houston of Bexar moved the previous question.

Motion seconded, and

The main question ordered, and

The amendment was lost by the following vote:

YEAS—9.

Calhoun,	Harrison,	Stinson,
Camp,	Houston of Bexar,	Terrell,
Hall,	Pfeuffer,	Woods.

NAYS—18.

Bell,	Glasscock,	Knittle,
Davis,	Houston of Wheeler,	Peacock,
Evans,	Johnson,	Perry.
Fowler,	Jones,	Randolph
Garrison,	Kilgore,	Shannon,
Getzendaner,	Kleberg,	Traylor.

The resolution was adopted by the following vote:

YEAS—17.

Bell,	Glasscock,	Peacock,
Calhoun,	Houston of Wheeler,	Perry,
Davis,	Johnson,	Randolph,
Fowler,	Jones,	Shannon,
Garrison,	Kleberg,	Traylor.
Getzendaner,	Knittle,	

NAYS—9.

Camp,	Houston of Bexar,	Stinson,
Hall,	Kilgore,	Terrell,
Harrison,	Pfeuffer,	Woods.

ABSENT. NOT VOTING.

Evans, Douglass.

Senator Harrison gave the following reasons for voting against the resolution:

My reason for voting "no" on the adoption of the Eads resolution is because the resolution seeks to confine the Texas delegation at Washington to the Eads plan. I favor deep water at Galveston, but am unwilling to attempt to confine our delegation to any particular plan and cost when I do not understand that plan, and when others may arise equally as good and cheaper. I prefer to leave these matters to the discretion of the delegation, but would be willing to request them to obtain deep water upon the best and cheapest plan practicable.

HARRISON.

I concur in the views of Senator Harrison, and vote no.
HALL of Webb.

Senator Bell made the following privileged reports:

COMMITTEE ROOM,
AUSTIN, January 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 6, being "An act to diminish the civil and criminal jurisdiction of the county court of Montague county, and to conform the jurisdiction of the district court to such change," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, January 22, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 34, being "An act to amend articles 730 and 731 of the Code of Criminal Procedure of the State of Texas," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

On motion of Senator Terrell,
The Senate adjourned to meet to-morrow morning at 10 o'clock.

TENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, January 23, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Kleberg,

The reading of the journal of yesterday was dispensed with.

REPORTS FROM STANDING COMMITTEES.

By Senator Houston of Bexar:

COMMITTEE ROOM,
AUSTIN, January 22, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 41, entitled "An act to repeal article 2430, chapter 4 of title 42 of an act to adopt and establish the Revised Civil Statutes of the State of Texas," have carefully examined the same, and a majority of the committee instruct me to report it back with the recommendation that it do not pass

Respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, January 22, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 20, entitled "An act to amend chapter 2 of title 20 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of Texas,' which was presented to the Governor for his approval on the twenty-eighth of February, 1879, and became a law without his signature, and to add to said chapter articles 574a, 574b and 574c," have carefully examined the same, and a majority of said committee instruct me to report the same back to the Senate with the recommendation that it lie on the table.

Respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, January 22, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 51, entitled "An act to provide for the appointment of special clerks of the district and county courts in certain cases," have carefully examined the same, and a majority of the committee instruct me to report the same back with the recommendation that it do pass.

Respectfully submitted.

Houston of Bexar, Chairman.
 COMMITTEE ROOM,
 AUSTIN, January 22, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 53, entitled "An act to amend article 3011, chapter 1, title 57 of the Revised Civil Code," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do not pass.

Respectfully submitted.

Houston of Bexar, Chairman.
 COMMITTEE ROOM,
 AUSTIN, January 22, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 52, entitled "An act to repeal article 1264, chapter 8, title 29 of the Revised Civil Statutes," have carefully examined the same, and a majority of the committee instruct me to report the same back with the recommendation that it do not pass.

Respectfully submitted.

Houston of Bexar, Chairman.
 COMMITTEE ROOM,
 AUSTIN, January 22, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 59, entitled a bill to be entitled "An act to provide for the registration of writs of attachment, which have been levied upon land, in the office of the county clerk of the county where such land is situate," have carefully considered the same and a majority of the committee instruct me to report the same back to the Senate with the accompanying substitute and to recommend the adoption and passage of the substitute.

Respectfully submitted.

Houston of Bexar, Chairman.
 COMMITTEE SUBSTITUTE.

A bill to be entitled "An act to provide for the registration of writs of attachment, which have been levied upon land, in the office of the county clerk of the county in which such land is situate.

By Senator Pfeuffer:

COMMITTEE ROOM,
 AUSTIN, January 22, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Education, to whom was referred Senate bill No. 73, entitled "An act to amend section 71 of an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3 of title 78 of the Revised Civil Statutes of the State of Texas as refers to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act," passed by the Eighteenth Legislature at its called session," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

Pfeuffer, Chairman.

By Senator Peacock:

COMMITTEE ROOM,
 AUSTIN, January 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judiciary No. 1, to whom was referred Senate bill No. 30, entitled "An act to prescribe the times and places of holding the Supreme Court and Court of Appeals," have carefully examined the same, and a majority of said committee instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

Peacock, for Committee.

Senator Davis offered the following minority report:

COMMITTEE ROOM.
 AUSTIN, January 22, 1885.

Hon. Barnett Gibbs, President of the Senate:

The undersigned members of your Judiciary Committee No. 1 respectfully dissent from the views of the majority in reporting adversely Senate bill No. 30, which seeks to dispense with the Tyler branch of the Supreme Court. Since 1876 a term of said court of three months each has been held at Austin, Galveston and Tyler each year. Up to 1883, not exceeding fifty cases per year were returnable to Tyler; but since that time, owing to the transfer of Navarro and some other counties to the Tyler term, and the sending by agreement from counties not returnable to Tyler a considerable number of cases, the Tyler term has averaged about eighty-five cases per year. The total number of cases carried to the Supreme Court by appeal and writ of error average about five hundred per year. At Austin in 1883 there were two hundred and twenty-eight appearance cases, eighty-three of which were from counties embraced in first assignment. At Austin, in 1884, there were two hundred and eighty-six appearance cases, one hundred and six of which were from the counties embraced in the first assignment. It will be thus seen that the first assignment at Austin, embracing the counties in the seventh, eighth, ninth, tenth, eleventh and twelfth senatorial districts, and the most populous counties in the sixteenth and twenty-first districts, only had two weeks in which to submit and have one hundred and six cases adjudicated, while the counties returnable at Tyler have three months in which to have eighty-five cases decided. No fair minded man can contend that the business and time of the court should be thus apportioned and regulated. In order to keep employment at Tyler the Supreme Court, in 1883, carried one hundred and seventy-two cases with them from the Austin branch, and in 1884 they carried from the Austin branch one hundred and twenty-four cases. While the court at Austin was so crowded with business that it could not give cases the consideration and thought that their merits demanded, in order to occupy its time at Tyler it is driven to the necessity of bringing two-thirds of its business from the Austin branch. It has been contended that this inconvenience could be overcome by making other counties returnable to the Tyler branch. There is now attached to that branch every county that desires to go there, and the county of Navarro, which was attached to Tyler two years ago, now desires to be brought back to Austin. This proves that Tyler is not a suitable place for a branch of the Supreme Court, because not convenient to sufficient business to occupy its time.

While the Supreme Court, with the aid of the Commission, is hardly able to keep up with the business, it is important to economize as much as possible the time of the Supreme Judges. The judges say, and say truly, that they could do much more work if the courts were fixed at one place, and they were not required to travel from one place to another. The breaking up at one place and moving to another, and preparing to commence work again, as the courts are now arranged, necessitates, each year, the loss of at least six weeks of the valuable time of the court.

The office of Supreme Judge is the most responsible in the State. A good judge's opportunities for good are great. A bad judge's opportunities for evil are infinite.

The office should be such that the most worthy should aspire to it. Judges of the Supreme Court should be men of age and experience, and are generally men with families. All good men are attached to home and family, and none other should ever occupy a place on the Supreme Bench. We cannot expect to have the offices well filled when a position on the Supreme Bench, which should be the most honorable and desirable in the State, means hard work, poor pay and estrangement from all family ties, for nine months during the year. If the present state of affairs is continued, the time will come when these offices will be filled by men unfit for the position, whose crude decisions will unsettle all that has been done, and be a mockery upon justice and a reproach to the State. A Supreme Court, in order to do effective work, should have in easy reach such a library as contains the learning of men not only in jurisprudence, but in every branch of human knowledge. Cases involving every imaginable question come before the Supreme Court, and have to be decided, and should be decided wisely and justly. The Supreme Court should be supplied with everything, ancient or modern, that assists the understanding in arriving at truth and justice. The branching of the Supreme Court necessitates the maintaining, at public expense, three imperfect libraries, when the State should have one perfect one. The complaint is constant at Tyler that the court cannot do effective work, because the library is insufficient.

The transfer of causes from place to place entails costs and expense to parties interested, that it is wrong to make them bear.

If clerks of the Supreme Court were paid at the same rate as

clerks in the district court, unless the opinion is a long one, their fees would not exceed four or five dollars per case, but now their fees are from twenty to eighty dollars, in order to make livings for three clerks, who are idle for nine months in the year, when there should be but one.

A branch of the Supreme Court is of no particular benefit to the place at which it is located. It is rare that an attorney appears before the Supreme Court in person to make an oral argument. The best practitioners rely almost exclusively on briefs and written arguments. But should this be otherwise, while the attorneys of every county, except Travis and Galveston, are required to leave home in order to look after their business in person in the Supreme Court, it cannot be said that it is an injustice nor a hardship for the attorneys of Smith county to do likewise.

All of which is respectfully submitted.

HOUSTON of Bexar,
DAVIS,
SHANNON.

By Senator Randolph:

COMMITTEE ROOM,
AUSTIN, January 22, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 25, entitled "An act to abolish the office of Fish Commissioner and dispose of all fish ponds, and all other property connected with or belonging to the Fish Department," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the following amendment:

Amend by striking out the words "Land Board of the State, and by them shall be sold, and the proceeds arising from such sale shall be placed in the State Treasury to the credit of the general revenue fund," and insert in lieu thereof, "Adjutant-General, and shall be sold by direction of the Governor, at such time and in such manner as may be considered most advantageous to the State, and the proceeds arising from said sale to be paid into the Treasury as a part of the general revenue."

All of which is respectfully submitted.

RANDOLPH, Chairman.

COMMITTEE ROOM,
AUSTIN, January 22, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 79, entitled "An act requiring the Comptroller of Public Accounts, Commissioner of the General Land Office and State Treasurer to employ females when their services can be had, to fill one-half the clerkships in the several departments under the control of these officers," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Senator Evans submitted the following minority report:

COMMITTEE ROOM,
AUSTIN, January 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

As one of the Committee on State Affairs, to whom was referred Senate bill No. 79, styled a bill to be entitled "An act requiring the Comptroller of Public Accounts, Commissioner of the General Land Office, and State Treasurer to employ females to fill one-half of the clerkships in the several departments under the control of these officers," (which bill has been reported unfavorably by a majority of said committee), I beg leave to make a minority report, and ask that the Senate in session consider said bill favorably, for the following reasons: First, because females are as well qualified for these positions as the males. In the departments of our national government numbers of females are employed; in many of the departments of other States females are employed as clerks; in some instances they have been appointed postmistresses.

Merchants sometimes give them employment in their stores, and in every instance where such employment has been given, they have proven not only equal but superior to the men. Their work is more neatly done and more accurate. They are more attentive to their duties and are willing to work for less wages than the males, for the reason that they, instead of spending their wages in dissipation, take care of it, and it takes less money to do them. Again, their presence in these departments (if men who are entitled to the name of gentlemen are

the other employees) throws around them a moral influence that makes the male employees better men and causes them to be more attentive to their duties. Again, it would give employment to many good women who are well qualified for the work and would take them from a life of drudgery, penury and want and enable them to make an honest living and a competency. We believe it would be economy in the State to employ them in these departments even at the same wages paid the males, because they would be so much more prompt and efficient that more work would be done and the services of fewer clerks required. We therefore respectfully ask that the bill be passed.

W. A. EVANS.

By Senator Randolph:

COMMITTEE ROOM,
AUSTIN, January 22, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 100, entitled "An act to repeal an act approved March 28, 1883, entitled 'an act to provide annual pensions for the surviving soldiers or volunteers of the Texas Revolution, and the surviving signers of the Declaration of Independence of Texas, and the surviving widows of such soldiers, volunteers and signers,'" have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

By Senator Houston of Bexar:

COMMITTEE ROOM,
AUSTIN, January 22, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 54, entitled "An act to amend article 3014, chapter 1, title 57 of the Revised Civil Statutes," have carefully examined the same, and a majority of the committee instruct me to report the same back with the recommendation that it do not pass.

This bill seeks to change the statute regulating the exemptions from jury duty, and the changes sought to be made are, in the opinion of your committee, unnecessary.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, January 22, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 108, entitled "An act to amend chapter 127, general laws of the regular session of the Sixteenth Legislature, approved April 22, 1879, by adding thereto section 11," have carefully examined the same, and a majority of the committee instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, January 22, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 110, entitled "An act to amend an act entitled 'an act to regulate the appointment of notaries public,' etc., approved April 1, 1884," have carefully examined the same, and I am instructed by a majority of the committee to report the same back with the recommendation that it do pass, with the accompanying amendments.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Committee amendments to Senate bill No. 110:

COMMITTEE AMENDMENT NO. 1.

Section 1. Strike out the words "not less than five."

COMMITTEE AMENDMENT NO. 2.

Amend by adding, "provided, that whenever a vacancy occurs in the office of notary public the Governor may appoint some suitable person to fill said vacancy, who shall hold his office for the unexpired term of said office."

BILLS AND RESOLUTIONS.

By Senator Hall:

A bill to create and organize the county of Val Verde.

Referred to Committee on Counties and County Boundaries.

By Senator Pope:

A bill to regulate telegraph companies.

Referred to Committee on Internal Improvements.

A bill to protect assignments made to attorneys at law of claims for unliquidated damages.

Referred to Judiciary Committee No. 1.

By Senator Glasscock:

A bill to create the office of county superintendents and to define their duties and powers, and to repeal all laws in conflict with this act.

Referred to Committee on Education.

By Senator Bell:

A bill to amend article 1161, title 28, chapter 4 of the Revised Civil Statutes of the State of Texas.

Referred to Judiciary Committee No. 1.

Senator Harrison offered the following resolutions:

Resolved, That the special report of the Commissioner of the General Land Office, with reference to lands in Greer county, be referred to Committee on Public Lands, with instructions to look into the matter and report to this body what action is necessary in the premises, and for this purpose the committee may send for witnesses and all necessary maps and papers.

Adopted.

By Senator Calhoun:

A bill to amend section 35 of an act entitled "An act to redistrict the State into judicial districts and fix the time for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884," approved April 9, 1883.

Referred to Committee on Judicial Districts.

Senator Bell submitted the following privileged report:

COMMITTEE ROOM,
AUSTIN, January 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 17, being "An act to give orders of sale foreclosing liens upon real estate the force and effect of writs of possession," and find the same correctly engrossed.

BELL, Chairman.

The President referred House bill No. 81, "An act to make an appropriation to defray the contingent expenses of the Nineteenth Legislature." to Committee on Contingent Expenses.

House bill No. 8, "An act to amend chapter 2, article 566 of the Revised Civil Statutes, and to prohibit the formation and chartering of corporations for the purpose of purchasing, locating or subdividing lands and the sale and conveyance of the same," was taken up as special order.

The first committee amendment was adopted.

The second committee amendment was adopted.

The third committee amendment was adopted.

Senator Davis offered to amend the bill as follows:

"Strike out subdivision 19."

Senator Shannon offered to amend the amendment by striking out subdivision 4.

Accepted and a division called for, and

The amendment of Senator Davis adopted by the following vote:

YEAS—20.

Bell,	Hall,	Pope.
Calhoun,	Harrison,	Shannon,
Camp,	Johnson,	Stinson,
Davis,	Kilgore,	Terrell,
Evans,	Peacock,	Traylor,
Fowler,	Perry,	Woods.
Garrison,	Pfeuffer,	

NAYS—7.

Getzendaner,	Jones,	Knittle,
Houston of Bexar,	Kleberg,	Randolph.
Houston of Wheeler,		

The amendment offered by Senator Shannon was adopted.

Senator Getzendaner offered to amend by striking out the words "or otherwise," and inserting the word "and" before the word "sale."

Adopted by the following vote:

YEAS—14.

Bell,	Houston of Wheeler,	Perry,
Calhoun,	Jones,	Pfeuffer,
Camp,	Kilgore,	Randolph,
Fowler,	Kleberg,	Woods.
Getzendaner,	Knittle,	

NAYS—13.

Davis,	Houston of Bexar,	Shannon,
Evans,	Johnson,	Stinson,
Garrison,	Peacock,	Terrell,
Hall,	Pope,	Traylor.
Harrison,		

ABSENT, NOT VOTING.

Glasscock.

Senator Perry offered the following:

Amend second line on second page by adding the words, "or telephone line."

Adopted.

Senator Jones offered the following amendment:

Amend by adding article 574a as follows: All stock holders in any corporation formed under the provisions of this act shall be liable as partners for all debts created by such corporation.

Senator Peacock offered the following substitute for the amendment:

All holders of stock in any corporation formed under the provisions of this act shall be liable as individuals to an amount equal to the face value of the stock so held by them, in addition to any amount such person may be due upon his subscription for capital stock of such corporation.

Lost by the following vote:

YEAS—11.

Camp,	Harrison,	Randolph,
Evans,	Peacock,	Stinson,
Fowler,	Perry,	Woods.
Glasscock,	Pfeuffer,	

NAYS—17.

Bell,	Houston of Bexar,	Knittle,
Calhoun,	Houston of Wheeler,	Pope,
Davis,	Johnson,	Shannon,
Garrison,	Jones,	Terrell,
Getzendaner,	Kilgore,	Traylor.
Hall,	Kleberg,	

The following message was received from the House.

HOUSE OF REPRESENTATIVES,
AUSTIN, January 23, 1885.

Hon. Barnett Gibbs, President of the Senate

I am instructed to inform your Honorable body of the passage by the House of the following bills and resolutions, to-wit:

House bill No. 4, entitled "An act to amend article 2402, title 42, chapter 3 of the Revised Statutes of the State of Texas."

Substitute for House bill No. 27, "An act to authorize the transfer of occupation license."

Senate bill No. 5, an act entitled "An act to organize the twenty-

eighth judicial district of the State of Texas, and to provide for the time of holding the district court therein."

A joint resolution requesting our Senators and Representatives in Congress to urge the passage of the Eads bill.

A. D. SADLER,
Chief Clerk House of Representatives.

Senator Pope offered the following substitute for Senator Jones's amendment:

Resolved, That the bill, with amendments, be referred to a special committee, to consist of Senators Calhoun, Randolph and Harrison, with instructions to report the same intelligently on to-morrow, at 10:30 a. m.

The substitute was ruled out of order.

Senator Calhoun moved to recommit the bill.

Lost by the following vote:

YEAS—4.

Calhoun, Kleberg,	Knittle,	Randolph.
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NAYS—24.

Bell, Camp, Davis, Evans, Fowler, Garrison, Getzendaner, Glasscock,	Hall, Harrison, Houston of Bexar, Houston of Wheeler, Johnson, Jones, Kilgore, Peacock,	Perry, Pfeuffer, Pope, Shannon, Stinson, Terrell, Traylor Woods.
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Senator Kilgore offered the following substitute for the amendment:

That the members of any private corporation, organized under this act, shall be individually liable for the debts of the corporation in a sum equal to double the amount of stock held by each stockholder, whether paid up or not.

Lost by the following vote:

YEAS—8.

Camp, Evans, Fowler,	Kilgore, Peacock, Pfeuffer,	Randolph, Stinson.
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NAYS—20.

Bell, Calhoun, Davis, Garrison, Getzendaner, Glasscock, Hall,	Harrison, Houston of Bexar, Houston of Wheeler, Johnson, Jones, Kleberg, Knittle,	Perry, Pope, Shannon, Terrell, Traylor, Woods.
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The amendment of Senator Jones was voted on and there being a tie vote,

The President voted in the affirmative, adopting the amendment, as follows:

YEAS—15.

Camp, Davis, Houston of Bexar, Houston of Wheeler, Johnson.	Jones, Kilgore, Kleberg, Knittle, Randolph,	Stinson, Terrell, Traylor, Woods, Mr. President.
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NAYS—14.

Bell, Calhoun, Evans, Fowler, Garrison,	Getzendaner, Glasscock, Hall, Harrison, Peacock,	Perry, Pfeuffer, Pope, Shannon.
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Senator Houston of Wheeler offered the following amendments:

Amend by adding sections 27 and 28:

"Section 27. That the charters of all private corporations created under the provisions of any law of this State which provide for the acquisition by purchase or otherwise of land or for raising of cattle are hereby so amended as to limit the duration of

such corporations to the period of twelve months from and after the passage of this act.

"Section 28. No private corporation hereafter created under any law in this State shall acquire by purchase or lease any real estate outside of any incorporated city or town except those created for manufacturing purposes, and no corporations created for the purpose of manufacturing shall own more than fifty acres in this State; nor shall any private corporations be hereafter created with power to engage in the raising of live stock."

Amend caption by adding: "and to limit the duration of existing corporations."

Senator Woods offered the following privileged report:

COMMITTEE ROOM,
AUSTIN, January 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Contingent Expenses, to whom was referred House bill No. 81, entitled "An act making appropriation to defray the contingent expenses of the Nineteenth Legislature," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

WOODS, Chairman.

House bill No. 4, "An act to amend article 2402, title 42, chapter 3, of the Revised Statutes of the State of Texas," was referred to Finance Committee.

Substitute House bill No. 27, "An act to authorize the transfer of occupation licenses," was referred to Finance Committee.

Senator Getzendaner entered his motion to reconsider the vote by which the third committee amendment to Senate bill No. 8 was adopted.

On motion of Senator Houston of Wheeler, The Senate adjourned till to-morrow morning at 10 o'clock.

ELEVENTH DAY.

SENATE CHAMBER.
AUSTIN, January 24, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Pope,

The reading of the journal of yesterday was dispensed with.

Senator Woods entered a motion to reconsider the vote by which the amendment to Senate bill No. 8 by Senator Jones, was on yesterday adopted.

REPORTS OF STANDING COMMITTEES.

By Senator Davis:

COMMITTEE ROOM,
AUSTIN, January 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 4, entitled "An act to amend article 2514, chapter 5, title 47, of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' adopted February 28, 1879," have carefully examined the same, and instruct

me to report the same back with the recommendation that it do pass.

The bill seeks to amend the statute relative to receivers for estates of minors, persons of unsound mind, and habitual drunkards, so as to permit the receiver to expend, under the direction of the county court, so much of the estate as may be necessary for the maintenance of such minor, person of unsound mind, or habitual drunkard, and to lend the money of such estate.

All of which is respectfully submitted.

DAVIS, Chairman.
COMMITTEE ROOM,
AUSTIN, January 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 11, entitled "An act to repeal an act entitled 'an act to provide for the payment of the expenses of attached witnesses in felony cases,' approved April 23, 1883," have carefully examined the same, and instruct me to report the same back with the recommendation that it do lie on the table.

All of which is respectfully submitted.

DAVIS, Chairman.
COMMITTEE ROOM,
AUSTIN, January 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 48, entitled "An act to protect the enclosed lands of every person, by persons fishing, hunting, shooting, and fowling," have carefully examined the same, and instruct me to report the accompanying substitute therefor, and to recommend that such substitute do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 48.

A bill to be entitled "An act to prevent parties from hunting or fishing on the enclosed land of another, and to prescribe a penalty therefor."

COMMITTEE ROOM,
AUSTIN, January 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 72, entitled "An act to amend article 636, chapter 3, title 8 of the Code of Criminal Procedure of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it lie on the table, because Senate bill No. 37, embracing the same object, has heretofore been reported by the committee.

All of which is respectfully submitted.

DAVIS, Chairman.
COMMITTEE ROOM,
AUSTIN, January 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 76, entitled "An act to authorize district judges to change the venue in cases of felony before indictment found," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

DAVIS, Chairman.
COMMITTEE ROOM,
AUSTIN, January 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 74, entitled "An act to amend chapter 3 of 'an act to adopt and establish a Penal Code of the State of Texas,' by inserting article 355a," have carefully examined the same, and instruct me to report it back with the recommendation that it do not pass. The bill seeks to make it a misdemeanor for any person to play at a game of cards upon which anything of value is staked.

All of which is respectfully submitted.

DAVIS, Chairman.

Senator Calhoun gave notice of intention of submitting a minority report on Senate bill No. 74.

COMMITTEE ROOM,
AUSTIN, January 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Sen-

ate bill No. 82, entitled "An act to amend articles 606 and 609, and to repeal article 607, chapter 15 of title 15 of the Penal Code of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

The bill seeks to abolish the distinction between murder of the first and second degree, and to punish all murder as murder of the first degree is now punished.

All of which is respectfully submitted.

DAVIS, Chairman.

By Senator Traylor:

COMMITTEE ROOM,
AUSTIN, January 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance to whom was referred Senate bill No. 112, entitled "An act to provide for the issuance and sale of the bonds of the State, to supply deficiencies in the revenue, and to provide the mode and manner of the sale of said bonds," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the following amendment, viz: Amend by striking out all of the bill relating to coupon bonds, as it is ascertained by the committee there will be sufficient money in the State Treasury belonging to the special funds to take up the bonds herein provided for.

All of which is respectfully submitted.

TRAYLOR, Chairman.

COMMITTEE ROOM,
AUSTIN, January 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred substitute House bill No. 27, entitled "An act to authorize the transfer of occupation licenses," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

TRAYLOR, Chairman.

COMMITTEE ROOM,
AUSTIN, January 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred House bill No. 4, entitled "An act to amend article 2402, title 42, chapter 3 of the Revised Statutes of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with following amendments, viz:

Section 1: Strike out the word "five" and insert the word "four."

Section 1: In first proviso, strike out the word "twenty" and insert the word "sixteen."

All of which is respectfully submitted.

TRAYLOR, Chairman.

By Senator Kilgore:

COMMITTEE ROOM,
AUSTIN, January 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution, No. 1, entitled "Joint resolution proposing an amendment to section 12 of article 8 of the Constitution," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate, with the accompanying substitute, with the recommendation that said substitute do pass.

All of which is respectfully submitted.

KILGORE, Chairman.

COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 1.

The Legislature shall provide for the assessment and collection of State, county and special taxes upon all property subject to taxation situated in unorganized counties; provided, that until such provision is made by the Legislature, such taxes shall be assessed and collected as now required by law.

COMMITTEE ROOM,
AUSTIN, January 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 3, entitled "Joint resolution amending section 1, article 6 of the Constitution of

the State of Texas," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate, with accompanying amendments, with the recommendation that it do pass as amended.

All of which is respectfully submitted.

KILGORE, Chairman.

COMMITTEE AMENDMENTS TO JOINT RESOLUTION NO. 3.

No. 1. To third subdivision add the words "city or town."

No. 2. To fourth subdivision: Strike out all after the word "any" and insert "felony. And the Legislature may provide for the disfranchisement of persons convicted of crimes other than felonies."

Senator Houston of Wheeler offered the following minority report:

COMMITTEE ROOM,
AUSTIN, January 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

The undersigned, a minority of your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 3, proposing to amend section 1, article 6 of the Constitution, dissenting from the views of a majority of your committee, beg leave to submit this our minority report.

The joint resolution proposes to prohibit all persons from voting who cannot show that they have paid a poll tax, if subject thereto. We are of the opinion that there is no greater reason for the requirement in regard to poll tax than to all dues to the government. It is a dangerous innovation to make the payment of money or the ability to pay money a prerequisite to the right of suffrage.

Without going into details, we believe that such an innovation would tend to corrupt the ballot box by increasing the use and influence of money in our elections, and thereby do much harm. It certainly would not accomplish the good purpose intended by the author of the resolution.

For these and other reasons which we think are apparent, we respectfully recommend that the resolution do not pass.

HOUSTON of Wheeler,
HOUSTON of Bexar,
GETZENDANER,
TRAYLOR,

For minority.

COMMITTEE ROOM,
AUSTIN, January 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 2, entitled "Joint resolution amending sections 2, 5 and 7 of article 5 of the Constitution," have carefully examined the same, and instruct me to report the same back to the Senate with the request that fifty copies of the same be printed for the use of the committee.

All of which is respectfully submitted.

KILGORE, Chairman.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, January 22, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred Senate bill No. 115, entitled "An act to amend section 24 of 'an act to redistrict the State into judicial districts, and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass. The only purpose of this bill is to change the time of holding the district court in Aransas and Refugio counties, and this change is desired by the presiding judge of the district court, and, it is believed by the bar and people generally of those counties.

All of which is respectfully submitted.

FOWLER, Chairman.

BILLS AND RESOLUTIONS.

By Senator Taylor:

A bill to regulate the collection of taxes and to provide for prompt settlement by collectors.

Referred to Finance Committee.

A bill making an appropriation for the support of the State government from March 1, 1885, to August 31, 1885.

Referred to Finance Committee.

By Senator Hall:

A bill to amend section 2 of an act to provide for the payment of the expenses of attached witnesses in felony cases.

Referred to Judiciary Committee No. 2.

By Senator Bell:

A bill to amend articles 1719, 1720, 1721, 1722, 1723, 1731, 1743, 1744 and 1752 of chapter 6, title 34 of the Revised Statutes.

Referred to Judiciary Committee No. 1.

On motion of Senator Knittle,

Senator Glasscock was excused for the day.

On motion of Senator Shannon,

Senator Perry was excused for the day.

On motion of Senator Fowler,

House bill No. 81, making an appropriation for defraying the contingent expenses of the Nineteenth Legislature, was taken up out of its regular order, and

The bill read a second time and passed to third reading.

On motion of Senator Traylor,

The rules were suspended, and

Bill placed on its third reading by the following vote:

YEAS—24.

Bell,	Harrison,	Pfeuffer,
Calhoun,	Houston of Bexar,	Pope,
Camp,	Houston of Wheeler,	Randolph,
Davis,	Johnson,	Shannon,
Evans,	Kilgore,	Stinson,
Fowler,	Kleberg,	Terrell,
Garrison,	Knittle,	Traylor,
Getzendaner,	Peacock,	Woods.

NAYS—none.

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

YEAS—24.

Bell,	Hall,	Peacock,
Calhoun,	Harrison,	Pfeuffer,
Camp,	Houston of Bexar,	Pope,
Davis,	Houston of Wheeler,	Randolph,
Evans,	Johnson,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Getzendaner,	Knittle,	Woods.

NAYS—none.

Senate bill No. 8 was called up as unfinished business.

Senator Davis moved that action on the bill be postponed, and that it be made the special order for Monday after morning call.

Withdrawn.

Senator Woods called up his motion, entered to reconsider the vote by which the amendment of Senator Jones was on yesterday adopted.

The motion carried, and

The vote of the Senate on yesterday adopting the amendment of Senator Jones was reconsidered.

Senator Kilgore entered a motion to reconsider the vote by which the Senate on yesterday refused to adopt the amendment to Senate bill No. 8, offered by Senator Peacock.

Senator Getzendaner withdrew his motion to reconsider the vote by which the third committee amendment was adopted.

Senator Davis renewed his motion to postpone

action on the bill, and make it the special order for Monday, after morning call.

Adopted.

On motion of Senator Houston of Wheeler, Senator Jones was excused for the day.

On motion of Senator Davis,

Senate bill No. 32, "An act to further regulate the waiver of service and the confession of judgments in civil suits." was taken up out of its regular order.

The bill was read second time, and

The first and second committee amendments were adopted.

Senator Bell offered to amend by striking out section 2, except the committee amendment.

Adopted.

Senator Davis offered to amend by adding

Sec. 3. The importance of this bill, and the near approach of the close of the session endangering its passage, creates an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is suspended.

Adopted, and the bill ordered engrossed.

On motion of Senator Davis,

The rules were suspended and the bill put on its final passage.

Bill read third time and passed by the following vote:

YEAS—22.

Bell,	Harrison,	Pfeuffer,
Calhoun,	Houston of Bexar,	Randolph,
Davis,	Houston of Wheeler,	Shannon,
Evans,	Johnson,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Getzendaner,	Peacock,	Woods.
Hall,		

NAYS—none.

On motion of Senator Peacock, Senate bill No. 88, "An act to further regulate attachments in county and justices' courts," was taken up out of its regular order and read second time.

On motion of Senator Peacock,

The words "being left," in line 16, on first page in printed bill, were stricken out.

Senator Davis offered the following amendment:

Strike out all from "necessary," in third line, to "but," in fifth line.

Adopted, and

The bill ordered engrossed.

Senator Peacock moved to suspend the constitutional rule, etc., and put the bill on its third reading.

Adopted by the following vote:

YEAS—24.

Bell,	Hall,	Peacock,
Calhoun,	Harrison,	Pfeuffer,
Camp,	Houston of Bexar,	Randolph,
Davis,	Houston of Wheeler,	Shannon,
Evans,	Johnson,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Getzendaner,	Knittle,	Woods.

NAYS—none.

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

YEAS—24.

Bell,	Hall,	Peacock,
Calhoun,	Harrison,	Pfeuffer,
Camp,	Houston of Bexar,	Randolph,
Davis,	Houston of Wheeler,	Shannon,
Evans,	Johnson,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Getzendaner,	Knittle,	Woods.

NAYS—none.

On motion of Senator Evans,

Senate bill No. 79, "An act requiring the Comptroller of Public Accounts, Commissioner of the General Land Office and State Treasurer to employ females when their services can be had to fill one, half the clerkships in the several departments under the control of these officers," was taken up out of its regular order and made special order for Tuesday next after morning call.

On motion of Senator Fowler,

The order of business was suspended, and

Senate bill No. 115, "An act to amend section 24 of 'an act to redistrict the State into judicial districts, and fix the times for holding court therein,'" was taken up out of its regular order, read second time and ordered engrossed.

On motion of Senator Fowler,

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

YEAS—22.

Bell,	Harrison,	Peacock,
Calhoun,	Houston of Bexar,	Pope,
Camp,	Houston of Wheeler,	Randolph,
Evans,	Johnson,	Shannon,
Fowler,	Kilgore,	Stinson,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittle,	Woods.
Hall,		

NAYS—none.

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

YEAS—24.

Bell,	Hall,	Pfeuffer,
Calhoun,	Harrison,	Pope,
Camp,	Houston of Wheeler,	Randolph,
Davis,	Johnson,	Shannon,
Evans,	Kilgore,	Stinson,
Fowler,	Kleberg,	Terrell,
Garrison,	Knittle,	Traylor,
Getzendaner,	Peacock,	Woods.

NAYS—none.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, January 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

SIR—I am instructed to report to your honorable body the passage by the House of the following bill and resolution, to-wit:

Senate bill No. 12, "An act to prescribe the times for holding district courts in the thirty-sixth judicial district of Texas."

Resolved, That a committee of six members on the part of the House be appointed by the Speaker to confer with a like committee from the Senate, on the propriety of so amending the Capitol contract as to have the new State Capitol built of granite.

A. D. SADLER,
Chief Clerk of House.

Senator Shannon moved that a committee of four be appointed on the part of the Senate, to act with a like committee of six on the part of the House, on the propriety of so amending the Capitol contract as to have the new State Capitol built of granite.

Adopted.

The following bills were introduced by permission:
By Senator Kleberg:

A bill prescribing and fixing the venue of suits against foreign corporations, joint stock companies or associations, or acting corporations or associations doing business in this State, and to provide the mode of serving process on such corporations or associations.

Referred to Judiciary Committee No. 1.

By Senator Pope:

An act to preserve the records and papers in criminal cases.

Referred to Judiciary Committee No. 2.

By Senator Houston of Bexar:

An act to establish a State Board of Medical Examiners and to regulate the practice of medicine and surgery in the State of Texas, also defining the duties of such board.

Referred to Committee on Public Health.

Senate Bill No. 34, "An act to amend articles 730 and 731 of the Code of Criminal Procedure of the State of Texas," was taken up in its regular order, read a third time and passed.

On motion of Senator Harrison,

The order of business was suspended, and

Senate bill No. 19, "An act to amend and carry into effect article 4170 of the Revised Statutes of Texas, adopted by the regular session of the Sixteenth Legislature, A. D. 1879," was taken up out of its regular order and read a second time.

Senator Terrell offered the following amendment to the committee amendment:

Amend by striking out the words "one-half shall go to the informer when recovered, and the other half to the road and bridge fund of the county," and insert the words "such penalty so recovered shall go to the road and bridge fund of the county in which the suit is brought."

Also to strike out from and including the word "by" in the seventh line of committee amendment, to and including the word "suit" in ninth line.

Adopted.

Senator Getzendaner offered the following amendment:

Amend line four, page three, by inserting "ten" instead of "twenty-five."

Adopted by the following vote:

YEAS—21.

Bell,	Getzendaner,	Pfeuffer,
Calhoun,	Hall,	Pope,
Camp,	Johnson,	Randolph,
Davis,	Kilgore,	Shannon,
Evans,	Kleberg,	Stinson,
Fowler,	Knittle,	Terrell,
Garrison,	Peacock,	Traylor.

NAYS—4.

Harrison,
Houston of Bexar,

Houston of Wheeler, Woods.

Senator Davis withdrew his amendment.

The committee amendment as amended was adopted.

Senator Bell offered the following amendment to the bill:

Amend by adding after the word "canal," in the twelfth line, the words, "thus intersected or touched."

Adopted.

Senator Harrison offered to amend by adding emergency clause.

Withdrawn.

Senator Terrell offered the following amendment:

Amend by striking out the words "the same" in the thirteenth line, and insert the words "the crossing thereon."

Adopted.

Senator Peacock moved to strike out all after the word "article" in line 16 down to and including the word "State" in line 17.

Withdrawn.

Senator Kilgore offered to amend by striking out all after the word "State," line 17, page 1.

Adopted, and bill ordered engrossed.

On motion of Senator Woods,

Senate bill No. 57, entitled "An act to amend article 714 of the Code of Criminal Procedure," was taken up and made the special order after the first special order for Tuesday morning, after the morning call.

On motion, Senate bill No. 10, "An act to amend article 4, title 2 of the Revised Statutes of Texas," was taken up and recommitted.

The President gave notice of signing Senate bill No. 5, "An act to reorganize the twenty-eighth judicial district of the State of Texas, and to prescribe the times for holding the district court therein."

On motion of Senator Shannon,

The Senate adjourned till 10 o'clock Monday morning.

TWELFTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, January 26, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Houston of Wheeler,

The reading of the journal of yesterday was dispensed with.

REPORTS OF STANDING COMMITTEES.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, January 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills, have carefully examined and compared Senate bill No. 115, being "An act to amend section 24 of 'an act to redistrict the State in judicial district and fix the times for holding court therein,' etc., approved April 9, 1883," and find the same correctly engrossed.

BELL, Chairman.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, January 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 5, being "An act to reorganize the twenty-eight judicial district of the State of Texas and provide the time for holding the district court therein," and find the same correctly enrolled, and have this day at 11:45 o'clock, a. m., presented the same to the Governor for his approval.

FOWLER, Chairman.

REPORTS OF SPECIAL COMMITTEES.

By Senator Evans:

COMMITTEE ROOM,
AUSTIN, January 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Printing would respectfully state that, in accordance with a resolution of the Senate adopted January 22, requiring your Committee on Public Printing to inquire into or ascertain the cause of "the delay in publishing the bills introduced and reports of committees of the Senate on such bills," would respectfully state that they are informed by the printer who publishes the same that the delay is caused by reason of his not being able to get said bills and reports until the next day after the one in which they are returned into the Senate; that if said bills and reports are placed in his hands on the day of their return, that he will have them ready by the ensuing day.

We would therefore recommend that the Journal Clerk or Calendar Clerk be required to place these bills and committee reports into the hands of the printer immediately after their return by the committee into the Senate.

All of which is respectfully submitted.

EVANS, Chairman.

On motion of Senator Kleberg,
Senator Knittle was excused until Wednesday.
On motion of Senator Shannon,
Senator Perry was excused for the day.
On motion of Senator Traylor,
Senator Peacock was excused till Thursday.

BILLS AND RESOLUTIONS.

By Senator Glasscock:

A bill to protect the public property of the State.
Referred to Committee on Public Buildings and Grounds.

By Senator Hall:

"An act to establish and define the land districts in this State."

Referred to Committee on General Land Office.

"An act to give effect to section 2, article 14 of the Constitution."

Referred to Committee on General Land Office.

By Senator Bell:

"An act to define and punish the conversion of personal property by heirs, borrowers and other bailies."

Referred to Judiciary Committee No. 2.

By Senator Jones:

"An act to amend article 610, chapter 5 of the Revised Civil Statutes of the State."

Referred to Judiciary Committee No. 2.

Senator Bell offered the following privileged report:

COMMITTEE ROOM,
AUSTIN, January 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 32, being "An act to further regulate the waiver of service and the confession of judgments in civil suits," and find the same correctly engrossed.

BELL, Chairman.

The President gave notice of signing House bill No. 81, defraying contingent expenses of the Nineteenth Legislature.

Senate bill No. 8, amending the corporation laws, was taken up as a special order.

Senator Jones withdrew his amendment.

Senator Harrison offered to amend the amendment offered by Senator Houston of Wheeler, as follows:

Section 27. That all lands heretofore acquired by any pri-

vate corporation created under the provisions of any law of this State, shall, within five years from the time this act takes effect, be disposed of, and sold to some individual person in fee simple, and all lands hereafter acquired by such corporation shall in like manner be sold and disposed of within five years from the date of such acquisition, and every conveyance made by any corporation to evade the provisions of this act shall work a forfeiture of the franchise and other corporate rights of such corporations.

Lost by the following vote:

YEAS—3.

Harrison,	Kilgore,	Randolph.
	NAYS—24.	

Bell,	Garrison,	Jones,
Calhoun,	Getzendaner,	Kleberg,
Camp,	Glasscock,	Pope,
Davis,	Hall,	Shannon,
Douglass,	Houston of Bexar,	Stinson,
Evans,	Houston of Wheeler,	Terrell,
Farrar,	Jerdone,	Traylor,
Fowler,	Johnson,	Woods.

ABSENT, NOT VOTING.

Pfeuffer.

The amendment of Senator Houston of Wheeler was lost by the following vote:

YEAS—4.

Houston of Wheeler,	Pope,	Randolph.
Jones,		

NAYS—23.

Bell,	Garrison,	Kilgore,
Calhoun,	Getzendaner,	Kleberg,
Camp,	Glasscock,	Shannon,
Davis,	Hall,	Stinson,
Douglass,	Harrison,	Terrell,
Evans,	Houston of Bexar,	Traylor,
Farrar,	Jerdone,	Woods.
Fowler,	Johnson,	

ABSENT, NOT VOTING.

Pfeuffer.

Senator Woods offered the following amendment:

Amend article 565, line 8, in subdivision 2, after the word "charitable" insert the word "educational."

Adopted.

Senator Houston of Bexar offered the following amendment:

Strike out in the caption of the bill all after the word "statutes" in second line.

Adopted.

Senator Houston of Bexar withdrew his substitute.

The bill was engrossed by the following vote:

YEAS—17.

Bell,	Getzendaner,	Shannon,
Calhoun,	Harrison,	Stinson,
Camp,	Jerdone,	Terrell,
Davis,	Johnson,	Traylor,
Evans,	Jones,	Woods.
Fowler,	Randolph,	

NAYS—9.

Farrar,	Hall,	Kilgore,
Garrison,	Houston of Bexar,	Kleberg,
Glasscock,	Houston of Wheeler,	Pope.

Senator Woods moved to suspend the rules and that the bill be put on its third reading.

Withdrawn.

House bill No. 4, "An act to amend article 2402, title 42, chapter 3 of the Revised Statutes," was laid before the Senate and read second time.

On motion of Senator Traylor,

Action on the bill was postponed, and one hundred copies of the same ordered printed for the use of the Senate.

By leave,
Senator Calhoun submitted the following minority report:

SENATE BILL NO. 74—MINORITY REPORT.

COMMITTEE ROOM,
AUSTIN, January 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

A minority of your Judiciary Committee No. 2, to whom was referred Senate bill No. 74, entitled "An act to amend chapter 3 of 'an act to adopt and establish a Penal Code of the State of Texas,' by inserting therein article 355a," and upon which a majority of your committee have reported unfavorably, and recommended that it do not pass, beg leave to submit a minority report, and ask that said bill be adopted, with the following amendment, to-wit:

Immediately after the word "shall," in the line 11 of the original bill, insert the words "at any place other than the residence of a private family."

And as so amended, a minority of your committee ask that said bill be passed.

All of which is respectfully submitted.

CALHOUN, for Minority.

Substitute House bill No. 27, "An act to authorize the transfer the transfer of occupation licenses," was laid before the Senate and read second time.

On motion of Senator Kilgore,

Action on the bill was postponed, and one hundred copies of same ordered printed, and it was made special order for Wednesday, after morning call.

The following communication was received and read:

AUSTIN, January 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Prior to the last general session of the Legislature, Col. John G. James requested me to present in some formal way with appropriate remarks, to the Senate of Texas, a portrait of General Stephen F. Austin. Lack of time from official duties then prevented the presentation of that portrait, with such remarks as the Senate might have been willing to hear. Permit me now, in this informal manner, to present, for Col. James, to the Senate of Texas, the portrait of General Stephen F. Austin, which I send with this note.

Respectfully,

A. W. TERRELL.

On motion of Senator Jones,

The communication was received and ordered spread upon the journals of the Senate, and the Sergeant-at-Arms was instructed to hang the portrait within the hall of the Senate chamber, and the thanks of the Senate were extended Col. James for the gift.

The following message was received from the House:

AUSTIN, January 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage by the House of the following bill:

House bill No. 15, a bill to be entitled "An act to amend sections 4 and 16 of an act entitled 'an act for the protection of the wool growing interests of the State of Texas,' approved April 11, 1833."

A. D. SADDLER, Chief Clerk.

(Senator Getzendaner in the chair.)

On motion of Senator Traylor.

Senate bill No. 71, "An act to transfer to the general revenue account certain funds now in the State Treasury to the order of other accounts," was taken up out of its regular order.

Read second time and ordered engrossed.

On motion of Senator Traylor,

The constitutional rule requiring bills to be read on three several days, was suspended by the following vote:

YEAS—23.

Bell,	Harrison,	Pope,
Calhoun,	Houston of Wheeler,	Randolph,
Camp,	Jerdone,	Shannon,
Farrar,	Johnson,	Stinson,
Fowler,	Jones,	Terrell,
Garrison,	Kilgore,	Traylor,
Glasscock,	Kleberg,	Woods.
Hall,	Pfeuffer,	

NAYS—1.

Evans.

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

YEAS—22.

Bell,	Harrison,	Pope,
Calhoun,	Jerdone,	Randolph,
Camp,	Johnson,	Shannon,
Farrar,	Jones,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Glasscock,	Pfeuffer,	Woods.
Hall,		

NAYS—4.

Davis,
Evans.

Houston of Bexar, Houston of Wheeler.

On motion of Senator Houston of Bexar,

The rules were suspended and Senate bill No. 110, "An act to amend an act entitled 'an act to regulate the appointments of Notaries Public,' etc., approved April 1, 1881," was taken up, with pending amendments by the committee.

Amendments adopted.

Senator Fowler offered the following amendment:

Strike out the word "under" on second page, in second line, and insert the word "on."

Adopted.

On motion of Senator Houston of Bexar,

The constitutional rule was suspended by the following vote:

YEAS—24.

Bell,	Hall,	Kleberg,
Calhoun,	Harrison,	Pfeuffer,
Camp,	Houston of Bexar,	Pope,
Evans,	Houston of Wheeler,	Randolph,
Farrar,	Jerdone,	Shannon,
Fowler,	Johnson,	Terrell,
Garrison,	Jones,	Traylor,
Glasscock,	Kilgore,	Woods.

NAYS—1.

Stinson.

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

YEAS—24.

Bell,	Glasscock,	Kilgore,
Calhoun,	Hall,	Kleberg,
Camp,	Harrison,	Pfeuffer,
Davis,	Houston of Bexar,	Pope,
Evans,	Houston of Wheeler,	Randolph,
Farrar,	Jerdone,	Shannon,
Fowler,	Johnson,	Terrell,
Garrison,	Jones,	Traylor.

NAYS—2.

Stinson,

Woods.

On motion of Senator Pope,

Senate bill No. 35, "An act to amend article 3602,

chapter 15 of the general laws of Texas, passed by the called session of the Seventeenth Legislature, approved May 4, A. D. 1882, relating to the hiring of county convicts," was taken up out of its regular order.

The question being on the adoption of the amendment submitted by the committee reporting said bill,

The amendment was adopted.

The question being on the engrossment of the bill, it was ordered engrossed.

The President pro tem. laid before the Senate, Senate bill No. 2, "An act to amend article 496, chapter 2, title 19, of the Penal Code" with majority and minority reports, the majority opposing the passage of the bill, and the minority favoring it.

(The President in the chair.)

Senator Kleberg moved to substitute the minority for the majority report.

Lost, by the following vote:

YEAS—12.

Bell,	Fowler,	Johnson,
Calhoun,	Getzendaner,	Kilgore,
Camp,	Glasscock,	Kleberg,
Evans,	Harrison,	Stinson.

NAYS—14.

Davis,	Jerdone,	Shannon,
Farrar,	Jones,	Terrell,
Hall,	Pfeuffer,	Traylor,
Houston of Bexar,	Pope,	Woods.
Houston of Wheeler,	Randolph,	

Senator Davis moved the adoption of the majority report.

Carried by the following vote:

YEAS—16.

Davis,	Houston of Wheeler,	Randolph.
Farrar,	Jerdone,	Shannon,
Garrison,	Jones,	Terrell,
Glasscock,	Pfeuffer,	Traylor,
Hall,	Pope,	Woods.
Houston of Bexar,		

NAYS—11.

Bell,	Fowler,	Kilgore,
Calhoun,	Getzendaner,	Kleberg,
Camp,	Harrison,	Stinson.
Evans,	Johnson,	

Which disposed of the bill.

Senator Kilgore, by leave, introduced a bill entitled "An act to amend article 110, chapter 6 of the Revised Statutes."

Referred to Judiciary Committee No. 1.

Senator Evans submitted the following written reason for voting against the passage of Senate bill No. 71, "An act to transfer to the general-revenue account certain funds now in the State treasury to the credit of other accounts:"

My reason for voting against the bill is because I believe it in conflict with section 7, article 8 of the Constitution of the State of Texas.

W. A. EVANS.

On motion of Senator Pope,
The Senate adjourned till 10 o'clock to-morrow morning.

THIRTEENTH DAY.

SENATE CHAMBER. }
AUSTIN, January 27, 1885. }

The Senate met pursuant to adjournment.
Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Randolph,

The reading of the journal of yesterday was dispensed with.

On motion of Senator Pope,
Secretary Ramey was excused from non-attendance, on account of sickness.

On motion of Senator Terrell,

Postmaster Drew was excused from attendance Monday, Tuesday and Wednesday, on account of urgent business.

REPORTS FROM STANDING COMMITTEES.

By Senator Houston of Bexar:

COMMITTEE ROOM,
AUSTIN, January 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 93, entitled "An act to require the record of official bonds and other bonds or contracts, in which the State of Texas or any county thereof is interested," have carefully examined the same, and a majority of said committee instruct me to report the same back to the Senate with the recommendation that it do not pass.

Respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, January 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 111, entitled "An act to further regulate the practice in the district, county and justice courts of the State of Texas," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do not pass.

Respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, January 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 126, entitled "An act prescribing and fixing the venue of suits against foreign corporations, joint stock companies or associations, or acting corporations or associations, doing business in this State, and to provide the mode of serving process on such corporations or associations," have carefully examined the same, and a majority of said committee instruct me to report the same back to the Senate with the accompanying amendments, with the recommendation that it do pass as amended.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE AMENDMENTS TO SENATE BILL NO. 126.

1. Amend section 1 by adding the words "or in the county where the plaintiffs, or either of them, reside."

2. Amend section 2 so as to read: "Section 2. In any suit against any foreign private or public corporation, joint stock company or association, or acting corporation or association, citation or other process may be served on the president, vice-president, secretary or treasurer, or general manager, or upon any local agent within this State of such corporation, joint stock company or association, or acting corporation or association."

3. Strike out section 3 (emergency clause).

COMMITTEE ROOM,
AUSTIN, January 26, 1885.

Hon. Barnett Gibbs, President of the Senate :

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 69, entitled "An act establishing a reformatory farm for the confinement, reform and utilization of convicts under the age of eighteen years," have carefully examined the same, and instruct me to report the same back to the Senate and recommend that it be referred to the Committee on Penitentiaries.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, January 26, 1885.

Hon. Barnett Gibbs, President of the Senate :

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 101, entitled "An act to authorize the Governor to grant pardons and to regulate the mode, manner and procedure therefor, and to provide for the revoking of pardons and to prescribe a penalty for violating the conditions of a pardon," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it be referred to Judiciary Committee No. 2.

Respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, January 26, 1885.

Hon. Barnett Gibbs, President of the Senate :

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 10, entitled "An act to amend article 4, title 2, of the Revised Statutes of the State of Texas," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the accompanying substitute, with the recommendation that the said substitute do pass.

Respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 10.

An act to amend article 8 of title 2 of Revised Statutes of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That article 8, title 2, of the Revised Civil Statutes of the State of Texas be so amended as to read as follows:

"Article 8. All oaths, affidavits or affirmations necessary or required by law, may be administered and a certificate of the fact given by any judge or clerk of a court of record, or by any notary public within this State."

COMMITTEE ROOM,
AUSTIN, January 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 68, entitled "An act to regulate assignments for the benefit of creditors, and to repeal the assignment act of the Sixteenth Legislature, approved March 24, 1879, and the amendments thereto, passed by the Eighteenth Legislature, and approved April 7, 1883," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do not pass, the present law relating to the subject being, in their opinion, sufficient.

Respectfully submitted.

HOUSTON of Bexar, Chairman.

Senator Harrison submitted the following minority report to Senate bill No. 68:

COMMITTEE ROOM,
AUSTIN, January 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 68, entitled "An act to regulate assignments for the benefit of creditors, and to repeal the present assignment laws, a majority of which committee having reported adversely to said bill, the minority beg leave to submit the following reasons why the bill should become a law:

1. The present law permits an insolvent debtor to be discharged upon the payment of one-third of his indebtedness; whereas the proposed law requires one-half to be paid.

2. The present law fails to provide for adequate notice to creditors by assignee; whereas the proposed law provides for full and specific notice.

3. The present law requires six months to elapse before any distribution or final settlement of assignor's estate can be made; the proposed law reduces it to four.

4. The present law fails to specify the amount of assignee's bond, or fix the number of sureties on same; the proposed law does both.

5. The present law legalizes a fraudulent assignment, and prohibits it from being assailed for fraud in the courts, whereas the proposed law prohibits fraud and requires every assignment to be made in good faith, and not for the purpose of hindering, delaying and defrauding creditors.

6. The present law permits a fraudulent assignor, after he has transferred a part of his estate to a third person, to assign the remainder under section 3 of the act, and exact releases; whereas the proposed law, in such a case, takes away that right, and requires him to make a general assignment for all creditors.

7. The present law is silent as to when the assignment shall be recorded; whereas the proposed law requires it to be recorded immediately upon being delivered to the assignee.

8. The present law is vague, indefinite and uncertain as to the mode and manner of closing up the assigned estate, and distributing the excess in hands of assignee, and permits such settlement to be made, and the assignee to file his final report and obtain a discharge without notice being given to any one; whereas the proposed law makes full, ample and complete provisions for the closing up and final settlement of the assigned estate, and requires the assignee to give twenty days notice to all parties interested before filing such report for final settlement.

9. The present law permits any person to act as assignee; whereas the proposed law prohibits any kinsman or creditor from acting as assignee.

10. The present law is silent as to when the title to the assigned property passes to the assignee. The proposed law fixes the time.

11. The present law fails to provide what shall be done with assigned property in case no creditor accepts the terms of the assignment; whereas the proposed law makes ample provisions for such a contingency.

We submit that the present law is seriously defective, and owing to this fact, and the further fact that the Federal courts and State courts have given such different constructions to the law as to leave our home creditors to the mercy of non-resident creditors, we therefore report the bill back with the recommendation that it do pass.

All of which is respectfully submitted.

HARRISON,
KLEBERG,
WOODS.

By Senator Houston of Bexar:

COMMITTEE ROOM,
AUSTIN, January 26, 1885.

Hon. Barnett Gibbs, President of the Senate :

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 92, entitled "An act to provide the manner of serving citations on foreign corporations doing business within this State," have carefully examined the same, and a majority of said committee instruct me to report the same back to the Senate with the recommendation that it lie on the table, the committee having reported favorably a bill relating to the same subject.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

By Senator Davis:

COMMITTEE ROOM,
AUSTIN, January 26, 1885.

Hon. Barnett Gibbs, President of the Senate :

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 65, entitled "An act to amend article 690, chapter 90 of the Penal Code of the State, amended April 4, 1881," have carefully examined the same, and instruct me to report the accompanying substitute therefor, and to recommend that such substitute do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 84, entitled "An act to amend article 178, chapter 4 of title 6 of the Penal Code, so as to prevent selling

liquors on election day," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

Under the present statute a person cannot be convicted for keeping open a saloon or other place where intoxicating liquors are sold on election day, unless in his election precinct. The bill amends the law so as to make it an offense to have open a bar-room in any precinct in which an election is being held.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 26, 1885.

Hon. Barnett Gibbs, President of the Senate :

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 85, entitled "An act to amend article 685, title 8, chapter 5 of the Code of Criminal Procedure of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do lie on the table, because Senate bill No. —, embracing the same subject, has heretofore been reported by the committee.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 26, 1885.

Hon. Barnett Gibbs, President of the Senate :

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 89, entitled "An act to amend chapter 4 of title 7 of the Code of Criminal Procedure of the State of Texas, by adding article 451a immediately after article 451, for the purpose of specifying what notice shall be given before amendment to scire facias proceedings made," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 26, 1885.

Hon. Barnett Gibbs, President of the Senate :

Your Judiciary Committee No. 2, to who was referred Senate bill No. 90, entitled "An act to amend article 3031 of the Revised Civil Statutes of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass. The bill provides that only twelve jurors shall be kept in attendance upon the district court and six on the county court, instead of twenty-four on the district court and twelve on the county court, as now prescribed by law.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 26, 1885.

Hon. Barnett Gibbs, President of the Senate :

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 91, entitled "An act to repeal articles 3051, 3052, 3053, and to amend article 3055 of the Revised Civil Statutes of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass. The bill seeks to amend the articles named so as to conform to the changes proposed in Senate bill No. 90.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 26, 1885.

Hon. Barnett Gibbs, President of the Senate :

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 94, entitled "An act to amend article 685 of the Code of Criminal Procedure," have carefully examined the same, and instruct me to report the same back with the recommendation that it do lie on the table, because Senate bill No. —, embracing the same object, has heretofore been reported by this committee.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 26, 1885.

Hon. Barnett Gibbs, President of the Senate :

Your Judiciary Committee No. 2, to whom was referred Sen-

ate bill No. 95, entitled "An act to amend articles 749 and 750 of the Code of Criminal Procedure," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

The main purpose of the bill is to render the confessions of the defendant made under compulsion, or while in prison or in custody, admissible as evidence, and sufficient to convict when corroborated by other evidence.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 26, 1885.

Hon. Barnett Gibbs, President of the Senate :

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 97, entitled "An act amending chapter 3, article 816, of the Penal Code of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 26, 1885.

Hon. Barnett Gibbs, President of the Senate :

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 103, entitled "An act to amend articles 3227, 3228, 3229, 3230, 3231, 3233, 3234, 3239 of, and to add article 3233a to, title 63 of the Revised Statutes of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 26, 1885.

Hon. Barnett Gibbs, President of the Senate :

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 113, entitled "An act to repeal section 4 of an act entitled 'an act defining who are officers of the State, and prescribing their rights, powers, duties and privileges,' approved February 15, 1881," have carefully examined the same, and the majority of the committee instruct me to report the same back with a recommendation that it do pass.

The bill seeks to repeal the fourth section of the act of February 15, 1881, which provides that no court of this State shall have power, authority or jurisdiction to issue the writ of mandamus, or injunction, or any other mandatory or compulsory writ or process, against any of the officers of the executive departments of the government of this State, to order or compel the performance of any act or duty which by the laws of this State they, or either of them, are authorized to perform, whether such act or duty be judicial, ministerial or discretionary.

All of which is respectfully submitted.

DAVIS, for Committee.

COMMITTEE ROOM,
AUSTIN, January 26, 1885.

Hon. Barnett Gibbs, President of the Senate :

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 132, entitled "An act to define and punish the conversion of personal property by hirers, borrowers and other bailees," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, January 26, 1885.

Hon. Barnett Gibbs, President of the Senate :

Your Committee on Engrossed bills have carefully examined and compared Senate bill No. 19, being "An act to amend and carry into effect article 4170 of the Revised Statutes of Texas," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, January 27, 1885.

Hon. Barnett Gibbs, President of the Senate :

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 110, being "An act to amend an act entitled 'an act to regulate the appointment of notaries

public,' etc., approved April 1, 1881," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, January 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 71, being "An act to transfer to the general revenue account certain funds now in the State treasury to the credit of other accounts," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, January 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 88, being "An act to further regulate attachments in county and justices' courts," and find the same correctly engrossed.

BELL, Chairman.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, January 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred Senate bill No. 121, entitled "A bill to be entitled an act to amend section 35 of an act entitled 'an act to redistrict the State into judicial districts, and to fix the time for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the accompanying amendment.

The purpose of this bill is to change the time of holding the district court in the several counties of the thirty-fifth judicial district, and to make all process issued from the district courts of said counties returnable to the terms of court as fixed by this bill. This change is recommended by the presiding judge of said district.

All of which is respectfully submitted.

FOWLER, Chairman.

COMMITTEE AMENDMENT TO SENATE BILL NO. 121.

Amend by adding an emergency clause to the bill.

By Senator Houston, of Wheeler:

"An act to amend articles 29 and 30 of the Code of Criminal Procedure for the State of Texas."

Referred to Judiciary Committee No. 2.

By Senator Jones:

"An act to provide for the selection and purchase of a site for, and the building thereon, of a new State penitentiary, and to make an appropriation therefor."

Referred to Committee on Penitentiaries.

"An act to amend article 3200 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas.'"

Referred to Judiciary Committee No. 1.

By Senator Pfeuffer:

A bill entitled "An act to amend sections 2, 9, 12, 22, 23, 29, 30, 33, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 51, 53, 54, 56, 57, 59, 60, 61, 62, 63, 64, 68, 73, 75, 77, 78, 79, 79d, 83, 84, 85 and 87 of an act entitled 'an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, of title 78, of the Revised Civil Statutes of Texas as refer to public free schools outside of incorporated cities and towns, assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act,' the same being chapter 25, general laws of the special session of the Eighteenth Legislature, 1884;

and to add thereto section 12a, 12b, 12c, 12d, 12e, and sections 58a, 58b and 58c, and repealing all laws and parts of laws in conflict with the provisions of this act and the original act of which it is amendatory."

On motion of Senator Davis, two hundred copies of the bill were ordered printed.

The bill was then referred to the Committee on Educational Affairs.

By Senator Glasscock:

"An act for the relief of W. J. Salyer, and to validate donation warrant No. 509, and the survey made by virtue thereof, issued by G. W. Hockley, Secretary of War, on fourteenth of August, 1838, for six hundred and forty acres of land, to John Sharp."

Referred to Committee on Private Land Claims.

By Senator Traylor:

"An act making appropriations for the support of the State government for the year beginning March 1, 1885, and ending February 28, 1887."

On motion of Senator Traylor, one hundred copies were ordered printed.

The bill was then referred to the Finance Committee.

By Senator Farrar:

"An act to amend chapter 3, title 53 of the Revised Statutes of Texas, by adding thereto article 2971a."

Referred to Judiciary Committee No. 1.

"An act to amend article 387 of the Penal Code of the State of Texas."

Referred to Judiciary Committee No. 2.

By Senator Calhoun:

"An act to amend section 30 of an act entitled 'an act to redistrict the State into judicial districts, and to fix the time for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883."

Referred to Committee on Judicial Districts.

Senator Glasscock gave notice of a motion to reconsider the vote by which the Senate, on yesterday, refused to substitute the minority report for the majority report on Senate bill No. 2, "An act to amend article 496, chapter 2, title 19 of the Penal Code."

The President signed Senate bill No. 12, "An act to prescribe the times of holding district court in the several counties of the twenty-fifth judicial district of the State of Texas."

The hour for the consideration of the special order having arrived,

Senate bill No. 79, "An act requiring the Comptroller of Public Accounts, Commissioner of the General Land Office and State Treasurer to employ females, when their services can be had, to fill one-half the clerkships in the several departments under the control of these officers," it was laid before the Senate by the President, with a majority and minority report.

(Senator Getzendaner in the chair.)

Senator Evans moved that the minority report, favoring the passage of the bill, be adopted.

Pending discussion on the above bill,

A message was received from the House, announcing the passage of House bill No. 21, "An act to amend article 677 of the Penal Code."

(The President in the chair.)

The question being on the adoption of the minority report, it was adopted by the following vote:

YEAS—19.

Bell,	Houston of Bexar,	Perry,
Calhoun,	Houston of Wheeler,	Pope,
Douglass,	Johnson,	Shannon,
Evans,	Jones,	Stinson,
Farrar,	Kilgore,	Traylor,
Fowler,	Kleberg,	Woods.
Harrison,		

NAYS—10.

Camp,	Glasscock,	Pfeuffer,
Davis,	Hall,	Randolph,
Garrison,	Jerdone,	Terrell.
Getzendaner,		

The question being on the engrossment of the bill, it was ordered engrossed by the following vote:

YEAS—19.

Bell,	Houston of Bexar,	Perry,
Calhoun,	Houston of Wheeler,	Pope,
Douglass,	Johnson,	Shannon,
Evans,	Jones,	Stinson,
Farrar,	Kilgore,	Traylor,
Fowler,	Kleberg,	Woods.
Harrison,		

NAYS—10.

Camp,	Glasscock,	Pfeuffer,
Davis,	Hall,	Randolph,
Garrison,	Jerdone,	Terrell.
Getzendaner,		

By leave,

Senator Houston of Bexar introduced a bill entitled "An act to repeal sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 25, 27, 28, 30, 31, 83, 198, 199 and 200, and to amend sections 2, 4, 5, 6, 29, 33, 43, 45, 70, 74, 78, 103, 120, 197, 201, 202 and 203 of an act entitled 'an act to incorporate the city of San Antonio and to grant a new charter to said city,' approved August 13, 1870; and to repeal 'an act to incorporate the city of San Antonio,' approved July 17, 1856; and 'an act to incorporate city of San Antonio,' approved February 11, 1860; also an act to amend an act entitled 'an act to incorporate the city of San Antonio, and to grant a new charter to said city,' approved April 18, 1879."

Referred to Judiciary Committee No. 1.

Senator Glasscock sent the following reasons of the undersigned Senators for voting against the adoption of the minority report, and the engrossment of Senate bill No. 79:

We vote no, because under the present law there is nothing prohibiting the employment of ladies in any of the public offices and departments. We have no objections to ladies filling any offices, when they are qualified to do so, but believe the Legislature should not undertake to dictate to officers having the appointing power of their clerks, who they should employ, as such officers are responsible to the people for the manner in which they conduct the business affairs of their offices.

GEO. W. GLASSCOCK,
W. M. JERDONE,
GEORGE PFEUFFER,
W. H. GETZENDANER.

On motion of Senator Stinson,
The Senate adjourned till 10 o'clock to-morrow morning.

FOURTEENTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, January 28, 1885. }

The Senate met pursuant to adjournment.
Lieutenant-Governor Gibbs in the chair.
Roll called.
Quorum present.

Prayer by Dr. Poindexter.
On motion of Senator Getzendaner,
The reading of the journal of yesterday was dispensed with.

REPORTS OF STANDING COMMITTEES.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, January 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 12, being "An act to prescribe the times of holding district court in the several counties comprising the thirtieth judicial district of the State of Texas," and find the same correctly enrolled, and have this day, at 11:50 o'clock a. m., presented the same to the Governor for his approval.

FOWLER, Chairman.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, January 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed bills have carefully examined and compared Senate bill No. 35, being "An act to amend article 3602, chapter 15 of the general laws of Texas, passed by the called session of the Seventeenth Legislature, approved May 4, A. D. 1882, relating to the hiring of county convicts," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, January 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed bills have carefully examined and compared Senate bill No. 8, being "An act to amend chapter 2, article 566 of the Revised Civil Statutes," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

By Senator Stinson:

COMMITTEE ROOM,
AUSTIN, January 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Private Land Claims, to whom was referred Senate bill No. 55, entitled "An act for the relief of John W. McHorse," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

STINSON, Chairman.

By Senator Glasscock:

COMMITTEE ROOM,
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Buildings and Grounds, to whom was referred Senator Jones' resolution of inquiry as to whether the Capitol Commissioners employed in the erection of the new State Capitol building can be dispensed with, and also requiring the Capitol Board and Superintendent of the Capitol building to report the difference in cost in constructing the exterior walls of the new State House out of Burnet county granite instead of limestone, would report that they have had said resolution under consideration, and are of the opinion that the best interest of the State would be subserved by retaining the Capitol Commissioners as members of the Capitol Board, with all the duties and powers now conferred on them by law. The committee therefore recommends that the Capitol Commissioners be retained.

We are informed that the Capitol Board will be able in about ten days, to report the difference in cost, if any, in building the exterior walls of the State house out of granite instead of limestone rock.

We would respectfully ask that the following resolution offered by Senator Jones be adopted;

Resolved, That the Capitol Board and Superintendent of construction be, and they are hereby requested and instructed to furnish, for the information and use of the Senate, an

estimate and statement of the difference in the cost, if any, between granite and limestone, and whether it would put the State to any additional cost to have the exterior walls of the superstructure of the new Capitol constructed of granite instead of limestone; that such estimate and statement be furnished at as early a date as practicable.

All of which is respectfully submitted.

GLASSCOCK, Chairman.

By Senator Jones:

COMMITTEE ROOM,
AUSTIN, January 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Penitentiaries, to whom was referred Senate bill No. 69, entitled "An act establishing a reformatory farm for the confinement, reform and utilization of convicts under the age of eighteen years," a printed bill, have carefully examined the same, and instruct me to report the accompanying bill in lieu of the printed bill, and ask that one hundred copies of the same be printed for the use of the Senate, and that the same do pass.

All of which is respectfully submitted.

JONES, Chairman.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, January 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage by the House of

Substitute House bill No. 3, "An act making appropriations for deficiencies in the appropriations heretofore made for payment of expenses in support of the government from March 1, 1884, to February 28, 1885, being for payment of claims registered in the Comptroller's Office in accordance with law, and for outstanding claims not registered, and other deficiencies."

House joint resolution No. 20, requesting our Senators and Representatives in Congress to aid in establishing a national trail for the outlet of Texas cattle.

House joint resolution No. 22, granting leave of absence to the Hon. W. E. Collard, judge of the twentieth judicial district of the State of Texas.

House concurrent resolution appointing joint committee to visit and report upon condition, operation and management of State penitentiaries.

A. D. SADLER, Chief Clerk.

Also, the appointment of the following committees:

On the part of the House, to examine into the feasibility of amending the Capitol contract so as to substitute granite for limestone: Messrs. Ramsdell, Upton, Armistead, Henderson, Davis and Pendleton of Bell.

Joint committee to visit the State penitentiaries: Messrs. McKinney of Walker, Haynes, Hendry, Kimbrough and Moore of Washington.

BILLS AND RESOLUTIONS.

By Senator Kleberg:

"An act to amend article 4036, chapter 2, title 81 of the Revised Statutes."

Referred to Judiciary Committee No. 1.

By Senator Pfeuffer:

"An act to provide for reservation, classification, disposition and working of minerals and mines in the State of Texas, and to repeal all laws and parts of laws in conflict therewith."

Referred to Committee on Public Lands.

By Senator Bell:

"An act to amend article 288 of the Code of Criminal Procedure."

Referred to Judiciary Committee No. 2.

By Senator Pope:

"An act to prohibit the use and sale of dynamite and nitro-glycerine within this State."

Referred to Committee on State Affairs.

By Senator Perry:

"An act to amend article 500, title 15, chapter 3 of the Penal Code of the State of Texas."

Referred to Judiciary Committee No. 2.

By Senator Fowler:

"An act to amend article 2438, title 44 of the Revised Civil Statutes of the State of Texas, adopted at the regular session of the Seventeenth Legislature."

Referred to Committee on State Affairs.

On motion of Senator Traylor,

Senate bill No. 112, a bill to be entitled "An act to provide for the issuance and sale of the bonds of the State, to supply deficiencies in the revenue, and to provide the mode and manner of the sale of said bonds," was taken up out of its regular order and made a special order for to-morrow after morning call, and from day to day until disposed of.

On motion of Senator Shannon,

Senate bill No. 83, entitled "An act to repeal sections 1, 2, 3, 4, 5 and 6, and to amend sections 7, 8, 9, 10 and 11 of an act entitled 'an act to further provide for the regulation of railroad and transportation lines in the State of Texas, and to provide for the creation of the office of, and appointment of, a State Engineer, and his secretary, and their salaries and duties; to prevent unjust discrimination and extortion in the rates charged for the transportation of freight and passengers in this State, and to provide a mode of procedure in relation thereto,'" was taken up out of its regular order and made the special order for Friday after morning call, and from day to day until disposed of.

On motion of Senator Pope,

Senate joint resolution No. 3, "Joint resolution amending section 1, article 6 of the Constitution of the State of Texas, was taken up out of its regular order and was made special order for Monday after morning call.

The President laid before the Senate as a special order substitute House bill No. 27, "An act to authorize the transfer of occupation licenses."

Senator Woods asked that Senate bill No. 57, "An act to amend article 714 of the Code of Criminal Procedure," be taken up, it having been the special order for Tuesday (yesterday) after morning call, following the pending special business for that hour.

Senator Shannon raised the point of order that the special order as made did not provide for action from day to day until disposed of, and that action on the bill at this time would be out of order.

The point of order was sustained.

Senator Pope offered the following amendment:

Amend section 2 by adding thereto: "And provided further, that whenever any person, firm, corporation or association of persons following an occupation shall be closed out by legal process, the occupation license shall be deemed an asset of said person, firm, corporation or association of persons and sold as other property belonging to said person, firm, corporation or association, and the purchaser thereof shall have the right to pursue the occupation named in said license or transfer it to any other person.

Adopted by the following vote:

YEAS—17.

Bell,	Harrison,	Kleberg,
Calhoun,	Houston of Bexar,	Knittle,
Camp,	Jerdone,	Pope,
Douglass,	Johnson,	Stinson,
Evans,	Jones,	Woods.
Hall,	Kilgore,	

NAYS—12.

Davis,	Glasscock,	Randolph,
Fowler,	Houston of Wheeler,	Shannon,
Garrison,	Perry,	Terrell,
Getzendaner,	Pfeuffer,	Traylor.

Senator Traylor offered the following amendment:

Amend section 2 by adding: "provided, such occupation license shall under no circumstances be transferred more than one time.

Adopted by the following vote:

YEAS—15.

Davis,	Glasscock,	Perry,
Evans,	Hall,	Pfeuffer,
Fowler,	Jones,	Shannon,
Garrison,	Kleberg,	Traylor,
Getzendaner,	Knittle,	Woods.

NAYS—13.

Bell,	Houston of Bexar,	Pope,
Calhoun,	Houston of Wheeler,	Randolph,
Camp,	Johnson,	Stinson,
Douglass,	Kilgore,	Terrell.
Harrison,		

Senator Taylor moved to reconsider the vote by which his substitute was adopted.

Carried.

The amendment by Senator Taylor was re-adopted by the following vote:

YEAS—15.

Bell,	Hall,	Knittle,
Calhoun,	Harrison,	Pfeuffer,
Evans,	Houston of Bexar,	Shannon,
Getzendaner,	Jones,	Traylor.
Glasscock,	Kleberg,	Woods.

NAYS—14.

Camp,	Houston of Wheeler,	Pope,
Davis,	Jerdone,	Randolph,
Douglass,	Johnson,	Stinson,
Fowler,	Kilgore,	Terrell.
Garrison,	Perry,	

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

YEAS—12.

Bell,	Houston of Bexar,	Pope,
Calhoun,	Johnson,	Randolph.
Camp,	Kilgore,	Terrell,
Glasscock,	Pfeuffer,	Traylor.

NAYS—16.

Davis,	Hall,	Knittle,
Douglass,	Harrison,	Perry,
Evans,	Houston of Wheeler,	Shannon,
Fowler,	Jones,	Stinson,
Garrison,	Kleberg,	Woods.
Getzendaner,		

On motion of Senator Getzendaner,

Senate bill No. 100, "An act to repeal an act to provide annual pensions for the surviving soldiers," etc., was taken up out of its regular order and read second time.

Senator Fowler moved to commit the bill to a special committee of three to be appointed by the President.

Senator Jones offered to amend by increasing the number to five.

Accepted, and adopted by the following vote:

YEAS—20.

Bell,	Douglass,	Glasscock,
Calhoun,	Evans,	Harrison,
Camp,	Fowler,	Houston of Bexar,

Houston of Wheeler,	Knittle,	Shannon,
Johnson,	Perry,	Stinson,
Jones,	Pope,	Terrell.
Kilgore,	Randolph	

NAYS—9.

Davis,	Getzendaner,	Pfeuffer,
Farrar,	Hall,	Traylor,
Garrison,	Kleberg,	Woods.

The President appointed on the committee Senators Fowler, Davis, Woods, Jones and Pope.

Senator Harrison entered a motion to reconsider the vote by which the Senate refused to pass substitute House bill No. 27 to its third reading.

Senator Houston, of Wheeler, moved to take up the motion to reconsider and lay it on the table.

Lost by the following vote:

YEAS—10.

Davis,	Hall,	Kleberg,
Douglass,	Houston of Wheeler,	Perry,
Evans,	Jones,	Shannon,
Getzendaner,		

NAYS—19.

Bell,	Harrison,	Pope,
Calhoun,	Houston of Bexar,	Randolph.
Camp,	Johnson,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Knittle,	Traylor,
Garrison,	Pfeuffer,	Woods.
Glasscock,		

The motion to reconsider was adopted by the following vote:

YEAS—17.

Bell,	Garrison,	Pope,
Calhoun,	Harrison,	Randolph,
Camp,	Houston of Bexar,	Stinson,
Davis,	Johnson,	Terrell,
Farrar,	Kilgore,	Traylor.
Fowler,	Pfeuffer,	

NAYS—12.

Douglass.	Hall,	Knittle,
Evans,	Houston of Wheeler,	Perry,
Getzendaner,	Jones,	Shannon,
Glasscock,	Kleberg,	Woods.

Senator Houston of Bexar, by leave, introduced a bill entitled "An act to amend sections 9 and 10 of an act to provide for the classification, sale and lease of the lands heretofore or hereafter surveyed and set apart for the benefit of the common school University, the Lunatic, Blind, Deaf and Dumb and Orphan Asylum lands."

Referred to Committee on Public Lands.

The following message was received from the Governor and read :

Gentlemen of the Senate and House of Representatives.

By virtue of the act approved May 2, 1882, the Governor is authorized and directed to appoint one or more commissioners to run and mark the boundary line between the State of Texas and the territory of the United States, from the northeast corner of said State to the degree of longitude one hundred west from London and twenty-three degrees west from Washington, as said line is described in the treaty between Spain and the United States, of February 22, 1819, and for payment of the expenses of such survey.

By the fourth section of that act, the sum of ten thousand dollars was appropriated to defray the expenses of such survey. This commission has never been organized for the reason that the Federal government has never passed the necessary law until now. The ten thousand dollar appropriation may be regarded as lapsed, and I recommend its renewal in order to enable the Executive to carry out the law referred to. The two houses, of course, are aware that the title of Greer

county depends upon the result of such survey, and that this is the only mode of settling the ownership of that territory.

Respectfully,

JOHN IRELAND, Governor.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body of the passage by the House of

House bill No. 183, a bill to be entitled "An act to amend article 75 of the Revised Civil Statutes of the State of Texas, amended by an act passed at the regular session of the Eighteenth Legislature, approved April 14, 1883."

A. D. SADLER, Chief Clerk.

On motion of Senator Houston of Bexar,

The Governor's message was referred to Committee on Finance.

Senator Woods moved to call up Senate bill No. 57, "An act to amend article 714 of the Code of Criminal Procedure," and make it a special order for to-morrow after the first special order after morning call, and from day to day until disposed of.

Adopted.

Senator Jones offered the following:

Resolved, That on and after this date the Senate hold an afternoon session.

The yeas and nays were called for.

Senator Shannon raised the point of order that the resolution affected to change the rules, and would have to lay over one day.

The point of order was sustained.

By leave, Senator Jones introduced a bill to be entitled "An act to amend article 391, chapter 12 of the Penal Code."

Referred to Judiciary Committee No. 2.

The President appointed the following committees:

To act with House committee on the matter of the Capitol contract: Senators Shannon, Glasscock, Getzendaner and Bell.

To visit the educational institutions: Senators Pfeuffer, Garrison and Harrison.

Senator Bell offered the following privileged report:

COMMITTEE ROOM,
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 79, being "An act requiring the Comptroller of Public Accounts, Commissioner of the General Land Office and State Treasurer, to employ females when their services can be had to fill one-half of the clerkships in the several departments under the control of these officers," and find the same correctly engrossed.

BELL, Chairman.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage by the House of

House bill No. 35, a bill to be entitled "An act to amend article 4531 of the Revised Statutes."

A. D. SADLER, Chief Clerk.

The President referred the following House bills:

No. 35, "An act to amend article 4531 of the Revised Statutes," to Committee on State Affairs.

No. 183, "An act to amend article 75 of the Revised Civil Statutes of the State of Texas, as amended by an act passed at the regular session of the Eighteenth Legislature, approved April 14, 1883," to Judiciary Committee No. 1.

No. 21, "An act to amend article 677 of the Penal Code," to Committee on Internal Improvements.

On motion of Senator Pope,

The Senate adjourned till 10 o'clock to-morrow morning.

FIFTEENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, January 29, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Shannon,

The reading of the journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Knittel:

Memorial of the citizens of Fort Bend, asking that their county be included in the game law.

Referred to Committee on State Affairs.

REPORTS OF STANDING COMMITTEES.

By Senator Davis:

COMMITTEE ROOM,
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 58, entitled "An act to amend chapter 4 of title 9 of the Penal Code, by adding thereto articles 323a, 323b and 323c, so as to provide for punishing persons for selling deadly weapons to minors, and punish persons for carrying concealed weapons, and define brass-knuckles;" also, Senate bill No. 29, entitled "An act to repeal article 323, and to amend articles 318, 319, 320, 321 and 322, of title 9, chapter 4 of the Penal Code, relating to unlawfully carrying arms;" also, Senate bill No. 80, entitled "An act to repeal articles 320, 321 and 323, and to amend articles 318 and 322, title 9, chapter 4 of the Revised Code of the State of Texas," have carefully examined the same, and instruct me to report the accompanying substitute therefor, and recommend that such substitute do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 58, 29 AND 80.

"An act to amend articles 318, 319 and 322 of the Penal Code of the State of Texas, and to repeal articles 320, 321 and 323 of said Code."

Senator Bell submitted the following minority report on Senate bills Nos. 29, 58 and 80:

COMMITTEE ROOM,
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Not being able to agree with the other members of your Judiciary Committee No. 2, to whom was referred Senate bills

Nos. 29, 58 and 80, being "An act to amend articles 318, 319 and 322 of the Criminal Code of the State of Texas," and believing that the adoption of the amendments, as recommended by your committee, would be fraught with the most pernicious consequences to the people of the entire State, I deem it proper that I should set forth the reasons upon which I base my opposition to the proposed changes in the law.

The bill under consideration seeks to change the law so as to fix the minimum punishment of one who unlawfully carries a pistol, or certain other inhibited weapons, at a fine of not less than one hundred dollars and by confinement in the county jail for not less than thirty days, and to remove the exemption which has heretofore existed in favor of travelers, and those who have reasonable grounds for fearing an unlawful attack upon their persons, and even makes a peace officer amenable to its provisions, except in such counties as the Governor, by proclamation, may exempt from the operation of the law.

It is a well recognized maxim that it is not the severity, but the certainty of the punishment which deters evil-minded persons from violating the law; and it is also well known that under our system, where the law is enforced through the medium of juries, no law can be enforced when the punishment inflicted for its violation is so severe as to outrage their sense of justice, and I believe few juries could be found who would inflict the disgraceful and degrading punishment of confinement in the county jail upon one who had committed no act which was wrong of itself, but which was wrong merely because it was a breach of a police regulation. I fear that the severity of punishment proposed to be inflicted upon those who violate the law will render the law itself absolutely nugatory, because the juries will not enforce it.

But assuming that the law can and will be enforced, I do not think it right to inflict a disgraceful punishment upon a good, honest citizen who had carried a weapon in violation of law—not from a wilful disregard of its provisions, but because he had reasonable grounds for fearing an unlawful attack upon his person. I do not believe that one man in a hundred who carries a pistol does so with any intention of committing a crime with it, but that they do so for the protection of their person or property.

The robber or the assassin cannot be deterred from carrying weapons, because they do not expect to be identified, or they would not commit the robbery or the murder. The lawless man then is armed, while the honest man is disarmed and placed completely at his mercy.

But my most serious objection to the proposed amendments is that they deprive peace officers of the right to carry the weapons with which they can best cope with the desperate characters whom they so often lose their lives in attempting to arrest. It is frequently necessary for a peace officer to approach those whom he intends to arrest in a manner that will not excite their suspicion. Can he do this with a gun in his hands? Again, the suspected party is frequently overtaken only after a run of miles on horseback. Is the sheriff to be embroiled with a shot gun, or is he to throttle a Bill Longly or John Wesley Hardin with his hands? But the Governor exempts certain counties from the operation of the law as to peace officers. If he exempts the county of A, the peace officers can follow a fugitive from justice to the county line and then must deposit their pistols and seek guns with which to effect the arrest of a murderer or thief.

Again, how is the peace officer to know what counties the Governor has exempted from the operation of the proposed law? He cannot be expected to carry a copy of the Governor's proclamation with him, every time he happens to be in pursuit of a violator of the law; yet he must do so, or he will be continually laying himself liable to a prosecution, though I think he would seldom run much risk of being convicted.

I think the trouble with those who are in favor of more stringent laws with reference to the carrying of pistols is that they confuse the trivial offense of carrying a pistol, with the crime which is committed with the pistol, and while I am in favor of inflicting punishment upon all violators of the law, in proportion to the crime committed, I am not willing to impose a severe and disgracing punishment upon a good citizen because a bad man has abused his privileges. I therefore dissent from the report of your committee and ask that the bill be amended by the committee do not pass.

C. K. BELL.

Senator Davis:

COMMITTEE ROOM,
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 96, entitled "An act to punish for deer hunting by firelight at night time," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 109, entitled "An act to amend title 17, chapter 17 of the Penal Code of the State of Texas, by adding thereto article 797a," have carefully examined the same, and instruct me to report the same back with the recommendation that it lie on the table to await the result of pending assessment bills.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 114, entitled "An act to amend chapter 6, title 26 of the Revised Statutes, by adding article 1039a," have carefully examined the same, and instruct me to report the same back with the recommendation that it be referred to Judiciary Committee No. 1.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 124, entitled "An act to amend section 2 of an act entitled 'an act to provide for the payment of the expenses of attached witnesses in felony cases,'" have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 127, entitled "An act to preserve the records and papers in criminal cases," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 133, entitled "An act to amend article 610, chapter 5 of the Revised Civil Statutes of the State," have carefully examined the same, and instruct me to report the same back with the recommendation that it be referred to Judiciary Committee No. 1.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 141, entitled "An act to amend articles 29 and 30 of the Code of Criminal Procedure for the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Sen-

ate bill No. 146, "An act to amend article 288 of the Code of Criminal Procedure," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 148, entitled "An act to amend article 500, title 15, chapter 3 of the Penal Code of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it lie on the table, because a bill embracing same object has been reported by committee.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 151, entitled "An act to amend article 391, chapter 12 of the Penal Code," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 105, entitled "An act to amend articles 324 and 328, chapter 1, title 10 of the Penal Code, for better defining, convicting and punishing the crime of bigamy," have carefully examined the same, and instruct me to report back the accompanying substitute, with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE SUBSTITUTE.

Senate bill No. 105, "An act to amend article 324 of the Penal Code of the State of Texas."

By Senator Calhoun

COMMITTEE ROOM,
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 104, entitled "An act to amend article 735, chapter 7, title 8 of the Code of Criminal Procedure, for better defining in what cases husband and wife may be witnesses against each other," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

This act amends article 735 of the Code of Criminal Procedure, and provides that a husband or wife may be witness one against the other where either is charged with the crime of bigamy.

All of which is respectfully submitted.

CALHOUN, for Committee.

By Senator Stinson:

COMMITTEE ROOM,
AUSTIN, January 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Private Land Claims, to whom was referred Senate bill No. 136, entitled "An act for the relief of W. J. Salyer, and to validate donation warrant No. 509 and the survey made by virtue thereof, issued by G. W. Hoekley, Secretary of War, on fourteenth of August, 1838, for 640 acres of land, to John Sharp," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

STINSON, Chairman.

Senator Glasscock, by leave, presented a memo-

rial of the citizens of Austin as to the use of public property.

Referred to Committee on Public Buildings and Grounds.

BILLS AND RESOLUTIONS.

By request,

Senator Evans introduced a joint resolution proposing an amendment of section 20, article 16 of the Constitution of the State of Texas.

Referred to Committee on Constitutional Amendments.

Senator Evans offered the following resolution:

Resolved, That it shall be the duty of the several chairmen of all Senate committees or their clerks, where they have such, to furnish and accompany with the report on each bill that is reported favorably, a duplicate of such report for the benefit of the printer.

Lost.

By Senator Kleberg:

"An act to amend section 8 of an act establishing and prescribing the manner of ascertaining the boundaries of counties."

Referred to Committee on Counties and County Boundaries.

By Senator Johnson:

"An act relating to public roads, to amend article 4360 of an act to amend articles 4360, 4361, 4366, etc., of title 87, chapter 1, and to add thereto articles 4390a, 4390b and 4390c," etc.

Referred to Committee on Public Roads and Bridges.

Senator Kilgore, by request:

"An act to regulate the practice of medicine and surgery, and to punish persons for malpractice."

Referred to Committee on Public Health.

By Senator Farrar:

"An act to amend article 4405, of chapter 3, title 88 of the Revised Statutes of Texas."

Referred to Judiciary Committee No. 1.

"An act to amend article 3014 of the Revised Statutes of Texas."

Referred to Judiciary Committee No. 1.

By Senator Davis:

"An act to amend articles 1770, 1771, 1772, 1773, 1777 and 1780 of the Revised Civil Statutes of the State of Texas, so as to better regulate the law of escheats."

Referred to Judiciary Committee No. 2.

Senator Davis moved that fifty copies of the bill be ordered printed for the use of the committee.

Senator Fowler offered to amend by ordering one hundred copies printed for the use of the Senate and the committee.

Accepted and adopted.

Senate bill No. 112, entitled "An act to provide for the issuance and sale of the bonds of the State, to supply deficiencies in the revenue, and to provide the mode and manner of the sale of said bonds," was taken up as a special order and read second time, with the committee amendment.

The committee amendment was adopted by the following vote:

YEAS—27.

Bell,
Calhoun,
Camp,
Davis,

Douglass,
Evans,
Farrar,
Fowler,

Garrison,
Getzendaner,
Glasscock,
Hall,

Harrison, Houston of Bexar, Houston of Wheeler, Johnson, Jones,	Kilgore, Knittle, Perry, Pfeuffer, Pope,	Shannon, Stinson, Terrell, Traylor Woods.
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NAYS—1.

Kleberg,

ABSENT, NOT VOTING.

Jerdone,

Randolph.

Senator Kleberg offered the following amendment:

Amend by striking out all of the bill relating to bonds to be offered to the Board of Education as an investment for the special funds which are by law authorized to be invested.

Lost,

Senator Getzendaner offered the following amendment:

Amend by inserting "may" instead of "shall" in line 19, on page 1.

Senator Evans offered the following as a substitute for the amendment:

Amend by striking out all after the word "invested," in line 18, section 3, page 1, printed bill, to and inclusive of the word "investment," in line 1, page 2.

The substitute was accepted, and adopted.

Senator Traylor offered the following amendment:

"And the Governor shall be invested with authority to carry into operation the provisions of this act; and the proceeds of the sale of said bonds shall be deposited in the State Treasury to the credit of the general revenue fund, to meet deficiencies in the revenue."

Adopted.

Senator Harrison offered the following amendment:

Amend section 2 so it will read as follows:

"Section 2. That said bonds shall be of the denomination of one hundred dollars each, and shall be redeemable at the pleasure of the State, and shall bear interest at the rate of six per cent per annum, payable semi-annually at the State treasury on the first days of January and July of each year, and it shall be the duty of the Governor to have such bonds redeemed and cancelled as fast as the general revenue will permit."

Lost.

Senator Kleberg offered the following amendment:

Strike out in line 7, section 2, all after the word "direct" to the word "and," and insert "payable in five years or sooner if possible."

Lost.

Senator Traylor offered the following amendment:

Strike out "section 7" and insert "section 4."

Adopted, and

The bill ordered engrossed.

Senator Traylor moved to suspend the constitutional rule and pass the bill to third reading.

Adopted by the following vote:

YEAS—27.

Bell, Calhoun, Camp, Davis, Douglass, Evans, Farrar, Fowler, Garrison,	Getzendaner, Glasscock, Hall, Harrison, Houston of Bexar, Johnson, Jones, Kilgore, Kleberg,	Knittle, Perry, Pfeuffer, Pope, Shannon, Stinson, Terrell, Traylor, Woods.
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NAYS—2.

Houston of Wheeler, Randolph.

ABSENT, NOT VOTING.

Jerdone.

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

YEAS—24.

Bell, Calhoun, Camp, Davis, Evans, Farrar, Fowler, Garrison,	Getzendaner, Glasscock, Hall, Harrison, Houston of Bexar, Johnson, Jones, Kilgore,	Knittel, Perry, Pfeuffer, Pope, Shannon, Stinson, Terrell, Traylor.
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NAYS—4.

Houston of Wheeler, Randolph, Woods.
Kleberg,

ABSENT, NOT VOTING.

Jerdone.

Senate bill No. 57, "An act to amend article 714 of the Code of Criminal Procedure," was taken up as a special order and read second time and ordered engrossed.

Senator Woods moved to suspend the constitutional rule and pass the bill to third reading:

Adopted by the following vote:

YEAS—29.

Bell, Calhoun, Camp, Davis, Evans, Farrar, Fowler, Garrison, Getzendaner, Glasscock,	Hall, Harrison, Houston of Bexar, Houston of Wheeler, Johnson, Jones, Kilgore, Kleberg, Knittel,	Perry, Pfeuffer, Pope, Randolph, Shannon, Stinson, Terrell, Traylor, Woods.
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NAYS—none.

ABSENT, NOT VOTING.

Jerdone.

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

YEAS—27.

Calhoun, Camp, Davis, Evans, Farrar, Fowler, Garrison, Getzendaner, Glasscock,	Hall, Harrison, Houston of Bexar, Houston of Wheeler, Johnson, Jones, Kilgore, Kleberg, Knittel,	Perry, Pfeuffer, Pope, Randolph, Shannon, Stinson, Terrell, Traylor, Woods.
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NAYS—1.

Bell.

The following communication was received from the Governor and read:

EXECUTIVE OFFICE,
AUSTIN, January 29, 1885.

To the Senate:

In compliance with a resolution adopted by your honorable body on the nineteenth day of January, 1885, I herewith transmit statement prepared by Secretary of the Land Board, giving the information requested.

Respectfully,

JOHN IRELAND,
Governor of Texas.

RECAPITULATION.

	Settlers	Acres
School lands	235	96,726
University lands	4	871
Deaf and Dumb Asylum lands	14	3,880
Lunatic Asylum lands	6	3,200
Blind Asylum lands	5	1,123
Orphan Asylum lands	5	1,835
Total	269	106,624

Average acres to settler 396¹¹/₁₀₀; all being heads of families; purchased at minimum prices—\$2 per acre.

Fifty-two applications rejected, not complying with the law and regulations.

Three hundred and twenty-one applications acted upon.

On motion of Senator Terrell,

The letter, with the full report, was referred to Committee on Public Lands.

The following communication was received and read :

AUSTIN, January 29, 1885.

To the Honorable the Senate of the State of Texas:

You are cordially invited to visit the State fish ponds and inspect the actual workings of the Commissioner. You are also requested to examine the clerical work of the office, and read the large number of letters on file, showing the great and increasing interest all over the State in modern fish culture.

Respectfully,

JNO. B. LUBBOCK, Commissioner.

On motion of Senator Davis,

Senate bill No. 67, "An act to amend article 852 of the Code of Criminal Procedure," was taken up out of its regular order, read second time and ordered engrossed.

Senator Harrison moved to take up Senate bill No. 59, "An act to provide for the registration of writs of attachment which have been levied upon land in the office of county clerk of the county where said land is situated," out of its regular order, and make it special order for to-morrow morning after the first special order.

Lost.

On motion of Senator Fowler,

Senate bill No. 14, "An act to amend article 685 of the Code of Criminal Procedure," was taken up out of its regular order and made a special order for Monday after the first special order after morning call.

House bill No. 4, "An act to amend article 2402, title 42, chapter 3 of the Revised Statutes of the State of Texas," was taken up in regular order and read second time, and

First committee amendment was adopted.

The second committee amendment was adopted.

Senator Harrison moved to amend by striking out the words, "and the county judge when acting as such," in lines 5 and 6, on first page.

Lost by the following vote:

YEAS—5.

Evans,	Harrison,	Pfeuffer.
Fowler,	Perry,	

NAYS—24.

Bell,	Hall,	Knittle,
Calhoun,	Houston of Bexar,	Pope,
Camp,	Houston of Wheeler,	Randolph,
Davis,	Jerdone,	Shannon,
Farrar,	Johnson,	Stinson,
Garrison,	Jones,	Terrell,
Getzendaner,	Kilgore,	Traylor,
Glasscock,	Kleberg,	Woods.

Senator Houston of Wheeler offered the following amendment:

Amend by adding, in line 5, after "county judge," "and county clerk."

Lost, by the following vote:

YEAS—14.

Camp,	Houston of Wheeler,	Pfeuffer,
Glasscock,	Jerdone,	Pope,
Hall,	Jones,	Randolph,
Harrison,	Kleberg,	Stinson.
Houston of Bexar,	Knittel,	

NAYS—15.

Bell,	Fowler,	Perry,
Calhoun,	Garrison,	Shannon,
Davis,	Getzendaner,	Terrell,
Evans,	Johnson,	Traylor,
Farrar,	Kilgore,	Woods.

Senator Bell offered the following substitute:

Each county commissioner, and the county judge when acting as such, shall receive from the county treasury, to be paid on the order of the commissioners' court, the sum of three dollars for each day he is engaged in holding a term of the commissioners' court, and mileage in going to and returning from the county seat of their county, which mileage shall not exceed five cents for each mile such commissioner or county judge may have to travel in going to and returning from his residence to the county seat, the distance to be computed by the nearest and most direct route of travel; provided, that no commissioner nor county judge shall receive mileage for more than one trip at the same session of the court.

And provided further, that no commissioner nor county judge shall receive pay for holding more than one special term of their court per month.

Adopted by the following vote:

YEAS—18.

Bell,	Houston of Wheeler,	Pfeuffer,
Davis,	Jerdone,	Randolph,
Garrison,	Johnson,	Shannon,
Hall,	Kilgore,	Stinson,
Harrison,	Knittel,	Terrell,
Houston of Bexar,	Perry,	Traylor.

NAYS—10.

Calhoun,	Fowler,	Kleberg,
Camp,	Getzendaner,	Pope,
Evans,	Glasscock,	Woods.
Farrar,		

ABSENT, NOT VOTING.

Jones.

Senator Shannon offered to amend as follows:

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

Adopted.

Senator Davis moved a reconsideration of the vote just taken.

Withdrawn.

Senator Glasscock moved to amend by striking out "three dollars" and inserting "four dollars."

Lost.

Senator Fowler offered to amend by adding the words "the mileage in no one day shall exceed three dollars."

Adopted by the following vote:

YEAS—15.

Bell,	Fowler,	Jones,
Calhoun,	Glasscock,	Kilgore,
Davis,	Harrison,	Perry,
Evans,	Houston of Bexar,	Pfeuffer,
Farrar,	Johnson,	Woods.

NAYS—13.

Camp,	Jerdone,	Shannon,
Garrison,	Kleberg,	Stinson,
Getzendaner,	Knittel,	Terrell,
Hall,	Pope,	Traylor.
Houston of Wheeler,		

ABSENT, NOT VOTING.

Randolph.

Senator Shannon moved to strike out "day" and insert "days' travel."

Adopted, and

The substitute ordered engrossed by the following vote:

YEAS—23.

Bell,	Harrison,	Pfeuffer,
Calhoun,	Houston of Wheeler,	Pope,
Camp,	Jerdone,	Randolph.
Davis,	Johnson,	Shannon,
Evans,	Jones,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Knittle,	Traylor.
Glasscock,	Perry,	

NAYS—5.

Farrar,	Houston of Bexar,	Woods.
Getzendaner,	Kleberg,	

ABSENT, NOT VOTING.

Hall.

Senator Pope moved a reconsideration of the vote just taken.

Senator Davis moved to lay the motion on the table.

Adopted, and

The motion laid on the table by the following vote:

YEAS—25.

Bell,	Houston of Bexar,	Pfeuffer,
Camp,	Houston of Wheeler,	Pope,
Davis,	Jerdone,	Randolph,
Evans,	Johnson,	Shannon,
Farrar,	Jones,	Stinson,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Knittle,	Traylor,
Glasscock,	Perry,	Woods.
Harrison,		

NAYS—3.

Calhoun,	Fowler,	Kleberg.
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ABSENT, NOT VOTING.

Hall.

By leave,

Senator Houston of Bexar, introduced a memorial of Madame Candelaria Villanueva.

Referred to Committee on Private Land Claims.

Senator Jones, by leave, introduced "An act to amend section 4, chapter 114 of 'an act to provide for the more efficient management of the State penitentiaries,' etc."

Referred to Committee on Penitentiaries.

On motion of Senator Houston of Wheeler,

One hundred copies of the report accompanying the Governor's message were ordered printed.

Senator Farrar offered the following resolution:

CONCURRENT RESOLUTION.

Resolved by the Senate, the House concurring, That the President of the Senate appoint a committee of three Senators, and the Speaker of the House of Representatives appoint a like number of Representatives, to visit the asylum at Terrell and report as early as practicable the condition of said asylum, its capacity for the accommodation of the insane, and whether it has been constructed in accordance with the plans and specifications for said building, and what further improvements, if any, are necessary to render said asylum ready for the reception and treatment of lunatics.

Adopted.

House concurrent resolution providing for the appointment of a joint committee composed of three Senators and five Representatives to visit and report upon the condition, operation and management of the State penitentiaries, was laid before the Senate, read and adopted.

On motion of Senator Jones,

Senate bill No. 69, entitled "An act establishing a reformatory farm for the confinement, reform and

utilization of convicts under the age of eighteen years," was taken up and made special order for Saturday morning after morning call.

The President referred House bill No. 3 to Finance Committee.

On motion of Senator Davis,

The Senate adjourned till 10 o'clock to-morrow morning.

SIXTEENTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, January 30, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Perry,

The reading of the journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Stinson:

Memorial of citizens of Hunt county, relative to the insurance law.

Referred to Committee on Insurance, Statistics and History.

By Senator Woods:

Petition of citizens of Gonzales county, requesting a change in time of holding district courts in said county.

Referred to Committee on Judicial Districts.

REPORTS OF STANDING COMMITTEES.

By Senator Kleberg, for Committee on Stock and Stockraising:

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Stock and Stockraising, to whom was referred House bill No. 15, entitled "An act to amend sections 4 and 16 of an act entitled 'an act for the protection of the wool growing interests of the State of Texas,' approved April 4, 1883," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

KLEBERG, Chairman.

BILLS AND RESOLUTIONS.

By Senator Harrison:

"An act to amend article 575, chapter 3, title 20 of the Revised Statutes of the State of Texas."

"An act to amend article 595, chapter 4, title 20 of the Revised Statutes of the State of Texas."

"An act to amend article 610, chapter 5, title 20 of the Revised Statutes of the State of Texas."

The three bills referred to Judiciary Committee No. 1.

By Senator Kilgore:

"An act to amend article 4489, title 90 of the Revised Statutes of Texas."

Referred to Judiciary Committee No. 1.

Senate bill No. 83, entitled "An act to repeal sec-

tions 1, 2, 3, 4, 5 and 6, and to amend sections 7, 8, 9, 10 and 11 of an act entitled 'an act to further provide for the regulation of railroad and transportation lines in the State of Texas, and to provide for the creation of the office of, and appointment of, a State engineer and his secretary, and their salaries and duties; to prevent unjust discrimination and extortion in the rates charged for transportation of freight and passengers in this State, and to provide a mode of procedure in relation thereto,' approved April 10, 1883," was taken up as a special order and read second time.

On motion of Senator Terrell,

The bill was read by sections.

(President pro tem. in the chair.)

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage by the House of

House joint resolution No. 3, "providing for the appointment of a committee to remove the remains of Col. F. W. Johnson from Aguas Calientes, Mexico, and place the same in the State Cemetery in the city of Austin, Texas, and to make the appropriation therefor."

A. D. SADLER, Chief Clerk.

Referred to Committee on State Affairs.

AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage by the House of

Senate concurrent resolution No. 5, "requesting our Senators and Representatives in Congress to urge the passage of the Eads bill."

Senate concurrent resolution No. 2, "providing for the appointment of a joint committee to visit the branch Lunatic asylum at Terrell, report its condition, etc."

A. D. SADLER, Chief Clerk.

AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage by the House of Senate bill No. 71, "An act to transfer to the general revenue account certain funds now in the State Treasury to the credit of other accounts."

A. D. SADLER, Chief Clerk.

AUSTIN, January 29, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body of the passage by the House of House bill No. 21, "An act to amend article 677 of the Penal Code."

A. D. SADLER, Chief Clerk.

The President referred House joint resolution No. 5, "A joint resolution requesting our Senators and Representatives in Congress to urge the passage of the Eads bill," to Committee on Commerce.

House joint resolution No. 2, "Joint resolution requesting our Senators and Representatives in Congress to aid in establishing a national trail for the outlet of Texas cattle," referred to Committee on Stock and Stockraising.

Senator Kleberg moved that the Senate go into committee of the whole on the pending bill to regulate railroads.

Adopted, and

The Senate went into committee of the whole.

IN THE SENATE.

Senator Kleberg, chairman of committee of the

whole, reported that he was instructed by the committee of the whole to report the bill back to the Senate, with the accompanying amendments, and moved the adoption of the report.

Report adopted.

The bill was ordered engrossed.

Senator Shannon raised the point of order that the adoption of the report of the committee of the whole did not adopt the committee amendments, and moved that the vote by which the bill was engrossed be reconsidered.

The point of order was sustained, and

The vote by which the bill was ordered engrossed was reconsidered.

Senator Kleberg moved that the amendments be voted upon separately.

Adopted.

The first committee amendment, to-wit:

Insert following substitute for section 4:

Section 9. The passenger fare upon all railroads in this State shall be three cents per mile, with an allowance of baggage to each passenger not to exceed one hundred pounds in weight; provided, however, that where the fare is paid to the conductor the rate shall be four cents per mile, except from stations where no tickets are sold, and that the minimum charge in no case shall be less than twenty-five cents; and provided further, that when the passenger fare does not end in five or naught, the nearest sum so ending shall be the fare; provided further, that in no case shall children under ten years of age be charged a higher rate of fare than two cents per mile; provided further, that railroads shall be required to keep their ticket offices open half an hour prior to the departure of trains, and upon failure to do so they shall not charge more than three cents per mile.

Was adopted.

The second committee amendment, to-wit:

Amend section 5 by adding, "provided further, that no contract or bill of lading requiring shippers of live stock to give notice of damage done to such stock before the same are unloaded from the cars or mixed with other stock, or providing that such notice can only be given within fifteen days from the time when such stock is unloaded, shall be invalid and null and void."

Was adopted by the following vote:

YEAS—14.

Bell,	Houston of Bexar,	Stinson,
Calhoun,	Johnson,	Terrell,
Camp,	Perry,	Traylor,
Farrar,	Randolph,	Woods.
Harrison,	Shannon,	

NAYS—13.

Davis,	Glasscock,	Kilgore,
Evans,	Hall,	Kleberg,
Fowler,	Houston of Wheeler,	Knittel,
Garrison,	Jones,	Pope.
Getzendaner,		

ABSENT, NOT VOTING.

Jerdone,	Peacock,	Pfeuffer.
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The bill was ordered engrossed.

Senator Shannon moved to suspend the constitutional rule, and place the bill on its third reading.

Lost, by the following vote:

YEAS—20.

Bell,	Hall,	Randolph,
Calhoun,	Harrison,	Shannon,
Camp,	Houston of Bexar,	Stinson,
Evans,	Johnson,	Terrell,
Farrar,	Jones,	Traylor,
Fowler,	Kilgore,	Woods.
Garrison,	Perry,	

NAYS—8.

Davis,
Getzendaner,
Glasscock.

Houston of Wheeler, Knittel,
Kleberg, Pope.

ABSENT, NOT VOTING—3.

Jerdone, Peacock, Pfeuffer.

By leave, the following bills and resolutions were introduced:

By Senator Houston of Bexar:

"An act to provide for the appointment of official stenographers for the district courts of the State of Texas."

Referred to Judiciary Committee No. 1.

By Senator Stinson:

"An act to amend article 378, chapter 6, title 11 of the Penal Code of the State of Texas, and to add article 378a to chapter 6, title 11 of the Penal Code of the State of Texas."

Referred to Judiciary Committee No. 2.

By Senator Jones:

"An act to amend articles 4182 and 4190 of the Revised Statutes of the State of Texas."

Referred to Committee on Internal Improvements.

Senator Getzendaner offered the following resolution:

Resolved by the Senate, That Judiciary Committee No. 1 be instructed to inquire what legislation, if any, is necessary to put in operation that part of section 9, article 8 of the Constitution, wherein it provides a limit of twenty-five cents on the hundred dollars valuation for the erection of public buildings, street, sewer and other permanent improvements, and that said committee report by bill or otherwise.

Adopted.

Senator Shannon moved to take up Senate bill No. 19, "An act to amend and carry into effect article 4170 of the Revised Statutes of Texas," out of its regular order.

Adopted.

The bill was read third time and passed.

On motion of Senator Glasscock,

Senate bill No. 136, "An act for the relief of W. J. Salyer, and to validate donation warrant No. 509," was taken up out of its regular order and made special order for Tuesday morning after morning call.

On motion of Senator Getzendaner,

Senate bill No. 63, "An act to provide for the investment of the permanent public free school fund of the counties," was taken up out of its regular order and made special order after the first special order Tuesday after morning call.

The President laid before the Senate, Senate bill No. 8, "An act to amend chapter 2, article 566 of the Revised Civil Statutes."

On motion of Senator Bell,

Action on the bill was postponed until tomorrow morning.

Senate bill No. 35, "An act to amend article 3602, chapter 15, of the general laws of Texas, passed by the called session of the Seventeenth Legislature, approved May 4, 1882, relating to hiring of county convicts," was taken up in regular order and read third time.

Senator Stinson offered to amend by adding after the word "him," in third line of second page, "or give security therefor."

Lost by the following vote:

YEAS—16.

Bell,
Calhoun,
Farrar,
Fowler,
Glasscock,
Harrison,

Houston of Bexar, Perry,
Houston of Wheeler, Pfeuffer,
Johnson, Stinson,
Jones, Traylor,
Kilgore, Woods.

NAYS—10.

Camp,
Davis,
Evans,
Garrison,

Getzendaner, Randolph,
Hall, Shannon,
Kleberg, Terrell.

ABSENT, NOT VOTING.

Jerdone,
Knittel,

Peacock, Pope.

The bill was read third time and passed.

Senate bill No. 79, "An act requiring the Comptroller of Public Accounts, Commissioner of the General Land Office and State Treasurer to employ female clerks, when their services can be had, to fill one-half the clerkships in the several departments under the control of these officers," was taken up in regular order, read third time and passed by the following vote:

YEAS—15.

Bell,
Calhoun,
Evans,
Farrar,
Fowler,

Harrison, Perry,
Houston of Bexar, Shannon,
Houston of Wheeler, Stinson,
Johnson, Traylor,
Kleberg, Woods.

NAYS—11.

Camp,
Davis,
Garrison,
Getzendaner,

Glasscock, Pfeuffer,
Hall, Randolph,
Jones, Terrell,
Kilgore,

ABSENT NOT VOTING.

Jerdone,
Knittel,

Peacock, Pope.

Senator Bell submitted the following privileged reports:

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 67, being "An act to amend article 852 of the Code of Criminal Procedure," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed bills have carefully examined and compared Senate bill No. 57, being "An act to amend article 714 of the Code of Criminal Procedure," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 112, being "An act to provide for the issuance and sale of the bonds of the State to supply deficiencies in the revenue, and to provide the mode and manner of the sale of said bonds," and find the same correctly engrossed.

BELL, Chairman.

The President appointed the following committees:

Committee to visit asylum at Terrell, Senators Terrell, Evans and Camp.

Committee to visit penitentiaries, Senators Jones, Kilgore and Kleberg.

On motion of Senator Shannon, the Senate adjourned till 10 o'clock to-morrow morning.

SEVENTEENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, January 31, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Pfeuffer,

The reading of the journal of yesterday was dispensed with.

On motion of Senator Bell,

Senator Harrison was excused for to-day.

On motion of Senator Pope,

Senator Peacock was excused from Thursday morning till Monday.

On motion of Senator Jones,

Senator Jerdone was excused from Thursday morning till Monday.

On motion of Senator Jones,

Senator Houston of Wheeler was excused for the day.

PETITIONS AND MEMORIALS.

By Senator Perry:

A petition of 130 citizens of Brazos county, protesting against legislation closing the public roads running through lands belonging to the Agricultural and Mechanical College in said county.

Referred to Committee on Roads, Bridges and Ferries.

REPORTS OF STANDING COMMITTEES.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, January 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred House joint resolution No. 22, entitled "A joint resolution granting leave of absence to the Honorable W. E. Collard, judge of the twelfth judicial district of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass. In the opinion of the committee district judges in this State are not prohibited from leaving the State on business or pleasure visits, provided they do not thereby neglect the duties of their office, and that therefore the legislation proposed by this joint resolution is wholly unnecessary.

All of which is respectfully submitted.

FOWLER, Chairman.

By Senator Getzendaner:

COMMITTEE ROOM,
AUSTIN, January 29, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred Senate bill No. 46, entitled "An act for the relief of W. S. Boothe," have had the same under consideration, and I am instructed by the committee to report the same back to the Senate with the accompanying substitute, with the recommendation that the substitute do pass.

It appears from accompanying affidavit, dated fifth day of January, 1885, that the notice of application for special relief, as required by the Constitution, was published in December, 1880. It also appears that Jacobs, as administrator of the estate of James Swindells, sold a tract of land which was purchased by the said Boothe and others; that the money from the sale of said estate was paid into the Treasury and placed to the credit of "settlement of estates account," on twenty-second of December, 1876; that afterwards Swindells appeared on the scene and brought suit for and recovered the land.

All of which is respectfully submitted.

GETZENDANER, Chairman.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on General Land Office, to whom was referred Senate bill No. 131, entitled "An act to give effect to section 2, article 14 of the Constitution," have carefully examined the same, and instruct me to report back the accompanying substitute therefor, with the recommendation that it do pass.

All of which is respectfully submitted.

BELL, Chairman.

SUBSTITUTE SENATE BILL NO. 131.

A bill to be entitled "An act to amend article 3916 of the Revised Civil Statutes."

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate substitute for House bill No. 4, being "An act to amend article 2402, title 42, chapter 3 of the Revised Statutes of the State of Texas," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

By Senator Randolph:

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 149, entitled "An act to amend article 2438, title 44 of the Revised Civil Statutes of the State of Texas, adopted at the regular session of the Seventeenth Legislature, so as to require all reports for the use of the Legislature to be printed by the first day of December before the assembling of the Legislature," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred House bill No. 35, entitled "An act to amend article 4531 of the Revised Statutes," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

By Senator Shannon:

COMMITTEE ROOM,
AUSTIN, January 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 165, entitled "An act to amend articles 4182 and 4190 of the Revised Civil Statutes of the State of Texas," have considered the same, and instruct me to report it back to the Senate and recommend its passage.

All of which is respectfully submitted.

SHANNON, Chairman.

COMMITTEE ROOM,
AUSTIN, January 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was

referred House bill No. 21, entitled "An act to amend article 677 of the Penal Code," have duly considered the same, and instructed me to report it back to the Senate and recommend its passage. The bill proposes to so amend article 677 of the Penal Code as to give telephone lines the same legal protection as is at present afforded to telegraph lines.

All of which is respectfully submitted.
SHANNON, Chairman.

By Senator Glasscock:

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Buildings and Grounds, to whom was referred Senate bill No. 129, entitled "An act to protect the public property of the State," and a memorial of citizens in reference thereto, have had the same under consideration, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.
GLASSCOCK, Chairman.

By Senator Houston of Bexar:

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 162, entitled "An act to amend article 4489, title 90 of the Revised Statutes of Texas," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.
HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 156, entitled "An act to amend article 3014 of the Revised Statutes of Texas," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate, with the accompanying amendment, with the recommendation that it do pass as amended.

All of which is respectfully submitted.
HOUSTON of Bexar, Chairman.

COMMITTEE AMENDMENT TO SENATE BILL NO. 156.

Amend by adding subdivision 12, as follows:

"12. All agents of express companies while actually engaged in the discharged of their duties."

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 183, entitled "An act to amend article 75 of the Revised Civil Statutes of the State of Texas as amended by an act passed at the regular session of the Eighteenth Legislature, approved April 14, A. D. 1883," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do pass.

Respectfully submitted.
HOUSTON of Bexar, Chairman

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 155, entitled "An act to amend article 4405 of chapter 3, title 87 of the Revised Statutes of Texas," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the accompanying amendment, with the recommendation that it do pass as amended.

All of which is respectfully submitted.
HOUSTON of Bexar, Chairman.

COMMITTEE AMENDMENT TO SENATE BILL NO. 155.

Amend by adding the words, "all active members of volunteer fire companies in all cities, and all students attending any university, college or school."

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 138, entitled "An act to amend chapter 3, title 53 of the Revised Statutes of Texas, by adding thereto article 2971a," have carefully examined the same and a majority of the committee instruct me to report the same back to the Senate with the accompanying amendment, with the recommendation that it do pass as amended.

All of which is respectfully submitted.
HOUSTON of Bexar, Chairman.

COMMITTEE AMENDMENT TO SENATE BILL NO. 138.

Strike out all after the word "regulations."

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 134, entitled "An act to amend article 610, chapter 6 of the Revised Statutes," have carefully examined the same, and the committee instruct me to report the same back to the Senate, with the recommendation that it lie on the table, for the reason that the committee have reported favorable upon a bill relating to the same subject.

All of which is respectfully submitted.
HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 133, entitled "An act to amend article 610, chapter 5 of the Revised Civil Statutes of the State," have carefully examined the same, and the committee instruct me to report the same back to the Senate with the recommendation that it lie on the table, for the reason that the committee have reported favorably upon a bill relating to the same subject.

All of which is respectfully submitted.
HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 139, entitled "An act to amend article 3200 of an act entitled "an act to adopt and establish the Revised Civil Statutes of the State of Texas," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.
HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 114, entitled "A bill to amend chapter 6, title 26 of the Revised Statutes, by adding article 1039a," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.
HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 99, entitled "An act to amend articles 1024 and 1025, of chapter 4, title 26 of the Revised Civil Statutes," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.
HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Sen-

ate bill No. 125, entitled "An act to amend articles 1719, 1720, 1721, 1722, 1723, 1731, 1743, 1744 and 1752 of chapter 6, title 34 of the Revised Statutes of the State of Texas," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate, with the recommendation that it do pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 98, entitled "An act to amend article 1828 of the Revised Civil Statutes of the State of Texas," have carefully examined the same, and a majority of the committee instruct me to report it back with the recommendation that it do not pass, the present law relating to the subject being, in their opinion, sufficient.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 118, entitled "An act to protect assignments made to attorneys at law of claims for unliquidated damages," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 120, entitled "An act to amend article 1161, title 28, chapter 4, of the Revised Civil Statutes of the State of Texas," have carefully examined the same, and a majority of the committee instruct me to report it back to the Senate with the accompanying substitute, with the recommendation that said substitute do pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 120.

"A act to confer upon county courts jurisdiction in cases of contested elections."

Section 1. Be it enacted by the Legislature of the State of Texas, that the county courts in this State shall have jurisdiction in all cases of contested elections, and from the final judgment in such cases, either party may appeal to the Court of Appeals as in other causes.

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 137, entitled "An act to repeal sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 25, 27, 28, 30, 31, 83, 198, 199 and 200, and to amend sections 2, 4, 5, 6, 29, 33, 43, 45, 70, 74, 78, 103, 120, 197, 201, 202 and 203 of an act entitled 'an act to incorporate the city of San Antonio and grant a new charter to said city,' approved August 13, 1870, and to repeal 'an act to incorporate the city of San Antonio,' approved July 17, 1856, and 'an act to amend an act to incorporate the city of San Antonio,' approved February 11, 1860, also, 'an act to amend an act entitled an act to incorporate the city of San Antonio, and grant a new charter to said city,' approved April 18, 1879," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do pass.

Respectfully submitted

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 160, entitled "An act to amend article 595, chapter 4, title 20, of the Revised Statutes of the State of Texas,"

and Senate bill No. 161, entitled "An act to amend article 610, chapter 5, title 20, of the Revised Statutes of the State of Texas," have considered the same, and instruct me to report both bills back with the accompanying substitute, with the recommendation that the substitute do pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

BILLS AND RESOLUTIONS.

By Senator Evans:

"An act to amend article 1421 of the Revised Civil Statutes of the State of Texas."

Referred to Judiciary Committee No. 2.

By Senator Traylor:

A bill to provide for the care and preservation of the Alamo.

Referred to Committee on State Affairs.

By Senator Calhoun:

"An act to amend article 553, chapter 4, title 7, of the Code of Criminal Procedure of the State of Texas."

Referred to Judiciary Committee No. 2.

By Senator Stinson:

"An act to provide for the separation of partition or adjoining fences."

Referred to Committee on Agricultural Affairs.

By Senator Glasscock:

"An act to provide for the appointment of temporary guardians of the persons and estates of minors, and to prescribe their powers, liabilities and duties."

Referred to Judiciary Committee No. 1.

By Senator Randolph:

A bill for the relief of Thos. Dillard.

Referred to Committee on Claims and Accounts.

By Senator Jones, by request:

"An act to provide for the appointment of a court stenographer."

Referred to Judiciary Committee No. 1.

Joint resolution to repeal section 16 of article 16 of the Constitution of the State of Texas.

Referred to Committee on Constitutional Amendments.

"An act to repeal article 4112 of the Revised Civil Statutes."

Referred to Committee on Internal Improvements.

"An act to amend section 4 of an act entitled 'an act to provide for an organization of a board to direct, supervise, control,' etc., approved March 28, 1880."

Referred to Committee on State Affairs.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body of the passage of

House bill No. 51, "An act to restore the jurisdiction of the county court of Grimes county."

A. D. SADLER, Chief Clerk House.

Senate bill No. 69, "An act to establish a reformatory farm for youthful convicts," etc., was taken up as a regular order and read second time, with substitute.

On motion of Senator Houston of Bexar,

The committee substitute was adopted.

(Senator Houston of Bexar in the chair.)

Senator Traylor offered the following amendment:

In section 7, line 26, after the word "board," insert "or some member of it."

Adopted.

Senator Davis offered to amend by striking out "assistant" in eleventh line of page 2.

Adopted.

Senator Getzendaner offered to amend as follows:

In line 21, page 1, add, after the word "industry," the following: "some useful trade."

Adopted.

Senator Kleberg offered to strike out on page 3, section 10, line 11, the words "seventy-five" and insert "one hundred."

Lost.

Senator Bell offered the following amendment:

Amend by adding after the word "years," in line 5, page 2, "except those whose punishment has been assessed at confinement in the penitentiary for life."

Senator Pope offered to amend the amendment by adding the following: "Or for a term exceeding twenty years."

Lost by the following vote:

YEAS—12.

Bell,	Glasscock,	Pope,
Calhoun,	Houston of Wheeler,	Stinson
Camp,	Johnson,	Terrell.
Getzendaner,	Perry,	Traylor.

NAYS—15.

Davis,	Garrison,	Kleberg.
Douglass,	Hall,	Pfeuffer,
Evans,	Houston of Bexar,	Randolph,
Farrar,	Jones,	Shannon,
Fowler,	Kilgore,	Woods.

ABSENT, NOT VOTING.

Knittel.

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

YEAS—12.

Bell,	Glasscock,	Pope,
Calhoun,	Houston of Wheeler,	Stinson,
Camp,	Johnson,	Terrell.
Fowler,	Getzendaner,	Traylor.

NAYS—15.

Davis,	Hall,	Perry,
Douglass,	Houston of Bexar,	Pfeuffer,
Evans,	Jones,	Randolph,
Farrar,	Kilgore,	Shannon,
Garrison,	Kleberg,	Woods.

Senator Pfeuffer offered the following:

After the word "best," in line 4, section 1, add "having due consideration of the healthfulness of the locality selected, as well as its situation at or near some line of a railroad."

Adopted.

Senator Glasscock offered to amend section 4 by inserting in line 5, page 2, after the word "years" the following words, "except those convicted of misdemeanors."

Lost.

Senator Stinson offered to amend by striking out "eighteen," in line 5, section 4, and insert "sixteen."

Lost by the following vote:

YEAS—10.

Bell,	Hall,	Pope,
Calhoun,	Johnson,	Stinson,
Fowler,	Perry,	Terrell.
Glasscock,		

NAYS—18.

Camp,	Getzendaner,	Knittel,
Davis,	Houston of Bexar,	Pfeuffer,
Douglass,	Houston of Wheeler,	Randolph,
Evans,	Jones,	Shannon,
Farrar,	Kilgore,	Traylor,
Garrison,	Kleberg,	Woods.

Senator Getzendaner offered to amend line 12, page 1, by striking out the words "to be confined therein."

Lost.

Senator Pope offered:

In section 4, line 5, strike out "eighteen" and insert "seventeen."

Adopted by the following vote:

YEAS—15.

Bell,	Getzendaner,	Pope,
Calhoun,	Glasscock,	Randolph,
Camp,	Johnson,	Shannon,
Evans,	Kleberg,	Stinson,
Fowler,	Perry,	Terrell.

NAYS—12.

Davis,	Hall,	Knittel,
Douglass,	Houston of Bexar,	Pfeuffer,
Farrar,	Jones,	Traylor,
Garrison,	Kilgore,	Woods.

Senator Glasscock offered the following amendment:

Amend by adding,

Sec. 11. Any person who may be committed to or confined in said house of correction, and who may escape therefrom may be arrested and returned to said institution by any officer or citizen on the written order or request of the superintendent, or under such regulations as may be prescribed by law; and such person so escaping shall be punished in such manner as may be prescribed in the rules and regulations adopted, or hereafter adopted, by the Penitentiary Board of this State, and the superintendent of said reform school.

Sec. 12. If any girl or boy under the age of fourteen years shall be arraigned for trial before any court of competent jurisdiction, charged with any violation of any criminal law of this State, the judge of said court, with the consent of the accused, may arrest at any stage of the cause any further proceedings on the part of prosecution, and commit the accused to said house of correction until he or she shall have attained the age of eighteen years.

Sec. 13. Whenever said house of correction shall have been so far completed as to admit of the reception of inmates intended to be committed thereto, the Governor shall make due proclamation of the fact, and thereafter it shall be lawful for the superintendent to receive into said house of correction such inmates as are contemplated by this act.

Senator Houston of Bexar offered to strike out section 12 of Senator Glasscock's amendment.

Adopted.

Senator Jones moved to amend Senator Glasscock's amendment by striking out section 11.

Adopted.

Senator Stinson moved to amend the amendment by striking out section 13.

Adopted.

Senator Traylor offered the following:

In section 4, line 5, after "years," insert: "provided, this act shall not apply to any person convicted of murder in the first or second degree."

Lost by the following vote:

YEAS—13.

Bell,	Glasscock,	Knittel,
Calhoun,	Hall,	Pope,
Camp,	Houston of Wheeler,	Stinson,
Farrar,	Johnson,	Traylor.
Getzendaner,		

NAYS—15.

Davis, Douglass, Evans, Fowler, Garrison,	Houston of Bexar Jones, Kilgore, Kleberg, Perry,	Pfeuffer, Randolph, Shannon, Terrell, Woods.
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Senator Houston of Bexar moved the previous question.

Adopted, the main question ordered, and the bill ordered engrossed by the following vote:

YEAS—20

Bell, Calhoun, Davis, Douglass, Evans, Farrar, Garrison,	Getzendaner, Glasscock, Hall, Houston of Bexar, Jones, Kilgore, Kleberg,	Knittel, Pfeuffer, Randolph, Shannon, Traylor, Woods.
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NAYS—8.

Camp, Fowler, Houston of Wheeler,	Johnson, Perry, Pope,	Stinson, Terrell.
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Senator Terrell sent up the following written reasons for voting against the engrossment of the bill:

I vote no, because in my judgment persons who are sentenced to confinement for a longer term than ten years, should be sent to the penitentiary, and not to a house of correction. When, in the opinion of a jury, a crime merits a longer punishment than ten years imprisonment, I do not think that there is much chance of reforming the criminal. I would favor a bill creating a house of correction for convicts who were under seventeen years of age at the time of the commission of the offense, and who are not sentenced for a longer term than ten years.

TERRELL.

I concur in the above.

STINSON.

By leave, Senator Shannon introduced the following committee report:

COMMITTEE ROOM,
AUSTIN, January 31, 1885:

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 173, entitled "An act to repeal article 4112 of the Revised Civil Statutes," have considered the same, and instruct me to report it back to the Senate and recommend its passage.

All of which is respectfully submitted.

SHANNON, Chairman.

Senate bill No. 8, "An act to amend chapter 2, article 566 of the Revised Civil Statutes," was laid before the Senate as unfinished business.

Senator Jones moved to postpone action on the bill.

Withdrawn.

The bill was read third time.

Senator Jones offered to amend as follows:

Strike out all after the word "road," in subdivision 7, in line 18, provided that no corporation shall be organized under the provisions hereof for operating a railroad.

Lost by the following vote:

YEAS—18.

Bell, Camp, Douglass, Evans, Fowler, Garrison,	Getzendaner, Glasscock, Hall, Houston of Wheeler, Jones, Kilgore,	Kleberg, Knittel, Perry, Pope, Stinson, Terrell.
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NAYS—10.

Calhoun, Davis, Farrar, Houston of Bexar,	Johnson, Pfeuffer, Randolph,	Shannon, Traylor, Woods.
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Senator Getzendaner move to amend by adding subdivision, as follows:

"For the encouragement of agriculture."

Senator Bell offered to amend the amendment as follows:

Amend by adding at the end of article 566:
26. The purchase and sale of goods, wares and merchandise,

Lost.

Senator Houston of Bexar offered to amend the amendment as follows:

"And for the encouragement of stockraising."

Lost by the following vote:

YEAS—13.

Davis, Douglass, Evans, Farrar, Glasscock,	Hall, Houston of Bexar, Houston of Wheeler, Jones,	Kilgore, Kleberg, Perry, Sharro.
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NAYS—15.

Bell, Calhoun, Camp, Fowler, Garrison,	Getzendaner, Johnson, Knittel, Pfeuffer, Pope,	Randolph, Stinson, Terrell, Traylor, Woods.
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Senator Shannon offered the following as a substitute for the amendment:

For the purpose of incorporating granger associations.

Lost.

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

YEAS—8.

Getzendaner, Glasscock, Houston of Wheeler,	Jones, Perry, Pope,	Stinson, Terrell.
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NAYS—20.

Bell, Calhoun, Camp, Davis, Douglass, Evans, Farrar,	Fowler, Garrison, Hall, Houston of Bexar, Johnson, Kilgore, Kleberg,	Knittel, Pfeuffer, Randolph, Shannon, Traylor, Woods.
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Senator Pope moved to adjourn till 10 o'clock Monday morning.

Lost.

Senator Garrison offered the following amendment:

Amend by striking out subdivision 2, and inserting the following:

The support of any benevolent, charitable, co-operative association doing business upon the assessment plan, educational or missionary undertaking.

Lost by the following vote:

YEAS—16.

Bell, Camp, Farrar, Fowler, Garrison, Getzendaner,	Glasscock, Johnson, Kilgore, Knittel, Perry,	Pfeuffer, Pope, Randolph, Stinson, Terrell.
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NAYS—12.

Calhoun,	Hall,	Kleberg,
Davis,	Houston of Bexar,	Shannon,
Douglass,	Houston of Wheeler,	Traylor,
Evans,	Jones,	Woods.

The bill passed by the following vote:

YEAS—22.

Bell,	Garrison,	Pfeuffer,
Calhoun,	Getzendaner,	Randolph,
Camp,	Glasscock,	Shannon,
Davis,	Johnson,	Stinson,
Douglass,	Kilgore,	Terrell,
Evans,	Knittel,	Traylor,
Farrar,	Perry,	Woods.
Fowler,		

NAYS—6.

Hall,	Houston of Wheeler,	Kleberg,
Houston of Bexar,	Jones,	Pope.

Senator Davis moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Adopted.

On motion of Senator Davis, Senate bill No. 67, "An act to amend article 852 of the Code of Criminal Procedure," was taken up out of its regular order and read third time and passed.

On motion of Senator Houston of Wheeler, Senate joint resolution No. 6, "Amending section 3, article 5 of the Constitution," was taken up out of its regular order and made special order for February 6, after morning call.

Senator Randolph moved to excuse Senator Jones. Lost.

By leave,

Senator Houston of Bexar introduced a bill, "An act regulating insurance, and the rights and liabilities of the insurer and insured, and to amend article 2953 of the Revised Civil Statutes."

Referred to Committee on Insurance, Statistics and History.

Senator Glasscock moved to suspend business and take up Senate bill No. 55, "An act for the relief of John McHorse."

Adopted.

Read second time, and

Senate refused to engross the bill.

Senator Fowler offered the following privileged report:

COMMITTEE ROOM,
AUSTIN, January 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 71, being "An act to transfer to the general revenue certain funds, now in the State treasury, to the credit of other accounts." and find the same correctly enrolled, and have this day, at 1:10 o'clock p. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

On motion of Senator Hall, Senate bill No. 51, a bill to be entitled "An act to provide for the appointment of special clerks of the district and county courts in certain cases," was taken up and made special order for Thursday morning, February 5, after the morning call.

On motion of Senator Pope,

Senate bill No. 4, a bill to be entitled "An act to amend article 2514 of chapter 5, title 47 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' adopted Feb-

ruary 28, 1879," was taken up out of its regular order and read second time, and ordered engrossed.

The President gave notice of signing Senate bill No. 71, a bill to be entitled "An act to transfer to the general revenue account certain funds now in the State Treasury to the credit of other accounts."

On motion of Senator Perry,

Senate bill No. 73, a bill to be entitled "An act to amend section 71 of an act entitled 'an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3 of title 78 of the Revised Civil Statutes of the State of Texas as refers to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act,' passed by the Eighteenth Legislature at its called session," was taken up out of its regular order and read second time.

Senator Hall offered the following amendment:

Amend on line 15 by striking out the word "and," and insert after "Milam" the words "and Cameron."

Senator Kleberg offered to add DeWitt county.

Accepted.

Senator Terrell offered to amend by adding Kaufman county

Accepted.

On motion of Senator Pfeuffer,

Action on the bill was postponed till Wednesday next, after morning call.

On motion of Senator Shannon,

The Senate adjourned till 10 o'clock Monday morning:

EIGHTEENTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, February 2, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by Rev. Dr. Wilson, of Fannin county.

On motion of Senator Randolph,

The reading of the journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Kilgore:

From sixty-eight citizens of Van Zandt county, on the subject of prohibition.

Referred to Committee on Constitutional Amendments.

By Senator Houston of Wheeler:

From officers and citizens of Hardeman county, asking that Motley, Childress and other counties be attached to Hardeman county for judicial and surveying purposes.

Referred to Committee on Judicial Districts.

REPORTS OF STANDING COMMITTEES.

By Senator Evans:

COMMITTEE ROOM,
AUSTIN, February 2, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Lands, to whom was referred Senate bill No. 150, entitled "An act to amend sections 9 and 10 of an act to provide for the classification, sale and lease of the lands heretofore or hereafter surveyed and set apart for the benefit of the common school, University, the Lunatic, Blind, Deaf and Dumb and Orphan Asylum funds," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

The change made in this bill is to extend the time when these lands shall be forfeited for non-payment of interest. Under the present law unless the interest is paid by the first of March of each year the purchaser forfeits the land. This bill, while it requires the payment to be made on the first of March, extends the time of forfeiture until the first of August next thereafter, thereby giving to the western men time to sell their wool or cattle and get money with which to pay the same.

All of which is respectfully submitted.

EVANS, for Committee.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, February 2, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 83, being "An act to repeal sections 1, 2, 3, 4, 5 and 6 and to amend sections 7, 8, 9, 10 and 11 of an act to further provide for the regulation of railroad and transportation lines in the State of Texas, and to provide for the creation of the office of and appointment of a State Engineer and his secretary, and their salaries and duties, to prevent unjust discrimination and extortion in the rates charged for transportation of freight and passengers in this State, and to provide a mode of procedure in relation thereto," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 2, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed bills have carefully examined and compared Senate bill No. 4, being "An act to amend article 2514, chapter 5, title 47 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' adopted February 28, 1879," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 2, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed bills have carefully examined and compared committee substitute for Senate bill No. 69, being "An act for the establishment of a house of correction, and to make appropriation therefor," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

By Senator Traylor:

COMMITTEE ROOM,
AUSTIN, January 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 122, entitled "An act to regulate the collection of taxes and to provide for prompt settlement by collectors," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the following amendment, viz:

Add to section 1, "provided there shall be no levy upon property where the owners thereof have the right to pay taxes at the Comptroller's office, until a list of the delinquents are furnished the collector by the Comptroller."

All of which is respectfully submitted.

TRAYLOR, Chairman.

By Senator Kleberg:

COMMITTEE ROOM,
AUSTIN, February 2, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Stock and Stockraising, to whom was

referred House joint resolution No. 20, requesting our Senators and Representatives in Congress to aid in establishing a national trail for the outlet of Texas cattle, have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

KLEBERG, Chairman.

By Senator Davis:

COMMITTEE ROOM,
AUSTIN, January 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 157, entitled "An act to amend articles 1770, 1771, 1772, 1773, 1777 and 1780 of the Revised Statutes of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the accompanying amendments.

All of which is respectfully submitted.

DAVIS, Chairman.

AMENDMENTS TO SENATE BILL NO. 157.

Committee amendments:

1. In article 1773, strike out all after "required," and insert "in other civil suits."
2. In article 1777 strike out "always" and strike out all after "awarded" in the eleventh line, and insert "as in other civil suits."
3. In article 1780 strike out "the Governor of the State" wherever it occurs, and insert "the judge before whom the cause is tried."

COMMITTEE ROOM,
AUSTIN, January 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 102, entitled "An act to authorize the Governor to appoint policemen to preserve and maintain order on the railroad trains, and to make the conductors of railroad trains policemen, and defining the terms of office and duty of such policemen," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 140, entitled "An act to amend article 387 of the Penal Code of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate petition No. —, endorsed "Petition of city council of Brenham asking the exemption of all volunteer firemen in actual service from jury service," have carefully examined the same, and instruct me to report the same back with the recommendation that it be referred to Judiciary Committee No. 1.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, January 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 101, entitled "An act to authorize the Governor to grant pardons and to regulate the mode, manner and procedure therefor, and to provide for the revoking of pardons and to prescribe a penalty for violating the conditions of a pardon," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

DAVIS, Chairman.

BILLS AND RESOLUTIONS.

By Senator Hall:

"An act for the relief of and to refund to the city of Laredo, Texas, the amount expended by it in the maintenance of quarantine during the yellow fever epidemic of 1882, and to make an appropriation therefor."

"An act for the relief of and to refund to the city of Brownsville, Texas, the amount expended by it in the maintenance of quarantine during the yellow fever epidemic of 1878, and to make an appropriation therefor."

Referred to Committee on Claims and Accounts.
By Senator Traylor:

"An act to amend article 3071, chapter 2, title 56 of the Revised Civil Statutes of the State of Texas, relating to the number of jury commissioners."

Referred to Judiciary Committee No. 1.

Senator Fowler introduced the following joint resolution, which, in consequence of affecting the rules, lays on the table one day:

Be it resolved by the Senate and House of Representatives, That when a bill containing an "emergency clause" shall pass by less than a two-thirds vote, it shall be the duty of the Committee on Enrolled Bills to omit such clause from the enrolled copy of the same; and when the constitutional rule was not in fact suspended, said committee shall also omit the "public necessity clause," if any, in such bill.

By Senator Glasscock:

"An act prescribing a penalty to those who bring cattle into the State of Texas infected with the disease of pleuro-pneumonia, rhinderpest or any other contagious disease."

Referred to Judiciary Committee No. 2.

Senator Perry entered a motion to reconsider the vote by which the Senate on Saturday refused to engross Senate bill No. 55, "An act for the relief of John McHorse."

On motion of Senator Perry,

Senator Shannon was excused after to-day till Monday next.

On motion of Senator Randolph,
Senator Pope was excused for the day.

On motion of Senator Kleberg,
Senator Jones was excused for the day.

On motion of Senator Bell,
Senator Harrison was excused for the day.

Senator Shannon moved to suspend the special order of business and take up the bills on third reading.

Lost by the following vote:

YEAS—14.

Calhoun,	Hall,	Randolph,
Davis,	Houston of Wheeler,	Shannon,
Evans,	Johnson,	Traylor,
Farrar,	Kilgore,	Woods.
Garrison,	Perry,	

NAYS—10.

Bell,	Glasscock,	Pfeuffer,
Camp,	Kleberg,	Stinson,
Fowler,	Knittel,	Terrell.
Getzendaner,		

ABSENT, NOT VOTING.

Houston of Bexar, Jerdone.

The President laid before the Senate as a special order Senate joint resolution No. 3, amending section 1, article 6 of Constitution of State of Texas.

Read second time with majority (favorable) and minority (unfavorable) committee reports.

Senator Davis moved to substitute the minority for the majority report, and moved the previous question on the motion.

Previous question ordered, and

The minority report adopted by the following vote:

YEAS—18.

Bell,	Fowler,	Randolph,
Calhoun,	Getzendaner,	Shannon,
Camp,	Houston of Wheeler,	Stinson,
Davis,	Johnson,	Terrell,
Evans,	Kleberg,	Traylor,
Farrar,	Knittel,	Woods.

NAYS—6.

Garrison,	Hall,	Perry,
Glasscock,	Kilgore,	Pfeuffer.

ABSENT, NOT VOTING.

Houston of Bexar, Jerdone.

The President laid before the Senate as a special order Senate bill No. 14, "An act to amend article 685 of the Code of Criminal Procedure."

Read second time.

The Senate refused to adopt the committee amendment.

(Senator Kleberg in the chair.

(The President in the chair.)

Senator Getzendaner moved the previous question.

Motion seconded.

Main question ordered, and adopted by the following vote:

YEAS—16.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Johnson,	Stinson,
Evans,	Kleberg,	Terrell,
Farrar,	Knittel,	Traylor,
Fowler,	Perry,	Woods.
Getzendaner,		

NAYS—9.

Camp,	Hall,	Pope,
Davis,	Houston of Wheeler,	Randolph,
Garrison,	Kilgore,	Shannon.

The bill was ordered engrossed by the following vote:

YEAS—16.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Johnson,	Stinson,
Evans,	Kleberg,	Terrell,
Farrar,	Knittel,	Traylor,
Fowler,	Perry,	Woods.
Getzendaner,		

NAYS—10.

Camp,	Hall,	Pope,
Davis,	Houston of Wheeler,	Randolph,
Douglass,	Kilgore,	Shannon.
Garrison,		

The President referred House bill No. 51, "An act to restore the jurisdiction of the county court of Grimes county," to Committee on Judicial Districts.

Senate bill No. 83, a bill to be entitled "An act to repeal sections 1, 2, 3, 4, 5 and 6, and to amend sections 7, 8, 9, 10 and 11 of an act entitled 'an act to further provide for the regulation of railroad and transportation lines in the State of Texas, and to provide for the creation of the office of and appointment of a State Engineer, and his secretary'

their salaries and duties, to prevent unjust discrimination and extortion in the rates charged for transportation of freight and passengers in this State, and to provide a mode of procedure in relation thereto," approved April 10, 1883," was laid before the Senate in its regular order.

Read third time and passed by the following vote:

YEAS—20.		
Bell,	Getzendaner,	Randolph,
Calhoun,	Glasscock,	Shannon,
Camp,	Johnson,	Stinson,
Douglass,	Kilgore,	Terrell,
Evans,	Knittel,	Traylor,
Farrar,	Perry,	Woods.
Fowler,	Pfeuffer,	
NAYS—6.		
Davis,	Hall,	Kleberg,
Garrison	Houston of Wheeler,	Pope.

Senate substitute for House bill No. 4, "An act to amend article 2402, title 42, chapter 30, of the Revised Statutes of the State of Texas," was taken up in its regular order and passed.

House bill No. 15, "An act to amend sections 4 and 16 of 'an act for the protection of the wool growing interests of the State of Texas,' approved April 4, 1883," was taken up in its regular order and read second time.

Senator Hall offered to amend by exempting Webb and Encinal counties.

Senator Stinson offered to amend by adding Hunt and Hopkins counties.

Accepted.

Senator Garrison moved to add Rusk county.

Accepted.

Senator Getzendaner offered to amend by adding Ellis county.

Accepted.

The amendment of Senator Hall, as amended, was adopted.

Senator Calhoun offered the following amendment:

Strike out "fifty dollars" where it alludes to the maximum total that may be paid an inspector and insert "one hundred dollars."

On motion of Senator Bell,

Further action on the bill was postponed, and it was made the special order for to-morrow after the special orders of the morning call.

The President laid before the Senate a telegram received by the Governor from Director-General Burke, inviting the members of the Nineteenth Legislature to visit the World's Exposition at New Orleans.

Substitute House bill No. 27, "An act to authorize the transfer of occupation licenses," was taken up in its regular order and read second time.

On motion of Senator Terrell,

The Senate adjourned till 10 o'clock to-morrow morning.

NINETEENTH DAY.

SENATE CHAMBER, }
AUSTIN, February 3, 1885. }

The Senate met pursuant to adjournment.
Lieutenant-Governor Gibbs in the chair.
Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Peacock,

The reading of the journal of yesterday was dispensed with.

REPORTS OF STANDING COMMITTEES.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, February 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred House bill No. 51, entitled "An act to restore the jurisdiction of the county court of Grimes county," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

FOWLER, Chairman.

By Senator Perry:

COMMITTEE ROOM,
AUSTIN, February 2, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred Senate bill No. 153, entitled "An act to amend article 4360 of an act entitled 'an act to amend articles 4360, 4361, 4366, 4367, 4370, 4371, 4372, 4375, 4379, 4384, 4387, 4389 and 4390, of title 87, chapter 1, and to add thereto articles 4390a, 4390b and 4390c, and also to amend article 4392 of chapter 2, and article 4418, of chapter 4, title 87 of the Revised Civil Statutes, relating to public roads, and to enforce the provisions of article 4390a of this bill and provide adequate penalties therefor,' passed by the Eighteenth Legislature at its regular session," have carefully examined the same, and a majority of said committee instruct me to report it back with the recommendation that it do pass. The object of the bill is to eliminate from the present law the arbitrary feature which prohibited roads from being changed or altered, unless they can be straightened, and relegates the question of opening, altering or changing the public roads to the commissioners' courts of the several counties where such matters can be settled according [to the wishes of the people who are directly interested in the matter.

All of which is respectfully submitted.

PERRY, Chairman.

By Senator Kilgore:

COMMITTEE ROOM,
AUSTIN, February 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 2, proposing to amend sections 2, 5 and 7 of article 5 of the Constitution of the State of Texas, have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it lie on the table.

Respectfully submitted.

KILGORE, Chairman.

COMMITTEE ROOM,
AUSTIN, February 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 4, proposing to amend article 6, section 1 of the Constitution of the State of Texas, have carefully examined the same, and a majority of the committee instruct me to report the same back with the recommendation that it lie on the table, because the Senate has already taken action upon a resolution relating to the same subject.

Respectfully submitted.

KILGORE, Chairman.

COMMITTEE ROOM,
AUSTIN, February 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 6, "Proposing to amend section 3, article 5 of the Constitution of the State of Texas," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Sen-

ate with the recommendation that it lie on the table subject to call.

All of which is respectfully submitted.

KILGORE, Chairman.

BILLS AND RESOLUTION.

By Senator Pope:

"An act to amend section 4 of chapter 67 of general laws of the State of Texas, passed at regular session of Eighteenth Legislature."

Referred to Committee on Judicial Districts.

By Senator Taylor:

"An act to amend article 352, chapter 1, title 6 of the Code of Criminal Procedure, relating to the appointment and qualification of jury commissioners."

Referred to Judiciary Committee No. 2.

By Senator Calhoun:

"An act to amend articles 151 and 158, chapter 2, title 6 of the Penal Code of the State of Texas."

Referred to Judiciary Committee No. 2.

Senator Randolph offered the following resolution:

Resolved, That Judiciary Committee No. 1 be requested to prepare a bill prohibiting the sale of bogus butter in this State.

Adopted.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, February 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 14, being "An act to amend article 685 of the Code of Criminal Procedure," and find the same correctly engrossed.

BELL, Chairman.

Senate bill No. 136, "An act for the relief of W. Salyer, and to validate donation warrant No. 509," was laid before the Senate as a special order, and read second time and ordered engrossed.

Senate bill No. 63, "An act to provide for the investment of the permanent public free school funds of the counties," was taken up as a special order and read second time.

The first committee amendment was adopted.

The second committee amendment was adopted.

The third committee amendment was adopted.

Senator Davis offered to amend by adding after State," in fifth line, section 1, "in the bonds of the cities and towns of this State, issued for the erection of school houses and other public buildings."

Adopted.

Senator Kilgore offered to amend by striking out all after the word "buildings," in line —, section 1.

Lost by the following vote:

YEAS—10.

Camp,
Evans,
Garrison,
Harrison,

Kilgore,
Peacock,
Pope,

Stinson,
Traylor,
Woods.

NAYS—15.

Bell,
Calhoun,
Davis,
Farrar,
Fowler,

Getzendaner,
Glasscock,
Houston of Wheeler,
Johnson,
Kleberg,

Knittel,
Perry,
Pfeuffer,
Randolph,
Terrell.

ABSENT, NOT VOTING.

Hall,
Houston of Bexar,

Jerdone,

Jones.

Senator Getzendaner offered to amend by substi-

tuting the word "funds" instead of the word "moneys," in line 4, section 1.

Adopted.

Senator Davis offered to amend by adding "city or town" after the word "county," in line 10, page 2, section 5.

Adopted.

Senator Getzendaner offered to amend by adding before the word "public" the word "permanent," in line 3, section 1.

Adopted.

Senator Kilgore offered the following amendment:

Amend by adding to section 1 the following words: "But no portion of such money shall ever be loaned by the commissioners' court to any person related by affinity or consanguinity to any member of said court."

Adopted, and

The bill ordered engrossed by the following vote:

YEAS—17.

Bell,
Calhoun,
Davis,
Farrar,
Garrison,
Getzendaner,

Glasscock,
Harrison,
Houston of Bexar,
Houston of Wheeler,
Johnson,
Kleberg,

Knittel,
Pfeuffer,
Randolph,
Terrell,
Traylor.

NAYS—8.

Camp,
Evans,
Kilgore,

Peacock,
Perry,
Pope,

Stinson,
Woods.

ABSENT, NOT VOTING.

Fowler,
Hall,

Jerdone,

Jones.

House bill No. 15, "An act to amend sections 4 and 16 of an act for the protection of the wool growing interests of the State of Texas," approved April 4, 1883," was taken up as unfinished postponed business from yesterday.

The amendment of Senator Calhoun was adopted.

Senator Terrell moved to exempt Dallas and Rockwall counties.

Senator Johnson moved to amend by adding Collin and Denton counties.

Accepted.

Senator Evans offered to amend by adding the county of Fannin.

Accepted.

The amendment as amended was adopted and the bill passed to third reading.

On motion of Senator Randolph,

The order of business was suspended and House bill No. 51, "An act to restore the jurisdiction of the county court of Grimes county" was taken up.

On motion of Senator Randolph,

The constitutional rule was suspended and bill placed on its second reading by the following vote:

YEAS—20.

Bell,
Calhoun,
Camp,
Davis,
Evans,
Farrar,
Fowler,
Garrison,
Getzendaner,

Glasscock,
Harrison,
Houston of Bexar,
Houston of Wheeler,
Johnson,
Kilgore,
Kleberg,
Knittel,
Peacock,

Perry,
Pfeuffer,
Pope,
Randolph,
Stinson,
Terrell,
Traylor,
Woods.

NAYS—none.

ABSENT, NOT VOTING.

Hall,

Jerdone,

Jones.

The bill was read second time and passed to third reading.

On motion of Senator Randolph, the constitutional rule was suspended, and the bill was put on its third reading, by the following vote:

YEAS—26.

Bell,	Glasscock,	Perry,
Calhoun,	Harrison,	Pfeuffer,
Camp,	Houston of Bexar,	Pope,
Davis,	Houston of Wheeler,	Randolph,
Evans,	Johnson,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Garrison,	Knittel,	Woods.
Getzendaner,	Peacock,	

NAYS—none.

ABSENT, NOT VOTING.

Hall,	Jerdone,	Jones.
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Bill read third time and passed by the following vote:

YEAS—26.

Bell,	Glasscock,	Perry,
Calhoun,	Harrison,	Pope,
Camp,	Houston of Bexar,	Randolph,
Davis,	Houston of Wheeler,	Shannon,
Evans,	Johnson,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Garrison,	Knittel,	Woods.
Getzendaner,	Peacock,	

NAYS—none.

ABSENT, NOT VOTING.

Hall,	Jerdone,	Jones.
Pfeuffer,		

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage by the House of House bill No. 10, "An act to amend articles 1204 and 1389, title 29 of the Revised Civil Statutes of the State of Texas."

A. D. SADLER, Chief Clerk.

Referred to Judiciary Committee No. 1.

Senator Woods, by leave, sent up the following minority report on Senate bill No. 153:

COMMITTEE ROOM,
AUSTIN, February 2, 1885.

Hon. Barnett Gibbs, President of the Senate:

A minority of your Committee on Roads and Bridges, to whom was referred Senate bill No. 153; entitled "An act to amend article 4360 of an act entitled 'an act to amend articles 4360, 4361, 4366, 4367, 4370, 4371, 4372, 4375, 4379, 4384, 4387, 4389 and 4390 of title 87, chapter 1, and to add thereto articles 4390a, 4390b and 4390c, and also to amend article 4392 of chapter 2 and article 4418 of chapter 4, title 87, of the Revised Civil Statutes, relating to public roads, and to enforce the provisions of article 4390 of the bill, and to provide adequate penalties therefor,' passed by the Eighteenth Legislature at its called session," have carefully examined the same, and recommend that it do not pass. Before the passage of the law which the bill proposes to amend, persons could and did apply to the commissioners' court to change nearly all the roads in the agricultural portion of the State, and said applications were in nearly every case granted. That the law is a protection to the commissioners' court and the general public. Were it not for the law which this bill proposes to change, roads throughout the State would be changed so that the distance to be traveled would be much greater than now, thereby adding great expense to all those who travel the public roads.

All of which is respectfully submitted.

WOODS,
HARRISON.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body of the passage of

Senate bill, No. 115, "An act to amend section 24 of an act to redistrict the State in judicial districts, and fix the times for holding courts therein," etc., approved April 9, 1883.

A. D. SADLER, Chief Clerk.

On motion of Senator Kleberg,
Senator Houston of Bexar was excused from attendance yesterday, and Senator Jones to-day.

On motion of Senator Fowler,
Senator Peacock was excused from attendance yesterday.

On motion of Senator Randolph,
Senator Hall was excused for the remainder of the week.

On motion of Senator Davis,
Senate bill No. 31, "An act to regulate reservations in sale of personal property," was taken up out of its regular order.

Read second time and ordered engrossed.

On motion of Senator Johnson,
Senate bill No. 48, "An act to prevent parties from hunting or fishing on the enclosed land of another, and to prescribe a penalty therefor," was taken up out of its regular order and read a second time, with committee substitute.

The substitute was adopted.

Senator Getzendaner offered the following amendment:

Provided, however, that the owner or proprietor of such enclosed premises shall have first given notice that he will claim such protection, the notice to be either published in some newspaper published in the county where the land is situated, or posted at three public places in the county, one of which shall be at the court house of the county where the premises is so situated, twenty days previous to the time when he may claim such protection, and shall also erect and keep standing posts at the corners of such enclosure and at the principal entrance thereto upon which shall be attached a board plainly marked "posted."

Adopted.

Senator Traylor offered the following amendment to section 1:

Provided, this act shall not apply to enclosures of over 600 acres.

Senator Perry offered to amend the amendment as follows:

By striking out 640 acres and inserting 1280 acres.

Lost.

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

YEAS—5.

Camp,	Houston of Bexar,	Traylor.
Fowler,	Peacock,	

NAYS—20.

Bell,	Getzendaner,	Perry,
Calhoun,	Glasscock,	Pope,
Davis,	Harrison,	Randolph,
Douglass,	Houston of Wheeler,	Stinson,
Evans,	Johnson,	Terrell,
Farrar,	Kilgore,	Woods.
Garrison,	Knittel,	

Senator Calhoun offered the following amendment:

That the counties of Stephens, Shackelford, Jones, Fisher, Scurry, Borden, Dawson, Gaines, Andrews, Eastland, Callahan, Taylor, Nolan, Mitchell, Howard, Martin, Comanche, Brown, Coleman, Runnels, San Saba, McCulloch and Concho be, and the same are hereby, exempted from the operation of this act.

Senator Houston of Wheeler offered the following amendment to the amendment:

Amend section — by adding the counties of Montague, Clay, Young, Throckmorton, Haskell, Baylor, Archer, Wilbarger, Wichita, Hardeman, Donley, Wheeler and Oldham, and the counties attached to them for judicial purposes are exempt from the provisions of this act.

Accepted.

Senator Kleberg offered to amend by inserting Galveston county.

Accepted.

Senator Peacock offered to amend by exempting the counties of Bowie, Cass, Marion, Morris and Titus.

Accepted.

Senator Randolph moved to exempt Angelina, Grimes, Houston, Leon and Madison counties.

Accepted.

The amendment of Senator Calhoun was adopted by the following vote:

YEAS—14.

Bell,	Houston of Wheeler,	Pope,
Calhoun,	Johnson,	Randolph,
Camp,	Kleberg,	Stinson,
Davis,	Knittel,	Terrell,
Glasscock,	Peacock,	

NAYS—11.

Douglass,	Getzendaner,	Perry,
Evans,	Harrison,	Traylor,
Farrar,	Houston of Bexar,	Woods,
Garrison	Kilgore,	

ABSENT, NOT VOTING.

Jerdone.

Senator Traylor offered the following amendment:

In line 6, after the word "artificial," add "or gather pecans upon such land," and amend the caption to correspond.

Adopted.

Senator Glasscock offered the following amendment to section 1:

Amend by adding after the word "fish" in fifth line, the words "plums, grapes or any other wild or cultivated fruits."

Senator Davis offered the following substitute for the amendment:

Amend by adding, "or hunt chincapins or sweet gum."

Lost.

The amendment of Senator Glasscock was lost.

Senator Traylor offered the following:

Amend the section as follows: "Provided, this act shall not apply to any enclosure of over five thousand acres, when such enclosure has a public road through it."

Lost.

Senator Bell moved to reconsider the vote by which the amendment of Senator Glasscock was lost.

Adopted.

Senator Randolph offered to amend the amendment as follows:

Amend by inserting "pawpaws, persimmons, whortleberries and red haws; provided, not to apply to girls hunting such things."

Lost.

The amendment of Senator Glasscock was adopted by the following vote:

YEAS—10.

Bell,	Johnson,	Pfeuffer,
Calhoun,	Kilgore,	Pope,
Camp,	Kleberg,	Randolph,
Farrar,	Knittel,	Stinson,
Glasscock,	Peacock,	Terrell,
Harrison,	Perry,	Woods,
Houston of Bexar,		

NAYS—8.

Davis,	Fowler,	Houston of Wheeler,
Douglass,	Garrison,	Traylor
Evans,	Getzendaner,	

ABSENT, NOT VOTING.

Jerdone.

Senator Houston of Wheeler offered to amend by adding, after the word "pecans," the word "carp."

Lost.

Senator Pope asked to amend by adding "girls and boys who go chincapin hunting."

Lost.

Senator Pfeuffer offered the following:

Exempt the counties of Comal, Guadalupe, Blanco, Llano, Caldwell, Kendall and Hays from the effects of the law.

Lost.

The bill was ordered engrossed.

Senate bill No. 69, "An act establishing are formatory farm for youthful convicts," etc., was taken up in its regular order, read third time, and passed.

Senate bill No. 4, "An act to amend article 2514, chapter 5, title 47 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,'" was taken up in its regular order, read third time and passed by the following vote:

YEAS—23.

Bell,	Glasscock,	Perry,
Calhoun,	Harrison,	Pope,
Camp,	Houston of Bexar,	Randolph,
Davis,	Houston of Wheeler,	Stinson,
Evans,	Johnson,	Terrell,
Farrar,	Kilgore,	Traylor,
Fowler,	Kleberg,	Woods,
Garrison,	Peacock,	

NAYS—2.

Getzendaner,	Pfeuffer.
Jerdone,	Knittel.

ABSENT NOT VOTING.

On motion of Senator Evans,

The regular order of business was suspended and Senate bill No. 25, "An act to abolish the office of Fish Commissioner," etc., was taken up, and made special order for Wednesday, February 11, after the morning call.

On motion of Senator Houston of Wheeler:

Senate bill No. 141, "An act to amend articles 29 and 30 of the Code of Criminal Procedure of the State of Texas," was taken up, read second time, and ordered engrossed.

The President laid before the Senate an invitation to attend a musical concert at the Blind Asylum to-night.

On motion of Senator Bell,

Senate bill No. 132, "An act to define and punish the conversion of personal property by hirers, bor-

owers and other bailees," was taken up out of its regular order, read second time and ordered engrossed.

On motion of Senator Kleberg,

Senate bill No. 61, "An act to protect stockraisers, providing for the destruction of wolves," etc., was taken up out of its regular order and read second time.

Senator Kleberg offered the following amendment:

Section-1. Be it enacted by the Legislature of the State of Texas, That hereafter when any person shall kill in this State any wolf, either "cayote" or "lobo," panther, Mexican lion, tiger, leopard or wild cat, he shall be paid by the county in which he kills such animal the sum of fifty cents for each cayote wolf or wild cat, and two dollars for each lobo wolf, panther, Mexican lion, tiger or leopard so killed.

Adopted.

Senator Getzendaner offered the following amendment:

Add; provided the counties of Ellis, Collins, Denton, Grayson, Cooke, Hunt, Hopkins, Camp, Franklin, Delta, are exempted from the provisions of this law.

Lost.

Senator Davis offered to amend by adding sheep-killing dogs.

Lost.

Senator Kleberg offered the following:

Amend by inserting after the word "dollars," in line 9, section 2, "or fifty cents in case the animal killed be a cayote wolf."

Adopted.

Senator Stinson offered to amend by adding coons and jack rabbits.

Lost, and

The bill was ordered engrossed by the following vote:

YEAS—17.

Bell,	Houston of Wheeler,	Pope,
Calhoun,	Kilgore,	Randolph,
Farrar,	Kleberg,	Tarrell,
Glasscock,	Knittel,	Traylor,
Harrison,	Perry,	Woods,
Houston of Bexar,	Pfeuffer,	

NAYS—9.

Camp,	Fowler,	Johnson,
Davis,	Garrison,	Peacock,
Evans,	Getzendaner,	Stinson.

ABSENT, NOT VOTING.

Jerdone.

Senate bill No. 14, "An act to amend article 685 of the Code of Criminal Procedure," was laid before the Senate on its third reading.

Senator Pope moved a call of the Senate.

The motion was seconded by the requisite number.

Senator Woods moved to suspend the call.

Motion declared out of order on point raised by Senator Pope.

The roll call was completed, and

Senator Jerdone was found absent without excuse.

Senator Woods moved to suspend the call.

The Senate refused to suspend the call, and

The pending business went to the table.

On motion of Senator Harrison,

Senate bill No. 59, "An act to provide for the registration of writs of attachments which have been levied upon land in the office of county clerk of the county where such land is situated," was taken up

out of its regular order and read second time with substitute.

The substitute was adopted.

On motion of Senator Bell,

Further action on the bill was postponed and the bill made a special order for to-morrow after the first special orders of the morning call.

The resolution of Senator Fowler, to-wit:

Be it resolved by the Senate and House of Representatives, That when a bill containing an "emergency clause" shall pass by less than a two-thirds vote, it shall be the duty of the Committee on Enrolled Bills to omit such clause from the enrolled copy of the same; and when the constitutional rule was not in fact suspended, said committee shall also omit the "public necessity clause," if any, in such bill,

was taken up and adopted.

On motion of Senator Pope,

The Senate adjourned till 10 o'clock to-morrow morning.

TWENTIETH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, February 4, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Perry,

The reading of the journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Pfeuffer:

A petition from a committee of colored people, asking legislation on the jury law, county convict farms, houses of correction, colored branch university, and other matters.

Referred to Committee on State Affairs.

By Senator Harrison:

A petition from citizens of East Waco, asking the passage of some act to enforce article 4238 of the Revised Civil Statutes.

Referred to Committee on Internal Improvements.

REPORTS OF STANDING COMMITTEES.

By Senator Houston of Bexar:

COMMITTEE ROOM,
AUSTIN, February 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 10, entitled "An act to amend articles 1204 and 1389 in title 29 of the Revised Civil Statutes of the State of Texas," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, February 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred the petition of the city council of Brenham, asking the exemption of all volunteer firemen in active service from road duty, have carefully examined the same, and instruct me to report the same back to the Senate with the recommendation

that it lie on the table, the committee having heretofore reported upon a bill relating to the same subject.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, February 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 178, entitled "An act to amend article 3017, chapter 2, title 56 of the Revised Civil Statutes of the State of Texas, relating to the number of jury commissioners," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, February 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 170, entitled "An act to provide for the appointment of temporary guardians of the persons and estates of minors, and to prescribe their powers, liabilities and duties," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it lie on the table, because the subject matter therein is embraced in another bill heretofore reported upon.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, February 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 169, entitled "An act to amend article 575, chapter 3, title 20 of the Revised Statutes of the State of Texas," have carefully examined the same and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, February 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 144, entitled "An act to amend article 4036, chapter 2, title 81 of the Revised Statutes," have carefully examined the same, and instruct me to report the same back to the Senate with the recommendation that it lie on the table, because the Senate has taken action upon another bill embracing the same object.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, February 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 106, entitled "An act to amend article 2861, title chapter 4 of the Revised Statutes of Texas," have carefully examined the same, and a majority of the committee instruct me to report the same back with the recommendation that it do not pass, because they do not believe the misfortune of a person for which he or she is in no wise responsible should be cause for divorce.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, February 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 107, entitled "An act to create the office of public weigher, and to prescribe the duties of such officer, and to regulate public weighing, and to repeal all former laws on the subject," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do not pass.

Respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, February 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 66, entitled "An act to amend articles 2170, 2171, 2172, 2173, 2176, 2178 and 2179 of the Revised Civil Statutes of Texas," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, February 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 9, entitled "An act to amend an act entitled 'an act regulating the removal of the disabilities of minors,' approved March 2, 1881," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

By Senator Johnson:

COMMITTEE ROOM,
AUSTIN, February 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Agricultural Affairs, to whom was referred Senate bill No. 169, have carefully examined the same, said bill being entitled "An act to provide for the separation of partition or adjoining fences." Said committee instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

JOHNSON, Chairman.

By Senator Randolph:

COMMITTEE ROOM,
AUSTIN, February 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred joint resolution No. 3, entitled "Joint resolution providing for the appointment of a committee to remove the remains of Col. F. W. Johnson from Aguas Calientes, Mexico, and place the same in the State cemetery, in the city of Austin, Texas, and to make an appropriation therefor," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the following amendment, to-wit: Insert in first resolution after the word proceed, "as soon as practicable."

All of which is respectfully submitted.

RANDOLPH, Chairman.

COMMITTEE ROOM,
AUSTIN, February 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 167, entitled "An act to provide for the care and preservation of the Alamo," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

COMMITTEE ROOM,
AUSTIN, February 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 147, entitled "An act to prohibit the use and sale of dynamite and nitro-glycerine within this State," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, February 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 141, being "An act to amend articles 29 and 30 of the Code of Criminal Procedure for the State of Texas," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Lands, to whom was referred Senate bill No. 7, entitled "An act to provide for the sale of all lands heretofore surveyed and set apart for the benefit of the common school, University, Blind, Deaf and Dumb, Lunatic and Orphan Asylum funds of the State of Texas, and to repeal all laws and parts of laws in conflict herewith," have carefully examined the same, and instruct me to report the same back with the recommendation that it be considered in the committee of the whole by the Senate.

All of which is respectfully submitted.

BELL, for the Committee.

COMMITTEE ROOM,
AUSTIN, February 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 63, being "An act to provide for the investment of the permanent public free school funds of the counties," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 136, being "An act for the relief of W. J. Salyer, and to validate donation warrant No. 509; and the survey made by virtue thereof, issued by G. W. Hockley, Secretary of War, on the fourteenth day of August, 1838, for 640 acres of land to John Sharp," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 132, being "An act to define and punish the conversion of personal property by hirers, borrowers and other bailees," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 31, being "An act to regulate reservations in sales of personal property," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

By Senator Peacock:

COMMITTEE ROOM,
AUSTIN, February 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Lands, to whom was referred Senate bill No. 64, entitled "An act to provide for the management and control of the lands set aside for the benefit of the University of Texas," have carefully examined the same, and instruct me to report the same back with the accompanying amendment, with the recommendation that it do pass as amended.

All of which is respectfully submitted.

PEACOCK, Chairman.

COMMITTEE AMENDMENT.

Amend section — by inserting after the word "years" the following, to-wit: "Subject to be purchased at any time under such rules and regulations as are or may be provided by law."

By Senator Terrell:

COMMITTEE ROOM,
AUSTIN, February 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 172, entitled "An act to provide for the appointment of a court stenographer," have carefully examined the same, and a majority of your committee instruct me to re-

port the same back to the Senate with the recommendation that it do not pass.

Respectfully submitted.

TERRELL, for Committee.

COMMITTEE ROOM,
AUSTIN, February 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 163, entitled "An act to provide for the appointment of official stenographers for the district courts of the State of Texas," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the accompanying amendments with the recommendation that it do not pass.

All of which is respectfully submitted.

TERRELL, for Committee.

COMMITTEE AMENDMENTS TO SENATE BILL NO. 163.

1. Strike out that part of the bill requiring defendants in criminal cases to pay for copy or make affidavit of his poverty.
2. Amend by adding "Section —. The district judge may remove the stenographer for incompetency or neglect of duty, or for other good cause."

By Senator Davis:

COMMITTEE ROOM,
AUSTIN, February 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Special Committee, to whom was referred Senate bill No. 100, the same being "An act to repeal the law granting pensions to Texas veterans," have carefully examined the same, and instruct us to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

WOODS,
DAVIS,

For majority Committee,

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, February 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred Senate bill No. 180, entitled "An act to amend section 4 of chapter 67 of the general laws of the State of Texas, passed at the regular session of the Eighteenth Legislature," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

FOWLER, Chairman.

BILLS AND RESOLUTIONS.

By Senator Garrison, by request:

"An act to amend section 1, chapter 38, of the general laws of the State of Texas, passed at the regular session of the Eighteenth Legislature."

Referred to Committee on State Affairs.

By Senator Davis:

"An act to donate all the public domain in the State of Texas to the public free school fund."

Referred to the Committee on Public Lands.

"An act confirming patents and surveys by virtue of headright, military and bounty warrants under special laws enacted after March 31, 1870, and prior to April 18, 1876."

Referred to Committee on Public Lands.

By Senator Perry:

"An act to provide for an occupation tax upon telephone companies, and to repeal all laws in conflict herewith."

Referred to Judiciary Committee No. 1.

By Senator Farrar:

"An act to amend section 13 of 'an act to redivide the State into Judicial districts and fix the time for holding courts therein, and to provide for the

election of judges and district attorneys in said districts," etc.

Referred to Committee on Judicial Districts.

On motion of Senator Pfeuffer,

Senator Kleberg was excused till Monday next.

Senator Getzendaner moved to excuse Senator Jerdone for the day.

Senator Randolph offered to amend by excusing him from last Monday.

Accepted, and as amended, the motion was adopted.

On motion of Senator Stinson,

Senators Camp, Evans, Pope and Terrell were excused till next Monday by the following vote:

YEAS—15.

Bell,
Calhoun,
Farrar,
Fowler,
Getzendaner

Glasscock,
Harrison,
Johnson,
Jones,
Knittel,

Perry,
Pfeuffer,
Stinson,
Traylor,
Woods.

NAYS—6.

Davis,
Garrison,

Houston of Bexar,
Kilgore,

Peacock,
Randolph.

ABSENT, NOT VOTING.

Douglas,

Houston of Wheeler.

Senator Houston of Bexar, pending the ballot, raised the point of order that Senators Terrell, Camp and Evans were off on duty as a special committee, and they were excused, under the rules, for the performance of such duty.

The point of order was sustained, but the vote having been cast, was announced with the foregoing result.

By Senator Glasscock:

"An act for the relief of Gideon Purl."

Referred to Committee on Claims and Accounts.

Senator Harrison moved to suspend the regular order of business, to correct the journal with reference to postponement of consideration on Senate bill No. 59, "An act to provide for the registration of writs of attachment which have been levied," etc., on yesterday.

Lost by the following vote:

YEAS—13.

Bell,
Calhoun,
Davis,
Glasscock,
Harrison,

Houston of Bexar,
Houston of Wheeler,
Johnson,
Jones,
Randolph,
Stinson,
Traylor,
Woods.

NAYS—0.

Farrar,
Fowler,
Garrison,

Getzendaner,
Kilgore,
Knittel,
Peacock,
Perry,
Pfeuffer.

ABSENT, NOT VOTING.

Douglass.

The President laid before the Senate bill No. 73, a bill to be entitled "An act to amend section 71 of an act entitled 'an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3 of title 78 of the Revised Civil Statutes of the State of Texas as refers to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act,' passed by the Eighteenth Legislature at its called session," as the first special order.

Read second time.

Senator Kilgore moved to postpone action on the bill, subject to call.

Adopted by the following vote:

YEAS—14.

Davis,
Fowler,
Garrison,
Glasscock,
Harrison,

Houston of Bexar,
Houston of Wheeler,
Johnson,
Kilgore,
Knittel,
Peacock,
Randolph,
Traylor,
Woods.

NAYS—3.

Bell,
Calhoun,
Farrar,

Getzendaner,
Jones,
Perry,

Pfeuffer,
Stinson.

The President laid before the Senate as special order Senate substitute bill No. 59, "An act to provide for the registration of writs of attachment which have been levied upon land, in the office of county clerk of the county where such land is situated."

Senator Randolph offered to amend by striking out section 1.

Lost by the following vote:

YEAS—4.

Kilgore,
Peacock,

Perry,

Randolph.

NAYS—18.

Bell,
Calhoun,
Camp,
Davis,
Douglass,
Farrar,

Garrison,
Getzendaner,
Harrison,
Houston of Bexar,
Houston of Wheeler,
Johnson,

Jones,
Knittel,
Pfeuffer,
Stinson,
Traylor,
Woods.

Senator Getzendaner offered to amend section 5, line 23, by inserting after the word "lion" as follows: "Six months, and no longer."

Withdrawn, and

The substitute ordered engrossed.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to report to your honorable body the passage of House bill No. 232, "An act to authorize county commissioners' courts to assume control of the streets and alleys of any city or incorporated town within their jurisdiction in which there is no de facto municipal government, and to have the same worked as public roads."

Also House concurrent resolution "Inviting the President of the Republic of Mexico to be present at the laying of the corner stone of the new Capitol of the State of Texas."

A. D. SADLER, Chief Clerk.

The President referred House bill No. 232 to the Committee on Roads and Bridges.

The President gave notice of signing Senate bill No. 115, "An act to amend section 24 of 'an act to redistrict the State into judicial districts, and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Monday in November, 1884,' approved April 9, 1883."

Senator Fowler submitted the following privileged report:

COMMITTEE ROOM,
AUSTIN, February 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined

and compared Senate bill No. 115, being "An act to amend section 24 of 'an act to redistrict the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Monday in November, 1884,' approved April 9, 1883," and find the same correctly enrolled, and have this day, at 12:10 o'clock a. m., presented the same to the Governor for his approval.

FOWLER, Chairman.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to report to your honorable body the passage of Senate bill No. 17, "An act to give orders of sale foreclosing liens upon real estate the force and effect of writs of possession."

House bill No. 278, "An act to create the Nolan land district."

A. D. SADLER, Chief Clerk House.

Referred to Committee on Public Lands.

Senator Davis moved to suspend the regular order of business and take up House bill No. 183, entitled "An act to amend article 75 of the Revised Civil Statutes of the State of Texas, as amended by an act passed at the regular session of the Eighteenth, approved April 14, A. D. 1883."

Lost, the President voting in the negative, by the following vote:

YEAS—11.

Davis,	Houston of Bexar,	Knittel,
Farrar,	Houston of Wheeler,	Peacock,
Garrison,	Jones,	Randolph.
Harrison,	Kilgore,	

NAYS—11.

Bell,	Glasscock,	Stinson,
Calhoun,	Johnson,	Traylor.
Fowler,	Perry,	Woods.
Getzendaner,	Pfeuffer,	

ABSENT, NOT VOTING.

Douglass.

The President laid before the Senate, on third reading, Senate bill No. 14, "An act to amend article 685 of the Code of Criminal Procedure."

Senator Davis moved a call of the Senate.

The motion was properly seconded.

The roll was called.

Senator Douglass was found absent without excuse.

The Sergeant-at-Arms was dispatched to bring Senator Douglass into the bar of the Senate.

House bill No. 183, "An act to amend article 75 of the Revised Civil Statutes of the State of Texas, as amended by an act passed at the regular session of the Eighteenth Legislature, approved April 14, 1883," was laid before the Senate in its regular order.

Senator Bell moved a call of the roll.

The motion was seconded by the requisite number.

The roll call was completed, and Senator Douglass was found to be absent without excuse.

On motion of Senator Houston of Bexar,

Senate bill No. 150, "An act to amend sections 9 and 10 of 'an act to provide for the classification, sale and lease of lands heretofore or hereafter surveyed and set apart for the benefit of the common school, University, the Lunatic, Blind, Deaf and Dumb, and Orphan Asylum funds,'" was taken up out of its regular order and read second time.

Senator Bell moved a call of the Senate on the pending bill.

The motion was properly seconded.

Senators Davis, Douglass and Randolph were found absent without excuse.

The Sergeant-at-Arms was dispatched to bring within the bar of the Senate the absent Senators.

Senator Houston of Bexar moved to adjourn till ten o'clock to-morrow morning,

Lost.

Senator Traylor moved to take up Senate bill No. 122, "An act to provide for the collection of taxes and the prompt settlement of same," out of its regular order.

Senator Houston of Bexar raised the point of order that a quorum was not present, and the motion was out of order.

The point of order was sustained.

House bill No. 15, "An act to amend sections 4 and 16 of an act entitled 'an act for the protection of the wool growing interests of the State of Texas,' approved April 4, 1883," was laid before the Senate in its regular order.

A roll call was ordered on the bill, and

Senators Davis, Douglass and Randolph were found absent without excuse, and

The pending business went to the table.

Senators Davis and Randolph appeared and were conducted into the bar of the Senate.

On motion of Senator Traylor Senate bill No. 122 was taken up out of its regular order and made special order for Thursday, February 5, after the first special order after morning call.

Senator Garrison moved to adjourn till 10:05 a. m. to-morrow.

Lost by the following vote:

YEAS—10.

Davis,	Kilgore,	Perry,
Farrar,	Knittel,	Pfeuffer,
Garrison,	Peacock,	Randolph.
Houston of Bexar,		

NAYS—12.

Bell,	Glasscock,	Jones,
Calhoun,	Harrison,	Stinson,
Fowler,	Houston of Wheeler,	Traylor,
Getzendaner,	Johnson,	Woods.

ABSENT, NOT VOTING.

Douglass.

House bill No. 21, "An act to amend article 677 of the Penal Code," was laid before the Senate, read the second time and passed to third reading:

On motion of Senator Jones,

Senator Douglass was excused, the Sergeant-at-Arms reporting him sick, by the following vote:

YEAS—17.

Bell,	Harrison,	Perry,
Calhoun,	Houston of Bexar,	Pfeuffer,
Farrar,	Houston of Wheeler,	Stinson,
Fowler,	Johnson,	Traylor,
Getzendaner,	Jones,	Woods.
Glasscock,	Knittel,	

NAYS—5.

Davis,	Kilgore,	Randolph.
Garrison,	Peacock,	

The President announced the Senate full, and laid, before the Senate Senate bill No. 14, "An act to amend article 685 of the Code of Criminal Procedure."

Senator Harrison offered the following amendment:

Strike out all after the word "trial," in line 7.

(Senator Randolph in the chair.)

Senator Stinson moved the previous question on amendment and bill.

Motion seconded and withdrawn.

Senator Calhoun moved the previous question on pending bill, Senate bill No. 14.

The motion was seconded, and

The Senate refused to order the main question by the following vote:

YEAS—10.

Bell,	Johnson,	Pfeuffer,
Calhoun,	Knittel,	Stinson,
Fowler,	Perry,	Traylor.
Getzendaner,		

NAYS—12.

Davis,	Harrison,	Kilgore,
Farrar,	Houston of Bexar,	Peacock,
Garrison,	Houston of Wheeler,	Randolph,
Glasscock,	Jones,	Woods.

(The President in the chair.)

Senator Fowler moved the previous question on the amendments and the bill.

Motion seconded, and

The main question ordered by the following vote:

YEAS—18.

Bell,	Glasscock,	Knittel,
Calhoun,	Harrison,	Perry,
Farrar,	Houston of Bexar,	Pfeuffer,
Fowler,	Johnson,	Stinson,
Garrison,	Jones,	Traylor,
Getzendaner,	Kilgore,	Woods.

NAYS—4.

Davis,	Peacock,	Randolph.
Houston of Wheeler,		

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

YEAS—10.

Davis,	Houston of Bexar,	Kilgore,
Douglass,	Houston of Wheeler,	Peacock,
Garrison,	Jones,	Randolph.
Harrison,		

NAYS—13.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Johnson,	Stinson,
Farrar,	Knittel,	Traylor,
Fowler,	Perry,	Woods.
Getzendaner,		

Senator Peacock offered the following amendment:

Amend the bill by striking out all after the word "jury," in line 9.

Lost by the following vote:

YEAS—10.

Davis,	Houston of Bexar,	Kilgore,
Douglass,	Houston of Wheeler,	Peacock,
Harrison,	Jones,	Randolph.
Harrison,		

NAYS—13.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Johnson,	Stinson,
Farrar,	Knittel,	Traylor,
Fowler,	Perry,	Woods.
Getzendaner,		

The bill passed by the following vote:

YEAS—12.

Bell,	Getzendaner,	Perry,
Calhoun,	Glasscock,	Pfeuffer,
Farrar,	Johnson,	Stinson,
Fowler,	Knittel,	Traylor.

NAYS—11.

Davis,	Houston of Bexar,	Peacock,
Douglass,	Houston of Wheeler,	Randolph,
Garrison,	Jones,	Woods.
Harrison,	Kilgore,	

Senator Pfeuffer moved to reconsider the vote just cast, and to lay that motion on the table,

Adopted, and

The reconsideration was tabled by the following vote:

YEAS—12.

Bell,	Getzendaner,	Perry,
Calhoun,	Glasscock,	Pfeuffer,
Farrar,	Johnson,	Stinson,
Fowler,	Knittel,	Traylor.

NAYS—11.

Davis,	Houston of Bexar,	Peacock,
Douglass,	Houston of Wheeler,	Randolph,
Garrison,	Jones,	Woods.
Harrison,	Kilgore,	

The President gave notice of the resignation of Byron Drew and the appointment of Monroe Drew as Postmaster.

On motion of Senator Fowler,

The Senate adjourned till ten o'clock to-morrow morning.

TWENTY-FIRST DAY.

SENATE CHAMBER,
AUSTIN, February 5, 1885.

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Randolph,

The reading of the journal of yesterday was dispensed with.

Senator Peacock desired to have the journal corrected to show that Judiciary Committee No. 1 reported Senate bill No. 9 back with the recommendation that it do *not* pass; that the Committee on State Affairs amended joint resolution No. 3, "as soon as practicable," and not "possible;" that the Committee on State Affairs reported on Senate bill No. 147, and not Senate bill No. 140; that on Senator Stinson's motion Senators Camp, Evans, Pope and Terrell were excused till Monday next, and not merely excused; that the message from the House reported the passage by that body of House bill No. 278, and not Senate bill No. 278.

Senator Traylor wanted the journal corrected to show that after the Senate had been declared with a quorum present, he had Senate bill No. 123, "An act to provide for the collection of taxes, and the

prompt settlement of same," taken up and made special order for Thursday, February 5, after the first special order after the morning call.

REPORTS OF STANDING COMMITTEES.

By Senator Peacock.

COMMITTEE ROOM,
AUSTIN, February 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Lands, to whom was referred Senate bill No. 145, entitled "An act to provide for reservation, classification, disposition and working of minerals and mines in the State of Texas, and to repeal all laws and parts of laws in conflict therewith," have carefully examined the same, and instruct me to report the same back with the recommendation that fifty copies of said bill be printed for the use of the committee.

All of which is respectfully submitted.

PEACOCK, Chairman.

On motion of Senator Peacock, fifty copies of the bill was ordered printed.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, February 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 61, being "An act to protect stockraisers, providing for the destruction of wolves," etc., and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared committee substitute for Senate bill No. 49, being "An act to prevent parties from hunting, fishing or gathering pecans, plums, grapes or any other wild or cultivated fruits upon the enclosed lands of another, and to prescribe a penalty therefor," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

REPORTS OF SPECIAL COMMITTEES.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, February 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

The undersigned members of your committee to whom was referred Senate bill No. 100, entitled "A bill to be entitled an act to repeal an act entitled 'an act to provide annual pensions for the surviving soldiers or volunteers of the Texas revolution, and the surviving signers of the Declaration of the Independence of Texas, and the surviving widows of such soldiers or volunteers and signers,' approved March 28, 1883," have carefully examined the same, and we respectfully recommend that the bill presented herewith, be substituted for the said bill and that the said substitute do pass.

Respectfully submitted.

POPE,
FOWLER.

Substitute Senate bill No. 100, "An act to provide annual pensions for the surviving indigent soldiers or indigent volunteers of the Texas Revolution, and the indigent surviving signers of the Declaration of Independence," etc.

On motion of Senator Fowler, fifty copies of the substitute were ordered printed.

BILLS AND RESOLUTIONS

By Senator Harrison:

"An act to amend and annul all locations and surveys made under and patents issued upon any land situate in the county of Greer," etc.

Referred to Committee on Public Lands.

By Senator Woods, by request:

"An act for the relief of Thomas J. Hunter and Thadeus W. Hunter and Robert H. Hunter, for stock, corn and hogs consumed or destroyed by the Texas army in 1836."

Referred to Committee on Claims and Accounts. Senator Jones introduced the following resolution:

Resolved, That the special committee of the Senate, appointed to visit the penitentiaries, be and is hereby authorized to employ a clerk, whose compensation is to be paid out of the contingent fund of the Nineteenth Legislature, said clerk to act for the joint committee of the two houses appointed to visit the penitentiaries.

Senator Harrison offered to amend the resolution as follows:

Provided, the compensation not to be more than \$5 per day and contingent expenses.

Accepted.

Senator Peacock offered the following substitute:

Resolved by the Senate. That the President of the Senate may appoint three general committee clerks, who may be discharged by the President, when, in his judgment, their services are not longer necessary.

Lost.

The resolution of Senator Jones was adopted. Senate bill No. 51; "An act to provide for the appointment of special clerks of the district and county courts in certain cases," was laid before the Senate as the first special order, read second time and ordered engrossed.

On motion of Senator Hall,

The constitutional rule requiring bills to be read on three several days, was suspended, and the bill put on its third reading by the following vote:

YEAS—21.

Bell,	Glasscock,	Kilgore,
Calhoun,	Hall,	Knittel,
Davis,	Harrison,	Perry,
Douglass,	Houston of Bexar,	Randolph,
Farrar,	Houston of Wheeler,	Stinson,
Garrison,	Johnson,	Traylor,
Getzendaner,	Jones,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Fowler, Jerdone, Pfeuffer.

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

YEAS—24.

Bell,	Glasscock,	Knittel,
Calhoun,	Hall,	Peacock,
Davis,	Harrison,	Perry,
Douglass,	Houston of Bexar,	Pfeuffer,
Farrar,	Houston of Wheeler,	Randolph,
Fowler,	Johnson,	Stinson,
Garrison,	Jones,	Traylor,
Getzendaner,	Kilgore,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Jerdone.

Senator Davis moved to suspend the consideration of the second special order (Senate bill No. 122) and take up out of its regular order House bill No. 183, 'An act to amend article 75 of the Revised Civil Statutes of the State of Texas, as amended by an act passed at the regular session of the Eighteenth Legislature,' etc.

Adopted, and
The bill taken up and passed to third reading.
On motion of Senator Davis,
The constitutional rule was suspended, and
The bill ordered read third time, by the following vote:

YEAS—24.

Bell,	Glasscock,	Knittel,
Calhoun,	Hall,	Peacock,
Davis,	Harrison,	Perry,
Douglass,	Houston of Bexar,	Pfeuffer,
Farrar,	Houston of Wheeler,	Randolph,
Fowler,	Johnson,	Stinson,
Garrison,	Jones,	Traylor,
Getzendaner,	Kilgore,	Woods.

NAYS—none

ABSENT, NOT VOTING.

Jerdone.

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

YEAS—24.

Bell,	Glasscock,	Knittel,
Calhoun,	Hall,	Peacock,
Davis,	Harrison,	Perry,
Douglass,	Houston of Bexar,	Pfeuffer,
Farrar,	Houston of Wheeler,	Randolph,
Fowler,	Johnson,	Stinson,
Garrison,	Jones,	Traylor,
Getzendaner,	Kilgore,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Jerdone.

House bill No. 15, "An act to amend sections 4 and 16 of 'an act for the protection of the wool-growing interests of the State of Texas,'" etc., was laid before the Senate in its regular and passed.

On motion of Senator Houston of Bexar,

The special order was suspended, and

Senate bill No. 150, "An act to amend sections 9 and 10 of 'an act to provide for the classification, sale and lease of lands heretofore or hereafter surveyed and set apart for the benefit of the common school, University, the Lunatic, Blind, Deaf and Dumb, and Orphan Asylum funds,'" was taken up and ordered engrossed.

Senator Houston of Bexar, moved to reconsider the vote ordering the engrossment of the bill,

Adopted, and the vote reconsidered.

Senator Houston of Bexar, offered the following amendment:

The fact that this act should take effect before the first day of March, 1885, in order to avoid forfeitures which otherwise might be taken at that time, creates an emergency and imperative public necessity that the rules requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage.

Adopted, and the bill ordered engrossed.

Senator Houston of Bexar, moved to suspend the rule and place the bill on its third reading.

Adopted by the following vote:

YEAS—22.

Bell,	Glasscock,	Knittel,
Calhoun,	Hall,	Perry,
Davis,	Houston of Bexar,	Pfeuffer,
Douglass,	Houston of Wheeler,	Randolph,
Farrar,	Johnson,	Stinson,
Fowler,	Jones,	Traylor,
Garrison,	Kilgore,	Woods.
Getzendaner,		

NAYS—1.

Harrison.

ABSENT, NOT VOTING.

Jerdone,

Peacock.

By leave,
Senator Pfeuffer offered the following committee reports:

COMMITTEE ROOM,
AUSTIN, February 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Education, to whom was reserred Senate bill No. 119, entitled "An act to create the office of county superintendent and to define their duties and powers, and to repeal all laws in conflict with this act," have carefully examined the same, and instruct me to report the same back with the recommendation that the same be laid upon the table, as the subject matter therein is contained in Senate bill No. 142, reported back with amendments for consideration of the Senate.

All of which is respectfully submitted.

PFEUFFER, Chairman.

COMMITTEE ROOM,
AUSTIN, February 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Education, to whom was referred Senate bill No. 142, entitled "An act to amend sections Nos. 2, 9, 12, 22, 23, 29, 30, 33, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 51, 53, 54, 56, 57, 59, 60, 61, 62, 63, 64, 68, 73, 75, 77, 78, 79, 79d, 83, 84, 85 and 87 of an act entitled 'an act to establish and maintain a system of public free schools for the State of Texas,' and to repeal so much of chapter 3 title 78 of the Revised Civil Statutes of Texas as refer to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act, the same being chapter 25 general laws of the special session of the Eighteenth Legislature, 1884; and to add thereto as new sections, sections 12a, 12b, 12c, 12d, 12e, and sections 58a, 58b and 58c, and repealing all laws and parts of laws in conflict with the provisions of this act, and the original act of which it is amendatory," have carefully examined the same, and instruct me to report the same back, with the recommendation that the following amendments be made thereto, and that the original bill and amendments herewith submitted be considered in committee of the whole:

Section 2, line 15, after the word "schools," strike out all the balance of the section, and in lieu thereof insert the following: "But from the distributive share of each county shall be deducted and retained the salary or fees of the county superintendent, or the county judge of such county, as the case may be."

Section 29, pages 4 and 5, strike out all of said section.

Section 30, pages 5 and 6, strike out all of said section.

Section 33, pages 6 and 7, line 2, after the word "residence," insert the words "and unmarried woman over 21 years of age." Line 23, after the words "first day of," strike out the words "October of each year" and insert the words "of March of the same year preceding that election." Line 26, after the word "act," strike out the words "as to the taxes of the year in which the election may be held, and the next preceding year."

Section 36, page 7, line 12, after the word "officers," insert "and all unmarried tax-paying women over 21 years of age." Lines 16 and 17, after the word "on," strike out "motion of a parent or guardian of a child within the scholastic age" and insert in lieu thereof "on complaint of five patrons of the school."

Section 38, page 8, line 10, after the word "voters," insert "and unmarried resident tax-paying woman 21 years of age."

Section 48, page 15, line 16, after the word "grammar," in-

sert the words "school discipline and the methods of teaching." Lines 22 and 23, strike out the words "school discipline and the methods of teaching."

All of which is respectfully submitted.

PFEUFFER, Chairman.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to report to your honorable body the passage of substitute House bills Nos. 13, 61, 64, 104 and 161. "An act to amend section 71 of 'an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, title 78 of the Revised Civil Statutes of Texas as refer to schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act,' passed at the called session of the Eighteenth Legislature."

A. D. SADLER,
Chief Clerk House.

The President referred the bill reported in the House message to Committee on Education.

Senate bill No. 150, was read third time and passed by the following vote:

YEAS—23.

Bell,	Glasscock,	Peacock,
Calhoun,	Hall,	Perry,
Davis,	Houston of Bexar,	Pfeuffer,
Douglass,	Houston of Wheeler,	Randolph,
Farrar,	Johnson,	Stinson,
Fowler,	Jones,	Traylor,
Garrison,	Kilgore,	Woods,
Getzandaner,	Knittel,	

NAYS—1.

Harrison.

ABSENT, NOT VOTING,

Jerdone.

Senate bill No. 122, "An act to regulate the collection of taxes and to provide for prompt settlement by collectors," was laid before the Senate as a special order and read second time.

(Senator Jones in the chair.)

Senator Glasscock offered the following amendment:

Amend the committee amendment by adding after the word "Comptroller," in line 10, the words: "And it shall be the duty of the Comptroller to furnish to the collector of taxes a list of said delinquents at the earliest practicable time after the first day of January of each year."

Senator Woods raised the point of order that the committee amendment must first be acted upon. The point of order was sustained, and

The amendment of Senator Glasscock went to the table to await action on the committee amendment.

The committee amendment was adopted by the following vote:

YEAS—16.

Bell,	Houston of Bexar,	Pfeuffer,
Calhoun,	Houston of Wheeler,	Randolph,
Getzandaner,	Johnson,	Stinson,
Glasscock,	Kilgore,	Traylor,
Hall,	Peacock,	Woods,
Harrison,		

NAYS—6.

Davis,	Garrison,	Knittel,
Farrar,	Jones,	Perry,

ABSENT, NOT VOTING:

Douglass,	Fowler,	Jerdone.
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The amendment of Senator Glasscock was adopted.

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

YEAS—12.

Bell,	Getzandaner,	Perry,
Douglass,	Glasscock,	Pfeuffer,
Farrar,	Harrison,	Traylor,
Fowler,	Kilgore,	Woods.

NAYS—12.

Calhoun,	Houston of Bexar,	Knittel,
Davis,	Houston of Wheeler,	Peacock,
Garrison,	Johnson,	Randolph,
Hall,	Jones,	Stinson.

Senator Houston of Bexar entered a motion to reconsider the vote by which the Senate refused to engross Senate bill No. 122.

Senator Hall offered the following resolution:

Resolved, That the Sergeant-at-Arms is instructed to obtain daily a sufficient quantity of ice for the use of the Senate, so that the temperature of the drinking water may be reduced below that of an emetic.

Senator Pfeuffer offered to amend the resolution as follows:

And that pure cistern water be substituted for the Austin tank and Colorado river water now furnished the Senate.

Accepted, and

The resolution as amended adopted.

House bill No. 21, "An act to amend article 677 of the Penal Code," was laid before the Senate and read third time.

(President in the chair.)

The bill passed by the following vote:

YEAS—17.

Bell,	Hall,	Perry,
Calhoun,	Harrison,	Pfeuffer,
Douglass,	Houston of Wheeler,	Stinson,
Farrar,	Johnson,	Traylor,
Getzandaner,	Jones,	Woods,
Glasscock,	Knittel,	

NAYS—6.

Davis,	Garrison,	Kilgore,
Fowler,	Houston of Bexar,	Peacock.

ABSENT, NOT VOTING,

Jerdone,

Randolph.

Senator Harrison, by leave, introduced the following report:

COMMITTEE ROOM,
AUSTIN, February 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 159, entitled "An act to amend article 575 of the Revised Statutes of the State of Texas," having considered the same, and by a majority reported said bill unfavorably, we the minority, dissenting from the views expressed in their report, beg leave to submit the following reasons why the bill should become a law:

1. The object of the bill is a good one—it prescribes the powers and duties of private corporations; it prohibits any private corporation from hereafter being created for the purpose of dealing and speculating in lands, and limits future private corporations in their right to acquire and hold lands to incidental purposes; it requires existing land corporations to dispose of all lands held by them, at the time this act takes effect, to some individual person in fee simple within five years from such date, and in like manner to dispose of all future acquisitions within five years from the date of acquisition.

2. It destroys no vested right or franchise of any private corporation, but simply seeks in a proper and legal way to regulate the exercise of those rights and franchises. This legislation we submit is necessary in order to check the rapid en-

encroachments of landed corporations upon the country, and to prevent them from retarding the growth and settlement of the State, by buying our lands in large and small bodies, and holding them from the market, and from settlement for an indefinite length of time. The argument that private corporations are not paying institutions, and that capitalist have ceased seeking such investments is not sustained by the record. By reference to the recent report of the Secretary of State, it will be seen that the desire to conduct all kinds of business through the agencies of corporations remains unabated, and that private corporations are constantly increasing in number to an alarming extent.

This report shows that during 1882 only two hundred and twelve private corporations were formed, but in 1883 there were three hundred and sixty-eight formed, and 1884, exclusive of the month of December, three hundred and seventy-nine, and since that time and up to the present, forty-nine have been formed. We give these facts to show that there is reason for fear and anxiety on the part of the public. Now under our present law every private corporation, as such, has the right to acquire and hold land to a greater or lesser extent, and upon investigation it will be seen that a large proportion of the private corporations already created were created principally for the purpose of dealing in lands.

We submit that it is a self-evident truth that in a government like ours, its perpetuity and general safety depends to a great extent on the distribution, as far as possible, of its landed property among its individual citizens, and all laws which tend to defeat this end are contrary to the spirit and genius of our institutions.

We fully appreciate and recognize the vested rights of existing corporations, and do not desire to destroy a single one of them. We simply wish to regulate, by proper legislation, the exercise and enjoyment of those rights, and to this extent and no further does this bill propose to go. That the State, as a sovereign power, has this right, cannot be denied; that it is time to exercise it, we believe has been fully demonstrated by this report. We submit further, that the taxable wealth of every government supported by direct taxation is measured by the taxable values of its landed property, and just in proportion as its lands are settled upon and developed by the individual citizen, just to the same extent do the taxable values increase, and the safety and security of the government become more assured. This being true, then to this extent, if no further, the State is directly and seriously interested in its own growth and development, and in seeing the lands within its borders become the homes of its individual citizens, and the State has the right, and should remove every obstacle which rears itself to thwart or cripple this design. This position is fully sustained by the fact that the State has adopted the policy of selling the remainder of the public domain belonging to the respective funds to actual settlers exclusively, and the same causes which induced the State to adopt this policy applies with equal force as a reason why the State should require existing land corporations to place their large bodies of land upon the market for sale to the individual citizen.

In conclusion, we submit in all earnest, that unless some steps are taken to check the rapid strides of landed corporations, the growth and development of the country will not only be retarded, but it will only be a question of a short time when we will find ourselves in the same condition as was England when she was forced to pass the statutes of mortmain, to prevent the Catholic church from acquiring all the lands within her kingdom. Therefore, in the interest of the welfare and prosperity of the State and its continual growth and settlement, we do heartily recommend the passage of the above bill.

All of which is respectfully submitted.

HARRISON,
WOODS,
Minority.

Senator Houston of Bexar, by leave, introduced a bill, "An act to amend article 2219 of chapter 2, title 38 of the Revised Statutes," etc.

Referred to Judiciary Committee No. 1.

Senate bill No. 73, a bill to be entitled "An act to amend section 71 of an act entitled 'an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3 of title 78 of the Revised Civil Statutes of the State of Texas as refers to public free schools

outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act,' passed by the Eighteenth Legislature at its called session," on motion of Senator Perry, was taken up.

Senator Perry moved that substitute House bill Nos. 13, 61, 63, 104, 161, "An act to amend section 71 of 'an act to establish and maintain a system of public free schools,' etc., be substituted for the pending bill.

The President ruled that the House bill could not be acted upon in the Senate until reported by the committee to whom it was referred.

Senator Perry moved that Senate bill No. 73 be made a special order for to-morrow after the special order already made, after morning call.

Adopted.

On motion of Senator Jones,

Senate bill No. 173, "An act to repeal article 4112 of the Revised Civil Statutes of the State," etc., was taken up out of its regular order and read second time.

Senator Davis moved to make it a special order for Saturday after morning call.

Adopted.

By leave, Senator Pfeuffer submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Education, to whom was referred substitute House bill for Nos. 13, 61, 64, 104 and 161, "An act to amend section 71 of 'an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, title 78 of the Revised Civil Statutes of Texas as refer to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act,' passed at the called session of the Eighteenth Legislature," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

PFEUFFER, Chairman.

On motion of Senator Glasscock,

Senate bill No. 136, "An act for the relief of W. J. Salyer and to validate donation warrant No. 509," was taken up out of its order and read third time and passed by the following vote:

YEAS—17.

Bell,	Houston of Bexar,	Perry,
Calhoun,	Houston of Wheeler,	Randolph,
Farrar,	Jones,	Stinson,
Getzendaner,	Kilgore,	Traylor,
Glasscock,	Knittel,	Woods.
Hall,	Peacock,	

NAYS—7.

Davis,	Garrison,	Johnson,
Douglass,	Harrison,	Randolph,
Fowler,		

On motion of Senator Fowler,

Senate bill No. 149, "An act to amend article 2438, title 44 of the Revised Civil Statutes, etc., so as to require all reports for the use of the Legislature to be printed by the first day of December, before the assembling of the Legislature," was taken up out of its regular order, read second time and ordered engrossed.

On motion of Senator Houston of Wheeler, Senate bill No. 7, "An act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the benefit of the common school, University, the Lunatic, Blind, Deaf and Dumb and Orphan Asylum funds," was taken up out of its regular order and made the special order for Wednesday after the first special order after morning call.

Also Senate bill No. 165, "An act to amend articles 4185 and 4190 of the Revised Civil Statutes of the States of Texas," was taken up and made special order for Saturday after morning call.

On motion of Senator Peacock,

Senate bill No. 87, "An act to amend article 617, chapter 2 of Code of Criminal Procedure," was taken up out of its regular order, read second time and ordered engrossed.

Senate bill No. 31, "An act to regulate reservations in sales of personal property," was laid before the Senate in its regular order, on its third reading, read third time and passed.

Senate bill No. 63, "An act to provide for the investment of the permanent public school funds of the counties," was laid before the Senate.

Read third time and passed by the following vote:

YEAS—11.

Bell,	Farrar,	Hall,
Calhoun,	Garrison,	Johnson,
Davis,	Getzendaner,	Randolph.
Douglass,	Glasscock,	

NAYS—10.

Fowler,	Kilgore,	Stinson,
Harrison,	Peacock,	Traylor,
Houston of Bexar,	Perry,	Woods.
Houston of Wheeler,		

ABSENT, NOT VOTING.

Jerdone,	Knittel,	Pfeuffer.
Jones,		

Senate bill No. 132, "An act to define and punish the conversion of personal property by hirers, borrowers and other bailees," was laid before the Senate.

Read third time and passed.

Senate bill No. 141, "An act to amend articles 29 and 30 of the Penal Code of Criminal Procedure for the State of Texas," was laid before the Senate.

Read third time and passed.

House joint resolution No. 3, 'providing for the appointment of a committee to remove the remains of Col. F. W. Johnson from Aguas Calientes, Mexico, and place the same in the State cemetery in the city of Austin; Texas, and to make an appropriation therefor,' was laid before the Senate.

Read second time.

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

YEAS—6.

Getzendaner,	Houston of Wheeler,	Perry,
Glasscock,	Knittel,	Randolph.

NAYS—18.

Bell,	Garrison,	Kilgore,
Calhoun,	Hall,	Peacock,
Davis,	Harrison,	Pfeuffer,
Douglass,	Houston of Bexar,	Stinson,
Farrar,	Johnson,	Traylor
Fowler,	Jones,	Woods.

Senator Getzendaner sent the following to the Secretary's desk:

We vote aye because Col. Frank W. Johnson was one of the patriots and veterans of the Texas Revolution; because he was conspicuous in the early history of the Republic, both in its councils and on the field. He was among the last of those who connected the present with those early days of the Republic, resplendent with imperishable deeds of valor.

Under general provision of the Constitution we find in section 39, "that the Legislature may from time to time make appropriations for preserving and perpetuating memorials of the history of Texas by means of monuments, statues, etc."

We hold, and we believe, that under the provision for memorials by monuments, etc., may be embraced the object of this resolution, and we believe any memorial or monument erected in memory of any one becomes the more valuable, the more inspiring to the youth of the land, and gratifying to all patriotic citizens, that under such monument or memorial does lie the ashes of the illustrious dead.

GETZENDANER,
JONES,
GLASSCOCK,
RANDOLPH.

The following reasons for voting "no" on House joint resolution No. 3, was asked to be spread on the journal:

We sincerely regret having to vote "no" upon this resolution. It commends itself to our sentiment, but the fact that it is not constitutional prevents our voting for it.

HOUSTON of Bexar,
FARRAR,
FOWLER,
KILGORE,
STINSON.

The President gave notice of signing House bill No. 183.

Senator Jones moved to reconsider vote by which House joint resolution No. 3 was lost.

Senator Davis moved to lay that motion on the table.

Adopted, and

The motion was tabled.

On motion of Senator Bell, a bill to be entitled "An act to make it penal to use language, or be guilty of conduct reasonably calculated to provoke a breach of the peace, and to prescribe the punishment therefor," was taken up out of its regular order and read second time and ordered engrossed.

Senate bill No. 131, a bill to be entitled "An act to give effect to section 2, article 14 of the Constitution," was taken up out of its regular order, on motion of Senator Hall, and made special order for Monday after morning call.

Senator Jones introduced the following resolution:

Resolved, That a committee of three Senators be appointed to act with a committee of five from the House of Representatives, to solicit from members of both Houses of the Legislature, from the officers of the State, and the citizens generally, a sufficient amount of money to bring the remains of that hero, patriot and statesman—he who was wise in council and heroic in action—Col. F. W. Johnson, from Mexico to the city of Austin, that his remains may be interred in the State cemetery by the side of his compatriots and comrades, the historic and illustrious dead of Texas.

Senator Peacock moved to lay the resolution on the table.

Withdrawn.

Senator Kilgore raised the point of order that the resolution was out of order, as the Senate could not appoint a committee except to pursue legislative duty.

The point of order was sustained.

On motion of Senator Randolph, The Senate adjourned till 10 o'clock to-morrow morning.

TWENTY-SECOND DAY.

SENATE CHAMBER. }
AUSTIN, TEXAS, February 6, 1885. }

The Senate met pursuant to adjournment.
Lieutenant-Governor Gibbs in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain, Dr. Smoot.
On motion of Senator Stinson,
The reading of the journals of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

Senator Garrison sent up a petition from J. C. Spinks, and had it read and referred to Committee on Agricultural Affairs.
By Senator Stinson:
Memorial from citizens of Hunt county praying for prohibitory constitutional amendment.
Referred to Committee on Constitutional Amendments.

REPORTS OF STANDING COMMITTEES.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, February 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed bills have carefully examined and compared Senate bill No. 150, being "An act to amend sections 9 and 10 of an act to provide for the classification, sale, and lease of the lands heretofore or hereafter surveyed and set apart for the benefit of the common school, University of the Lunatic, Blind, Deaf and Dumb, and Orphan Asylum funds," and find the same correctly engrossed.

BELL, Chairman.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, February 6, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred Senate bill No. 188, entitled "An act to amend section 13 of an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884," approved April 9, 1883," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

FOWLER, Chairman.

By Senator Davis:

COMMITTEE ROOM,
AUSTIN, February 5, 1885.

Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 168, entitled "An act to amend article 553, Chapter 4, title 7 of the Code of Criminal Procedure of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, February 5, 1885.

Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 179, entitled "An act prescribing a penalty to those who bring cattle into this State infected with the disease of pleuro-pneumonia, rhinderpest, or any other contagious

disease," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the accompanying amendments.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, February 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 181, entitled "An act to amend article 352, chapter 1, title 7 of the Code of Criminal Procedure, relating to the appointment of jury commissioners," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, February 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 182, entitled "An act to amend articles 151 and 158, chapter 2, title 6 of the Penal Code of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

By Senator Perry:

COMMITTEE ROOM,
AUSTIN, February 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred House bill No. 232, entitled "An act to authorize county commissioners' courts to assume control of the streets and alleys of any city or incorporated town within their jurisdiction, in which there is no de facto municipal government, and to have the same worked as public roads," have carefully examined the same, and your committee instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

PERRY, Chairman.

BILLS AND RESOLUTIONS.

By Senator Pfeuffer:

"An act to perfect the University of Texas, and provide for its government and management, and to repeal chapter 75 of the general laws passed at the regular session of the Seventeenth Legislature," etc.

Referred to Committee on Education.

On motion of Senator Hall,

One hundred copies of the bill ordered printed for use of the Senate.

On motion of Senator Davis,

Senators Knittel, Kilgore and Perry were excused till Tuesday.

Senate joint resolution No. 6, amending section 3 of article 5 of the Constitution, was laid before the Senate.

On motion of Senator Peacock,

It was made a special order for Tuesday, after morning call.

On motion of Senator Davis,

Senate bill No. 33, "An act to fix the venue of suits for the wrongful or malicious suing out of attachments," was taken up and made a special order for Tuesday, after first special order after morning call.

Senate bill No. 73, a bill to be entitled "An act to amend section 71 of an act entitled 'an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3 of title 78 of the Revised Civil Statutes of the State of Texas as refers to public free schools

outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act,' passed by the Eighteenth Legislature at its called session," was taken up as a special order.

Senator Perry moved that substitute House bill Nos. 13, 61, 63, 104, 161, "An act to amend section 71 of 'an act to establish and maintain a system of public free schools,'" etc., be substituted for the pending bill.

(Senator Traylor in the chair.)

Senator Houston of Bexar offered to amend by adding the counties of Gillespie, Concho, Morris, DeWitt and Lee to the list of exempted counties.

Adopted.

Senator Stinson offered to amend by striking from the exempted list the counties of Hunt, Hamilton, Kaufman, Fayette, Rusk and Trinity.

Adopted.

The bill passed to its third reading.

Senator Perry moved to suspend the rule and place the bill on its third reading.

Withdrawn.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 6, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage by the House of House concurrent resolution delivering to Major J. F. Elliott, Commissioner from Texas, the block of granite now in the hall of this building, to be by him exhibited at the World's Exposition.

A. D. SADLER, Chief Clerk.

Senator Garrison moved to take up the House concurrent resolution just reported.

Adopted.

Senator Johnson offered the following amendment:

Amend by adding a white limestone block, the fossilized limestone slab and the pine table upon which they lie.

Lost.

The resolution was adopted.

Senator Bell submitted the following privileged reports:

COMMITTEE ROOM,
AUSTIN, February 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared committee substitute for Senate bill No. 59, being "An act to provide for the registration of writs of attachment which have been levied upon land, in the office of the county clerk of the county in which such land is situated," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 6, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 51, being "An act to provide for the appointment of special clerks of the district and county courts in certain cases," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 87, being "An act to amend arti-

cle 617, chapter 2, Code of Criminal Procedure," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 6, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 60, being "An act to make it penal to use language or be guilty of conduct calculated to provoke a breach of the peace, and to prescribe a penalty there for," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 6, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully compared Senate bill No. 149, being "An act to amend article 2438, title 44 of the Revised Civil Statutes of the State of Texas, adopted at the regular session of the Seventeenth Legislature, so as to require all reports for the use of the Legislature to be printed by the first day of December before the assembling of the Legislature," and find the same correctly engrossed.

BELL, Chairman.

On motion of Senator Peacock,

Senate bill No. 7, "An act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the benefit of the common school, University, the Lunatic, Blind, Deaf and Dumb and Orphan Asylum funds," was ordered printed for the use of the Senate.

On motion of Senator Hall,

Senate bill No. 113, "A bill to be entitled an act to repeal section 4 of an act entitled 'an act defining who are officers of this State, and prescribing their rights, powers, duties and privileges,' approved February 15, 1881," was made special order for Thursday after morning call.

Senator Harrison moved to take up Senate bill No. 142, entitled, "An act to amend sections 2, 9, 12, 22, 23, 29, 30, 33, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 51, 53, 54, 56, 57, 59, 60, 61, 62, 63, 64, 68, 73, 75, 77, 78, 79, 79d, 83, 84, 85 and 87 of an act entitled 'an act to establish and maintain a system of public free schools for the State of Texas,' and to repeal so much of chapter 3, title 78 of the Revised Civil Statutes of Texas as refer to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools and all laws and parts of laws in conflict with this act,' the same being chapter 25 general laws of the special session of the Eighteenth Legislature, 1844 and to add thereto as new sections, sections 12a, 12b, 12c, 12d, 12e, and sections 58a, 58b and 58c, and repealing all laws and parts of laws in conflict with the provisions of this act and the original act of which it is amendatory," and make it a special order for Tuesday after morning call, and that fifty copies of the report be printed.

Adopted.

Senator Davis moved to recommit Senate bill No. 48, a bill to be entitled "An act to protect the enclosed lands of every person from trespass by persons shooting, hunting, fishing and fowling," to Judiciary Committee No. 2.

Adopted.

Senate bill No. 61, "An act to protect stockraisers, providing for the destruction of wolves," etc., was taken up, and

Read third time, and passed by the following vote:

YEAS—15.

Bell,	Hall,	Perry,
Calhoun,	Houston of Bexar,	Pfeuffer,
Farrar,	Houston of Wheeler,	Randolph,
Getzendaner,	Jones,	Traylor,
Glasscock,	Knittel,	Woods.

NAYS—7.

Davis,	Harrison,	Peacock,
Fowler,	Johnson,	Stinson.
Garrison,		

ABSENT, NOT VOTING.

Douglass, Jerdone.

House bill No. 10, "An act to amend articles 1204 and 1389 in title 29 of the Revised Civil Statutes," was laid before the Senate and read second time.

On motion of Senator Houston of Bexar, The bill was recommitted to Judiciary Committee No. 1.

On motion of Senator Fowler,

Senate bill No. 149, "An act to amend article 2438, title 44 of the Revised Civil Statutes, etc., so as to require all reports for the use of the Legislature to be printed by the first day of December, before the assembling of the Legislature," was taken up out of its regular order and read third time.

Senator Woods moved to amend article 2438 by striking out in line 14 the words "when requested to do so."

Withdrawn, and the bill passed by the following vote:

YEAS—21.

Bell,	Glasscock,	Knittel,
Calhoun,	Hall,	Peacock,
Davis,	Harrison,	Pfeuffer,
Farrar,	Houston of Bexar,	Randolph,
Fowler,	Houston of Wheeler,	Stinson,
Harrison,	Johnson,	Traylor,
Getzendaner,	Jones,	Woods.

NAYS—none.

ABSENT NOT VOTING.

Douglass, Jerdone.

Senate bill No. 60, a bill to be entitled "An act to make it penal to use language, or be guilty of conduct reasonably calculated to provoke a breach of the peace, and to prescribe the punishment therefor" was laid before the Senate.

Read third time and passed.

Senate bill No. 87, a bill to be entitled "An act to amend article 617, chapter 2, Code of Criminal Procedure," was taken up in its regular order.

Read third time and passed.

Substitute Senate bill No. 59, a bill to be entitled an act to provide for the registration of writs of attachments, which have been levied upon land, in the office of the county clerk of the county in which such land is situated," was taken up in its regular order, and

Read third time and passed.

Senator Houston of Bexar moved to take up, out of its regular order, Senate bill No. 137, a bill to be entitled "An act to repeal sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 25, 27, 28, 30, 31, 198, 199 and 200, and to amend sections 2, 4, 5, 6, 33, 43, 45, 70, 74, 78, 103, 120, 197, 201, 202 and 203

of an act entitled 'an act to incorporate the city of San Antonio and grant a new charter to said city,' approved August 13, 1870, and to repeal 'an act to incorporate the city of San Antonio,' approved July 17, 1856, and an act to amend the 'act to incorporate the city of San Antonio,' approved February 11, 1860; also an act to amend an act entitled 'an act to incorporate the city of San Antonio and grant a new charter to said city,' approved April 18, 1879."

Adopted, and Read second time.

Senator Houston of Bexar offered the following amendments:

Amend section 1 by inserting after the word "sections," in line 10, page 1, the figure "2."

After section 1 insert:

"Section 2. The bounds and limits of said city, within which said corporation shall have jurisdiction, shall include a square of which the sides shall be equidistant from what is known as the cupola of the Cathedral of San Fernando, and three miles therefrom, east, west, north and south, or six miles square."

And number following sections accordingly.

Adopted.

Senator Houston of Bexar offered to amend as follows:

The fact that it is important to the interests of the general public of said city that the changes in the city charter of said city made by this act go into effect immediately, creates an emergency and an imperative public necessity which requires the suspension of the rule requiring bills to be read on three several days, and that this act take effect from and after its passage.

Adopted, and bill ordered engrossed.

On motion of Senator Houston of Bexar,

The constitutional rule was suspended, and the bill placed on its third reading by the following vote:

YEAS—21.

Bell,	Glasscock,	Peacock,
Calhoun,	Harrison,	Perry,
Davis,	Houston of Bexar,	Pfeuffer,
Farrar,	Houston of Wheeler,	Randolph,
Fowler,	Johnson,	Stinson.,
Garrison,	Jones,	Traylor,
Getzendaner,	Knittel,	Woods.

NAYS—1:

Hall.

ABSENT. NOT VOTING.

Douglass, Jerdone.

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

YEAS—21.

Bell,	Glasscock,	Peacock,
Calhoun,	Harrison,	Perry,
Davis,	Houston of Bexar,	Pfeuffer,
Farrar,	Houston of Wheeler,	Randolph,
Fowler,	Johnson,	Stinson,
Garrison,	Jones,	Traylor,
Getzendaner,	Knittel,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Douglass, Jerdone.

House bill No. 35. "An act to amend article 4531 of the Revised Statute," was laid before the Senate in its regular order and read second time, and

The Senate refused to pass to third reading.

On motion, the vote refusing to pass to third reading was reconsidered.

Senator Glasscock offered the following amendment:

Strike out the word "shall" before the word "appoint" and insert the word "may."

Adopted.

Senator Perry offered the following amendment:

Amend by striking out the words "not less than one."

Adopted, and

The bill passed to third reading.

On motion of Senator Houston of Wheeler,

The Senate adjourned till 10 o'clock Monday morning.

TWENTY-THIRD DAY.

SENATE CHAMBER.
AUSTIN, TEXAS, February 9, 1885.

The Senate met pursuant to adjournment.

Senator W. R. Shannon, President pro tem., in the chair.

Roll called.

No quorum present.

On motion of Senator Pope,

The Senate adjourned till 11 o'clock.

The Senate was called to order, as per adjournment, by President pro tem., Senator Shannon.

Roll called.

No quorum present.

Senator Pope moved a second call of the Senate.

Adopted.

Roll called.

No quorum present.

The Sergeant-at Arms was dispatched to bring the absent Senators into the Senate.

Senator Pope moved to adjourn till 10 o'clock to-morrow morning.

Lost by the following vote:

YEAS—9.

Camp,	Houston of Bexar,	Randolph,
Davis,	Houston of Wheeler,	Stinson,
Hall,	Pope,	Terrell.

NAYS—12.

Bell,	Garrison,	Pfeuffer,
Calhoun,	Harrison,	Shannon,
Farrar,	Johnson,	Traylor,
Fowler,	Peacock,	Woods.

ABSENT, NOT VOTING.

Douglass,	Getzendaner,	Kleberg.
Evans,	Jerdone,	

A quorum was announced present.

Prayer by the Chaplain, Dr. Smoot.

Senator Houston of Wheeler moved to dispense with the reading of the journal of the last day's proceedings.

Withdrawn.

The Secretary proceeded to read the journal.

Senator Peacock moved to dispense with the further reading of the journal.

Adopted by the following vote:

YEAS—13.

Bell,	Harrison,	Pfeuffer,
Calhoun,	Houston of Bexar,	Shannon,
Farrar,	Johnson,	Traylor,
Fowler,	Peacock,	Woods.
Garrison,		

NAYS—8.

Camp,	Houston of Wheeler,	Stinson,
Davis,	Pope,	Terrell.
Hall,	Randolph,	

ABSENT, NOT VOTING.

Douglass,	Getzendaner,	Kleberg.
Evans,	Jerdone,	

On motion of Senator Garrison, The Sergeant-at-Arms, Mr. Brewer, was excused till Wednesday, on account of sickness in his family.

On motion of Senator Farrar, Senator Getzendaner was excused till Tuesday. The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 9, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to report to your honorable body the passage of

Senate bill No. 112, with amendments, "An act to provide for the issuance and sale of the bonds of the State to supply deficiencies in the revenue, and to provide the mode and manner of the sale of said bonds."

Also Senate concurrent resolution requiring the Enrolling Committees to omit the "emergency" and "public necessity" clauses in certain cases.

A. D. SADLER, Chief Clerk House,

Senator Bell made the following committee report:

COMMITTEE ROOM,
AUSTIN, February 6, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 137, being "An act to repeal sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 25, 27, 28, 30, 31, 83, 198, 199 and 200, and to amend sections 2, 4, 5, 6, 29, 33, 43, 45, 70, 74, 78, 103, 120, 197, 201, 202 and 203 of an act entitled 'an act to incorporate the city of San Antonio and grant a new charter to said city,' approved August 13, 1870, and to repeal 'an act to incorporate the city of San Antonio,' approved July 17, 1856, and 'an act to amend the act to incorporate the city of San Antonio,' approved February 13, 1860, also an act to amend an act entitled 'an act to incorporate the city of San Antonio and grant a new charter to said city,' approved April 18, 1879," and find the same correctly engrossed.

BELL, Chairman.

The President pro tem. gave notice of signing the following bills:

Senate bill No. 17, a bill to be entitled "An act to give orders of sale foreclosing liens upon land the force and effect of writs of possession."

House bill No. 21, "An act to amend article 677 of the Penal Code."

House bill No. 51, "An act to restore the jurisdiction of the county court of Grimes county."

Senator Pope moved a call of the Senate.

Roll call completed and no quorum present.

The Sergeant-at-Arms was dispatched to bring the absent Senators into the Senate Chamber, and

The Doorkeeper was instructed to keep the door closed.

Senator Randolph moved to adjourn till nine o'clock to-morrow morning.

Lost by the following vote:

	YEAS—5.	
Davis,	Pfeuffer,	Stinson.
Farrar,	Randolph,	
	NAYS—11.	
Bell,	Harrison,	Shannon,
Calhoun,	Houston of Wheeler,	Terrell,
Camp,	Johnson,	Traylor,
Garrison,	Peacock,	Woods.
Hall,	Pope,	
	ABSENT, NOT VOTING:	
Douglass,	Fowler,	Jerdone,
Evans,	Houston of Bexar,	Kleberg.

Senator Pope moved to suspend the call of the Senate.
Adopted.

REPORTS OF STANDING COMMITTEES.

Senator Garrison sent up the following report:

COMMITTEE ROOM,
AUSTIN, February 7, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Insurance, History and Statistics, to whom was referred Senate bill No. 175, entitled "An act regulating insurance, and the rights and liabilities of the insurer and insured, and to amend article 2953 of the Revised Civil Statutes," have carefully examined the same, and a majority of the committee have instructed me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

GARRISON, Chairman.

BILLS AND RESOLUTIONS.

By Senator Traylor:

"An act to provide for the correction and revision of the abstract of located, titled and patented lands in Texas."

"An act to provide for the sale of all real estate bid off to the State by collectors of taxes at tax sales, the owners of which have not redeemed the same."

Both bills referred to Finance Committee.

By Senator Peacock:

"An act to provide for the classification, sale and lease of the lands heretofore or hereafter set apart for the benefit of the common school, University, Lunatic, Deaf and Dumb, Blind, and Orphan Asylum funds."

Referred to Committee on Public Lands.

Senator Peacock moved to have 100 copies of the bill printed.

Adopted.

By request of Senator Douglass,

Senator Peacock introduced a bill to be entitled An act for the relief of Z. C. Collier, Thomas Collier, and William Ramon."

Referred to Committee on Private Land Claims.

By leave, Senator Harrison introduced a memorial from citizens of Waco.

Referred to Committee of the Whole.

Senator Pope, by leave, introduced a memorial from citizens of Harrison county, setting forth grievances against the Texas and Pacific Railway company.

Referred to Committee on Internal Improvements.

Senator Fowler submitted the following privileged report:

COMMITTEE ROOM,
AUSTIN, February 9, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined

and compared Senate bill No. 17, being "An act to give orders of sale foreclosing liens upon land the force and effect of writs of possession," and find the same correctly enrolled, and have this day, at 11:40 o'clock a. m., presented the same to the Governor for his approval.

FOWLER, Chairman.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 9, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to report to your honorable body the passage by the House of

Senate bill No. 150, "An act to amend sections 9 and 10 of 'an act to provide for the classification, sale and lease of the lands heretofore or hereafter surveyed and set apart for the benefit of the common school, University, the Lunatic, Blind, Deaf and Dumb, and Orphan Asylums funds.'" Passed under suspension of the rules. Yeas, 76; nays, 5.

A. D. SADLER, Chief Clerk.

Senate bill No. 131, "An act to give effect to section 2, article 14, of the Constitution," was laid before the Senate as first special order and read second time, with committee substitute.

On motion of Senator Hall,

The substitute was adopted.

Senator Hall offered to amend by adding after the word "and," in line 14, "by the affidavits of two credible citizens of said county."

Adopted, and

The bill was ordered engrossed.

Senate bill No. 112, a bill to be entitled "An act to provide for the issuance and sale of the bonds of the State to supply deficiencies in the revenue, and to provide the mode and manner of the sale of said bonds," was laid before the Senate, with House amendments.

The Senate concurred in the first, second, third, fourth, fifth, sixth and seventh House amendments.

Senate bill No. 165, a bill to be entitled "An act to amend articles 4185 and 4190 of the Revised Civil Statutes of the State of Texas," was laid before the Senate as a special order, and

Read second time and ordered engrossed.

House bill No. 35, "An act to amend article 4531 of the Revised Statutes," was taken up in its regular order and read third time and passed.

Substitute House bills Nos. 13, 61, 63, 104, 161, "An act to amend section 71 of 'an act to establish and maintain a system of public free schools,'" etc., was taken up, and.

On motion of Senator Davis, was made special order for to-morrow at ten o'clock.

House bill No. 27, "An act to authorize the transfer of occupation licenses," was taken up on a motion adopted on January 28 reconsidering the vote of the Senate refusing to engross the same.

Senator Davis offered the following amendment:

Amend the bill so as allow the legal representatives of a deceased person to transfer a license, but not to allow a transfer in any case or under any other circumstances.

Senator Harrison offered to amend the amendment by striking out all after the word "license."

Adopted.

Senator Davis moved to reconsidered the vote by which the amendment by Senator Harrison was adopted.

Lost by the following vote:

YEAS—9.

Davis, Fowler, Garrison,	Houston of Wheeler, Pfeuffer, Shannon,	Stinson, Terrell, Traylor.
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NAYS—12.

Bell, Calhoun, Camp, Farrar,	Hall, Harrison, Houston of Bexar, Johnson,	Peacock, Pope, Randolph, Woods.
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ABSENT, NOT VOTING.

Douglass. Evans,	Jerdone,	Kleberg.
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Senator Davis withdrew his amendment.
Senator Davis moved a call of the Senate.
Call sustained.
On motion of Senator Davis,
The Senate adjourned till ten o'clock to-morrow morning, by the following vote:

YEAS—11.

Davis, Farrar, Fowler, Garrison,	Houston of Bexar, Houston of Wheeler, Peacock, Pfeuffer,	Stinson, Terrell, Traylor.
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NAYS—10.

Bell, Calhoun, Camp, Hall,	Harrison, Johnson, Pope,	Randolph, Shannon, Woods.
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ABSENT, NOT VOTING.

Douglass, Evans,	Jerdone,	Kleberg.
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TWENTY-FOURTH DAY.

SENATE CHAMBER, }
AUSTIN, February 10, 1885. }

The Senate met pursuant to adjournment.
Senator Shannon, President pro tem., in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain, Dr. Smoot.
On motion of Senator Davis,
The reading of the journal of yesterday was dispensed with.
On motion of Senator Pfeuffer,
Senator Knittel was excused indefinitely, on account of injuries recently received.
On motion of Senator Pope,
Senator Douglass was excused indefinitely, on account of sickness.
On motion of Senator Farrar,
Senator Getzendaner was excused for the day.

PETITIONS AND MEMORIALS.

By Senator Houston of Bexar:
Communication of A. J. Peeler, with reference to the "Mercer Colony case," and requesting pay for legal services rendered in connection with said case.
Referred to Committee on Finance.
By Senator Glasscock:
Memorial of J. A. Rhomberg, president Austin and Northwestern railroad company, for relief.
Referred to Committee on Claims and Accounts:

REPORTS OF STANDING COMMITTEES.

By Senator Traylor:

COMMITTEE ROOM,
AUSTIN, February 9, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 193, entitled "An act to provide for the correction and revision of the abstract of located, titled and patented lands in Texas," have carefully examined the same, and instruct me to report it back with the recommendation that do pass, with the following amendment, viz.: Amend section 3 by striking out the words "five dollars" and insert the words "three dollars."

All of which is respectfully submitted.

TRAYLOR, Chairman.

COMMITTEE ROOM,
AUSTIN, February 9, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 194, entitled "An act to provide for the sale of all real estate bid off to the State by collectors of taxes at tax sales, the owners of which have not redeemed the same," have carefully examined the same, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

TRAYLOR, Chairman.

COMMITTEE ROOM,
AUSTIN, February 9, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred substitute House bill No. 3, entitled "An act making appropriations for deficiencies in appropriations heretofore made for payment of expenses in support of the government from March 1, 1884, to February 28, 1885, being for payment of claims registered, in the Comptroller's office in accordance with law, and for outstanding claims not registered and other deficiencies," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the following amendments.

All of which is respectfully submitted.

TRAYLOR, Chairman.

AMENDMENTS TO SUBSTITUTE HOUSE BILL NO. 3.

For rent of room in Krohn building in the city of Austin for the storage of books in charge of Hon. Jos. W. Baines, Secretary of State, for the two years commencing on the first day of March, 1883, and ending to last day of February, 1885, at \$20 per month, \$480.

For payment of S. D. Terry, sheriff of Hamilton county, fees due in the case of the State of Texas vs. John Mayfield, \$27.70.

To pay Mrs. Josephine Graham two second class claims of public debt, Nos. 1493 and 1494, \$30 each, \$60.

BILLS AND RESOLUTIONS.

Senator Houston of Wheeler introduced the following resolution:

Resolved, That the Committee on Printing be, and are hereby, instructed to inquire into the cause of the constant delay and general wretchedness of the printing of bills for this body, and that said committee be further instructed to inquire into and report the propriety of making other arrangements in reference to said printing, and that said committee be requested to report by Wednesday, February 11.

Adopted.

By Senator Calhoun:

"An act to amend articles 165, 170 and 172, chapter 4, title 6 of the Penal Code."

Referred to Judiciary Committee No. 2.

The President pro tem. laid before the Senate Senate joint resolution No. 6, amending section 3, article 5 of the Constitution, as the first special order.

Read second time, with unfavorable committee report.

Senator Davis moved to adopt the majority report, which lays on the table.

Senator Harrison moved to amend by ordering the resolution printed.

Accepted and adopted.

Senate bill No. 33, "An act to fix the venue of suits for the wrongful or malicious suing out of attachments," was laid before the Senate as the second special order, and

Read second time and ordered engrossed by the following vote:

YEAS—20.

Bell,	Glasscock,	Randolph.
Camp,	Hall,	Shannon,
Davis,	Harrison,	Stinson,
Evans,	Houston of Wheeler,	Terrell,
Farrar,	Johnson,	Traylor,
Fowler,	Peacock,	Woods.
Garrison,	Pfeuffer,	

NAYS—4.

Calhoun,	Jerdone,	Pope.
Houston of Bexar,		

ABSENT, NOT VOTING.

Perry.

The following message was received from the House.

HOUSE OF REPRESENTATIVES,
AUSTIN, February 10, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage of House bill No. 49, "An act to amend article 4686, title 95, chapter 2, of the Revised Civil Statutes:

A. D. SADLER, Chief Clerk House.

Referred to Judiciary Committee No. 1.

Senator Bell submitted the following privileged reports:

COMMITTEE ROOM,
AUSTIN, February 9, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed bills have carefully examined and compared Senate bill No. 165, being "An act to amend articles 4182 and 4190 of the Revised Civil Statutes of the State of Texas," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 9, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared committee substitute for Senate bill No. 131, being "An act to amend article 3916 of the Revised Civil Statutes," and find the same correctly engrossed.

BELL, Chairman.

Substitute House bill Nos. 13, 61, 63, 104, 161, "An act to amend section 71 of 'an act to establish and maintain a system of public free schools,'" etc., was laid before the Senate as special order, and read second time.

Senator Calhoun offered to amend by adding Brown county to the list of counties exempt from the district system.

Adopted.

Senator Houston of Bexar offered to amend by adding Goliad, Victoria, Jackson, Refugio, Aransas and Calhoun to the list of exempted counties.

Adopted.

Senator Woods offered to amend by striking out Lavaca from the exempted counties.

Adopted.

Senator Traylor, to amend by striking Hood county from the exempted list.

Adopted.

Senator Hall:

Amend by adding McMullen to the list of exempted counties.

Adopted.

Senator Fowler:

Amend so as to place Fayette county in the list of counties exempted from the district system.

Adopted, and

The bill passed to third reading.

Senator Davis moved to suspend the constitutional rule and read the bill the third time.

Adopted by the following vote:

YEAS—21.

Bell,	Hall,	Pfeuffer,
Calhoun,	Harrison,	Randolph,
Camp,	Houston of Bexar,	Shannon,
Davis,	Houston of Wheeler,	Stinson,
Farrar,	Jerdone,	Terrell,
Garrison,	Johnson,	Traylor,
Glasscock,	Peacock,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Fowler,

Perry.

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

YEAS—23.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Hall,	Randolph,
Camp,	Harrison,	Shannon,
Davis,	Houston of Bexar,	Stinson,
Evans,	Houston of Wheeler,	Terrell,
Farrar,	Jerdone,	Traylor,
Fowler,	Johnson,	Woods.
Garrison,	Peacock,	

NAYS—none.

ABSENT, NOT VOTING.

Perry.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 10, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the concurrence of the House in Senate amendments to House bill No. 15 and House bill No. 35.

A. D. SADLER,
Chief Clerk House of Representatives.

House concurrent resolution, inviting the president of the Republic of Mexico to be present at the laying of the corner stone of the new State Capitol, etc., was laid before the Senate, read and passed.

On motion of Senator Traylor,

The regular order of business was suspended and substitute House bill No. 3, "An act making appropriations for deficiencies in the appropriations heretofore made for payment of expenses in support of the government from March 1, 1884, to February 28, 1885, being for payment of claims registered in the Comptroller's office, in accordance with law, and for outstanding claims not registered, and other deficiencies," was taken up out of its regular order, and

The rule was suspended, and it was read the second time, by the following vote:

YEAS—22.

Bell,	Harrison,	Pope,
Calhoun,	Houston of Bexar,	Randolph,
Camp,	Houston of Wheeler,	Shannon,
Davis,	Jerdone,	Stinson,
Farrar,	Johnson,	Terrell,
Garrison,	Peacock,	Traylor,
Glasscock,	Pfeuffer,	Woods.
Hall,		

NAYS—1.

Evans.

ABSENT, NOT VOTING.

Fowler,

Perry.

Senator Davis moved to postpone action on the pending bill, order it printed for the use of the Senate, and make it the special order for Thursday after morning call.

Adopted.

On motion of Senator Woods,

Senate bill No. 84, "An act to amend article 178, chapter 4 of title 6 of the Penal Code," was taken up out of its regular order and made special order for Friday after morning call, and from day to day until disposed of.

On motion of Senator Davis,

Senate bill No. 77, "An act to further regulate the collection of taxes on real estate, including lands heretofore bought by the State at delinquent tax sales," was taken up out of its regular order, and made the special order for Monday, after morning call, and from day to day until disposed of.

On motion of Senator Bell,

Senate bill No. 86, "An act to amend title 10, chapter 1 of the Code of Criminal Procedure of the State of Texas, by adding thereto articles 870a and 870b," was taken up out of its regular order and made special order for Tuesday, after morning call, and from day to day until disposed of.

Senate bill No. 142, "An act to amend sections 2, 9, 12, 22, 23, 29, 30, 33, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 51, 53, 54, 56, 57, 59, 60, 61, 62, 63, 64, 68, 73, 75, 77, 78, 79, 79d, 83, 84, 85 and 87 of an act entitled 'an act to establish and maintain a system of public free schools for the State of Texas,' and to repeal so much of chapter 3, title 78 of the Revised Civil Statutes of Texas as refer to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act,' the same being chapter 25 general laws of the special session of the Eighteenth Legislature, 1844; and to add thereto as new sections, sections 12a, 12b, 12c, 12d, 12e, and sections 58a, 58b and 58c, and repealing all laws and parts of laws in conflict with the provisions of this act and the original act of which it is amendatory," was laid before the Senate as a special order.

On motion of Senator Harrison,

The Senate went into a committee of the whole on the pending bill by the following vote:

YEAS—16.

Bell,	Hall,	Johnson,
Calhoun,	Harrison,	Pfeuffer,
Davis,	Houston of Bexar,	Shannon,
Evans,	Houston of Wheeler,	Traylor,
Garrison,	Jerdone,	Woods.
Glasscock,		

NAYS—7.

Camp,	Pope,	Stinson,
Farrar,	Randolph,	Terrell.
Peacock,		

ABSENT, NOT VOTING.

Fowler,

Perry.

IN SENATE.

(The President pro tem. in the chair.)

Senator Harrison, chairman of committee of the whole on consideration of Senate bill No. 142, rose and reported that he was instructed by the committee of the whole to report progress, and recommend that the further consideration of the bill be postponed, and the bill be made special order for Saturday after morning call, and from day to day.

The report was adopted.

Senator Randolph moved to reconsider the vote passing substitute for House bills 13, 61, etc.

Adopted.

Senator Randolph moved to strike Trinity county out of the amendment of Senator Stinson.

Adopted by the following vote:

YEAS—23.

Bell,	Hall,	Pope,
Calhoun,	Harrison,	Randolph,
Camp,	Houston of Bexar,	Shannon,
Davis,	Houston of Wheeler,	Stinson,
Evans,	Jerdone,	Terrell,
Farrar,	Johnson,	Traylor,
Garrison,	Peacock,	Woods.
Glasscock,	Pfeuffer,	

NAYS—none.

ABSENT, NOT VOTING.

Fowler,

Perry.

The bill passed by the following vote:

YEAS—22.

Bell,	Hall,	Pfeuffer,
Calhoun,	Harrison,	Pope,
Camp,	Houston of Bexar,	Randolph,
Davis,	Houston of Wheeler,	Shannon,
Evans,	Jerdone,	Stinson,
Farrar,	Johnson,	Terrell,
Garrison,	Peacock,	Woods.
Glasscock,		

NAYS—none.

ABSENT, NOT VOTING.

Fowler,

Perry,

Traylor.

By leave Senator Pope introduced a memorial from the Regents of the State University.

Referred to Committee on Education.

On motion of Senator Pope,

One hundred copies of the memorial were ordered printed for the use of the Senate.

Senator Harrison moved to suspend the regular order of business and take up committee substitute for Senate bills Nos. 160 and 161, "An act to amend articles 595 and 610 of the Revised Statutes," out of its regular order.

Adopted, and

The bill read second time, with the committee substitute.

Senator Davis moved to adopt the substitute.

Adopted.

Senator Bell moved to consider the bill by sections.

Adopted.

Senator Bell offered to amend by striking out article 610.

Lost by the following vote:

YEAS—7.

Bell, Garrison, Glasscock,	Hall, Houston of Bexar,	Houston of Wheeler, Traylor.
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NAYS—14.

Calboun, Camp, Davis, Evans, Harrison,	Jerdone, Johnson, Peacock, Pope, Randolph,	Shannon, Stinson, Terrell, Woods.
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ABSENT, NOT VOTING.

Farrar, Fowler,	Perry,	Pfeuffer.
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The bill was ordered engrossed.

Senator Bell submitted the following privileged report:

COMMITTEE ROOM,
AUSTIN, February 10, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 33, being "An act to fix the venue of suits for the wrongful and malicious suing out of attachments," and find the same correctly engrossed.

BELL, Chairman.

Senate bill No. 131, "An act to amend article 3916 of the Revised Civil Statutes," was laid before the Senate on its third reading.

Read third time and passed.

Senate bill No. 165, "An act to amend articles 4182 and 4190 of the Revised Civil Statutes," was laid before the Senate in its regular order.

Read third time and passed.

Senate bill No. 96, "An act to punish for deer hunting by fire light at night time," was taken up and read with unfavorable committee report.

The committee report was lost.

Senator Davis moved to amend by excepting all the State from the provisions of the act except Madison and adjoining counties.

Lost.

Senator Hall offered the following amendment:

Amend by exempting the twenty-seventh senatorial district from the operations of this act.

Senator Stinson offered to amend the amendment as follows:

Amend by exempting Hunt, Hopkins, Delta, Franklin and Camp counties from the operations of this law.

Accepted.

Senator Farrar moved to exempt Limestone, Free-stone and Navarro counties from the operation of this act.

Accepted.

Senator Houston of Wheeler offered the following:

Amend by adding the counties of Montague, Clay, Wichita, Wilbarger, Baylor, Archer, Throckmorton, Young, Haskell, Hardeman, Wheeler, Donley and Oldham, and counties attached to them for judicial purposes are exempt from the provisions of this act.

Accepted.

Senator Traylor offered to amend by adding Hood, Bosque, Somervell, Erath and Palo Pinto counties.

Accepted.

Senator Evans added Fannin, Lamar and Red River to the exempted counties.

Accepted.

Senator Houston of Bexar moved to exempt all the counties comprising the twentieth and twenty-eighth senatorial districts.

Accepted.

Senator Davis moved to add Cooke and Grayson counties to the exempted list.

Accepted.

Senator Terrell offered to amend by excepting the counties of Dallas, Kaufman, Rockwall, Van Zandt and Henderson.

Accepted.

Senator Garrison moved to amend by adding the counties of Rusk, Panola, Shelby, Sabine, San Augustine and Nacogdoches.

Accepted.

Senator Jerdone moved to amend by excepting the counties composing tenth senatorial district.

Accepted.

Senator Calhoun moved to exempt the counties embraced in the twenty-ninth senatorial district from the operation of the law.

Accepted.

Senator Peacock moved to add Brown, Cass, Marion, Morris and Titus counties to the exempted list.

Accepted.

Senator Woods moved to amend by adding the county of Lavaca to the exempted list.

Accepted.

Senator Harrison moved to exempt McLennan and Falls counties.

Adopted.

Senator Pfeuffer moved to exempt the counties of the twenty-fifth senatorial district.

Accepted.

Senator Bell moved to amend by exempting the counties of Bell, Coryell, Hamilton and Lampasas.

Accepted.

Senator Terrell withdrew his amendment.

The amendment as amended was adopted, and

The bill ordered engrossed by the following vote:

YEAS—19.

Bell, Calhoun, Camp, Evans, Farrar, Garrison, Hall,	Harrison, Houston of Wheeler, Jerdone, Johnson, Peacock, Pope,	Randolph, Shannon, Stinson, Terrell, Traylor, Woods.
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NAYS—4.

Davis, Glasscock,	Houston of Bexar,	Pfeuffer.
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ABSENT, NOT VOTING.

Fowler,

Perry.

On motion of Senator Pope,

The Senate adjourned till 10 o'clock to-morrow morning.

TWENTY-FIFTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, February 11, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

No quorum present.

The Sergeant-at-Arms was dispatched to bring the

Senators absent without excuse into the bar of the Senate Chamber.

On motion of Senator Hall,

The Senate took a recess of ten minutes.

Senate called to order.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Peacock,

The reading of the journals of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Evans (by request):

Petition of citizens of Fannin county, asking for a law to prohibit the sale of intoxicating liquors within certain limits of Stephenville High School. Referred to Committee on State Affairs.

REPORTS OF STANDING COMMITTEES.

By Senator Peacock:

COMMITTEE ROOM,
AUSTIN, February 11, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Lands, to whom was referred Senate bill No. 187, entitled, "An act confirming patents and surveys by virtue of headright donation, military and county warrants, issued under special laws enacted after March 31, 1870, and prior to April 1, 1876," have carefully considered the same and instruct me to report the bill back to the Senate with accompanying amendments, and as amended to recommend its passage.

PEACOCK, Chairman.

COMMITTEE AMENDMENTS.

1. Insert the word "donation" after the word "headright," in the caption and section 1 of the bill.
2. After "1876," in section 1 of the bill, insert the words "on account of military service or settlement in Texas."

COMMITTEE ROOM,
AUSTIN, February 11, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Lands, to whom was referred House bill No. 278, entitled "An act to create the Nolan land district," have duly considered the same, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

PEACOCK, Chairman.

COMMITTEE ROOM,
AUSTIN, February 11, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Lands, to whom was referred Senate bill No. 189, entitled "An act to annul and cancel all locations and surveys made thereunder and patents issued upon any lands situated in the county of Greer, and to restore said land to the respective funds to which they belong," have duly considered the same, and instruct me to report it back to the Senate with accompanying amendments, and as amended to recommend its passage.

PEACOCK, Chairman.

COMMITTEE AMENDMENTS.

1. After the word "locations" in the caption and in the sixth line of section 1 of the bill, insert the words "under veteran certificates."
2. After the word "county" in the caption and sixth line of section 1 of the bill, insert the words "and in any other county or counties in which the public lands were reserved for the payment of the public debt."
3. After the word "located," in second line of section 2, insert the words "under veteran certificates."
4. After the word "county," in fourth line of section 2, insert the words "and in any other county or counties in which

the public lands were reserved for the payment of the public debt."

5. After the word "land," in line 2, section 2, insert words "under veteran's certificates."

6. After the word "county," in line 3, section 3, insert words "and in any other county or counties in which public lands were reserved for the payment of the public debt."

COMMITTEE ROOM,
AUSTIN, February 11, 1885

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Lands, have had under consideration Senate bill No. 195, entitled "An act to provide for the classification, sale and lease of lands heretofore or hereafter surveyed and set apart for the benefit of the common schools University, Lunatic, Blind, Deaf and Dumb and Orphan Asylum funds," and instruct me to report it back to the Senate with the recommendation that it be considered in connection with Senate bill No. 7, and in committee of whole Senate.

All of which is respectfully submitted.

PEACOCK, Chairman

By Senator Davis:

COMMITTEE ROOM,
AUSTIN, February 10, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 48, entitled "An act to prevent parties from hunting, fishing or gathering pecans, plums, grapes, or any other wild or cultivated fruits upon the enclosed lands of any other, and to prescribe a penalty therefor," have carefully examined the same, and instruct me to report the accompanying substitute, with the recommendation that such substitute do pass.

All of which is respectfully submitted.

DAVIS, Chairman

COMMITTEE ROOM,
AUSTIN, February 10, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 166, entitled "An act to amend article 14 of the Revised Civil Statutes of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, February 10, 1885

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 197, entitled "An act to amend articles 165, 170 and 172, chapter 4, title 6 of the Penal Code," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

BILLS AND RESOLUTIONS.

By Senator Pope:

"An act to amend article 339, chapter 4 of the Penal Code."

Referred to Judiciary Committee No. 1.

By Senator Houston of Wheeler:

"An act to regulate the practice of dentistry," etc. Referred to Committee on Public Health.

By Senator Evans, by request:

"An act to amend 'an act to amend title 32, chapter 17 of the Revised Statutes, etc., by adding thereto articles 1639a and 1639b,' approved April 14, 1884."

Referred to Judiciary Committee No. 2.

By Senator Glasscock:

"An act to authorize the commissioners' court of Travis county to call a special election in said county to determine whether or not the said county will buy or build a "free bridge" across the Colorado river at the city of Austin."

Referred to Committee on Roads, Bridges and Ferries.

By Senator Pfeuffer:

A bill to be entitled 'A special act for the relief of better administration and employment of the lands and properties dedicated to the use of the State Agricultural and Mechanical College in the county Brazos, by abolishing and discontinuing certain public roads established, laid off and running through the lands of said college.'

Referred to Committee on Roads, Bridges and Ferries.

By Senator Jerdone:

'An act to amend article 122 of the Penal Code of the State of Texas.'

Referred to Judiciary Committee No. 2.

On motion of Senator Terrell,

Senator Perry was excused till Wednesday.

Senate bill No. 25, 'An act to abolish the office of Fish Commissioner, and to dispose of all the fish ponds and other property connected with or belonging to the fish department,' was laid before the Senate as a special order and read second time.

The committee amendment, on motion of Senator Shannon, was adopted.

Senator Peacock offered the following amendment:

Amend by striking out the words 'Adjutant-General,' and insert 'Commissioner of Insurance, Statistics and History.'

Lost.

Senator Pope moved to reconsider the vote on Senator Peacock's amendment.

Lost by the following vote:

YEAS—9.

Fowler,	Houston of Wheeler,	Pope,
Harrison,	Peacock,	Randolph,
Houston of Bexar,	Pfeuffer,	Terrell.

NAYS—16.

Calhoun,	Garrison,	Johnson,
Camp,	Getzendaner,	Shannon,
Davis,	Glasscock,	Stinson,
Evans,	Hall,	Traylor,
Farrar,	Jerdone,	Woods.

Senator Getzendaner offered to amend by adding the end of sixth line "at their discretion."

Senator Terrell moved to amend the amendment by adding after the word "sold" the words "or leased."

Accepted, and

The amendment as amended was adopted.

Senator Peacock offered to amend by striking out "Adjutant-General" and inserting "Superintendent of Public Buildings and Grounds."

Adopted.

Senator Shannon moved to strike out "their" and insert "his."

Adopted, and

The bill ordered engrossed by the following vote:

YEAS—18.

Calhoun,	Garrison,	Peacock,
Camp,	Getzendaner,	Randolph,
Davis,	Hall,	Shannon,
Evans,	Harrison,	Stinson,
Farrar,	Jerdone,	Terrell,
Fowler,	Johnson,	Woods.

NAYS—7.

Fowler,	Houston of Wheeler,	Pope,
Glasscock,	Pfeuffer,	Traylor.
Houston of Bexar,		

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 11, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to inform your honorable body of the passage of the following bills:

House bill No. 9, "An act to amend articles 3201, 3225 and 3225 of the Revised Civil Statutes of the State of Texas, adopted by the regular session of the Sixteenth Legislature."

House bill No. 116, "An act to amend section 18 of an act entitled 'an act to redistrict the State into judicial districts and fix the time of holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884.'"

House bill No. 136, "An act to amend chapter 79 of the acts of 1883, entitled 'an act to amend section 46 of an act to encourage stockraising, and to protect stockraisers,' approved April 22, 1879, and amended April 4, 1881, and April 12, 1883."

Substitute House bill No. 48, "An act to amend sections 1 and 5 of an act entitled 'an act to regulate the appointment and define the duties of notaries public, to require them to procure and use legal seals, and punish them for failing to do so,' approved April 1, 1881."

A. D. SADLER, Chief Clerk House.

Senator Houston of Wheeler moved to postpone action on Senate bill No. 7, which was laid before the Senate as a special order, and make it the special order for to-morrow after morning call.

Senator Davis moved to amend by making Senate bill No. 195 special order for same hour.

Accepted and adopted.

Senator Houston of Bexar moved to suspend the regular order of business and take up substitute House bill No. 48, a bill to be entitled "An act to amend sections 1 and 5 of an act entitled 'an act to regulate the appointment and define the duties of notaries public, to require them to procure and use legal seals, and punish them for failing to do so,' approved April 1, 1881."

Adopted, and bill read first time.

On motion of Senator Houston of Wheeler,

The rule was suspended to have the bill read the second time, by the following vote:

YEAS—25.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Hall,	Pope,
Camp,	Harrison,	Randolph,
Davis,	Houston of Bexar,	Shannon,
Evans,	Houston of Wheeler,	Stinson,
Farrar,	Jerdone,	Terrell,
Fowler,	Johnson,	Traylor,
Garrison,	Peacock,	Woods.
Getzendaner,		

NAYS—none.

The bill was read the second time.

Senator Shannon offered the following amendment:

Provided, that nothing in this act shall be so construed as to exempt notaries public from jury service.

Adopted.

Senator Harrison offered to amend by striking out all that part of the bill which makes any change in a notarial seal.

Adopted, and

The bill passed to third reading.

On motion of Senator Houston of Bexar,

The constitutional rule was suspended to have the bill read the third time, by the following vote:

YEAS—21.

Bell,	Garrison,	Johnson,
Calhoun,	Getzendaner,	Peacock,
Camp,	Glasscock,	Pfeuffer,
Davis,	Hall,	Pope,
Evans,	Harrison,	Shannon,

Farrar,	Houston of Bexar,	Terrell,
Fowler,	Jerdone,	Traylor.

NAYS—3.

Randolph,	Stinson,	Woods.
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ABSENT, NOT VOTING:

Houston of Wheeler.

Senator Pope moved a call of the Senate.

The motion was properly seconded.

The Senate call completed.

Senator Pfeuffer was found absent without excuse, and

The Sergeant-at-Arms was dispatched to bring the absent Senator within the bar of the Senate chamber.

On motion of Senator Houston of Bexar,

The call was suspended, and

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

YEAS—22.

Bell,	Getzendaner,	Johnson,
Calhoun,	Glasscock,	Peacock,
Camp,	Hall,	Pope,
Davis,	Harrison,	Randolph,
Evans,	Houston of Bexar,	Shannon,
Farrar,	Houston of Wheeler,	Terrell,
Fowler,	Jerdone,	Traylor.
Garrison,		

NAYS—2.

Stinson,	Woods.
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ABSENT, NOT VOTING.

Pfeuffer.

On motion of Senator Pope,

The Senate adjourned till 10 o'clock to-morrow morning.

TWENTY-SIXTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, February 12, 1885.

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

Senator Randolph moved to dispense with the reading of the journal of yesterday.

Lost.

The Secretary proceeded to read the journal.

Senator Houston of Wheeler moved to reconsider the vote by which the motion of Senator Randolph was lost.

Adopted by the following vote:

YEAS—21.

Bell,	Harrison,	Pope,
Camp,	Houston of Bexar,	Randolph,
Davis,	Houston of Wheeler,	Shannon,
Farrar,	Jerdone,	Stinson,
Garrison,	Johnson,	Terrell,
Getzendaner,	Peacock,	Traylor,
Hall,	Perry,	Woods.

NAYS—3.

Calhoun,	Evans,	Glasscock.
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ABSENT, NOT VOTING.

Fowler,	Pfeuffer.
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The motion of Senator Randolph to dispense with the reading of the journal of yesterday was again put and carried, and

The reading of the journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

Senator Hall, by request, presented a petition from citizens of Webb county against abolishing the ranger service.

Referred to Committee on Frontier Protection.

By Senator Evans:

Petition of citizens of Fannin county asking for the submission to a vote of the people of a prohibitory amendment to the Constitution of the State.

Referred to Committee on Constitutional Amendments.

Senator Houston of Wheeler asked to have the bill he introduced yesterday on the practice of dentistry referred to Committee on Public Health.

By Senator Shannon:

Memorial from citizens and tax payers of fifty-five counties of the State in reference to the material to be used in the construction of the State Capitol, asking that granite be used instead of limestone.

Referred to special committee on substituting granite for limestone in the construction of the new Capitol.

By Senator Garrison:

Petition of citizens of Rusk county to have the Pine Hill school incorporated so as to prohibit the sale of intoxicating liquors sold within four miles of Pine Hill.

Referred to Committee on Education.

By Senator Woods:

Petition of citizens of Lavaca county, containing two hundred and eighty-two names, requesting that Lavaca county be exempted from the game law in reference to killing deer.

Referred to Judiciary Committee No. 2.

BILLS AND RESOLUTIONS.

By Senator Traylor:

"An act to provide in what cases sheriffs shall not be entitled to compensation."

Referred to Judiciary Committee No. 2.

By Senator Glasscock:

"An act defining who are entitled to be buried in the State cemetery, and defining the duties and powers of the superintendent of public grounds in relation thereto."

Referred to Committee on Public Grounds and Buildings.

The following message was received from the House:

HALL OF HOUSE OF REPRESENTATIVES,
AUSTIN, February 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to report to your honorable body the passage of House bill No. 249, "An act to repeal an act entitled 'an act to authorize counties to issue bonds for bridge purposes, and to levy a tax to pay the same; also, to

validate bonds heretofore issued for bridge purposes,' passed at the called session of the Eighteenth Legislature." Senate Bill No. 113.

A. D. SADLER, Chief Clerk.

An act to repeal section 4 of an act entitled 'an act defining who are officers of this State, and prescribing their rights, powers, duties and privileges,' approved February 15, 1881," was laid before the Senate as the first special order, and read the second time.

(The President in the chair.)

The bill was ordered engrossed by the following vote:

YEAS—19.

Bell,	Hall	Randolph.
Calhoun,	Harrison,	Shannon,
Camp,	Houston of Wheeler,	Stinson,
Davis,	Jerdone,	Terrell,
Evans,	Johnson,	Traylor,
Farrar,	Peacock,	Woods.
Glasscock,		

NAYS—6.

Fowler,	Getzendaner,	Perry,
Garrison,	Houston of Bexar,	Pope.

Pfeuffer.

Substitute House bill No. 3, "An act making appropriations for deficiencies in the appropriations heretofore made for payment of expenses in support of the government from March 1, 1884, to February 28, 1885, being for payment of claims registered in the Comptroller's office in accordance with law, and for outstanding claims not registered, and other deficiencies," was laid before the Senate as second special order and read the second time.

The first, second and third committee amendments were adopted.

Senator Traylor offered to amend by adding thereto:

For the payment of Frank Dirks, former sheriff of Galveston county, for conveying prisoners to the penitentiary in 1868, \$124.00.

Lost by the following vote:

YEAS—7.

Glasscock,	Peacock,	Shannon,
Houston of Bexar,	Randolph,	Traylor.
Jerdone.		

NAYS—15.

Bell,	Farrar,	Houston of Wheeler,
Calhoun,	Garrison,	Johnson,
Camp,	Getzendaner,	Perry,
Davis,	Hall,	Stinson,
Evans,	Harrison,	Woods.

ABSENT, NOT VOTING.

Fowler,	Pope,	Terrell.
Pfeuffer,		

On motion of Senator Traylor,

The Senate took a recess of ten minutes for the purpose of welcoming the Hon. Carl Schurz.

The Senate was called to order.

On motion of Senator Davis, Senator Pfeuffer was excused for the day, on account of sickness.

On motion of Senator Harrison, Lee Blocker, a porter, was excused, to attend the funeral of his former master.

The bill passed to its third reading.

On motion of Senator Traylor,

The constitutional rule was suspended and the bill passed to its third reading by the following vote:

YEAS—22.

Bell,	Hall,	Perry,
Calhoun,	Harrison,	Pope,
Camp,	Houston of Bexar,	Randolph,
Davis,	Houston of Wheeler,	Shannon,
Farrar,	Jerdone	Stinson,
Garrison,	Johnson,	Traylor,
Getzendaner,	Peacock,	Woods.
Glasscock,		

NAYS—1.

Evans.

ABSENT, NOT VOTING.

Fowler,

Terrell.

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

YEAS—21.

Bell,	Hall,	Perry,
Calhoun,	Harrison,	Pope,
Davis,	Houston of Bexar,	Randolph,
Farrar,	Houston of Wheeler,	Shannon,
Garrison,	Jerdone,	Stinson,
Getzendaner,	Johnson,	Traylor,
Glasscock,	Peacock,	Woods.

NAYS—1.

Evans.

ABSENT, NOT VOTING.

Camp,

Fowler,

Terrell.

Senate bill No. 7, "An act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the common school, University, Blind, Deaf and Dumb, Lunatic and Orphan Asylum funds of the State of Texas, and to repeal all laws in conflict therewith;" and

Senate bill No. 195, "An act to provide for the classification, sale and lease of lands heretofore or hereafter surveyed and set apart for the benefit of the common school, University, Lunatic, Blind, Deaf and Dumb and Orphan Asylum funds," were laid before the Senate as the third special order, and both bills were read the second time.

On motion of Senator Pope,

The Senate went into committee of the whole on the pending bills.

IN COMMITTEE OF THE WHOLE.

(Senator Pope in the chair.)

IN THE SENATE.

(The President in the chair.)

Senator Pope, chairman of the committee of the whole, reported progress by the committee, and asked leave to sit again to-morrow.

Adopted.

The President gave notice of signing Senate bill No. 150, "An act to amend sections 9 and 10 of an act entitled 'an act to provide for the classification, sale and lease of the lands heretofore or hereafter surveyed and set apart for the benefit of the common school, University, the Lunatic, Blind, Deaf and Dumb and Orphan Asylum funds,'" and

Senate bill No. 112, "An act to provide for the issuance and sale of the bonds of the State to supply

deficiencies in the revenue, and to provide the mode and manner of the sale of said bonds."

The President referred House bill No. 9, "An act to amend articles 3201, 3222 and 3225 of the Revised Civil Statutes," etc., to Judiciary Committee No. 1.

House bill No. 136, "An act to amend chapter 79 of the acts of 1883, entitled 'an act to amend section 46 of an act to encourage stockraising and to protect stockraisers,'" etc., to Committee on Stock and Stockraising.

House bill No. 116, "An act to amend section 18 of an act entitled 'an act to redistrict the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held,'" etc., to Judiciary Committee No. 2.

House bill No. 249, "An act to repeal an act to authorize counties to issue bonds for bridge purposes, and to levy a tax to pay the same, also to validate bonds heretofore issued for bridge purposes," etc.

Referred to Finance Committee.

Senator Bell submitted the following privileged reports:

COMMITTEE ROOM,
AUSTIN, February 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 25, being "An act to abolish the office of Fish Commissioner, and dispose of all fish ponds and other property connected with or belonging to the fish department," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 11, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared committee substitute for Senate bills Nos. 160 and 161, being "An act to amend articles 595 and 610 of the Revised Statutes of the State of Texas," and find the same correctly engrossed.

BELL, Chairman.

On motion of Senator Shannon,
The Senate adjourned till 10 o'clock to-morrow morning.

TWENTY-SEVENTH DAY.

SENATE CHAMBER,
AUSTIN, February 13, 1885.

Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Davis,

The reading of the journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Houston of Bexar:
Memorial from the officers and citizens of Maverick

county, praying for the retention of the frontier forces in full efficiency.

Referred to Finance Committee.

By Senator Terrell:

A petition protesting against the passage of the Houston (of Bexar) insurance bill.

Referred to Committee on Insurance, Statistics and History.

REPORTS OF STANDING COMMITTEES.

By Senator Houston of Bexar:

COMMITTEE ROOM,
AUSTIN, February 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 75, entitled "An act to amend articles 2489, 2490, 2493, 2505, 2506, 2550, 2557, 2562, 2563, 2565, 2566, 2574, 2575, 2611, 2614, 2632, 2649 and 2677 of the Revised Statutes of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it be considered in committee of the whole Senate.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, February 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 62, entitled "An act to amend articles 1801, 1802, 1823, 1867, 1921, 1923, 1924, 1932, 1934, 1944, 1949, 1964, 1973, 1974, 1978, 2025, 2041, 2056, 2057, 2067, 2068, 2070, 2071, 2072, 2081 and 2082 of the Revised Statutes of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it be considered in committee of the whole Senate.

Respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, February 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 185, entitled "An act to provide for an occupation tax upon telephone companies, and to repeal all laws in conflict herewith," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it lie on the table, for the reason that bills providing for the levying of a tax cannot originate in the Senate.

Respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, February 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 191, entitled "An act to amend article 2219 of chapter 2, of title 38 of the Revised Statutes of the State of Texas, have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do not pass.

Respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, February 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 47, entitled "An act to repeal articles 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822 and 2823 of the Revised Civil Statutes of Texas, and to provide for the performance of the duties required by law of the Commissioner of Insurance, Statistics and History," have carefully considered the same, and a majority of your committee instruct me to report the same back to the Senate with the recommendation that it do not pass, because the bill seeks to abolish the department and office of Commissioner of Insurance, Statistics and History, and they are of opinion that said department is useful and important to the people of Texas, and should not be abolished.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Senator Davis submitted the following minority report on Senate bill No. 47:

COMMITTEE ROOM,
AUSTIN, February 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

The undersigned, members of your Judiciary Committee No. 1, respectfully dissent from the views of the majority of said committee, who have reported adversely on Senate bill No. 47, which seeks to abolish the so-called Department of Insurance, Statistics and History, and to transfer its business to the Comptroller's Office. For the last two years said department has cost the State, for salary of Commissioner and clerical force, \$6300 per annum. The duties of the office are merely clerical, and the proof before the committee abundantly established that they could be discharged by one clerk, who could be procured at a salary of \$1500 per annum. By abolishing the pretended department, and transferring the business to the Comptroller's department, the work could be done as efficiently at a cost of \$1500 per annum as it has heretofore been done at a cost of \$6300. It is not the duty of the State to create unnecessary offices in order to furnish places and sinecures for men, however worthy they may be; and we owe it to the people that no unnecessary officers are retained at the expense of the taxpayers. We therefore respectfully recommend that said bill do pass, and that a useless and unnecessary department be no longer maintained at the expense of this State

DAVIS,
WOODS,
SHANNON,
TERRELL.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, February 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 113, being "An act to repeal section 4 of an act entitled 'an act defining who are officers of this State, and prescribing their rights, powers, duties and privileges,' approved February 15, 1881," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

By Senator Traylor:

"An act to amend section 4 of 'an act to provide for the more efficient management of the Texas State penitentiaries, and to make an appropriation therefor,' approved April 18, 1883."

Referred to Committee on Penitentiaries.

By Senator Woods, by request:

"An act to provide and make an appropriation for the payment of fees in felony cases due by the State of Texas to John E. McMullen, district clerk, and A. W. Murray, late sheriff of Wilson county, Texas."

Referred to Finance Committee.

By Senator Calhoun:

"An act for the relief of D. C. B. Dunlap, and to make an appropriation therefor."

Referred to Committee on Claims and Accounts.

By Senator Terrell:

A bill to preserve the charters of railway companies that, by reason of the financial condition of the country, have not constructed the number of miles of road annually required by law, and to prevent the forfeiture thereof.

Referred to Committee on Internal Improvements.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 14, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to report to your honorable body the passage of the following bills:

House bill No. 155, "An act regulating the manner of taking testimony in civil cases."

House bill No. 375, "An act to prescribe the time of holding the district courts in the twenty-first judicial district, so as to allow additional time for holding said court in Burleson county."

A. D. SADLER, Chief Clerk.

The President referred House bill No. 155 to Judiciary Committee No. 1, and House bill No. 375 to Committee on Judicial Districts.

HOUSE OF REPRESENTATIVES,
AUSTIN, February 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the following action of the House:

House bill No. 36, "An act to amend article 625 of the Code of Criminal Procedure, relating to challenges to the array."

Substitute House bills Nos. 13, 61, 64, 104 and 161, with Senate amendments.

The House concurs in first Senate amendment and non-concurs in second Senate amendment.

A. D. SADLER, Chief Clerk.

The President referred House bill No. 36 to Judiciary Committee No. 1.

The hour having arrived for the sitting of the committee of the whole,

The Senate went into the committee of the whole on the consideration of Senate bill No. 7, and Senate bill No. 195.

(Senator Pope in the chair.)

IN THE SENATE.

(The President in the chair.)

Senator Pope, chairman of the committee of the whole, reported that the committee of the whole had substituted Senate bill No. 195, "An act to provide for the classification, sale and lease of lands heretofore or hereafter surveyed and set apart for the benefit of the common school, University, Lunatic, Blind, Deaf and Dumb and Orphan Asylum funds," for Senate bill No. 7, "An act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the common school, University, Blind, Deaf and Dumb, Lunatic and Orphan Asylum funds of the State of Texas, and to repeal all laws in conflict therewith;" and ask leave to sit again Monday after morning call.

The report of the committee was adopted.

The following privileged reports were submitted.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, February 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled bills have carefully examined and compared Senate bill No. 150, being "An act to amend sections 9 and 10 of 'an act to provide for the classification, sale and lease of the lands heretofore or hereafter set apart for the benefit of the Common school, University, the Lunatic, Blind, Deaf and Dumb, and Orphan Asylum funds,' and find the same correctly enrolled, and have this day, at 10:40 o'clock a. m., presented the same to the Governor for his approval.

FOWLER, Chairman.

COMMITTEE ROOM,
AUSTIN, February 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 112, being "An act to provide for the issuance and sale of the bonds of the State to supply deficiencies in the revenue, and to provide the manner of the sale of said bonds," and find the same correctly enrolled, and

have this day, at 10:40 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, February 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 96, being "An act to punish for deer hunting by fire light at night time," and find the same correctly engrossed.

BELL, Chairman.

Senate bill No. 84, "An act to amend article 178, chapter 4 of title 6 of the Penal Code," was laid before the Senate as the first special order, and read second time and ordered engrossed.

The President appointed Senator Farrar, instead of Senator Pfeuffer, to examine into the affairs of the Agricultural and Mechanical College.

Senate bill No. 25, "An act to abolish the office of fish commissioner and dispose of all fish ponds and other property connected with or belonging to the fish department," was laid before the Senate in its regular order and read the third time.

Senator Terrell submitted the following amendment:

Amend by adding "that before said ponds and fish are sold or leased that 500 of the carp fish therein shall be transferred to the ponds owned by the State at Terrell, Texas."

Adopted by the following vote:

YEAS—21.

Bell,	Hall,	Pope,
Calhoun,	Harrison,	Randolph,
Camp,	Houston of Bexar,	Shannon,
Evans,	Houston of Wheeler,	Stinson,
Farrar,	Jerdone,	Terrell,
Fowler,	Peacock,	Traylor,
Getzendaner,	Perry,	Woods.

NAYS—4.

Davis,	Glasscock,	Johnson.
Garrison,		

ABSENT, NOT VOTING,

Pfeuffer.

The bill passed by the following vote:

YEAS—19.

Bell,	Getzendaner,	Peacock,
Calhoun,	Hall,	Randolph,
Camp,	Harrison,	Shannon,
Davis,	Houston of Wheeler,	Stinson,
Evans,	Jerdone,	Terrell,
Farrar,	Johnson,	Woods.

NAYS—6.

Fowler,	Houston of Bexar,	Pope,
Glasscock,	Perry,	Traylor.

ABSENT, NOT VOTING.

Pfeuffer.

Senate bill No. 33, "An act to fix the venue of suits for the wrongful or malicious suing out of attachments," was laid before the Senate in its regular order, and

Read the third time and passed by the following vote:

YEAS—29.

Bell,	Farrar,	Glasscock,
Camp,	Fowler,	Harrison,
Davis,	Garrison,	Houston of Wheeler,
Evans,	Getzendaner,	Johnson,

Peacock,
Perry,
Randolph,

Shannon,
Stinson,
Terrell,

Traylor,
Woods.

NAYS—5.

Calhoun,	Houston of Bexar,	Pope.
Hall,	Jerdone,	

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to report to your honorable body the passage of House bill No. 144, "An act to amend article 4227, title 84, chapter 10 of the Revised Civil Statutes, the State of Texas."

A. D. SADLER,

Chief Clerk House of Representatives.

Referred to Committee on Internal Improvements, Senator Davis moved to reconsider and to lay that motion on the table.

Senator Pope moved a call of the Senate.

The call was seconded by the requisite number. The call was completed, and

Senator Pfeuffer was found absent without excuse.

Senator Davis moved to excuse Senator Pfeuffer on account of sickness for to-day.

Adopted by the following vote:

YEAS—24.

Bell,	Glasscock,	Perry,
Camp,	Hall,	Pope,
Davis,	Harrison,	Randolph,
Evans,	Houston of Bexar,	Shannon,
Farrar,	Houston of Wheeler,	Stinson,
Fowler,	Jerdone,	Terrell,
Garrison,	Johnson,	Traylor,
Getzendaner,	Peacock,	Woods.

NAYS—1.

Calhoun.

The Senate was declared full, and

The motion of Senator Davis was adopted.

Substitute House bills Nos. 160 and 161, "An act to amend articles 595 and 610 of the Revised Statutes of the State of Texas," was taken up in regular order and read third time.

Senator Bell moved to postpone the pending bill till to-morrow.

Lost.

Senator Bell raised the point of order that the same provision has already been voted down once, and cannot be considered again.

Senator Pope moved to adjourn till 10 o'clock to-morrow morning.

Withdrawn.

Senator Farrar moved to excuse Senator Houston of Bexar till Monday.

Adopted.

Senator Pope renewed his motion to adjourn till 10 o'clock to-morrow morning.

Adopted.

TWENTY-EIGHTH DAY.

SENATE CHAMBER,
AUSTIN, February 14, 1885. }

The Senate met pursuant to adjournment. Lieutenant-Governor Gibbs in the chair.

Roll called.
 Quorum present.
 Prayer by Rev. Dr. Malone.
 On motion of Senator Stinson,
 The reading of the journal of yesterday was dispensed with.
 On motion of Senator Bell,
 The First Assistant Secretary, Mr. Boynton, was excused till Thursday, on account of sickness.
 On motion of Senator Davis,
 Senator Pfeuffer was excused indefinitely, on account of sickness.

PÉTITIONS AND MEMORIALS.

By Senator Calhoun:
 Memorial of citizens of Taylor county, praying for the submission of a constitutional amendment for prohibition.

Referred to Committee on Constitutional Amendments.

By Senator Jones, by request:
 Protest of citizens of Houston, Texas, against the passage of the Houston (of Bexar) insurance bill.

Referred to Committee on Insurance, Statistics and History.

By Senator Hall:
 Memorial from citizens of Kinney and Crockett counties, protesting against the organization of Val Verde county.

Referred to Committee on Counties and County Boundaries.

By Senator Kleberg:
 Memorial of citizens of DeWitt county, asking for an amendment to the Constitution prohibiting the manufacture and sale of spirituous, vinous and malt liquors in this State.

Referred to Committee on Constitutional Amendments.

REPORTS OF STANDING COMMITTEE.

By Senator Traylor:

COMMITTEE ROOM,
 AUSTIN, February 14, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred House bill No. 249, entitled "An act to repeal an act entitled 'an act to authorize counties to issue bonds for bridge purposes and to levy a tax to pay the same; also to validate bonds heretofore issued for bridge purposes,' passed at the called session of the Eighteenth Legislature," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

TRAYLOR, Chairman.

By Senator Davis:

COMMITTEE ROOM,
 AUSTIN, February 14, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred House bill No. 116, entitled "An act to amend section 18 of an act entitled 'an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,'" have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

By Senator Bell:

COMMITTEE ROOM,
 AUSTIN, February 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 84, being "An act to amend article 178, chapter 4 of title 6 of the Penal Code, so as to prevent selling liquors on election day," and find the same correctly engrossed.

BELL, Chairman.

By Senator Randolph:

COMMITTEE ROOM,
 AUSTIN, February 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred a petition of the citizens of Stephenville, Fannin county, asking for a law to prohibit the sale of intoxicating liquors within certain limits of Stephenville High School, have carefully examined the same, and instruct me to report the same back with the recommendation that the relief prayed for in said petition cannot be granted, on account of the unconstitutionality of the same.

All of which is respectfully submitted.

RANDOLPH, Chairman.

COMMITTEE ROOM,
 AUSTIN, February 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 174, entitled "An act to amend section 4 of an act entitled 'an act to provide for an organization of a board to direct and supervise, control,' etc., approved March 23, 1883," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the following amendment, to-wit: Amend by striking out all after the word "fixed," and add thereto the words, "fee of such amount as the Governor may deem sufficient to pay the expenses of such agent while in attendance to this business, and a further fee by way of commissions not to exceed two per cent of the amount allowed by the United States government on these claims, to be paid said agent upon the collection of said claims."

All of which is respectfully submitted.

RANDOLPH, Chairman.

COMMITTEE ROOM,
 AUSTIN, February 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred a memorial of the committee of colored men appointed by the colored people of Texas in convention at Houston assembled, August, 1884, asking for suitable legislation upon the following subjects: Jury law, county convict farms, houses of correction, and colored branch University, have carefully examined the same, and instruct me to report the same back with the opinion that the law is now sufficient in every respect, except as to the mode and manner of the treatment of county convicts, and ask that said petition be referred to Judiciary Committee No. 2, for the purpose to make such changes as they may deem fit and proper.

All of which is respectfully submitted.

RANDOLPH, Chairman.

BILLS AND RESOLUTIONS.

Senator Johnson offered the following resolution, which, under the rules, lays on the table one day:

Resolved, That on and after Monday, the sixteenth of February, the Senate hold two sessions each day.

By Senator Stinson:

"An act to amend section 8 of an act establishing and prescribing the manner of ascertaining the boundaries of counties."

Referred to Committee on Counties and County Boundaries.

By Senator Evans:

"An act to amend article 4419 of the Revised Civil Statutes," etc.

Referred to Committee on Roads and Bridges.

By Senator Jerdone:

"An act to amend article 3176 of the Revised Civil Statutes of the State of Texas, concerning mechanics' and other liens."

Referred to Judiciary Committee No. 1.

Senator Pope introduced the following resolution:

Whereas, The Hon. Thomas A. Hendricks, Vice-President elect of the United States, as we learn from the papers of the State, contemplates a visit to certain cities in Texas; therefore,

Be it resolved, That the Senate and House of Representatives of the Texas Legislature, now in session, do cordially invite the Hon. Thomas A. Hendricks, Vice-President elect of these United States, to visit the capital of Texas.

2. Resolved, That the President of the Senate and Speaker of the House of Representatives be and they are hereby respectfully requested to jointly communicate by telegraph this invitation to our distinguished fellow-citizen.

Adopted.

By Senator Randolph, by request;

"An act to amend article 765 of the Penal Code of the State of Texas."

"An act to amend chapter 13, title 22 of the Penal Code, etc., by adding thereto article 765a."

Both bills referred to Judiciary Committee No. 2.

Senate bill No. 142, "An act to amend sections 2, 9, 12, 22, 23, 29, 30, 33, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 51, 53, 54, 56, 57, 59, 60, 61, 62, 63, 64, 68, 73, 75, 77, 78, 79, 79d, 83, 84, 85 and 87, of an act entitled 'an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, title 78 of the Revised Civil Statutes of Texas as refer to public free schools outside of incorporated cities and towns, assuming, or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act,' the same being chapter 25, general laws of the special session of the Eighteenth Legislature, 1884; and to add thereto as new sections, sections 12a, 12b, 12c, 12d, 12e, and sections 58a, 58b, 58c, and repealing all laws and parts of laws in conflict with the provisions of this act and the original act of which it is amendatory," was laid before the Senate as a special order.

On motion of Senator Davis,

Action on the bill was postponed, and made the special order for Tuesday after morning call.

Substitute House bills Nos. 13, 61, 63, 104, 161, "An act to amend section 71 of 'an act to establish and maintain a system of public free schools,'" etc., was taken up, and,

On motion of Senator Davis,

The Senate refused to recede from the Senate amendments, and a free conference committee asked for.

On motion of Senator Jones,

Senate bill No. 173, "An act to repeal article 4112 of the Revised Civil Statutes of the State of Texas," was taken up out of its regular order.

Read the second time and ordered engrossed.

Senate No. bill 113, "An act to repeal section 4 of an act entitled 'an act defining who are officers of this State, and prescribing their rights, powers, duties, and privileges,' approved February 15, 1881," was laid before the Senate.

Read third time and passed.

Senate bill No. 96, "An act to punish for deer-hunting by firelight at night time," was laid before the Senate.

Read third time and passed.

On motion of Senator Johnson,

Senate bill No. 153, "An act to amend article 4360 of an act entitled 'an act to amend articles 4360, 4361, 4366, 4367, 4370, 4371, 4372, 4375, 4379, 4384, 4387, 4389, and 4390 of title 87, chapter 1, and to add thereto articles 4390a, 4390b, 4390c, and also to amend article 4392 of chapter 2 and article 4418 of chapter 4, title 87 of the Revised Civil Statutes, relating to public roads, and to enforce the provisions of article 4390a of this bill, and to provide adequate penalties therefor," passed by the Eighteenth Legislature at its called session," was taken up out of its regular order, and made special order for Tuesday after morning call.

On motion of Senator Stinson,

Senate bill No. 81, "An act to amend article 500, chapter 3, title 15 of the Penal Code," was taken up out of its regular order and read second time.

The committee amendment was adopted.

Senator Davis offered an amendment to strike out all after "years," in eighth line.

Withdrawn.

Senator Kilgore offered the following:

Amend by striking out all after the word "years," line eight, and insert the following: "If the assault is made by a person in disguise, or with a bowie knife, dirk, dagger, pistol, slung shot, sword cane, spear, knuckles made of any metal whatever, or any kind of knife capable of inflicting death, the punishment for such assault shall not be less than four years nor more than ten years."

Adopted, and

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

YEAS—12.

Bell,	Glasscock,	Stinson,
Evans,	Johnson,	Terrell,
Fowler,	Perry,	Traylor,
Getzendaner,	Pope,	Mr. President.

NAYS—14.

Calhoun,	Hall,	Kleberg,
Camp,	Houston of Wheeler,	Peacock,
Davis,	Jerdone,	Randolph,
Farrar,	Jones,	Shannon.
Garrison,	Kilgore,	

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 14, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage of House bill No. 105, "An act to create the county of Val Verde, and to provide for its organization."

House concurrent resolution requesting Texas Senators and Representatives to secure a survey and report upon the navigable condition of West Galveston and San Louis bays by the United States government.

A. D. SADLER,
Chief Clerk House of Representatives.

The President gave notice of signing House bill No. 35, "An act to amend article 4531 of the Revised Statutes," and

House concurrent resolution inviting President Diaz to the laying of the corner stone of the new State Capitol.

On motion of Senator Traylor,

Senate bill No. 194, "An act to provide for the sale of all real estate bid off to the State by collectors of taxes at tax sales, the owners of which have not redeemed the same," was taken up out of its

regular order and made special order for Monday after morning call, to be considered with the special order for that time.

On motion of Senator Bell, Senate bill No. 120, "An act to amend article 1161, title 28, chapter 4 of the Revised Civil Statutes of the State of Texas," was taken up out of its regular order, read the second time and made special order for Thursday after morning call.

Senator Davis moved to have the bill referred to a special committee of three, who should report on the constitutionality of the bill.

Adopted, and Senators Davis, Bell and Camp appointed on the committee.

On motion of Senator Davis, Senate bill No. 157, "An act to amend 'an act to amend articles 1770, 1771, 1772, 1773, 1777 and 1780 of the Revised Statutes,' etc., so as to better regulate the law of escheats," was taken up out of its regular order, and

Read second time, with the first, second and third committee amendments, and

Amendments adopted and bill ordered engrossed.

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

Adopted by the following vote:

YEAS—22.

Bell,	Getzendaner,	Pope,
Calhoun,	Hall,	Randolph,
Camp,	Houston of Wheeler,	Shannon,
Davis,	Jerdone,	Stinson,
Evans,	Johnson,	Terrell,
Farrar,	Peacock,	Traylor,
Fowler,	Perry,	Woods.
Garrison,		

NAYS—none

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

YEAS—22.

Bell,	Getzendaner,	Pope,
Calhoun,	Hall,	Randolph,
Camp,	Houston of Wheeler,	Shannon,
Davis,	Jerdone,	Stinson,
Evans,	Johnson,	Terrell,
Farrar,	Peacock,	Traylor,
Fowler,	Perry,	Woods.
Garrison,		

NAYS—none.

(Senator Woods in the chair.)

On motion of Senator Johnson, Senate bill No. 48, "An act to prevent parties from hunting or fishing upon the enclosed lands of another, and to prescribe a penalty therefor," was taken up out of its regular order, and

Read second time, with committee substitute.

On motion of Senator Davis, The committee substitute was adopted.

Senator Getzendaner offered the following amendment:

Add "the word" before the word "posted," in tenth line.

Adopted.

Senator Calhoun offered the following amendment:

Amend by exempting all the counties embraced in the twenty-ninth senatorial district from the operations of this act.

Senator Houston of Wheeler offered to amend the amendment as follows:

Amend by adding the counties of Archer, Baylor, Clay, Donley, Haskell, Hardeman, Montague, Oldham, Throckmorton, Young, Wheeler, and the counties attached thereto are exempt from the provisions of this act.

Accepted.

Senator Shannon offered the following amendment to the amendment:

Except the counties of Parker, Jack, Wise and Tarrant from the operations of the law.

Accepted.

Senator Hall asked to amend the pending amendment by adding the following counties to the exempted list:

Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, La Salle, Frio, Maverick, Kinney, Dimmitt, Zavalla, Nueces, Duval, Uvalde.

Accepted.

Senator Jerdone offered the following amendment:

Amend by excepting all counties in tenth senatorial district—Galveston, Brazoria and Matagorda.

Accepted.

Senator Peacock offered to amend the pending amendment as follows:

Amend so as to exempt from the operation of this act the counties of Bowie, Cass, Marion, Morris and Titus.

Accepted.

Senator Camp offered to amend as follows:

Amend by exempting the counties of Gregg, Smith, Wood, Upshur and Rains from the operations of the act.

Accepted.

The amendment of Senator Calhoun as amended was lost by the following vote:

YEAS—10.

Bell,	Houston of Wheeler,	Peacock,
Calhoun,	Jerdone,	Randolph,
Camp,	Johnson,	Shannon.
Hall,		

NAYS—12.

Davis,	Garrison,	Stinson,
Evans,	Getzendaner,	Terrell,
Farrar,	Glasscock,	Traylor,
Fowler,	Perry,	Woods.

Senator Traylor offered to amend to bill as follows:

Add to section 1, "provided, this act shall not apply to enclosures of more than 1280 acres of land."

Lost.

Senator Houston of Wheeler moved a call of the Senate.

Call sustained, and

Roll call completed, and

Senator Pope found absent without excuse.

Senator Shannon moved to suspend the call.

The Senate refused to suspend the call.

Senator Pope returned to the Senate chamber, and

The Senate was declared full.

Senator Davis moved the previous question.

Seconded and main question ordered, and

The bill was ordered engrossed by the following vote:

YEAS—17.

Bell,	Garrison,	Pope,
Camp,	Getzendaner,	Randolph,
Davis,	Glasscock,	Stinson,
Evans,	Hall,	Terrell,
Farrar,	Johnson,	Woods.
Fowler,	Perry,	

NAYS—6.

Calhoun, Jerdone, Shannon,
Houston of Wheeler, Peacock, Traylor.

Senator Hall introduced the following resolution:

Resolved, That the President of the Senate be authorized to employ the services of J. P. C. Whitehead so long as his services are needed, to assist the secretaries in the discharge of their duties.

Adopted unanimously.

On motion of Senator Houston of Wheeler, Senate joint resolution No. 1, proposing an amendment to section 12, article 8, was taken up and made special order for Wednesday next after morning call, and from day to day till disposed of.

On motion of Senator Shannon,

One hundred copies of Senate bill No. 195. "An act to provide for the classification, sale and lease of lands heretofore or hereafter surveyed and set apart for the benefit of the common school, University, Lunatic, Blind, Deaf and Dumb, and Orphan Asylum funds," were ordered printed for the use of the Senate.

On motion of Senator Perry,

Senate bill No. 37, "An act to amend article 636, title 8, chapter 3 of the Code of Criminal Procedure of the State of Texas," was taken up out of its regular order and made special order for Wednesday after morning call.

Senator Stinson moved to reconsider the vote engrossing Senate bill No. 48, and to lay that motion on the table.

Adopted.

On motion of Senator Traylor, Senate bill No. 193, "An act to provide for the correction and revision of the abstracts of located, titled and patented lands in Texas, was taken up out of its regular order and read second time, with committee amendments.

The amendments were lost.

Senator Traylor offered the following amendment:

Whereas, It is important that this bill pass at this session of the Legislature, an imperative public necessity and emergency exists for the passage of this act; therefore the rule requiring bills to be read on three several days be and the same is hereby suspended.

Adopted, and bill ordered engrossed.

On motion of Senator Traylor,

The constitutional rule was suspended and the bill placed on third reading by the following vote:

YEAS—22.

Bell, Getzendener, Pope,
Calhoun, Glasscock, Randolph,
Camp, Hall, Shannon,
Davis, Houston of Wheeler, Stinson,
Evans, Jerdone, Terrell,
Farrar, Johnson, Traylor,
Fowler, Perry, Woods,
Garrison,

NAYS—none.

ABSENT, NOT VOTING.

Peacock.

The bill was read third time.

Senator Terrell offered the following amendment:

Insert in line 4, after the word "act," the words "shall take effect," and strike out the words "the passage of," in third line

Adopted by the following vote:

YEAS—22.

Bell, Getzendener, Pope,
Calhoun, Glasscock, Randolph,
Camp, Houston of Wheeler, Shannon,
Davis, Jerdone, Stinson,
Evans, Johnson, Terrell,
Farrar, Peacock, Traylor,
Fowler, Perry, Woods,
Garrison,

NAYS—none.

ABSENT, NOT VOTING.

Hall.

The bill passed.

On motion of Senator Garrison,

The Senate adjourned till 10 o'clock Monday morning.

TWENTY-NINTH DAY.

SENATE CHAMBER, }
AUSTIN, February 16, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

On motion of Senator Kleberg,

The reading of the journal of Saturday was dispensed with.

On motion of Senator Hall,

Senator Bell was excused for the day.

PETITIONS AND MEMORIALS.

By Senator Kleberg:

Memorial of J. W. Dickey, of Wilson county, asking relief.

Referred to Committee on State Affairs.

Memorial of citizens of Live Oak county, asking that civil and criminal jurisdiction of the county court of Live Oak county be restored.

Referred to Judiciary Committee No. 1.

By Senator Houston of Bexar:

Memorial of the county officers of Kerr county, protesting against the reduction of the frontier forces.

Referred to Committee on Finance.

REPORTS OF STANDING COMMITTEES.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, February 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred House bill No. 375, entitled "An act to prescribe the time of holding the district courts in the twenty-first judicial district, so as to allow additional time for holding said court in Burleson county," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

FOWLER, Chairman.

By Senator Getzendener:

COMMITTEE ROOM,
AUSTIN, February 14, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Claims and Accounts, to whom was

referred Senate bill No. 190, entitled "An act for the relief of Thomas J. Hunter, Thaddeus W. Hunter and Robert H. Hunter, for stock, corn and hogs consumed or destroyed by the Texas army in 1836," have carefully examined the same, and instruct me to report the same back, with the recommendation that it do not pass. So long a time having elapsed since the transactions took place out of which this claim grew, we think it injudicious on the part of the State now to open the door to admit it.

All of which is respectfully submitted.

GETZENDANER, Chairman.

COMMITTEE ROOM,
AUSTIN, February 14, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred Senate bill No. 203, entitled "An act for the relief of D. C. B. Dunlap, and to make appropriation therefor," have carefully examined the same, and instruct me to report the same back, with the recommendation that it do not pass.

All of which is respectfully submitted.

GETZENDANER, Chairman.

BILLS AND RESOLUTIONS.

By Senator Camp:

"An act to amend title 17, chapter 9 of Revised Statutes, by adding thereto article 474a."

Referred to Judiciary Committee No. 1.

By Senator Evans (by request):

"An act to regulate proceedings in suits and prosecution for libel."

Referred to Judiciary Committee No. 2.

By Senator Fowler:

"An act to repeal an act granting a land certificate of 1280 acres to the surviving soldiers of the Texas revolution," to repeal an act approved April 26, 1879."

Referred to Committee on Public Lands.

The President appointed Senators Davis, Traylor and Perry, on the part of the Senate, on the free conference committee on substitute House bills Nos. 61, 63, 104, 161, "An act to amend section 71 of an act to establish and maintain a system of public free schools," etc.

Substitute House bill No. 48, "An act to amend sections 1 and 5 of an act entitled 'an act to regulate the appointment and define the duties of notaries public, to require them to procure and use legal seals, and punish them for failing to do so,'" etc., was laid before the Senate, the House having refused to concur in the Senate amendment.

On motion of Senator Shannon,

The Senate refused to recede from its amendment, and a free conference committee was asked for and appointed.

On the part of the Senate the President appointed Senators Shannon, Houston of Bexar, and Davis on this committee.

The hour having arrived for the sitting of the committee of the whole,

The Senate went into committee of the whole on the substitute for Senate bill No. 7, Senate bill No. 25; "the Land bill," Senator Pope, chairman.

IN THE SENATE.

The President in the chair.

Senator Pope, chairman of the committee of the whole, reported progress, and asked leave to sit again to-morrow morning after the morning call.

The report was adopted.

The President referred House bill No. 105, "An

act to create the county of Val Verde, and to provide for its organization," to Committee on Counties County Boundaries.

The President laid before the Senate, as a special order, Senate bill No. 84, "An act to amend article 178, chapter 4, title 6 of the Penal Code, so as to prevent selling liquors on election day."

Read third time and passed.

Senator Jones, by leave, introduced a joint resolution authorizing the Capitol Board to modify the contract for building the new State Capitol so as to substitute granite for limestone for the outward walls of the superstructure.

Referred to Committee on Public Buildings and Grounds.

Senator Davis moved to postpone the regular order of business to take up Senate bill No. 30, "An act to prescribe the times and places of holding the Supreme Court and Court of Appeals."

Adopted, and bill taken up.

On motion of Senator Davis,

The bill was indefinitely postponed.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage of the following bills:

Senate bill No. 79, adding an amendment, "An act requiring the Comptroller of Public Accounts, Commissioner of the General Land Office and State Treasurer to employ females, when their services can be had, to fill one-half the clerkships in the several departments under the control of these officers."

Substitute House bill No. 126, "An act to amend article 358, of chapter 3, title 11 of the Penal Code of the State of Texas."

House bill No. 174, "An act for the relief of Virginia E. Littlepage, and to authorize the county court of Travis county to issue to her letters of administration on the estate of her father, Caleb V. Littlepage."

A. D. SADLER, Chief Clerk.

Substitute Senate bills Nos. 160 and 161, "An act to amend articles 595 and 610 of the Revised Statutes of the State of Texas," was taken up as regular business on the President's table and read third time.

On motion of Senator Calhoun,

The bill was postponed until Wednesday morning after the special order for that day, etc.

On motion of Senator Johnson,

The regular order of business was postponed, and Senate bill No. 153, to be entitled "An act to amend article 4360 of 'an act to amend articles 4360, 4361, 4366, 4367, 4370, 4371, 4374, 4375, 4379, 4384, 4387, 4389 and 4390 of title 87, chapter 1, and to add thereto articles 4390a, 4390b and 4390c,'" etc., was taken up and read second time, with majority and minority reports.

Senator Woods moved to substitute the minority for the majority report on the bill.

Senator Davis moved the previous question.

Seconded, and main question ordered.

Minority report adopted by the following vote, which was unfavorable, and defeats the bill:

YEAS—16.

Calhoun,	Jerdone,	Shannon,
Davis,	Jones,	Stinson,
Getzendaner,	Knittel,	Terrell,
Hall,	Peacock,	Traylor,
Houston of Bexar,	Pfeuffer,	Woods,
Houston of Wheeler,		

NAYS—10.

Camp, Evans, Fowler, Glasscock,	Johnson, Kilgore, Kleberg.	Perry, Pope, Randolph.
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The President took up and referred the following House bills and resolutions, to-wit:

Substitute House bill No. 126, to be entitled "An act to amend article 358 of chapter 3, title 11 of the Penal Code of the State of Texas," to Judiciary Committee No. 1.

House bill No. 174, to be entitled "An act for the relief of Virginia E. Littlepage, and to authorize the county court of Travis county to issue to her letters of administration on the estate of her father, Caleb V. Littlepage," to Judiciary Committee No. 2.

House concurrent resolution requesting a survey and report of the navigable condition of West Galveston and San Louis bays by the United States government, to Committee on Commerce and Manufactures.

Senate bill No. 79, "An act requiring the Comptroller of Public Accounts, Commissioner of the General Land Office and State Treasurer to employ female clerks, when their services can be had, to fill one-half the clerkships in the several departments under the control of these officers," was laid before the Senate with House amendments.

Senator Terrell moved to postpone the further consideration of the bill and amendments indefinitely.

Senator Houston of Bexar raised the point of order that action on the bill and amendments could not be postponed, and moved that the House amendments be concurred in.

The point of order was not sustained.

Senator Davis moved the previous question on the motion of Senator Terrell.

Senator Houston of Bexar moved a call of the Senate.

Call sustained.

The Senate call was completed, and Senate declared full.

The previous question was seconded and main question ordered, and

The motion to postpone indefinitely was adopted by the following vote:

YEAS—15.

Calhoun, Camp, Davis, Glasscock, Hall,	Jerdone, Jones, Kilgore, Kleberg, Knittel,	Pfeuffer, Pope, Randolph, Terrell, Woods.
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NAYS—11.

Evans, Fowler, Getzendaner, Houston of Bexar,	Houston of Wheeler, Johnson, Peacock, Perry,	Shannon, Stinson, Traylor.
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Senator Calhoun entered a motion to reconsider vote just taken.

Senator Stinson moved to adjourn till 10 o'clock to-morrow morning.

Lost by the following vote:

YEAS—11.

Calhoun, Evans, Fowler, Getzendaner,	Houston of Bexar, Johnson, Peacock, Perry,	Shannon, Stinson, Traylor.
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NAYS—15.

Camp, Davis, Glasscock, Hall, Houston of Wheeler,	Jerdone, Jones, Kilgore, Kleberg, Knittel,	Pfeuffer, Pope, Randolph, Terrell, Woods.
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Senator Davis called up the motion of Senator Calhoun, to reconsider the vote postponing consideration of the bill indefinitely, and moved to lay that motion on the table.

Adopted by the following vote:

YEAS—15.

Camp, Davis, Glasscock, Hall, Houston of Wheeler,	Jerdone, Jones, Kilgore, Kleberg, Knittel,	Pfeuffer, Pope, Randolph, Terrell, Woods.
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NAYS—11.

Calhoun, Evans, Fowler, Getzendaner,	Houston of Bexar, Johnson, Peacock, Perry,	Shannon, Stinson, Traylor.
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Senator Camp made the following privileged reports:

COMMITTEE ROOM,
AUSTIN, February 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 157, being "An act to amend articles 1770, 1771, 1772, 1773, 1777 and 1780 of the Revised Statutes, so as to better regulate the law of escheats," and find the same correctly engrossed.

CAMP, for Committee.

COMMITTEE ROOM,
AUSTIN, February 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared committee substitute for Senate bill No. 48, being "An act to punish fishing and hunting on the enclosed lands of another," and find the same correctly engrossed.

All of which is respectfully submitted.

CAMP, for Committee.

COMMITTEE ROOM,
AUSTIN, February 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 173, being "An act to repeal article 4112 of the Revised Civil Statutes," and find the same correctly engrossed.

CAMP, for Committee.

Senator Pope, by leave, introduced the following bills:

"An act to amend an act to establish uniform weights per bushel of wheat, corn and other products of the State."

Referred to Committee on State Affairs.

"An act to amend title 26, chapter 7 of the Revised Civil Statutes."

"An act to amend title 29, chapter 12 of the Revised Civil Statutes."

Both bills referred to Judiciary Committee No. 2.

By Senator Jones:

"An act to amend article 4237 of the Revised Statutes."

Referred to Committee on Internal Improvements.

On motion of Senator Terrell,

The Senate adjourned until ten o'clock to-morrow morning.

THIRTIETH DAY,

SENATE CHAMBER,)
AUSTIN, TEXAS, February 17, 1885. }

The Senate met pursuant to adjournment.
Lieutenant-Governor Gibbs in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain, Dr. Smoot.
On motion of Senator Randolph,
The reading of the journal of yesterday was dispensed with, and the same adopted.

PETITIONS AND MEMORIALS.

By Senator Kleberg:
Memorial of the New York, Texas and Mexican Railway Company, asking the privilege of bringing suit in the district court of Travis county against the State of Texas, for the value of certain land certificates due said railway company by reason of its having built and equipped a certain number of miles of its railway previous to the repeal of "An act granting land certificates to railways constructed in this State."

Referred to Judiciary Committee No. 1.

REPORTS OF STANDING COMMITTEES.

By Senator Davis:

COMMITTEE ROOM,
AUSTIN, February 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 198, entitled "An act to amend article 339, chapter 4, of the Penal Code," have carefully examined the same, and instruct me to report the accompanying substitute therefor, and recommend that such substitute do pass.
All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE SUBSTITUTE SENATE BILL NO. 198.

An act to punish the keeping of a house or place as a resort for the purpose of smoking opium or any other intoxicant.

COMMITTEE ROOM,
AUSTIN, February 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 214, entitled "An act to amend chapter 13, title 22, of the Penal Code of the State of Texas, by adding thereto article 765a," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass. The bill provides for the punishment of persons buying or selling hides under certain circumstances, which, in the opinion of the committee, is already sufficiently provided for by law.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, February 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 213, entitled "An act to amend article 765 of the Penal Code of the State of Texas," have carefully examined the same, and instruct me to report it back with the recommendation that it do not pass. Under the present law cattle skinning is punished as a misdemeanor, and this bill seeks to go change the law as to punish the offense as a felony.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, February 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 204, entitled "An act to provide in what cases sheriffs shall be entitled to compensation," have carefully examined the same, and instruct me to report the accompanying substitute therefor, and recommend that such substitute do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 204.

An act to prohibit sheriffs from charging fees in certain cases.

COMMITTEE ROOM,
AUSTIN, February 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 203, entitled "An act to amend article 122 of the Penal Code of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, February 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 199, entitled "An act to regulate the practice of dentistry in the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it be referred to the Committee on Public Health.

All of which is respectfully submitted.

DAVIS, Chairman.

By Senator Houston of Bexar:

COMMITTEE ROOM,
AUSTIN, February 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 49, entitled "An act to amend article 4686, title 95, chapter 2 of the Revised Civil Statutes," have carefully examined the same and a majority of your committee instruct me to report the same back to the Senate with the recommendation that it be referred to the Committee on Internal Improvements.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, February 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 193, being "An act to provide for the correction and revision of the abstracts of located, titled and patented lands in Texas," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

By Senator Glasscock:

COMMITTEE ROOM,
AUSTIN, February 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Buildings and Grounds, to whom was referred Senate bill No. 205, entitled "An act defining who are entitled to be buried in the State cemetery, and defining the powers and duties of the Superintendent of Public Grounds in relation thereto," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the following amendments:

1. Strike out in section 1, beginning at the word "and" in next to the last line of said section the following words: "And the families of all the above named persons."

2. Insert after the word "Texas," in next to last line of sec-

tion 1, the following words: "And all officers in command of the State troops."

All of which is respectfully submitted.

GLASSCOCK, Chairman.

By Senator Stinson:

COMMITTEE ROOM,
AUSTIN, February 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 164, entitled "An act to amend article 378, chapter 6, title 11 of the Penal Code of the State of Texas, and to add article 378a to chapter 6, title 11 of the Penal Code of the State of Texas," have carefully examined the same, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

STINSON, for Committee.

COMMITTEE ROOM,
AUSTIN, February 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Private Land Claims, to whom was referred Senate bill No. 196, entitled "An act for the relief of Z. C. Collier, Thomas Collier and William Ramer," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

STINSON, Chairman.

By Senator Peacock.

COMMITTEE ROOM,
AUSTIN, February 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Lands, to whom was referred Senate bill No. 217, entitled "An act to repeal 'an act granting a land certificate of 1230 acres to the surviving soldiers of the Texas Revolution,' and to repeal an act approved April 26, 1879," etc., have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

PEACOCK, Chairman.

The President gave notice of signing substitute House bill No. 3, "An act making appropriations for deficiencies in the appropriations heretofore made for payment of expenses in support of the government, from March 1, 1884, to February 23, 1885, being for payment of claims registered in the Comptroller's office, in accordance with law, and for outstanding claims not registered, and other deficiencies;" and

House bill No. 15, "An act to amend sections 4 and 16 of an act entitled 'an act for the protection of the wool growing interests of the State of Texas,' approved April 4, 1883."

BILLS AND RESOLUTIONS.

Senator Houston of Bexar offered the following resolution:

Resolved, That the Commissioner of Insurance, Statistics and History be requested to furnish the Senate, as soon as practicable, a statement covering the following points:

1. The name and place of domicile of all fire insurance companies doing business in Texas since the first day of January, 1885.
2. The amount of risks written since that time by each of said companies.
3. The amount of premiums received by each of said companies since that time.
4. The amount of losses paid out by each of said companies since that time.
5. The excess of premiums received over losses paid out by all of said companies.
6. The amount of capital stock of each of said companies.

7. The names of all fire insurance companies now authorized to do business in this State.

8. The names of all such insurance companies, if any, who have failed to comply with the insurance laws of this State.

9. The names of all such companies who have failed to make a report on January 1, 1885, as required by articles 2965 and 2966 of the Revised Statutes of this State.

10. The names of all companies who have made but partial reports since January 1, 1875.

Adopted.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to inform your honorable body of the appointment of the following conference committees by the Speaker of the House: Substitute House bills Nos. 13, 61, 64, 104 and 161, Messrs. Foster of Grayson, Hamilton and Rountree.

Substitute House bill No. 48, Messrs. Robinson of Jack, Steele and Combes of Dallas.

Also to inform your honorable body that the House has moved a reconsideration of its action of the sixteenth instant concerning Senate bill No. 79, and requests the Senate to return to the House said bill, in order that the House may conclude its deliberations and action upon the same.

A. D. SADLER,

Chief Clerk House of Representatives.

By leave.

Senator Jones sent up the following report for the special joint committee to visit the State penitentiaries:

COMMITTEE ROOM,
AUSTIN, February 17, 1885.

Hon. L. L. Foster, Speaker of the House of Representatives, and Hon. Barnett Gibbs, President of the Senate:

Your joint committee of the Senate and House, appointed by House concurrent resolution, dated January 25, 1885, to investigate the management, operation and condition of the Texas State penitentiaries, and to make such suggestions as to their future management as they may deem necessary, beg leave to report as follows:

That a quorum of said committee met in the parlors of the Gibbs House in Huntsville on the tenth day of February, and on motion of the Hon. Harry Haynes, the Hon. J. W. Jones was chosen chairman of the committee; whereupon it was resolved to at once make a careful inspection and examination of the Huntsville penitentiary.

The committee first proceeded to examine the cells, which they found in good, clean and safe condition; many of the convicts displaying marked good taste in the tidy appearance and arrangement of their cells.

We found that there is a total of 2700 convicts at present, distributed as follows: 640 at Huntsville, 465 at Rusk, 182 on railroad trains, and the balance on farms, variously distributed. The cell capacity of the Huntsville penitentiary is about 650 convicts.

HOSPITAL AND PATIENTS.

In the hospital there were but few patients, all of whom received careful medical attention.

SHOPS.

Visiting the machine shops, we found most of the convicts usefully employed in the manufacture of wagons, furniture and a supply of clothing, shoes and harness necessary for the use of the penitentiary. We also found a large stock of material and manufactured goods on hand, consisting of wagons and furniture ready for market.

STILL BROTHERS.

Messrs. Still Brothers have under contract thirty-five convicts, who are employed in the manufacture of saddle-trees, girths, etc.

WIGGINS & SIMPSON.

This firm has contracted for seventy-five convicts for a period of five years, at the rate of sixty cents per day each. They are turning out from their shops excellent work.

CONTRACT SYSTEM.

It appears to the committee that the contract system works most excellently, and the character of the work turned out of the shops of Wiggins & Simpson and Still Brothers appears superior to that turned out on State account.

THE WYNNE FARM.

Your committee visited the State farm near Huntsville, and found the same to be in excellent condition. The farm consists of 1900 acres of land, 1100 of which are in a high state of cultivation. The truck patches consist of turnips, onions and other fall vegetables, which we found to be abundant. The convicts present a healthy appearance and appear to be as well satisfied as men under the circumstances could be expected; and there is abundance of corn to run the farm for the ensuing year, and fodder and other forage. The teams, consisting of mules and oxen, were also in good condition, and their appearance was indicative of unusual care. The farm is run on State account, and not only pays expenses, but the books of Capt. Swythens, the manager, show a balance in favor of the State. We found that the farm supplies the prison at Huntsville with the vegetables—turnips, onions, potatoes, etc.—which are ample for the prison necessities.

FOOD AND TREATMENT.

We found the food at the Huntsville penitentiary abundant and wholesome, and the treatment of the convicts to be humane and the management efficient, and the convicts under good discipline. The convicts were visited by the committee individually and in a body, and no complaints as to treatment for amount of food were made. The water supply is abundant, affording every protection against fire.

We found that the present chaplain has rendered efficient service, and that the prison has a good chapel for religious services, and a small but well selected library, which we think should be enlarged.

In addition, we would add that we found the buildings safe, sufficient and well ordered, and the management conducted in accordance with the most approved methods of prison discipline.

RUSK PENITENTIARY.

At Rusk we found the buildings safe, clean and well ordered, and of a cell capacity of one thousand convicts. The water facilities are good, affording good protection in case of fire.

SHOPS.

The shops have been worked on State account, but at present are doing but very little. The reason given by the management is, that there is no market for manufactured articles, and a lack of seasoned wagon and furniture material.

The hospital, dining room, laundry, and chapel are all in very good condition.

Since the expiration of the Comer & Fairris contract, we find that the furnace in connection with the Rusk penitentiary has not been operated. We find the machinery ample for the manufacture of pig iron, and a large supply of charcoal on hand. The machinery was purchased at a cost of \$65,000, and is of a superior quality.

We found that the shops were virtually idle.

TREATMENT.

The committee visited the convicts at their cells, and found various complaints as to the treatment of the convicts. In many instances the punishment was severe, not to say cruel, and the discipline extremely rigid. Where whipping, as a punishment, has been administered, the statements of the convicts showed that the number of lashes ranged all the way from forty to one hundred and forty. This punishment was administered for attempts on the part of convicts to escape, and for other violations of the rules and regulations of the penitentiary. A portion of your committee examined the backs of convicts alleged to have been whipped, and saw scars indicating that their flesh had been lacerated and the skin broken.

In this connection your committee would state that some time during the fall of 1884, a convict named Goodall was killed by a guard under the following circumstances: The convict had been commanded to submit to a whipping; while being whipped he broke away from the guard and went on to what they call the run-around, in the third story of the cells. He was commanded to come down and submit to a whipping; he

protested that he would not come down because they would kill him. The under keeper, named Hughes, told him that he would conquer his temper with his life or body; at this time a shot was fired from an upstairs window, from the effect of which the convict Goodall died in a day or two. An inquest was held over his body, and a guard named Gayton testified at the inquest that he shot him. That guard is still in the employ of the penitentiary as a guard. There were two witnesses who stated to the committee that after the shooting they went to the spot where Goodall fell and found a chair round, a razor and a knife. The excuse for shooting him was, that he was going to escape through the top of the building. From examination of the building and the enclosure around it, the committee are satisfied that he could not have finally escaped from the penitentiary; and your committee are of the opinion that such killing was wanton and cruel, and manifested a disregard of human life, and it is our opinion that the conduct of the guard who did the killing, and such officials as were near there and privy to the killing, should be subjected to a close investigation.

FOOD.

Numbers of convicts volunteered to make complaints to members of the committee in regard to the food; and the complaints were so serious that the committee investigated individually, and took testimony from numbers of convicts. The quantity seems to have been sufficient, but the quality, by the concurrent testimony of all convicts examined, or by the statements of those who voluntarily came before the committee, was very bad. The bread was made with cold water, and was frequently cold, mouldy and clammy before served to the convicts. The meats consist of beef and bacon; the bacon was frequently inferior, rancid and spoilt. The beef was sometimes scant in amount and badly cooked; in fact, all the food appears to be poorly cooked, and this results not from any defect in the kitchen arrangements, but from the negligence of the steward. We found that the physician had frequently condemned food as being unsound and unwholesome; but we were unable to learn that any particular amount of food condemned by the physician was ever cooked by the steward. The steward, against whom the complaints were lodged, is still retained in the position, and we suggest that steps should be taken to have him discharged. The committee are satisfied that the complaints in the main are well founded. The water is good, and the supply ample.

The chapel for the church and Sunday school services is neat and comfortable. The chaplain is efficient and diligent in the discharge of his duty. The library, though small, is well selected.

The supply of medicines seems to be sufficient, and the department is well managed under the direction of Dr. Jameson, assisted by Dr. Walton, a convict.

The superintendent, assistant superintendents and the financial agent extended to the committee every courtesy and all facilities for conducting their investigation.

FARMING ON SHARES.

We find that during the last few months contracts have been made with some six or eight parties in the counties of Robertson and Grimes for convicts to cultivate crops on shares. The number of convicts ranges from twenty-five to something over one hundred to the several parties. The terms of these contracts are, in substance, that the State is to furnish the convicts, guard, feed and clothe them, and the farmer to furnish land, teams and implements, and the crops to be equally divided between the farmers and the State—the farmers in some instances to pay a small bonus to the State in money.

The committee learned of no bad treatment of convicts, but on the contrary, they seemed to be well treated, more healthy and better satisfied on the farms than in the walls. The reason for these contracts given by the management is, that the convicts were idle in the walls, the railroads having turned in nearly all they had contracted for, and it was thought by them to be the best thing to make some arrangements by which the convicts could be utilized in making enough, at least, for their support; and your committee is of the opinion that they were disposed of to the best advantage, the fact being that the penitentiaries are only capable of containing 1600 convicts, while there are 2700 on hand, and the industries operated in the walls are so limited as to require the services of only a limited number.

COMER & FAIRIS CONTACT.

This contract was made by the Penitentiary Board with

Comer & Fairris in July, 1883, and was to go into effect in January, 1884. In substance said contract was about as follows:

1. The State was to furnish to Comer & Fairris the labor of one thousand convicts for a term of ten years, to be used in operating the Rusk penitentiary, and the industries connected therewith, the convicts to be divided into three classes.

2. The State was to furnish and pay officers and guards for said convicts, clothe the convicts, and, in short, to furnish everything incidental to the management and keeping of the convicts.

3. The contractors were to have the use of all shop buildings, machinery and tools, the blast furnaces, ore privileges and wood on the State lands, for fuel and steam purposes, the spur railroad, and all other property belonging to the State, not reserved.

4. The State reserved administration and all buildings, and such tools, wagons, teams and other property as might be needed for the use of the State.

5. The contractors were to pay monthly for the labor, at the rate of one hundred dollars per annum for the first class, seventy-five dollars for the second class, and fifty dollars for the third class hands.

6. The contractors were to feed the convicts and guards, to keep the buildings and other property turned over to them in good repair; and

7. The State was to furnish, for ninety days after the execution of the contract, such surplus hands as might be at Rusk free of charge.

8. To get material to make tools, etc., and to operate the furnace in the penitentiary.

9. The contractors were to work outside the prison walls only such number of convicts as might be necessary to cut wood, dig ore, burn coal, get lime rock, saw lumber and make provisions and forage for the necessary operation of the furnace in the penitentiary.

Under this contract Comer & Fairris took charge of and began operations at the Rusk penitentiary and furnace on the first day of January, 1884. They paid their monthly labor accounts for three months, that is to say, for January, February and March, these accounts becoming due on the tenth day of each subsequent month from the beginning of the contract.

The labor accounts collected from Comer & Fairris for the three months named above amounted to \$3,975.48. When the fourth installment of labor bills became due on the tenth day of April, 1884, Comer & Fairris applied to the board for an extension. The result was that the Penitentiary Board executed a supplemental contract with Comer & Fairris, which provided in substance that the board would furnish provisions for the support of the convicts up to the tenth day of September, 1884, and would give Comer & Fairris that time in which to pay their labor bills.

On the fifth day of September, 1884, Comer & Fairris made an offer to surrender their contract; this was acceded to by the Penitentiary Board. At this time the account of Comer & Fairris with the State stood about as follows: \$8881 due the State for provisions furnished for the time mentioned in the supplemental contract, to-wit, four months, and labor bills which in the aggregate made their indebtedness something over \$26,000, which amount they proposed to settle by turning over to the Penitentiary Board property they had come in possession of since their connection with the Rusk penitentiary under their contract. This property consisted of wood, iron ore and wagon material and some unfinished wagons on hand in their wagon factory, charcoal, etc. The appraisers failing to agree as to the value of a portion of the property that Comer & Fairris proposed to turn over to the State in settlement of their debt, an umpire was agreed upon to pass upon the value of the remainder. The result of the appraisement and valuation was that the claim of Comer & Fairris against the State exceeded the amount due and owing from Comer & Fairris in the sum of \$3100, which amount the State paid to them in cash, which, together with the advances and labor bills heretofore mentioned, made the sum of about \$31,000, for which the State received about four thousand cords of wood, sixty-five thousand bushels of charcoal, a lot of unfinished wagons, and a considerable lot of new material in the shops of the Rusk penitentiary, and \$1130 in permanent improvements. The State paid in cash an additional sum of about \$1700 for lumber at and about the time of the settlement, which was paid for the purpose of procuring a final settlement with Comer & Fairris, they saying that they would not make a settlement unless the State purchased the lumber.

The figures submitted by the committee are not exact, but are only intended to give substantial results.

The property taken is of little value unless appropriations are made to utilize it in operating the penitentiary and furnace at Rusk, the same having been idle since the surrender by Comer & Fairris. The superintendent and financial agent state in their report that it will require from \$50,000 to \$70,000 to put it in successful operation.

The committee in this connection will state that much of the property accepted from Comer & Fairris in satisfaction of their claim was taken at a price in excess of its real value, and unless operations are resumed at the furnace and the penitentiary, the property will be a virtual loss to the State.

It is obvious to the committee that the State was placed at a great disadvantage in effecting the settlement with Comer & Fairris, for the reason that the sureties on the bond of Comer & Fairris for the faithful performance of their contract were all non-residents of the State of Texas, and in case such settlement had not been made, and suit had been brought, would have subjected the State to a long and tedious litigation, attended with great expense. And the committee deprecate most seriously the practice of taking sureties on bonds for faithful performance of contracts with the State in operating its convicts who are non-residents of the State, when it can be avoided.

RECOMMENDATIONS AND SUGGESTIONS.

1. A majority of your committee recommend that such appropriation, to be based upon the reports of the financial agent and superintendent of the penitentiaries, as may be necessary to place the iron industry at Rusk upon a basis that will be self sustaining, be made.

2. We recommend the making of contracts to carry on the various industries similar to those now in force at Huntsville, where it can be done.

3. We recommend that such appropriations be made for the maintenance of the penitentiaries at Rusk and Huntsville as may be necessary.

4. We recommend the purchase of a sufficient quantity of agricultural land, in a body, for the employment of all such convicts as cannot be furnished employment in the walls. This recommendation of the committee is based upon the following reason: There being insufficient room in the penitentiary walls and few facilities for the employment of convicts, the Penitentiary Board have been compelled to make farm contracts, by which the State has gone into farming on the shares. There are a number of such contracts in the counties of Robertson and Grimes and other counties. This policy scatters the convicts at various points, brings them in contact with the people and disorganizes labor, causes dissatisfaction in communities where they are located, demoralizes society and increases the expense of guard and sergeant hire, and increases the opportunity for escapes; whereas if the State owned a large body of land, sufficient to furnish employment to all of the surplus convicts outside of the walls, they could keep them in one place and in one enclosure, isolated from the public and securely guarded at less expense; at the same time the convicts will be self-supporting, for it would scarcely ever occur that the farm would not produce sufficient to feed and clothe them.

5. We recommend that the Penitentiary Board be abolished, and that the management of the penitentiaries be placed exclusively in the hands of the superintendent, who shall be subject to removal by the Governor for cause; and that the financial agent be retained as now provided by law.

6. We recommend that a commission, consisting of three citizens well informed on prison management, be appointed by the Governor, to visit the various prisons in the United States to investigate their management and collect information as to their treatment and employment in various industries of their convicts, and to report the result of such investigation to the next Legislature, with such suggestions as they may deem proper, in order that the State may, from the best sources of information obtainable, adopt a policy for the permanent management of the State prisons.

7. We recommend that in the event the contract for building the new State Capitol is so modified as to substitute granite for limestone, the penitentiary management be authorized to contract for as many convicts as possible for the quarrying and handling of granite to be used in the new Capitol.

8. A majority of your committee recommend a separate superintendent and financial agent for each of the penitentiaries at Rusk and Huntsville, and that the management be kept separate and distinct. The reason for this recommendation by a majority of your committee is based upon the following

fact: that the management will be much more efficient, and that the State will be enabled to dispense with the services of one inspector and two assistant superintendents, and that it would inure to the better treatment of the convicts by bringing the officers in more direct supervision over them.

9 We would also recommend that executive clemency be extended to a certain number of lifetime convicts every year, to be granted after a certain period of good behavior, for the reason that this would be an incentive for obedience and good behavior that no lifetime convict would fail to improve.

10. Notwithstanding the recommendation of the committee as to the purchase of a farm and the employment thereon of convicts, the committee do not wish to be understood as favoring such a system as a permanent policy for the State; for it is the opinion of the committee that it is the duty of the State to make provision for the confinement of its convicts within penitentiary walls, so that the judgment and sentence of the court trying them can be carried out; the suggestion of the committee for the purchase of a farm being deemed by them the only expedient now available for the keeping of convicts and their support with as little expense to the State as possible till sufficient prison room can be provided.

All of which is respectfully submitted.

JONES,
KLEBERG,
KILGORE,
Senate Committee.

HAYNES.
KIMBROUGH,
HENDRY,
MOORE of Washington,
House Committee.

We respectfully dissent from the recommendation of the majority providing separate management and separate superintendents.

JONES,
KLEBERG,
HAYNES.

We respectfully dissent from the recommendation of the majority making an appropriation for the Rusk furnace.

JONES.
HAYNES.

The following minority report was also sent up:

COMMITTEE ROOM,
AUSTIN, February 17, 1885.

Hon. L. L. Foster, Speaker of the House of Representatives:

The undersigned, a minority of your joint committee appointed to visit and investigate the management of the State penitentiaries, being unable to agree with the majority in their recommendation for large appropriations for the operation of the Rusk furnace, and for separate management of each of the penitentiaries, beg leave to submit the following: As to the "Rusk furnace," we do not believe that it can ever be placed on a paying basis, or ever made self-sustaining, and it would be a waste of money to attempt to make it so for the following reasons:

1. The ore is very inferior in quality. There is no bituminous coal anywhere in that region of country, and consequently the only heat-producing material being charcoal. In order to procure this charcoal, timbered land would have to be purchased by the State, and parties having such land for sale, seeing the State's necessities, would demand exorbitant prices for the same, which land when denuded of the wood would be utterly valueless for any purpose whatever.

In addition to the foregoing, it is submitted that in the event of purchase, there would be a further expense incident thereto in converting the wood into charcoal and transporting it to the furnace.

2. The means and facilities for transportation are very limited, there being but one railroad, and that a narrow gauge, the only connection between the town of Rusk and the rest of the State. This being true, the expense of transportation of material to or manufactured articles from the penitentiary would be so great as to overbalance all profits that might otherwise ensue on the production or manufacture of articles for market. Limestone is essential to the production of pig iron. There is no limestone within a hundred miles of Rusk, the seat of the penitentiary. The importation of this article is very expensive.

3. The water supply is very deficient, it being necessary to construct huge dams at great expense in order to husband anything like a sufficient quantity.

4. The condition of the furnace at present is such as to render it unavailable for even the production of "pig iron," it being in a very dilapidated state. And were this not the case, the quality of the pig iron is of such an inferior grade that were it utilized in producing or manufacturing commercial wares or merchandise, they could not compete with the productions of older manufactories. The Superintendent and Financial Agent agree that in order to put the furnace in such condition as to produce articles of traffic from the pig iron, it would take an appropriation of sixty-five to ninety thousand dollars. We are therefore of the opinion that the State would save money by allowing it to remain idle, and we recommend that the machinery be sold and the proceeds utilized for penitentiary purposes.

JONES, of Senate Committee.
HARRY HAYNES, of House Committee.

As to the separate management and separate superintendents for each of the penitentiaries we submit:

That in our opinion it is best to have one superintendent with supreme control over both penitentiaries. Any enterprise can be managed better by one than many heads, between whom differences are likely to arise, not unattended with jealousies and bickerings, and at the same time one superintendent would insure uniformity in management, conduct and discipline.

Again, the State is not in a condition financially to incur the additional expense of double superintendent's pay. Where there is but one superintendent there can be no excuse for a neglect of duty nor evading or shifting responsibilities.

Respectfully submitted,

JONES,
KLEBERG,
Senate Committee.
HARRY HAYNES,
House Committee.

Senator Traylor offered the following resolution:

Resolved, That a committee of three Senators be appointed by the President of the Senate, to confer with the owners of the granite mountain, in Burnet county, from which the contractors for building the Capitol are now getting granite, and ascertain if said property can be bought for the State, and, if so, at what price.

Adopted, and

The President appointed on this committee Senators Traylor, Pfeuffer and Johnson.

Senator Kleberg introduced the following resolution and had it referred to Committee on State Affairs:

Resolved, That the Nineteenth Legislature of the State of Texas stand adjourned sine die at 12 o'clock m., on Monday, the seventeenth of March, 1885.

By Senator Glasscock:

"An act for the relief of Anna B. Smith, assignee and heir of Rufus R. Smith."

Referred to Committee on Private Land Claims.

By Senator Traylor:

"An act to provide for the publication and binding of one thousand copies of the Revised Statutes of the State of Texas, and to make an appropriation therefor."

Referred to the Committee on Finance.

Senator Jones entered a motion to reconsider the vote by which the minority report on Senate bill No. 153 was on yesterday adopted.

The hour having arrived, the Senate went into committee of the whole on the consideration of Senate bill No. 195, the substitute for Senate bill No. 7. (Senator Pope in the chair.)

IN SENATE.

(The President in the chair.)

Senator Pope, chairman of the committee of the whole, reported progress, and asked leave to sit again to-morrow after morning call.

The report was adopted.

A message was received from the Governor.

Senator Houston of Bexar moved that the Senate grant the request of the House to return Senate bill No. 79, "An act to require the Comptroller of Public Accounts, etc., to employ female clerks." etc.

Senator Davis raised the point of order that the bill had gone beyond the jurisdiction of the Senate, and therefore the Senate cannot in anywise act upon the bill.

Pending discussion on the point of order,

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

By mistake of the Chief Clerk, the Senate was this morning informed that the House had ordered the return of Senate bill No. 79. The House simply entered a motion to reconsider the vote by which said bill was passed, and to enter that motion on the journal, no final disposition having been made of said motion.

A. D. SADLER, Chief Clerk.

The motion of Senator Houston of Bexar to grant the request of the House was withdrawn.

Senator Houston of Bexar moved that the Secretary be instructed to report the bill back to the House with the information that the Senate had refused to concur in the House amendments.

Senator Davis arose to a point of order, but before stating his point of order,

The President ruled the motion of Senator Houston out of order, whereupon

Senator Houston appealed from the decision of the President.

Pending this appeal.

Senator Pope moved to adjourn till ten o'clock to-morrow morning.

Adopted, and the Senate adjourned.

THIRTY-FIRST DAY.

SENATE CHAMBER. }
AUSTIN, February 18, 1885. }

Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the House Chaplain, Dr. Poindexter.

On motion of Senator Terrell,

The reading of the journal of yesterday was dispensed with.

On motion of Senator Evans,

Senator Perry was excused indefinitely, on account of sickness.

On motion of Senator Kleberg,

Senator Jones was excused till to-morrow.

PETITIONS AND MEMORIALS.

By Senator Shannon:

Memorial of citizens of Calvert, Texas, praying for an amendment to their city charter.

Referred to Committee on State Affairs.

By Senator Houston of Wheeler:

Petition of the citizens of Clay and Montague counties, protesting against leasing of school lands.

Petition of citizens of Clay county, protesting against the leasing of the school lands.

Petition of the county officers and citizens of Wilbarger county, protesting against the lease law.

The three petitions referred to Committee on Public Lands.

By Senator Calhoun:

A memorial from citizens of Taylor county on prohibition.

Referred to Committee on Constitutional Amendments.

REPORTS OF STANDING COMMITTEES.

By Senator Jerdone:

COMMITTEE ROOM,
AUSTIN, February 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Health, to whom was referred Senate bill No. 128, entitled "An act to establish a State Board of Medical Examiners, and to regulate the practice of medicine and surgery in the State of Texas, also defining the duties of such board," have carefully examined the same, and instruct me to report the same back to the Senate with the accompanying amendments, with the recommendation that it do pass as amended.

All of which is respectfully submitted.

JERDONE, Chairman.

COMMITTEE AMENDMENTS.

1. Strike out after line 4 in section 4, down to and including the word "act," in line 9, and insert "shall be styled and shall transact business under and by the name of 'State Board of Medical Examiners for Texas,' and shall have and use a seal with a star of five points, and the words around the margin, 'State Board of Medical Examiners for Texas.'"
2. Strike out the words "unprofessional or," in line 7, section 9.
3. Strike out all of section 10.
4. Strike out the word "satisfactory," in lines 5 and 6, section 12, and add to the section, "the affidavits of two credible persons or a certified copy of any public record of the fact shall be sufficient evidence to require the secretary to register an applicant under this section, and the same may be presented without the personal presence of the applicant."
5. In section 14 strike out the words "whose name shall not be found in the official register," and insert the words "who has not complied with the provisions of this act."
6. In section 15, after the word "court" in line 7, insert the words "or jury trying the case," and strike out the remainder of the section.
7. In section 17 strike out the words "bank to the credit of the State Board of Medical Examiners," and insert the words "State Treasury, and the State Treasurer shall preserve the same and keep an account thereof, and pay the same out as hereinafter provided."
8. In section 19, line 3, strike out the word "unprofessional."
9. In section 20, line 10, strike out the word "bank" and insert "State Treasurer."
10. Strike out section 25.

COMMITTEE ROOM,
AUSTIN, February 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Health to whom was referred Senate bill No. 154, entitled "An act to regulate the practice of medicine and surgery, and to punish persons for malpractice," have carefully examined the same, and instruct me to report the same back to the Senate with the recommendation that it lie on the table, for the reason that your committee have reported upon a bill relating to the same subject.

All of which is respectfully submitted.

JERDONE, Chairman.

COMMITTEE ROOM,
AUSTIN, February 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Health, to whom was referred Senate bill No. 199, entitled "An act to regulate the practice of dentistry in the State of Texas," have carefully examined the same, and instruct me to report the same back to the Senate with the accompanying amendment, with the recommendation that it do pass as amended.

All of which is respectfully submitted.

JERDONE, Chairman.

COMMITTEE AMENDMENT.

Strike out section 8.

By Senator Traylor:

COMMITTEE ROOM,
AUSTIN, February 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 223, entitled "An act to provide for the publication and binding of one thousand copies of the Revised Statutes of the State of Texas, and to make an appropriation therefor," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

TRAYLOR, Chairman.

BILLS AND RESOLUTIONS.

By Senator Shannon (by request):

"An act to amend sections 4, 9 and 16 of 'an act to incorporate the city of Calvert, in Robertson county.'"

Referred to Committee on State Affairs.

By Senator Jerdone:

"An act to enable servants and employees to maintain actions for damages for personal injuries sustained at the hands of a co-employee or fellow servant."

Referred to Judiciary Committee No. 1.

By Senator Traylor:

"An act to amend article 2396, chapter 3, title 42 of the Revised Statutes."

Referred to Judiciary Committee No. 1.

By Senator Davis:

"An act to repeal article 2384 of the Revised Statutes."

Referred to Judiciary Committee No. 1.

"An act to abolish the office of secretary of the Capitol Board."

Referred to Committee on State Affairs.

By Senator Randolph:

"An act to provide for the sale and lease of the lands that have been heretofore or may hereafter be surveyed and set apart for the benefit of the common school, University, Lunatic, Blind, Deaf and Dumb, and Orphan Asylum funds."

Referred to Committee on Public Lands.

Senator Davis offered the following resolution:

Resolved, That the Secretary be instructed to report to the House that the second Senate amendment to substitute House bill No. 48 was to strike out section 5 from the caption and bill.

Adopted.

The following message from the Governor was laid before the Senate, and together with the accompanying letter,

On motion of Senator Pfeuffer, was referred to Committee on State Affairs:

To the Senate and House of Representatives.

GENTLEMEN—I herewith transmit a letter received from ex-Governor P. H. Bell.

I do so because it comes from one who once had the authority to communicate with the Legislature of this State, and now can only do so through this office.

The communication comes from one whose early life was devoted to a State whose splendor we now enjoy, and it is proper that he should be heard.

Respectfully,

JOHN IRELAND, Governor.

WARRENTON, N. C., February 10, 1885.

His Excellency Governor Ireland:

As one of your predecessors in the executive chair of Texas, or (more to my purpose), as an old Texan, I respectfully ask your attention to, and invoke your aid in a measure which personally concerns me, and which I believe involves a principle that should have been maintained in the law to which I now refer. Your pension act excludes from the benefits of its provisions all persons residing outside of the limits of the State. In the original pension law non-residents were placed on the same footing as residents. Under this law I received my quota of the amount allowed. It was acceptable, and I was grateful for it. The law as it now exists is partial and unjust, and I here enter, very respectfully, my protest against it, and request that your Excellency will interpose your influence and authority with the honorable Legislature to have the present pension act so modified as to have my name, and all old soldiers similarly situated, on the original muster roll, with benefits equal to those on the roll who are inside of the limits of your State. The pension law, beneficent in its object, was intended not only to extend material aid, but patriotically and gratefully to recognize the services of a class of men who, in the greatest peril of her existence, ventured their fortunes and lives in her behalf; further than this it conveyed a compliment, and was approved as a souvenir to be cherished and passed to the descendants of every soldier.

No geographical divisions could properly be considered, and no party lines or prejudices to give it coloring. Let it be remembered that the appeals sent forth from Texas in 1835-6 were not limited to sections or States, but to all who loved liberty rather than oppression. They came to me in my mountain home, and, under rough auspices and against strong remonstrances, I ranged myself under the Lone Star banner, and for the period of twenty-odd years I remained at the post of my duty, in the field and in her councils. I came to her in weakness; I left her in power. I came to her in her afflictions of poverty, chaos and distress; I left her in peace, tranquility and order—her boundary marked bravely and honorably by the sword, her debt adjusted on equitable principles, her war debt paid and a large surplus in her treasury. The State of my adoption was and is most dear to me. I left her with profound sorrow, in the discharge of a sacred duty, no less than the preservation of the life of a devoted and much-loved wife. If I had not done so, under the circumstances, I should have been unworthy the respect of the people of Texas.

In kind appreciation of the services of an old Texas soldier, your Excellency will, I am sure, excuse and forward this application. It will be most acceptable service to me, and gratefully remembered.

The results of the civil war swept from me more than two-thirds of my estate, and I have had since a hard struggle to keep on the surface. I am wearing into years, and have no time in which to look out for new departures. I am admonished by natural laws that before many years can pass I shall be beckoned across the river, when, in the providence of a merciful God, I shall, I trust, be reunited in the Spirit Land with the comrades and patriots who, while yet a youth, I so often met on the battlefields of Texas.

I congratulate your Excellency on your re-election, and sincerely hope that your administration for the second term may greatly advance the State and be pleasant and satisfactory to yourself.

I have the honor to be, with the highest respect, your obedient servant,

P. H. BELL.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage

of House bill No. 428, "An act to amend article 4736 of the Revised Civil Statutes of the State of Texas."

A. D. SADLER, Chief Clerk.

The hour having arrived for the sitting of the committee of the whole,

The Senate went into the committee of the whole on consideration of Senate bill No. 195, the committee substitute for Senate bill No. 7.

(Senator Pope in the chair.)

IN THE SENATE.

(The President in the chair.)

Senator Pope, chairman of the committee of the whole, reported progress, and asked leave to sit again to-morrow after morning call.

On motion of Senator Getzendaner,

The report was adopted.

On motion of Senator Randolph,

The Senate adjourned till 10 o'clock to-morrow morning.

THIRTY-SECOND DAY.

SENATE CHAMBER,
AUSTIN, February 19, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Houston of Wheeler,

The reading of the journal of yesterday was dispensed with.

On motion of Senator Bell,

Mr. Boynton, First Assistant Secretary, was excused for the day, on account of sickness.

REPORTS OF STANDING COMMITTEES.

By Senator Getzendaner:

COMMITTEE ROOM,
AUSTIN, February 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred Senate bill No. 211, entitled "An act to amend article 4419 of the Revised Civil Statutes of the State of Texas," have carefully examined the same, and instruct me to report the same back with the accompanying substitute, and recommend the passage of said substitute.

All of which is respectfully submitted.

GETZENDANER, for Committee.

COMMITTEE SUBSTITUTE.

A bill, "An act to amend article 4419 of the Revised Civil Statutes," etc.

By Senator Randolph:

COMMITTEE ROOM,
AUSTIN, February 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 224, entitled "An act to amend sections 4, 9 and 16 of an act entitled 'an act to incorporate the city of Calvert, in Robertson county,'" have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

COMMITTEE ROOM,
AUSTIN, February 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred

memorial of citizens of De Witt county asking for an amendment to the Constitution prohibiting the manufacture and sale of spirituous, vinous, or malt liquors in this State, have carefully examined the same, and instruct me to report the same back with the recommendation that it be referred to the Committee on Constitutional Amendments.

All of which is respectfully submitted.

RANDOLPH, Chairman.

REPORTS OF SPECIAL COMMITTEES.

By Senator Davis:

COMMITTEE ROOM,
AUSTIN, February 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your special committee, to whom was referred for investigation the question of the right of the Legislature to confer upon county courts jurisdiction to hear and determine election causes which question is involved in Senate bill No. 20 and the committee substitute therefor, respectfully report that they have examined the subject, and, while not free from doubt, it is the opinion of the committee that the Legislature can, under the Constitution, confer such jurisdiction upon the county courts.

All of which is respectfully submitted.

DAVIS,
BELL,
CAMP.

COMMITTEE ROOM,
AUSTIN, February 18, 1885.

Hon. Barnett Gibbs, President of the Senate, and Hon. L. L. Foster, Speaker of the House of Representatives:

Your committee of free conference, to whom was submitted the differences between the two houses in reference to substitute House bills Nos. 13, 61, 64, 104 and 161, respectfully recommend that "Rusk" be stricken from the second Senate amendment, and that the House concur in the Senate amendments, with the exception aforesaid.

All of which is respectfully submitted.

DAVIS,
TRAYLOR,
PERRY,
On the part of the Senate.
FOSTER of Grayson,
HAMILTON,
ROUNTREE,
On the part of the House.

On motion of Senator Davis,

The report of the free conference committee was adopted.

By Senator Shannon:

COMMITTEE ROOM,
AUSTIN, February 17, 1885.

Hon. Barnett Gibbs, President of the Senate, and Hon. L. L. Foster, Speaker of the House of Representatives:

Your conference committee to whom was referred the difference between the two Houses upon substitute House bill No. 48, entitled "An act to amend sections 1 and 5 of 'an act to regulate the appointment and define the duties of notaries public; to require them to procure and use legal seals, and punish them for failing to do so,' approved April 1, 1881," have considered the same, and have to report with the recommendation that the House do concur in the Senate amendment to said bill.

All of which is respectfully submitted.

SHANNON,
HOUSTON of Bexar,
DAVIS,
Senate Committee.
STEELE,
COMBES of Dallas,
ROBINSON of Jack,
House Committee.

On motion of Senator Shannon,

The committee report was adopted.

BILLS AND RESOLUTIONS.

By Senator Fowler:

"An act to amend article 906 of the Code of Criminal Procedure, so as to compel justices of the peace

to investigate and prosecute all violations of the law when they may have good cause to believe an offense has been committed."

Referred to Judiciary Committee No. 2.
By Senator Shannon:

"An act to prevent the forfeiture of the rights of purchasers of public free school, University or asylum land."

Referred to Committee on Public Lands.
By Senator Kilgore:

"An act to amend title 17, chapter 4, article 407 of the Revised Civil Statutes, relating to cemeteries when the same may be located outside of the corporate limits of the city or town."

Referred to Committee on State Affairs.

Senator Glasscock introduced the following joint resolution, and had it referred to Committee on State Affairs:

Be it resolved by the Senate and House of Representatives of the State of Texas, That our Senators and Representatives in the United States Congress be requested to present and urge on the part of the United States such a provision in a treaty with Mexico as will permit the immediate bringing of the remains of any citizen of the United States dying in Mexico back to the United States, without the delay and expense now demanded by the Republic of Mexico in such case.

By leave, Senator Peacock submitted the following committee report :

COMMITTEE ROOM,
AUSTIN, February 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Lands, to whom was referred Senate bill No. 230, entitled "An act to prevent the forfeiture of the rights of purchasers of public free school, University or asylum lands," have carefully considered the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

PEACOCK, Chairman.

On motion of Senator Shannon, The special order was postponed, and Senate bill No. 230, "An act to prevent the forfeiture of the rights of purchasers of public free school, University, or asylum land," was taken up out of its regular order, and,

On motion, the constitutional rule was suspended, and

The bill put on its second reading by the following vote:

YEAS—24.

Bell,	Hall,	Pfeuffer,
Calhoun,	Houston of Bexar,	Pope,
Camp,	Houston of Wheeler,	Randolph,
Davis,	Johnson,	Shannon,
Evans,	Kilgore,	Stinson,
Fowler,	Kleberg,	Terrell,
Getzandaner,	Knittel,	Traylor,
Glasscock,	Peacock,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Douglass, Jerdone, Jones.

The bill was read second time and ordered engrossed.

On motion of Senator Shannon,

The constitutional rule was suspended, and

The bill put on its third reading by the following vote:

YEAS—24.

Bell,	Hall,	Pfeuffer,
Calhoun,	Houston of Bexar,	Pope,
Camp,	Houston of Wheeler,	Randolph,

Davis,	Johnson,	Shannon,
Evans,	Kilgore,	Stinson,
Fowler,	Kleberg,	Terrell,
Getzandaner,	Knittel,	Traylor,
Glasscock,	Peacock,	Woods.

NAYS—none.

ABSENT, NOT VOTING,

Douglass, Jerdone, Jones.

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

YEAS—24.

Calhoun,	Hall,	Pfeuffer,
Camp,	Houston of Bexar,	Pope,
Davis,	Houston of Wheeler,	Randolph,
Douglass,	Johnson,	Shannon,
Farrar,	Kilgore,	Stinson,
Fowler,	Kleberg,	Terrell,
Getzandaner,	Knittel,	Traylor,
Glasscock,	Peacock,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Evans, Jerdone, Jones.

On motion of Senator Douglass, Senate bill No. 196, "An act for the relief of Z. C. Collier, Thomas Collier and Wm. Ramon," was taken up out of its regular order and read second time.

Senator Fowler offered the following amendment:

Amend section 1 by adding the following: "Provided, that if a sufficient quantity of the public domain for the location of said certificates can not be found, the said parties shall have no further claim against the State by reason of anything contained in this act."

Adopted.

Senator Woods offered to amend by adding to section 4 the following:

Said certificate can only be located upon vacant and unappropriated public domain of Texas, and the State is to be in no manner liable in case the certificate is not located on any vacant land; provided further, that the restrictions above stated be set forth in the face of the certificate.

Lost.

The bill was ordered engrossed by the following vote:

YEAS—20.

Bell,	Hall,	Peacock,
Calhoun,	Houston of Bexar,	Pope,
Camp,	Houston of Wheeler,	Randolph,
Douglass,	Johnson,	Shannon,
Fowler,	Kilgore,	Stinson,
Getzandaner,	Kleberg,	Traylor.
Glasscock,	Knittel,	

NAYS—3.

Evans, Terrell, Woods.

ABSENT, NOT VOTING.

Davis, Jerdone, Pfeuffer, Jones.

On motion of Senator Houston of Wheeler, The constitutional rule was suspended, and The bill placed on its second reading by the following vote:

YEAS—20.

Bell,	Hall,	Peacock,
Calhoun,	Houston of Bexar,	Pope,
Camp,	Houston of Wheeler,	Randolph,
Davis,	Johnson,	Shannon,
Douglass,	Kilgore,	Stinson,
Fowler,	Kleberg,	Traylor.
Glasscock,	Knittel,	

NAYS—4.

Evans,	Terrell,	Woods.
Getzendaner,	ABSENT, NOT VOTING.	
Jerdone,	Jones,	Pfeuffer.

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

YEAS—20.

Bell,	Houston of Bexar,	Pfeuffer,
Calhoun,	Houston of Wheeler,	Pope,
Camp,	Johnson,	Randolph,
Douglass,	Kilgore,	Shannon,
Fowler,	Kleburg,	Stinson,
Glasscock,	Knittel,	Traylor.
Hall,	Peacock,	

NAYS—5.

Davis,	Getzendaner,	Woods.
Evans,	Terrell,	

ABSENT, NOT VOTING.

Jerdone, Jones.

On motion of Senator Kleberg, Senator Jones was excused for the day.

On motion of Senator Calhoun,

The special order was further postponed and Senate bill No. 121, "An act to amend section 35 of an act to redistrict the State into judicial districts, and to fix the time for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884," approved April 9, 1883," was taken up out of its regular order and read second time.

Senator Calhoun offered the following amendment:

1. Insert "February" instead of "March" at every place in the bill where "March" appears.

2. Amend section 3 by substituting in lieu thereof the following: "And whereas, by the existing laws the next terms of the district court of several counties in said district are not at proper times or of proper length; and whereas, it will be of great convenience to the officers and attendants upon said courts to have the terms of said courts held at the times specified in this act, on and after the twelfth day of April, A. D. 1885; and whereas, this session of the Legislature will not adjourn in time to allow ninety days to intervene between the adjournment of the same and the twelfth day of April, A. D. 1885; therefore, an imperative public necessity exists requiring that this act should go into effect and be in force from and after the twelfth day of April, A. D. 1885; hence, an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and it is, therefore, so enacted."

Adopted, and

The bill ordered engrossed.

On motion of Senator Calhoun,

The constitutional rule was suspended, and

The bill placed on its third reading by the following vote:

YEAS—25.

Bell,	Houston of Bexar,	Pfeuffer,
Calhoun,	Houston of Wheeler,	Pope,
Camp,	Jerdone,	Randolph,
Davis,	Johnson,	Shannon,
Evans,	Kilgore,	Stinson,
Fowler,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Traylor,
Glasscock,	Peacock,	Woods.
Hall,		

NAYS—none.

ABSENT, NOT VOTING.

Douglass.

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

YEAS—23.

Bell,	Houston of Bexar,	Pfeuffer,
Calhoun,	Houston of Wheeler,	Pope,
Camp,	Jerdone,	Randolph,
Davis,	Johnson,	Shannon,
Evans,	Kilgore,	Stinson,
Fowler,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.
Hall,	Peacock,	

NAYS—none.

ABSENT, NOT VOTING.

Douglass, Glasscock, Terrell.

The President referred House bill No. 428, "An act to amend article 4786 of the Revised Civil Statutes of the State of Texas," to Committee on Internal Improvements.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the following action by the House:

Substitute House bill No. 48: The House has adopted the report of the conference committee.

A. D. SADLER,
Chief Clerk House of Representatives.

On motion of Senator Peacock,

House bill No. 232, "An act to authorize county commissioners' courts to assume control of the streets and alleys of any city or incorporated town within their jurisdiction, in which there is no de facto municipal government, and to have the same worked as public roads," was taken up out of its regular order and read second time.

Senator Houston of Bexar offered the following amendment:

Amend by adding: "And where there is a de facto city government, and the city government shall fail for ninety days after being notified by the county commissioners' court to open a street or highway to connect with any first class county road now open or leading to the boundary of said corporation, then the county commissioners' court shall be authorized to open a street or highway from the boundary of said corporation so as to connect said first class county road with the nearest or most practicable street already open and leading into said city, and such city shall be required to pay the actual expense incurred by the commissioners' court in opening such street or highway."

And amend caption to conform to this amendment.

Lost.

Senator Fowler offered the following amendment:

Amend section one by adding the following: "Provided, that all residents of any city or town having no de facto city government not otherwise exempt from road duty shall be liable to road service as in other cases."

Adopted, and

The bill was passed to its third reading.

On motion of Senator Peacock,

The constitutional rule was suspended to have the bill read the third time by the following vote:

YEAS—23.

Bell,	Hall,	Peacock,
Calhoun,	Houston of Bexar,	Pope,
Camp,	Houston of Wheeler,	Randolph,
Davis,	Jerdone,	Shannon,
Evans,	Johnson,	Terrell,
Fowler,	Kilgore,	Traylor,
Getzendaner,	Kleberg,	Woods.
Glasscock,	Knittel,	

NAYS—none.

ABSENT, NOT VOTING.

Douglass, Pfeuffer, Stinson.

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

YEAS—22.

Bell,	Houston of Wheeler,	Pope,
Calhoun,	Jerdone,	Randolph,
Davis,	Johnson,	Shannon,
Fowler,	Kilgore,	Stinson,
Getzendaner,	Kleberg,	Terrell,
Glasscock,	Knittel,	Traylor,
Hall,	Peacock,	Woods.
Houston of Bexar,		

NAYS—none.

ABSENT, NOT VOTING.

Camp,	Evans,	Pfeuffer.
Douglass,		

On motion of Senator Kleberg, Senate bill No. 126, "An act prescribing and fixing the venue of suits against foreign corporations, joint stock companies or associations, or acting corporations or association doing business in this State, and to provide the mode of serving process on such corporations or associations," was taken up out of its regular order and read second time, with three committee amendments.

The three committee amendments were adopted, and

The bill was ordered engrossed.

On motion of Senator Getzendaner,

House bill No. 116, "An act to amend section 18 of 'an act to redistrict the State into judicial districts,'" etc., was taken up out of its regular order and

Read second time and passed to third reading.

On motion of Senator Johnson,

The special order was further postponed, and substitute Senate bill No. 48, "An act to punish fishing and hunting on the enclosed lands of another," was taken up,

Read third time and passed.

Senator Bell submitted the following privileged report:

COMMITTEE ROOM,
AUSTIN, February 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 230, being "An act to prevent the forfeiture of the rights of purchasers of public free school, University and asylum land," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

On motion of Senator Traylor,

Senate bill No. 167, "An act to provide for the care and preservation of the Alamo," was taken up out of its regular order, and read second time.

Senator Traylor offered the following amendment:

Amend by adding sections 2 and 3.

Sec. 2. It is further provided that Col. Robert P. Crockett, himself a veteran of the Texas revolution, and who is the only surviving son of the illustrious Davy Crockett, who fell at the Alamo, be appointed by the Governor as provided in section 1 of this act, for a period of two years, or until his successor is appointed.

Sec. 3. For the purpose of preserving for future use and in consideration of its intrinsic value, the exhibit belonging to the State of Texas, now on exhibition at the World's Industrial Exposition at New Orleans, may after the thirtieth of May next, under the directions of the Governor, be deposited in the Alamo, to the end that it may be properly cared for, and that it may be accessible for the inspection of visitors, on such conditions as the Governor may prescribe.

Senator Peacock offered the following substitute for the amendment:

Amend the bill so as to authorize the Governor to sell the Alamo property to the best advantage for the State, and turn the proceeds of such sale into the State treasury, and to amend the caption so as to conform to this amendment.

On motion of Senator Pope,

The substitute was tabled by the following vote:

YEAS—16.

Bell,	Glasscock,	Knittel,
Calhoun,	Houston of Bexar,	Pope,
Camp,	Houston of Wheeler,	Shannon,
Evans,	Jerdone,	Stinson,
Fowler,	Kleberg,	Traylor.
Getzendaner,		

NAYS—9.

Davis,	Kilgore,	Randolph,
Hall,	Peacock,	Terrell,
Johnson,	Pfeuffer,	Woods.

ABSENT, NOT VOTING.

Douglass,

Senator Terrell offered the following amendment:

Amend by striking out that part of the amendment which authorizes the articles now on exhibition at New Orleans to be deposited in the Alamo.

Adopted.

Senator Stinson offered the following amendment:

Amend by striking out all that relates to the appointment of Mr. Crockett.

Lost by the following vote:

YEAS—9.

Calhoun,	Getzendaner,	Peacock,
Davis,	Houston of Wheeler,	Pfeuffer,
Evans,	Johnson,	Stinson.

NAYS—14.

Bell,	Houston of Bexar,	Shannon,
Camp,	Kleberg,	Terrell,
Fowler,	Knittel,	Traylor,
Glasscock,	Pope,	Woods.
Hall,	Randolph,	

ABSENT, NOT VOTING.

Douglass,

Jerdone, Kilgore.

Senator Peacock offered to amend the amendment as follows:

Provided, that no liability shall be incurred by the State on account of this act.

Adopted.

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

Senator Fowler moved to postpone further consideration of the bill till Monday next.

Lost by the following vote:

YEAS—7.

Davis,	Hall,	Peacock,
Fowler,	Johnson,	Pfeuffer.
Getzendaner,		

NAYS—17.

Bell,	Jerdone,	Shannon,
Calhoun,	Kilgore,	Stinson,
Camp,	Kleberg,	Terrell,
Evans,	Knittel,	Traylor,
Houston of Bexar,	Pope,	Woods.
Houston of Wheeler,	Randolph,	

ABSENT, NOT VOTING.

Douglass,

Glasscock.

The motion of Senator Houston of Bexar to reconsider the vote by which the amendment of Senator

Terrell was adopted, was adopted by the following vote:

YEAS—13.		
Bell, Houston of Bexar, Houston of Wheeler, Jerdone, Kilgore,	Kleberg, Knittel, Pope, Randolph,	Shannon, Stinson, Traylor, Woods.
NAYS—11.		
Camp, Davis, Evans, Fowler,	Getzendaner, Glasscock, Hall, Johnson,	Peacock, Pfeuffer, Terrell.
ABSENT, NOT VOTING.		
Calhoun,	Douglass.	

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

YEAS—10.		
Calhoun, Camp, Davis, Evans,	Fowler, Getzendaner, Hall,	Peacock, Pfeuffer, Terrell.
NAYS—14.		
Bell, Houston of Bexar, Houston of Wheeler, Jerdone, Johnson,	Kilgore, Kleberg, Knittel, Pope, Randolph,	Shannon, Stinson, Traylor, Woods.
ABSENT, NOT VOTING.		
Douglass,	Glasscock,	

Senator Peacock offered the following amendment:

Amend by saying "put the State exhibit at New Orleans in the Alamo until the completion of the new Capitol, and then place it in the museum."

Senator Kleberg moved the previous question on the amendments and the engrossment of the bill.

Previous question seconded, and Main question ordered by the following vote:

YEAS—17.		
Bell, Camp, Evans, Getzendaner, Houston of Bexar, Houston of Wheeler,	Jerdone, Johnson, Kilgore, Kleberg, Knittel, Pope,	Randolph, Shannon, Stinson, Traylor, Woods.
NAYS—8.		
Calhoun, Davis, Fowler,	Glasscock, Hall, Peacock,	Pfeuffer, Terrell.
ABSENT, NOT VOTING		
Douglass.		

The amendment of Senator Peacock was adopted by the following vote:

YEAS—15.		
Bell, Calhoun, Camp, Glasscock, Hall,	Houston of Bexar, Jerdone, Johnson, Kilgore, Peacock.	Pfeuffer, Pope, Randolph, Shannon, Terrell.
NAYS—10.		
Davis, Evans, Fowler, Getzendaner,	Houston of Wheeler, Kleberg, Knittel,	Stinson, Traylor, Woods.
ABSENT, NOT VOTING.		
Douglass.		

The amendment of Senator Taylor, as amended, was adopted by the following vote:

YEAS—19.		
Bell, Calhoun, Camp, Getzendaner, Glasscock, Houston of Bexar, Houston of Wheeler,	Jerdone, Johnson, Kilgore, Kleberg, Knittel, Pope,	Randolph, Shannon, Stinson, Terrell, Traylor, Woods.
NAYS—6.		
Davis, Evans,	Fowler, Hall,	Peacock, Pfeuffer.

The bill was ordered engrossed by the following vote:

YEAS—20.		
Bell, Calhoun, Camp, Davis, Evans, Getzendaner, Harrison,	Houston of Bexar, Houston of Wheeler, Jerdone, Kilgore, Kleberg, Knittel, Pope,	Randolph, Shannon, Stinson, Terrell, Traylor, Woods.
NAYS—5.		
Fowler, Glasscock,	Hall, Peacock,	Pfeuffer.
ABSENT, NOT VOTING.		
Douglass.		

Senator Hall sent the following to the Secretary's desk:

I vote "no," because the Alamo building is not of sufficient dimensions to hold the exhibits of Texas now at the New Orleans Exposition.

HALL

Senator Bell sent up the following privileged report:

COMMITTEE ROOM,
AUSTIN, February 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 196, being "An act for the relief of L. C. Collier, Thomas Coolier, and Wm. Ramer," and find the same correctly engrossed.

BELL, Chairman.

Senator Terrell, by leave, sent up the following report for special committee on asylums:

COMMITTEE ROOM,
AUSTIN, February 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your committee to whom was assigned the duty of visiting, inspecting and reporting the condition of the North Texas Insane Asylum, at Terrell, respectfully report that they have performed that duty as far as they reasonably could in the absence of the plans and drawings of the buildings. Said plans and drawings could not be found at the time the committee visited the asylum.

Conversation had by us with the designing architect has satisfied us that the building is substantially in accord with the design and contract. Your committee is unanimously of the opinion that it is a good building, well adapted to the purposes for which it was constructed, and would recommend the following appropriations to equip, furnish and support it for the ensuing two years. The estimate is for a capacity of four hundred lunatics for the second year, and an average of three hundred for the first years. With the cost of some of the items of machinery and furniture none of your committee are acquainted. The estimate is that of the superintendent and the building supervisor, and is considerably below the cost of same equipment elsewhere in our State.

	1885.	1886.
For fencing and palings.....	\$4,500	.....
Barn, lots and stock well.....	2,000	.....
Wagons, hack, harness and plows	500	.....
Mules, horses, milch cows and swine	1,700	.....
Reservoir well for asylum.....	1,000	.....
Shop and tools.....	500	.....

Trees, seeds and stock .. . . . . .	.....	.....
Fish for tank	500	.....
Iron balcony and gallery screens.....	700	.....
Hydraulic plaster finish to ward walls.....	1,500	.....
Furniture, beds and blinds	18,000	.....
Heating apparatus for building, laundry and kitchen furniture.....	20,000	.....
Gas machine and fixtures.....	1,000	.....
Drain pipe and labor placing same.....	750	.....
Painting and coating north wall and blinds	2,000	.....
General repairs and preservation	250	750
Amount due contractors.....	1,300	.....
Salary of Superintendent	2,000	2,000
Salary of assistant superintendent	1,500	1,500
Salary of apothecary.....	600	600
Salary of bookkeeper and steward.....	1,000	1,000
Salary of matron.....	600	600
Salary of carpenter.....	480	480
Salary of gardener	480	480
Salary of farmer and assistant.....	600	600
Salary of scavenger	200	200
Salary of engineer and fireman.....	640	640
Salary of cook and two assistants.....	960	960
Salary of baker.....	400	400
Salary of five laundresses	1,000	1,000
Salary of two seamstresses.....	480	480
Salary of twenty-four ward attendants. . .	5,760	5,760
Salary of two night watches	720	720
Salary of two supernumeraries.....	720	720
Groceries, fuel, gas and water	40,000	50,000
Transportation	1,000	1,000
Contingent expenses	1,000	500
Dry goods, clothing, etc.....	6,000	8,000
Stock and milkman and dining room girls	960	960
Medical stores	2,000	2,000
Total.....	\$125,300	\$81,350

It is the unanimous opinion of your committee that the appropriations herein suggested are necessary to furnish and equip said asylum.

TERRELL,
CAMP,
EVANS,
Senate Committee.
CAMP,
WOODS,
DAVIS,
House committee.

Senator Pope moved to adjourn till to-morrow morning.

Lost.

Senator Houston of Wheeler moved to adjourn till 10:30 to-morrow morning.

Senator Pope moved to substitute 9:30 for Senator Houston's motion.

Accepted, and

Adopted by the following vote.

YEAS—15.

Bell,	Houston of Wheeler,	Peacock,
Calhoun,	Jordone,	Pope,
Camp,	Johnson,	Shannon.
Hall,	Kilgore,	Stinson.
Houston of Bexar,	Kuittel,	Traylor.

NAYS—9.

Davis,	Getzendaner,	Randolph,
Evans,	Glasscock,	Terrell,
Fowler,	Pfeuffer,	Woods.

ABSENT. NOT VOTING.
Kleberg.

Douglass,

And the Senate adjourned until 9:30 to-morrow morning.

THIRTY-THIRD DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, February 20, 1885. }

The Senate met pursuant to adjournment.
Lieutenant-Governor Gibbs in the chair.

Roll called.
Quorum present.
Prayer by the Chaplain, Dr. Smoot.
On motion of Senator Terrell,
The reading of the journals of yesterday was dispensed with.

REPORTS OF STANDING COMMITTEES.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, February 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred Senate bill No. 176, entitled "An act for the relief of, and to refund to the city of Laredo, Texas, the amount expended by it in the maintenance of quarantine during the yellow fever epidemic of 1882, and to make an appropriation therefor," have carefully examined the same, and instruct me to report it back with the recommendation that it do not pass.

The amount claimed in this bill by the city of Laredo is \$1,818.48, which sum it would appear from the evidence was actually expended by the city in maintaining the quarantine. This quarantine, however, was not a State quarantine, under the direction and control of the State health officer, the expenses of which are paid by the State, but was a local quarantine under the direction and control of the city of Laredo alone, and the expenses therefore justly chargeable against said city and not against the State. If this claim should be recognized and paid by the State, the door would thereby be open to the admission of other claims of a similar character amounting to thousands of dollars. This claim is particularly objectionable for the reason that the State Health Officer requested permission to take part in the movement of the quarantine proceedings, but was refused.

All of which is respectfully submitted.

FOWLER, for Committee.

COMMITTEE ROOM,
AUSTIN, February 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred Senate bill No. 177, entitled "An act for the relief of and to refund to the city of Brownsville, Texas, the sum expended by it under authority of the proclamation of Governor R. B. Hubbard, of Texas, issued April 24, 1878, to prevent the introduction and spread of yellow fever in the State of Texas during the epidemic of 1878, and to make an appropriation therefor," have carefully considered the same, and instruct me to report it back with the recommendation that it do not pass.

The amount claimed in this bill against the State is two thousand five hundred and fifty-seven dollars and sixty-six cents. The quarantine in which this expense was incurred was local quarantine, and wholly under the control and direction of the city of Brownsville, and there is no valid reason why the State should refund this sum to the city. It is not a valid claim against the State, and was so held by the Attorney-General, in an opinion given the Comptroller in 1878. If this claim should be paid, the door will be opened to the admission of other claims of similar character amounting to thousands of dollars.

All of which is respectfully submitted.

FOWLER, for Committee.

By Senator Kleberg:

COMMITTEE ROOM,
AUSTIN, February 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Stock and Stockraising, to whom was referred House bill No. 136, entitled "An act to amend chapter 79 of the acts of 1883, entitled 'an act to amend section 46 of an act to encourage stockraising and to protect stockraisers,' approved April 22, 1879, and amended April 4, 1881, and April 13, 1883," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass, with the following amendments:

1. Add DeWitt and Jack counties among the counties exempted from the operation of this act.
2. Add emergency clause.

All of which is respectfully submitted.

KLEBERG, Chairman.

COMMITTEE ROOM,
AUSTIN, February 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 231, entitled "An act to amend article 906 of the Code of Criminal Procedure, so as to compel justices of the peace to investigate and prosecute all violations of the law when they may have good cause to believe an offense has been committed," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, February 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 220, entitled "An act to amend title 29, chapter 12, of the Revised Civil Statutes of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, February 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 216, entitled "An act to regulate proceedings in suits and prosecution for libel," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

DAVIS, Chairman.

Senator Evans submitted the following minority report:

COMMITTEE ROOM,
AUSTIN, February 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

As one of your Judiciary Committee No. 2, to whom was referred Senate bill No. 216, entitled "An act to regulate proceedings in suits and prosecutions for libel," would respectfully ask to make a minority report, the majority of said committee having reported unfavorably. I would respectfully ask to have the bill considered favorable by the Senate, and that the same do pass.

The law now in existence permits the publishers of papers to be sued out of the county of their residence, requiring them to go to distant counties to defend suits or prosecutions, making an exception to the general rule of law requiring suits to be brought in the county of defendant's residence. The first section of the bill gives the defendant the right to plead and prove in justification the truth of the facts published. This should be allowed by so amending this section as to prevent its coming in conflict with the Constitution, which we think could be done. We think it should always be permissible to prove the truth of any assertion made, whether verbally or by written or printed publication. If the statement published be true, then the party referred to is not slandered, and the publisher should be permitted to prove that fact. If the publication be false, then the publisher should suffer the consequences of his own act; but where he speaks the truth it is right and proper that he may establish by proof.

We would therefore ask that the bill, with the accompanying amendment thereto, be passed.

All of which is respectfully submitted.

EVANS, for minority.

AMENDMENT SENATE BILL NO. 216.

Amend section 1 by adding thereto "When the matter published is not improper for public information."

COMMITTEE ROOM,
AUSTIN, February 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 219, entitled "An act to amend title 26, chapter 7 of the Revised Civil Statutes of the State of Texas," have

carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, February 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred House bill No. 174, entitled "An act for the relief of Virginia E. Littlepage, and to authorize the county court of Travis county to issue to her letters of administration on the estate of her father, Caleb V. Littlepage," have carefully examined the same, and instruct me to report the same back with the recommendation that it be referred to Judiciary Committee No. 1.

All of which is respectfully submitted.

DAVIS, Chairman.

BILLS AND RESOLUTIONS.

By Senator Randolph:

"An act to provide for a more efficient manner of assessing bankers, brokers, dealers in exchange and stock jobbers."

Referred to Judiciary Committee No. 1.

On motion of Senator Davis,

Fifty copies of the bill were ordered printed.

Senator Pope moved to postpone Senate bill No. 195 (the land bill) and set it for next Monday, and asked leave to sit in the committee of the whole on the consideration of that bill on that day.

An objection was raised, and

The motion was withdrawn.

On motion of Senator Pfeuffer,

Senator bill No. 142 (the Pfeuffer educational bill) was taken up out of its regular order and made special order for Tuesday after morning call, and from day to day until disposed of.

On motion of Senator Traylor,

Senate bills Nos. 77 and 194 (the real estate tax bills) were taken up and made the special order for Monday after morning call, and from day to day until disposed of.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage of "House concurrent resolution for the appointment of a joint committee of arrangements on behalf of the Legislature, to suitably celebrate the laying of the corner stone of the new State Capitol."

A. D. SADLER, Chief Clerk.

On motion of Senator Getzendaner,

Senate bill No. 100 (pensions for surviving soldiers, etc.), was taken up out of its regular order and made special order for Wednesday after morning call, and from day to day till disposed of.

On motion of Senator Houston of Wheeler,

Senator Douglass was excused indefinitely from yesterday, on account of sickness.

On motion of Senator Peacock,

Senators Camp and Stinson were excused till Tuesday.

On motion of Senator Houston of Wheeler,

Senator Jones was excused till Monday.

On motion of Senator Bell,

The First Assistant Secretary, Mr. Boynton, was excused for the day, on account of sickness.

Senator Peacock moved to go into committee of

the whole on the consideration of Senate bill No. 195 (the land bill), with Senator Pope chairman of the committee.

Lost by the following vote:

YEAS—11.

Evans,	Peacock,	Shannon,
Getzendaner,	Pfeuffer,	Terrell,
Johnson,	Pope,	Woods.
Kilgore,	Randolph,	

NAYS—12.

Bell,	Hall,	Kleberg,
Calhoun,	Houston of Bexar,	Knittel,
Davis,	Houston of Wheeler,	Traylor,
Glasscock,	Jerdone,	Mr. President.

ABSENT, NOT VOTING.

Fowler.

The President voted "no."

By leave, Senator Randolph made the following report:

COMMITTEE ROOM,
AUSTIN, February 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate concurrent resolution No. 5, that the Nineteenth Legislature stands adjourned on the seventeenth day of March, 1885, at 12 m., have carefully examined the same, and instruct me to report the same back with the recommendation that it be adopted.

All of which is respectfully submitted,
RANDOLPH, Chairman.

On motion of Senator Woods,
The regular order of business was suspended, and
The resolution just reported by the committee was taken up for action.

Senator Pope moved the previous question on the resolution.

Previous question seconded, and

Main question ordered, and

The resolution was adopted by the following vote:

YEAS—15.

Bell,	Houston of Wheeler,	Pope,
Davis,	Kilgore,	Shannon,
Evans,	Kleberg,	Terrell,
Fowler,	Knittel,	Traylor,
Hall,	Peacock,	Woods.

NAYS—8.

Calhoun,	Houston of Bexar,	Pfeuffer,
Getzendaner,	Jerdone,	Randolph.
Glasscock,	Johnson,	

Senator Pfeuffer sent the following to the Secretary's desk:

My reasons for voting no: While I would be in favor of adjourning to-morrow for all the good we have accomplished to date, I would not exclude the fact that certain measures now pending in both houses, if passed, may prove of great good to the people of Texas. The fixing of a day certain for adjournment nearly a month ahead is premature, and while it may encourage more rapid work (which is only an assumption) it may increase the danger of passing bills insufficiently considered. The Legislature is composed of men that need no such spur for attention to business.

PFEUFFER.

Senator Pfeuffer moved to reconsider the vote adopting the resolution.

Senator Davis raised the point of order that the Senator making the motion had voted on the losing side, and therefore the motion could not be entertained.

The point of order was sustained.

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

Withdrawn.

By leave, Senator Fowler sent up petitions of citizens of Bastrop and Travis counties requesting a change in the boundary lines between said counties.

Referred to Committee on State Affairs.

Senator Glasscock moved to postpone the order of business and take up Senate bill No. 179 (the pleuro-pneumonia bill, out of its regular order.)

Lost.

Senate joint resolution No. 1, "Proposing an amendment to section 12 of article 8 of the Constitution," was laid before the Senate as a special order, and

Read second time, with committee substitute, and Committee substitute adopted, and ordered engrossed.

Senate bill No. 86, "An act to amend title 10, chapter 1 of the Code of Criminal Procedure of the State of Texas by adding thereto articles 870a, 870b," was laid before the Senate as a special order, and

On motion of Senator Bell, was laid on the table subject to call.

Substitute Senate bills Nos. 160 and 161, "An act to amend articles 595 and 610 of the Revised Statutes of the State of Texas," was taken up as third special order, and

Read third time and passed by the following vote:

YEAS—14.

Calhoun,	Kilgore,	Randolph,
Davis,	Kleberg,	Shannon,
Evans,	Knittel,	Terrell,
Fowler,	Peacock,	Woods.
Johnson,	Pfeuffer,	

NAYS—7.

Bell,	Hall,	Houston of Wheeler,
Getzendaner,	Houston of Bexar,	Pope.
Glasscock,		

ABSENT, NOT VOTING.

Jerdone, Traylor.

Senate bill No. 173, "An act to repeal article 4112 of the Revised Civil Statutes of the State of Texas," was laid before the Senate.

Senator Shannon moved to table the bill subject to call.

Lost.

The bill was read third time and passed.

House bill No. 116, "An act to amend an act to redistrict the State into judicial districts, etc., and to provide for the election of judges and district attorneys," was laid before the Senate,

Read third time and passed.

House concurrent resolution for the appointment of a joint committee of arrangement on behalf of the Legislature to suitably celebrate the laying of the corner stone of the new State Capitol, was laid before the Senate and adopted.

On motion of Senator Bell,

Senate bill No. 120, "An act to amend article 1161, title 28, chapter— of the Revised Civil Statutes of the State of Texas," was taken up out of its regular order and

Read second time, with special committee report and committee substitute.

On motion of Senator Davis,

The substitute was adopted, and

The bill was ordered engrossed.
 The President gave notice of singing substitute House bill No. 48, "An act to amend sections 1 and 5 of 'an act to regulate the appointment and define the duties of notaries public, to require them to procure and use legal seals, and punish them for failing to do so,' approved April 1, 1881."

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
 AUSTIN, February 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body that the House, under a suspension of the rules by a four-fifths vote, has passed, by a two-thirds vote—yeas, 79; nays, none—Senate bill No. 230.

A. D. SADLER,
 Chief Clerk House of Representatives.

(Senator Shannon, President pro tem in the chair.)

On motion of Senator Bell, Senate bill No. 125, "An act to amend articles 1719, 1720, 1721, 1722, 1723, 1731, 1743, 1744 and 1752, chapter 6, title 34 of the Revised Statutes of the State of Texas," was laid before the Senate out of its regular order, and

Read second time and ordered engrossed.

On motion of Senator Traylor,

Senate bill No. 223, "An act to provide for the publication and binding of one thousand copies of the Revised Statutes of the State of Texas, and to make appropriation therefor," was taken up out of its regular order and

Read a second time and ordered engrossed.

Senator Traylor moved to suspend the constitutional rule and place the bill on its final passage.

Senator Pope moved a call of the Senate.

Call sustained.

Roll call completed.

Senators Glasscock, Houston of Wheeler and Jerdone were absent without excuse, and

The Sergeant-at-Arms was dispatched to bring the absent Senators into the Senate.

Senators Glasscock and Houston of Wheeler were conducted into the Senate chamber, and

On motion of Senator Terrell, the Senate call was suspended, and

The constitutional rule was suspended by the following vote:

YEAS—23.

Bell,	Houston of Bexar,	Pfeuffer,
Calhoun,	Houston of Wheeler,	Pope,
Davis,	Jerdone,	Randolph,
Evans,	Johnson,	Shannon,
Fowler,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Traylor,
Glasscock,	Knittel,	Woods.
Hall,	Peacock,	

NAYS—none.

(Senator Jerdone entered the Senate while the vote was being taken.)

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

YEAS—23.

Bell,	Houston of Bexar,	Pfeuffer,
Calhoun,	Houston of Wheeler,	Pope,
Davis,	Jerdone,	Randolph,
Evans,	Johnson,	Shannon,
Fowler,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Traylor,
Glasscock,	Knittel,	Woods.
Hall,	Peacock,	

NAYS—none.

Senator Houston of Wheeler moved to adjourn till 10 o'clock to-morrow morning.

Withdrawn.

On motion of Senator Getzendaner, Senate bill No. 10, "An act to amend article 4 title 2 of the Revised Statutes of the State of Texas," was taken up out of its regular order and

Read second time, with the committee substitute. The committee substitute was adopted and order engrossed.

On motion of Senator Getzendaner,

The constitutional rule was suspended, and

The bill put on its third reading by the following vote:

YEAS—23.

Calhoun,	Houston of Bexar,	Pfeuffer,
Bell,	Houston of Wheeler,	Pope,
Davis,	Jerdone,	Randolph,
Evans,	Johnson,	Shannon,
Fowler,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Traylor,
Glasscock,	Knittel,	Woods.
Hall,	Peacock,	

NAYS—none.

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

YEAS—23.

Bell,	Houston of Bexar,	Pfeuffer,
Calhoun,	Houston of Wheeler,	Pope,
Davis,	Jerdone,	Randolph,
Evans,	Johnson,	Shannon,
Gowler,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Traylor,
Glasscock,	Knittel,	Woods.
Hall,	Peacock,	

NAYS—none.

On motion of Senator Kleberg,

Senate bill No. 46, "An act for the relief of Wm. S. Boothe, S. F. Grimes, et al.," was taken up out of its regular order."

Read second time with committee substitute.

The committee substitute was adopted and ordered engrossed.

On motion of Senator Woods,

Senate bill No. 65 (the stock herding bill) was taken up out of its regular order and made special order for Monday after first special order after morning call, and from day to day till disposed of.

On motion,

Senate bill No. 203, "An act to amend article 122 of the Penal Code," etc., was taken up out of its regular order and read second time.

Senator Davis offered to amend by adding the word "included" between the words "are" and "the," in sixth line.

Adopted.

Senator Peacock moved to amend by adding "the Superintendent of Public Instruction."

Adopted, and

The bill was ordered engrossed.

On motion of Senator Calhoun,

Senate bill No. 197, "An act to amend articles 165, 170 and 172, chapter 4, title 6, of the Penal Code," was taken up out of its regular order and

Read second time.

Senator Calhoun offered to amend by inserting after the word "articles," in line 20, "170 and 171."

Adopted.

Senator Terrell offered to amend by striking out

the words "in any precinct, city or county in which he is not then entitled to vote," in article 165.

Senator Davis moved to strike out "qualified voter" and insert "legally qualified."

Withdrawn.

Senator Peacock moved to amend the amendment by striking out the word "county."

Lost.

Senator Davis offered the following substitute for Senator Terrell's amendment:

Strike out article 165 and insert, "If any person, knowing himself not to be legally qualified to, who shall vote, or offers to vote at any election held under the laws of this State, shall be punished by confinement in the penitentiary not less than two nor more than five years."

Accepted.

Senator Getzendaner offered the following substitute:

If any person, knowing himself not to be legally qualified, shall vote or offer to vote at any election for any officer then to be chosen, or shall vote or offer to vote at any election ordered in pursuance of the laws of this State, he shall be punished by confinement in the penitentiary not less than two nor more than five years.

Lost.

The amendment of Senator Terrell, as substituted by the substitute of Senator Davis, was adopted, and

The bill was ordered engrossed.

On motion of Senator Davis,

The Senate adjourned till ten o'clock to-morrow morning.

THIRTY-FOURTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, February 21, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Calhoun,

The reading of the journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Farrar:

Petition of citizens and business men of Corsicana, Texas, protesting against the passage of the Houston (of Bexar) insurance bill.

Referred to Committee on Insurance, Statistics and History.

REPORTS OF STANDING COMMITTEES.

By Senator Randolph:

COMMITTEE ROOM,
AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 232, entitled "An act to amend title 17, chapter article 407 of the Revised Civil Statutes, relating to cemeteries when the same may be located outside of the corporate limits of the city or town," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

COMMITTEE ROOM,
AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs to whom was referred Senate bill No. 228, entitled, "An act to abolish the office of secretary of the Capitol Board," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

COMMITTEE ROOM,
AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 218, entitled "An act to amend an act entitled 'an act to establish uniform weights per bushel of wheat, corn and other products of the State,'" have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

The present statute upon the subject is not changed by this act, save in placing the weight of a bushel of charcoal at 20 instead of 22 pounds; and we may well quote the maxim, "De minimus non curat lex."

All of which is respectfully submitted.

RANDOLPH, Chairman.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, February 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs to whom was referred the petition of officers and citizens of Bastrop and Travis counties, requesting a change in the boundary line between said counties, have carefully considered the same, and instructed me to report the same back to the Senate with the recommendation that no further action be taken thereon.

The Constitution (see subdivision 3 of section 1, article 9) provides that "no part of any existing county shall be detached from it and attached to another existing county until the proposition for such change shall have been submitted, in such manner as may be provided by law, to a vote of the electors of both counties, and shall have received a majority of those voting on the question in each county." The change desired by the petitioners is to detach from Travis county a portion of its territory and attach the same to Bastrop county, and as no election for this purpose has been held as provided by law, the Legislature has no authority under the Constitution to make the proposed change.

All of which is respectfully submitted.

FOWLER, for Committee.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, February 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 126, being "An act prescribing and fixing the venue of suits against foreign corporations, joint stock companies or associations, or acting corporations or associations doing business in this State, and to provide the mode of serving process on such corporations or associations," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 121, being "An act to amend section 25 of an act entitled 'an act to redistrict the State into judicial districts, and to fix the time for holding court therein, and to provide for the election of judges and district attorneys in the said districts at the next general election, to be held on first Tuesday after the first Monday in November, 1884,' approved April 9, 1883," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined

and compared Senate bill No. 197, being "An act to amend articles 165, 170 and 172, chapter 4, title 6 of the Penal Code," and find the same correctly engrossed.

BELL, Chairman.

BILLS AND RESOLUTIONS.

By Senator Kleberg:

"An act for the relief of J. W. Dickey of Wilson county."

Referred to Committee on State Affairs.

By Senator Calhoun:

"An act to authorize the several county commissioners' courts of the State of Texas to provide for more than four terms of the county court annually, for the transaction of civil and criminal business, and fix the times at which all the terms of said county courts may be held."

Referred to Judiciary Committee No. 2.

By Senator Fowler:

Joint resolution delivering the property known as the Alamo to the city of San Antonio.

Referred to Committee on State Affairs.

The President gave notice of signing Senate bill No. 230, "An act to prevent the forfeiture of the rights of purchasers of public free school, University and asylum lands."

On motion of Senator Evans,

Senator Johnson was excused for the day, on account of sickness.

On motion of Senator Jerdone,

The Calendar Clerk, Alexander Sampson, Esq., was excused till Monday, on account of important business.

On motion of Senator Fowler,

House bill No. 375, "An act to prescribe the time of holding the district courts in the twenty-first judicial district, so as to allow additional time for holding said court in Burleson county," was taken up out of its regular order, and

Read second time and passed to third reading.

On motion of Senator Fowler,

The constitutional rule was suspended and the bill put on its final passage, by the following vote:

YEAS—22.

Bell,	Hall,	Pfeuffer,
Calhoun,	Houston of Bexar,	Pope,
Davis,	Jerdone,	Randolph,
Evans,	Kilgore,	Shannon,
Farrar,	Kleberg,	Terrell,
Fowler,	Knittel,	Traylor,
Garrison,	Peacock,	Woods.
Getzendaner,		

NAYS—none.

ABSENT, NOT VOTING.

Glasscock, Houston of Wheeler.

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

YEAS—25.

Bell,	Hall,	Pfeuffer,
Calhoun,	Houston of Bexar,	Pope,
Davis,	Jerdone,	Randolph,
Evans,	Peacock,	Shannon,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Garrison,	Knittel,	Woods.
Getzendaner,		

NAYS—none.

ABSENT, NOT VOTING.

Glasscock, Houston of Wheeler,

On motion of Senator Getzendaner, Senator Glasscock was excused for the day. On motion of Senator Bell, Senator Houston of Wheeler was excused for the day.

Senator Bell submitted the following privileged reports:

COMMITTEE ROOM,
AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 167, being "An act to provide for the care and preservation of the Alamo, and for the deposit of the Texas exhibit at the World's Industrial Exposition at New Orleans therein," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared committee substitute for Senate joint resolution No. 1, proposing an amendment to section 12, article 8 of the Constitution," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared committee substitute for Senate bill No. 120, being "An act to confer upon county courts jurisdiction in cases of contested elections," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared committee substitute for Senate bill No. 10, being "An act to amend article 4, title 2 of the Penal Code," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 223, being "An act to provide for the publication and binding of one thousand copies of the Revised Statutes of the State of Texas, and to make an appropriation therefor," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 203, being "An act to amend article 122 of the Penal Code," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared committee substitute for Senate bill No. 46, being "An act for the relief of Wm. S. Booth, S. F. Grimes and the heirs of Henry Leftridge, deceased," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 125, being "An act to amend articles 1719, 1720, 1721, 1722, 1723, 1331, 1743, 1744 and 1752, of chapter 6, title 34 of the Revised Statutes," and find the same correctly engrossed.

BELL, Chairman.

House bill No. 249, "An act to repeal 'an act to authorize counties to issue bonds for bridge purposes, and to levy a tax to pay the same; also to validate bonds heretofore issued for bridge purposes,' passed at the call session of the Eighteenth Legislature," was laid before the Senate, and

Read the second time, and

On motion of Senator Bell, was postponed till Monday.

House bill No. 278, "An act to create the Nolan land district," was laid before the Senate in its regular order, and

Read second time and passed to third reading.

On motion of Senator Shannon.

Senate bill No. 224, "An act to amend sections 4, 9 and 16 of an act entitled 'an act to incorporate the city of Calvert, in Robertson county,'" was taken up out of its regular order,

Read the second time, and,

On motion of Senator Shannon, was laid on the table subject to call.

On motion of Senator Kleberg,

Senate bill No. 126, "An act prescribing and fixing the venue of suits against foreign corporations, joint stock companies or associations, or acting corporations or associations, doing business within this State, and to provide the mode of serving process on such corporations or associations," was taken up out of its regular order,

Read third time and passed.

Senate bill No. 27, "An act to authorize the transfer of occupation licenses," was laid before the Senate in its regular order, and read second time.

Senator Peacock moved a call of the Senate.

Call sustained.

Senator Houston of Bexar was found absent without being excused.

The Sergeant-at-Arms was dispatched to bring the absent Senator into the Senate Chamber.

Senator Houston of Bexar was announced, and

The Senate was declared full, and

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

YEAS—13.

Bell,	Houston of Bexar,	Randolph,
Calhoun,	Jerdone,	Shannon,
Evans,	Kilgore,	Woods,
Fowler,	Knittel,	Mr. President.
Hall,		

NAYS—9.

Davis,	Getzenderaner,	Pope,
Farrar,	Kleberg,	Stinson,
Garrison,	Peacock,	Traylor.

Senator Fowler sent up the following privileged report:

COMMITTEE ROOM,
AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 230, being "An act to prevent the forfeiture of the rights of purchasers of public free school, university and asylum land," and find the same correctly enrolled, and have this day, at 10:40 o'clock a. m., presented the same to the Governor for his approval.

FOWLER, Chairman.

House joint resolution No. 20, "joint resolution requesting our Senators and Representatives in Congress to aid in establishing a national trail for the outlet of Texas cattle," was laid before the Senate, Read and adopted.

House joint resolution No. 22, "granting leave of absence to Hon. W. E. Collard, judge of the twentieth judicial district," was laid before the Senate, and

Read with unfavorable committee report, and

On motion of Senator Houston of Bexar,

The committee report was adopted.

Senate bill No. 164, "An act to amend article 378, chapter 6, title 11 of the Penal Code," etc., was laid before the Senate in its regular order, and

On motion of Senator Terrell, was postponed till next Wednesday.

Senate bill No. 204, "An act to provide in what cases sheriffs shall not be entitled to compensation," was laid before the Senate in its regular order, and

Read second time with committee substitute.

On motion of Senator Davis,

The committee substitute was adopted.

Senator Terrell moved to strike out the word "and" and insert the word "or" in line 6, section 1.

Adopted.

Senator Peacock moved to amend as follows:

"And a witness who refuses to give bail or make affidavit of his inability to give bail shall not be entitled to fees, mileage or expenses," and to amend the caption to correspond.

Adopted, and

The bill was ordered engrossed.

On motion of Senator Traylor,

The constitutional rule was suspended, and the bill put on its third reading by the following vote:

YEAS—22.

Bell,	Hall,	Pfeuffer,
Calhoun,	Houston of Bexar,	Pope,
Davis,	Jerdone,	Randolph,
Evans,	Kilgore,	Shannon,
Farrar,	Kleberg,	Terrell,
Fowler,	Knittel,	Traylor,
Garrison,	Peacock,	Woods.
Getzenderaner,		

NAYS—none.

The bill was read third time and passed.

On motion of Senator Calhoun,

Senate bill No. 182, "An act to amend articles 151 and 158, chapter 2 of title 6 of the Penal Code," was taken up out of its regular order,

Read second time and ordered engrossed.

On motion of Senator Hall,

Senate bill No. 124, "An act to amend section 2 of an act to provide for the payment of the expenses of attached witnesses in felony cases," was taken up out of its regular order and read second time.

Senator Calhoun offered the following amendment:

The witness shall in no case receive fees for any service under attachment where he is conveyed to any court by a sheriff, unless such witness shall have made affidavit of his inability to attend said court without the assistance of the sheriff or officer conveying him.

Lost.

(Senator Peacock in the chair.)

The bill was ordered engrossed.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage by the House of

Senate bill No. 136, "An act for the relief of W. J. Salyer, and to validate donation warrant No. 509, and the survey made by virtue thereof, issued by G. W. Hookley, Secretary of War, on fourteenth of August, 1838, for 640 acres of land, to John Sharp."

A. D. SADLER, Chief Clerk.

Senator Pfeuffer offered the following resolution:

Whereas, The filthy condition of the matting on the floor of the Senate, which has not been looked after for nearly twelve months, and the neglected ventilation or airing of the Chamber, causes sickness of many of the members of the Senate; be it

Resolved, That the Sergeant-at-Arms of the Senate be required to have said matting removed by Monday morning, February 23, and new matting put down in its stead, the same to be paid for out of the contingent fund of the Nineteenth Legislature; and the floor thoroughly scoured, and all the windows and doors of the Chamber opened every morning for at least three hours before the commencement of the morning session, to admit fresh air, and to see that the said room is kept in better order than heretofore.

Adopted.

On motion of Senator Bell,

Senate bill No. 146, "An act to amend article 288 of the Code of Criminal Procedure," was taken up out of its regular order the second time.

Senator Davis moved to strike out the word "and" in line 12, between "number" and "style," and insert the word "or" in lieu thereof.

Adopted, and the bill was ordered engrossed.

On motion of Senator Getzendaner,

Senate bill No. 190, "An act for the relief of Thos. J. Hunter, Thadeus W. Hunter and Robert H. Hunter, for stock, corn and hogs consumed or destroyed by the Texas army in 1836," was taken up out of regular order, and

Read second time with unfavorable committee report.

The committee report was adopted and bill lost.

On motion of Senator Getzendaner,

Senate bill No. 208, "An act for the relief of D. C. B. Dunlap," was taken up,

Read second time with unfavorable committee report, and

On motion of Senator Woods,

The committee report was adopted and bill lost.

On motion of Senator Kleberg,

Senate bill No. 46, "An act for the relief of Wm. S. Boothe, S. F. Grimes et al," was taken up out of its regular order,

Read third time and passed by the following vote:

YEAS—22.

Bell,	Hall,	Pfeuffer,
Calhoun,	Houston of Bexar,	Pope,
Davis,	Jerdone,	Randolph,
Evans,	Kilgore,	Shannon,
Farrar,	Kleberg,	Terrell,
Fowler,	Knittel,	Traylor,
Garrison,	Peacock,	Woods.
Getzendaner,		

NAYS—none.

On motion of Senator Pope,
Senate bill No. 180, "An act to amend section 4 of chapter 67 of general laws of the State of Texas, passed at the regular session of Eighteenth Legislature," was taken up out of its regular order.

Read second time and ordered engrossed.

On motion of Senator Fowler,

Senate bill No. 176, "An act for the relief of and to refund to the city of Laredo, Texas, the amount

expended by it in the maintenance of quarantine during the yellow fever epidemic of 1832, and to make an appropriation therefor," was taken up out of its regular order, and

Read second time with unfavorable committee report, and on motion

The committee report was adopted and the bill lost.

On motion of Senator Fowler:

Senate bill No. 177, "An act for the relief, etc., of the city of Brownsville, etc.," was taken up out of regular order.

Read second time with unfavorable committee report.

The committee report was adopted and the bill lost.

Senator Davis moved to reconsider the vote by which the resolution of Senator Pfeuffer, instructing the Sergeant-at-Arms to clean up and scour out the Senate Chamber, was adopted.

Lost by the following vote:

YEAS—7.

Calhoun,	Fowler,	Hall,
Davis,	Garrison,	Kilgore.
Evans,		

NAYS—14.

Bell,	Kleberg,	Shannon,
Farrar,	Kinttel,	Terrell,
Getzendaner,	Peacock,	Traylor,
Houston of Bexar,	Pfeuffer,	Woods.
Jerdone,	Pope,	

ABSENT, NOT VOTING.

Randolph.

On motion of Senator Shannon,

The Senate adjourned till ten o'clock Monday morning.

THIRTY-FIFTH DAY.

SENATE CHAMBER,
AUSTIN, February 23, 1885. }

Senate met pursuant to adjournment.
Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the House Chaplain, Dr. Smoot.

On motion of Senator Kleberg,

The reading of the journal of Saturday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Bell:

To the Hon. Barnett Gibbs, President of the Senate of the Nineteenth Legislature of the State of Texas:

Your memorialists, members of the Sheriffs' Association of the State of Texas, having the best interests of the State at heart, and believing that there is nothing of more importance than the proper enforcement of the criminal laws, respectfully suggest to your honorable body the following changes in our laws:

1. We recommend that the laws be so changed as to provide that when the sheriff conveys an attached witness out of his county for the purpose of testifying before a grand jury of another county, that he be compensated in the same manner as where the witness testifies in a felony case.

2. That when the sheriff conveys an attached witness out of his county to testify in a misdemeanor case, that he be allowed his actual expenses, to be paid by the county in which the prosecution is pending.

3. That the same fees be allowed the sheriffs for services rendered in an examining trial before a justice of the peace or other committing magistrate as are allowed for like services rendered in a final trial before a district court. It often happens that a sheriff has to convey a defendant from a distant part of the State before a justice for examining trial, at great expense to himself, and yet he is only allowed four dollars for his services. It is submitted that the peace officers are not able, however much they may be disposed to do so, to pursue and bring to justice the violators of the law when there is no adequate compensation provided for their labors, or even for repaying them their actual expenses, unless they can collect it from the defendants, which seldom ever happens.

4. That when a defendant forfeits his bond or recognizance and the same is collected, that the officers of the court where the prosecution is pending be allowed their fees for services rendered in the main case, to be paid out of the amount collected on the bond or recognizance.

5. That a descriptive list of all fugitives from justice be published annually and furnished the sheriffs of the various counties.

6. That parties to suits in civil cases sending out process to be served by sheriffs of other counties shall be required to send fees for said service in advance.

7. That for executing capias in misdemeanor cases in a county other than the one in which the case is pending, the sheriff or constable shall be entitled to the same fees allowed by law in felony cases; said fees to be paid by the county from which process issues. And that for serving writs in the county where prosecution is pending, mileage as in felony cases be allowed, payable by the defendant upon conviction.

8. That provision be made for issuance of capias for the arrest of parties convicted of felony who escape pending appeal, and that same fees be allowed as in original case; provided, that in no case shall any officer from whom such convict escapes receive any fees for his recapture.

H. E. BARKER,
President Sheriffs' Association.

Attest:

JOHN P. KIRK, Secretary.

Referred to Committee on State Affairs.

By Senator Hall:

Petition from the citizens of Duval county, against the disbanding of the frontier battalion.

Referred to Committee on Frontier Protection.

By Senator Evans:

Petition of twenty thousand citizens of the State of Texas, asking for the submission to a vote of the people of an amendment to the Constitution "prohibiting the manufacture and sale of intoxicating liquors."

Referred to Committee on Constitutional Amendments.

By Senator Kilgore:

Memorial from citizens of Van Zandt county, asking relief for A. C. Graham, D. L. Riley, et al.

Referred to Committee on State Affairs.

By Senator Calhoun:

Memorial from citizens of Coleman county, for prohibition.

Referred to Committee on Constitutional Amendments.

Senator Kilgore presented a purported memorial from a citizen of Dallas, relating to pending legislation, and asked to have it read in full.

Senator Calhoun raised the point of order that the memorial was out of order, as it had no name attached to it.

The point of order was sustained.

Senator Pope took an appeal from the decision of the chair.

The chair was sustained by a vote of the Senate.

REPORTS OF STANDING COMMITTEES.

By Senator Randolph:

COMMITTEE ROOM,
AUSTIN, February 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate joint resolution No. 10, "delivering the property known as the Alamo to the city of San Antonio," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

BILLS AND RESOLUTIONS.

By Senator Kilgore:

"An act for the relief of A. C. Graham, Joshua Hallman et al."

Referred to Committee on State Affairs.

By Senator Hall:

"An act to create the Webb land district."

Referred to Committee on General Land Office.

By Senator Terrell:

"A bill to provide for the purchase and improvement of ten thousand or more acres of land for the use of the penitentiary system of Texas."

Referred to Committee on Penitentiaries.

By Senator Traylor, by request:

"An act for the relief of clerks and sheriffs, who may have performed services under the provisions of an act providing for the condemnation and sale of lands for delinquent taxes, approved June 2, 1873, by providing a mode for auditing their accounts, and making an appropriation for the payment of the same."

Referred to Committee on Claims and Accounts.

By Senator Jones, by leave:

Petition of the Geological and Scientific Association of the State asking to take charge of the New Orleans exhibit.

Referred to Committee on State Affairs.

On motion of Senator Farrar,

Senator Knittel was excused for the day.

On motion of Senator Pope,

Senator Johnson was excused for the day, on account of sickness.

On motion of Senator Fowler.

Senator Pfeuffer was excused for the day.

On motion of Senator Jerdone,

Alex Sampson, Esq., Calendar Clerk, was excused for the day.

On motion of Senator Kleberg,

Senate bill No. 64, "An act to provide for the management and control of the lands set aside for the benefit of the University of Texas," was taken up out of its regular order and made special order for Wednesday, after morning call.

On motion of Senator Farrar,

Senate bill No. 138, "An act to amend chapter 3, title 53 of the Revised Statutes of Texas by adding thereto article 2971a," was taken up out of its regular order and made special order for Wednesday, after morning call.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to inform your honorable body of the passage of the following bills:

House bill No. 335, "An act to create and provide for the organization of the county of Midland."

House bill No. 473, "An act to amend sections 3, 4, 5, 106, 117, 156 and 158 of 'an act to incorporate the city of Galveston and grant a new charter,' approved August 2, 1876; amended by an act approved April 5, 1881. amended by an act approved March 7, 1883."

Also, to inform your honorable body of the following committee on the part of the House to act with a like committee of the Senate in arranging on behalf of the Legislature for celebrating the laying of the corner stone of the new Capitol, March 2: Linn, McKinney of Walker, Upton, Taylor, Moore of Travis.

A. D. SADLER, Chief Clerk.

The President referred the bills reported as follows:

House bill No. 335 to Committee on Counties and County Boundaries.

House bill No. 473 to Committee on State Affairs.

The President appointed Senators Shannon, Pope, Jones, Glasscock and Terrell on the part of the Senate on celebrating the laying of the corner stone of the new Capitol.

The following message was received from the Governor.

On motion of Senator Getzendaner the message, together with the accompanying reports, was ordered published in the journals:

To the Senate and House of Representatives:

I herewith transmit the statement of T. J. Goree, Superintendent, and Haywood Brahan, Financial and Purchasing Agent, of the penitentiaries, referring to that part of the report of the joint committee of the two houses touching the Rusk prison, and also the resignation of I. G. Searcy and Walter Tips, members of the Board of Managers of the penitentiaries, with their reasons for their action, all of which may be of some service in formulating a new management that now devolves on the Legislature.

Texas has not had more efficient and faithful public servants than these gentlemen have proven themselves to be.

JOHN IRELAND, Governor.

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, February 20, 1885.

T. J. Goree, Haywood Brahan:

GENTLEMEN: As Superintendent and Financial and Purchasing Agent, I call your attention to the report of the committee of the two houses of the Legislature who recently visited the penitentiaries, and especially to that part relating to the Rusk penitentiary, including the Comer & Farris contract and condition of the furnace. In short, the whole Rusk report I desire a full statement and explanation.

I am very respectfully your obedient servant,

JOHN IRELAND,
Governor.

AUSTIN, TEXAS, February 20, 1885.

Governor John Ireland, Austin, Texas:

Your favor of even date to hand, calling attention to the report of the joint committee of the Senate and House of Representatives who recently visited our penitentiaries at Huntsville and Rusk, and asking an explanation on our part in regard to the criticisms made by said committee in reference to the Comer & Farris contract, and the feeding, punishment, etc., of the convicts at the Rusk penitentiary.

In reply, we would state that Senators Jones, Kleberg and Kilgore, and Representatives Haynes, Kimbrough and Hendry met and organized at Huntsville on Tuesday morning the tenth instant, by electing Senator Jones chairman, and arrived at the superintendent's office about eleven o'clock a. m., and proceeded to inspect the Huntsville penitentiary, going through the cell buildings, chapel, dining room, kitchen, shops, etc.

We, in conjunction with Captain Ben E. McCulloch, assistant superintendent, offered them every facility to assist them to make a thorough investigation of everything pertaining to the management of our penitentiaries, telling them that, as servants of the people in the management of our peniten-

tiaries, we had nothing to conceal from the public, and that if any errors had been committed, we were as anxious to find it out as they could possibly be. We further told the members of the committee that all we demanded was, if any charges were made against us, or anyone connected with the penitentiary in any official capacity, by any citizen or convict that we be allowed a hearing before the committee in answer to any such charges. In the afternoon of same day Senator Kilgore and Hon. Mr. Haynes were chosen as a sub-committee to visit the Wynne farm, owned and operated by the State, near Huntsville. At 6 o'clock p. m. of same day the committee left for Rusk, and we accompanied them. At Phelps, eight miles from Huntsville, when en route to Rusk, the committee were joined by Representative Moore, who proceeded with them to Rusk. The committee arrived at the prison at Rusk between 11 and 12 o'clock a. m. on Wednesday, the eleventh instant, and remained until 2 o'clock p. m. Thursday, the twelfth instant, when they left for Austin.

Immediately after arriving at the Rusk penitentiary, the committee proceeded to inspect the cell buildings, dining room, kitchen, store room or commissary, chapel, hospital, laundry, and the different shops within the walls, and the iron furnace outside of the walls of the penitentiary.

After dinner the committee met in one of the rooms of the administrative building, and proceeded to examine witnesses in reference to the supplemental contract with Messrs. Comer & Farris and the final settlement with them on the surrender of their contract. In the meantime the committee, through their chairman, wrote out a notice, and had it sent over and posted up in the town of Rusk, informing the citizens that they were in session at the penitentiary, and inviting any one who had any complaint or charges to make against the management or officers of the penitentiary to appear before them.

In our examination before the committee we were only questioned about the supplemental contract and final settlement with Messrs. Comer & Farris, and asked a few questions about expenses, appropriations, etc., for the future.

As regards punishment of convicts, the committee examined convicts, and the most of them convicts of the worse character, who voluntarily appeared before them. Any one familiar with the character and discipline of convicts knows that it is always the worse character of convicts who are ready to volunteer information (manufactured to suit their purposes) to State officers and visiting committees of the Legislature as regards their treatment, and we state that such was the character of the majority of the convicts examined by the committee, many of whom had been punished for escapes, attempts to escape and other mutinous and disorderly conduct.

The committee did not consult the prison records at Rusk, or give the officers of the prison an opportunity to be heard in their own defense on the charges made by the class of convicts mentioned, in regard to cruel and excessive punishment. We feel it to be our duty to state in justice to Capt. F. P. O'Brien, assistant superintendent of the Rusk penitentiary, who has immediate charge of, the control and discipline of convicts, that he is a humane, efficient and attentive officer, and would not countenance cruel treatment or excessive punishment of convicts. And we further state that the records at the Rusk penitentiary show every time any convict was punished, for what offense, and the manner, amount and mode of punishment that was inflicted, and the witnesses who were present when the same was administered. We emphatically deny that when whipping has been resorted to as the mode of punishment, that any convict was ever struck over twenty-nine lashes at any one time for the same offense. This we are prepared to prove by the records of the prison, and the sworn testimony of all the officers, sergeants and guards, as well as by the testimony of the best class of convicts of said prison.

THE KILLING OF GOODALL.

Goodall was a convict from Lamar county, serving his second term. He was generally considered one of the worst and most desperate convicts in the prison. He had committed a murderous assault on convict Newton with a bar of iron, and was ordered punished for it. When taken out of his cell for the purpose, he broke away from the guards and declared that he would be killed before he would submit to punishment. This all created a terrible excitement amongst the few guards who were present, as well as the convicts who were locked up in the cells. The underkeeper, Mr. Hughes, ran into the office where the superintendent (Goree) was, and

told him of the situation. The instructions given him by the superintendent were to hurry back and try to capture and subdue Goodall, without using violent means, and under no circumstances to permit any shooting. He started out of the office and had gotten but a few steps when the report of a gun shot was heard, and it was found that Goodall, who was making violent threats and demonstrations at the time, was shot by some one from the window in the third story over the guards' room. Goodall died the next day. When an inquest was held, presided over by Mr. E. C. Dickinson, justice of the peace, who, after hearing all the evidence, exonerated the guard. Guyton, who did the shooting, had been guarding a long time, and had always been a humane, faithful and efficient guard; hence was retained by the assistant superintendent. Soon afterwards the district court of Cherokee county met, and this killing was fully investigated by the grand jury, and no bill was found. It may be mentioned that in a moment after the shooting, when the superintendent reached the cell building, the most intense excitement prevailed, and it seemed as if bedlam had broken loose. It was a considerable while before quiet could be restored. In our opinion, expressed at the time and since, this killing was unnecessary and unjustifiable, and could only be excused because of the intense excitement prevailing at the time. No one more than ourselves and the assistant superintendent deprecate this truly unfortunate affair.

FOOD.

As to the report of the committee in regard to the food furnished at the Rusk penitentiary, we will say that since the surrender of the Comer & Fairris contract, on the fourteenth of September last, the State has fed the convicts, and the Financial Agent is alone responsible for the quality and variety of the food since that date, as he purchases all provisions for both penitentiaries. The steward is responsible only for the preparation and distribution of the food. The provisions purchased for both prisons, except beef, are purchased from the same parties, and if complaints are true, as made in regard to the quality of the food at the Rusk penitentiary, it seems that similar complaints would have been made at the Huntsville penitentiary, where no complaints whatever were made. As to the variety of food, the provision reports on file with the secretary of the Penitentiary Board, which are subject to inspection, will show the amount of each kind of provisions issued at each penitentiary during each month last year, and the month of January this year. These reports will show that the variety of food is much the same at both penitentiaries, and a recent calculation made by the superintendent demonstrates the fact that the cost of feeding at Rusk has been about two cents per day per convict more than at Huntsville. When the committee visited Rusk there was stored in the commissary building the usual monthly supply of provisions, consisting of bacon, flour, meal, sugar, coffee, molasses, onions, beans, rice, dried apples, potatoes, etc. In addition to these articles, constantly kept on hand, good fresh beef has been furnished from two to four times per week. The dinner furnished the convicts on the day of the visit of the committee consisted of good substantial food, and was a fair average dinner.

From September 14, 1884, until the middle of December, the superintendent was nearly all the time at the Rusk prison. He daily visited the prison kitchen and dining room, saw for himself the quantity, quality and variety of food furnished the convicts, talked with the convicts about food, and here alleges that not a single complaint was made to him in regard to the food or its preparation. The prison physician, Dr. Jamison, has told us that there has been no cause of complaint against the culinary department since the State has been feeding.

It is to be regretted that the committee, in hearing the complaints of convicts in regard to the food and its preparation, did not get the dates of the alleged irregularities, so as to have shown whether they occurred prior to or after the State commenced feeding. During the Comer & Fairris contract they fed the convicts and guards, and employed their own steward. Occasionally complaints were made of the quality and preparation of the food, which upon demand from the State officers were remedied. Finally we had a guard placed in the kitchen to look after the convict cooks and waiters, and to see to the quality and preparation of food. We apprehend that the committee are under the impression that the steward of Comer & Fairris, Mr. Green, is still in charge: such is not the case, but the present steward is Mr. Grammar, who we think is a faithful, diligent and efficient officer. We plead guilty to feeding cold bread, because, in baking for such a

number of convicts it is impossible to furnish it otherwise.

If any mouldy bread has been furnished at any time, it has been accidental. No better bread is made anywhere than the flour bread at the Rusk penitentiary. The corn bread is made and baked just as corn bread on the outside. If beef at any time is scant, it is supplemented with bacon. There is no limit of food at either penitentiary, but every convict is supplied until he is satisfied. If has no doubt frequently occurred, even under State management, that certain articles of food have not been properly prepared, but such things will occur in the best regulated families. It may be proper to mention that some time since, when your Excellency and other members of the Penitentiary Board visited Rusk and thoroughly investigated similar complaints, you found them without foundation. The healthful appearance of the convicts at Rusk clearly indicates that they are not improperly fed. If opinions are based upon and conclusions drawn from unsupported convict testimony, no officer's character or reputation can be safe.

IRON FURNACE, WATER SUPPLY, ETC.

As regards the iron furnace and industries at the Rusk penitentiary, we beg to state that the furnace has been idle since the surrender of the Comer & Fairris contract, and we have done nothing in the different shops, except finish up some partly finished wagons and furniture received from Comer & Fairris, and such general repair work as we could get, for the reason that we had no available appropriation at our command with which to run the furnace and buy material with which to run the shops. The furnace is in good condition, except a change in the bosh, which was made by Comer & Fairris, from the manner of its original construction. The furnace can be changed back as originally constructed within a very short time by convict labor, at a nominal cost for the material necessary. The water supply, with which to operate the furnace, is ample and sufficient, and there has never been any difficulty on account of the water supply. It is true the timber is scarce and stumpy immediately around Rusk, but on the line of the K. & G. S. L. R. R. tracts of woodland can be bought at reasonable prices to make all the coal necessary to run the furnace for years to come. In regard to the Comer & Fairris contract and final settlement with them, we do not know that we can give any fuller explanation than is made in our biennial reports, to which reference is respectfully made.

Very respectfully your obedient servants,

THOMAS J. GOREE,
Superintendent of Penitentiaries.
HAYWOOD BRAHAN,
Financial Agent State Penitentiaries.

AUSTIN, TEXAS, February 19, 1885.

Hon. John Ireland, Governor of Texas:

DEAR SIR: The report of the Penitentiary Committee, which doubtless you have seen, renders it necessary, in our judgment, to sever our connection with that institution, and in doing so we deem it but just to ourselves to reply briefly to some of the statements contained therein, especially as no opportunity was given us to contradict the evidence upon which the report is founded. Several of the gentlemen composing that committee, both of the Senate and House, are known to us, and for whose opinions we entertain the highest respect, but for this very reason we feel it incumbent upon us to say a few words in our own justification. The Board was perfectly familiar with the facts of the shooting of the man named in the report. It is possible he might have been retaken without being shot. We can all discover, after important events have transpired, how it was possible to have accomplished a different and better result in some other way. The best organized systems under the wisest management are liable to such a catastrophe in the excitement and confusion of such an occasion.

All persons at all familiar with the management of convicts know (and those not familiar ought to know) that once let it be understood among them that guns will not be used, and it will not only put an end to all discipline, but they could neither be taken to the prison nor let out of their cells when there. We shoot a burglar or thief. An officer arresting a supposed criminal will shoot him, and all applaud, but the moment a man is proven a criminal and condemned for some deadly offence against the laws of society, if thereafter he is slain in an effort to regain his freedom (perchance by murdering or attempting to murder his guard) it is spoken of as an outrage. The bruise spoken of in the report as having been seen on the man's back is not traced to any management, any

p. 138 missing

Senator Kilgore offered the following amendment:

Amend section 2 by adding to the section the following words: "Provided, that if there should be a contest at the sale of any land offered for sale under this section, the former owner of such land shall have the prior right to purchase the same at said sale."

Withdrawn.

Senator Traylor offered the following amendment:

In the beginning of line nineteen add "advertised and."

Adopted.

As amended section 2 was adopted.

Senator Traylor offered to amend section 3 as follows:

After the word "Comptroller," in line six, insert "in such manner as the Comptroller may require."

Adopted.

Section 3 as amended was adopted.

Section 4 was adapted.

Senator Traylor offered the following amendment

section 5:

In line ten, after the word "owners," add "or whether the taxes have been paid on such lands or whether such lands are legally exist as valid surveys."

Adopted.

Senator Traylor offered the following amendment

section 5:

In line 14, after the word "cause," insert: "He shall strike the same from the rolls if the taxes have not been paid thereon, or if no such valid surveys exist in the county, or if there was an error in the assessment."

Adopted.

Senator Traylor offered the following amendment

section 5:

In line 14, after the word "cause," insert: "He shall strike the same from the rolls if the taxes have not been paid thereon, or if no such valid surveys exist in the county, or if there was an error in the assessment."

Adopted.

Senator Traylor offered the following amendment

section 5:

In line 7, after the word "county," insert "with the aid of the county surveyor."

Adopted.

Senator Evans in the chair.)

In motion of Senator Kleberg,

the Senate reconsidered the vote by which the amendment of Senator Traylor to section 2 was lost.

Senator Kleberg offered the following substitute

the amendment:

Insert in line 18 the words "and at the same time," after the word "manner."

Accepted and adopted.

Senator Traylor offered the following amendment:

section 5:

In line 10, after the word "county," insert "and furnish the Comptroller a list of such lands for cancellation."

Adopted.

Section five, as amended, was adopted.

Senator Davis offered the following amendment:

In section six section eight (next to the emergency clause) insert:

"For services herein provided the surveyor and assessor shall each be allowed three dollars per day for not more than five days, to be paid by the commissioners' court."

Adopted.

Senator Traylor offered the following:

In section six as follows, and conform the numbers of the sections thereto:

"6. For services herein provided the surveyor and assessor shall each be allowed three dollars per day for not more than five days, to be paid by the commissioners' court."

Adopted.

Section 7 was adopted.

Senator Davis offered the following amendment:

Change section 8 so as to be an imperative public necessity clause only.

Adopted.

Senator Calhoun offered the following amendment:

Sec.— Whenever any land is sold to any person under the provisions of the act, and it shall afterwards appear by judicial investigation or otherwise, that all of the amount of taxes, costs and other charges against said land, for which the same was sold, were not lawful and due, but that only a part of the same was due, such fact shall not void the sale and purchase of said land, but said sale shall be valid and binding for an undivided portion of said land so purchased, of the same proportion and ratio to the whole amount purchased as the amount of lawful taxes and costs due bears to the whole amount of supposed taxes and costs and charges supposed and charged to be due at the time said land was so sold.

Lost, and the bill was ordered engrossed.

Senator Bell offered the following privileged report:

COMMITTEE ROOM,
AUSTIN, February 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills, have carefully examined Senate bill No. 182, being, "An act to amend articles 151 and 153, chapter 2, of title 6 of the Penal Code," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 204, being "An act to prohibit sheriffs and witnesses from charging fees, mileage or expenses in certain cases," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 124, being "An act to amend section 2 of an act entitled 'an act to provide for the payment of attached witnesses in felony cases,'" and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 180, being "An act to amend section 4 of an act entitled 'an act to redistrict the State into judicial districts, and to fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts of the next general election, to be held on the first Tuesday after the first Monday in November, 1884,'" and find the same correctly engrossed.

BELL, Chairman.

Senator Hall entered a motion to reconsider the vote by which the Senate adopted the adverse reports of the Committee on Claims and Accounts on the bills for the relief of the cities of Brownsville and Laredo in certain quarantine expenditures.

On motion of Senator Davis,

The constitutional rule was suspended and the bill placed on its final passage by the following vote:

YEAS—21.

Bell,	Getzendaner,	Kilgore,
Calhoun,	Glasscock,	Kleberg,
Davis,	Hall,	Peacock,
Evans,	Harrison,	Randolph,
Farrar,	Houston of Wheeler,	Terrell,
Fowler,	Jerdone,	Traylor,
Garrison,	Jones,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Houston of Bexar, Shannon.

The bill was read third time and passed.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage of Senate bill No. 137, "An act to repeal sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 25, 27, 28, 30, 31, 83, 198, 199 and 200, and to amend sections 2, 4, 5, 6, 29, 33, 43, 45, 70, 74, 78, 103, 120, 197, 201, 202 and 203 of an act entitled 'an act to incorporate the city of San Antonio and grant a new charter to said city,' approved August 13, 1870, and to repeal 'an act to incorporate the city of San Antonio,' approved July 17, 1856, and 'an act to amend the act to incorporate the city of San Antonio,' approved February 11, 1860, also an act to amend an act entitled 'an act to incorporate the city of San Antonio and grant a new charter to said city,' approved April 18, 1879."

Respectfully,

A. D. SADLER, Chief Clerk.

On motion of Senator Harrison,

Senate bill No. 189, "An act to annul and cancel all locations and surveys made thereunder and patents issued upon any land situate in the county of Greer, and to restore said lands to the respective funds to which they belong," was taken up and made special order for Thursday after morning call.

(The President in the chair.)

On motion of Senator Jones,

Senate bill No. 174, "An act to amend section 4 of 'an act to provide for an organization of a board to direct, supervise, control,' etc., was taken up out of its regular order and read the second time.

On motion of Senator Jones,

The committee amendment was adopted.

Senator Evans offered the following amendment:

Amend by adding section 5: "And there is hereby appropriated the sum of five thousand dollars, or so much thereof as may be necessary, to carry this law into effect.

Adopted.

Senator Harrison moved to reconsider the vote just taken.

Adopted, and

The amendment was withdrawn.

Senator Glasscock offered the following amendment:

Amend by adding:

Section 2. Whereas an emergency exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Lost, and

The bill was ordered engrossed.

Senate bill No. 65, "An act to amend article 690, chapter 90 of the Penal Code," was laid before the Senate as the second special order, and read second time with committee substitute, and

On motion of Senator Woods,

The committee substitute was adopted and ordered engrossed.

Senate joint resolution No. 1, "Proposing an amendment to section 12, of article 8 of the Constitution," was laid before the Senate in its regular order, and read third time and lost by the following vote:

YEAS—18.

Bell,	Glasscock,	Kilgore,
Calhoun,	Hall,	Kleberg,
Farrar,	Harrison,	Randolph,
Fowler,	Houston of Wheeler,	Shannon,
Garrison,	Jerdone,	Terrell,
Getzendaner,	Jones,	Traylor.

NAYS—3.

Davis,	Evans,	Peacock.
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ABSENT, NOT VOTING.

Houston of Bexar.

Senator Houston of Wheeler entered a motion to reconsider the vote just taken.

Senator Davis raised the point or order that Senator Houston had voted on the losing side and could not move a reconsideration.

The point of order was sustained.

Senator Davis entered a motion to reconsider the vote just taken.

The President laid before the Senate Senate bill No. 120, "An act to confer upon county courts jurisdiction in cases of contested elections."

The bill was read third time and passed.

Senate bill No. 125, "An act to amend articles 1719, 1720, 1721, 1722, 1723, 1731, 1743, 1744 and 1752 of chapter 6, title 34 of the Revised Civil Statutes," was laid before the Senate, read third time and passed.

On motion of Senator Kleberg,

Senator Houston of Bexar was excused for the day.

Senator Peacock introduced a bill entitled "An act amendatory of 'an act relating to the commission of arbitration and award, defining the powers and duties thereof, and to make appropriations to pay the salaries of the judges thereof,' approved March 20, 1883, and which was amendatory of an act relating to the same subject, approved February 9, 1881."

Referred to Judiciary Committee No. 1.

On motion of Senator Davis,

The regular order of business was suspended, and Senate bill No. 187, "An act confirming patents and surveys by virtue of headright, military and bounty warrants issued under special laws enacted after March 31, 1870, and prior to April 18, 1876," was taken up and read second time.

First and second committee amendments were adopted.

The President signed House bill No. 116, "An act to amend section 18 of an act entitled 'an act to redivide the State into judicial districts, and fix the times for holding court therein, etc.'"

On motion of Senator Calhoun,

The Senate adjourned till 10 o'clock to-morrow morning.

THIRTY-SIXTH DAY.

SENATE CHAMBER,
AUSTIN, February 24, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.
On motion of Senator Peacock.
The reading of the journal of yesterday was dispensed with.

REPORTS OF STANDING COMMITTEES.

By Senator Traylor:

COMMITTEE ROOM,
AUSTIN, February 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 143, entitled "An act making appropriations for the support of the State government for the years beginning March 1, 1885, and ending February 28, 1887," have carefully examined the same, and instruct me to report the same back with the recommendation that the accompanying substitute, which is the product of the joint finance committees of both houses, be passed.

All of which is respectfully submitted.

TRAYLOR, Chairman.

Bill read first time.

By Senator Randolph:

COMMITTEE ROOM,
AUSTIN, February 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred House bill No. 473, entitled "An act to amend sections 3, 4, 5, 106, 117, 156 and 158 of an act to incorporate the city of Galveston, and grant a new charter," approved August 2, 1876, amended by an act approved April 5, 1881, amended by an act approved March 7, 1883," have had the same under consideration and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

By Senator Harrison:

COMMITTEE ROOM,
AUSTIN, February 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 152, entitled "An act to amend section 8 of an act entitled 'an act establishing the manner of ascertaining the boundaries of counties,' approved April 22, 1879," have carefully examined the same, and instruct me to report the same back to the Senate with the recommendation that it do pass, and that it be considered by the Senate in connection with Senate bill No. 210, which relates to the same subject.

All of which is respectfully submitted.

HARRISON, Chairman.

Bill read first time.

By Senator Calhoun:

COMMITTEE ROOM,
AUSTIN, February 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 235, entitled "An act to authorize the several county commissioners' courts of the State of Texas to provide for more than four terms of the county court annually for the transaction of civil and criminal business, and fix the time at which all the terms of said county courts may be held," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

The object of this bill is to re-enact a law passed at the called session of the Eighteenth Legislature, but not referred to in the Governor's call convening said called session.

All of which is respectfully submitted.

CALHOUN, for Committee.

Bill read first time.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, February 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 146, being "An act to amend article 288 of the Code of Criminal Procedure," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared committee substitute for Senate bill No. 65, being "An act to amend article 690, chapter 90 of the Penal Code, as amended April 4, 1881," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 174, being an act to amend section 4 of an act entitled "An act to provide for an organization of a board to direct, supervise and control the work of obtaining and presenting statements, accounts and abstracts showing the amount and character of the claims of the State of Texas against the government of the United States, for moneys expended by said State in protecting her frontier; to prepare proper vouchers, and to obtain and present necessary proof in support of said claim, as required by an act of Congress entitled 'an act to authorize the Secretary of the Treasury to examine and report to Congress the amount of all claims of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas and Nevada, and the Territories of Washington and Idaho, for moneys expended and indebtedness assumed by said States and Territories in repelling invasion and suppressing Indian hostilities, and for other purposes,' approved June 27, 1882; to provide means and to employ the necessary clerical force to enable said board to discharge its duties, and to make appropriation to pay the expenses of the same, approved March 23, 1883," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on General Land Office, to whom was referred Senate bill No. 238, entitled "An act to create the Webb land district," have carefully examined the same, and instruct me to report the same back, with the recommendation that it do pass.

All of which is respectfully submitted.

BELL, Chairman.

Bill read first time.

BILLS AND RESOLUTIONS.

By Senator Houston of Wheeler:

"An act to create the Hardeman land district."

Referred to Committee on Public Lands.

By Senator Kleberg:

An act making appropriations for certain deficiencies."

Referred to Finance Committee.

By Senator Evans:

An act to amend 'an act to amend articles 1026, 1027, 1028, 1029, 1030, 1031 and 1032 of chapter 5, title 26, and articles 1077, 1078, 1079, 1080, 1081 and 1082 of chapter 15, title 26 of the Revised Civil Statutes,' etc., approved May 3, 1882."

Referred to Committee on Public Printing.

By Senator Pope:

An act to define the duties of telegraph companies in the transmission of messages, and to prescribe penalties for the enforcement thereof."

Referred to Committee on Internal Improvements.

On motion of Senator Calhoun,
Senate bill No. 235, "An act authorizing the commissioners' courts, etc., to provide for the holding of more than four terms of the county court annually," etc., was taken up out of its regular order, the special order being postponed.

Senator Davis moved to make it a special order for Friday, after morning call.

Lost.

Senator Calhoun moved to suspend the constitutional rule and place the bill on its second reading.

Lost by the following vote:

YEAS—19.

Bell,	Hall,	Peacock,
Calhoun,	Harrison,	Pope,
Evans,	Houston of Wheeler,	Randolph,
Farrar,	Jerdone,	Shannon,
Garrison,	Jones,	Terrell,
Getzendaner,	Kleberg,	Traylor.
Glasscock,		

NAYS—5.

Davis,	Knittel,	Woods.
Fowler,	Pfeuffer,	

ABSENT, NOT VOTING.

Camp,	Johnson,	Stinson.
Houston of Bexar,	Kilgore,	

On motion of Senator Traylor,

The special orders were postponed and the bills on third reading were taken up.

Senate bill No. 167, "An act to provide for the care and preservation of the Alamo and for the deposit of the Texas exhibit at the World's Industrial Exposition therein," was laid before the Senate,

Read third time and passed.

Senator Terrell moved to reconsider the vote by which the bill was passed.

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

Lost by the following vote :

YEAS—12.

Farrar,	Houston of Bexar,	Pope,
Garrison,	Houston of Wheeler,	Shannon,
Getzendaner,	Kleberg,	Traylor,
Glasscock,	Knittel,	Woods.

NAYS—14.

Bell,	Hall,	Peacock,
Calhoun,	Harrison,	Pfeuffer,
Davis,	Jerdone,	Randolph,
Evans,	Jones,	Terrell.
Fowler,	Kilgore,	

ABSENT, NOT VOTING.

Camp,	Johnson,	Stinson,
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The motion of Senator Terrell to reconsider was adopted by the following vote:

YEAS—14.

Calhoun,	Hall,	Peacock,
Davis,	Harrison,	Pfeuffer,
Fowler,	Jerdone,	Randolph,
Getzendaner,	Jones,	Terrell.
Glasscock,	Kilgore,	

NAYS—12.

Bell,	Houston of Bexar,	Pope,
Evans,	Houston of Wheeler,	Shannon,
Farrar,	Kleberg,	Traylor,
Garrison,	Knittel,	Woods.

Senator Jones offered an amendment.

Senator Houston of Wheeler raised the point of order that the amendment was not germane to the subject matter of the bill.

The point of order was sustained.

Senator Jones offered to amend by striking out all in the bill relating to the New Orleans exhibit and amend the caption to conform thereto.

Senator Kleberg moved the previous question on the amendment and the bill.

Previous question seconded.

Withdrawn.

Senator Fowler moved the previous question on the amendment and the bill.

Previous question seconded, and main question ordered.

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

YEAS—13.

Calhoun,	Hall,	Peacock,
Davis,	Harrison,	Shannon,
Fowler,	Jerdone,	Randolph,
Getzendaner,	Jones,	Terrell.
Glasscock,		

NAYS—13.

Bell,	Houston of Wheeler,	Pope,
Evans,	Kilgore,	Shannon,
Farrar,	Kleberg,	Traylor,
Garrison,	Knittel,	Woods.
Houston of Bexar,		

ABSENT, NOT VOTING.

Camp,	Johnson,	Stinson.
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The bill was passed by the following vote:

YEAS—14.

Bell,	Houston of Bexar,	Pope,
Evans,	Houston of Wheeler,	Shannon,
Farrar,	Kleberg,	Traylor,
Garrison,	Knittel,	Woods.
Getzendaner,	Pfeuffer,	

NAYS—12.

Calhoun,	Hall,	Kilgore,
Davis,	Harrison,	Peacock,
Fowler,	Jerdone,	Randolph,
Glasscock,	Jones,	Terrell.

ABSENT, NOT VOTING.

Camp,	Johnson,	Stinson.
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On motion of Senator Houston of Bexar,
Senate bill No. 137, "An act to amend the city charter of San Antonio," etc., was taken up, with House amendments, and

The House amendments concurred in.

(Senator Shannon, President pro tem., in the chair.)

On motion of Senator Jerdone,

House bill No. 473, "An act to amend sections 3, 4, 5, 106, 117, 156 and 158 of 'an act to incorporate the city of Galveston and to grant a new charter,' approved August 2, 1876, amended by an act approved April 5, 1881, amended by an act approved March 7, 1883," was taken up out of its regular order.

On motion of Senator Jerdone the constitutional rule was suspended, and

The bill was placed on its second reading by the following vote:

YEAS—21.

Bell,	Harrison,	Knittel,
Calhoun,	Houston of Bexar,	Peacock,
Fowler,	Houston of Wheeler,	Pfeuffer,
Garrison,	Jerdone,	Randolph,
Getzendaner,	Jones,	Terrell,
Glasscock,	Kilgore,	Traylor,
Hall,	Kleberg,	Woods.

NAYS—1.

Davis.

ABSENT, NOT VOTING.

Camp,	Johnson,	Shannon,
Evans,	Pope,	Stinson.
Farrar,		

The bill was read the second time and passed to third reading.

On motion of Senator Jerdone,

The constitutional rule was suspended and

The bill placed on its final passage by the following vote:

YEAS—24.

Bell,	Harrison,	Peacock,
Davis,	Houston of Bexar,	Pfeuffer,
Evans,	Houston of Wheeler,	Pope,
Fowler,	Jerdone,	Randolph,
Garrison,	Jones,	Shannon,
Getzendaner,	Kilgore,	Terrell,
Glasscock,	Kleberg,	Traylor,
Hall,	Knittel,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Calhoun,	Farrar,	Stinson.
Camp,	Johnson,	

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

YEAS—24.

Bell,	Harrison,	Peacock,
Davis,	Houston of Bexar,	Pfeuffer,
Evans,	Houston of Wheeler,	Pope,
Fowler,	Jerdone,	Randolph,
Garrison,	Jones,	Shannon,
Getzendaner,	Kilgore,	Terrell,
Glasscock,	Kleberg,	Traylor,
Hall,	Knittel,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Calhoun,	Farrar,	Stinson.
Camp,	Johnson,	

Senator Bell sent up the following privileged report.

COMMITTEE ROOM,
AUSTIN, February 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 77, being "An act to further regulate the collection of taxes on real estate, including lands heretofore bought by the State at delinquent tax sales," and find the same correctly engrossed.

BELL, Chairman.

By leave, Senator Houston of Bexar introduced a bill to be entitled "An act to authorize the county commissioners' courts to set aside from year to year not exceeding one-half of the road and bridge tax to establish free bridges across streams having an average width of sixty feet."

Referred to Committee on Roads and Bridges.

By leave, the following reports were sent up and read:

By Senator Houston of Bexar:

COMMITTEE ROOM,
AUSTIN, February 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 236, entitled "An act amendatory of an act relating to the commission of arbitration and award, defining the powers and duties thereof, and to make appropriations to pay the salaries of the judges thereof, approved March 20, 1883, and which was amendatory of an act relating to the same subject, approved February 9, 1881," have carefully examined the same, and a majority of the committee instruct me to report same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

By Senator Peacock:

COMMITTEE ROOM,
AUSTIN, February 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Lands, to whom was referred bill No. 244, entitled "An act to be entitled an act to create the Hardeman land district," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

PEACOCK, Chairman.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your body the passage of the following bills:

House bill No. 236, "An act to authorize and require the Commissioner of the General Land Office to issue a certificate for 1280 acres of land to J. B. Robertson, for military services."

Substitute House bill No. 237, "An act to alter the corporate limits of the city of Waco"

House bill No. 250, "An act to amend section 34 of an act entitled 'an act to redistrict the State into judicial district and fix the time for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883."

And to report the indefinite postponement by the House of Senate bill No. 50.

A. D. SADLER, Chief Clerk.

The President referred House bill No. 236 to Committee on General Land Office.

Substitute House bill No. 237 to Committee on Counties and County Boundaries.

House bill No. 250 to Committee on Judicial Districts.

The President gave notice of signing Senate bill No. 136, "An act for the relief of W. J. Salyer and to validate donation warrant No. 509 and the survey made by virtue thereof, issued by G. W. Hockley, Secretary of War, on August 14, 1838, for 640 acres of land, to John Short, the said Salyer being now the owner of said certificate."

On motion of Senator Glasscock

The Senate adjourned till 10 o'clock to-morrow morning.

THIRTY-SEVENTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, February 25, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by Rev. R. C. Buckner of Dallas.
 On motion of Senator Calhoun.
 The reading of the journal of yesterday, was dispensed with.
 On motion of Senator Shannon.
 Senator Traylor was excused till Monday.
 On motion of Senator Pope.
 Senators Camp, Johnson and Stinson were excused indefinitely, from yesterday.

PETITIONS AND MEMORIALS.

By Senator Glasscock:
 Memorial from citizens of Presido county, favoring the formation of Brewster county.
 Referred to Committee on Counties and County Boundaries.

REPORTS OF STANDING COMMITTEES.

By Senator Shannon:

COMMITTEE ROOM,
 AUSTIN, February 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 221, entitled "An act to amend article 4257 of the Revised Civil Statutes of the State of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it be considered in committee of the whole, and that 150 copies be printed.
 All of which is respectfully submitted.

SHANNON, Chairman.

Bill read first time.

COMMITTEE ROOM,
 AUSTIN, February 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 18, entitled "An act to amend and carry into effect article 4238 of the Revised Statutes of the State of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

SHANNON, Chairman.

Bill read first time.

COMMITTEE ROOM,
 AUSTIN, February 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 209, entitled "An act to preserve the charters of railway companies that by reason of the financial condition of the country have not constructed the number of miles of road annually required by law, and to prevent the forfeiture thereof," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

SHANNON, Chairman.

Bill read first time.

COMMITTEE ROOM,
 AUSTIN, February 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred House bill No. 428, entitled "An act to amend article 4786 of the Revised Civil Statutes of the State of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

SHANNON, Chairman.

Bill read first time.

COMMITTEE ROOM,
 AUSTIN, February 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred House bill No. 144, entitled "An act to amend article

4227, title 84, chapter 10, of the Revised Civil Statutes of State of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

SHANNON, Chairman.

Bill read first-time.

Senator Randolph presented the following minority report:

COMMITTEE ROOM,
 AUSTIN, February 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

A minority of your Committee on Internal Improvement to whom was referred House bill No. 144, entitled "An act to amend article 4227, title 84, chapter 10 of the Revised Civil Statutes of the State of Texas," beg leave to differ from the majority report, and offer the following reasons why said bill should pass: First, that it would diminish the number of wilful and negligent detentions of freight by railroads, thereby decreasing litigation between citizens and said railroads, causing said railroads to make greater preparations to relieve intermediate stations along their respective lines by furnishing ample conveyance to carry off cotton and other freights.

All of which is respectfully submitted, and ask that the minority be adopted in lieu of the majority report.

RANDOLPH, for the Minority.

By Senator Harrison:

COMMITTEE ROOM,
 AUSTIN, February 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 335, entitled "An act to create and provide for the organization of the county of Midland," have carefully considered the same, and a majority of your committee instruct me to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

HARRISON, Chairman.

Bill read first time.

COMMITTEE ROOM,
 AUSTIN, February 25, 1885

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred substitute House bill No. 237, entitled "An act to alter the corporate limits of the city of Waco," have had the same under consideration, and instruct me report it back with the recommendation that it do pass.

All of which is respectfully submitted.

HARRISON, Chairman.

Bill read first time.

By Senator Terrell:

COMMITTEE ROOM,
 AUSTIN, February 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Commerce and Manufactures, to whom was referred "Hon." concurrent resolution requesting the Senators and Representatives of Texas in Congress to secure a survey and report by government engineers of the condition of the channel through West Galveston bay and San Luis bay, have carefully examined the same, and instruct me to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TERRELL, Chairman.

Resolution read first time.

By Senator Getzendaner:

COMMITTEE ROOM,
 AUSTIN, February 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred Senate bill No. 171, entitled "An act for the relief of Thomas Dillard," have had the same under consideration, and instruct me to report the same back with the recommendation that it do not pass.

This belongs to a class of school claims which the Legislature has on several occasions enacted laws to enable the counties to audit and pay.

In the opinion of your committee this claim, presuming it be just, cannot be a liability of the State.
All of which is respectfully submitted.

GETZENDANER, Chairman.

Bill read first time.

COMMITTEE ROOM.

AUSTIN, February 25, 1885.

U. Barnett Gibbs, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred Senate bill No. 201, entitled "An act to authorize the commissioners' court of Travis county to call a special election said county to determine whether or not the said county will buy or build a bridge to be a free bridge across the Colorado river at the city of Austin," have had the same under consideration, and instruct me to report it back with the commendation that it do not pass.
All of which is respectfully submitted.

GETZENDANER, acting Chairman.

Bill read first time.

The President gave notice of signing House bill No. 473, "An act to amend sections 3, 4, 5, 106, 117, 116 and 158 of 'an act to incorporate the city of Galveston and to grant a new charter,' approved August 2, 1876, amended by an act approved April 5, 1881, amended by an act approved March 7, 1883."

BILLS AND RESOLUTIONS.

By Senator Hall:

"An act to muster into the service of the State minute men for the protection of the frontier and for the suppression of lawlessness and crime."

Referred to Committee on State Affairs.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 25, 1885.

U. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage of substitute House bill No. 338, "An act to re-enact section 28 of an act entitled 'an act to redistrict the State into judicial districts, and fix the times for holding court therein, to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the Tuesday after the first Monday in November, 1884, approved April 9, 1883,' and to amend said section 28 of said act."

A. D. SADLER, Chief Clerk.

The President referred House bill No. 338 to Committee on Judicial Districts.

Senator Calhoun moved to suspend the regular special orders and take up Senate bill No. 235, "An act authorizing the several county commissioners' courts of the State of Texas, to provide for more than four terms of the county court annually for the transaction of civil and criminal business, and to fix the times at which all the terms of said county courts may be held."

Senator Randolph moved a call of the Senate.

Call sustained.

Senators Houston of Wheeler and Pope were absent without excuse.

On motion of Senator Davis,

the call of the Senate was suspended.

Senator Davis moved to amend the motion of Senator Calhoun by making the bill the special order for tomorrow, after morning call.

Senator Calhoun withdrew his motion, which disposed of both motions.

Senate bill No. 142, "An act to amend sections 2, 9, 23, 29, 30, 33, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 51, 53, 54, 56, 57, 59, 60, 61, 62, 63, 64, 68, 73, 75, 79, 79d, 83, 84, 85 and 87 of an act entitled 'an

act to establish and maintain a system of public free schools for the State of Texas,' and to repeal so much of chapter 3, title 78 of the Revised Civil Statutes of Texas as refer to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act,' the same being chapter 25 general laws of the special session of the Eighteenth Legislature, 1844; and to add thereto as new sections, sections 12a, 12b, 12c, 12d, 12e, and sections 58a, 58b and 58c, and repealing all laws and parts of laws in conflict with the provisions of this act and the original act of which it is amendatory," was laid before the Senate as the first special order.

On motion of Senator Davis,

The bill was postponed and made the special order for to-morrow after the morning call and after other special orders.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 25, 1885.

U. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body that the House has rejected the report of the conference committee on substitute House bills Nos. 13, 61, 64, 104 and 161, and asks for a committee of free conference on same, and appoint as such committee on the part of the House, Messrs. Foster of Grayson, Hamilton and Rountree.

A. D. SADLER, Chief Clerk.

On motion of Senator Terrell,
The request was granted, and

The President appointed on said committee Senators Terrell, Randolph and Fowler.

Senate bill No. 100, "An act to repeal an act entitled 'an act to provide annual pensions for the surviving soldiers or volunteers of the Texas Revolution and the surviving signers of the Declaration of Independence of Texas, and the surviving widows of such soldiers, volunteers and signers,' approved March 28, 1883," was laid before the Senate as the special order, and

Read second time with special committee (minority) substitute report.

Senator Fowler moved to substitute the minority for the majority report.

Senator Davis moved the previous question on the motion to substitute and the engrossment of the bill.

Previous question seconded, and

Main question ordered.

The motion to substitute the minority for the majority report was lost by the following vote:

YEAS—6.

Calhoun,	Glasscock,	Pope,
Fowler,	Houston of Bexar,	Randolph.

NAYS—16.

Bell,	Jerdone,	Peacock,
Davis,	Jones,	Pfeuffer,
Evans,	Kilgore,	Shannon,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Woods.
Hall,		

ABSENT, NOT VOTING.

Farrar,	Harrison,	Houston of Wheeler.
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The bill was ordered engrossed by the following vote:

YEAS—16.

Bell,
Davis,
Garrison,
Getzendaner,
Hall,
Harrison,

Jerdone,
Jones,
Kilgore,
Kleberg,
Knittel,

Peacock,
Pfeuffer,
Shannon,
Terrell,
Woods.

NAYS—8.

Calhoun,
Evans,
Fowler,

Glasscock,
Houston of Bexar,
Houston of Wheeler,

Pope,
Randolph.

ABSENT, NOT VOTING.

Farrar.

Senator Peacock moved to reconsider the vote engrossing the bill, and moved to lay that motion on the table.

Senator Houston of Bexar moved a call of the Senate.

Call sustained.

Senators Farrar and Randolph were found absent without excuse.

The Sergeant-at-Arms was dispatched to bring in the absent Senators.

Senators Farrar and Randolph were announced, and

The Senate was declared full.

The motion of Senator Peacock to lay the motion to reconsider on the table was adopted by the following vote:

YEAS—17.

Bell,
Davis,
Farrar,
Garrison,
Getzendaner,
Hall,

Harrison,
Jerdone,
Jones,
Kilgore,
Kleberg,
Knittel,

Peacock,
Pfeuffer,
Shannon,
Terrell,
Woods.

NAYS—7.

Calhoun,
Evans,
Fowler,

Glasscock,
Houston of Bexar,
Pope,
Randolph,

ABSENT, NOT VOTING.

Houston of Wheeler.

Senator Pope raised the point of order that Senator Houston of Wheeler was now out of the Senate Chamber and not voting, and under the call of the Senate the motion could not be decided.

The point of order was not sustained, as the Senator was present and answered to his name under the call of the Senate.

On motion of Senator Davis,

Senate bill No. 217, "An act to repeal 'an act granting a land certificate of 1280 acres to the surviving soldiers of the Texas Revolution, etc., to repeal an act approved April 26, 1879,'" etc., was taken up out of its regular order, and

Read second time and ordered engrossed.

On motion of Senator Davis,

The constitutional rule was suspended, and

The bill placed on its third reading by the following vote:

YEAS—21.

Bell,
Calhoun,
Davis,
Evans,
Farrar,
Fowler,
Garrison,

Getzendaner,
Hall,
Harrison,
Houston of Bexar,
Jerdone,
Jones,
Kilgore,

Kleberg,
Knittel,
Peacock,
Pfeuffer,
Shannon,
Terrell,
Woods.

NAYS—4.

Glasscock,
Houston of Wheeler,

Pope,

Randolph.

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

YEAS—20.

Bell,
Calhoun,
Davis,
Evans,
Farrar,
Fowler,
Garrison,

Getzendaner,
Hall,
Harrison,
Jerdone,
Jones,
Kilgore,
Kleberg,

Knittel,
Peacock,
Pfeuffer,
Shannon,
Terrell,
Woods.

NAYS—5.

Glasscock,
Houston of Bexar,

Houston of Wheeler,
Pope,
Randolph.

By leave, Senator Fowler sent up the following reports:

COMMITTEE ROOM.

AUSTIN, February 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred substitute House bill No. 338, entitled "An act to re-enact section 28 of an act entitled 'an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883, and to amend said section 28 of said act," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

FOWLER, Chairman.

Bill was read first time.

COMMITTEE ROOM,

AUSTIN, February 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred House bill No. 250, entitled "An act to amend section 34 of an act entitled 'an act to redistrict the State into judicial districts, and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

FOWLER, Chairman.

Bill was read first time.

Senator Fowler sent up the following privileged report:

COMMITTEE ROOM,

AUSTIN, February 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 136, being "An act for the relief W. J. Salyer, and to validate donation warrant No. 509 and the survey made by virtue thereof, issued by G. W. Hockley, Secretary of War, on fourteenth August, 1838, for 640 acres of land, to John Sharp," and find the same correctly enrolled, and have this day, at 11:10 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

On motion of Senator Davis,

Senate bill No. 187, "An act confirming patents and surveys by virtue of headright, military and bounty warrants issued under special laws enacted after March 31, 1870, and prior to April 18, 1876," was taken up out of its regular order and read second time and ordered engrossed.

Senator Davis moved to suspend the constitutional rule and place the bill on its third reading.

The Senate refused to suspend the constitutional rule by the following vote:

YEAS—19.

Bell,	Hall,	Peacock,
Calhoun,	Jerdone,	Pfeuffer,
Davis,	Jones,	Pope,
Evans,	Kilgore,	Randolph,
Fowler,	Kleberg,	Shannon,
Garrison,	Knittel,	Terrell.
Getzendaner,		

NAYS—5.

Farrar,	Harrison,	Woods.
Glasscock,	Houston of Wheeler,	

ABSENT, NOT VOTING.

Houston of Bexar.

Senator Harrison entered a motion to reconsider the vote just taken.

Senator Calhoun renewed his motion to take up Senate bill No. 235, "An act allowing the county commissioners," etc.

Adopted.

Bill taken up out of its regular order and read second time.

Senator Harrison offered the following substitute for the bill:

A bill to be entitled "An act to fix the terms of the county courts of the State of Texas."

Be it enacted by the Legislature of the State of Texas, That there shall be begun and holden at the county seat of each county a term of the county court thereof for civil, criminal and probate business, on the first Mondays in January, March, May, July, September and November in each year, which shall continue in session until the business thereof is disposed of. And until otherwise changed by the Legislature the terms shall remain as herein provided.

Lost, and

The bill was ordered engrossed.

On motion of Senator Calhoun,

The constitutional rule was suspended and the bill placed on its third reading by the following vote:

YEAS—22.

Bell,	Hall,	Peacock,
Calhoun,	Houston of Bexar,	Pfeuffer,
Evans,	Jerdone,	Pope,
Farrar,	Jones,	Randolph,
Fowler,	Kilgore,	Shannon,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Woods.
Glasscock,		

NAYS—1.

Harrison.

ABSENT, NOT VOTING.

Davis, Houston of Wheeler.

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

YEAS—22.

Bell,	Hall,	Peacock,
Calhoun,	Houston of Bexar,	Pfeuffer,
Davis,	Jerdone,	Pope,
Evans,	Jones,	Randolph,
Fowler,	Kilgore,	Shannon,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Woods.
Glasscock,		

NAYS—1.

Harrison.

ABSENT, NOT VOTING.

Farrar, Houston of Wheeler.

On motion of Senator Hall, substitute House bill No. 338, "An act to re-enact section 28 of 'an act to redistrict the State into judicial districts,'" was taken up out of its regular order and,

On motion of Senator Hall,

The constitutional rule was suspended and the bill was placed on its second reading by the following vote:

YEAS—22.

Bell,	Hall,	Peacock,
Calhoun,	Harrison,	Pfeuffer,
Davis,	Houston of Bexar,	Pope,
Evans,	Jerdone,	Randolph,
Fowler,	Kilgore,	Shannon,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Woods.
Glasscock,		

NAYS—none.

ABSENT, NOT VOTING.

Farrar, Houston of Wheeler, Jones.

The bill was read second time, and passed to third reading.

On motion of Senator Hall,

The constitutional rule was suspended and the bill placed on its final passage by the following vote:

YEAS—21.

Bell,	Getzendaner,	Knittel,
Calhoun,	Hall,	Peacock,
Davis,	Harrison,	Pfeuffer,
Evans,	Houston of Bexar,	Pope,
Farrar,	Jerdone,	Randolph,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Woods.

NAYS—none.

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

YEAS—23.

Bell,	Glasscock,	Peacock,
Calhoun,	Hall,	Pfeuffer,
Davis,	Harrison,	Pope,
Evans,	Houston of Bexar,	Randolph,
Farrar,	Jerdone,	Shannon,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Woods.
Getzendaner,	Knittel,	

NAYS—none.

ABSENT, NOT VOTING.

Houston of Wheeler, Jones.

The following communication was received from the Commissioner of Insurance, Statistics and History, and

On motion of Senator Kleberg,

Was, together with the accompanying statement, ordered printed in the journal, and the reading of it was dispensed with:

OFFICE OF THE

COMMISSIONER OF INSURANCE, STATISTICS AND HISTORY,
AUSTIN, February 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

In compliance with the resolution of February 17, 1885, of the honorable Senate, I have the honor to transmit the following papers:

1. The name and domicile of all fire insurance companies having done business in the State of Texas since the first day of January, 1875.
2. The capital stock of each of said companies.
3. The amount of risks written since 1875 by each of said companies.
4. Amount of premiums received during said time.
5. The amount of losses paid during said time.
6. The excess of premiums received over losses paid out.
7. The names of fire insurance companies authorized to do business in the State of Texas.
8. The number of years each company has done business in the State.

The insurance laws give to existing companies until March 1, 1885, to make their annual statements, and therefore the office cannot declare what companies will fail to comply with requirements of the law.

The Western Assurance company, of Toronto, Canada is the only company which has withdrawn their papers, and intimated that they will cease to do business in the State.

The annual statements of fifty-one companies have up to this time been registered in this office.

Respectfully,

H. P. BEE, Commissioner.

Statement of Business, etc., of Insurance Companies in Texas since the Year 1875.

Companies.	Paid up Capital Stock or Assets.	Risks Written.	Premiums Received.	Losses Paid.	Excess of Premiums over Losses.	Excess of Losses over Premiums.	No. of Years the Co. has been in the State.
Ætna Ins. co., Hartford, Conn	\$4,000,000 00	\$4,595,434 62	\$196,170 92	\$163,534 76	\$32,636 16		20
American Central Ins. co., St. Louis, Mo.	600,000 00	4,454,800 00	57,198 77	47,099 37	10,099 40		13
British-America Ass. co., Toronto, Can.	500,000 00	1,060,799 00	Incomplete.	22,052 08			5
Citizens' Ins. co., St. Louis, Mo.	200,000 00	310,950 00	5,417 00	6,835 00		\$1,418 00	5
Commercial Union Ass.co., London, Eng	2,368,554 66	2,518,247 00	138,959 89	81,711 08	57,248 81		10
Connecticut Fire Ins.co., Hartford,Conn	1,000,000 00	5,928,400 00	96,788 97	80,077 52	16,711 45		15
Continental Ins. co., New York, N. Y.	1,000,000 00	25,770,174 00	370,675 04	277,773 02	98,902 02		11
California Ins. co., San Francisco, Cal.	600,000 00	2,463,676 09	34,868 06	10,617 20	24,250 86		3
Commercial Ins. co., San Francisco, Cal.	200,000 00	2,044,227 33	45,577 63	20,157 00	25,420 63		2
City of London Fire Ins.co., London,Eng	1,000,000 00	4,309,858 84	73,767 93	65,055 96	8,711 97		3
Crescent Ins. co., New Orleans, La	600,000 00	11,748,842 20	244,974 17	156,304 68	88,669 49		5
East Texas Fire Ins. co., Tyler, Texas...	100,000 00	23,501,966 27	595,994 02	393,817 66	202,176 36		10
Factors' and Traders' Ins. co., N. O., La.	700,000 00	5,001,045 00	114,771 20	17,361 39	97,409 81		3
Fire Ass'n, Philadelphia, Pa.	500,000 00	24,140,123 02	337,936 04	252,641 40	85,294 67		9
Fire Ins. Ass'n, London, Eng	967,581 45	11,494,328 13	172,296 15	116,793 27	55,502 88		5
Fireman's Fund Ins. co., San Frisco, Cal.	750,000 00	1,197,150 00	Incomplete.	Incomplete.			6
Franklin Fire Ins. co., Philadelphia, Pa.	400,000 00	1,620,158 00	26,961 74	13,466 63	13,495 11		3
Galveston Ins. co, Galveston, Texas		Incomplete.	185,960 00	11,183 00	74,777 00		7
German-American Ins. co., N. Y., N. Y.	1,000,000 00	13,404,180 00	186,446 96	137,722 32	46,724 59		13
German Ins. co., Freeport, Ill.	200,000 00		60,883 90	47,776 86	12,107 04		3
Germania Fire Ins. co., New York, N. Y.	1,000,000 00	Incomplete.	201,171 64	194,340 00	6,831 64		20
Girard Fire and Marine Ins.co, Phila. Pa	300,000 00	3,629,691 00	72,991 87	43,642 21	29,349 66		4
Glens Falls Ins. co., Glens Falls, N. Y.	200,000 00	1,314,809 00	24,807 17	18,780 76	6,026 41		2
Hamburg-Bremen Fire Ins. co., Germ'y	300,000 00	12,144,799 22	212,790 73	172,611 49	40,179 24		11
Hanover Fire Ins. co., New York, N. Y.	1,000,000 00	2,626,900 67	396,667 72	173,366 13	223,301 59		20
Hartford Fire Ins. co., Hartford, Conn.	1,250,000 00	41,441,123 00	429,439 85	375,366 40	54,073 45		15
Home Ins. & Banking co., Galveston, Tex		Incomplete.					12
Home Ins. co., New York, N. Y.	3,000,000 00	Incomplete.	599,213 98	589,705 30	9,508 68		20
Houston Ins. co., Houston, Texas	300,000 00	19,321,139 00	123,080 21	39,446 06	83,634 15		10
Howard Ins. co., New York, N. Y.	500,000 00	2,117,267 00	35,389 18	34,689 13	700 05		5
Imperial Fire Ins. co., London, Eng...	1,478,580 24	8,691,247 15	141,786 30	71,956 77	69,729 53		9
Ins. Co. of N. Am., Philadelphia, Pa.	3,000,000 00	8,016,129 00	338,326 84	270,871 62	67,455 22		10
La Confiance Ins. co., Paris, France	115,066 01	5,807,612 33	95,276 00	57,039 86	38,236 14		3
Lamar Ins. co., New York, N. Y.	200,000 00	20,250 00	638 62	Incomplete			
Lancashire Ins. co., Manchester, Eng...	1,488,322 36	20,215,407 98	302,025 92	234,107 47	67,918 45		10
Liverp'l, London & Globe Ins. co., Liv'p.	5,771,959 71	58,557,890 25	873,215 15	629,442 64	243,772 57		9
Lion Fire Ins. co., London, England	712,501 40	3,873,085 33	53,737 04	30,412 63	13,324 41		5
London & Lancashire Fire Ins. co., Liv'p.	1,415,424 45	7,413,393 35	102,812 02	65,054 76	37,757 26		6
London & Provincial Fire Ins. co., Lond.	510,648 57	964,809 00	14,176 56	8,820 44	6,356 12		3
London Ins. Corporation, London, Eng.	1,406,279 18	Incomplete	79,188 82	104,620 83		25,423 01	4
Manhattan Fire Ins. co., New York, N. Y.	250,000 00	1,731,147 00	17,324 90	12,531 71	4,793 19		2
Merchants' Ins. co., Galveston, Texas.	125,000 00	Incomplete	50,556 00	41,135 00	9,421 00		9
Mechanics' Mut'l Ins.co., Milwaukee, Wis		358,623 00	10,777 09	12,776 76		1,999 67	1
Merchants' Ins. co., Newark, N. J.	400,000 00	4,121,123 83	74,306 92	54,929 44	19,377 48		3
Metropole Ins. co., Paris, France	543,880 31	917,519 00	12,854 72	8,940 33	4,014 39		4
National Fire Ins. co., Hartford, Conn.	1,000,000 00	7,427,773 00	102,231 72	64,062 41	38,169 31		13
National Fire Ins. co., New York, N. Y.	200,000 00	1,208,841 00	11,561 16	6,450 92	5,110 24		3
New Orleans Ins. Ass., New Orleans, La.	300,000 00	23,099,948 09	426,314 74	242,029 88	184,284 86		5
New Orleans Ins. co., New Orleans, La.	500,000 00	3,294,330 49	65,243 31	34,672 51	30,570 74		4
Niagara Fire Ins. co., New York, N. Y.	500,000 00	10,380,377 00	180,305 21	118,511 23	61,793 98		4
North'n Ass. co., London & Aber'd'n, G. B	1,294,526 57	4,883,276 84	69,336 04	31,731 91	37,604 13		4
N. Brit. & Mercantile Ins. co., Lon. & Ed'g	3,301,747 61	Incomplete.	253,880 55	231,517 32	22,363 03		18
N. Ger. Fire Ins. co., Hamburg, Germ'ny	441,537 79	2,031,286 00	30,592 64	23,544 53	7,048 11		7
N. W. National Ins. co., Milwaukee, Wis	600,000 00	4,667,252 00	50,370 34	37,763 38	13,106 96		6
Oakland Home Ins. co., Oakland Cal.	200,000 00	171,637 50	Incomplete.				2
Phenix Ins. co., Brooklyn, N. Y.	1,000,000 00	26,810,015 00	344,957 26	250,786 53	94,170 73		16
Phenix Ass. co., London, England	1,503,476 00	4,661,955 34	64,124 18	36,852 21	27,271 97		4
Phenix Ins. co., Hartford, Conn.	2,000,000 00	21,862,080 00	366,424 50	246,052 53	120,371 97		19
Queen Ins. co., Liverpool, England	873,169 75	13,934,423 41	192,102 76	185,619 32	6,483 44		9
Royal Ins. co., Liverpool, England	4,444,773 79	2,034,711 25	412,483 04	317,795 29	94,687 75		10
Scottish Un'n & Nat'l Ins.co., Edinburg.	1,114,546 68	3,913,698 00	46,658 54	38,605 54	8,053 00		4
Springf'd F & Marine Ins.co., Sp'd, Mass	1,000,000 00	18,653,876 00	304,518 31	211,581 59	92,936 72		10
Standard Fire Office, London, England	680,365 95	3,844,785 00	36,733 29	10,802 43	25,930 86		2
Star Fire Ins. co., of New York, N. Y.	500,000 00	Incomplete.					2
St. Paul Fire & M. Ins. co., St. Paul, Min	5,000,000 00	2,170,360 00	180,076 29	173,643 23	6,433 06		4
Sun Fire Office, of London, England	1,477,932 97	9,849,774 21	106,687 48	45,901 97	60,785 51		11
Sun Ins. co., of San Francisco, Cal.	300,000 00	1,268,504 00	19,109 29	4,944 45	14,164 84		2

Statement of Business, etc., of Insurance Companies in Texas—continued.

Companies.	Paid up Capital Stock or Assets.	Risks Written.	Premiums Received.	Losses Paid.	Excess of Premiums over Losses.	Excess of Losses over Premiums.	No of the Years Co. has been in the State.
Sun Mutual Ins. co., of New Orleans, La	\$497,382 80	\$2,245,640 41	\$145,095 26	\$96,993 29	\$48,101 97	.....	2
Texas Banking & Ins. co., of Galveston.	.....	.....	.....	.....	.....	.....	6
Traders' Ins. co., of Chicago, Ill.....	500,000 00	8,239,071 76	139,063 33	98,385 50	40,677 83	.....	11
Transatlantic Fire Ins. co., Hamburg, G'y	486,458 37	1,521,170 00	21,096 56	7,048 52	14,048 04	.....	6
Union Fire & Marine Ins. co., Galv. Tex.	.....	.....	.....	.....	.....	.....	15
Watertown Ins. co., of Watertown, N.Y.	200,000 00	Incomplete.	34,408 86	15,261 78	19,147 08	.....	2
Western Ass. co., Toronto, Canada.....	879,431 34	9,825,935 00	339,192 77	157,824 15	81,368 62	.....	8
West'n F. & Mar. Ins. co., S. Francisco, Cal	200,000 00	1,066,307 35	32,426 25	10,235 05	22,191 20	.....	3
West'n Texas Ins. co., San Antonio, Tex	76,000 00	876,893 00	14,559 94	10,901 82	3,658 12	.....	1
Wmsburg City F. Ins. co., Brooklyn, N.Y	250,000 00	2,103,785 00	35,254 40	14,224 28	21,030 12	.....	4
American Fire, Philadelphia.....	400,000 00	528 763 00	Incomplete.	Incomplete.	Incomplete	.....	3 m
Southern Insurance co.....	249,900 00	1,045,305 00	21,390 61	4,594 87	16,795 74	.....	9 m
Hibernia, New Orleans.....	400,000 00	1,035,158 00	20,979 22	1,219 76	19,754 46	.....	9 m
Citizens' Ins. co.....	300,000 00	1,925,428 33	25,541 60	19,335 89	5,705 71	.....	1
Warwick Union, England.....	1,124,819 76.	Incomplete.	20,494 72	26,650 67	.....	6,155 95	.....
Pennsylvania Fire, Philadelphia.....	400,000 00	380,212 00	.....	.....	.....	.....	3 m

RECAPITULATION.

Amount of premiums received.....	\$10,851,536 99
Amount of losses paid.....	\$8,016,018 49
Excess of premiums over losses.....	\$2,835,518 50

LIST OF INSURANCE COMPANIES THAT HAVE FILED THEIR ANNUAL STATEMENTS.

- Williamsburg City Fire Insurance company of Brooklyn, NY.
- Phoenix Insurance company of Hartford, Ct.
- American Central Insurance company of St. Louis, Mo.
- Merchants' Insurance company of Newark, N. J.
- Connecticut Fire Insurance company of Hartford, Ct.
- Etna Fire Insurance company of Hartford, Ct.
- Scottish Union and National Fire Insurance company of Edinburgh, Scotland.
- Lion Fire Insurance company of London, England.
- Traders' Fire Insurance company, Chicago, Ill.
- American Fire Insurance company of Philadelphia, Pa.
- Hartford Fire Insurance company of Hartford, Ct.
- North British and Mercantile Fire Insurance company of London and Edinburgh.
- St. Paul Fire and Marine Insurance company of St. Paul, Minn.
- National Fire Insurance company of Hartford, Ct.
- Phoenix Assurance Fire Insurance company of London, Eng.
- Southern Insurance company of New Orleans, La.
- Hamburg-Bremen Insurance company of Hamburg, Germany.
- Imperial Fire Insurance company of London, England.
- Girard Fire and Marine Insurance company of Philadelphia, Pa.
- Home Insurance company of New York, N. Y.
- Union Marine Insurance company of Liverpool, England.
- German American Insurance company of New York, N. Y.
- Springfield Fire and Marine Insurance company of Springfield, Mass.
- Thames and Mersey Marine Insurance company of England.
- Hibernia Insurance company of New Orleans, La.
- Sun Insurance company of San Francisco, Cal.
- East Texas Fire Insurance company of Tyler, Texas.
- Niagara Fire Insurance company of New York, N. Y.
- Germania Fire Insurance company of New York, N. Y.
- British and Foreign Marine Insurance company of Liverpool, England.

- Sun Fire Office Insurance company of London, England.
 - Western Assurance company of Toronto, Canada.
 - Hanover Insurance company of New York, N. Y.
 - Citizens Insurance company of New York, N. Y.
 - Commercial Insurance company of San Francisco, California.
 - Norwich Union Fire Insurance company of Norwich, Eng.
 - British America Assurance company of Toronto, Canada.
 - Fire Association Insurance company of Philadelphia, Pa.
 - Northern Assurance company of Aberdeen and London, Great Britain.
 - Trans-Atlantic Fire Insurance company of Hamburg, Germany.
 - Factors' and Traders' Insurance company of New Orleans, La.
 - City of London Fire Insurance company of London, Eng.
 - Fireman's Fund Insurance company of San Francisco, Cal.
 - London and Lancashire Insurance company of Liverpool, England.
 - Royal Insurance company of Liverpool, England.
 - Pennsylvania Fire Insurance company of Philadelphia, Pa.
 - Commercial Union Assurance company of London, England.
 - Phoenix Insurance company of Brooklyn, New York.
 - New Orleans Insurance Association of New Orleans, La.
 - Fire Insurance Association of London, England.
 - Lancashire Insurance company of Manchester, England.
 - Insurance Company of North America of Philadelphia, Pa.
 - Liverpool, London and Globe Insurance company, London, England.
 - California Insurance company, San Francisco, California.
- The eighth, ninth and tenth sections cannot now be answered, as articles 2965 and 2966 of the Revised Statutes of the State of Texas do not require companies to file their annual statements on the first day of January, but on that day, or within sixty days thereafter.

H. P. BEE, Commissioner.

On motion of Senator Jerdone, Senate bill No. 203, "An act to amend article 122 of the Penal Code of the State of Texas," was taken up out of its regular order and read third time.

Senator Harrison offered to amend by adding city attorneys and marshals.

Senator Kleberg offered to amend the amendment by adding hide and animal inspector of towns, cities or counties.

Lost.

Senator Kleberg offered to substitute the amendment by adding "and all other city, county and State officials."

Accepted, and adopted by the following vote:

YEAS—23.

Bell,	Glasscock,	Knittel,
Calhoun,	Hall,	Peacock,
Davis,	Harrison,	Pope,
Evans,	Houston of Bexar,	Randolph,
Farrar,	Houston of Wheeler,	Shannon,
Fowler,	Jerdone,	Terrell,
Garrison,	Kilgore,	Woods.
Getzendaner,	Kleberg,	

NAYS—none.

ABSENT, NOT VOTING.

Jones, Pfeuffer.

The bill was passed.

Senator Davis called up Senator Harrison's motion to reconsider the vote by which the Senate refused to suspend the constitutional rule on the final reading of Senate bill No. 187.

The motion to reconsider was adopted, and

The rules were suspended by the following vote:

YEAS—25.

Bell,	Hall,	Knittel,
Calhoun,	Harrison,	Peacock,
Davis,	Houston of Bexar,	Pfeuffer,
Evans,	Houston of Wheeler,	Pope,
Farrar,	Jerdone,	Randolph,
Fowler,	Jones,	Shannon,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Woods.
Glasscock,		

NAYS—none.

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

YEAS—21.

Bell,	Getzendaner,	Kleberg,
Calhoun,	Glasscock,	Knittel,
Davis,	Hall,	Peacock,
Evans,	Houston of Bexar,	Pfeuffer,
Farrar,	Jerdone,	Randolph,
Fowler,	Jones,	Shannon,
Garrison,	Kilgore,	Terrell.

NAYS—2.

Harrison, Woods.

ABSENT, NOT VOTING.

Houston of Wheeler, Pope.

Senator Getzendaner moved to take up and dispose of Senate bills and House bills on third reading.

Adopted.

Senate bill No. 124, "An act to amend section 2 of an act entitled 'an act to provide for the payment of the expenses of attached witnesses in felony cases,'" was laid before the Senate and read third time.

Senator Bell offered the following amendment:

Amend by adding:

Section 1. Be it enacted by the Legislature of the State of Texas, That any witness who may have been recognized or attached and given bond for his appearance before any court out of the county of his residence to give testimony in a felony

case or before the grand jury of such county, and who shall appear in compliance with the obligations of such recognition or bond, shall be allowed his actual traveling expenses not to exceed three cents per mile going to and returning from the court by the nearest practicable conveyance, and one dollar per day for each day he may be necessarily absent from home as a witness in such case or before such grand jury.

And amend caption to conform to this amendment.

Adopted by the following vote:

YEAS—22.

Bell,	Hall,	Peacock,
Calhoun,	Houston of Bexar,	Pfeuffer,
Evans,	Jerdone,	Pope,
Farrar,	Jones,	Randolph,
Fowler,	Kilgore,	Shannon,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Woods.
Glasscock,		

NAYS—none.

ABSENT, NOT VOTING.

Davis, Harrison, Houston of Wheeler

Bill passed.

Senate bill No. 180, "An act to amend section 4 an act to redistrict the State into judicial districts and to fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884," was laid before the Senate.

Read third time and passed.

Senate bill No. 182, "An act to amend articles 15 and 158 in chapter 2, title 6 of the Penal Code," was taken up,

Read third time and passed.

Senate bill No. 197, "An act to amend articles 16 170 and 172, chapter 4, title 6 of the Penal Code was taken up,

Read third time and passed.

Senate bill No. 146, "An act to amend article 1 of the Code of Criminal Procedure," was taken up

Read third time and passed.

Committee substitute for Senate bill No. 65, "An act to amend article 690, chapter 90 of the Penal Code, as amended April 4, 1881," was taken up, and

Read third time and passed.

Senate bill No. 174, "An act to amend section 4 an act entitled 'an act to provide for an organization of a board to direct, supervise and control the work of making statements of amount of claims by the State of Texas against the United States for frontier protection,' etc., etc., was taken up, and

Read third time and passed.

House bill No. 278, "An act to create the Nolan land district," was taken up,

Read third time and passed.

Substitute House bill No. 27, "An act to authorize the transfer of occupation licenses," was taken up

Read third time and passed by the following vote

YEAS—14.

Bell,	Hall,	Kilgore,
Calhoun,	Houston of Bexar,	Knittel,
Farrar,	Houston of Wheeler,	Pope,
Fowler,	Jerdone,	Randolph,
Glasscock,	Jones,	

NAYS—10.

Davis,	Kleberg,	Shannon,
Evans,	Peacock,	Terrell,
Garrison,	Pfeuffer,	Woods.
Getzendaner,		

Senator Bell submitted the following privileged message:

COMMITTEE ROOM,
AUSTIN, February 25, 1885.

Wm. M. Gibbs, President of the Senate:
The Committee on Engrossed Bills have carefully examined and compared Senate bill No. 235, being "An act to authorize several county commissioners' courts of the State of Texas to provide for more than four terms of the county court annually for the transaction of civil, criminal and probate business, and the times at which all the terms of said county courts shall be held," and find the same correctly engrossed.

BELL, Chairman.

The President gave notice of signing House bill No. 375, "An act to prescribe the time of holding district courts in the twenty-first judicial district so as to allow additional time for holding said district in Burleson county;" and

House joint resolution No. 20, requesting our Senators and Representatives in Congress to aid in establishing a national trail for the outlet of Texas

On motion of Senator Harrison, substitute House bill No. 237, to be entitled "An act to alter the corporate limits of the city of Waco," taken up.

Senator Harrison moved to suspend the constitutional rule and place the bill on the second reading. Adopted by the following vote:

YEAS—24.

Calhoun,	Glasscock,	Knittel,
Davis,	Hall,	Peacock,
Evans,	Harrison,	Pfeuffer,
Farrar,	Houston of Bexar,	Pope,
Fowler,	Jerdone,	Randolph,
Garrison,	Jones,	Shannon,
Getzendaner,	Kilgore,	Terrell,
	Kleberg,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Houston of Wheeler.

Bill read second time and passed to third reading.

On motion of Senator Harrison the constitutional rule was suspended and the bill put on third reading by the following vote:

YEAS—23.

Calhoun,	Glasscock,	Peacock,
Davis,	Harrison,	Pfeuffer,
Evans,	Houston of Wheeler,	Pope,
Farrar,	Jerdone,	Randolph,
Fowler,	Jones,	Shannon,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Woods.
	Knittel,	

NAYS—none.

ABSENT, NOT VOTING.

Houston of Bexar.

Bill read third time and passed by the following vote:

YEAS—22.

Calhoun,	Glasscock,	Peacock,
Davis,	Hall,	Pfeuffer,
Evans,	Harrison,	Pope,
Farrar,	Jerdone,	Randolph,
Fowler,	Jones,	Shannon,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Houston of Bexar, Houston of Wheeler, Knittel.

Senator Fowler moved to suspend the constitutional rule and take up House bill No. 250, to be entitled "An act to amend section 34 of an act entitled 'an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883."

Adopted, and bill taken up.

On motion of Senator Fowler,

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

YEAS—24.

Bell,	Glasscock,	Knittel,
Calhoun,	Hall,	Peacock,
Davis,	Houston of Bexar,	Pfeuffer,
Evans,	Houston of Wheeler,	Pope,
Farrar,	Jerdone,	Randolph,
Fowler,	Jones,	Shannon,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Harrison.

Bill read second time and passed to third reading.

Senator Fowler moved a suspension of the rules to put the bill on third reading.

Adopted by the following vote:

YEAS—25.

Bell,	Hall,	Knittel,
Calhoun,	Harrison,	Peacock,
Davis,	Houston of Bexar,	Pfeuffer,
Evans,	Houston of Wheeler,	Pope,
Farrar,	Jerdone,	Randolph,
Fowler,	Jones,	Shannon,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Woods.
Glasscock,		

NAYS—none.

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

YEAS—23.

Bell,	Glasscock,	Knittel,
Calhoun,	Hall,	Pfeuffer,
Davis,	Houston of Bexar,	Pope,
Evans,	Houston of Wheeler,	Randolph,
Farrar,	Jerdone,	Shannon,
Fowler,	Jones,	Terrell,
Garrison,	Kilgore,	Woods.
Getzendaner,	Kleberg,	

NAYS—none.

ABSENT, NOT VOTING.

Harrison,

Peacock.

House bill No. 49, to be entitled "An act to repeal an act entitled 'an act to authorize counties to issue bonds for bridge purposes, and to levy a tax to pay the same; also to validate bonds heretofore issued for bridge purposes,' passed at the called session of the Eighteenth Legislature," was taken up on its second reading.

On motion of Senator Jones,

The bill was postponed and made special order for Wednesday next after morning call, and to continue from day to day until disposed of.

Senator Randolph moved to adjourn until to-morrow morning at 10 o'clock.

Lost.

House bill No. 136, "An act to amend chapter 79 of the acts of 1883, entitled 'an act to amend section 46 of an act to encourage stockraising and to protect stockraisers,' approved April 22, 1879, and amended April 4, 1881, and April 12, 1883," was taken up, and first and second committee amendments adopted.

Senator Woods offered the following amendment:

Amend by adding Lavaca to the list of exempted counties.

Adopted.

Senator Houston of Wheeler offered the following amendment:

Amend by adding the county of Young to the list of exempted counties.

Adopted.

Bill passed to third reading.

On motion of Senator Kleberg,

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

YEAS—24.

Bell,	Glasscock,	Knittel,
Calhoun,	Hall,	Peacock,
Davis,	Houston of Bexar,	Pfeuffer,
Evans,	Houston of Wheeler,	Pope,
Farrar,	Jerdone,	Randolph,
Fowler,	Jones,	Shannon,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Harrison.

Bill read third time and passed by the following vote:

YEAS—24.

Bell,	Hall,	Knittel,
Calhoun,	Harrison,	Peacock,
Davis,	Houston of Bexar,	Pfeuffer,
Evans,	Houston of Wheeler,	Pope,
Farrar,	Jerdone,	Randolph,
Fowler,	Jones,	Shannon,
Getzendaner,	Kilgore,	Terrell,
Glasscock,	Kleberg,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Garrison.

On motion of Senator Pope,
The Senate adjourned till 10 o'clock to-morrow morning.

THIRTY-EIGHTH DAY.

SENATE CHAMBER,
AUSTIN, February 26, 1885. }

Senate met pursuant to adjournment.
Lieutenant-Governor Gibbs in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain, Dr. Smoot.
On motion of Senator Terrell,
The reading of the journal of yesterday was dispensed with.

REPORTS OF STANDING COMMITTEES.

By Senator Getzendaner:

COMMITTEE ROOM,
AUSTIN, February 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred Senate bill No. 202, entitled "An act to be entitled a special act for the relief of and better administration of and employment of the lands and properties dedicated to the use of the State Agricultural and Mechanical College in the county of Brazos, by abolishing and discontinuing certain public roads established, lain off and running through the lands of said college," have had the same under consideration and instruct me to report it back with the recommendation that it be considered in the committee of the whole.

And that 100 copies be printed for the use of the Senate.

All of which is respectfully submitted.

GETZENDANER, for Committee.

Bill read first time.

By Senator Harrison:

COMMITTEE ROOM,
AUSTIN, February 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 210, entitled "An act to amend section 8 of 'an act establishing and prescribing the manner of ascertaining the boundaries of counties,'" have had the same under consideration, and instruct me to report it back with the recommendation that it do pass, and we would suggest that it be considered in conjunction with Senate bill No. 152, which is upon the same subject.

All of which is respectfully submitted.

HARRISON, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 105, entitled "An act to create the county of Val Verde and to provide for its organization," have had the same under consideration, and instruct me to report it back with the recommendation that it be considered in a committee of the whole Senate.

All of which is respectfully submitted.

HARRISON, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 116, entitled "An act to create and organize the county of Val Verde," have had the same under consideration, and instruct me to report it back with the recommendation that it lie on the table, as another bill upon the same subject has been reported.

All of which is respectfully submitted.

HARRISON, Chairman.

Bill read first time.

By Senator Shannon:

COMMITTEE ROOM,
AUSTIN, February 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 245, entitled "An act to define the duties of telegraph companies in the transmission of messages, and to provide adequate penalties for the enforcement thereof," and also Senate bill No. 117, entitled "An act to regulate telegraph companies within the State," have had the same under consideration, and unanimously instruct me to report Senate bill No. 245 favorable, and that Senate bill No. 117 be reported back to the Senate, to be considered in connection with Senate bill No. 245.

All of which is respectfully submitted.

SHANNON, Chairman.

Bill read first time.
By Senator Houston of Bexar:

COMMITTEE ROOM,
AUSTIN, February 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 227, entitled "An act to repeal article 2384 of the Revised Statutes," have carefully examined the same, and a majority of your committee instruct me to report the same back with the recommendation that it do not pass.
All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 225, entitled "An act to enable servants and employees to maintain actions for damages for personal injuries sustained at the hands of a co-employee or fellow servant," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do not pass.
All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred House bill No. 174, entitled "An act for the relief of Virginia E. Littlepage, and to authorize the county court of Travis County to issue to her letters of administration on the estate of Caleb V. Littlepage," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 25, 1885.

Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred substitute House bill No. 126, entitled "An act to amend article 353, of chapter 3, title 11 of the Penal Code of the State of Texas, have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it be referred to Judiciary Committee No. 2.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, February 25, 1885.

Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 36, entitled "An act to amend article 625 of the Code of Criminal Procedure, relating to challenges to the article" have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 25, 1885.

Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred the Memorial of citizens of Live Oak county, asking that civil and criminal jurisdiction of the county court of Live Oak county be restored," have carefully examined the same, and instruct me to report the same back to the Senate with the recommendation that it lie on the table, the Senate having already taken action upon the subject.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

BILLS AND RESOLUTIONS.

By Senator Randolph:

"An act to authorize the Comptroller of Public Accounts to extend the time for a forced collection of taxes, by seizure and sale of personal property, till July 1, 1885."

Referred to Finance Committee.

Senator Randolph offered the following resolution:

Resolved, That the Senate allow Gen. Walker, the superintendent of the Capitol building, the use of the chairs in the Senate chamber on next Monday, to be used at the laying of the corner stone of the new Capitol.

Adopted by the following vote:

YEAS—15.

Bell,	Harrison,	Pope,
Calhoun,	Houston of Bexar,	Randolph,
Camp,	Jones,	Shannon,
Fowler,	Knittel,	Stinson,
Glasscock,	Peacock,	Terrell.

NAYS—10.

Evans,	Hall,	Kilgore,
Farrar,	Houston of Wheeler,	Pfeuffer,
Garrison,	Jerdone,	Woods.
Getzendaner,		

ABSENT, NOT VOTING.

Davis, Kleberg.

Senator Harrison moved to reconsider the vote by which the resolution was adopted.

Lost.

By Senator Stinson:

"An act to amend article 182 of the Revised Civil Statutes," etc.

Referred to Judiciary Committee No. 2.

By Senator Evans:

"An act to amend articles 2725 and 2726 of the Revised Statutes."

Referred to Committee on State Affairs.

Senator Jones moved to postpone the regular and special orders and take up Senate bill No. 236, "An act amendatory of 'an act relating to the commission of arbitration and award, defining the powers and duties thereof, and to make appropriations to pay the salaries of the judges thereof,' approved March 20, 1883, and which was amendatory of an act relating to the same subject, approved February 9, 1881."

Withdrawn.

Senate bill No. 142, "An act to amend sections 2, 9, 12, 22, 23, 29, 30, 33, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 51, 53, 54, 56, 57, 59, 60, 61, 62, 63, 64, 68, 73, 75, 77, 78, 79, 79d, 83, 84, 85 and 87, of an act entitled 'an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, title 78 of the Revised Civil Statutes of Texas as refer to public free schools outside of incorporated cities and towns, assuming, or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act,' the same being chapter 25, general laws of the special session of the Eighteenth Legislature, 1884, and to add thereto as new sections, sections 12a, 12b, 12c, 12a, 12e, and sections 58a, 58b, 58c, and repealing all laws and parts of laws in conflict with the provisions of this act and the original act of which it is amendatory," was laid before the Senate as first special order.

On motion of Senator Pfeuffer,
The Senate went into the committee of the whole
on the consideration of the pending bill.

IN COMMITTEE OF THE WHOLE.

(Senator Kleberg in the chair.)

IN THE SENATE.

(Senator Shannon, President pro tem., in the chair.)

Senator Kleberg, chairman of the committee of the whole, reported progress, and asked leave to sit again.

Adopted.

By leave the following bills were introduced:

By Senator Jones:

"An act to provide for the safe keeping and preservation of the Texas exhibit at the New Orleans World's Fair."

Referred to Committee on State Affairs.

By Senator Jerdone:

"An act to restrict the employment of sailors and crews of foreign vessels from rolling cotton, handling cargo or laboring on the wharves or levees of ports in the State of Texas beyond the end of the ship's tackle."

Referred to Committee on State Affairs.

The President pro tem. gave notice of signing substitute House bill No. 338, "An act to re-enact section 28 of an act entitled 'an act to redistrict the State into judicial districts, and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883,' and to amend said section 28 of said act."

By Senator Jerdone:

"An act to amend article 1066 of the Code of Criminal Procedure," etc.

Referred to Judiciary Committee No. 2.

By leave, the following reports were sent up:

By Senator Peacock:

COMMITTEE ROOM,
AUSTIN, February 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 215, entitled "An act to amend title 17, chapter 9 of the Revised Civil Statutes, by adding thereto article 474a," have had the same under consideration, and a majority of said committee instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

PEACOCK, for Committee.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 10, entitled "An act to amend articles 1204 and 1389, in title 29 of the Revised Civil Statutes of the State of Texas," have had the same under consideration, and a majority of your committee instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

PEACOCK, for Committee.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 22, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 9, entitled "An act to amend articles 3201, 3223 and 3225 of the Revised Civil Statutes of the State of Texas, adopted by the regular session of the Sixteenth Legislature," have had the same under consideration, and a majority of your committee instruct me to report it back with amendment and recommend that it do not pass.

All of which is respectfully submitted.

PEACOCK, for Committee.

COMMITTEE AMENDMENT.

Strike out section 3 of the bill.

Bill read first time.

Senator Stinson sent up the following privileged reports:

COMMITTEE ROOM,
AUSTIN, February 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 217, being "An act to repeal an act granting land certificates of 1280 acres to the surviving soldiers of the Texas Revolution, and to repeal an act approved April 26, 1879," etc., and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 100, being "An act to repeal an act approved March 28, 1883, entitled 'an act to provide annual pensions for the surviving soldiers or volunteers of the Texas Revolution, and the surviving signers of the Declaration of Independence of Texas, and the surviving widows of such soldiers, volunteers and signers,'" and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 187, being "An act confirming patents and surveys by virtue of headright, donation, military and bounty warrants issued under special laws enacted after March 31, 1870, and prior to April 18, 1876," and find the same correctly engrossed.

BELL, Chairman.

Senator Jones renewed the motion to suspend the order of business and take up Senate bill No. 236, "An act relating to the commission of arbitration and awards," etc.

Adopted.

The bill was read the second time and ordered engrossed.

On motion of Senator Jones,

The constitutional rule was suspended, and

The bill was placed on its third reading by the following vote:

YEAS—26.

Bell,	Hall,	Peacock,
Calhoun,	Harrison,	Pfeuffer,
Camp,	Houston of Bexar,	Pope,
Evans,	Houston of Wheeler,	Randolph,
Farrar,	Jerdone,	Shannon,
Fowler,	Jones,	Stinson,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Woods,
Glasscock,	Knittel,	

NAYS—none.

ABSENT, NOT VOTING.

Davis.

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

YEAS—26.

Bell,	Hall,	Peacock,
Calhoun,	Harrison,	Pfeuffer,
Camp,	Houston of Bexar,	Pope,
Evans,	Houston of Wheeler,	Randolph,
Farrar,	Jerdone,	Shannon,
Fowler,	Jones,	Stinson,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Woods.
Glasscock,	Knittel,	

NAYS—none.

ABSENT, NOT VOTING.

Davis.

On motion of Senator Kleberg, Senate bill No. 221, "An act to amend article 4257 of the Revised Civil Statutes of the State of Texas," was referred back to the Committee on Internal Improvements.

Senator Jones moved to excuse Senator Davis indefinitely.

Senator Pope seconded the motion.

Adopted.

On motion of Senator Terrell, Senate bill No. 238, "An act to create the Webb land district," was taken up out of its regular order. Read second time and ordered engrossed.

On motion of Senator Terrell,

The constitutional rule was suspended, and

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

YEAS—14.

Bell,	Hall,	Peacock,
Calhoun,	Harrison,	Pfeuffer,
Camp,	Houston of Bexar,	Pope,
Evans,	Jerdone,	Randolph,
Farrar,	Jones,	Shannon,
Fowler,	Kilgore,	Stinson,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Woods.
Glasscock,		

NAYS—none.

ABSENT, NOT VOTING.

Houston of Wheeler.

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

YEAS—25.

Bell,	Hall,	Peacock,
Calhoun,	Harrison,	Pfeuffer,
Camp,	Houston of Bexar,	Pope,
Evans,	Jerdone,	Randolph,
Farrar,	Jones,	Shannon,
Fowler,	Kilgore,	Stinson,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Woods.
Glasscock,		

NAYS—none.

ABSENT, NOT VOTING.

Houston of Wheeler.

On motion of Senator Fowler, Senate joint resolution No. 10, "Delivering the property known as the Alamo to the city of San

Antonio," was taken up out of the regular order and made special order for to-morrow, the first thing after morning call.

On motion of Senator Farrar,

Senate bill No. 138, "An act to amend chapter 3, title 53 of the Revised Statutes of Texas, by adding thereto article 2971a," was taken up out of its regular order and read the second time.

Senator Farrar offered the following amendment:

Amend in line 8 by inserting after the word "Texas" the words "or which are organized under the laws of any other State."

Adopted.

Senator Farrar offered the following amendment:

Sec. 2. Whereas, the press of business in both houses of the Legislature, and the fact that this Legislature is soon to adjourn, renders it doubtful whether this act can be read on three several days, and an imperative public necessity and emergency exists for the passage of this act; therefore, the rule requiring this act to be read on three several days be and the same is hereby suspended, and this act shall take effect and be in force from and after its passage.

Adopted.

The bill was ordered engrossed.

On motion of Senator Farrar

The constitutional rule was suspended, and the bill was placed on its third reading by the following vote:

YEAS—24.

Bell,	Glasscock,	Knittel,
Calhoun,	Hall,	Peacock,
Camp,	Harrison,	Pfeuffer,
Evans,	Houston of Wheeler,	Pope,
Farrar,	Jerdone,	Shannon,
Fowler,	Jones,	Stinson,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Woods.

NAYS—1.

Randolph.

ABSENT, NOT VOTING.

Houston of Bexar.

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

YEAS—23.

Bell,	Glasscock,	Peacock,
Calhoun,	Hall,	Pfeuffer,
Camp,	Harrison,	Pope,
Evans,	Houston of Wheeler,	Shannon,
Farrar,	Jerdone,	Stinson,
Fowler,	Jones,	Terrell,
Garrison,	Kilgore,	Woods.
Getzendaner,	Kleberg,	

NAYS—1.

Randolph.

ABSENT, NOT VOTING.

Houston of Bexar, Knittel.

On motion of Senator Getzendaner, Senate bill No. 44, "An act to provide for the investment of the permanent free school fund," was taken up and made the special order for Saturday, after the special orders after morning call.

On motion of Senator Terrell,

The Senate adjourned till 10 o'clock to-morrow morning.

THIRTY-NINTH DAY.

SENATE CHAMBER, }
AUSTIN, February 27, 1885. }

The Senate met pursuant to adjournment.
Lieutenant-Governor Gibbs in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain, Dr. Smoot.
On motion of Senator Houston of Wheeler.
The reading of the journal of yesterday was dispensed with.

REPORTS OF STANDING COMMITTEES.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 236, being "An act amendatory of an act relating to the commission of arbitration and award, defining the powers and duties thereof, and to make appropriations to pay the salaries of the judges thereof," approved March 20, 1883, and which was amendatory of an act relating to the same subject, approved July 9, 1881," and find the same correctly engrossed.

BELL, Chairman.

By Senator Getzendanner:

COMMITTEE ROOM,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred Senate bill No. 243, entitled "An act to authorize the county commissioners' court to set aside from year to year not exceeding one-half of the road and bridge tax to establish free bridges across streams having an average width of sixty feet," have had the same under consideration, and a majority of your committee instruct me to report the same back to the Senate with the accompanying amendments, with the recommendation that it do pass as amended.

All of which is respectfully submitted.

GETZENDANNER, acting Chairman.

COMMITTEE AMENDMENTS TO SENATE BILL NO. 243.

1. Amend the caption and the bill by inserting after the words "sixty feet" the words "or more."
2. Amend section 1 by inserting the word "tax-paying" after the word "qualified."
3. Amend section 1 by inserting after the word "court" in eighth line, the words "in the event it is necessary to contract a debt for that purpose."

Bill read first time.

By Senator Randolph:

COMMITTEE ROOM,
AUSTIN, February 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 249, entitled "An act to provide for the safe keeping and preservation of the Texas exhibit at the New Orleans World's Fair," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 247, entitled "An act to restrict the employment of sailors and crews of foreign vessels from rolling cotton, handling cargo or laboring on the wharves or levees of ports in the State of Texas, beyond the end of the ship's tackle," have had the same under consideration, and instruct me to re-

port it back with the recommendation that it do pass, with the following amendment: Amend section 2 by adding the words "in the county jail" after the word "imprisonment."

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 246, entitled "An act to muster into the service of the State minute men, for the protection of the frontier and for the suppression of lawlessness and crime," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 234, entitled "An act for the relief of J. W. Dickey, of Wilson county," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

RANDOLPH Chairman.

Bill read a first time.

COMMITTEE ROOM,
AUSTIN, February 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 248, entitled "An act to amend articles 2725 and 2726 of the Revised Statutes," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

By leave Senator Pfeuffer introduced memorial of Lanigoe, asking for restitution of losses sustained by fire at the Lunatic Asylum while engaged in saving the lives of its inmates and the property of the institution.

Referred to Committee on Claims and Accounts.

Senator Farrar, for special committee on visiting educational institutions, sent up the following report:

COMMITTEE ROOM,
AUSTIN, February 25, 1885.

Hon. Barnett Gibbs, President of the Senate, and Hon. L. L. Foster, Speaker of the House of Representatives:

In compliance with a concurrent resolution of both Houses, the joint committee appointed to investigate the condition of the Agricultural and Mechanical College at Bryan, the Prairie View school and the Sam Houston Normal school at Huntsville, have performed the duty assigned them and beg leave to report:

That on the sixteenth of February, 1885, the committee reached Bryan, and organized by electing L. J. Farrar chairman, and W. H. Lockett, secretary.

The committee inspected the various departments of the college and found them in a very satisfactory condition. After the inspection the students were paraded by Lieut. Mallory, the officer in charge of the military department, who is detailed by the United States government from the army, and the committee were favored with a battalion drill by the cadets, which was highly creditable to them and Lieut. Mallory.

The committee were informed that the military feature of the college was not permitted to interfere with the literary or technical pursuits of the students, and was wholly subordinate to them. The students are drilled twice a week. This is found by actual experience to be a healthful exercise, and in many ways beneficial to the students. As a means of enforcing discipline, obedience and promptness, it is found indispen-

table. The college is situated about six miles from Bryan, and by the maintenance of military discipline the faculty are enabled more effectually to control the student who might be disposed to violate the rules and regulations of the college, and visit places where he would be exposed to the demoralizing influences of dissipation. As a moral agency and as a means of enforcing discipline, the committee commend the military feature of the A. and M. College.

The committee cannot forbear calling attention to the fact that Congress, by an act approved July 2, 1862, endowed this college, and that by the language of said act "the fund appropriated by Congress for this purpose must be used for the support and maintenance of at least one college, where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life."

Under this act of Congress the interest annually paid for the support of the Agricultural and Mechanical College is \$14,280, which is applied to the payment of professors and officers of the college, the law forbidding "the purchase, erection, preservation or repair of any building or buildings out of this fund."

The Legislature of the State has accepted the provisions of the act of Congress of 1862, and cannot in good faith, if there were any disposition to do so, dispense with the military and agricultural features of this institution, and in the opinion of this committee, it would not be advisable to do so. The Agricultural department in the last fiscal year was at an expense of \$667.73, that is to say, the expenditures were in excess of the receipts this amount.

Only eighty-two acres of land were in actual cultivation during the last year, but it is the purpose of General Harde- man to put in cultivation thirty acres more of land the present year and endeavor, as far as possible, to make this department self-sustaining.

The present capacity of this college will accommodate 150 students, and 133 have matriculated this year. Under the present management it costs each student annually \$150, for board, lights, fuel, washing, rooms, physician's fee and matriculation fee. It is very desirable that this expense should be reduced to such an amount as to put it in the power of persons of limited means to educate their sons at an institution endowed by Congress for the purpose of imparting a military and agricultural training.

It is estimated that if the capacity of the college to accomo- date students was doubled the expense to the students might be diminished one-half, or \$75 per annum.

Under existing financial conditions, this committee have no recommendations to make upon this subject, further than to say it would be a wise policy on the part of the State, as soon as it can be done, to so reduce the expenses of the student as to make it to the pecuniary interest and advantage of those wishing to educate their sons, and who are poor, to send them to this college.

If it is the purpose of the State to establish institutions of learning where the student can pursue such courses of study suits him, it would be well to make it possible for the poor, who are now virtually excluded by the amount of expense, to receive a benefit from the State's bounty. It is estimated that it will cost \$25,000 to erect additional buildings sufficient to accommodate 300 students.

We learned from the faculty that three scholarships have been offered by them as a reward for good conduct and profi- ciency in study. One student in this way has a full scholar- ship, one a three-fourths scholarship, and one a half scholar- ship. Every student in the college has an opportunity of se- curing these scholarships as a reward for merit.

We learned that there is no insurance upon any of the build- ings of this college, buildings that have cost the State more than \$150,000, and we further find that no adequate provision is made for extinguishing fire; the college has no fire engine, but it has a few Babcock fire extinguishers which would be utterly useless, except in the early stages of a fire. It is cer- tainly unwise to leave these buildings uninsured, and the com- mittee are of the opinion that an appropriation should be made for their insurance, and that the board of directors should be required to procure insurance on such buildings at least as are most exposed to the casualties of fire. As a part of our report we respectfully refer to the accompanying ex- hibits marked A and B, furnished by the faculty for the pur-

pose of showing how the appropriation made by the Eigh- teenth Legislature has been in part expended.

On the seventeenth of February, 1885, the committee reached Prairie View, and inspected the school located at that place, and found it in very satisfactory condition. The capacity of this school will accommodate seventy students. The number of State students at this school is forty-four. The average daily attendance in 1883-4 was fifty-nine. The estimated daily attendance for 1884-5 is fifty. Three professors are employed in this school. The cost of maintaining each student, in- cluding all expenses of every kind, is ten dollars per month.

We found that this school had on hand about fifty head of cattle, four mules, two horses, five hogs, one hundred and nineteen sheep, ten cows and calves, one wagon and one cart, and the celebrated bull referred to in the Governor's message, bought in 1884 and sent from the A. and M. College to the Prairie View school for recuperation.

At this place there are four houses and one barn. The professors in this school seem to take a lively interest in its prosperity, and are fully alive to the importance of educa- ting the colored race. The committee are of the opinion that this school is well conducted, and is fully answering the ex- pectations of its founders.

SAM HOUSTON NORMAL INSTITUTE.

On the nineteenth of February the committee reached Huntsville and visited the Sam Houston Normal Institute, and spent the day in hearing recitations in the different depart- ments.

There is an average daily attendance at this school of one hundred and seventy-five; there are one hundred and fifty State students in attendance, and fifty students who pay board.

Board is readily obtained in Huntsville for thirteen dollars per month.

During the last term the Institute received from the Pea- body fund the sum of \$4000, which, with the appropriation of \$18,000 made by the Eighteenth Legislature, supported the school in a high degree of efficiency.

The faculty do not ask or seek for any appropriation for re- pairs, thinking the financial condition of the State would for- bid it. The committee found one of the recitation rooms with- out chairs or seats of any kind. Some of the stairways lead- ing from the lower to the upper story are sadly in need of re- pairs. The committee recommend a small appropriation of \$500 to supply one of the recitation rooms with chairs, and to make repairs.

This school is one of which every Texan should be proud. It is a faithful ally to the common school system and has done as much as any other institution of the State to bring about a general diffusion of knowledge, "which is essential to the preservation of the liberties and rights of the people."

- | | |
|------------------|---------------------------|
| A. E. WATSON, | L. J. FARRAR, |
| B. M. CAMP, | Chairman Joint Committee. |
| W. H. LOCKETT, | C. J. GARRISON, |
| G. CHRISTIAN, | R. H. HARRISON, |
| J. H. STEWART, | Senate Committee. |
| House Committee. | |

As a supplement to the foregoing report the committee beg leave to state that the available fund of the Agricultural and Mechanical College will be on the first of March, 1885:

Six per cent State bonds.....	\$35,000 00
Cash.....	3,745 00
Total.....	\$38,745 00

The item of \$35,000 in bonds is accrued interest from the permanent endowment fund created by the act of Congress of 1862, and can be used only for the payment of the salaries of professors and employees, and perhaps the purchase of libra- ries, laboratories, etc., but this amount, since an act of the Legislature in 1876, has been treated as a part of the perma- nent fund.

It is estimated that an appropriation of \$9780 is necessary to supply the annual needs of the college. This is exclusive of the amount necessary to pay six professors, one professor and chairman of faculty, agent of the board, foreman of the shops, and an overseer of farm, which requires \$14,590, which is paid out of the interest on the endowment fund, or a total of \$24,370 for all purposes.

The Eighteenth Legislature appropriated \$10,000 out of the

university fund and \$30,000 out of the general revenue for the "support and maintenance of the A. and M. College."

It will be seen by reference to Exhibit "B," that an amount between \$10,000 and \$20,000 of this appropriation has been used for permanent improvements. Whether "support and maintenance" includes the erection of permanent improvements it is not for this committee to determine,—nor to express any opinion upon the question whether any part of the \$30,000 appropriation from the general revenue could, in view of sections 13 and 14 of article 7 of the Constitution, be applied to the purpose of erecting permanent improvements, but they recommend the passage of a law requiring vouchers to be filed in the Comptroller's office in all cases before any warrant is drawn upon the Treasurer by the Comptroller. It will then devolve upon the Comptroller to determine whether any appropriation made by the Legislature is sought to be used for purposes not designed or authorized by the Legislature, and such a law will be a salutary check upon any board of directors, however honest and conscientious, who might unintentionally seek to apply an appropriation to uses not contemplated by the Legislature.

The committee further suggest that in future reports the board of directors might greatly facilitate an examination of the expenditures of different appropriations, if they would itemize the amounts constituting any particular voucher. While this course would entail labor upon the officer charged with the duty of preparing the report and increase the size of the report, it would certainly be more satisfactory. It affords no information to say that voucher 100 was on account of "farm" in favor of A or B.

The committee would further suggest if there are a larger number of common cows on hand than are absolutely necessary to furnish milk and butter to the students at the college, they should be disposed of, as the expense of keeping and feeding them is by no means inconsiderable.

Respectfully submitted.

L. J. FARRAR, Ch'n Joint Com.,
C. J. GARRISON,
R. H. HARRISON,
Senate Committee.

A. E. WATSON,
B. M. CAMP,
W. H. LOCKETT,
G. CHRISTIAN,
J. H. STEWART,
House Committee.

INVENTORY OF STOCK OF AGRICULTURAL AND MECHANICAL COLLEGE OF TEXAS.

	Cost or appraised value.
I. Mules owned prior to 1883:	
Mollie.....	\$150 00
Sue	100 00
Kit (old).....	75 00
Beck (old).....	50 00— \$375 00
Purchased with appropriation of Eighteenth Legislature:—	
General	\$100 00
Subie	160 00
Lady	160 00
Sallie.....	150 00
Jenny.....	150 00— \$720 00
II. Cattle:	
1 bull (Short Horn, old)	\$50 00
1 Duck or Creole cow (presented)	50 00— \$100 00
Purchased with appropriation of Eighteenth Legislature:	
26 grade or common cows (\$35).....	\$910 00
14 yearling (part) heifers (\$12).....	168 00
6 yearling (part) steers (\$11).....	66 00
3 yearling heifers (\$10).....	30 00
3 yearling bulls (\$9).....	27 00
1 common cow (\$16).....	16 00
14 calves (\$5).....	70 00— \$1287 00

III. Fine cattle, all bought with appropriation of Eighteenth Legislature—

- 1: Dutch Fresian cattle recorded:
- One bull "Roab."
- One heifer, "Jessico."
- One heifer, "Yentje."
- One heifer, "Metje."

2. Galloway cattle recorded:

- One bull, "Admiral Good."
- One heifer, "Almul."
- One heifer, "Admiration."

Cost (actual) delivered at college.....	\$1,766
Appraised value \$30 each.....	\$2,100 00
One Jersey bull, thoroughbred.....	125

IV. Hogs, common and grade, on hand prior to 1883—

2 sows.....	\$12 00
12 shoats.....	36 00
15 shoats.....	45 00
5 shoats.....	60 00
7 pigs.....	3 50— 156

Hogs, thoroughbred, purchased with appropriation of Eighteenth Legislature—

1 Essex boar.....	\$25 00
1 Essex sow.....	25 00
5 Essex shoats, \$10.....	50 00
1 Berkshire boar.....	20 00
2 Berkshire sows.....	30 00— 150

SUMMARY.

Total stock on hand—	
9 mules.....	\$1,095
69 head common and grade cattle.....	1,387
8 head fine cattle (thoroughbred).....	2,225
42 head common and grade hogs.....	156
10 head thoroughbred hogs.....	150
Total value of stock.....	\$5,013

Purchased with appropriations of Eighteenth Legislature:

5 mules, value or cost.....	\$ 720
67 head common and grade cattle.....	1287
10 head thoroughbred hogs.....	150
9 head thoroughbred cattle.....	2225

Value of stock purchased with appropriations of Eighteenth Legislature..... \$4332 00

Respectfully,

LOUIS L. MCINNIS,
Secretary and Treasurer

SUMMARY OF PROPERTY PURCHASED AND REPAIRED WITH APPROPRIATION OF EIGHTEENTH LEGISLATURE, NOW ON HAND AT THE A. AND M. COLLEGE.

Stock, as per exhibit.....	4,383
Farm implements, etc., estimated	1,000
Permanent improvements, agricultural department	6,740
Agricultural department.....	\$12,123
Shop and equipments for mechanical department..	8,346
Chemical and physical apparatus, etc.....	2,266
Mathematics, engineering instruments	656
Repairs and improvements, buildings, etc.....	9,437
	\$32,868
Contingencies, board of laborers, etc.....	2,374
	\$35,243

Balance of appropriation was expended in labor, sundry repairs, etc., as shown by vouchers. The above shows next increase of value of property.
See report, pages 22, 50 to 53.

BILLS AND RESOLUTIONS.

By Senator Hall:

"An act to amend article 542 of the Revised Civil Statutes."

Referred to Committee on State Affairs.
Senator Houston of Wheeler introduced the following resolution:

Be it resolved by the Legislature of the State of Texas That the chaplains of the Senate and House of Representa-

tives be respectfully invited to officiate at the ceremony of laying the corner stone of the new Capitol on the second of March, 1885."

Adopted.

The House concurrent resolution, requesting a survey and report on the navigable condition of West Galveston and San Louis bays by the United States government, was,

On motion of Senator Jerdone,

Taken up and adopted.

By leave, Senator Randolph sent up the following report:

COMMITTEE ROOM,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 253, entitled "An act to amend article 542 of the Revised Civil Statutes," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body of the passage of House bill No. 543, "An act to prescribe the time of holding the district courts in the twenty-first judicial district."

Respectfully,

A. D. SADLER, Chief Clerk.

The President referred House bill No. 543, to Committee on Judicial Districts.

On motion of Senator Shannon,

The Assistant Sergeant-at-Arms, Mr. Stewart, was excused till Friday.

The President gave notice of signing the following bills:

House bill No. 250, "An act to amend section 34 of act entitled 'an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys at the next general election, to be held on the first Tuesday after the first Monday of November, 1884,' approved April 9, 1883."

House bill No. 278, "An act to create the Nolan judicial district."

Substitute House bill No. 237, "An act to alter the corporate limits of the city of Waco."

House bill No. 137, "An act to repeal sections 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 25, 28, 30, 31, 83, 198, 199 and 200, and to amend sections 2, 4, 5, 6, 29, 33, 43, 45, 70, 74, 78, 103, 120, 197, 201, and 203, of an act entitled 'an act to incorporate the city of San Antonio, and grant a new charter to said city,' approved August 13, 1870; and to repeal the act to incorporate the city of San Antonio,' approved July 17, 1856; and an act to amend 'an act to incorporate the city of San Antonio,' approved February 11, 1860; also an act to amend an act entitled 'an act to incorporate the city of San Antonio and grant a new charter to said city,' approved April 9, 1879."

The following message was received from the

HOUSE OF REPRESENTATIVES,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to inform the Senate that the House has concurred in Senate amendments to the following bills:

Substitute House bill No. 27, "An act to authorize the transfer of occupation licenses."

House bill No. 136, "An act to amend chapter 79 of the acts of 1883," etc.

House bill No. 232, "An act to authorize county commissioners' courts to assume control of the streets and alleys of any city or incorporated town," etc.

A. D. SADLER, Chief Clerk.

The hour having arrived,

The Senate went into the committee of the whole on the consideration of Senate bill No. 142, "An act to amend sections 2, 9, 12, 22, 23, 29, 30, 33, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 51, 53, 54, 56, 57, 59, 60, 61, 62, 63, 64, 68, 73, 75, 77, 78, 79, 79d, 83, 84, 85 and 87 of an act entitled 'an act to establish and maintain a system of public free schools for the State of Texas,' and to repeal so much of chapter 3, title 78 of the Revised Civil Statutes of Texas as refer to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act,' the same being chapter 25 general laws of the special session of the Eighteenth Legislature, 1844; and to add thereto as new sections, sections 12a, 12b, 12c, 12d, 12e, and sections 58a, 58b and 58c, and repealing all laws and parts of laws in conflict with the provisions of this act and the original act of which it is amendatory."

(Senator Evans in the chair.)

IN THE SENATE.

(The President in the chair.)

Senator Evans, chairman of the committee of the whole, reported the bill back to the Senate unfavorably.

Senator Terrell moved to adopt the report.

Lost by the following vote:

YEAS—12.

Calhoun,	Houston of Bexar,	Pope,
Camp,	Houston of Wheeler,	Randolph,
Fowler,	Jerdone,	Terrell,
Glascock,	Peacock,	Woods.

NAYS—13.

Bell,	Hall,	Kuittel,
Evans,	Harrison,	Pfeuffer,
Farrar,	Jones,	Shannon,
Garrison,	Kleberg,	Stinson.
Getzender,		

ABSENT, NOT VOTING.

Kilgore.

The following report was sent up by Senator Fowler, by leave:

COMMITTEE ROOM,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred House bill No. 543, entitled "An act to prescribe the time of holding the district courts in the twenty-first judicial district," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

FOWLER, Chairman.

Bill read first time.

On motion of Senator Fowler,
The bill—House bill No. 543—was taken up out of its regular order, and

The bill was placed on its second reading under a suspension of the constitutional rule by the following vote:

YEAS—26.

Bell,	Hall,	Peacock,
Calhoun,	Harrison,	Pfeuffer,
Camp,	Houston of Bexar,	Pope,
Evans,	Houston of Wheeler,	Randolph,
Farrar,	Jerdone,	Shannon,
Fowler,	Jones,	Stinson,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Woods.
Glasscock,	Knittel,	

NAYS—none.

The bill was read third time and ordered engrossed.

On motion of Senator Fowler,

The constitutional rule was suspended, and
The bill was placed on its third reading by the following vote:

YEAS—23.

Bell,	Glasscock,	Peacock,
Calhoun,	Hall,	Pfeuffer,
Camp,	Harrison,	Randolph,
Evans,	Jerdone,	Shannon,
Farrar,	Jones,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Woods.
Getzendaner,	Knittel,	

NAYS—none.

ABSENT, NOT VOTING.

Houston of Bexar, Houston of Wheeler, Pope.

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

YEAS—26.

Bell,	Hall,	Peacock,
Calhoun,	Harrison,	Pfeuffer,
Camp,	Houston of Bexar,	Pope,
Evans,	Houston of Wheeler,	Randolph,
Farrar,	Jerdone,	Shannon,
Fowler,	Jones,	Stinson,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Woods.
Glasscock,	Knittel,	

NAYS—none.

By leave, Senator Shannon sent up the following report:

COMMITTEE ROOM,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 221, to be entitled "An act to amend article 4257 of the Revised Statutes of the State of Texas," have carefully considered the same and the committee are of opinion that the bill should not become a law, and a majority thereof instruct me to report it back to the Senate with the recommendation that it be indefinitely postponed.

Respectfully submitted,

SHANNON, Chairman.

Bill read first time.

Senator Jones sent up the following minority report:

COMMITTEE ROOM,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

A minority of your Committee on Internal Improvements,

to whom was referred Senate bill No. 221, entitled "An act to amend article 4257 of the Revised Civil Code of the State of Texas," etc., being unable to agree with the majority of said committee in an adverse report of said bill, beg leave to submit the following minority report as their reasons why said bill should pass, to-wit:

1. Because, under the present law, the railroad companies of Texas are forced to discriminate unjustly against points in Texas and in favor of points without the State.

2. Because freight charges are so high between points within the State as compared with charges for hauls without the State, as to practically destroy the business and commerce of Texas cities and towns.

3. The merchants of Texas cannot compete with foreign buyers for one of our chief productions, to-wit, cotton, because the rate charged for carrying the same between given points within the State is more than twice as high as the proportionate charge for the same articles for a like distance within the State when the shipment is made to points without the State, thus giving the foreign buyer a great advantage over the home merchant.

4. Because the proposed bill, if it becomes a law, will place home merchants upon an equal footing as to rates of transportation with buyers of our products for shipment to points outside the State, and will thus enable the merchant and the farmer in Texas to mutually aid and benefit each other in a commercial and business way.

5. The proposed bill will enable the Texas merchant to compete with outsiders for the products of our farmers, for the reason that it will give to the home merchant an equal freight rate with that which is given to the non-resident.

6. If a railroad company can carry an article a certain distance for a specified sum, as a pro rate share of a haul en route through a place in Texas to points without the State, it is but simple justice that Texas merchants should have the benefit of a similar rate over the same roads for the same article and for the same distance.

All of which is respectfully submitted.

J. W. JONES,
HOUSTON of Bexar.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body that the House has adopted

Senate concurrent resolution No. 6, inviting chaplains of the Senate and House of Representatives of the Texas Legislature to officiate at the laying of the corner stone of the new Capitol, on Monday, March 2, 1885.

A. D. SADLER,
Chief Clerk House of Representatives.

On motion of Senator Evans,
House bill No. 335, "An act to create and provide for the organization of the county of Midland," was taken up out of its regular order and read the second time.

(Senator Shannon, President pro tem., in the chair.)

Senator Calhoun offered the following amendment:

Amend by adding to section 5, "except indebtedness incurred in building a court house and jail for Tom Green county; and said county of Midland, after its organization, shall in no wise be held liable for any debt incurred or to be incurred in erecting a court house and jail for said Tom Green county."

Lost.

Senator Stinson moved the previous question on the engrossment of the bill.

Previous question seconded, and

Main question ordered.

Senator Pope moved to reconsider the vote by which the main question was ordered.

Adopted by the following vote:

YEAS—17.

Bell,	Harrison,	Knittel,
Camp,	Houston of Bexar,	Peacock,
Evans,	Houston of Wheeler,	Pope,
Fowler,	Jerdone,	Randolph,
Garrison,	Jones,	Terrell,
Hall,	Kilgore,	

NAYS—7.

Calhoun,	Kleberg,	Stinson,
Farrar,	Shannon,	Woods,
Getzendaner,		

ABSENT, NOT VOTING.
Pfeuffer.

By leave, the following bill was introduced by Senator Pope:

"An act requiring the Attorney-General to institute legal proceedings against corporations within this State in violation of section 5, article 10 of the Constitution."

Referred to Committee on Internal Improvements. Senator Fowler sent up the following privileged report:

COMMITTEE ROOM,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 137, being "An act to repeal sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 25, 27, 28, 30, 31, 83, 193, 199 and 200, and to amend sections 3, 4, 5, 6, 29, 33, 43, 45, 70, 74, 78, 103, 120, 197, 201, 202 and 203 of an act entitled 'an act to incorporate the city of San Antonio and grant a new charter to said city,' approved August 13, 1878, and to repeal 'an act to incorporate the city of San Antonio,' approved July 17, 1856, and 'an act to amend the act to incorporate the city of San Antonio,' approved February 11, 1860; also an act to amend an act entitled 'an act to incorporate the city of San Antonio and grant a new charter to said city,' approved April 18, 1879," and find the same correctly enrolled, and have this day, at 10:30 o'clock a. m., presented the same to the Governor for his approval.

FOWLER, Chairman.

On motion of Senator Calhoun,
The Senate adjourned till ten o'clock to-morrow morning.

FORTIETH DAY.

SENATE CHAMBER,
AUSTIN, February 28, 1885. }

Senate met pursuant to adjournment.
Lieutenant-Governor Gibbs in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain, Dr. Smoot.
On motion of Senator Randolph,
The reading of the journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Houston of Wheeler:
Petition of citizens of Wilbarger county against the leasing of the school lands.
Referred to Committee on Public Lands.

REPORTS OF STANDING COMMITTEES.

By Senator Stinson:

COMMITTEE ROOM,
AUSTIN, February 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Private Land Claims, to whom was referred Senate bill No. 222, entitled "An act for the relief of Anna B. Smith, assignee and heir of Rufus R. Smith," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

STINSON, Chairman.

Bill read first time.
By Senator Bell:

COMMITTEE ROOM,
AUSTIN, February 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 238, being "An act to create the Webb county land district," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

By Senator Getzendaner:

COMMITTEE ROOM,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 207, entitled "An act to provide and make an appropriation for the payment of fees in felony cases, due by the State of Texas to John E. McMullen, district clerk, and A. W. Murray, late sheriff of Wilson county, Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

Under the law now in force, the fees of sheriffs and clerks become due upon a final judgment of the court, which does not appear to have been had in these cases; and, at all events, the records could be substituted, and applicants' fees obtained by this means.

All of which is respectfully submitted.

GETZENDANER, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 241, entitled "An act making appropriations for certain deficiencies," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

GETZENDANER, Chairman.

Bill was read first time.
Senator Terrell made the following report for the special free conference committee:

COMMITTEE ROOM,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate, and Hon. L. L. Foster, Speaker of the House of Representatives:

Your free conference committee to whom was referred the differences between the two houses on substitute House bills Nos. 13, 61, 64, 104 and 161, have had the same under consideration and respectfully recommend the adoption of the following as a substitute for the first section of the bill, to-wit:

Section 1. Be it enacted by the Legislature of the State of Texas, That section 71 of the above entitled act shall be so amended as to read as follows:

Sec. 71. The following counties shall be and the same are exempted from the district system provided for in this act, to-wit: Anderson, Angelina, Aransas, Bastrop, Bosque, Bowie, Brazoria, Burleson, Calhoun, Caldwell, Cameron, Camp, Cass, Chambers, Concho, Delta, De Witt, Duval, El Paso, Erath, Falls, Fannin, Fayette, Fort Bend, Franklin, Freestone, Frio, Gillespie, Goliad, Gonzales, Gregg, Grimes, Guadalupe, Hardin, Harrison, Hays, Henderson, Hidalgo, Hopkins, Houston, Jackson, Jasper, Jefferson, Karnes, Lamar, La Salle, Lee, Liberty, Limestone, Marion, Mason, Matagorda, McMullen,

Menard, Milam, Montgomery, Morris, Nacogdoches, Newton, Orange, Panola, Pecos, Polk, Presido, Rains, Reeves, Red River, Refugio, Robertson, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Somervell, Starr, Stephens, Titus, Tom Green, Trinity, Tyler, Upshur, Van Zandt, Victoria, Waller, Washington, Webb, Wharton and Zapata.

J. O. TERRELL,
J. P. FOWLER,
M. Y. RANDOLPH,
FOSTER of Grayson,
W. O. HAMILTON.

On motion of Senator Kleberg,
The report of the free conference committee was adopted.

Senator Farrar sent up the following report of special committee:

A SUPPLEMENTARY REPORT OF PRAIRIE VIEW NORMAL SCHOOL.

While the many efforts are being made by the faculty of this school to amply carry out the designs and contemplations of the law pertaining to this school in the way of instructing the many teachers who have chance to attend, it is impossible for them to do so, however anxious the students may be to apply themselves, from the simple fact the capacity of the buildings is insufficient to accommodate even the present attendance of the school. The faculty state they have twenty-seven female students in seven small rooms, making three in some rooms and four in the others, besides their beds, trunks, tables and chairs. This is evidently very uncomfortable for students to do well in studying. We noticed, too, the chapel, in which the entire school often meets, has two and three students to the desk.

We think an appropriation made in this direction will add much to the advancement of this school, in which hundreds of teachers are to be instructed, that they may infuse knowledge throughout this State among the colored race, and by educating them make them true, honest and good citizens.

J. H. STEWART.

By leave Senator Getzendaner sent up the following report.

COMMITTEE ROOM.
AUSTIN, February 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 252, entitled "An act to authorize the Comptroller of Public Accounts to extend the time for a forced collection of taxes by seizure and sale of personal property till the first of July, 1885," have had the same under consideration and instruct me to report it back with the recommendation that it do not pass.

To defer the time for seizure and sale of personal property for collection of taxes would in effect defer the time for collection of taxes on real estate by seizure, for the reason that personal property must be exhausted before real estate can be seized and sold for taxes.

All of which is respectfully submitted.

GETZENDANER, for Committee.

Bill read first time.

Senator Shannon, chairman of special committee to report programme on the part of the Senate and the House of Representatives in the ceremonies of laying the corner stone of the new State Capitol, on March 2, reported:

That the members of the Legislature, or so many thereof as see fit, are invited to join in the procession in front of the Temporary Capitol.

Senator Peacock offered the following resolution:

BILLS AND RESOLUTIONS.

Resolved, That all ex-Senators of the State of Texas who may be present in the city of Austin on March 2 proximo, are

invited to join the Senate in procession, at the laying of the corner stone of the new State Capitol.

Adopted.

Senator Glasscock offered the following resolution:

Resolved, That the Senate hold two sessions per day on and after Tuesday, March 3, 1885.

Lays over under the rules.

By Senator Jones:

"An act for the more efficient management of the charitable and penal institutions of the State of Texas.

Referred to Committee on Penitentiaries.

By Senator Kleberg:

"An act for the relief of certain railroads."

Referred to Committee on Internal Improvements.

On motion of Senator Kleberg,

House bill No. 335, "An act to create and provide for the organization of the county of Midland," was taken up as unfinished business, and passed to third reading.

Read third time and passed by the following vote:

YEAS—22.

Bell,	Harrison,	Pfeuffer,
Calhoun,	Houston of Wheeler,	Pope,
Camp,	Jerdone,	Randolph,
Evans,	Jones,	Shannon,
Garrison,	Kilgore,	Stinson,
Getzendaner,	Kleberg,	Terrell,
Glasscock,	Knittel,	Woods.
Hall,		

NAYS—1.

Peacock.

ABSENT, NOT VOTING.

Farrar,

Fowler,

Houston of Bexar.

Senator Houston of Wheeler moved to reconsider the vote just taken, and to lay that motion on the table.

Adopted.

Senator Shannon moved to postpone the special orders and take up bills on third reading.

Adopted.

Senate bill No. 100, "An act to repeal an act entitled 'an act to provide annual pensions for the surviving soldiers or volunteers of the Texas Revolution, and the surviving signers of the Declaration of Independence of Texas, and the surviving widows of such soldiers, volunteers and signers,' approved March 28, 1883," was laid before the Senate, read third time and passed.

Senator Getzendaner moved to reconsider the vote passing the bill and to lay that motion on the table.

Adopted.

House bill No. 144, "An act to amend article 4227, title 84, chapter 10 of the Revised Civil Statutes of the State of Texas," was laid before the Senate and read second time, with majority (unfavorable) and minority (favorable) reports.

Senator Randolph moved to substitute the minority for the majority report.

Lost by the following vote:

YEAS—2.

Garrison,

Randolph.

NAYS—20.

Bell,	Harrison,	Pfeuffer,
Calhoun,	Jerdone,	Pope,
Camp,	Jones,	Shannon,
Evans,	Kilgore,	Stinson,
Getzendaner,	Kleberg,	Terrell,
Glasscock,	Knittel,	Woods.
Hall,	Peacock,	

ABSENT, NOT VOTING.

Farrar, Houston of Bexar, Houston of Wheeler.
Fowler,

Senator Shannon moved that the majority report, which kills the bill, be adopted.

Adopted.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body that the House has moved a reconsideration of its action upon Senate concurrent resolution No. 6, on the twenty-seventh instant, and request the return of said resolution to the House, in order that it may conclude consideration of and action upon the same.

A. D. SADLER, Chief Clerk.

On motion of Senator Houston of Wheeler,
The request was granted.

The President gave notice of signing House bill No. 543, "An act to prescribe the time of holding the district courts in the twenty-first judicial district."

(Senator Peacock in the chair.)

House bill No. 428, "An act to amend article 4786 of the Revised Civil Statutes of the State of Texas," was laid before the Senate on its second reading, and read second time.

On motion of Senator Terrell,

The bill was postponed and made special order for Wednesday, after morning call, and from day to day till disposed of, and 100 copies of the bill ordered printed.

On motion of Senator Stinson,

Senate bill No. 210, "An act to amend section 8 of an act establishing and prescribing the manner of ascertaining the boundaries of counties," approved April 22, 1879," was taken up out of its regular order and read second time.

On motion of Senator Kleberg,

The report of the committee was adopted, the present bill being considered.

Senator Bell offered the following amendment:

Amend line 14, page 1, by striking out the words "district in which such counties or either of them may be situated," and inserting in lieu thereof "the other county."

Senator Terrell offered the following substitute for the amendment:

Provided further, that said suit shall not be brought in the district court of any county interested in the subject matter involved, but may be brought in the district court of any adjoining county.

Withdrawn.

Senator Fowler offered the following substitute for the amendment:

Amend so as to authorize suit in either county interested.

Adopted.

The amendment as substituted was adopted.

Senator Glasscock moved to amend by adding, after the word "by," the words "both or either of." Adopted.

Senator Terrell offered the following amendment:

Amend by striking out all after the word "boundary;" in line 17, to the word "provided," in line 1 of page 2, and inserting "Provided, that in said trial the only question to be determined shall be the true locality of the boundary line as defined by the statutes of this State."

Senator Houston of Bexar moved the previous question.

Seconded, and main question ordered.

The amendment of Senator Terrell was adopted by the following vote:

YEAS—19.

Calhoun,	Houston of Bexar,	Peacock,
Camp,	Houston of Wheeler,	Pope,
Fowler,	Jerdone,	Randolph,
Garrison,	Kilgore,	Shannon,
Glasscock,	Kleberg,	Terrell,
Hall,	Knittel,	Woods.
Harrison,		

NAYS—5.

Bell,	Getzendaner,	Stinson.
Farrar,	Pfeuffer,	

ABSENT, NOT VOTING.

Evans, Jones.

The bill was ordered engrossed.

On motion of Senator Farrar,

Senate bill No. 188, "An act to amend section 13 of an act entitled 'an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883," was taken up out of its regular order and read the second time.

Senator Farrar offered the following amendment:

Amend by adding sections 2 and 3, as follows:

Sec. 2. That all writs and process returnable to said courts shall be returnable to the terms of said courts as herein defined; and all such writs and process as have been issued, executed and returned, shall be as valid as if no change had been made in said courts by the passage of this act.

Sec. 3. The early day when the Legislature will adjourn creates an imperative public necessity for the suspension of the constitutional rule requiring this bill to be read on those several days, and it is so suspended.

Adopted, and the bill was ordered engrossed.

On motion of Senator Farrar,

The constitutional rule was suspended, and

The bill was placed on its third reading by the following vote:

YEAS—23.

Bell,	Glasscock,	Peacock,
Calhoun,	Harrison,	Pfeuffer,
Camp,	Houston of Bexar,	Randolph,
Evans,	Jerdone,	Shannon,
Farrar,	Jones,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Woods.
Getzendaner,	Knittel,	

NAYS—none.

ABSENT, NOT VOTING.

Hall, Houston of Wheeler, Pope.

The bill was read third time and passed.

On motion of Senator Houston of Bexar,

Senate bill No. 163, "An act to provide for the appointment of official stenographers for the district courts of the State of Texas," was taken up and made the special order for Tuesday after morning call, and one hundred copies of the bill were ordered printed.

On motion of Senator Houston of Bexar, Senate bill No. 128, "An act to establish a State board of medical examiners, and to regulate the practice of medicine and surgery in the State of Texas; also, defining the duties of such board," was taken up and made special order for Tuesday after the first special order after morning call.

On motion of Senator Jones, Senate bill No. 245, "An act to define the duties of telegraph companies in the transmission of messages, and to prescribe penalties for the enforcement thereof," was taken up and made special order for Thursday, after morning call, and from day to day till disposed of.

On motion of Senator Jones, Senate bill No. 221, "An act to amend article 4257 of the Revised Civil Statutes," etc., was made special order for Thursday after morning call, and from day to day till disposed of.

On motion of Senator Houston of Bexar, Senate bill No. 175, "An act regulating insurance, and the rights and liabilities of the insurer and insured, and to amend article 2953 of the Revised Civil Statutes," was taken up and made the special order for Friday, after morning call, and from day to day till disposed of.

On motion of Senator Fowler, Senate joint resolution No. 10, delivering the property known as the Alamo to the city of San Antonio, was taken up, read second time and ordered engrossed.

On motion of Senator Houston of Wheeler, Senate bill No. 244, "An act to create the Harde-man land district," was taken up read the second time.

Senator Houston of Wheeler, offered to amend by striking out the word "Childress" wherever it occurs.

Adopted. The bill was ordered engrossed.

On motion of Senator Houston of Wheeler, The constitutional rule was suspended, and the bill placed on its third reading by the following vote:

YEAS—24.

Bell,	Hall,	Knittel,
Calhoun,	Harrison,	Peacock,
Camp,	Houston of Bexar,	Pope,
Farrar,	Houston of Wheeler,	Randolph,
Fowler,	Jerdone,	Shannon,
Garrison,	Jones,	Stinson,
Getzendaner,	Kilgore,	Terrell,
Glasscock,	Kleberg,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Evans, Pfeuffer.

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

YEAS—24.

Bell,	Camp,	Farrar,
Calhoun,	Evans,	Fowler,

Glasscock,	Houston of Wheeler,	Peacock,
Hall,	Jerdone,	Pope,
Garrison,	Jones,	Randolph,
Getzendaner,	Kilgore,	Stinson,
Harrison,	Kleberg,	Terrell,
Houston of Bexar,	Knittel,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Pfeuffer, Shannon.

The following message was received from the Governor and read:

EXECUTIVE OFFICE, STATE OF TEXAS
AUSTIN, February 28, 1885

To the Senate:

I ask your consent to the following appointments:
A. W. Moursand, to be judge in the thirty-third district.

J. H. Burts to be Assistant Attorney General.

R. M. Swearingen to be State Health Officer.

T. J. Goree to be Superintendent of Penitentiaries.

JOHN IRELAND, GOVERNOR

On motion of Senator Kilgore, Senate bill No. 162, "An act to amend article 4489, title 90 of the Revised Statutes," was taken out of its regular order and read second time.

Senator Kilgore offered the following amendment

Amend by adding section 2:

Sec. 2. The fact that there is now no law in force authorizing the service of non-resident defendants in suit to land, or to remove cloud from such title, creates an imperative public necessity which justifies the suspension of the constitutional rule requiring bills to be read on three several readings, and it is so suspended, and that this act take effect and force from and after its passage.

Adopted, and

The bill was ordered engrossed.

On motion of Senator Kilgore,

The constitutional rule was suspended and the bill placed on its third reading by the following vote:

YEAS—26.

Bell,	Hall,	Peacock,
Calhoun,	Harrison,	Pfeuffer,
Camp,	Houston of Bexar,	Pope,
Evans,	Houston of Wheeler,	Randolph,
Farrar,	Jerdone,	Shannon,
Fowler,	Jones,	Stinson,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Woods.
Glasscock,	Knittel,	

NAYS—none.

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

YEAS—25.

Bell,	Hall,	Knittel,
Calhoun,	Harrison,	Peacock,
Camp,	Houston of Bexar,	Pope,
Evans,	Houston of Wheeler,	Randolph,
Farrar,	Jerdone,	Shannon,
Fowler,	Jones,	Stinson,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Kleburg,	Woods.
Glasscock,		

NAYS—none.

ABSENT, NOT VOTING.

Pfeuffer.

On motion of Senator Getzendaner, Senate bill No. 44, "An act to provide for the

vestment of the public free school fund," the second special order. was laid before the Senate, and read second time with committee amendments.

The amendments were adopted, and

The bill was ordered engrossed.

Senator Pope introduced the following concurrent resolution:

Resolved by the Senate and House of Representatives of Texas, That the use of the hall of the Capitol be tendered Mr. John O'Brien, sculptor, for the purpose of placing on exhibition the marble bust of General Sam Houston.

Adopted.

Senator Randolph moved to adjourn till ten o'clock Tuesday morning.

Senator Woods moved to amend by striking out "Tuesday" and inserting in lieu thereof "Monday."

Accepted, and

The motion as amended was adopted, and

The Senate adjourned till ten o'clock Monday morning.

FORTY-FIRST DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 2, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Shannon,

The Senate adjourned till 10 o'clock to-morrow morning.

FORTY-SECOND DAY.

SENATE CHAMBER,
AUSTIN, March 3, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Traylor, the reading of the journal of Saturday was disposed with.

BILLS AND RESOLUTIONS.

Senator Evans:

An act to amend article 3994, of title 80 of the Revised Civil Statutes, approved April 4, 1881."

Referred to Committee on Public Printing.

By Senator Kilgore:

An act to regulate railroads in the State of Texas and their charges for freight and passengers, and to prevent discrimination between any such railways in the rates of charges for freight, passengers and baggage, and in the time and manner of transporting the same, and to prevent any discrimination and delay by any such railway companies

in respect to business of any kind with competing or connecting lines, and to provide a penalty therefor."

Referred to Committee on Internal Improvements.

By Senator Jerdone:

"An act to amend chapter 20, title 37 of the Revised Civil Statutes of the State of Texas, by adding thereto three additional articles to be known as articles 2041a, 2041b and 2041c."

Referred to Judiciary Committee No. 1.

On motion of Senator Getzendaner, Senator Farrar was excused for the week.

On motion of Senator Kleberg, Senator Knittel was excused for the day.

On motion of Senator Calhoun,

Senator Houston of Wheeler was excused for the day.

On motion of Senator Bell,

Mr. Finley, Engrossing Clerk, was excused from Saturday till Wednesday.

Senator Kleberg moved to suspend the special orders and take up Senate bill No. 64, "An act to provide for the management and control of the lands set aside for the benefit of the University of Texas."

Adopted.

The ayes and nays were called for.

Senator Woods raised the point of order that the decision had been announced and the call for the ayes and nays was out of order.

The point of order was sustained.

Senator Terrell moved to reconsider the vote just taken.

Adopted by the following vote:

YEAS—17.

Bell,	Getzendaner,	Shannon,
Calhoun,	Houston of Bexar,	Stinson,
Camp,	Jerdone,	Terrell,
Davis,	Jones,	Traylor,
Fowler,	Pfeuffer,	Mr. President.
Garrison,	Randolph,	

NAYS—10.

Evans,	Kilgore,	Perry,
Glasscock,	Kleberg,	Pope,
Hall,	Peacock,	Woods.
Harrison,		

The motion of Senator Kleberg to suspend the regular order was lost by the following vote:

YEAS—13.

Calhoun,	Jones,	Perry,
Camp,	Kilgore,	Pope,
Evans,	Kleberg,	Terrell,
Hall,	Peacock,	Woods.
Jerdone,		

NAYS—13.

Bell,	Glasscock,	Randolph,
Davis,	Harrison,	Shannon,
Fowler,	Houston of Bexar,	Stinson,
Garrison,	Pfeuffer,	Traylor.
Getzendaner,		

Senate bill No. 142, "An act to amend sections 2, 9, 12, 22, 23, 29, 30, 33, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 51, 53, 54, 56, 57, 59, 60, 61, 62, 63, 64, 68, 73, 75, 77, 78, 79, 79d, 83, 84, 85 and 87, of an act entitled 'an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, title 78 of the Revised Civil Statutes of Texas as refer to public free schools out-

side of incorporated cities and towns, assuming, or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act,' the same being chapter 25, general laws of the special session of the Eighteenth Legislature, 1884, and to add thereto as new sections, sections 12a, 12b, 12c, 12d, 12e, and sections 58a, 58b, 58c, and repealing all laws and parts of laws in conflict with the provisions of this act and the original act of which it is amendatory," was laid before the Senate as first special order.

Senator Stinson moved to commit the bill and committee amendments to a special committee of three.

Senator Fowler moved to amend by adding Senate bill No. 119 (the Glasscock educational bill).

Accepted.

Senator Getzendaner moved to substitute the motion by referring the two bills back to the Committee on Education.

The ayes and noes were called for, and resulted as follows:

YEAS—13.

Bell,	Houston of Bexar,	Pfeuffer,
Calhoun,	Jerdone,	Shannon,
Davis,	Kleberg,	Traylor,
Getzendaner,	Peacock,	Woods.
Hall,		

NAYS—13.

Camp,	Harrison.	Pope,
Evans,	Jones,	Randolph,
Fowler,	Kilgore,	Stinson,
Garrison,	Perry,	Terrell.
Glasscock,		

The President voted aye, and declared the two bills recommitted to the Committee on Education.

Senator Shannon raised the point of order that another vote was required to fully recommit the bill.

The point was not sustained.

Senator Stinson appealed from the decision of the President overruling the point of order raised by Senator Shannon.

Senator Shannon stated that he declined to appeal.

The vote was ordered on the appeal, and the president was not sustained by the following vote:

YEAS—11.

Bell,	Getzendaner,	Kleberg,
Camp,	Hall,	Pfeuffer,
Evans,	Harrison,	Woods.
Garrison,	Jerdone,	

NAYS—12.

Davis,	Jones,	Randolph,
Fowler,	Kilgore,	Shannon,
Glasscock,	Perry,	Stinson,
Houston of Bexar,	Pope,	Terrell.

ABSENT, NOT VOTING.

Calhoun,	Peacock,	Traylor.
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The substitute of Senator Getzendaner for the motion of Senator Stinson as amended by Senator Fowler, was put and lost by the following vote:

YEAS—7.

Bell,	Hall,	Kleberg,
Davis,	Jerdone,	Woods.
Getzendaner,		

NAYS—17.

Camp,	Houston of Bexar,	Randolph,
Evans,	Jones,	Shannon,
Fowler,	Kilgore,	Stinson,
Garrison,	Perry,	Terrell,
Glasscock,	Pfeuffer,	Traylor.
Harrison,	Pope,	

ABSENT, NOT VOTING.

Calhoun,	Peacock.
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The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body of the passage by the House of the following bills:

House bill No. 139, "An act to amend section 29 of 'an act to redistrict the State into judicial districts, and fix the time for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883."

House bill No. 248, "An act making an appropriation to pay the mileage and per diem of the presidential electors of the State of Texas for the year 1884."

A. D. SADLER,
Chief Clerk House of Representatives.

House bill No. 139 was referred to the Committee on Judicial Districts.

House bill No. 248 was referred to Committee on Finance.

Senator Randolph moved to postpone the consideration of the bill indefinitely.

Senator Harrison moved to substitute by having the bill recommitted to a special committee of five Senators.

The substitute was lost.

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

YEAS—5.

Camp,	Perry,	Terrell.
Fowler,	Randolph,	

NAYS—19.

Bell,	Harrison,	Pfeuffer,
Davis,	Houston of Bexar,	Pope,
Evans,	Jerdone,	Shannon,
Garrison,	Jones,	Stinson,
Getzendaner,	Kilgore,	Traylor,
Glasscock,	Kleberg,	Woods.
Hall,		

ABSENT NOT VOTING.

Calhoun,	Peacock.
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Senator Davis moved the previous question on the committee amendments.

Previous question was seconded, and

Main question ordered.

The committee amendments were acted upon separately, and were all adopted.

Senator Bell moved to consider the portions of the bill which refer to county superintendents, to-wit, sections 12a, 12b and 12c.

Senator Stinson moved to substitute the motion by substituting Senate bill No. 119, "An act to create the office of county superintendent and to define their duties and powers, and to repeal all laws in conflict with this act."

Senator Davis moved the previous question on the substitute.

Previous question seconded, and Main question ordered. The substitute was lost by the following vote:

YEAS—9.		
Camp, Fowler, Glasscock,	Kilgore, Kleberg, Peacock,	Perry, Stinson, Terrell.
NAYS—15.		
Bell, Davis, Evans, Garrison, Getzendaner.	Hall, Harrison, Houston of Bexar, Jerdone, Jones,	Pfeuffer, Pope, Shannon, Traylor, Woods.
ABSENT, NOT VOTING.		
Calhoun,	Randolph.	

The motion of Senator Bell to consider sections 11, 12b and 12c was lost. Senator Davis moved to amend by striking out the last clause. Lost (the President voting nay) by the following vote:

YEAS—12.		
Camp, Davis, Evans, Fowler,	Kilgore, Kleberg, Peacock, Perry,	Pope, Stinson, Terrell, Woods.
NAYS—12.		
Bell, Garrison, Getzendaner, Glasscock,	Hall, Harrison, Houston of Bexar, Jerdone,	Jones, Pfeuffer, Shannon, Traylor.
ABSENT, NOT VOTING.		
Calhoun,	Randolph.	

Senator Terrell moved to postpone consideration of the bill indefinitely. Senator Davis moved as a substitute that the bill be postponed till the thirty-first of March. Senator Terrell moved a call of the Senate. Call sustained. Senator Calhoun was found absent without excuse. Senator Jones moved that Senator Calhoun be excused for the week. Adopted by the following vote:

YEAS—25.		
Bell, Camp, Davis, Evans, Fowler, Garrison, Getzendaner, Glasscock, Hall,	Harrison, Houston of Bexar, Jerdone, Jones, Kilgore, Kleberg, Peacock, Perry,	Pfeuffer, Pope, Randolph, Shannon, Stinson, Terrell, Traylor, Woods.
NAYS—none.		

The Senate was declared full. Senator Shannon raised the point of order that one motion to kill the bill having been voted down today, the motion and the substitute were out of order. The point of order was sustained. Senator Davis moved the previous question on the bill. The previous question was not seconded. Senator Getzendaner offered the following amendment:

Amend by striking out all that part of bill authorizing female suffrage.

Lost by the following vote:

YEAS—10.		
Bell, Garrison, Getzendaner, Hall,	Harrison, Jerdone, Jones,	Pfeuffer, Shannon, Woods.
[NAYS—15.		
Camp, Davis, Evans, Fowler, Glasscock,	Houston of Bexar, Kilgore, Kleberg, Peacock, Perry,	Pope, Randolph, Stinson, Terrell, Traylor,

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage of substitute House bill No. 109. "An act to require railroad companies to place and keep that portion of their road-bed and right of way over and across which public county roads may run, in proper condition for the use of the traveling public."

A. D. SADLER, Chief Clerk.

House bill No. 109 was referred to Committee on Internal Improvements.

Senator Davis moved to lay the bill on the table subject to call.

Withdrawn.

Senator Bell offered the following amendment:

Amend section 12a, page 26, line 10, by inserting, after the word "held," "and the commissioners' courts of which have not provided that there shall be no county superintendent for such county."

Senator Terrell moved the previous question on the amendment and the bill.

Previous question seconded and

Main question ordered.

The amendment was adopted by the following vote:

YEAS—16.		
Bell, Evans, Garrison, Getzendaner, Glasscock, Hall,	Harrison, Houston of Bexar, Jerdone, Jones, Perry,	Pfeuffer, Pope, Shannon, Traylor, Woods.
NAYS—9.		
Camp, Davis, Fowler,	Kilgore, Kleberg, Peacock,	Randolph, Stinson, Terrell.

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

YEAS—11.		
Bell, Garrison, Getzendaner, Hall,	Harrison, Houston of Bexar, Jerdone, Jones,	Pfeuffer, Shannon, Traylor.
NAYS—14.		
Camp, Davis, Evans, Fowler, Glasscock,	Kilgore, Kleberg, Peacock, Perry, Pope,	Randolph, Stinson, Terrell, Woods.

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

Lost by the following vote:

YEAS—12.

Camp, Davis, Fowler, Kilgore,	Kleberg, Peacock, Perry, Pope,	Randolph, Stinson, Terrell, Woods.
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NAYS—13.

Bell, Evans, Garrison, Getzendaner, Glasscock,	Hall, Harrison, Houston of Bexar, Jerdone,	Jones, Pfeuffer, Shannon, Traylor.
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The motion to reconsider was lost by the following vote:

YEAS—12.

Bell, Evans, Garrison, Getzendaner,	Hall, Harrison, Houston of Bexar, Jerdone,	Jones, Pfeuffer, Shannon, Traylor.
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NAYS—13.

Camp, Davis, Fowler, Glasscock, Kilgore,	Kleberg, Peacock, Perry, Pope,	Randolph, Stinson, Terrell, Woods.
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The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body of the passage of the following bills by the House:

Senate bill No. 25, "An act to abolish the office of Fish Commissioner and dispose of all fish ponds and other property connected with or belonging to the Fish department," with House amendment.

Senate bill No. 173, "An act to repeal article 4112 of the Revised Civil Statutes."

Substitute House bill No. 22, "An act to levy an occupation tax on all dealers in pistols and bowie knives, dirks, daggers and other deadly weapons manufactured for the purpose of offense or defense, and capable of being concealed on or about the person.

A. D. SADLER,
Chief Clerk House of Representatives.

Substitute House bill No. 22, was referred to Finance Committee.

Senate bill No. 128, "An act to establish a State board of medical examiners, and to regulate the practice of medicine and surgery in the State of Texas; also, defining the duties of such board," was laid before the Senate as second special order, and

Read the second time, with committee amendments.

(Senator Shannon, President pro tem., in the chair.)

The first committee amendment was adopted.

The other committee amendments, to-wit: the second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth, were lost.

Senator Stinson offered to amend by striking out the enacting clause.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am directed to report to the honorable Senate the passage by the House of the following bills:

Substitute House bill No. 181, "An act to make telegraph and telephone companies and persons or corporations owning or operating telegraph or telephone lines in the State of Texas common carriers."

House bill No. 195, "An act to amend article 1458 of the Revised Civil Statutes of the State of Texas."

Substitute House bill No. 214, "An act to compel railroad companies to provide double-decked cars for shipment of goats, sheep, hogs and calves, and to prevent discrimination against shippers thereof, and to provide penalties therefor."

House bill No. 252, "An act to amend article 636, chapter 3, title 8 of section 2 of an act entitled 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas.'

Respectfully,

A. D. SADLER, Chief Clerk.

Substitute House bill No. 181 was referred to Committee on Internal Improvements.

House bill No. 195 was referred to Judiciary Committee No. 1.

Substitute House bill No. 214 was referred to Committee on Internal Improvements.

House bill No. 252 was referred to Judiciary Committee No. 2.

Senator Pope moved to adjourn till 10 o'clock to-morrow morning.

Lost by the following vote:

YEAS—12.

Bell, Camp, Garrison, Houston of Bexar,	Jerdone, Kleberg, Perry,	Pope, Traylor, Woods.
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NAYS—13.

Davis, Fowler, Getzendaner, Glasscock, Hall,	Harrison, Jones, Peacock, Pfeuffer,	Randolph, Shannon, Stinson, Terrell,
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ABSENT, NOT VOTING.

Evans,
Kilgore.

Senator Shannon moved the previous question on the amendment of Senator Stinson.

Previous question seconded and main question ordered.

The amendment of Senator Stinson was adopted.

On motion of Senator Kleberg,

The Senate adjourned till 10 o'clock to-morrow.

FORTY-THIRD DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, March 4, 1885. }

The Senate met pursuant to adjournment.
Lieutenant-Governor Gibbs in the chair.
Roll called.
Quorum present.
Prayer by Rabbi Silverman, of Dallas.
On motion of Senator Shannon,
The reading of the journal of yesterday was dispensed with.
On motion of Senator Shannon,
Senator Evans was excused for the week.

PETITIONS AND MEMORIALS.

By Senator Davis:
Memorial of the citizens of Denison, Texas, urging the passage of the Armistead telegraph bill.
Referred to Committee on Internal Improvements.

REPORTS OF STANDING COMMITTEES.

By Senator Davis:

COMMITTEE ROOM,
AUSTIN, March 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 126, entitled "An act to amend article 353 of chapter 3, title 11 of the Penal Code of the State of Texas," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

The bill seeks to make it a felony for any one to keep or exhibit any gaming table or bank, Jenny Lind, or pigeon hole table, or ten pin alley.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

Senator Stinson gave notice of intention of filing a minority report on the bill.

COMMITTEE ROOM,
AUSTIN, March 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred House bill No. 252, entitled "An act to amend article 636, chapter 3, title 8, of section 2 of an act entitled 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas,'" have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

The bill seeks to make some changes in the jury law in reference to challenges for cause in criminal cases.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

Senator Bell gave notice of intention of filing a minority report on the bill.

By Senator Getzendaner:

COMMITTEE ROOM,
AUSTIN, March 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred Senate bill No. 240, entitled "An act for the relief of clerks and sheriffs who may have performed services under the provisions of 'an act providing for the condemnation and sale of lands for delinquent taxes,' approved June 2, 1873, by providing a mode for auditing their accounts, and making an

appropriation for the payment of the same," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

GETZENDANER, Chairman.

Bill read first time.

BILLS AND RESOLUTIONS.

By Senator Perry:

"An act to amend articles 1006, 1007 and 1008 of 'an act to amend articles 1006, 1007 and 1008 of the Revised Civil Statutes of the State of Texas,' approved February 21, 1879, passed by the regular session of the Eighteenth Legislature, approved April 9, 1883."

Referred to Committee on State Affairs.

By Senator Hall:

"An act to amend article 2219 of the Revised Civil Statutes."

Referred to Judiciary Committee No. 1.

Senator Terrell entered a motion to reconsider the vote by which the Senate refused to sustain the decision of the chair on yesterday.

Senator Woods moved to postpone the regular and special orders, and to take up Senate bill No. 64, "An act to provide for the management and control of the lands set aside for the benefit of the University of Texas."

Adopted by the following vote:

YEAS—18.

Bell,	Jerdone,	Pope,
Fowler,	Jones,	Shannon,
Getzendaner,	Kilgore,	Stinson,
Glascock,	Kleberg,	Terrell,
Harrison,	Knittel,	Traylor,
Houston of Bexar,	Perry,	Woods.

NAYS—5.

Camp,	Garrison,	Pfeuffer.
Davis,	Hall,	

ABSENT, NOT VOTING.

Houston of Wheeler, Peacock, Randolph.

The bill was taken up and read second time, with committee amendment.

The committee amendment was adopted by the following vote:

YEAS—15.

Bell,	Jerdone,	Perry,
Fowler,	Jones,	Pope,
Glascock,	Kilgore,	Terrell,
Harrison,	Kleberg,	Traylor,
Houston of Bexar,	Knittel,	Woods.

NAYS—9.

Camp,	Getzendaner,	Randolph,
Davis,	Hall,	Shannon,
Garrison,	Pfeuffer,	Stinson.

ABSENT, NOT VOTING.

Houston of Wheeler, Peacock.

Senator Getzendaner offered to amend by striking out all in line 6 after the word "board," and all in line 7, to and including the word "years," and insert in lieu thereof, as follows:

To sell and lease the said lands under such terms and conditions as are now or may hereafter be prescribed for selling and leasing the common school and asylum lands of the State.

(Senator Houston of Bexar in the chair.)

Senator Shannon, President pro tem., gave notice from the President's stand, of signing the following bills and resolutions:

House concurrent resolution requesting Texas Senators and Representatives in Congress to secure a survey and report of the condition of the channel through West Galveston bay and San Louis bay, forty miles westward from Galveston, to the canal connecting said bays with the Brazos river near its mouth.

Substitute House bill No. 27, "An act to authorize the transfer of occupation licenses."

House bill No. 136, "An act to amend chapter 79 of the acts of 1883, entitled 'an act to amend section 46 of an act to encourage stockraising and to protect stockraisers,' approved April 22, 1879, and amended April 4, 1881, and April 12, 1883."

House bill No. 335, "An act to create and to provide for the organization of the county of Midland."

House bill No. 232, "An act to authorize county commissioners' courts to assume control of the streets and alleys of any city or incorporated town within their jurisdiction in which there is no defacto municipal government, and to have the same worked as public roads."

Senate bill No. 173, "An act to repeal article 4112 of the Revised Civil Statutes of the State of Texas."

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body of the passage of the following bills by the House:

House bill No. 118, "An act to amend chapter 6 of title 29 of the Revised Civil Statutes of Texas, by adding thereto, after article 1241, another article to be called article 1241a."

House bill No. 314, "An act relating to the investment of the permanent public free school funds, and to provide against any loss of such funds in making investments thereof."

House bill No. 331, "An act to establish and define the boundaries of the county of Webb, and legalize certain acts of the officers of said county."

House bill No. 458, "An act to amend sections 14 and 15 of the city charter of Houston, of an act entitled 'an act to amend section 15 of an act incorporating the city of Houston, in Harris county, approved April 21, 1879,' and section 14 of said act as amended by an act of the Legislature of the State of Texas, approved March 13, 1883, and substituting therefor the following."

A. D. SADLER,
Chief Clerk House of Representatives.

House bill No. 118 was referred to Judiciary Committee No. 1.

House bill No. 314 was referred to Committee on Finance.

House bill No. 331 was referred to Committee on Counties and County Boundaries.

House bill No. 458 was referred to Committee on State Affairs.

Senator Stinson sent up the following minority report on substitute House bill No. 126, for Judiciary Committee No. 2:

COMMITTEE ROOM,
AUSTIN, March 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

We, a minority of Judiciary Committee No. 2, to whom was referred substitute House bill No. 126, beg leave to submit the following minority report, and ask that the same be adopted in lieu of the majority report:

We believe the passage of this bill will effectually suppress the pernicious and growing evil of gaming throughout the entire State. We believe no man can afford to take the risk of

obtaining a term in the penitentiary by running a banking game or gaming table, and therefore recommend that this bill do pass.

All of which is respectfully submitted.

STINSON,
EVANS,
RANDOLPH.

Pending discussion on the amendment of Senator Getzendaner,

Senator Pope, by leave, sent to the Secretary's desk the following telegram, and had it read in full, to-wit:

WASHINGTON, D. C., March 4, 1885.

To N. A. Cravens, House of Representatives, Austin, Texas:

Cleveland just taken the oath of office. Congratulations to the Democracy of Texas and Nineteenth Legislature.
TEXAS DELEGATION.

In honor of the distinguished event,

On motion of Senator Shannon,

The Senate adjourned till 10 o'clock to-morrow morning.

FORTY-FOURTH DAY.

SENATE CHAMBER,
AUSTIN, March 5, 1885. }

The Senate met pursuant to adjournment. Senator Shannon, President pro tem., in the chair. Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Kleberg,

The reading of the journal of yesterday was dispensed with.

On motion of Senator Harrison,

Senator Houston of Wheeler was excused for yesterday.

PETITIONS AND MEMORIALS.

By Senator Perry:

Application to Legislature to transfer Brazos county to Galveston branch of Appellate Court.

Referred to Committee on State Affairs.

By Senator Davis:

Memorial of sundry citizens of Cooke county, urging a change in the present road law.

Referred to Committee on Roads and Bridges.

REPORTS OF STANDING COMMITTEES.

By Senator Getzendaner:

COMMITTEE ROOM,
AUSTIN, March 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred Senate bill No. 186, entitled "An act for the relief of Gideon Purl, and to reimburse him for money expended by him in arresting Jeff Ake, a refugee from justice from the State of Texas, and conveying him from Ozark, in the State of Arkansas, to Georgetown, Texas, under a requisition from the Governor of the State of Texas," have had the same under consideration, and a majority of your committee instruct me to report it back with the recommendation that it do pass, with the following amendments:

Strike out the word "three" in line 3, section 1, and insert "one" in lieu thereof.

Strike out all of line 4 in said section 1, and the words "thirty cents" in line 5 of said section.

In line 11, section 1, strike out "1876" and insert in lieu thereof "1877."
All of which is respectfully submitted.

GETZENDANER, Chairman.
Bill read first time.
By Senator Jones:

COMMITTEE ROOM,
AUSTIN, March 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Penitentiaries, to whom was referred Senate bill No. 255, entitled "An act for the more efficient management of the charitable and penal institutions of the State of Texas," have had the same under consideration, and instruct me to report it back with the accompanying amendment, and recommend that it do pass as amended.
All of which is respectfully submitted.

JONES, Chairman.

Committee amendment to Senate bill No. 255:
Amend section 1 by inserting, after the word "board," in line 11, the words "shall be selected from different portions of the State, and."

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 2, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Penitentiaries, to whom was referred Senate bill No. 239, entitled "An act to provide for the purchase and improvement of ten thousand or more acres of land for the use of the penitentiary system of Texas," have had the same under consideration, and instruct me to report the same back with the recommendation that it do not pass.
All of which is respectfully submitted.

JONES, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 2, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Penitentiaries, to whom was referred Senate bill No. 135, entitled "An act to provide for the selection and purchase of a site for, and the building thereon of a new State penitentiary, and to make an appropriation therefor," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.
All of which is respectfully submitted.

JONES, Chairman.

Bill read first time.

By Senator Randolph:

COMMITTEE ROOM,
AUSTIN, March 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred House bill No. 453, entitled "An act to amend sections 14 and 15 of the city charter of Houston of an act entitled 'an act to amend section 15 of an act incorporating the city of Houston, in Harris county,' approved April 21, 1879, and section 14 of said act as amended by an act of the Legislature of the State of Texas, approved March 13, 1883, and substituting therefor the following," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

By Senator Traylor:

COMMITTEE ROOM,
AUSTIN, March 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred House bill No. 248, entitled "An act making an appropriation to pay the mileage and per diem of the presidential electors of the State of Texas for the year 1884," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

TRAYLOR, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred House bill No. 314, entitled "An act relating to investments of the

permanent public free school funds, and to provide against any loss of such funds in making investments thereof," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

TRAYLOR, Chairman.

Bill read first time.

By Senator Jones:

COMMITTEE ROOM,
AUSTIN, March 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 258, entitled "An act to regulate railroads in the State of Texas, and their charges for freight and passengers, and to prevent discrimination between any such railroads in the rates of charges for freight, passengers and baggage, and in the time and manner of transporting the same, and to prevent any discrimination and delay by any such railroad companies in respect to business of any kind with competing or connecting lines, and to provide a penalty therefor," instruct me to request that 100 copies be printed for the use of the committee.

All of which is respectfully submitted.

SHANNON, Chairman.

COMMITTEE ROOM,
AUSTIN, March 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred substitute House Bill No. 181, entitled "An act to make telegraph and telephone companies and persons or corporations, owning or operating telegraph or telephone lines in the State of Texas, common carriers," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

SHANNON, Chairman.

Bill read first time.

The following minority report was read:

COMMITTEE ROOM,
AUSTIN, March 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

A minority of your Committee on Internal Improvements, to whom was submitted substitute House bill No. 181, entitled "An act to make telegraph and telephone companies, and persons or corporations owning or operating telegraph or telephone lines in the State of Texas common carriers," beg leave to offer the following report:

Our Supreme Court, in the case of the Western Union Telegraph Company v. Neil (57 Texas, page 288), declares that "the great weight of authority, and which, from the nature of the employment of telegraph companies, seems founded upon reason, is that though in some essential particulars they partake of the character of common carriers, they are not strictly such, and should not be held to the same degree of strict responsibility."

This doctrine, enunciated by our court, is supported by a number of authorities and decisions, from one of which only we deem it necessary to quote, viz:

In Leonard vs. the New York, Albany, etc., Telegraph Company (42 N. Y., 544), Hunt, J., says:

"I can find no authority and can discover no principle upon which to charge such a company with the absolute liability of a common carrier." Again, after referring to the principles applicable to common carriers, the justice says: "Whether his liability is based upon the contract he makes, or upon his public duty, the telegrapher does not come within any of these principles. He has no property entrusted to his care; he has nothing which he can steal, or which can be taken from him. There is no subject of concealment or conspiracy; he has in his possession nothing which, in its nature and of itself, is valuable. It is an idea, a thought, a sentiment, impalpable, invisible, not the subject of theft or sale, and, as property, quite destitute of value. He cannot himself see, hear or feel the subject of his charge. He submits an idea to a mysterious agency, which carries it to its destination and delivers it to one there at hand to receive it. He is bound to conduct the business appertaining to the pursuit with skill, with care and with attention."

We, a minority of your committee, are therefore unwilling, in face of precedent and authority, to recommend a bill which, in its application, would prove oppressive and unjust to the

interest proposed to be regulated, and from the very nature and character of the employment of the telegrapher, the rule sought to be invoked for his regulation would prove oppressive in its adaptation to his business and destructive to his interests.

All of which is respectfully submitted.

GRTZENDANER,
HOUSTON of Bexar,
FOWLER.

The following minority report on Senate Bill No. 9 was sent to the Secretary's desk:

COMMITTEE ROOM,
AUSTIN, February 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

The undersigned members of Judiciary Committee No. 1, to whom was referred House bill No. 9, by which the statute of limitations is proposed to be extended to causes of action in favor of married women, have had the same under consideration, and respectfully dissent from the report of the majority of the committee on said bill. Statutes of limitation are intended to supply the want of evidence extinguished by the lapse of time, and the preservation and protection of evidence of title is as important in suits by or against married women as in any other, and as the vast amount of property in the State held by them is constantly increasing, much of it being so conveyed for the very purpose of placing it beyond the operation of the limitation laws, the undersigned deem it unwise to continue the exemption of this class of property from the operation of such laws. We believe it to be against sound public policy to allow questions affecting the title of so much property to be kept open and undetermined, as is done by reason of the defect in the law of limitation proposed to be caused by the bill referred to, and which we believe has no other claim to a continuance in force than its long standing upon the statute books. From the strictness of the law regulating conveyances by married women, their privy examination and separate acknowledgement, and the formalities required in the certificates thereof, and from various other causes, questions of title constantly arise that ought always to be adjudicated during the lifetime of the parties to the transaction, and while the evidence can be had, and yet it is a notorious fact that such questions have in most cases kept alive by the exemption in the statute of limitations in favor of married women, not for their benefit, but as a fruitful source of litigation by their heirs against the heirs of innocent purchasers; such suits by heirs being generally founded upon questions which their ancestors, the immediate parties to the transaction would have scorned to raise, and the recovery therein being generally had upon grounds purely technical, and at the expense of every principle of right and justice. By the passage of the bill under consideration such questions will generally be adjudicated, as they ought always to be, during the lifetime of the parties to the transaction out of which they arise, and when all the evidence bearing upon the case can be had unobscured by the lapse of time. Thus believing, and further believing that the married women of the State ought not any longer to be classed, as they are in the statutes of limitation, with idiots and convicts, we recommend that the bill do pass.

All of which is respectfully submitted.

JOHN WOODS,
HOUSTON of Bexar,
TERRELL.

By Senator Jones:

COMMITTEE ROOM,
AUSTIN, March 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 256, entitled "An act for the relief of certain railroads," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

SHANNON, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred substitute House bill No. 103, entitled "An act to require railroad companies to place and keep that portion of

their road-bed and right of way, over or across which public county roads may run, in proper condition for the use of the traveling public," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

SHANNON, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred substitute House bill No. 214, entitled "An act to compel railroad companies to provide double decked cars for shipment of goats, sheep, hogs, and calves, and to prevent discrimination against shippers thereof, and to provide penalties therefor," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

SHANNON, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred House bill No. 49, entitled "An act to amend article 4636, title 95, chapter 2 of the Revised Civil Statutes," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

SHANNON, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 251, entitled "An act requiring the Attorney-General to institute legal proceedings against corporations within this State, in violation of section 5, article 10 of the Constitution," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass with the accompanying amendment.

All of which is respectfully submitted.

SHANNON, Chairman.

COMMITTEE AMENDMENT.

Sec. 4. If it shall be determined by the court or jury trying any cause instituted under the provisions of this act that the said section and article of the Constitution is being violated, then the court shall enter such decree as will perpetually enjoin such violation, and to the end of carrying into effect such constitutional provision, may appoint a receiver to take charge of the affairs of the defendant corporation until such time as the said corporation shall be reorganized and in condition to be operated within said provision of the Constitution.

Bill read first time.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, March 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 173, being "An act to repeal article 4112 of the Revised Civil Statutes of Texas," and find the same correctly enrolled, and have this day, at 10:50 o'clock a. m., presented the same to the Governor for his approval.

FOWLER, Chairman.

Senator Bell sent up the following minority report on House bill No. 252:

COMMITTEE ROOM,
AUSTIN, March 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

A minority of your Judiciary Committee No. 2, to whom was referred House bill No. 252, entitled "An act to amend article 636 of the Code of Criminal Procedure of the State of Texas," dissent from the majority in reporting the bill unfavorably, for the following reasons:

The important change in the law is that it provides that an opinion as to the guilt or innocence of a defendant shall not disqualify a juror when the juror swears that such opinion will not influence his action in finding a verdict, and we think this change should be made.

At the time the statute prescribing the qualification for jurors was adopted, the condition of affairs was very different from those of the present day. Metropolitan journals and weekly papers containing accounts of all notorious crimes are now read in every community, and the most intelligent men, and those who would make the best jurors, become disqualified for jury service in the important cases.

The law has been amended in most of the other States to meet this changed condition of affairs, and we have yet to hear of the first instance in which it has failed to give satisfaction or to improve the administration of the criminal law.

We therefore dissent from the report of the majority of your committee, and recommend that this minority report be adopted in lieu thereof, and that the bill do pass.

All of which is respectfully submitted.

BELL, for minority.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, March 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 210, being "An act to amend section 8 of 'an act establishing and prescribing the manner of ascertaining the boundaries of counties,' approved April 23, 1879," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

BILLS AND RESOLUTIONS.

By Senator Houston of Wheeler:

Joint resolution amending section 10, article 3 of the Constitution of the State of Texas, under the title of "Taxation and Revenue."

Referred to Committee on Constitutional Amendments.

By Senator Jones:

"An act to license and regulate gamblers and gaming, and to provide appropriate penalties for failing to comply with the terms and conditions thereof, and to repeal articles Nos. 358, 359, 360, 361, 362, 363, 364, 365, 366 and 367 of chapter 3 of the Criminal Code, and to repeal all laws in conflict herewith."

Referred to Judiciary Committee No. 2.

By Senator Pope:

"An act to authorize the removal of inmates from one lunatic asylum to another."

Referred to Committee on Asylums.

By Senator Traylor:

"An act to restore the jurisdiction of the county court of Bosque county, and repeal all laws in conflict herewith."

Referred to Committee on Judicial Districts.

By Senator Getzendaner:

"An act to authorize married women to appoint the husband agent and attorney in fact to sell the separate property of the wife, and to validate deeds heretofore made by the husband acting under power of attorney from the wife."

Referred to Judiciary Committee No. 1.

On motion of Senator Jones,

The regular order of business was suspended and the committee report on House bill No. 455, amending the city charter of Houston, was adopted, which kills the bill.

The Senate resumed consideration of Senate bill No. 64, "An act to provide for the management and control of the lands set aside for the benefit of the University of Texas."

The following message was received from the Governor, and

On motion of Senator Houston of Bexar, was, together with the appointments, ordered published in the journal:

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, March 5, 1885.

To the Senate:

I ask your consent to the appointment of notaries public named in the papers herewith transmitted.

Also, to the appointment of T. P. O'Brien, to be assistant superintendent of Rusk penitentiary, and Ben E. McCulloch, assistant superintendent of Huntsville penitentiary.

C. C. Linn, of Victoria county, to be cattle and hide inspector for that county.

Alonzo Autrey, to be cattle and hide inspector for Harris county.

Thomas Carson, Sam P. Golston, Robert Dalzell, Fred Forto, Frank Waite, to be commissioners of pilots for Brazos Santiago.

John Hall, R. D. Simpson, for Aransas Pass.

James Baker, Guillermo Mir, for branch pilots at Brazos Santiago.

Peter Benson, James Vaughan, to be wreck masters at Aransas Pass.

W. H. King, to be Adjutant-General.

Frank Milwee, to be cattle and hide inspector for Greer county.

JOHN IRELAND, Governor.

NOTARIES PUBLIC.

Austin county—Frank Klukan, Wesley; C. S. Miller, James H. Shelburne, W. I. Glenn, S. B. Pier, Bellville; Wm. Weunenwaser, Nelsonville; Charles Korff, Shelby; Fritz Peters, Cat Springs; G. T. Ross, San Felipe; John Harvey, Keennyville; E. L. Day, Cochran; Max Meisner, Industry; J. H. Krancher, Bellville.

Anderson county—T. S. Short, Palestine.

Atascosa county—W. J. Miller.

Aransas county—C. F. Bailey, Rockport.

Bastrop county—L. Heiligbrodt, R. P. Jones, J. W. Kennedy, F. A. Orgain, H. J. Wamel, S. W. Briggs, W. A. Highsmith, M. A. Hill, J. E. B. Laird, D. M. Scott, T. C. Baird.

Blanco county—John K. Brown, Johnson city.

Bosque county—G. W. Leaverton, Clifton; R. E. Coinne, Cayote.

Burnet county—Wm. Spittler, Burnet; W. H. Hotchkiss.

Burleson county—C. S. Adams, Mearle; J. L. Hill, Caldwell; J. W. Page; J. W. Ragsdale, Tunis; C. S. Williams, Caldwell; C. C. Harvey, Hookerville; J. M. Jackson, A. W. McIver, T. R. Batte, Caldwell; E. L. Flanagan, Tunis; N. M. Thornton, Caldwell.

Brown county—H. S. Thomas, Williams' Ranch; W. J. Evans, Brownwood; John Y. Rankin, W. H. Scott, E. B. Durham, W. H. Maples, W. C. Morgan, J. C. Tannehill, John M. Goodwin, Thomas Maples; Charles Rogan, Brownwood; W. H. Mayes; R. L. Russell, Brownwood.

Brazoria county—W. F. Swain, Geo. W. Meacham, F. J. Duff, John Adriaunce, Columbia; John A. Ballowe, W. F. Smith, A. Metcalf, Brazoria; S. N. Richardson, Alvin.

Brazos county—C. C. Rollo, Robert S. Gould, jr., Jeff P. Mitchell, John G. Anderson, A. J. Planter, J. W. Doremus, J. A. Buckholts, W. G. Taliaferro, Sam. R. Henderson, Luther W. Clark, R. S. Motley, W. V. Waldorf, Bryan; A. G. Steele, R. M. McCoy, Millican; Geo. A. Hunt, Macy; James Mawhinney, Bryan; H. R. Smith, Steele's Store.

Bandera county—L. C. Harmon, Bandera; B. F. Bellows, Medina City; J. A. Anglin, W. J. Hamilton.

Comanche county—E. L. Shropshire, Comanche; M. V. Robertson; R. B. Key, DeLeon; James Terry, DeLeon; T. W. Evans, Fleming; W. W. Loyd, Sipe Springs; W. D. Sumner, Whittville; Geo. W. Conway, D. P. Lester, Hazeldell; J. G. Carmichael, Lankin; C. B. Ma-on, Comanche.

Comal county—John D. Guinn, Julius Bose, Fritz Hampe, Aug. Klingerman, New Braunfels; Herman Fischer.

Cerokee county—J. W. Smith, Ghent; F. W. Bonner, E. L. Gregg, Rusk.

Bexar county—W. R. Driar, San Antonio; C. S. Robinson, Edward Miles, D. Sullivan, John Rosenheimer, Henry Laager, L. G. Denman, J. E. Groshou, E. B. Johnson, John Withers, W. R. Orear, A. S. Chevalier, Charles Denssen, John H. Copeland, Juan E. Barrera, James Muir, jr., W. W. Herron, Reagan

Houston, W. H. Young, R. B. Minor, Geo. C. Altgelt, J. H. French, A. G. Newton, J. A. Fraser, John Eckford, J. E. Ochse, J. J. Stevens, Frank Fredrick, J. A. Green, jr., James P. Earle, E. P. Carolan, Jose E. Garcia, C. S. Robinson, H. P. Draught, E. G. Graves, C. L. Lowday, P. H. Ward, A. E. Cotton, M. Freeborn, John Withers, jr., Elias Edmonds, J. F. Cassiano, Thos. Haynes, A. Hansl.

Bell county—F. M. Chandler, D. L. Russell, H. E. Bradford, W. K. Sanders, George W. Tyler, J. Z. Miller, J. H. Scales, W. J. Crabb, A. M. Monteith, J. C. Roberts, J. L. Gray, Hezekiah Williams, A. Moss, W. J. Caskey, A. Lewy, W. L. Jones, W. T. Shannon, W. S. Banks, W. E. Roseborough, Ed. T. Rucker, W. Y. McFarland, John L. Lee, H. C. Surghnor, L. K. Tarver, J. W. Pierce, D. R. Pendleton, J. W. Zimmerman, W. T. Brooker, B. F. Fields, John T. Bartlett, M. T. Bostick, J. W. Calloway, Frederick E. Sanford, S. W. Lawrence, E. B. Ments and J. T. Hunt.

Bowie county—J. J. Peters, Boston; J. C. Wright, H. M. Burrows, A. D. Putnam, Dalby Springs; D. D. Gupton, W. W. Dillard, A. C. Ward, J. B. Lassiter, DeKalb; Sam H. Smelser, J. E. Anderson, Thos. L. Lynch, New Boston; A. J. Purcell, J. H. Smelser, M. A. Bassett, H. N. Saunstag, C. A. Hooks, L. C. DeMorse, Jas. A. Marx, W. T. Hudgins, W. L. Whitaker, Texarkana.

Cass county—Joda Snipes, Douglassville; W. Q. Henderson, E. A. Allday, Atlanta; J. C. Hutchinson, Queen City; Ed. Rand, Kildare; J. S. Lunday, Wayne; James Petty, Bryan's Mill; Clay Fulcher, Cus-eita Mill; Frank Hall, Gibson's Mill; C. Palmore, Daiton Mill; Mack Fletcher, Hughes Springs; T. J. Everett, Avinger Springs; J. R. Glaze, Galloway's Store; D. J. Blackwell, Red Hill; Thomas Wood, Forest; W. F. Ford, Queen City; M. R. Pilkinton, Sardis; J. J. Fowler, Coke's Store; I. S. Lacy, Culberson; T. C. Taylor, J. P. Wood, Linden.

Caldwell county—S. S. McDowell, jr., Lockhart; C. B. Collins, Luling; George Meyers, Lockhart; Sam McDowell, sr., Lockhart; Arthur B. Storey, Lockhart; J. C. Lamb, Ophelia; S. L. McCulloch, Martindale; F. C. Cross, Luling.

Collin county—Geo. Hardin, Farmerville; J. W. Franklin, Allen.

Callahan county—A. G. Wills, Baird; W. R. Lotz, Baird; A. G. Webb, F. S. Bell.

Colorado county—E. J. Sandmeyer, Columbus; Edwin A. Malsch, Frelsburgh.

Crockett county—Jno. C. Perry.

Coleman county—E. A. Lindsey.

Coryell county—C. G. Bennett, Copperas Cove; J. W. Dunn, W. L. Jones, R. E. Gaston, J. L. Price, R. Muirhead, W. J. Graham, M. S. Duffie, L. Little, J. C. Chrisman, J. E. Walker, J. C. Gouldy, W. J. Cole, J. S. Clower, R. A. Culp, Jno. T. Meek, H. N. Atkinson, Owens Miller.

Concho county—Jno. I. Guion, C. C. F. Blanchard, Perry Barthalow.

Calhoun county—J. M. Beckford, Lavaca; C. W. Hartup, Indianola.

Cameron county—Benj. Kowalski, B. O. Hicks, J. A. Browne, C. F. Tighman, M. B. Kingsbury, R. B. Rentfro, John Champion, Brownville; A. C. Howell, Point Isabel; L. J. Hynes, Santa Maria; John Scott, Wilbur F. Dennett, Thos. Kennedy, E. H. Goodrich, Jos. Webb, Brownville.

Chambers county—Hugh Jackson, James Armstrong, Wallisville; R. D. White, William Gordon, Turtle Bayou; James Jackson, Double Bayou.

Clay county—D. F. Bowmar, W. B. Stickney, W. A. Squires, W. D. Slayton, J. C. Chestnutt, R. D. Wellborne, E. B. Monday, Henrietta; Wm. Wantland, Belleville; George A. Watts, J. M. Jones, Vincent Stine, M. C. Ivie, A. K. Swan, W. G. Eustis, Henrietta; F. G. Braasford, New Port.

Cooke county—J. W. Hughes, Wm. Windsor, D. E. Barrett, J. T. Whaley, S. W. Bellah, P. H. Lanus, A. E. Dodson, J. C. Roberts, H. E. Eldridge, E. A. Blanton, A. Eddleman, R. B. Howett, W. S. Thomas, P. M. Tucker, J. C. Ford, John T. Walker, W. B. Johnson, C. L. Jones, J. M. Wright, W. L. Blanton, N. C. Snider, W. A. Ledbetter, M. M. Hawkins, R. Sarlls.

Dallas county—John Booknault, J. E. Wolf, Z. T. White, C. B. Wellborn, Joseph W. Moore, H. L. Obenehain, Henry Lathrop, R. M. Cooke, Chas. F. Tucker, Jas. B. Simpson, Paul Furst, Harry P. Lawther, Mercer L. Robertson, Wendel Spence, Frank Field, J. G. Stevens, Dallas; L. H. McBride, East Dallas; T. J. A. Brown, Edward Gray, Thos. K. Ferguson, S. P. Morris, C. W. Helm, D. A. Williams, C. G. Payne, J. B. Kunz, C. F. Bolanz, G. M. Israel, I. J. Adair, George B. Plowman, Lafayette Fitzhugh, F. M. Crutcher, J.

J. R. Blewett, R. E. Burke, M. M. Alexander, J. E. Aikin, C. W. Gano, S. S. Long, J. S. Alderhoff, Dallas; W. T. McCahey, Carrollton; R. A. Roberts, Cedar Hill; A. B. Lanier, Haught's Store; J. S. Strother, Duck Creek; S. A. Grantham, Geo. Robertson, Grand Prairie; T. J. Swim, T. J. McLain, Pleasant Valley; C. H. Patrick, Prairie Valley; R. E. Bumpass, East Dallas; J. M. Knox, Housely; R. N. Daniel, Duncanville; J. L. Floyd, Richardson; Jas. H. Skiles, Jno. Bookhaut, Dallas; J. L. Fly, Seagoville; Wm. C. Young, East Dallas; W. T. Strange, Peter Aunspaugh, Edward Tennison, Jno. A. Harington, Dallas; R. L. Guy, Lancaster; Chas. Woodson, Seagoville; A. B. Rawlins, Hutchins; A. H. Benmers, Dallas; Henry Ball, R. M. Cook, Oak Lawn; F. D. Crosby, M. W. Edwards, Jno. W. Lane, Dallas; J. Pink Thomas, East Dallas; T. L. Ferguson, Sevene; G. W. Neely, Juntown; W. S. Adair, Dallas; J. H. Cox, Rylie.

Duval county—John Hender-oa, Concepcion; E. S. Atkinson, Louis P. Bryant, James O. Luby, San Diego; E. A. Glover, Benavidas.

Denton county—E. S. Smith, John Bain, J. R. McCormick, Denton.

DeWitt county—Ernest Bruunlen, Cuero; J. W. Schwab, Hobheim; O. L. Threlkeld, C. G. Hartman, Moritz Reidel, T. J. Brownson, T. C. Eberhart, Gustave Schleicher, T. M. Dodd, Otto Starker.

Delta county—B. B. Taylor, Mount Joy; R. B. Redfern, Ben Franklin, Johnathau Bills, Cooper; J. B. Simpson, Charleston; James M. Brown, Ben Franklin.

Dimmitt county—F. Vandervoort, A. W. Hazelrig, Carizzo Springs.

Encinal county—Wm. R. Jones, Encinal.

Erath county—L. E. Gillette, Dublin.

Eastland county—W. H. Walker, C. U. Connellee, L. E. Brannin, J. E. Luse, Geo. W. Dakin, Cisco; Frank Kynette, R. R. Wells, B. R. Robinson, W. M. Freeman, Eastland.

Ellis county—T. L. McCarty, Eunis; F. P. Powell, Waxahachie.

Falls county—J. T. Somerville, Marlin.

El Paso county—C. R. Morehead, Wm. H. Austin, Wyndham Kemp, A. G. Foster, C. Q. Stanton, Frank E. Hunter, J. B. Catrian, T. H. Conklin, J. W. Zallars, Zeno B. Clardy, W. N. McChandler, El Paso; Wm. Hamilton, Martin Kelly, San Elizario; A. E. Boulet, G. W. Wahl, Manuel E. Flores, G. F. Neil, Yleta; F. B. Wightman, Camp Rice; W. E. Kneeland, El Paso; G. N. Garcia, sr., San Elizario; W. B. McLachlin, Millard Patterson, El Paso.

Fannin county—John A. Barnard, Bonham; Young Berger, Honey Grove, G. W. Wells, Honey Grove; James Gooch, Gober; J. P. Holmes, John E. Pope, Joseph C. Evans, W. H. Cobb, Thomas P. Baker, James W. Groves, George Squires, W. C. Wilbire, G. G. Lindsay, F. J. Abernathy, P. C. Thurmond, J. E. Dupree, Samuel J. Galtbraith, W. J. Jones, Newton Rogers, Eli Wilson, M. Keithley, E. L. Agnew, S. L. Erwin, W. A. Bramlette, J. R. Young; Q. J. Moore, Trenton; W. F. Felty, Hickory Creek; Lindsay Thomas, Gober; B. S. Johnson, Ladonia.

Frio county—John B. McMahon, Moore Station; C. W. Grubbell, Dau T. Price, R. W. Hudson, John T. Bevens, Pearsall.

Fort Bend county—J. C. Williams, T. E. Mitchell, West John, Richmond; W. C. Sims, Pittsville; J. A. Gibson, Foster; W. L. Dunlap, Stafford's Point; Durke Susee (Duke), Arcola.

Freestone county—W. R. Anderson, Bonner; J. T. Storey, Cotton Gin; W. L. Edwards, jr., Butler; C. E. Grayson, Luna; J. T. Steward, Steward's Mill; J. B. A. Falk, Avaut; T. S. Thomas, Brewer.

Gonzales county—A. G. Brooke, Waelder; W. V. Collins, W. J. Bright, T. B. Littell, Enoch Steen, Gonzales.

Fayette county—N. L. McKinnon, Schulenberg; A. D. Paulus, High Hill; Chas. Luck, Black Jack Springs; A. Windmeyer, Aumonville; G. G. Moore, I. T. Lane, Flatonio; H. Zavisch, Cistern; E. C. Phelps, J. C. Stiehl, La Grange; E. Henkel, F. A. Schlick, Round Top; G. W. Radford, Ledbetter; C. W. Moore, West Point; C. J. von Rosenberg, Ellinger; A. C. Lenert, Warrenton; A. E. Falke, Warda; A. Nerestra, New Pargue; Thomas Ivy, Flatonia; W. S. Chunn, Cistern; A. Giles, Winchester.

Galveston county—J. P. Kindred, W. N. Cooke, John Hanna, Gerhard Fredrik Salicath, E. F. Salicett, Jno. M. Claiborne, B. R. A. Scott, John Adreanca, R. T. Byrne, D. M. Baker, I. Lovenberg, Thos. L. Cross, Samuel Bowyer Davis, John Friery, C. B. Gardiner, S. S. Hanscom, J. W. Jockusch, Wm. R. Johnson, C. M. Mason, James Sorley, W. B. Wallis, Hugo Brosig, N. B. Bandy, H. P. Angell, James Spillam, J. Whar-

ton Terry, Forster Rose, Wm. B. Lockhart, F. Ward, E. D. Cavin.

Grayson county—S. W. Porter, R. P. Jones, E. C. McLean, J. T. Cunningham, Nat. Gunter, H. M. Patty, M. Luper, Sherman; A. H. Coffin, H. Tone, S. S. Fears, A. B. Person, L. L. Maughs, Denison; H. B. Lindsey, Whiteright; J. W. Pattie, Vanalstyne; B. F. Barrett, Pilot Grove; W. P. Dugan, Bells; G. W. Diamond, J. K. Jamison, Whitesboro; W. M. Williams, Tioga; H. B. Wright, Sherman; J. T. Munson, A. B. White, S. A. Gilbert, Ed. Zintgraff, W. F. Stromberger, N. H. L. Decker, J. E. Matthews, J. C. Maples, H. H. Hays, A. R. Collins, W. H. Robert, jr., J. K. Daughters, W. M. Peck, Silas Hare, jr., C. H. Smith, E. E. Miller, S. B. Sivals, W. J. Brooks, John E. Parker, E. O. Thomas, C. M. Cook.

Grimes county—John H. Wilson, Navasota; Lock McDaniel, Frank Brigrance, W. L. Campbell, Anderson; W. W. Dodds, Iola; L. J. A. Hall, Bedi; Walter Leigh, Prairie Plains; Ira S. Camp, Pankey; T. D. Cobbs, Jas. M. Shaw, Navasota, A. C. Callaway, Courtney; Lewis G. Blackburn, White Hall; Edwards Parks, F. L. Wasson, Plantersville; C. C. Neely, Iola; R. H. Garvin, Roans' Prairie; Jas. H. Freeman, Navasota; Alex. T. Brigrance, J. G. McDonald, jr., Anderson; J. A. L. Kelton, Keith.

Guadalupe county—J. C. Wilson, Seguin; R. McNutt, Kingsberry; W. Vandenbaumer, Cibolo; R. Hellmann, sr., New Berlin; E. H. Howell, A. M. Erskin, Seguin.

Goliad county—F. W. Miller; J. A. Burke, J. M. Burke, Goliad.

Gillespie county—J. T. Estell, Fredericksburg; John W. Speer, J. O. Roundtree, Blanco; Julius Schuchard, C. C. Callan, Fredericksburg.

Haskell county—Arthur C. Foster, Haskell.

Hardin county—S. B. Turner, Hardin; J. P. Work, Kountze; John Davis, Concord; T. J. Hooks, R. N. B. Tompkins, Village Mills.

Hamilton county—W. E. Cox, Hico; T. H. Snider, J. A. Edison, W. J. Carroll, W. T. Walton, R. F. McKeoge, M. S. Brunk, N. C. Howard.

Harris county—E. B. Schneider; J. E. McAshan, H. M. Cur-tain, Jas. A. Breeding, Charles Culmore, Henry F. Gillette, Garrett Hardecastle, Alfred Wisbey, John Kennedy, Henry H. Falk, T. W. Archer, W. S. Oldham, Houston; J. T. Ferguson; W. N. Shaw, Houston; W. E. Hertferd, A. P. Tompkins, A. L. Steele, J. J. Gillespie, R. A. Girard, J. C. Sellers, Peter Christian, F. M. Poland, J. C. Kidd, J. B. Cochran, S. Talliaferro, J. C. Landers, Paul Georgie, G. M. Beauchamp, Wm. Schultz, John Cameron, M. Kiricks.

Harrison county—H. C. Gray, Scotsville; C. D. Kretz, Chas. F. Chevalier, John B. Carter, B. W. Long, M. Hagger, Marshall; Geo. E. Toullerton, R. P. Littlejohn, H. M. Matthis, L. W. Loyd.

Hays county.—P. M. Riley, Dupree; B. G. Neighbors, Kyle; Judge S. Fisher, I. H. Julian, C. L. McCay, San Marcos; W. M. Wyatt, Wimberly Mill; J. R. Wuthrich, Manchaca; W. F. Barbee, Kyie.

Hood county.—J. A. Clark, Thorp Springs.

Hidalgo county.—Max Stein, W. M. P. Daugherty, Jas. B. McAllen, Jesse Dennett, Henry F. Hord, S. M. Walsh, Hidalgo.

Hill county—C. T. Booth, Hillsboro; T. C. Morgan, A. M. Craig, Hubbard City; B. J. McLellan, Mount Calm; J. J. Scrivner, Osceola; J. N. Johnson, Clifford Moorman, J. C. Killough, J. H. Harrison, O. Holland, J. G. Abney, A. P. McKinnon, G. I. Jordan, Hillsboro; G. D. Tareleton; G. A. Sawyers, Woodbury; T. B. Love, Peoria; S. A. Reeves, Hillsboro; Sterling McMillan, Massey.

Houston county—E. F. Duran, J. E. Downs, Crockett; R. M. Garrett, Grapeland; R. H. Hutchius, Weldon; John Murchison, Porter's Spring; Z. B. John, Caltharp; John Kennedy, Augusta; R. T. Payne, Lovelady; E. Winfrey, Crockett.

Howard county—T. G. Andrews, G. W. Walhall.

Jack county—Geo. Spiller, J. M. Hughes, T. D. Sporer, F. R. Aston, E. W. Nicholson, W. L. Garvin, J. W. Stark, Jacksboro; J. P. Kirk, Post Oak.

Jackson county—L. M. Lowe, H. L. White, Geo. A. Staples, J. W. Allen, J. D. Owen, W. Moore, Edna.

Jasper county—Lipscomb Norvill, Henry C. Howell, T. W. Ford, K. B. Seale, Jasper; T. H. Owens, Bevelport; J. H. Saunders, Weiss Bluff.

Jones county—J. M. Polk, J. K. Little, Ed F. Nicolds.

Johnson county—S. F. Ray, Cleburne; J. H. Owens, Pleasant Point; S. B. Killough, I. A. Patton, J. M. Campbell, W. H. Skelton, Alvarado, W. M. Scurlock, B. W. Bryan, John R. Ransom, J. M. Odell, W. L. Williams, J. J. Ramsey, Cleburne; J. E. Hollingsworth, Grand View; R. T. Miller, Egan; W. F.

Beard, J. H. House, Cleburne; J. W. Wade, Grand View; Andrew King, W. E. Knox, Alvarado; Jo. Hall, Cleburne; Andrew King, Alvarado.

Jefferson county—A. S. John, W. M. Campbell, R. H. Leonard, George W. O'Brien, Mark Weiss, T. J. Russell, J. F. Lanier, J. W. Dorman, Beaumont; T. C. McReynolds, Jos. Broussard, T. W. Paine, Sabine Pass.

Kimble county—W. A. Williams, Junction City.

Kerr county—W. G. Garrett, W. D. Downs, R. H. Burney, jr., Ed. Smith, Kerrville.

Kendall county—Fried Hofheinz, Guadalupe; Theo. Weidenfield, Comfort.

Karnes county—S. N. Hedges, Pana Maria.

Kaufman county—F. M. Keach, Terrell; W. L. Upton, Scurry; W. P. Williams, Terrell; W. H. Barnes, Kaufman; J. L. Terrell, Terrell; Nestor Morrow, H. W. Keyser, R. A. Hindman, John L. Davis, L. Murphy, J. D. Cunningham, Kaufman; Alfred M. Scott, W. M. Lindsay, H. K. Hart, C. A. G. Payne, W. M. Par-due, Geo. W. Evatt, Elmo; T. H. Dailey, J. R. Dougherty, Chas. Campbell, William Brooks, Forney; G. A. Buckhanan, Peeds Mill; John Deen, Peeds Mill; Michael Ware, Tolosa; Henry Hubert, Kemp; Gallagher Chelcoat, Egypt; B. F. Morris, Egypt; Edmonia Dawson, Poetry; W. H. Allen, C. A. Gailbreth, Benjamin Gill, T. F. Stanfield, S. F. Leake, Frank Harrold, Alex. Lacy, Terrell; R. S. Rich, Kaufman; M. W. Raley, Terrell.

Kinney county—C. C. Clamp, Brackett; Robt. Wulffing, W. K. Jones, A. T. Dignowity, W. B. Eastman, Fred Quickenstedt; Solon Stewart, Joseph Jones, Brackett; Archibald Bogle, Del Rio.

Lee county—W. M. Burns, Lexington; F. S. Wade, Blue Branch; R. H. Flanniken, Tanglewood; E. C. Harrel, H. Goldstein, J. L. Rousseau, Giddings; A. F. Rainwater, Ledbetter, Washington county; Otto J. E. Urban, Fedor.

LaSalle county—Thos. Prandy, F. E. Thompson, M. H. Williams, Cotulla; Geo. H. Knaggs, Twohig; G. H. Hodges, Encinal; P. D. Hickey, W. L. Rudy, Cotulla; N. R. Miller, Waugh's Ranche; Geo. Houston Pfeuffer, Cotulla.

Lamar county—Charles S. Neothery, D. K. Fashee, jr., B. J. Baldwin, jr., John B. Stephens, R. L. Wilkins, G. C. Ratliffe, F. T. Hudson, Paris; George B. Whipple; Benjamin F. Fuller, Paris; W. L. Burdette, J. R. G. Lang, Wood M. Jones, Ed Collins, R. P. Mayo, B. H. Denton, Ed Skidmore, T. C. Hancock, G. J. Terrell; L. A. Cunningham, Paris; P. W. Harrison, Geo. A. Crutchfield; R. W. Draper, Chicota; S. C. Bryson, Bairdstown; R. J. Patton, Pallouville; W. G. Tyler, Timmins; J. L. Bray, Blossom Prairie; Louis Clark, Dowling; Burney Bywaters, Roxton; Wm. Huddle, Hopewell; John W. Jones, Parkers; C. F. Parks, J. F. McNemer, S. C. Conner, Paris.

Limestone county—Wm. Kahler, A. J. Burleson, Jno. B. Prendergast, James Armour, S. G. McLendon, N. L. Waller, R. W. Priest, T. J. Gibson, J. A. Wright, C. B. Sheard, Wm. Kennedy, A. Barry, Henry L. Hall, G. A. Oglevie, J. P. Brown, Jas. R. Johnston, A. A. Jayne, I. N. Roark, J. H. Park, W. E. Doyle, W. D. Donaldson, J. B. Reilly, G. W. Read.

Lampasas county—Lewis Wood, R. P. Lyon, E. M. Lang-cope, J. A. Abney, James Deering, W. H. Cain, J. C. Russell, Chas. L. Lauderdale, W. B. Abney, Alex. McFarland, Henry Exall, A. G. Walker, Mathew Roach, William Oliver, J. M. Reagan, E. G. Pendl-ton, Geo. L. Franklin, M. L. Woods, M. J. Carpenter, Lampasas.

Llano county—W. L. Carlton, W. L. Armstrong, R. F. Round-tree, Wm. Kyle, J. W. Davis, S. H. Oatman, H. J. Reynolds, John McLeod, Knight Steth, James Flack, E. H. Wilkes, M. B. Clenderman.

Leon county—B. D. Dashiell, W. R. Ellis, Jewett; Horatio Durst, Tom G. Nixon, Leona; S. G. Ward, Marquez; F. B. Looney, Oakwoods; H. P. Morrow, J. F. Leathers; F. M. Amos, Marquez; Wm. H. Simms, Centerville; Norman G. Kittrell, Jewett; Thomas L. Bryan, Hardin's Store.

Liberty county—George Ricks, J. G. Minter, Sam R. Perryman, Liberty; L. C. Chambers; Alfred Isaacs, J. D. Lum, Tarkington's Prairie; J. W. Davis, Dayton; T. B. Smith, Iron-ton; Frank Abshier, H. H. Dever, Liberty; Gustave Lacour, Moss Bluff.

McCulloch county—M. Clements, Walter Anderson, J. T. Williams, J. L. Tarver, Charles E. Williams.

Montague county—Jos. W. Kerr, C. J. Hale, J. M. Tindall, Bowie; Wm. Robertson, Dye; J. H. Bogness, St. Jo; E. W. Giles, Duxbury; C. C. Johnson, E. L. Janot, Bowie; R. D. Rugeley, Montague; M. W. Ross, St. Jo; J. T. Bellows, Sun Set; M. J. Davis, Montague; L. R. Willets, Bowie; E. S. Cass, Illinois Bend; E. L. Herboth, W. A. Morris, W. S. Jamison,

Montague; John S. Love, Red River Station; L. C. McNutt, Burlington; L. B. Roberson, Hardy; J. W. Kerr, B. E. Green, Bowie.

Maverick county—T. V. Blesse, Eagle Pass.

Mason county—Franz Bernhard, Mason; Calvin Thaxton, August Keller, J. E. Autrey, A. D. McCullum, R. McMillan, Chas. Bierschwall, J. O. Meusebach, S. L. Fleming.

Matagorda county—William C. Braman, Matagorda; P. M. Bowie, Caney; John L. Croom, jr., Matagorda; Francis Jones, Pledger; John Matthews, Caney; William Moore, Deming's Bridge.

Mitchell county—J. W. Warren, Colorado; C. W. Merrill, Miley Hazzard, Robert A. Jeffress, C. W. Croft, J. S. Simmons, Ivey H. Burney, H. R. Solomon, James L. Shepherd.

McLennan county—Jas. P. Anderson, Orlando Wheat, M. C. H. Park, Eugene Williams, Jno. T. Walton, Wm. L. Prather, T. A. Blair, John F. Flint, Waco.

Medina county—Chas. Scheidemantel, Castroville; W. A. Taylor, Devine; Leslie Thompson, G. M. Brown.

Menard county—A. G. Nason, Menardville; Sam Wallick.

Marion county—D. B. Hale, Lasater.

Montgomery county—W. H. Harlan, Willis; B. H. Powell, J. E. McComb, Montgomery; O. W. Arnold, Hockley; John N. Scott, Longstreet.

Madison county—J. T. Randolph, Madisonville; S. T. Daniels, A. J. Searey, Willow Hole Prairie.

Nueces county—Stanley Welch, T. P. Rivere, Peyton Smyth, W. J. Robertson, Cornelius Cahill, G. R. Scott, E. A. McCampbell, Jno. Hall, Delmas Givens, Royall Givens, J. H. C. White, Corpus Christi.

Navarro county—Sam R. Frost, S. D. Curtis, J. L. Burgess, Corsicana; D. B. Smith, Cross Roads; Robt. E. L. Barry, T. A. Harris, W. J. McKie, Corsicana; D. B. Hartzell; R. B. Malloy, Corsicana; R. A. Greer, Jas. L. Autry; L. B. Haynie, Rio.

Nolan county—R. A. Ragland; W. H. Cowan, Sweetwater; J. B. Scarborough.

Newton county—E. A. Cheatham, John T. Sutton, Thomas H. Good, John S. Keaghey, Burkville; C. H. Nemit, L. B. Clark, Newton; James R. Lee, Livonia.

Nacogdoches county—W. S. Patton, Tom K. Jennings, Geo. H. Matthews, Anthony B. Patton, John N. Gilbert, Wm. Martin, Nacogdoches; J. H. Miller, Wonders; J. H. Garrison, Nacogdoches; J. V. Birdwell, Martin City; O. P. Fears, Wonders; R. A. Wooten, E. J. Spinks, "Cherview;" D. C. Most, Melrose; J. H. Thomas, Douglass.

Orange county—J. T. Hart, W. D. Wingate, George W. Mitchell, John Starks, J. Swinford, R. H. Smith, Orange.

Presidio county—C. F. Trafton, Haymond; C. S. Hughes; A. E. Shepard, Marathon; Jno. D. Davis; Wm. Russell, Presidio del Norte; Robt. G. Hudson; John B. Shields, Ferris W. Colby, Howard M. Patterson, James Stuart, Fort Davis; J. M. Gaddis, Murphyville; S. W. Catlier, Marfa; R. R. Stringfellow, Chenate Mines; W. W. Bogel, Alamito; E. M. Herferford, Haymond.

Paola county—Thos. H. Hull, N. C. Williams, Carthage; J. J. Langley, Beckville; T. G. Allison, Fair Play; J. W. Cariker, T. A. Lawrence, Clayton; B. D. Holland, Centennial; W. H. Brette, Bethany; J. B. Mells, Deadwood; T. A. Cadenhead, De Barry; M. W. Donaldson, J. A. Leslie, J. L. Harris.

Palo Pinto county—H. M. Berry, Palo Pinto; W. W. Reid, Christian; J. I. Cunningham, Palo Pinto.

Parker county—Marion Roderick, A. Y. Hutchinson, R. J. McKenzie, E. P. Nickleson, J. M. Richards, Weatherford; J. C. Thompson, Whitt; George A. McCall, J. P. McKinney, J. B. Price, Henry P. Du Beller, Weatherford; T. F. Overmeyer, Alledo; J. W. McCracken, Springtown; W. D. Fielding, Aneta; R. C. McConnell, Weatherford; J. A. Graves, Springtown.

Polk county—R. E. Correy, Livingston.

Pecos county—O. W. Williams, Charles Wilson; R. G. Hudson, Langtry.

Rockwall county—W. B. Wade, D. F. Goss, Rockwall; J. R. Terrell, G. H. White, Tate; J. O. Heath, Rockwall; R. J. Lowery, Blackland; Chas. Jordan, McLendon; A. R. Hartman, Rockwall; J. K. P. Kyser, Willow Springs; H. D. Howell, McLendon; Benman King, Blackland; W. B. Dowd, Willow Springs; J. A. Peck, Rockwall; Thomas Crayton, Blackland.

Reeves county—P. J. Norwood, Thomas R. Hill.

Rains county—John McMahon, Lone Oak, Hunt county; Horace W. Martin, Thomas M. Allred, Walter Calvert, Emory, Rains county.

Runnels county—H. C. Jordan, C. H. Ernest, H. A. Thompson, H. H. Luckett, H. D. Pearce, J. C. Switt.

Robertson county—Geo. Bureke, J. A. Foster, G. R. Dunn,

Calvert; T. J. Simmons, A. J. Thomas, C. Carter, W. T. Grant, Franklin; W. P. Brown, W. A. Rumpel, W. H. Wilson, Bremond; F. H. Bailey, W. P. Ferguson, J. C. Farley, Hearne; Knox A. McCounel, Wheelock; W. D. Henson, Mnuiford; J. G. Meyer, New Baden.

Rusk county—D. M. Deason, Pine Hill; W. P. Deverux, Glenfawn; G. H. Gould, John H. Young, J. G. Garrison, J. T. Maddox, J. S. McAnulty, G. R. Lacy, Henderson; T. H. Still, T. A. Whitstone, J. K. Martin, Overton; J. L. Findlay, Harmony Hill; J. P. Ross, Mt. Enterprise; Dallas Foreman, New Salem; L. D. Stephens, Stephens; H. Carter, Caledonia.

Red River county—J. J. Perdue, P. W. McCain, Fulbright; F. M. Smith, Rosalie; E. A. Mandlin, Garvensville; J. Joplin, Bennetts; Wm. Somerville, Bagwell; H. B. Holloway, Woodland; J. C. Perot, Manchester; J. H. Johnston, Kiomatia; D. A. Baker, N. B. Doak, John A. Mosely, Annona; J. B. Pope, D. A. Chambers, C. A. Taylor, C. A. Worley, Clarksville; C. A. Denison, Harris Ferry; W. W. Lawson, Annona; J. E. Horner, Bogota; D. B. Moore, Woodland; Jo. H. Britton, Clarksville.

Refugio county—Lyman B. Russell, Refugio.

Stephens county—John W. Veale, W. P. Sebastian, John D. Rhea, Wayland; Wm. Veale, J. T. Crawford, Crystal Falls; C. Veale, Breckenridge.

Starr county—Jas. I. Nix, Dan W. Nicholson, Rio Grande City; Camillio Saens, Roma; Rafael Aldrete, La Guilla; Gullerino Muguerza, Roma.

Scurry county—R. T. Powell, Snyder.

San Saba county—Chas. Wilson, Milburn; Sidon Harris, J. Frazier Brown, San Saba.

San Augustine county—W. H. Crouch, W. W. Hungerford, Chas. Flourney, San Augustine.

San Patricio county—T. H. O'Callaghan, San Patricio; L. D. Camp.

San Jacinto county—C. M. Woods, Shepard.

Shackelford county—S. Webb, Albany; A. A. Clarke, C. H. Philbuck, C. K. Stribling, George Wilhelm, George T. Reynolds, Peter Hart, L. W. Campbell, T. M. Dilworth, L. H. Hill, D. C. Campbell, J. L. Fisher, S. O. Larche.

Sabine county—James P. Payne, Sexton; E. N. Beall, Geneva.

Smith county—J. G. Jones, Troupe; Jeff. D. Burns, Tyler.

Shelby county—J. M. Hairgrove, Buena Vista; Tom C. Davis, Center; Dan Brittain, Sam A. Owens, John H. Truitt, A. M. Neathery, Wm. H. Stanley, M. H. Cooper, E. M. Hughes, J. M. Bell, J. T. Mosley, P. H. McLaughlan, J. M. Truitt.

Trinity county—C. B. Wood, E. B. Bond, W. G. Sterling, Pennington; T. D. Standford, J. P. Stevenson, Groveton; D. H. Hamilton, Centralia; W. M. Freeman, Pennington; W. F. Lister, J. C. Leggett, Trinity; J. G. W. Pierson, Groveton.

Titus county—Willie Ligon, J. F. Wilkinson, B. F. Wood, Mt. Pleasant; W. A. Keith, Cookville; W. R. Edwards, Mt. Pleasant.

Tyler county—Jerry Grimes, Grimes' Bluff; W. M. Rice, Geo. Woolly, Hyatt; Robt. M. Shivers, Town Bluff; B. B. Barlow, R. A. Stewart, Billum's Creek; Patrick Haynes, Edward Simmons, Leamon's Prairie; John H. Kirby, Thos. D. Scott, G. C. Stovall, Woodville.

Tom Green county—Louis M. Minnis, San Angelo; John M. Moody, Midland; W. S. Cunningham, San Angelo; J. I. Westfall; L. H. Hopkins, San Angelo; J. W. Echols, Norman C. Lull, A. B. Sherwood, A. McGregor, Chas. A. Dailey, J. B. Williamson, Milton Mays, J. H. Meard, Jos. Spence, jr., R. W. Landrum, Cassius Carter, F. B. Gray.

Travis county—A. H. Delhard, Manchaca; Danl. Gettins, Jno. K. Donnan, Osceola Archer, M. S. Dunn, H. B. Barnhart, R. C. Shelley, H. E. Shelley, D. B. Gracy, Austin; A. H. Dechard, Manchaca; E. E. Rose, Cedar Valley; Jno. W. Cloud, Del Valle; Flavius Everett, N. S. Walton, Edw. W. Shands, A. J. Peeler, jr., Irving Eggleston, A. B. Langermann, W. D. Williams, P. DeCordova, Thos. H. Wheelless, S. G. Sneed, Dennis Corwin, A. H. Graham, Austin; H. L. Hensel, Travis Peak; A. Stanford, Anderson Mills; A. F. Boyce, Gregg; J. C. Bowman, Hornsby's Bend; A. E. Duty, Duty's Store; Wm. Whitehead, Creedmore; Wm. T. Hart, Bluff Springs; J. M. Thornton, J. W. Hewlett, T. A. Thomas, T. F. Taylor, R. C. Walker, Jno. R. Lawrence, W. C. Denny, Will Lambert, J. S. Myrick, Fritz Tegener, Wm. Von Rosenberg, Jno. S. McClintock, J. D. Sheeks, C. A. Newning, Austin; J. W. Bitting, Manor.

Tarrant county—O. M. Kern, Thos. Slack, Fort Worth; J. T. Morehead, Grapevine; R. F. Moore, Keller; B. F. Latimer, White Settlement District; A. S. Hayter, Mansfield; E. B. Rankin, Arlington; A. E. Valentine, Bedford; W. H. H. Moore, Dido; J. S. Morris, Oak Grove; G. W. Joplin, Johnson Station; C. M. Crane, T. P. Martin, Geo. Mulkey, Z. Cetti, C. C. Cum

ings, G. W. Alexander, J. L. Hill, J. F. Saunders, Robert Johnson, John O. Ford, J. W. Johnson, C. W. Lamborn, Fort Worth.

Taylor county—M. C. Lambeth, Abilene; T. M. Kelsey, R. H. Parker, K. K. Legett, C. W. Holt, H. A. Tillett, E. E. Hartsock, John Bowyer, T. J. Finnie, George W. Jalonick, P. G. Peters.

Uvalde county—John H. Clark, R. E. Jones, Uvalde; George A. Barker, Waresville; L. M. Peters, Uvalde.

Victoria county—Charles LeSage, N. A. Thomson, Victoria; William Schmidt, J. E. Carpenter, Frank Pridham, A. B. Peticolas, J. S. Munn; M. M. Goodwin, Mission Valley.

Walker county—G. A. Wynne, Huntsville; S. T. Burns, Dodge.

Waller county—J. D. Montgomery, Morris Fisher, A. J. Harvey, J. M. Pinkney, S. S. Reese, D. N. Harris, Hempstead; M. L. Moore, Field's Store; Wm. Tompkins, Gladish Store; W. P. Downman, Pattison; W. F. Andress, Hempstead; N. B. Farr; A. C. Tompkins, Hempstead.

Washington county—Hugh L. McLung; R. King, Burton; T. J. Newman, Wm. Penn P. O.; J. C. Broesche, Burton; Geo. B. Roberson, Thomas B. Botts, A. Jeffries, E. B. Randle, Brenham; J. M. Calloway, Jud. W. H. Vinson.

Williamson county—J. B. Wright; L. M. Mays, Round Rock; Sidney Seymour, Georgetown.

Webb county—J. L. Bartlett, C. A. McLane, J. O. Nicholson, S. M. Jarvis, John H. Calais, A. Winslow, C. C. Pierce, Miles T. Cogley, Thomas W. Dodd, S. S. Foster, E. A. Atlee, Laredo; T. J. Lee, Cactus.

Wise county—A. L. Boyd, Bridgport; J. P. Graham, Ben F. Allen, Decatur; L. L. Ward, Aurora; J. O. Alexander, Crafton; L. J. Randall, L. W. Tyler, Aurora; T. A. Fuller, Decatur; B. F. Banks, Cottdale; J. W. Greenfield, Willow Point; J. W. Tyler, Boonville; W. D. Gose, C. C. Wells, Decatur; J. M. Brown, Bridgeport; T. J. McMurray, Charles Verne, Decatur; T. Merriman, Chico; L. J. McGee, Decatur; W. J. L. Wellborn, Cottdale; D. A. Holman, Decatur; R. A. Dorsey, Pella; Wm. Netherland, Crafton; J. T. Brown, Chico; S. T. Rhodes, Paradise; A. Devereux, J. W. Patterson, John H. Cobb, J. W. Hale, Sam Hodges, John A. Gordon, J. W. Trenchard, Decatur; J. W. Cleveland, Rhome; James A. Hodges, Audubon.

Wilson county—A. McClung, S. P. Wiseman, La Vernia; J. B. Polley, J. W. Dickey, A. G. Pickett, Floresville.

Wharton county—Henry J. Schley, sr., Wharton.

Wichita county—T. C. Thomson, Sebastian Armstrong, Wichita Falls.

Young county—W. C. Blakey, Farmer; S. N. McConnell, Murray.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body of the passage by the House of the following bill:

House bill No. 241, "An act to amend section 40 of an act entitled an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, of title 78 of the Revised Civil Statutes of Texas as refer to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act" passed February 4, 1884."

A. D. SADLER,
Chief Clerk House of Representatives.

(The President in the chair.)

House bill No. 241 was referred to Committee on Education.

Senator Woods offered to amend the amendment of Senator Getzendaner to Senate bill No. 64 as follows:

Strike out, in first line, the word "sell," and in second line also strike out "selling and," and insert, after the word "prescribed," in second line, the words "by law."

Accepted.

Senator Jones moved the previous question on the amendment and the bill.

Seconded and main question ordered.

The amendment was adopted by the following vote:

YEAS—16.

Bell,	Houston of Wheeler,	Peacock,
Fowler,	Jones,	Pope,
Getzendaner,	Kilgore,	Terrell,
Glasscock,	Kleberg,	Traylor,
Harrison,	Knittel,	Woods.
Houston of Bexar,		

NAYS—10.

Camp,	Jerdone,	Randolph,
Davis,	Perry,	Shannon,
Garrison,	Pfeuffer,	Stinson,
Hall,		

The bill was ordered engrossed by the following vote:

YEAS—15.

Bell,	Houston of Bexar,	Peacock,
Fowler,	Jones,	Pope,
Getzendaner,	Kilgore,	Terrell,
Glasscock,	Kleberg,	Traylor,
Harrison,	Knittel,	Woods.

NAYS—10.

Camp,	Jerdone,	Randolph,
Davis,	Perry,	Shannon,
Garrison,	Pfeuffer,	Stinson.
Hall,		

ABSENT, NOT VOTING.

Houston of Wheeler.

Senate bill No. 25, "An act to abolish the office of Fish Commissioner, and dispose of all fish ponds and other property connected with or belonging to the fish department," was laid before the Senate with House amendment.

On motion of Senator Terrell,

The Senate refused to concur in the House amendment by the following vote:

YEAS—14.

Bell,	Hall,	Randolph,
Camp,	Harrison,	Shannon,
Davis,	Houston of Wheeler,	Terrell,
Garrison,	Jerdone,	Woods.
Getzendaner,	Peacock,	

NAYS—12.

Fowler,	Kilgore,	Pfeuffer,
Glasscock,	Kleberg,	Pope,
Houston of Bexar,	Knittel,	Stinson,
Jones,	Perry,	Traylor.

Senator Stinson moved to adjourn till 10 o'clock to-morrow morning.

Senator Jones moved to adjourn till 3 o'clock this evening.

The motion of Senator Stinson was adopted, and The Senate adjourned till 10 o'clock to-morrow.

FORTY-FIFTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 6, 1885. }

The Senate met pursuant to adjournment.
Lieutenant-Governor Gibbs in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain, Dr. Smoot.
On motion of Senator Houston of Wheeler,
The reading of the journal of yesterday was dispensed with.

REPORTS OF STANDING COMMITTEES.

By Senator Kilgore:

COMMITTEE ROOM,
AUSTIN, March 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 7, entitled "An act proposing an amendment of section 20, article 16 of the Constitution of the State of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it lay on the table, to be considered in connection with the House resolution on the same subject.

All of which is respectfully submitted.

KILGORE, Chairman.

Read first time.

COMMITTEE ROOM,
AUSTIN, March 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 8, to repeal section 16 of the Constitution of the State of Texas, have had the same under consideration and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

KILGORE, Chairman.

Read first time.

By Senator Woods:

COMMITTEE ROOM,
AUSTIN, March 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Printing, to whom was referred Senate bill No. 257, entitled "An act to be entitled an act to amend article 3994 of title 80 of the Revised Civil Statutes, approved April 4, 1881," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

WOODS, acting Chairman.

Bill read first time.

By Senator Traylor:

COMMITTEE ROOM,
AUSTIN, March 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred substitute House bill No. 22, entitled "An act to levy an occupation tax on all dealers in pistols and bowie-knives, dirks, daggers, and other deadly weapons manufactured for the purpose of offense or defense, and capable of being concealed on or about the person," have had the same under consideration, and a majority of your committee instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

TRAYLOR, Chairman.

Bill read first time.

The following minority report was sent up and read:

COMMITTEE ROOM,
AUSTIN, March 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

The undersigned, representing the minority of Finance Committee, to whom was referred substitute House bill No. 22, the same being entitled "An act to levy an occupation tax on all dealers in pistols, bowie-knives," etc., respectfully dissent on a majority of the committee, and assign the following reasons:

1. The bill seems to have for its object the suppression of the carrying of concealed deadly weapons, and attempts to reach this object by levying an occupation tax of \$250 on retail dealers in such weapons, and an occupation tax of \$500 on wholesale dealers in same kind of weapons. We do not see how this burdensome tax upon merchants in this State will tend in any great degree to lessen the crime of bearing concealed weapons, for it is an easy matter for any person who desires to purchase a pistol, or other weapon, to send beyond the limits of the State and secure one per express, or by some other simple process.

2. If taxing a merchant who offers a weapon for sale will tend to suppress the unlawful bearing of arms, why not include in this category the individual who bears the same?

Why not compel him who bears the weapon to take out an occupation license, paying for same \$250, and if he wants to carry two pistols, or a pistol and bowie-knife, make him pay \$500 for the luxury.

We regard this bill as but a feeble effort to prohibit the carrying of deadly weapons, and would utterly fail to accomplish any good in this direction.

KLEBERG,
KNITTEL,
POPE.

For minority.

By Senator Davis:

COMMITTEE ROOM,
AUSTIN, March 6, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 262, entitled "An act to license and regulate gamblers and gaming, and to provide appropriate penalties for failing to comply with the terms and conditions thereof, and to punish persons for gaming, and to repeal articles Nos. 358, 359, 360, 361, 362, 363, 364, 365, 366 and 367, of chapter 3, of the Criminal Code, and to repeal all laws in conflict herewith," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass. It is the opinion of the committee that gambling should be suppressed instead of being legalized or licensed.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

On motion of Senator Jones,

House bill No. 249, "An act to repeal 'an act to authorize counties to issue bonds for bridge purposes, and to levy a tax to pay the same, also to validate bonds heretofore issued for bridge purposes,' passed at the called session of the Eighteenth Legislature," the first special order, was postponed and made the special order for Tuesday, after morning call.

On motion of Senator Stinson,

The special order was postponed and Senate bill No. 210, "An act to amend section 8 of 'an act establishing and prescribing the manner of ascertaining the boundaries of counties,'" was taken up, read third time and passed.

Senate bill No. 221, "An act to amend article 4257 of the Revised Civil Statutes of the State of Texas," was laid before the Senate as a special order and read second time, with majority (unfavorable) and minority (favorable) committee reports.

Senator Jones moved to adopt the minority report.

Senator Shannon moved as a substitute that the majority report be adopted.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 6, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body that the House has passed Senate bill No. 196. "An act for the relief of Z. C. Collier, Thomas Collier and Wm. Ramer."

A. D. SADLER, Chief Clerk.

On motion of Senator Davis,

Senator Pfeuffer was excused for the day, on account of sickness.

Senator Houston of Bexar moved to adjourn till 10 o'clock to-morrow morning.

Senator Glasscock moved to adjourn till 3 o'clock this evening.

The motion of Senator Houston of Bexar was adopted, and

Pending discussion on Senate bill No. 221,

The Senate adjourned till 10 o'clock to-morrow morning.

FORTY-SIXTH DAY.

SENATE CHAMBER,
AUSTIN, March 7, 1885. }

Senate met pursuant to adjournment.
Lieutenant-Governor Gibbs in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain, Dr. Smoot.
On motion of Senator Traylor,
The reading of the journal of yesterday was dispensed with.

REPORTS OF STANDING COMMITTEES.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, March 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 162, being "An act to amend article 4489, title 90 of the Revised Statutes," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 6, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 64, being "An act to provide for the management and control of the lands set aside for the benefit of the University of Texas," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 6, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 138, being "An act to amend chapter 3, title 53 of the Revised Statutes, by adding thereto article 2971a," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate joint resolution No. 10, delivering the property known as the Alamo to the city of San Antonio, and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 188, being "An act to amend section 13 of an act to redistrict the State into judicial districts, and fix the time for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills, have carefully examined and compared Senate bill No. 44, being "An act to provide for the investment of the permanent free school fund," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined

and compared Senate bill No. 244, being "An act to create the Hardeman land district," and find the same correctly engrossed.

BELL, Chairman.

By Senator Houston of Bexar:

COMMITTEE ROOM,
AUSTIN, March 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred the "Memorial of the New York, Texas and Mexican railway company, asking the privilege of bringing suit in the district court of Travis county against the State of Texas for the value of certain land certificates," etc., have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it lie on the table, for the reason that the Senate Committee on Internal Improvements has taken action upon the subject matter contained in the memorial.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, March 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 155, entitled "An act regulating the manner of taking testimony in civil cases," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the accompanying amendment, with the recommendation that it do pass as amended, and that 100 copies be printed for the use of the Senate.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE AMENDMENT TO HOUSE BILL NO. 155.

Amend by striking out engrossed rider.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 195, entitled "An act to amend article 1458 of the Revised Civil Statutes of the State of Texas," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 226, entitled "An act to amend article 2396, chapter 3, title 42 of the Revised Statutes," have carefully examined the same and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 259, entitled "An act to amend chapter 20, title 37 of the Revised Civil Statutes of the State of Texas, by adding thereto three additional articles to be known as articles 2041a, 2041b and 2041c," have carefully examined the same, and a majority of your committee instruct me to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 261, entitled "An act to amend article 2219 of the Revised Civil Statutes," have carefully examined the same, and a majority of your committee instruct me to report the same back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 118, entitled "An act to amend chapter 6 of title 29 of the Revised Civil Statutes of Texas, by adding thereto, after article 1241, another article to be called article 1241a," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with accompanying amendments, with recommendation that it do pass as amended, and that 100 copies be printed for the use of the Senate.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE AMENDMENTS.

1. Strike out the words "of debt," after the words "in any action," in section 1.
2. Strike out all after the words "suit brought," in section 1.

Bill read first time.

By Senator Randolph:

COMMITTEE ROOM,
AUSTIN, March 7, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 260, entitled "An act to amend articles 1006, 1007 and 1008 of an act entitled 'an act to amend articles 1006, 1007 and 1008 of the Revised Civil Statutes of the State of Texas, approved February 21, 1879, passed by the Eighteenth Legislature at its regular session, approved the ninth day of April, 1883.'" have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

BILLS AND RESOLUTIONS.

By Senator Houston of Wheeler:

"An act to authorize the redemption of lands sold under execution or orders of sale and powers of sale in mortgages or deeds of trust, and to prescribe the mode of proceeding therein."

Referred to Judiciary Committee No. 2.

By leave, Senator Houston of Wheeler sent up the following petitions:

Petition of the citizens of Randall county praying to be attached to Oldham for judicial purposes.

Referred to Committee on Judicial Districts.

Petition of the citizens of Collingsworth county, asking repeal of the lease law.

Referred to Committee on Public Lands.

The President gave notice of signing Senate bill No. 196, "An act for the relief of Z. C. Collier, Thos. Collier and Wm. Ramer."

The Senate resumed consideration of Senate bill No. 221—the Jones railroad bill.

(Senator Peacock in the chair.)

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 7, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body of the passage of House bill No. 324, "An act to compel railroads and other corporations to establish and maintain public offices in the State of Texas, and providing what books shall be kept there at and what said books shall contain, and requiring them to keep said books open for inspection, and to compel them to report to the Comptroller or Governor the true status of said corporations, and such other matters as may be required by said Governor or Comptroller, and providing appropriate penalties for a failure to comply herewith."

A. D. SADLER, Chief Clerk.

House bill No. 324 was referred to Committee on Internal Improvements.

Senator Houston of Bexar moved the previous question.

Seconded, and

Main question ordered.

The majority report, killing the bill, was adopted by the following vote:

YEAS—13.

Camp,	Kilgore,	Shannon,
Davis,	Perry,	Stinson,
Getzender,	Pfeuffer,	Traylor,
Harrison,	Randolph,	Woods.
Jones,		

NAYS—10.

Bell,	Houston of Wheeler,	Peacock,
Fowler,	Jerdone,	Pope,
Garrison,	Kleberg,	Terrell.
Houston of Bexar,		

ABSENT NOT VOTING.

Glasscock,	Hall,	Knittel.
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On motion of Senator Getzender,

Senator Glasscock was excused for the day.

On motion of Senator Shannon,

The Assistant Sergeant-at-Arms, Mr. Stewart, was excused from yesterday till Monday.

By leave, Senator Shannon introduced a bill to be entitled "An act to authorize the State Capitol Board to contract for the substitution of granite for limestone in the construction of the exterior walls of the superstructure of the new State Capitol, and to conform all laws thereto, and to make an appropriation for the contingent expenses connected therewith, and to authorize the payment for such change to be made to the contractor in convict labor."

Referred to Committee on Public Buildings and Grounds.

Senator Shannon, by leave, introduced the following special committee report:

COMMITTEE ROOM,
AUSTIN, March 6, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your committee appointed to confer with a like committee on the part of the House of Representatives as to the practicability of substituting granite for limestone in the exterior walls of the superstructure of the new State Capitol, have had the matter under consideration, and as a result of their joint labors, instruct me to report back the accompanying bill.

All of which is respectfully submitted.

W. R. SHANNON,
Chairman Senate committee.
J. A. RAMSDALL,
Chairman House committee.

On motion of Senator Harrison,

Senate bill No. 189, "An act to annul and cancel all locations and surveys made thereunder and patents issued upon any land situate in the county of

Greer, and to restore said lands to the respective funds to which they belong," was taken up and made the special order for Monday after morning call, and from day to day until disposed of.

On motion of Senator Fowler, Senate joint resolution No. 10, "Delivering the property known as the Alamo to the city of San Antonio," was taken up out of its regular order, read the third time and passed.

Senator Kleberg moved that the Senate go into executive session on the Governor's appointments, on Tuesday after morning call.

Adopted.

Senator Fowler submitted the following privileged report:

COMMITTEE ROOM,
AUSTIN, March 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 196, being "An act for the relief of Z. C. Collier, Thomas Collier and Wm. Rauer," and find the same correctly enrolled, and have this day, at 10:30 o'clock a. m. presented the same to the Governor for his approval.

FOWLER, Chairman.

On motion of Senator Terrell,
The Senate adjourned till 11 o'clock Monday morning.

FORTY-SEVENTH DAY.

SENATE CHAMBER,
AUSTIN, March 9, 1885. }

Senate met pursuant to adjournment.
Lieutenant-Governor Gibbs in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain, Dr. Smoot.
On motion of Senator Terrell,
The reading of the journal of Saturday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Peacock:
Petition of R. M. Leaton, of Blanco county, and forty-five others, praying for the passage of a law prohibiting the running of trains on Sunday.
Referred to Committee on State Affairs.

REPORTS OF STANDING COMMITTEES.

By Senator Getzendaner:

COMMITTEE ROOM,
AUSTIN, March 7, 1885.

Barnett Gibbs, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred memorial of J. A. Rhomberg, receiver and president of the Austin and Northwestern Railway Company, asking that this company be allowed the land certificates alleged to be due said road, before the repeal of the law, April 22, 1882, have had the same under consideration, and instruct me to report it back with the recommendation that it lie upon the table, as a bill embracing the same subject matter has been acted on by Senate Committee on Internal Improvements.

All of which is respectfully submitted.

GETZENDANER, Chairman.

COMMITTEE ROOM,
AUSTIN, March 7, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred memorial of John Zanigae, asking for restitution of losses sustained by fire at the Lunatic Asylum while engaged in saving the lives of its inmates and the property of the institution, have had the same under consideration, and instruct me to report it back with the recommendation that it lie on the table, the claim for compensation being of such a character as the State is under no obligation, either legal or moral, to make good.

All of which is respectfully submitted.

GETZENDANER, Chairman.

BILLS AND RESOLUTIONS.

By Senator Randolph:

"An act to regulate the duties of public ginners, or persons ginning cotton for toll, and prescribing penalties for a violation of same."

Referred to Judiciary Committee No. 2.

On motion of Senator Terrell,

Senators Houston of Wheeler and Jones were excused indefinitely on account of important business.

Senate bill No. 245, "An act to define the duties of telegraph companies in the transmission of messages, and to prescribe penalties for the enforcement thereof," was laid before the Senate as the first special order, and,

On motion of Senator Peacock,

Was postponed till Friday after morning call, and from day to day till disposed of.

Senate bill No. 175, "An act to regulate insurance and the rights and liabilities of the insurer and insured, and to amend article 2953 of the Revised Civil Statutes," was laid before the Senate as the second special order, and

Read the second time.

Senator Davis moved to postpone the bill indefinitely.

(Senator Terrell in the chair.)

(The President in the chair.)

Senator Kilgore entered a motion to reconsider the vote by which the majority report on Senate bill No. 221—the Jones railroad bill—was adopted on Saturday.

On motion of Senator Kleberg,

Senator Knittel was excused for the day.

On motion of Senator Shannon,

Senators Evans and Pope were excused for the day.

On motion of Senator Fowler,

The Senate adjourned till ten o'clock to-morrow morning by the following vote:

YEAS—16.

Bell,
Calhoun,
Camp,
Farrar,
Fowler,
Garrison,

Getzendaner,
Harrison,
Houston of Bexar,
Jerdone,
Kilgore,

Kleberg,
Peacock,
Randolph,
Shannon,
Woods.

NAYS—8.

Davis,
Glasscock,
Hall,

Perry,
Pfeuffer,
Stinson,

Terrell,
Traylor.

FORTY-EIGHTH DAY.

SENATE CHAMBER,
AUSTIN, March 10, 1885. }

The Senate met pursuant to adjournment.
Lieutenant-Governor Gibbs in the chair.
Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Randolph,

The reading of the journal of yesterday was dispensed with.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 10, 1885.

Hon. Barnett Gibbs, President of the Senate :

I am instructed to report to your honorable body the passage of House bill No. 549, "An act to amend section 17 of an act entitled 'an act to redistrict the State into judicial districts, and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts, at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883."

A. D. SADLER,
Chief Clerk, House of Representatives.

House bill No. 549 was referred to Committee on Judicial Districts:

REPORTS OF STANDING COMMITTEES.

By Senator Farrar:

COMMITTEE ROOM,
AUSTIN, March 10, 1885.

Hon. Barnett Gibbs, President of the Senate :

Your Committee on State Asylums, to whom was referred Senate bill No. 263, entitled "An act to authorize the removal of inmates from one lunatic asylum to another," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

FARRAR, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 7, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Education, to whom was referred House bill No. 241, entitled "An act to amend section 40 of an act entitled 'an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3 of title 78 of the Revised Civil Statutes of Texas as refer to public free schools outside of incorporated cities and towns, assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act,' passed February 4, 1884," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

FARRAR, for Committee.

Bill read first time.

By Senator Glasscock:

COMMITTEE ROOM,
AUSTIN, March 10, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Buildings and Grounds, to whom was referred Senate bill No. 267, entitled "An act to authorize the State Capitol Board to contract for the substitution of granite for limestone in the construction of the exterior walls of the superstructure of the new State Capitol, and for other changes therein, and to conform all laws thereto, and to make an appropriation for the contingent expenses connected therewith, and to authorize the payment for such change to be made to the contractor in convict labor," have had the same

under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

GLASSCOCK, Chairman.

Bill read first time.

By Senator Shannon:

COMMITTEE ROOM,
AUSTIN, March 9, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 258, entitled "An act to regulate railroads in the State of Texas, and their charges for freight and passengers, and to prevent discrimination between any such railways in the rates of charges for freight, passengers and baggage, and in the time and manner of transporting the same, and to prevent any discrimination and delay by any such railway companies in respect to business of any kind with competing or connecting lines, and to provide a penalty therefor," have had the same under consideration, and a majority of the committee instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

SHANNON, Chairman.

Bill read first time.

By Senator Stinson:

COMMITTEE ROOM,
AUSTIN, March 9, 1885.

Hon. Barnett Gibbs, President of the Senate :

Your Committee on Private Land Claims, to whom was referred House bill No. 236, entitled "An act to authorize and require the Commissioner of the General Office to issue a certificate for 1280 acres of land to J. B. Robertson, for military service," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

STINSON, Chairman.

Bill read first time.

By Senator Kilgore:

COMMITTEE ROOM,
AUSTIN, March 9, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 11, amending section 10, article 8, of the Constitution of the State of Texas, under the title of "taxation and revenue," have had the same under consideration, and a majority of the committee instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

KILGORE, Chairman.

Bill read first time.

By Senator Harrison:

COMMITTEE ROOM,
AUSTIN, March 9, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 231, entitled "An act to establish and define the boundaries of the county of Webb, and legalize certain acts of the officers of said county," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

HARRISON, Chairman.

Bill read first time.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, March 10, 1885.

Hon. Barnett Gibbs, President of the Senate :

Your Committee on Judicial Districts, to whom was referred Senate bill No. 264, entitled "An act to restore the jurisdiction of the county court of Bosque county, and to repeal all laws in conflict therewith," have had the same under consideration, and instruct me to report it back with the recommendation that the accompanying substitute be adopted in lieu of the original bill, and that the bill as substituted do pass.

All of which is respectfully submitted.

FOWLER, Chairman.

Bill read first time, with committee substitut

BILLS AND RESOLUTIONS.

By Senator Shannon:
 "An act to amend section 16 of 'an act to redistrict the State into judicial districts, and fix the times of holding court therein, and to provide for the election of judges and district attorneys at the next general,'" etc.

Referred to Committee on Judicial Districts.

By Senator Shannon:
 "An act to protect persons in the employment of railway companies and those who may wish to become employees thereof."

Referred to Committee on Internal Improvements.

By Senator Kilgore:
 Joint resolution to amend section 4, article 6 of the Constitution of the State of Texas.

Referred to Committee on Constitutional amendments.

On motion of Senator Kleberg,
 Senator Pope was excused for the week.
 The hour having arrived for the Senate to go into executive session,

The Senate went into executive session on the appointments of the Governor.

Senator Houston of Bexar moved that the names of the persons to whose appointment by the Governor the Senate advises and consents be printed in the journals, and that the Governor be notified of the same.

They are as follows:

- W. H. King, to be Adjutant-General.
- T. J. Goree, to be Superintendent of Penitentiaries.
- R. M. Swearingen, to be State Health Officer.
- J. H. Burts, to be Assistant Attorney-General.
- A. W. Moursand, to be judge of the thirty-third judicial district.
- C. C. Linn, of Victoria county, to be cattle and hide inspector of that county.
- Frank Milwee, to be cattle and hide inspector for Greer county.
- T. P. O'Brien, to be assistant superintendent of Rusk penitentiary.
- Ben E. McCulloch, assistant superintendent of Huntsville penitentiary.
- Thomas Carson, Sam P. Golston, Robert Dalzell, Fred Forto, Frank Waite, to be commissioners of pilots for Brazos Santiago.
- James Baker, Guillermo Mir, to be branch pilots at Brazos Santiago.
- John Hall and R. D. Simpson, to be commissioners of pilots for Aransas Pass.
- E. T. Mercer, Frank Stephenson and J. F. Mercer, to be branch pilots at Aransas Pass.
- Peter Benson, James Vaughan, to be wreck masters at Aransas Pass.

NOTARIES PUBLIC.

- Anderson county—T. S. Short, Palestine.
- Atascosa county—W. J. Miller.
- Aransas county—C. F. Bailey, Rockport.
- Blanco county—John R. Brown, Johnson city.
- Burnet county—Wm. Spittler, Burnet; W. H. Hotchkiss.
- Brown county—H. S. Thomas, Williams' Ranch; W. J. Evans, Brownwood; John Y. Rankin, W. H. Scott, E. B. Durham, W. H. Maples, W. C. Morgan, C. J. Tannehill, John W. Goodwin, Thomas Maples; Charles Rogan, Brownwood; W. H. Mayes; R. L. Russell, Brownwood.
- Brazoria county—W. F. Swain, Geo. W. Meacham, F. J. Duff, John Adriance, Columbia; John A. Ballowe, W. F. Smith, A. Metcalf, Brazoria; S. N. Richardson, Alvin.
- Brazos county—C. C. Rollo, Robert S. Gould, jr., Jeff P. Mitchell, John G. Anderson, A. J. Planter, J. W. Doremus, J. A. Buckholts, W. G. Taliaferro, Sam. R. Henderson, Luther

W. Clark, R. S. Motley, W. V. Waldrop, Bryan; A. G. Steele, R. M. McCoy, Millican; Geo. A. Hunt, Macy; James Mawhinney, Bryan; H. R. Smith, Steele's Store.

Bandera county—L. C. Harmon, Bandera; B. F. Bellows, Medina City; J. A. Anglin, W. J. Hamilton.

Bexar county—C. S. Robinson, Edward Miles, John Rosenheimer, Henry Laager, L. G. Denman, E. B. Johnson, W. R. Orear, A. S. Chevalier, Charles Deussen, John H. Copeland, Juan E. Barrera, Joseph Muir, jr., W. W. Herron, Reagan Houston, W. H. Young, R. B. Minor, Geo. C. Altgelt, J. H. French, S. G. Newton, J. A. Fraser, John Eckford, J. E. Ochse, J. J. Stevens, Frank Fredrick, J. A. Green, jr., James P. Earle, E. P. Carolan, Jose E. Garcia, C. S. Robinson, H. P. Drought, E. G. Graves, C. L. Lowday, P. H. Ward, A. E. Cotton, M. Freeborn, John Withers, jr., Elias Edmonds, J. F. Cassiano, Thos. Haynes, A. Hansl, W. G. M. Samuel.

Bell county—F. M. Chandler, D. L. Russell, H. E. Bradford, W. K. Sanders, George W. Tyler, J. Z. Miller, jr., J. H. Scales, W. J. Crabb, A. M. Monteith, J. C. Roberts, J. L. Gray, Hezekiah Williams, A. Moss, W. J. Caskey, A. Lewy, W. L. Jones, W. T. Shannon, W. S. Banks, W. E. Roseborough, Ed. T. Rucker, W. Y. McFarland, John L. Lee, H. C. Surghnor, L. K. Tarver, J. W. Pierce, D. R. Pendleton, J. W. Zimmerman, W. T. Brooker, B. F. Fields, John T. Bartlett, M. T. Bostick, J. W. Calloway, Frederick E. Sanford, S. W. Lawrence, E. B. Ments and J. T. Hunt.

Caldwell county—S. S. McDowell, jr., Lockhart; C. B. Collins, Luling; George Meyers, Lockhart; Sam McDowell, sr., Lockhart; Arthur B. Storey, Lockhart; J. C. Lamb, Ophelia; S. L. McCulloch, Martindale; F. C. Cross, Luling.

Callahan county—A. G. Wills, Baird; W. R. Lotz, Baird; A. G. Webb, F. S. Bell.

Colorado county—E. J. Sandmeyer, Columbus; Edwin A. Malsch, Frelsburgh.

Crockett county—Jno. C. Perry.

Coleman county—E. A. Lindsey.

Coryell county—C. G. Bennett, Copperas Cove; J. W. Dunn, W. L. Jones, R. E. Gaston, J. L. Price, R. Muirhead, W. J. Graham, M. S. Duffie, L. Little, J. C. Chrisman, J. E. Walker, J. C. Gouddy, W. J. Cole, J. S. Clower, R. A. Culp, Jno. T. Meek, H. N. Atkinson, Owens Miller.

Concho county—Jno. I. Guion, C. C. F. Blanchard, Perry Barthalow.

Calhoun county—J. M. Bickford, Lavaca; C. W. Hartup, Indianola.

Cameron county—Benj. Kowalski, B. O. Hicks, J. A. Browne, C. F. Tilghman, M. B. Kingsbury, R. B. Rentfro, Geo. Champion, Brownsville; A. C. Howell, Point Isabel; L. J. Hynes, Santa Maria; John Scott, Wilbur F. Dennett, Thos. Kennedy, E. H. Goodrich, Jos. Webb, Brownsville.

Comanche county—E. L. Shropshire, Comanche; M. V. Robertson; R. B. Key, DeLeon; James Terry, DeLeon; T. W. Evans, Fleming; W. W. Loyd, Sipe Springs; W. D. Sumner, Whittville; Geo. W. Conway, D. P. Lester, Hazeldell; J. G. Carmichael, Lamkin; C. B. Mason, Comanche.

Comal county—John D. Guinn, Julius Bose, Fritz Hampe, Aug. Klingerman, New Braunfels; Herman Fischer.

Cherokee county—J. W. Smith, Ghent; F. W. Bonner, E. L. Gregg, Rusk.

Cooke county—J. W. Hughes, Wm. Windsor, D. E. Barrett, J. T. Whaley, S. W. Bellah, P. H. Lanius, A. E. Dodson, J. C. Roberts, H. E. Eldridge, E. A. Blanton, A. Eddleman, R. B. Howeth, W. S. Thomas, P. M. Tucker, J. C. Ford, John T. Walker, W. B. Johnson, C. L. Jones, J. M. Wright, W. L. Blanton, N. C. Snider, W. A. Ledbetter, M. M. Hawkins, R. Sarlls.

Dallas county.—J. E. Wolf, Z. T. White, C. B. Wellborn, Joseph W. Moore, H. L. Obenchain, Henry Lathrop, R. M. Cooke, Chas. F. Tucker, Jas. B. Simpson, Paul Furst, Harry P. Lawther, Mercer L. Robertson, Wendel Spence, Frank Field, J. G. Stevens, Dallas; L. H. McBride, East Dallas; T. J. A. Brown, Edward Gray, Thos. K. Ferguson, S. P. Morris, C. W. Helm, D. A. Williams, C. G. Payne, J. B. Kunz, C. F. Bolanz, G. M. Israel, I. J. Adair, George H. Plowman, Lafayette Fitzhugh, F. M. Crutcher, J. R. Blewett, R. E. Burke, M. M. Alexander, J. E. Aikin, C. W. Gano, S. S. Long, J. S. Alderhoff, Dallas; W. T. McCahey, Carrollton; R. A. Roberts, Cedar Hill; A. B. Lanier, Haught's Store; J. S. Strother, Duck Creek; S. H. Grantham, Geo. Robertson, Grand Prairie; T. J. Swim, T. J. McLain, Pleasant Valley; C. H. Patrick, Praittie Valley; R. E. Bumpass, East Dallas; J. M. Knox, Housely; R. N. Daniel, Duncanville; J. L. Floyd, Richardson; Jas. H. Skiles, Jno. Bookhant, Dallas; J. L. Fly, Seagoville; Wm. C. Young, East Dallas; W.

T. Strange, Peter Aunspaugh, Edward Tennison, Jno. A. Harrington, Dallas; R. L. Guy, Lancaster; Chas. Woodson, Seagoville; A. B. Rawlins, Hutchins; A. H. Benners, Dallas; Henry Ball, R. M. Cook, Oak Lawn; F. D. Crosby, M. W. Edwards, Jno. W. Lane, Dallas; J. Pink Thomas, East Dallas; T. F. Ferguson, Scyene; G. W. Neely, Jimtown; W. S. Adair, Dallas; J. H. Cox, Rylie; J. G. Stevens to fill unexpired term of E. G. Bowen resigned; E. A. Gracey to fill unexpired term of J. P. Goodnight, Deer; E. A. Gracey for Dallas county; L. F. Harris, for Dallas county.

DeWitt county—Ernest Brumlen, J. W. Schwab, O. L. Threlkeld, C. G. Hartmann, Moritz Riedel, T. J. Brownson, T. C. Eberhardt, Gustave Schleicher, T. M. Dodd, Otto Starker.

Dimmitt county—F. Vandervoort, A. W. Hazelrig, Carizzo Springs.

Encinal county—Wm. R. Jones, Encinal.

Duval county—John Henderson, Concepcion; E. S. Atkinson, Louis P. Bryant, James O. Luby, San Diego; E. A. Glover, Benavidas.

Eastland county—H. W. Walker, Cisco; C. U. Connellee, Eastland; L. E. Brannin, J. E. Luse, Geo. W. Dakan, Frank Kynette, Eastland; R. R. Wells, B. R. Robinson, W. M. Freeman.

El Paso county—C. R. Morehead, Wm. H. Austin, Wyndham Kemp, A. G. Foster, C. Q. Stanton, Frank E. Hunter, J. B. Catron, T. H. Conklin, J. W. Zollars, Zeno B. Clardy, W. M. McChandler, El Paso; Wm. Hamilton, Martin Kelly, San Elizario; A. E. Boulet, G. W. Wahl, Manuel E. Flores, G. F. Neil, Ysleta; F. B. Wightman, Camp Rice; W. E. Kneeland, El Paso; G. N. Garcia, sr., San Elizario; W. B. McLachlen, Millard Patterson, El Paso.

Fannin county—John A. Barnard, Bonham; Young Berger, Honey Grove; G. W. Wells, Honey Grove; James Gooch, Gober; J. P. Holmes, John E. Pope, Jas. C. Evans, W. H. Cobb, Thomas P. Baker, James W. Groves, George Squires, W. C. Wilhite, G. G. Lindsay, F. J. Abernathy, P. C. Thurmond, J. E. Dupree, Samuel J. Galbraith, W. J. Jones, Newton Rogers, Eli Wilson, M. Keithley, E. L. Agnew, S. L. Erwin, W. A. Bramlette, J. R. Young; Q. J. Moore, Trenton; W. F. Felty, Hickory Creek; Lindsay Thomas, Gober; B. S. Johnson, Ladonia.

Frio county—John B. McMahon, Moore Station; C. W. Gribbell, Dan T. Price, R. W. Hudson, John T. Bivens, Pearsall.

Freestone county—W. R. Anderson, Bonner; J. T. Storey, Cotton Gin; W. L. Edwards, jr., Butler; C. E. Grayson, Luna; J. T. Steward, Steward's Mill; J. B. A. Folke, Avant; T. S. Thomas, Brewer.

Galveston county—J. P. Kindred, W. N. Cooke, John Hanna, Jno. M. Claiborne, B. R. A. Scott, John Adrianee, R. T. Byrne, D. M. Baker, I. Lovenberg, Thos. L. Cross, Samuel Boyer Davis, John Friery, C. B. Gardiner, J. S. Hanscom, J. W. Jockusch, Wm. R. Johnson, C. M. Mason, James Sorley, W. B. Wallis, Hugo Brosig, N. B. Bendy, H. P. Angell, James Spillane, J. Wharton Terry, Forster Rose, Wm. B. Lockhart, F. Ward, E. D. Cavin, Thos. L. Lyon.

Grayson county—S. W. Porter, R. P. Jones, E. C. McLean, J. T. Cunningham, Nat Gunter, H. M. Patty, M. Leeper, Sherman; A. H. Coffin, H. Tone, S. S. Fears, A. B. Person, L. L. Maughs, Denison; H. B. Lindsey, Whiteright; Jas. S. Pattie, Vanalstyne; B. F. Barrett, Pilot Grove; W. P. Dugan, Bells; G. W. Diamond, J. K. Jamison, Whitesboro; W. M. Williams, Tioga; H. B. Wright, Sherman; J. T. Munson, A. B. White, S. A. Gilbert, Ed. Zintgraff, W. F. Stromberger, N. H. L. Decker, J. E. Matthews, J. C. Maples, H. H. Hayes, A. R. Collins, W. H. Robert, jr., J. K. Daughters, W. M. Peck, Silas Hare, jr., C. H. Smith, E. E. Miller, S. B. Sivills, W. J. Brooks, John E. Parker, E. O. Thomas, C. W. Cook, A. P. Finley.

Goliad county—F. W. Miller; J. A. Burke, J. M. Boyd, Goliad.

Gillespie county—J. T. Estell, Fredericksburg; John W. Speer, J. O. Roundtree, Blanco; Julius Schuchard, C. C. Callan, Fredericksburg.

Grimes county—John H. Wilson, Navasota; Lock McDaniel, Frank Briganee, W. L. Campbell, Anderson; W. W. Dodds, Iola; L. J. A. Hall, Bedi; Walter Leigh, Prairie Plains; Ira S. Camp, Pankey; T. D. Cobbs, Jas. M. Shaw, Navasota, A. C. Callaway, Courtney; Lewis G. Blackburn, White Hall; Edwards Parks, F. L. Wasson, Plantersville; C. C. Neely, Iola; R. H. Garvin, Roans' Prairie; Jas. H. Freeman, Navasota; Alex. T. Briganee, J. G. McDonald, jr., Anderson; J. A. L. Kelton, Keith.

Guadalupe county—J. C. Wilson, Seguin; R. McNutt, Kings

berry; W. Vordenbaumen, Cibolo; R. Hellmann, sr., New Berlin; E. H. Howell, A. M. Erskin, Seguin.

Hays county.—P. M. Riley, Dupree; B. G. Neighbors, Kyle Judge S. Fisher, I. H. Julian, C. L. McCay, San Marcos; W. M. Weyett, Wimberly Mill; J. R. Wutrich, Manchaca; W. F. Barbee, Kyle.

Hidalgo county.—Max Stein, Wm. P. Daugherty, Jas. B. McAllen, Jesse Dennett, Henry F. Hord, S. M. Walsh, Hidalgo Hamilton county—W. E. Cox, F. H. Snider, Hico; J. A. Eidson, W. J. Carroll, Hamilton; W. T. Walton, Pottsville; R. F. McKeage, Carlton; M. S. Brunk, N. C. Howard, Hamilton.

Harris county—E. B. H. Schneider; J. E. McAshan, H. M. Curtin, Jas. A. Breeding; Charles Culmore, Henry F. Gillette Garret Hardcastle, Alfred Wisby, John Kennedy, Henry H. Falk, T. W. Archer, W. S. Oldham, Houston; J. T. Ferguson, W. N. Shaw, Houston; W. E. Hertford, A. P. Tompkins, A. L. Steele, J. J. Gillespie, R. A. Giraud, J. C. Sellers, Peter Christien, F. M. Poland, J. C. Kidd, J. B. Cochran, S. Taliaferro, J. C. Landers, Paul Georgie, G. M. Beauchamp, Wm. Schultz, John A. Cameron, M. Kirlicks, C. E. Dwyer

Hill county—C. T. Booth, Hillsboro; T. C. Morgan, A. M. Craig, Hubbard City; B. J. McLellan, Mount Calm; J. J. Scrivner, Osceola; J. M. Johnson, Clifford Moorman, J. C. Killough, J. H. Harrison, O. Holland, J. G. Abney, A. P. McKinnon, G. I. Jordan, Hillsboro; G. D. Tarlton; D. J. Sawyer Woodbury; T. B. Love, Peoria; S. A. Reavis, Hillsboro; Sterling McMillan, Massey.

Houston county—E. F. Duran, J. E. Downs, Crockett; R. M. Garrett, Grapeland; R. H. Hutchins, Weldon; John Murchison, Porter's Spring; Z. B. John, Colthorpe; John Kennedy, Augusta; R. T. Payne, Lovelady; E. Winfrey, Crockett.

Howard county—T. G. Andrews, G. W. Walthall.

Jack county—Geo. Spiller, J. M. Hughes, T. D. Sporer, Jacksboro; J. P. Kirk, Post Oak; F. R. Aston, E. W. Nicholson, W. L. Garvin, J. W. Stark, Jacksboro.

Jackson county—L. M. Lowe, H. L. White, Geo. A. Staples, J. W. Allen, J. D. Owen, W. A. Moore, Edna.

Johnson county—S. F. Ray, Cleburne; J. H. Owens, Pleasant Point; S. B. Killough, I. A. Patton, J. M. Campbell, W. H. Skelton, Alvarado; W. M. Scurlock, B. W. Bryan, John R. Ransone, J. M. Odell, W. L. Williams, J. J. Ramsey, Cleburne; J. E. Hollingsworth, Grand View; R. T. Miller, Egan; W. F. Beard, J. H. House, Cleburne; J. T. Wade, Grand View; Andrew King, W. E. Knox, Alvarado; Jo. Hall, Cleburne; Andrew King, Alvarado.

Jones county—J. M. Polk, J. K. Little, Ed F. Nicolds.

Kaufman county—F. M. Keach, Terrell; W. L. Upton, Scurry; W. P. Williams, Terrell; W. H. Barnes, Kaufman; J. L. Terrell, Terrell; Nestor Morrow, H. W. Keyser, R. A. Hindman, John L. Davis, L. Murphy, J. D. Cunningham, Kaufman; Alfred M. Scott, W. M. Lindsay, H. K. Hart, C. A. G. Payne, W. M. Pardue, Geo. W. Evatt, Elmo; T. H. Dailey, J. R. Dougherty, Chas Campbell, William Brooks, Forney; G. A. Buchanan, Peeds Mill; John Deen, Peeds Mill; Michael Ware, Tolosa; Henry Hubert, Kemp; Gallagher Chelcoat, Egypt; B. F. Morris, Egypt; Edmonia Dawson, Poetry; W. H. Allen, C. A. Gaillbreth, Benjamin Gill, T. L. Stanfield, S. F. Leake, Frank Harrold, Alex. Lacy, Terrell; R. S. Rich, Kaufman; M. W. Raley, Terrell.

Karnes county—S. N. Hedges, Pana Maria.

Kimble county—W. A. Williams, Junction City.

Kerr county—W. G. Garrett, Kerrville; W. D. Downs, R. H. Burney, jr., Ed. Smith.

Kinney county—C. C. Clamp, Brackett; Robt. Wulfin, W. K. Jones, A. F. Dignowity, W. B. Eastman, Fred Quickenstedt; Solon Stewart, Joseph Jones, Brackett; Archibald Bogle, Del Rio.

Lamar county—Charles S. Neothery, D. K. Forshee, jr., B. J. Baldwin, jr., John B. Stephens, R. L. Wilkins, G. C. Ratliffe, F. T. Hudson, Paris; George B. Whipple; Benjamin F. Fuller, Paris; W. L. Burdette, J. R. G. Lang, Wood M. Jones, Ed Collins, R. P. Mayo, B. H. Denton, Ed Skidmore, T. C. Hancock, G. J. Terrell; L. A. Cunningham, Paris; P. W. Harrison, Geo. A. Crutchfield; R. W. Draper, Chicota; S. C. Bryson, Bairdstown; R. J. Patton, Pallonville; W. G. Tyler, Timmins; J. L. Bray, Blossom Prairie; Louis Clark, Dowling; Burney Bywaters, Roxton; Wm. Huddle, Hopenell; John W. Jones, Parkers; C. F. Parks, J. F. McNemer, S. C. Conner, Paris.

Lampasas county—Lewis Wood, R. P. Lyon, E. M. Longcope, J. A. Abney, James Deering, Lampasas; W. H. Cain, J. C. Russell, Chas. L. Lauderdale, W. B. Abney, Alex. McFarland, Henry Exall, A. G. Walker, Matthew Rooch, William Oliver, J. M. Reagan, E. G. Pendleton, Geo. L. Franklin, M. L. Woods, M. J. Carpenter.

LaSalle county—Thos. Prandy, F. E. Thompson, M. H. Williams, Cotulla; Geo. H. Knaggs, Twohig; G. H. Hodges, Encinal; P. D. Hickey, Jacob Rudy, Cotulla; N. R. Miller, Waugh's Ranche; Geo. Houston Pfeuffer, F. R. Earnest, Cotulla.

Leon county—B. D. Dashiell, W. R. Ellis, Jewett; Horatio Durst, Tom G. Nixon, Leona; S. G. Ward, Marquez; F. B. Looney, Oakwoods; H. P. Morrow, J. F. Leathers; F. M. Amos, Marquez; Wm. H. Simms, Centerville; Norman G. Kittrell, Jewett; Thomas L. Bryan, Hardin's Store.

Limestone county—Wm. Kahler, A. J. Burleson, Jno. B. Prendergast, James Armour, S. G. McLendon, N. L. Waller, R. W. Priest, T. J. Gibson, J. A. Wright, C. B. Shead, Wm. Kennedy, A. Barry, Henry L. Hall, G. A. Ogilvie, J. P. Brown, Jas. R. Johnston, A. A. Jayne, I. N. Roark, J. H. Park, W. E. Doyle, W. D. Donaldson, J. B. Reily, G. W. Read.

Maverick county—T. V. Blesse, Eagle Pass.

Mason county—Franz Bernhard, Mason; Calvin Thaxton, August Keller, J. E. Autrey, A. D. McCullum, R. McMillan, Chas. Bierschwale, J. O. Meusebach, S. L. Fleining.

Matagorda county—William C. Braman, Matagorda; P. M. Bowie, Caney; John L. Croom, jr., Matagorda; Francis Jones, Pledger; John Matthews, Caney; William Moore, Deming's Bridge.

Mitchell county—J. W. Warren, Colorado; C. W. Merrill, Wiley Hazzard, Robert A. Jeffress, C. W. Croft, J. S. Simmons, Wey H. Burney, H. R. Solomon, James L. Shepherd.

McLennan county—Jas. P. Anderson, Orlando Wheat, M. J. H. Park, Eugene Williams, Jno. T. Walton, Wm. L. Prather, T. A. Blair, John F. Flint, Waco.

Medina county—Chas. Scheidmantel, Castroville; W. A. Taylor, Devine; Leslie Thompson, G. M. Brown.

Menard county—A. G. Nason, Menardville; Sam Wallick.

Montgomery county—W. H. Harlan, Willis; B. H. Powell, E. McComb, Montgomery; O. W. Arnold, Hockley; John N. Scott, Longstreet.

Madison county—J. F. Randolph, Madisonville; S. T. Daniels, A. J. Searcy, Willow Hole Prairie.

Nueces county—T. P. Rivere, Peyton Smythe, W. J. Robertson, Cornelius Cahill, G. R. Scott, E. A. McCampbell, Jno. Hall, Delmas Givens, Royall Givens, J. H. C. White, M. T. Gaffney, Corpus Christi.

Navarro county—Sam R. Frost, S. D. Curtis, J. L. Burgess, Corsicana; D. B. Smith, Cross Roads; Robt. E. L. Barry, T. A. Harris, W. J. McKie, Corsicana; D. B. Hartzell; R. B. Malloy, Corsicana; R. A. Greer, Jas. L. Autry; L. B. Haynie, Rio.

Nolan county—R. A. Ragland; W. H. Cowan, Sweetwater; B. Scarborough.

Parker county—Marion Roderick, A. Y. Hutchinson, R. J. McKenzie, E. P. Nickleson, J. M. Richards, Weatherford; W. C. Thompson, Whitt; George A. McCall, J. P. McKinney, J. B. Price, Henry P. Du Bellet, Weatherford; T. F. Overmeyer, Alledo; J. W. McCracken, Springtown; W. D. Fielding, Aneta; R. C. McConnell, Weatherford; J. A. Graves, Springtown; Henry Miller, Weatherford.

Pecos county—O. W. Williams, Charles Wilson; R. G. Hudson, Langtry.

Presidio county—C. F. Trafton, Haymond; A. E. Shepherd, Marathon; Jno. D. Davis; Wm. Russell, Presidio del Norte; John B. Shields, Ferris W. Colby, Howard M. Patterson, James Stewart, Fort Davis; J. M. Gaddis, Murphyville; S. W. Catlin, Marfa; R. R. Stringfellow, Chenatie Mines; W. Bogel, Alamito; E. M. Herreford, Haymond.

Reeves county—P. J. Norwood, Thomas R. Hill.

Rockwall county—W. B. Wade, D. F. Goss, Rockwall; J. R. Arrell, G. H. White, Tate; J. O. Heath, Rockwall; R. J. Lowery, Blackland; Chas. Jordan, McLendon; A. R. Hartman, Rockwall; J. K. P. Kyser, Willow Springs; H. D. Howell, McLendon; Bunyan King, Blackland; W. B. Dowd, Willow Springs; J. A. Peck, Rockwall; Thomas Crayton, Blackland.

Red River county—J. J. Perdue, P. W. McCain, Fulbright; M. Smith, Rosalie; E. A. Maudlin, Garvensville; J. Joplin, Bennettts; Wm. Somerville, Bagwell; H. B. Halloway, Woodland; J. C. Perot, Manchester; J. H. Johnston, Kiomatia; D. A. Baker, N. B. Doak, John A. Mosely, Annona; J. B. Pope, D. A. Chambers, C. A. Taylor, C. A. Worley, Clarksville; C. A. Denton, Harris Ferry; W. W. Lawson, Annona; J. E. Horner, Bosta; D. B. Moore, Woodland.

Runnels county—H. C. Jordan, C. H. Ernest, H. A. Thompson, H. H. Luckett, H. D. Pearce, J. C. Swift.

Refugio county—Lyman B. Russell, Refugio.

Robertson county—Geo. Burcke, J. A. Foster, G. R. Dunn, Alvert; T. J. Simmons, A. J. Thomas, C. Carter, W. T. Grant, Franklin; W. P. Brown, W. A. Rumpel, W. H. Wilson,

Bremont; F. H. Bailey, W. P. Ferguson, J. C. Farley, Hearne; Knox A. McConnell, Wheelock; W. D. Henson, Mumford; J. G. Meyer, New Baden.

Stephens county—John W. Veale; W. P. Sebastian, John D. Rhea, Wayland; Wm. Veale; J. T. Crawford, Crystal Falls; C. Veale, Breckenridge.

Starr county—Jas. I. Nix, Dan W. Nicholson, Rio Grande City; Camillio Saens, Roma; Rafael Aldrete, La Guilla; Guillermo Muguerza, Roma.

Scurry county—R. T. Powell, Snyder.

San Saba county—Chas. Wilson, Milburn; Sidon Harris, San Saba; J. Frazier Brown.

San Patricio county—T. H. O'Callaghan, San Patricio; L. D. Camp.

Shackelford county—S. Webb, Albany; A. A. Clarke, C. H. Philbrick, C. K. Stribling, George Wilhelm, George T. Reynolds, Peter Hart, L. W. Campbell, T. M. Dilworth, L. H. Hill, D. C. Campbell, J. L. Fisher, S. O. Larche.

Tom Green county—Louis M. Minnis, San Angelo; John M. Moody, Midland; W. S. Cunningham, San Angelo; J. I. Westfall; L. H. Hopkins, San Angelo; J. W. Echols, Norman C. Lull, A. B. Sherwood, A. McGregor, Chas. A. Dailey, J. B. Williamson, Milton Mays, J. H. Meara, Jos. Spence, jr., R. W. Landrum, Cassius Carter, F. B. Gray; W. H. Lessing, San Angelo.

Travis county—Danl. Gettings, Jno. K. Donnan, Osceola Archer, M. S. Dunn, H. B. Barnhart, R. C. Shelley, H. E. Shelley, D. B. Gracy, Austin; A. H. Dechard, Manchaca; E. E. Rose, Cedar Valley; Jno. W. Cloud, Del Valle; Flavius Everett, N. S. Walton, Edw. W. Shands, A. J. Peeler, jr., Irving Eggleston, A. B. Langermann, W. D. Williams, P. DeCordova, Thos. H. Wheelless, S. G. Sneed, Dennis Corwin, A. H. Graham, Austin; H. L. Hensel, Travis Peak; A. Stanford, Anderson Mills; A. F. Boyce, Gregg; J. C. Bowman, Hornsby's Bend; A. E. Duty, Duty's Store; Wm. Whitehand, Creedmore; Wm. T. Hart, Bluff Springs; J. M. Thornton, J. W. Hewlett, T. A. Thomas, T. F. Taylor, R. C. Walker, Jno. R. Lawrence, W. C. Denny, Will Lambert, J. S. Myrick, Fritz Tegener, Wm. Von Rosenberg, Jno. S. McClintock, J. D. Sheeks, C. A. Newning, Austin; J. W. Biting, Manor.

Tarrant county—O. M. Kern, Thos. Slack, Fort Worth; J. T. Morehead, Grapevine; R. F. Moore, Keller; B. F. Latimer, White Settlement District; A. S. Hayter, Mansfield; E. E. Rankin, Arlington; A. E. Valentine, Bedford; W. H. H. Moore, Dido; J. S. Morris, Oak Grove; G. W. Joplin, Johnson Station; C. M. Crane, T. P. Martin, Geo. Mulkey, Z. Cetti, C. C. Cummings, G. W. Alexander, J. L. Hill, J. F. Saunders, Fort Worth; Robert Johnson, John O. Ford, C. W. Lamborn.

Taylor county—M. C. Lambeth, Abilene; T. M. Kelsey, R. H. Parker, K. K. Leggett, C. W. Holt, H. A. Tillett, E. E. Hartsook, John Bowyer, T. J. Finnie, George W. Jalonick, P. G. Peters.

Uvalde county—John H. Clark, R. E. Jones, Uvalde; George A. Barker, Waresville; L. M. Peters, Uvalde.

Victoria county—Charles LeSage, N. A. Thomson, Victoria; William Schmidt, J. E. Carpenter, Frank Pridham, A. B. Peticolas, J. S. Munn; M. M. Goodwin, Mission Valley.

Walker county—G. A. Wynne, Huntsville; S. T. Burns, Dodge.

Webb county—J. L. Bartlett, C. A. McLane, J. O. Nicholson, S. M. Jarvis, John H. Calais, A. Winslow, C. C. Pierce, Miles T. Cogley, Thomas W. Dodd, S. T. Foster, E. A. Atlee, Laredo; T. J. Lee, Cactus.

Williamson county—J. B. Wright; L. M. Mays, Round Rock; Sidney Seymour, Georgetown.

Wilson county—A. McClung, S. P. Wiseman, La Vernia; J. B. Polley, J. W. Dickey, A. G. Pickett, sr., Floresville.

Wharton county—Henry J. Schley, sr., Wharton.

Wise county—A. L. Boyd, Bridgeport; J. P. Graham, Ben F. Allen, Decatur; L. L. Ward, Aurora; J. O. Alexander, Crafton; L. J. Randall, L. W. Tyler, Aurora; T. A. Fuller, Decatur; B. F. Banks, Cottondale; J. W. Greenfield, Willow Point; J. W. Tyler, Boonville; W. D. Gose, C. C. Wells, Decatur; J. M. Brown, Bridgeport; T. J. McMurray, Charles Verne, Decatur; T. Merriman, Chico; L. J. McGee, Decatur; W. J. N. Wellborn, Cottondale; D. A. Holman, Decatur; R. A. Dorsey, Pella; Wm. Netherland, Crafton; J. T. Brown, Chico; S. T. Rhodes, Paradise; A. Devereux, J. W. Patterson, John H. Cobb, J. W. Hale, Sam Hodges, John A. Gordon, J. W. Trenchard, Decatur; J. W. Cleveland, Rhome; James A. Hodges, Audubon.

Senate bill No. 175—the Houston of Bexar insurance bill—was laid before the Senate as unfinished business.

The motion of Senator Davis to postpone the bill indefinitely was lost by the following vote:

YEAS—8.

Bell,	Evans,	Peacock,
Calhoun,	Garrison,	Terrell.
Davis,	Getzendaner,	

NAYS—16.

Camp,	Jerdone,	Pfeuffer,
Farrar,	Jones,	Randolph,
Fowler,	Kilgore,	Stinson,
Glasscock,	Kleberg,	Traylor,
Harrison,	Perry,	Woods.
Houston of Bexar.		

ABSENT, NOT VOTING.

Hall,	Knittel,	Shannon.
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The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 10, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to inform your honorable body of the passage of the following bills:

Substitute House bill No. 33, "An act to amend articles 318 and 320, of chapter 4, title 9 of the Penal Code of the State of Texas."

Substitute House bill No. 41, "An act to amend chapter 1, title 10 of the Code of Criminal Procedure of the State of Texas."

Respectfully,

A. D. SADLER,
Chief Clerk House Representatives.

Substitute House bill No. 33 was referred to Judiciary Committee No. 2.

Substitute House bill No. 41 was referred to Judiciary Committee No. 2.

Senator Stinson offered the following amendment to Senate bill No. 175:

Amend by striking out section 4 and inserting the following:

Sec. 4. In case of total or partial loss or destruction by fire of any personal property insured, the amount of such loss and the value of such property shall be established by the insured first making out a proof of his or her loss, and presenting the same to the local agent or any other agent of said insurance company, showing fully the amount of loss sustained by said party.

Senator Davis offered to substitute the amendment by striking out "prima facie," and add at end of the section "which cannot be contradicted by proof."

Senator Houston of Bexar moved to lay the substitute on the table.

Adopted by the following vote:

YEAS—17.

Bell,	Harrison,	Perry.
Evans,	Houston of Bexar,	Pfeuffer,
Farrar,	Jerdone,	Shannon.
Fowler,	Jones,	Stinson,
Garrison,	Kilgore,	Woods.
Glasscock,	Kleberg,	

NAYS—8.

Calhoun,	Getzendaner,	Terrell,
Camp,	Hall,	Traylor.
Davis,	Randolph,	

ABSENT, NOT VOTING.

Peacock.

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

YEAS—9.

Camp,	Glasscock,	Perry,
Evans,	Houston of Bexar,	Rardolph.
Getzendaner,	Kilgore,	Stinson.

NAYS—17.

Bell,	Hall,	Pfeuffer,
Calhoun,	Harrison,	Shannon,
Davis,	Jerdone,	Terrell,
Farrar,	Jones,	Traylor,
Fowler,	Kleberg,	Woods.
Garrison,	Peacock,	

Senator Jones offered the following amendment

Amend section 4 by adding at end thereof as follows: **Pro-**vided that in case of a sale of a portion or all of said prop-erty by the insured, he shall notify the insurer of such sale.

Lost.

Senator Kilgore offered the following amendment

Amend by striking out, in line 11, section 5, the word "thirty" and insert "sixty" wherever it occurs.

Adopted.

Senator Glasscock offered the following amend-ment:

Add to section 4: Provided, that nothing herein contained shall prevent the company or companies insuring such prop-erty rebutting said prima facie establishment of loss, either by the examination under oath of the insured, or by any other legal manner; and if the policy-holder shall fail or refuse to submit to such examination, the company or companies inter-ested shall not be liable o pay such loss so long as said policy holder shall fail or refuse to submit to such examination.

Lost by the following vote:

YEAS—9.

Evans.	Getzendaner,	Jerdone,
Farrar,	Glasscock,	Jones,
Garrison,	Harrison,	Terrell.

NAYS—17.

Bell,	Houston of Bexar,	Randolph,
Calhoun,	Kilgore,	Shannon,
Camp,	Kleberg,	Stinson,
Davis,	Peacock,	Traylor,
Fowler,	Perry,	Woods.
Hall,	Pfeuffer,	

Senator Calhoun offered to amend by striking out all of sections 2, 3, 4, 5 and 6.

Lost by the following vote:

YEAS—7.

Calhoun,	Getzendaner,	Peacock.
Davis,	Hall,	Terrell.
Evans,		

NAYS—19.

Bell,	Houston of Bexar,	Pfeuffer,
Camp,	Jerdone,	Randolph,
Farrar,	Jones,	Shannon,
Fowler,	Kilgore,	Stinson,
Garrison,	Kleberg,	Traylor,
Glasscock,	Perry,	Woods.
Harrison,		

Senator Kleberg moved to

Strike out all after the word "paid," in line 16, section 5.

Senator Davis offered the following substitute for the amendment:

Add at the end of section 5: "And should this decision be in favor of the insurance company, the insured shall pay to the company 12 per cent of the amount sued for, as attorneys fees; and should the insured receive less than the amount sued for, the company shall recover of the insured, as attorneys' fees, 12 per cent on the differences between the amount sued for and the judgment."

Lost.

The amendment of Senator Kleberg was lost. Senator Jones offered the following amendment:

Amend section 2 of printed bill, in line 9, by striking out all after "unless," and insert "printed in plain and legible type."

Adopted.

Senator Houston of Bexar moved to amend section 2 by adding the following:

"And unless such limitation is authorized by law."

Adopted.

Senator Harrison moved to reconsider the vote by which the amendment of Senator Kleberg was lost.

Adopted by the following vote:

YEAS—22.

Bell,	Harrison,	Perry,
Calhoun,	Houston of Bexar,	Pfeuffer,
Camp,	Jerdone,	Randolph,
Farrar,	Jones,	Shannon,
Fowler,	Kilgore,	Stinson,
Harrison,	Kleberg,	Traylor,
Getzendaner,	Peacock,	Woods.
Glasscock,		

NAYS—4.

Davis,	Hall,	Terrell.
Evans,		

The amendment was adopted by the following vote:

YEAS—22.

Bell,	Glasscock,	Perry,
Calhoun,	Hall,	Pfeuffer,
Camp,	Harrison,	Randolph,
Evans,	Houston of Bexar,	Shannon,
Farrar,	Jerdone,	Stinson,
Fowler,	Jones,	Traylor,
Harrison,	Kleberg,	Woods.
Getzendaner,		

NAYS—4.

Davis,	Peacock,	Terrell.
Kilgore,		

Senator Stinson moved to amend by striking out section 4.

Senator Houston of Bexar moved the previous question on the amendments and the bill.

Seconded, and main question ordered.

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

YEAS—10.

Calhoun,	Glasscock,	Kilgore,
Camp,	Hall,	Shannon,
Evans,	Houston of Bexar,	Stinson.
Harrison,		

NAYS—16.

Bell,	Jerdone,	Pfeuffer,
Davis,	Jones,	Randolph,
Farrar,	Kleberg,	Terrell,
Fowler,	Peacock,	Traylor,
Getzendaner,	Perry,	Woods.
Harrison,		

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

YEAS—10.

Fowler,	Jones,	Pfeuffer,
Houston of Bexar,	Kleberg,	Traylor,
Jones,	Perry,	Woods.

NAYS—15.

Calhoun,	Garrison,	Peacock,
Camp,	Getzendaner,	Randolph,
Davis,	Glasscock,	Shannon,
Evans,	Hall,	Stinson,
Farrar,	Kilgore,	Terrell.

ABSENT, NOT VOTING.

Harrison.

By leave, the following reports were sent up. By Senator Shannon:

COMMITTEE ROOM, AUSTIN, March 10, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 270, entitled "An act to protect persons in the employment of railway companies, and those who may wish to become employees thereof," have considered the same, and a majority of the committee instruct me to report it back to the Senate and recommend its passage.

All of which is respectfully submitted.

SHANNON, Chairman.

Bill read first time.

By Senator Peacock:

COMMITTEE ROOM, AUSTIN, March 10, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Lands, to whom was referred Senate bill No. 145, entitled "An act to provide for reservation, classification, disposition and working of minerals and mines in the State of Texas, and to repeal all laws and parts of laws in conflict therewith," have had the same under consideration, and instruct me to report it back with the recommendation that it lie on the table, because your committee believe it is too late in the session to secure legislation contemplated by the bill.

All of which is respectfully submitted.

PEACOCK, Chairman.

Bill read first time.

COMMITTEE ROOM, AUSTIN, March 10, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Lands, to whom was referred Senate bill No. 229, entitled "An act to provide for the sale and lease of the lands that have been heretofore or may be hereafter surveyed and set apart for the benefit of the common school, University, Lunatic, Blind, Deaf and Dumb, and Orphan Asylum funds," have had the same under consideration, and instruct me to report it back with the recommendation that it lie on the table, for the reason that other bills upon the same subject have been heretofore reported by this committee.

All of which is respectfully submitted.

PEACOCK, Chairman.

Bill read first time.

Senator Traylor moved to adjourn till half past seven o'clock to-night.

Senator Houston of Bexar moved to adjourn till ten o'clock to-morrow.

Adopted, and

The Senate adjourned till ten o'clock to-morrow morning by the following vote:

YEAS—14.

Bell,	Hall,	Pfeuffer,
Calhoun,	Houston of Bexar,	Randolph,
Camp,	Jerdone,	Shannon,
Farrar,	Kleberg,	Woods.
Fowler,	Peacock,	

NAYS—12.

Davis,	Glasscock,	Perry,
Evans,	Harrison,	Stinson,
Garrison,	Jones,	Terrell,
Getzendaner,	Kilgore,	Traylor.

FORTY-NINTH DAY.

SENATE CHAMBER. }
AUSTIN, March 11, 1885. }

Senate met pursuant to adjournment.
Lieutenant-Governor Gibbs in the chair.
Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Jones,

The reading of the journal of yesterday was dispensed with.

On motion of Senator Jones.

Senators Jerdone and Kleberg was excused till Friday.

On motion of Senator Randolph,

Senator Pope was excused for yesterday.

The President gave notice of signing substitute for House bills Nos. 13, 61, 64, 104 and 161, "An act to amend section 71 of an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, title 78 of the Revised Civil Statutes of Texas as refer to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools," and all laws and parts of laws in conflict with this act." passed at the called session of the Eighteenth Legislature."

BILLS AND RESOLUTIONS.

By Senator Calhoun:

"An act to amend an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys," etc.

Referred to Committee on Judicial Districts.

By Senator Houston of Wheeler:

"An act to amend article 3192 of the Revised Civil Statutes."

Referred to Judiciary Committee No. 1.

By Senator Calhoun:

"An act to validate the sale of town lots and blocks situated in the town of Coleman, in Coleman county, Texas, made by J. F. Miles and by W. O. Reed, commissioners for Coleman county, Texas."

Referred to Judiciary Committee No. 2.

By leave the following reports were sent up:

By Senator Davis:

COMMITTEE ROOM,
AUSTIN, March 10, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred substitute House bill No. 33, entitled "An act to amend articles 318 and 320, of chapter 4, title 9 of the Penal Code of the State of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it be considered in connection with substitute Senate bills Nos. 29, 58 and 80 upon the same subject.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 10, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred substitute House bill No. 41, entitled "An act to amend chapter 1, title 10 of the Code of Criminal Procedure of the State of Texas," have had the same under consideration, and in-

struct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

Senator Calhoun gave notice of intention of filing minority report.

COMMITTEE ROOM,
AUSTIN, March 10, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 200, entitled "An act to amend an act entitled 'an act to amend title 32, chapter 17 of the Revised Statutes of the State of Texas, by adding thereto articles 1639a and 1639b,' approved April 14, 1883," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 10, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 250, entitled "An act to amend article 1066 of the Code of Criminal Procedure of the State of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 10, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 268, entitled "An act to regulate the duties of public ginners or persons ginning cotton for toll, and prescribing penalties for all violation of the same," have had the same under consideration, and instruct me to report it back with the recommendation that it be referred to the Committee on Agriculture.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, March 10, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 266, entitled "An act to authorize the redemption of lands sold under execution or orders of sale and powers of sale in mortgages or deeds of trust, and to prescribe the mode of proceeding therein," have had the same under consideration, and instruct me to report it back with the request that fifty copies be printed for the use of the committee.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, March 10, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 251, entitled "An act to amend article 182 of the Revised Civil Statutes of the State of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, March 11, 1885

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred Senate bill No. 269, entitled "An act to amend an act entitled 'an act to amend section 16 of an act entitled 'an act to redistrict the State into judicial districts, and fix the times of holding court therein, and to provide for the election of judges and district attorneys at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' ap-

proved April 9, 1883," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

FOWLER, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 11, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred House bill No. 549, entitled "An act to amend section 17 of an act entitled 'an act to redistrict the State into judicial districts, and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Monday in November, 1884,' approved April 9, 1883," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass with the following amendment: Strike out the word "emergency" in section 3, and insert in lieu thereof the words "imperative public necessity."

All of which is respectfully submitted.

FOWLER, Chairman.

Bill read first time.

On motion of Senator Davis,

The special orders were postponed and House bill No. 118, "An act to amend chapter 6 of title 29 of the Revised Civil Statutes of Texas, by adding thereto, after article 1241, another article, to be called article 1241a," was taken up and read second time.

The first and second committee amendments were adopted.

Senator Davis offered the following amendment:

Strike out the caption and insert "An act to further regulate the waiver of service and the confession of judgment in civil suits by adding, after article 1347 of the Revised Statutes, an additional article, to be known as 1347a."

In section 1, strike out all from "Texas" down to and including 241a," and insert "that."

Article 1347a. In section 1, strike out "of this chapter," and insert "or the confession of judgment as provided for in article 1347."

Adopted, and bill passed to third reading.

On motion of Senator Glasscock,

Senate bill No. 267, "An act to authorize the State Capitol Board to contract for the substitution of granite for limestone in the construction of the exterior walls of the superstructure of the new State Capitol, and for other changes therein, and to extend the time for the completion thereof, and to conform all laws thereto, and to make an appropriation for the contingent expenses connected therewith, and to authorize the payment for such change to be made to the contractor in convict labor," was taken up and made the special order for to-morrow after morning call, and from day to day till disposed of.

On motion of Senator Jones,

The regular order of business was suspended and substitute House bill No. 126, "An act amend article 358 of chapter 3, title 11 of the Penal Code of the State of Texas," was taken up and read the second time, with majority (unfavorable) and minority (favorable) reports.

Senator Houston of Bexar moved to adopt the majority report, and moved the previous question on the motion.

Previous question seconded, and

The Senate refused to order the main question — the President voting nay — by the following vote:

YEAS—14.		
Davis,	Hall,	Knittel,
Farrar,	Houston of Bexar,	Pfeuffer,
Fowler,	Houston of Wheeler,	Pope,
Garrison,	Jerdone,	Traylor.
Glasscock,	Jones,	

NAYS—15.		
Bell,	Harrison,	Shannon,
Calhoun,	Kilgore,	Stinson,
Camp,	Peacock,	Terrell,
Evans,	Perry,	Woods,
Getzendaner,	Randolph,	Mr. President.

Senator Stinson moved to substitute the minority for the majority report.

Senator Harrison moved the previous question on the adoption of Senator Stinson's motion to substitute the minority for the majority report.

Seconded, and

Main question ordered by the following vote:

YEAS—18.		
Bell,	Getzendaner,	Jones,
Camp,	Hall,	Knittel,
Davis,	Harrison,	Perry,
Farrar,	Houston of Bexar,	Pope,
Fowler,	Houston of Wheeler,	Randolph,
Garrison,	Jerdone,	Shannon.

NAYS—10.		
Calhoun,	Peacock,	Terrell,
Evans,	Pfeuffer,	Traylor,
Glasscock,	Stinson,	Woods.
Kilgore,		

The minority report was adopted by the following vote:

YEAS—17.		
Bell,	Harrison,	Randolph,
Calhoun,	Jerdone,	Shannon,
Camp,	Kilgore,	Stinson,
Evans,	Peacock,	Terrell,
Garrison,	Perry,	Traylor.
Getzendaner,	Pfeuffer,	

NAYS—11.		
Davis,	Hall,	Knittel,
Farrar,	Houston of Bexar,	Pope,
Fowler,	Houston of Wheeler,	Woods.
Glasscock,	Jones,	

Senator Bell moved to postpone consideration of the bill till to-morrow, and fifty copies of the bill be ordered printed for the use of the Senate.

Withdrawn.

Senator Davis offered the following amendment:

Strike out all after "punished," and insert "by fine of not less than twenty-five nor more than one hundred dollars, and imprisonment in the county jail for not less than ten nor more than ninety days."

Adopted by the following vote:

YEAS—16.		
Bell,	Garrison,	Perry,
Calhoun,	Getzendaner,	Pfeuffer,
Camp,	Harrison,	Shannon,
Davis,	Jones,	Stinson,
Evans,	Peacock,	Traylor.
Farrar,		

NAYS—12.		
Fowler,	Houston of Wheeler,	Pope,
Glasscock,	Jerdone,	Randolph,
Hall,	Kilgore,	Terrell,
Houston of Bexar,	Knittel,	Woods.

Senator Bell offered the following amendment:

Amend by adding after the word "place," "and which table, bank or game is not licensed by law."

Adopted.

Senator Pope offered the following amendment:

Amend by adding a section so as to include persons who bet at gaming tables in same way as the exhibitors, and amend caption to correspond.

Senator Davis moved the previous question on the amendment, and the engrossment of the bill.

Seconded, and main question ordered.

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

YEAS—11.

Farrar,	Hall,	Knittel,
Fowler,	Houston of Bexar,	Pope,
Garrison,	Houston of Wheeler,	Woods.
Glasscock,	Jerdone,	

NAYS—17.

Bell,	Harrison,	Randolph,
Calhoun,	Jones,	Shannon,
Camp,	Kilgore,	Stinson,
Davis,	Peacock,	Terrell,
Evans,	Perry,	Traylor.
Getzendaner,	Pfeuffer,	

The bill passed to third reading by the following vote:

YEAS—19.

Bell,	Getzendaner,	Pfeuffer,
Calhoun,	Harrison,	Randolph,
Camp,	Jones,	Shannon,
Davis,	Kilgore,	Stinson,
Evans,	Peacock,	Terrell,
Farrar,	Perry,	Traylor.
Garrison,		

NAYS—9.

Fowler,	Houston of Bexar,	Knittel,
Glasscock,	Houston of Wheeler,	Pope,
Hall,	Jerdone,	Woods.

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

Adopted by the following vote:

YEAS—19.

Bell,	Getzendaner,	Pfeuffer,
Calhoun,	Harrison,	Randolph,
Camp,	Jones,	Shannon,
Davis,	Kilgore,	Stinson,
Evans,	Peacock,	Terrell,
Farrar,	Perry,	Traylor,
Garrison,		

NAYS—8.

Fowler,	Houston of Bexar,	Pope,
Glasscock,	Houston of Wheeler,	Woods.
Hall,	Knittel,	

Senator Jones asked to have the journal of yesterday corrected to show that the Senate in executive session had confirmed the appointment of notaries public in Trinity county as follows:

Trinity county—C. B. Wood, E. B. Bond, W. G. Sterling, Pennington; T. D. Standford, J. P. Stevenson, Groveton; D. H. Hamilton, Centralia; W. M. Freeman, Pennington; W. F. Lister, J. C. Leggett, Trinity; J. G. W. Pierson, Groveton.

Senator Stinson moved to reconsider the vote by which the Senate, on yesterday, refused to engross Senate bill No. 175—the Houston of Bexar insurance bill.

Senator Harrison moved the previous question on the motion.

Seconded, and

Main question ordered by the following vote:

YEAS—24.

Bell,	Glasscock,	Peacock,
Calhoun,	Hall,	Perry,
Camp,	Harrison,	Pfeuffer,
Davis,	Houston of Bexar,	Shannon,
Evans,	Houston of Wheeler,	Stinson,
Fowler,	Jones,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzendaner,	Knittel,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Farrar,	Pope,	Randolph.
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Senator Stinson's motion to reconsider was adopted by the following vote:

YEAS—14.

Bell,	Houston of Bexar,	Pope,
Fowler,	Houston of Wheeler,	Shannon,
Garrison,	Jones,	Stinson,
Glasscock,	Perry,	Woods.
Harrison,	Pfeuffer,	

NAYS—10.

Galhoun,	Getzendaner,	Peacock,
Camp,	Kilgore,	Terrell,
Davis,	Knittel,	Traylor.
Evans,		

ABSENT, NOT VOTING.

Farrar,	Hall,	Randolph.
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Senator Stinson moved to refer the bill to a special committee of three to prepare a suitable bill on insurance.

Adopted.

Senator Traylor called up the motion of Senator Houston of Bexar to reconsider the vote by which the Senate refused on February 5 to engross Senate bill No. 122, "An act to regulate the collection of taxes, and to provide for prompt settlement by collectors."

The motion to reconsider was adopted by the following vote:

YEAS—17.

Bell,	Jones,	Shannon,
Camp,	Kilgore,	Stinson,
Fowler,	Knittel,	Terrell,
Getzendaner,	Perry,	Traylor,
Glasscock,	Pfeuffer,	Woods.
Houston of Bexar,	Pope,	

NAYS—5.

Calhoun,	Evans,	Hall.
Davis,	Garrison,	

ABSENT, NOT VOTING.

Farrar,	Houston of Wheeler,	Randolph.
Harrison,	Peacock,	

The bill was ordered engrossed by the following vote:

YEAS—14.

Bell,	Harrison,	Shannon,
Camp,	Kilgore,	Stinson,
Fowler,	Knittel,	Traylor,
Getzendaner,	Perry,	Woods.
Glasscock,	Pfeuffer,	

NAYS—8.

Calhoun,	Garrison,	Peacock,
Davis,	Hall,	Terrell.
Evans,	Houston of Bexar,	

ABSENT, NOT VOTING.

Farrar, Jones, Randolph,
Houston of Wheeler, Pope,

House bill No. 249, "An act to repeal an act to authorize counties to issue bonds for bridge purposes, and to levy a tax to pay the same; also to validate bonds heretofore issued for bridge purposes, passed at the called session of the Eighteenth Legislature," was laid before the Senate as the first special order, and read the second time.

Senator Jones moved to postpone action on the bill indefinitely.

Withdrawn.

(Senator Fowler in the chair.)

Senator Jones moved to substitute Senate bill No. 78 for the pending bill.

Withdrawn.

Senator Jones moved that the bill be postponed and made the special order for Saturday after morning call, to be considered in connection with Senate bill No. 78.

Withdrawn.

Senator Woods offered the following substitute for the bill:

"An act to authorize the county commissioners' court to set aside from year to year not exceeding one-half of the road and bridge tax to purchase and establish free bridges across streams having an average width of sixty feet; also to validate bonds heretofore issued for bridge purposes."

Adopted by the following vote:

YEAS—20.

Bell,	Hall,	Pope,
Calhoun,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Fowler,	Houston of Wheeler,	Terrell,
Garrison,	Jones,	Traylor,
Getzendaner,	Knittel,	Woods.
Glasscock,	Pfeuffer,	

NAYS—6.

Camp,	Kilgore,	Perry,
Davis,	Peacock,	Randolph.

ABSENT, NOT VOTING.

Farrar.

Senator Davis offered the following amendment:

Strike out that part of the bill submitting the proposition to vote of the people.

Lost by the following vote:

YEAS—11.

Bell,	Jones,	Randolph,
Davis,	Kilgore,	Shannon,
Evans,	Knittel,	Terrell.
Garrison,	Peacock,	

NAYS—16.

Calhoun,	Hall,	Pfeuffer,
Camp,	Harrison,	Pope,
Farrar,	Houston of Bexar,	Stinson,
Fowler,	Houston of Wheeler,	Traylor,
Getzendaner,	Perry,	Woods.
Glasscock,		

(The President in the chair.)

Senator Fowler moved to adjourn till 7:30 o'clock this evening.

Withdrawn.

Senator Stinson offered the following amendment:

Amend by adding to section 2 the following: "Provided, the parties who petition for said election shall deposit with the county clerk of the county a sufficient amount of money to pay the expenses of said election before the commission court shall order any election to be held."

Adopted by the following vote:

YEAS—13.

Davis,	Kilgore,	Randolph,
Evans,	Peacock,	Shannon,
Garrison,	Perry,	Stinson,
Glasscock,	Pfeuffer,	Woods.
Jones,		

NAYS—11.

Bell,	Fowler,	Houston of Wheeler,
Calhoun,	Getzendaner,	Pope,
Camp,	Harrison,	Traylor.
Farrar,	Houston of Bexar,	

ABSENT, NOT VOTING.

Hall,	Knittel,	Terrell.
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Senator Bell offered the following amendment:

Amend by striking out the words "having an average width of sixty feet."

Adopted.

The bill was ordered engrossed by the following vote:

YEAS—16.

Bell,	Hall,	Perry,
Calhoun,	Harrison,	Pfeuffer,
Farrar,	Houston of Bexar,	Pope,
Fowler,	Houston of Wheeler,	Stinson,
Getzendaner,	Jones,	Woods.
Glasscock,		

NAYS—10.

Camp,	Kilgore,	Randolph,
Davis,	Knittel,	Shannon,
Evans,	Peacock,	Traylor.
Garrison,		

ABSENT, NOT VOTING.

Terrell.

Senator Bell sent up the following privileged report:

COMMITTEE ROOM,
AUSTIN, March 11, 1885.

Hon. Barnett Gibbs, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 122, being "An act to regulate the collection of taxes and to provide for prompt settlement by collectors," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 11, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body of the passage of House bill No. 85, "An act to amend articles 3164, 3165, 3166, 3171, 3173, 3176, 3177, 3178 and 3179 of title 61, chapter 2 of the Revised Civil Statutes of the State of Texas, relating to mechanics', contractors', builders' and material men's liens, and to add thereto articles 3179a and 3179b."

A. D. SADLER,
Chief Clerk House of Representatives.

Referred to Judiciary Committee No. 1.

On motion of Senator Houston of Wheeler, House bill No. 105, "An act to create the county of Val Verde, and to provide for its organization," was taken up and made the special order for tomorrow after morning call, and from day to day till disposed of.

On motion of Senator Jones,

The Senate adjourned until 7:30 o'clock this evening by the following vote:

YEAS—16.

Bell,	Hall,	Randolph,
Calhoun,	Harrison,	Stinson,
Camp,	Jones,	Terrell,
Evans,	Kilgore,	Traylor,
Fowler,	Knittel,	Woods.
Garrison,		

NAYS—10.

Davis,	Houston of Wheeler,	Pfeuffer,
Farrar,	Peacock,	Pope,
Glasscock,	Perry,	Shannon.
Houston of Bexar,		

ABSENT, NOT VOTING.

Getzendaner.

EVENING SESSION.

Senate met pursuant to adjournment.
Lieutenant-Governor Gibbs in the chair.
Roll called.

Quorum present.

Senator Shannon moved to postpone the special order of business and take up Senate bill No. 270, "An act to protect persons in the employment of railway companies, and those who may wish to become employees thereof."

Adopted by the following vote:

YEAS—20.

Bell,	Getzendaner,	Peacock,
Calhoun,	Hall,	Perry,
Camp,	Harrison,	Pfeuffer,
Davis,	Houston of Wheeler,	Shannon,
Evans,	Jones,	Terrell,
Farrar,	Kilgore,	Woods
Fowler,	Knittel,	

NAYS—2.

Randolph,	Stinson.
Garrison,	Houston of Bexar,
Glasscock,	Pope,
	Traylor.

The bill was read the second time.

Senator Houston of Bexar offered the following substitute for section 2:

Section 2. Any person or persons who, without authority of law, shall molest or obstruct, hinder or delay the movements of any train, engine or car, on any railway track in this State, or by words, or by act or acts, by intimidation or otherwise, prevent any person from engaging or remaining in the service of any railway company, or in performing the duties of his or their employment, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding five hundred dollars, and may be imprisoned in the county jail not exceeding six months. But this act shall not prevent any railway company from discharging from its service any person it may wish to discharge at any time.

Senator Terrell in the chair.

The President in the chair.

Senator Evans offered the following amendment to the substitute of Senator Houston of Bexar:

Amend by adding to section 2 the following proviso: "Provided no employee shall be discharged for the purpose of evading the requirements of section 1 of this act."

Accepted.

Senator Kilgore offered the following amendment: Strike out the words "or otherwise."

Accepted.

Senator Peacock offered the following amendment:

Amend by inserting after the word "intimidation," in line 3, the following: "Or by any other means."

Accepted.

Senator Shannon offered the following amendment to the amendment:

Amend section 2 by striking out all after the word "months" in line 8.

Senator Shannon moved the previous question on the amendment.

Seconded, and main question ordered.

The substitute of Senator Shannon was adopted. The amendment of Senator Houston of Bexar was adopted as amended.

Senator Davis offered the following amendment:

Add to the caption the words: "And to better protect the property of railway companies."

Adopted.

Senator Pope offered the following amendment:

Amend by adding:

Sec. — The thirty days notice referred to in this act is declared to mean thirty full days prior to the day upon which the employees receive their wages from the railroad corporation.

Adopted.

Senator Pope offered the following amendment:

Sec. — Whereas, the railroad corporations of this State have recently, by frequent reduction of the wages of employes without notice to the employees, caused them to abandon the service of the railroad corporations, thus producing what are commonly known as "strikes," and thereby destroying the commercial traffic in this State, creates an emergency and imperative public necessity that this bill take effect immediately, and the rule requiring bills to be read on three several days be suspended, and it is so enacted.

Senator Houston of Bexar offered the following substitute for the amendment:

The near approach of the close of the session, and the fact that the property and employees of the railway companies of this State are now being unlawfully interfered with, to the detriment of the commerce of the country, create an emergency and imperative public necessity for the suspension of the rules and the immediate passage of this act, and that it take effect from and after its passage, and it is therefore so enacted.

Accepted and adopted.

Senator Woods moved to adjourn till ten o'clock to-morrow morning.

Lost.

Senator Harrison offered the following substitute for section 2:

Strike out all of section 2 and insert the following:

Sec. 2. Any person or persons who, without authority of law, shall molest or obstruct or in any way interfere with the movements of any train, engine, or cars on any railway track in this State, or by threatening words or acts of violence, or by intimidation, prevent any person from engaging or remaining in the service of any railway company, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not exceeding five hundred dollars, and may be imprisoned in the county jail not exceeding six months. Provided, no employee of any railway company shall be discharged until he has received thirty days' notice of the time his discharge is to take effect.

Senator Jones moved the previous question on the substitute, and the engrossment of the bill.

Seconded, and main question ordered.

The substitute of Senator Harrison was lost.

The bill was ordered engrossed by the following vote:

YEAS—23.

Bell,	Getzendaner,	Perry,
Calhoun,	Glasscock,	Pfeuffer,
Camp,	Hall,	Pope,
Davis,	Houston of Bexar,	Shannon,
Evans,	Jones,	Terrell,
Farrar,	Kilgore,	Traylor,
Fowler,	Knittel,	Woods.
Harrison,	Peacock,	

NAYS—4.

Harrison,	Randolph,	Stinson.
Houston of Wheeler,		

Senator Shannon moved to suspend the constitutional rule, and place the bill in its third reading. Adopted by the following vote:

YEAS—22.

Bell,	Getzendaner,	Peacock,
Calhoun,	Glasscock,	Perry,
Camp,	Hall,	Pfeuffer,
Davis,	Houston of Bexar,	Pope,
Evans,	Jones,	Shannon,
Farrar,	Kilgore,	Terrell,
Fowler,	Knittel,	Traylor.
Harrison,		

NAYS—5.

Harrison,	Randolph,	Woods.
Houston of Wheeler,	Stinson,	

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

YEAS—23.

Bell,	Getzendaner,	Perry,
Calhoun,	Glasscock,	Pfeuffer,
Camp,	Hall,	Pope,
Davis,	Houston of Bexar,	Shannon,
Evans,	Jones,	Terrell,
Farrar,	Kilgore,	Traylor,
Fowler,	Knittel,	Woods.
Harrison,	Peacock,	

NAYS—4.

Harrison,	Randolph,	Stinson.
Houston of Wheeler,		

Senator Stinson submitted the following minority report:

COMMITTEE ROOM,
AUSTIN, March 10, 1885.

Hon. Barnett Gibbs, President of the Senate:
A minority of your Judiciary Committee No. 2, to whom was referred substitute House bill No. 41, entitled "An act to amend chapter 1, title 10 of the Code of Criminal Procedure of the State of Texas," and upon which a majority of your committee have reported unfavorably, have carefully examined said bill and recommend that it do pass. The bill does not tend to deprive the defendant, in a criminal case, of any material right, but in the main only provides that a judgment and conviction, in all respects regular, shall not be reversed on account of clerical errors or omissions in the judgment of conviction, statements of facts and transcripts, and would, if it became a law, tend to establish justice.

All of which is respectfully submitted.

STINSON,
BELL,
CALHOUN,
for minority.

On motion of Senator Pope,
The Senate adjourned till 10 o'clock to-morrow morning.

FIFTIETH DAY.

SENATE CHAMBER,
AUSTIN, March 12, 1885. }

The Senate met pursuant to adjournment. Lieutenant-Governor Gibbs in the chair. Roll called.

Quorum present.
Prayer by the Chaplain, Dr. Smoot.
On motion of Senator Getzendaner,
The reading of the journal of yesterday was dispensed with.

Senate bill No. 189, "An act to annul and cancel all locations and surveys made thereunder and patents issued upon any land situate in the county of Greer, and to restore said land to the respective funds to which they belong," was laid before the Senate as the first special order and read the second time.

By leave, Senator Peacock sent up the following report:

COMMITTEE ROOM,
AUSTIN, March 10, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Lands, to whom was referred Senate bill No. 184, entitled "An act to donate all the public domain in the State of Texas to the public free school fund," have had the same under consideration, and instruct me to report the accompanying substitute therefor, and to recommend that such substitute do pass.

All of which is respectfully submitted.

PEACOCK, Chairman.

Bill read first time with substitute, "An act to dispose of the vacant lands of the State."
(Senator Shannon, President pro tem., in the chair.)

By leave, Senator Traylor sent up the following special committee report:

COMMITTEE ROOM,
AUSTIN, March 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your committee to whom was referred the resolution of the Senate looking to the purchase of the granite quarries in Burnett county, from which the granite is furnished in the construction of the new Capitol, had a conference with the owners of said granite, who at first talked as if they were willing to dispose of them to the State on fair terms and at a fair price; but upon being requested by your committee to make a proposition in writing, they seemed to have reconsidered their first conclusions, and so far have made no proposition for sale to the State of the property named.

Your committee are under the impression the owners of said granite concluded after taking in the situation, that the material for the construction of the new Capitol would be changed from limestone to granite, in which event it would be an unwise business transaction on their part to part with the title to the property referred to.

All of which is respectfully submitted.

TRAYLOR,
PFEUFFER.

Senator Harrison offered the following substitute for the bill, entitled:

"An act to require the Attorney-General to bring suit to recover all lands and cancel all patents illegally issued for any and all lands belonging to the State, the free school fund, or any other special fund of the State, and to fix venue for such suits."

On motion of Senator Bell,
The Senate took a ten minutes recess.

SENATE CONVENED.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body of the passage of:

Substitute House bills Nos. 8, 34 and 70, "An act to provide for the leasing and sale of the lands heretofore or that may hereafter be surveyed and set apart for the benefit of the common school, the University, the Lunatic, Blind, Deaf and Dumb, and Orphan Asylum funds."

Substitute House bill No. 188, "An act to incorporate the Grand Royal Arch Chapter of Texas."

House bill No. 343, "An act to amend the Revised Civil Statutes of the State of Texas, title 17, by adding thereto article 340a. and to amend article 375 thereof"

Respectfully,

A. D. SADLER,
Chief Clerk House Representatives.

On motion of Senator Terrell,

One hundred copies of the land bill just reported were ordered printed for the use of the Senate.

House bill No. 188 was referred to Committee on State Affairs.

House bill No. 343 was referred to Judiciary Committee No. 1.

Substitute House bills Nos. 8, 34 and 70 was referred to Committee on Public Lands.

Senator Bell sent up the following privileged report:

COMMITTEE ROOM,
AUSTIN, March 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 270, being "An act to protect persons in the employment of railway companies, and those who may wish to become employees thereof, and to better protect the property of railway companies," and find the same correctly engrossed.

BELL, Chairman.

Senator Harrison offered to amend by adding:

'Provided, the operation of this law shall apply only to the territorial limits of Greer county.'

Adopted.

The substitute was adopted by the following vote:

YEAS—12.

Bell,	Garrison,	Perry,
Camp,	Getzendaner,	Shannon,
Farrar,	Hall,	Stinson,
Fowler,	Harrison,	Traylor.

NAYS—11.

Calhoun,	Kilgore,	Pope,
Davis,	Knittel,	Terrell,
Evans,	Peacock,	Woods.
Glasscock,	Pfeuffer,	

ABSENT, NOT VOTING.

Houston of Bexar, Jones, Randolph.

Senator Houston of Wheeler was excused by the Senate, on account of connection with the lands treated in the bill, as attorney, from voting.

Senator Davis offered to amend the caption so as to confine the law to Greer county.

Adopted.

The bill, as substituted, was ordered engrossed by the following vote:

YEAS—19.

Bell,	Garrison,	Randolph,
Calhoun,	Getzendaner,	Shannon,
Camp,	Hall,	Stinson,
Davis,	Harrison,	Terrell,
Evans,	Jones,	Traylor,
Farrar,	Perry,	Woods.
Fowler,		

NAYS—7.

Glasscock,	Knittel,	Pfeuffer,
Houston of Bexar,	Peacock,	Pope.
Kilgore,		

(Senator Terrell in the chair.)

House bill No. 428, "An act to amend article 4687 of the Revised Civil Statutes of the State of Texas, the second special order, was laid before the Senate and read the second time.

Senator Woods moved to strike out the engrossed rider.

Withdrawn.

The bill was passed to third reading.

On motion of Senator Davis,

The constitutional rule was suspended, and

The bill was placed on its final passage by the following vote:

YEAS—25.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Hall,	Pope,
Camp,	Houston of Bexar,	Randolph,
Davis,	Houston of Wheeler,	Shannon,
Evans,	Jones,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Peacock,	Traylor,
Garrison,	Perry,	Woods.
Getzendaner,		

NAYS—none.

ABSENT, NOT VOTING.

Harrison, Knittel.

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

YEAS—24.

Bell,	Hall,	Pfeuffer,
Calhoun,	Houston of Bexar,	Pope,
Camp,	Houston of Wheeler,	Randolph,
Evans,	Jones,	Shannon,
Farrar,	Kilgore,	Stinson,
Garrison,	Knittel,	Terrell,
Getzendaner,	Peacock,	Traylor,
Glasscock,	Perry,	Woods.

NAYS—1.

Davis.
ABSENT, NOT VOTING.
Fowler, Harrison.

On motion of Senator Perry,

Senate bill No. 260, "An act to amend articles 1006, 1007 and 1008 of an act entitled 'an act to amend articles 1006, 1007 and 1008 of the Revised Civil Statutes of the State of Texas,' approved February 21, 1879, passed by the Eighteenth Legislature and approved April 9, 1883," was taken up out of its regular order and read the second time.

Senator Pope entered a motion to reconsider the vote by which House bill No. 428 (the railroad bill) had just been passed with emergency clause.

Senate bill No. 260 was ordered engrossed.

On motion of Senator Perry,

The constitutional rule was suspended, and

The bill was placed on its third reading by the following vote:

YEAS—25.

Glassecock,	Pfeuffer,
Hall,	Pope,
Houston of Bexar,	Randolph,
Houston of Wheeler,	Shannon,
Jones,	Stinson,
Kilgore,	Terrell,
Peacock,	Traylor,
Perry,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Kleberg.

The bill was read third time and passed.
 On motion of Senator Davis,
 the special orders were postponed and House
 bill No. 118, "An act to amend chapter 6 of
 article 29 of the Revised Civil Statutes of Texas, by
 adding thereto, after article 1241, another article to
 be called 1241a," was laid before the Senate, read
 third time and passed.
 Substitute House bill No. 126, "An act to amend
 article 358 of chapter 3, title 11 of the Penal Code of
 the State of Texas," was laid before the Senate and
 read third time.

Senator Davis offered the following amendment:

Strike out the second Senate amendment."

Senator Hall moved to postpone action on the bill
to-morrow at eleven o'clock.

Senator Fowler moved to postpone the bill in-
definitely.

Senator Stinson moved to table the motion to
postpone indefinitely.

Adopted by the following vote:

YEAS—17.

Garrison,	Randolph,
Getzendaner,	Shannon,
Harrison,	Stinson,
Kilgore,	Terrell,
Peacock,	Traylor.
Perry,	

NAYS—10.

Houston of Wheeler,	Pfeuffer,
Jones,	Pope,
Knittel,	Woods.

Senator Stinson moved to table the motion to post-
pone till to-morrow:
Adopted.

Senator Bell offered to substitute the amendment
of Senator Davis as follows:

Amend the second Senate amendment by adding thereto
the words "when only the table or alley fees are bet thereon."

Adopted by the following vote:

YEAS—9.

Farrar,	Stinson,
Glasscock,	Traylor,
Randolph,	Woods.

NAYS—18.

Harrison,	Peacock,
Houston of Bexar,	Perry,
Houston of Wheeler,	Pfeuffer,
Jones,	Pope,
Kilgore,	Shannon,
Knittel,	Mr. President.

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

YEAS—13.

Calhoun,	Garrison,	Perry,
Camp,	Getzendaner,	Shannon,
Davis,	Kilgore,	Stinson,
Evans,	Peacock,	Terrell.
Farrar,		

NAYS—14.

Bell,	Houston of Bexar,	Pope,
Fowler,	Houston of Wheeler,	Randolph,
Glasscock,	Jones,	Traylor,
Hall,	Knittel,	Woods.
Harrison,	Pfeuffer,	

Senator Houston of Wheeler offered the following
amendment:

Amend by adding, after the word "and," "any person, firm
or association who shall keep or be concerned in keeping any
business known as a 'bucket shop.'"

Senator Davis moved the previous question on the
amendment and passage of the bill.

Previous question seconded.

The Senate refused to order the main question by
the following vote:

YEAS—12.

Calhoun,	Garrison,	Perry,
Davis,	Getzendaner,	Randolph,
Evans,	Harrison,	Shannon,
Farrar,	Kilgore,	Traylor.

NAYS—15.

Bell,	Houston of Bexar,	Pfeuffer,
Camp,	Houston of Wheeler,	Pope,
Fowler,	Jones,	Stinson,
Glasscock,	Knittel,	Terrell,
Hall,	Peacock,	Woods.

Senator Jones offered to amend the amendment
by adding "or who shall keep any table on which is
commonly played the game of poker.

On motion of Senator Terrell,

The Senate adjourned till eight o'clock this even-
ing by the following vote:

YEAS—15.

Calhoun,	Hall,	Perry,
Camp,	Houston of Bexar,	Pfeuffer,
Fowler,	Houston of Wheeler,	Randolph,
Garrison,	Jones,	Shannon,
Glasscock,	Knittel,	Terrell.

NAYS—10.

Bell,	Getzendaner,	Peacock,
Davis,	Harrison,	Stinson,
Evans,	Kilgore,	Woods.
Farrar,		

ABSENT, NOT VOTING.

Pope,

Traylor.

EVENING SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

The Senate resumed consideration of substitute
House bill No. 126.

Senator Houston of Wheeler withdrew his amend-
ment.

Senator Jones withdrew his amendment.

Senator Houston of Wheeler offered the following amendment:

If any person shall, directly or through an agent or agents, manage or superintend for himself, or as agent or representative of any other person, conduct, carry on or transact any business which is commonly known as a dealer in futures, cotton, grain, any kind of meats or stocks, or keep any house commonly known as a produce or stock exchange, or bucket shop, where future contracts are bought and sold, with no intention of an actual delivery of the article so bought or sold, or any house appertaining thereto, such person, whether acting for himself or for others as aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction in any court of competent jurisdiction, shall be fined in any sum, for the first offense, not less than twenty-five dollars and not more than one hundred dollars, and for the second and each subsequent violation, may, in addition to said fine, be imprisoned in the county jail not less than ten days nor more than ninety days; provided, that each day shall constitute a separate offense.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to inform your honorable body of the passage of the following bills:

Senate bill No. 46, "An act for the relief of Wm. S. Booth, S. F. Grimes and the heirs of Henry Leftridge, deceased."

Senate bill No. 65, "An act to amend article 690, chapter 90 of the Penal Code, as amended April 4, 1881."

House bill No. 152, "An act to amend articles 2812, 2813, 2814, 2815, 2816, 2817, 2819 and 2823 of chapter 6, title 48 of the Revised Civil Statutes of the State of Texas."

House bill No. 354, "An act to restore to and confer upon the county courts of Atascosa, Young, Leon, Dimmitt, Montgomery and Burnet counties the civil and criminal jurisdiction heretofore belonging to said courts under the Constitution and general statutes of the State, to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with the provisions of this act."

House bill No. 398, "An act to authorize cities and towns to levy and collect taxes for the erection, construction or purchase of public buildings, streets, sewers and other permanent improvements."

A. D. SADLER,
Chief Clerk, House of Representatives.

House bill No. 152, was referred to Committee on Insurances, Statistics and History.

House bill No. 354, was referred to Judiciary Committee No. 1.

House bill No. 398 was referred to Committee on State Affairs.

Senator Bell sent up the following privileged reports:

COMMITTEE ROOM,
AUSTIN, March 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared substitute for Senate bill No. 189, being "An act to require the Attorney-General to bring suit to recover all lands and cancel all patents illegally issued for any and all lands situated within the territorial limits of Greer county, belonging to the State, the free school fund, or any other special fund of the State, and so fix the venue for such suits," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 260, being "An act to amend articles 1006, 1007 and 1008 of an act entitled 'an act to amend articles 1006, 1007 and 1008 of the Revised Civil Statutes of the State of Texas,' approved February 21, 1879, passed by the Eighteenth Legislature, and approved April 9, 1883," and find the same and find it correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate substitute for House bill No. 240 being "An act to authorize the county commissioners' court to set aside from year to year not exceeding one-half of the road and bridge tax to purchase and establish free bridges; also to validate bonds heretofore issued for bridge purposes," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

(Senator Randolph in the chair.)

Senator Shannon (President pro tem.) in the chair

Pending discussion on the gambling bill, to-wit Substitute House bill No. 126, reference was made to the pending of certain measures in the House of Representatives.

Senator Houston of Bexar raised the point of order that the allusions to the House proceedings were out of order.

The point of order was sustained.

Senator Stinson moved the previous question on the amendment and the passage of the bill.

Seconded, and the Senate, by the following vote refused to order the main question:

	YEAS—9.	
Calhoun,	Garrison,	Shannon,
Davis,	Getzendaner,	Stinson,
Evans,	Kilgore,	Traylor.

	NAYS—17.	
Bell,	Houston of Bexar,	Pfeuffer,
Camp,	Houston of Wheeler,	Pope,
Jerdone,	Jerdone,	Randolph,
Glasscock,	Jones,	Terrell,
Hall,	Knittel,	Woods.
Harrison,	Perry,	

	ABSENT, NOT VOTING.
Farrar,	Peacock.

(The President in the chair.)

Pending the further discussion of the bill allusions were made to a member of the House of Representatives, and

Senator Terrell made the point of order that allusions to members of the House were out of order.

The point of order was sustained.

Senator Davis moved the previous question on the amendment and the passage of the bill.

Seconded, and
Main question ordered.

The amendment was lost by the following vote:

	YEAS—10.	
Fowler,	Houston of Wheeler,	Pfeuffer,
Glasscock,	Jones,	Pope,
Hall,	Knittel,	Woods.
Houston of Bexar,		

	NAYS—16.	
Bell,	Harrison,	Randolph,
Calhoun,	Jerdone,	Shannon,
Camp,	Kilgore,	Stinson,
Davis,	Peacock,	Terrell,
Evans,	Perry,	Traylor.
Garrison,		

	ABSENT, NOT VOTING.
Farrar,	Getzendaner.

The bill was passed by the following vote:

	YEAS—17.	
Bell,	Harrison,	Randolph,
Calhoun,	Jones,	Shannon,
Camp,	Kilgore,	Stinson,
Davis,	Peacock,	Terrell,
Evans,	Perry,	Traylor.
Garrison,	Pope,	

NAYS—9.

Fowler, Glasscock, Hall,	Houston of Bexar, Houston of Wheeler, Jerdone,	Knittel, Pfeuffer, Woods.
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ABSENT, NOT VOTING.

Farrar, Getzendaner.

Senator Pope moved to reconsider the vote by which the bill was passed, and moved a call of the Senate.

Call sustained.

Senators Farrar and Getzendaner were found absent without excuse.

Senator Peacock moved to excuse the absent Senators.

Lost by the following vote:

YEAS—14.

Bell, Calhoun, Davis, Evans, Garrison,	Harrison, Kilgore, Peacock, Perry, Randolph,	Shannon, Stinson, Terrell, Traylor.
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NAYS—12.

Camp, Fowler, Glasscock, Hall,	Houston of Bexar, Houston of Wheeler, Jerdone, Jones,	Knittel, Pfeuffer, Pope, Woods.
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Senator Pope sent up the following resolution:

Resolved, That it is the sense of a majority of this Senate that from present surroundings it is not feasible to hold any more nocturnal sessions.

Lost.

Senator Calhoun moved to adjourn till 10 o'clock to-morrow morning.

Withdrawn.

Senator Woods renewed the motion to adjourn till 10 o'clock to-morrow morning.

Lost by the following vote:

YEAS—10.

Fowler, Glasscock, Hall, Houston of Bexar,	Houston of Wheeler, Jerdone, Knittel,	Pfeuffer, Pope, Woods.
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NAYS—16.

Bell, Calhoun, Camp, Davis, Evans, Garrison,	Harrison, Jones, Kilgore, Peacock, Perry,	Randolph, Shannon, Stinson, Terrell, Traylor.
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ABSENT, NOT VOTING.

Farrar, Getzendaner.

The Sergeant-at-Arms was dispatched to bring the absent Senators into the Senate chamber.

Senator Jones moved to take up Senate bill No. 249, "An act to provide for the safe keeping and preservation of the Texas exhibits at the New Orleans World's Fair."

Senator Davis moved a call of the Senate.

Call sustained.

Senators Farrar and Getzendaner were found absent without excuse.

Senator Davis moved to excuse the absent Senators.

Lost by the following vote:

YEAS—14.

Bell, Calhoun,	Davis, Evans,	Garrison, Houston of Wheeler,
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Kilgore, Peacock, Perry,	Randolph, Shannon, Stinson,	Terrell, Traylor.
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NAYS—12.

Camp, Fowler, Glasscock, Hall,	Harrison, Houston of Bexar, Jerdone, Jones,	Knittel, Pfeuffer, Pope, Woods.
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Senator Pope moved to adjourn till 9 o'clock to-morrow morning.

Lost by the following vote:

YEAS—11.

Fowler, Glasscock, Hall, Houston of Bexar,	Houston of Wheeler, Jerdone, Jones, Knittel,	Pfeuffer, Pope, Woods.
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NAYS—15.

Bell, Calhoun, Camp, Davis, Evans,	Garrison, Harrison, Kilgore, Peacock, Perry,	Randolph, Shannon, Stinson, Terrell, Traylor.
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ABSENT, NOT VOTING.

Farrar, Getzendaner.

Senator Davis moved to excuse absentees.

Lost by the following vote:

YEAS—15.

Bell, Calhoun, Camp, Davis, Evans,	Garrison, Harrison, Kilgore, Peacock, Perry,	Randolph, Shannon, Stinson, Terrell, Traylor.
--	--	---

NAYS—10.

Fowler, Glasscock, Hall, Houston of Bexar,	Houston of Wheeler, Jones, Knittel,	Pfeuffer, Pope, Woods.
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Senate bill No. 64, "An act to provide for the management and control of the lands set aside for the benefit of the University of Texas," was laid before the Senate in its regular order.

Senator Pope moved a call of the Senate.

Call sustained.

Senators Farrar, Getzendaner and Jerdone were found absent without excuse.

Senator Fowler moved to adjourn till 2:30 o'clock to-morrow morning.

Lost by the following vote:

YEAS—18.

Fowler, Getzendaner, Hall,	Houston of Bexar, Jones, Perry,	Pfeuffer, Pope.
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NAYS—18.

Bell, Calhoun, Camp, Davis, Evans, Garrison,	Glasscock, Harrison, Houston of Wheeler, Kilgore, Knittel, Peacock,	Randolph, Shannon, Stinson, Terrell, Traylor, Woods.
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ABSENT, NOT VOTING.

Farrar, Jerdone,

Senator Jones moved to take a recess of fifteen minutes.

Lost by the following vote:

YEAS—9.

Fowler, Hall, Houston of Bexar,	Houston of Wheeler, Jones, Knittel,	Pfeuffer, Pope, Woods.
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NAYS—17.

Bell,	Getzendaner,	Randolph,
Calhoun,	Glasscock,	Shannon,
Camp,	Harrison,	Stinson,
Davis,	Kilgore,	Terrell,
Evans,	Peacock,	Traylor.
Garrison,	Perry,	

ABSENT, NOT VOTING.

Farrar, Jerdone.

Senators Farrar and Getzendaner were announced in the bar of the Senate Chamber.

Senator Davis raised the point of order that Senator Jerdone was present when the call of the Senate was taken, and therefore the Senate was full.

The point of order was sustained.

Senator Davis moved to table the motion of Senator Pope to reconsider.

Senator Houston of Bexar moved a call of the Senate.

Call sustained.

Senator Jerdone was found absent without excuse.

Senator Stinson moved to excuse Senator Jerdone.

Lost by the following vote:

YEAS—17.

Bell,	Garrison,	Randolph,
Calhoun,	Getzendaner,	Shannon.
Camp,	Harrison,	Stinson,
Davis,	Kilgore,	Terrell.
Evans,	Peacock,	Traylor.
Farrar,	Perry,	

NAYS—10.

Fowler,	Houston of Wheeler,	Pfeuffer,
Glasscock,	Jones,	Pope,
Hall,	Knittel,	Woods.
Houston of Bexar,		

Senator Pope moved to excuse Senator Farrar on account of sickness.

Senator Houston of Bexar moved to adjourn till 10 o'clock to-morrow morning.

Lost by the following vote:

YEAS—12.

Farrar,	Harrison,	Knittel,
Fowler,	Houston of Bexar,	Pfeuffer,
Glasscock,	Houston of Wheeler,	Pope,
Hall,	Jones,	Woods.

NAYS—15.

Bell,	Garrison,	Randolph,
Calhoun,	Getzendaner,	Shannon,
Camp,	Kilgore,	Stinson,
Davis,	Peacock,	Terrell,
Evans,	Perry,	Traylor.

On motion of Senator Davis,

The absent Senator was excused by the following vote:

YEAS—18.

Bell,	Garrison,	Perry,
Calhoun,	Getzendaner,	Randolph,
Camp,	Harrison,	Shannon,
Davis,	Kilgore,	Stinson,
Evans,	Knittel,	Terrell,
Farrar,	Peacock,	Traylor.

NAYS—9.

Fowler,	Houston of Bexar,	Pfeuffer,
Glasscock,	Houston of Wheeler,	Pope,
Hall,	Jones,	Woods.

The motion of Senator Davis to lay the motion to reconsider on the table was put, but No quorum voted.

Senator Jerdone was announced present, and the the Senate was declared full.

Senator Davis moved to excuse Senator Peacock indefinitely.

Adopted by the following vote:

YEAS—27.

Bell,	Glasscock,	Perry,
Calhoun,	Hall,	Pfeuffer,
Camp,	Harrison,	Pope,
Davis,	Houston of Bexar,	Randolph,
Evans,	Houston of Wheeler,	Shannon,
Farrar,	Jerdone,	Stinson,
Fowler,	Jones,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzendaner,	Knittel,	Woods.

NAYS—none.

Senator Woods moved to excuse Senator Jerdone.

The motion received the following vote:

YEAS—14.

Bell,	Hall,	Pfeuffer,
Camp,	Houston of Bexar,	Pope,
Farrar,	Houston of Wheeler,	Randolph,
Fowler,	Knittel,	Woods.
Glasscock,	Perry,	

NAYS—11.

Calhoun,	Getzendaner,	Stinson,
Davis,	Jones,	Terrell,
Evans,	Kilgore,	Traylor.
Garrison,	Shannon,	

The Senate was declared full and the call suspended, and Senator Jerdone was declared excused by a majority vote:

The motion to table the motion to reconsider was again put, and

No quorum voted on the motion.

Senator Randolph moved a call of the Senate.

Call sustained.

The Senate was declared full.

The motion to lay the motion to reconsider on the table was again put, and

No quorum voted.

Senator Jones moved to adjourn till 10 o'clock to-morrow morning.

Lost by the following vote:

YEAS—10.

Farrar,	Houston of Bexar,	Knittel,
Fowler,	Houston of Wheeler,	Pfeuffer,
Glasscock,	Jones,	Woods.
Hall,		

NAYS—15.

Bell,	Garrison,	Randolph,
Calhoun,	Getzendaner,	Shannon,
Camp,	Harrison,	Stinson,
Davis,	Kilgore,	Terrell,
Evans,	Perry,	Traylor.

NOT VOTING.

Pope.

The motion to lay the motion to reconsider on the table was again put, and

No quorum present.

Senator Davis moved a call of the Senate.

Call sustained, and

Senate declared full.

The motion to table the motion to reconsider was adopted by the following vote:

YEAS—16.

Bell,
Calhoun,
Camp,
Davis,
Evans,
Farrar,

Garrison,
Getzendaner,
Harrison,
Kilgore,
Perry,

Randolph,
Shannon,
Stinson,
Terrell,
Traylor.

NAYS—5.

Classcock,
Houston of Bexar,

Houston of Wheeler, Woods,
Jones,

NOT VOTING.

Fowler,
Hall,

Knittel,
Pfeuffer,

Pope.

On motion of Senator Terrell,
The Senate adjourned till 10:30 o'clock to-morrow morning.

FIFTY-FIRST DAY.

SENATE CHAMBER,
AUSTIN, March 13, 1885. }

Senate met pursuant to adjournment.
Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Calhoun,

The reading of the journal of yesterday was dispensed with.

The President appointed Senators Stinson, Getzendaner and Fowler the special committee to whom Senate bill No. 175 (the Houston of Bexar Insurance bill), was referred, for the purpose of having a suitable insurance bill prepared and substituted therefor.

BILLS AND RESOLUTIONS.

Senator Woods introduced the following resolution:

CONCURRENT RESOLUTION.

Whereas, a communication was addressed to the Capitol Commissioners of the State of Texas in the following words:

AUSTIN, TEXAS, November 6, 1884.

We, the undersigned, owners of survey No. 18, in Burnet county, Texas, and known as the William Slaughter east half league, upon which is the granite deposit whence the material for the water table of the new State Capitol was recently taken, hereby tender to the people of the State of Texas, free of all or any charge, all the granite stone required to complete the entire superstructure of the building.

G. W. LACEY,
W. H. WESTFALL,
N. L. NORTON.

Witness:

JOHN HANCOCK,
O. M. ROBERTS.

And, whereas, we regard the proposition contained in the above communication as indicative of a generous spirit and prompted by feelings of high patriotism; therefore be it

Resolved by the Senate, the House of Representatives concurring, That we, the representatives of the people in Legislature assembled, do thankfully accept the gift thus nobly tendered, and hereby express our high appreciation of the liberal donation, in behalf of the people of the State of Texas.

Adopted.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to inform your honorable body of the passage of the following bills:

Senate bill No. 121, "An act to amend section 35 of an act entitled 'an act to redistrict the State into judicial districts and to fix the time for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883."

House bill No. 23, "An act to prevent the employing, retaining or harboring of minors against the consent of parents and guardians."

House bill No. 133, "An act to amend chapter 3, article 4405, relating to service on public roads."

House bill No. 483, "An act to amend article 1533 of the Revised Statutes."

House bill No. 526, "An act to define the duties of telegraph companies in the transfer of messages, and to provide adequate penalties for the enforcement thereof."

House bill No. 430, "An act to restrict the employment of sailors and crews of foreign vessels from rolling cotton, handling cargo, or laboring on the wharves or levees of ports in the State of Texas, beyond the end of the ships tackle."

House bill No. 570, "An act to validate all acts done, and all ordinances passed by the city council of Mexia, prior to February 3, 1885."

House bill No. 437, "An act to protect mechanics, operatives, book-keepers, clerks and laborers, who perform labor in any mill, factory, shop, store, office or farm, against the failure of owners, sub-owners, contractors or agents to pay their wages, and to provide a lien for such wages."

House bill No. 538, "An act to amend section 25 of 'an act to redistrict the State into judicial districts, and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts, at the next general election, to be held on the first Tuesday after the first Monday in November, 1884.'"

Respectfully,

A. D. SADLER,
Chief Clerk, House of Representatives.

House bills Nos. 430, 437 and 570 were referred to Committee on State Affairs.

House bill No. 23 was referred to Judiciary Committee No. 2.

House bill No. 133 was referred to Committee on Roads and Bridges.

House bill No. 483 was referred to Judiciary Committee No. 1.

House bill No. 526 was referred to Committee on Internal Improvements.

House bill No. 538 was referred to Committee on Judicial Districts.

The President gave notice of signing the following bills:

Substitute Senate bill No. 46, "An act for the relief of William S. Boothe, S. F. Grimes, and the heirs of Henry Leftridge, deceased."

Substitute Senate bill No. 65, "An act to amend article 690, chapter 90 of the Penal Code of the State of Texas, as amended April 4, 1881."

(Senator Shannon, President pro tem., in the chair.)

On motion of Senator Houston of Wheeler, The first special order was postponed, and House bill No. 105, "An act to create the county of Val Verde, and to provide for its organization," the second special order, was taken up and read the second time.

On motion of Senator Houston of Wheeler,

The bill was considered in the Senate and not in the committee of the whole, as per the committee report.

Senator Bell offered the following amendment:

Amend by inserting in section 5, "and to the eleventh congressional."

Adopted.

Senator Houston of Bexar moved to amend by striking out "thirty-eighth judicial district," and insert "thirty-fourth judicial district."

Adopted.

The bill passed to third reading by the following vote:

YEAS—12.

Bell,	Getzendaner,	Pope,
Calhoun,	Glasscock,	Randolph,
Davis,	Houston of Wheeler,	Terrell,
Evans,	Knittel,	Woods,

NAYS—11.

Camp,	Hall,	Perry,
Farrar,	Harrison,	Stinson,
Fowler,	Houston of Bexar,	Traylor,
Garrison,	Kilgore,	

ABSENT, NOT VOTING.

Jerdone,	Kleberg,	Pfeuffer.
Jones,		

Senator Fowler sent up the following privileged reports:

COMMITTEE ROOM,
AUSTIN, March 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared substitute Senate bill No. 65, being "An act to amend article 690, chapter 90 of the Penal Code, as amended April 4, 1881," and find the same correctly enrolled, and have this day, at 10:50 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

COMMITTEE ROOM,
AUSTIN, March 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared substitute Senate bill No. 46, being "An act for the relief of William S. Boothe, S. F. Grimes and the heirs of Henry Leftridge, deceased," and find the same correctly enrolled, and have this day, at 10:50 o'clock a. m., presented the same to the Governor for his approval.

FOWLER, Chairman.

On motion of Senator Stinson,

The special order was postponed temporarily and Senate bill No. 169, "An act to provide for the separation of partition or adjoining fences," was taken up and read the second time.

Senator Kilgore offered to amend by adding section 3 to the bill:

That any person who shall wilfully continue to join his fence to that of another whose fence has been withdrawn under the provisions of this act, shall be fined not less than five nor more than twenty-five dollars.

Adopted.

Senator Stinson moved to amend by adding to line 12 the words "in writing."

Adopted.

Senator Stinson moved to amend the caption to conform to section 3.

Adopted.

Senator Woods moved to add to section 2, "ten feet from the line."

Senator Kilgore moved to amend the amendment by striking out "ten" and inserting "six."

The amendments were withdrawn, and

The bill was ordered engrossed.

Senate bill No. 121 was laid before the Senate, with House amendment.

On motion of Senator Shannon,

The Senate concurred in the House amendment.

Senate bill No. 267, "An act to authorize the State Capitol Board to contract for the substitution of granite for limestone in the construction of the exterior walls of the superstructure of the new State Capitol, and for other changes therein, and to conform all laws thereto, and to make an appropriation for the contingent expenses connected therewith, and to authorize the payment for such change to be made to the contractor in convict labor," was laid before the Senate as the special order, and read the second time.

On motion of Senator Davis,

The bill was postponed and made special order for Monday, and from day to day till disposed of.

Substitute Senate bill No. 189, "An act to require the Attorney-General to bring suit to recover all lands and cancel all patents illegally issued for any and all lands situated within the territorial limits of Greer county, belonging to the State, the free school fund, or any other special fund of the State, and to fix the venue of such suits," was laid before the Senate in its regular order, and read the third time.

Senator Houston of Bexar offered to amend the emergency clause so that this act shall not take effect or be in force until two years after its passage.

Senator Pope withdrew his motion entered to reconsider the vote by which House bill No. 428 (a railroad bill) was passed.

Senator Shannon asked leave to enter a motion to reconsider the vote by which the Val Verde county House bill (No. 105) was passed to third reading.

Senator Pope raised the point of order that Senator Shannon had not voted on the bill and could not move a reconsideration.

The point of order was sustained.

Senator Terrell entered the motion to reconsider the vote.

On motion of Senator Bell,

The Senate adjourned till 10 o'clock to-morrow morning.

FIFTY-SECOND DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, March 14, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Hall,

The reading of the journal of yesterday was dispensed with.

On motion of Senator Jones,

Senator Kleberg was excused until Wednesday. On motion of Senator Bell, Mr. Boynton was excused, on account of sickness.

REPORTS OF STANDING COMMITTEES.

By Senator Traylor:

COMMITTEE ROOM,
AUSTIN, March 14, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Agriculture, to whom was referred Senate bill No. 268, entitled "An act to regulate the duties of public ginners, or persons ginning cotton for toll, and prescribing penalties for a violation of the same," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

Your committee think there is no demand for the passage of the bill, and if there was, there is too much machinery for its successful and satisfactory operation.

All of which is respectfully submitted.

TRAYLOR, Acting Chairman.

Bill read first time.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, March 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills, have carefully examined and compared Senate bill No. 169, being "An act to provide for the separation of partition or adjoining fences, and to provide a penalty for violation of the provisions of this act," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

Senate bill No. 139, the Greer county land bill, was laid before the Senate as unfinished business.

The amendment of Senator Houston of Bexar, which was pending on adjournment, was lost by the following vote:

YEAS—5.

Getzendaner, Glasscock,	Houston of Bexar, Kilgore,	Knittel.
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NAYS—18.

Bell, Calhoun, Camp, Davis, Evans, Farrar, Fowler,	Fowler, Garrison, Hall, Harrison, Perry, Pope,	Randolph, Shannon, Stinson, Terrell, Traylor, Woods.
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ABSENT, NOT VOTING.

Jerdone,	Jones,	Pfeuffer.
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The bill passed by the following vote:

YEAS—20.

Bell, Calhoun, Camp, Davis, Evans, Farrar, Fowler,	Garrison, Getzendaner, Hall, Harrison, Jones, Perry, Pope,	Randolph, Shannon, Stinson, Terrell, Traylor, Woods.
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NAYS—5.

Glasscock, Houston of Bexar,	Kilgore, Knittel,	Pfeuffer.
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ABSENT, NOT VOTING.

Jerdone.

House bill No. 105 (the Val Verde county bill), was taken up on motion of Senator Terrell entered to reconsider the vote by which the bill was passed to third reading.

Senator Terrell withdrew the motion to reconsider. The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 14, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body of the passage of House bill No. 79, "An act to amend chapter 9 and section 10 of an act of the regular session of the Seventeenth Legislature, entitled 'an act authorizing the commissioners' court of the several counties of the State to issue bonds for the erection of a court house and to levy a tax to pay the same,' approved February 11, 1861, so as to include the issue of jail bonds, denominated as chapter 17 of the acts of the special session of the Legislature held in 1884, and to validate bonds issued under an act to amend an act entitled 'an act to amend chapter 9, section 10 of an act of the regular session of the Seventeenth Legislature, entitled an act authorizing the commissioners' court of the several counties of this State to issue bonds for the erection of a court house and to levy a tax to pay the same,' approved February 11, 1881, so as to include the issue of jail bonds."

House bill No. 489, "An act to amend chapter 6, title 8 of the Penal Code, by adding article 259a."

Senate bill No. 223, "An act to provide for the publication and binding of one thousand copies of the Revised Civil Statutes of the State of Texas."

The House insists on its amendment to Senate bill No. 25, and asks for a conference committee, and appoints on the part of the House Messrs. Steele, Foster of Grayson and McKinney of Milam.

A. D. SADLER,

Chief Clerk House Representatives.

Senator Shannon moved to appoint the special conference committee on Senate bill No. 25—the Fish Commissioner's bill—asked for.

Adopted.

The President appointed Senators Shannon, Evans and Getzendaner.

(Senator Shannon, President pro tem., in the chair.)

The bill on Ual Verde county was lost by the following vote:

YEAS—12.

Bell, Calhoun, Evans, Getzendaner,	Harrison, Houston of Wheeler, Knittel, Pfeuffer,	Pope, Randolph, Terrell, Woods.
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NAYS—12.

Camp, Davis, Fowler, Garrison,	Hall, Houston of Bexar, Jones, Kilgore,	Perry, Shannon, Stinson, Traylor.
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Paired: Senators Farrar and Jerdone; the former would have voted "nay" the latter "aye."

(The President in the chair.)

Senator Houston of Bexar called up the the motion to reconsider the vote by which Senate bill No. 221 (the Jones railroad bill) was lost, on engrossment.

The motion to reconsider was lost by the following vote:

YEAS—12.

Bell, Fowler, Garrison, Glasscock,	Hall, Houston of Bexar, Houston of Wheeler, Jerdone,	Jones, Knittel, Perry, Terrell.
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NAYS—14.

Calhoun, Camp, Davis, Evans, Getzendaner,	Harrison, Kilgore, Pfeuffer, Pope, Randolph,	Shannon, Stinson, Traylor, Woods.
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Paired: Senators Peacock and Farrar. The former would have voted "yea," the latter "nay."

Senate bill No. 122, "An act to regulate the collection of taxes and to provide for prompt settlement by collectors," was laid before the Senate in its regular order, and read the third time and passed by the following vote:

YEAS—17.

Bell,	Harrison,	Pfeuffer,
Camp,	Jerdone,	Shannon,
Farrar,	Jones,	Stinson,
Fowler,	Kilgore,	Traylor,
Getzendaner,	Knittel,	Woods.
Glasscock,	Perry,	

NAYS—8.

Calhoun,	Garrison,	Randolph,
Davis,	Houston of Bexar,	Terrell.
Evans,	Houston of Wheeler,	

ABSENT, NOT VOTING.

Pope.

Senate bill No. 64, "An act to provide for the management and control of the lands set aside for the benefit of the University of Texas." was laid before the Senate in its regular order, read the third time and passed by the following vote:

YEAS—13.

Bell,	Harrison,	Pope,
Calhoun,	Houston of Bexar,	Terrell,
Farrar,	Jones,	Traylor,
Fowler,	Kilgore,	Woods.
Glasscock,		

NAYS—10.

Camp,	Getzendaner,	Randolph,
Davis,	Perry,	Shannon,
Evans,	Pfeuffer,	Stinson.
Garrison,		

ABSENT, NOT VOTING.

Hall,	Jerdone,	Knittel.
Houston of Wheeler,		

By leave Senator Perry sent up the following report:

COMMITTEE ROOM,
AUSTIN, March 14, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred House bill No. 133, entitled "An act to amend chapter 3, article 4405, relating to service on public roads," have carefully examined the same, and a majority of said committee instruct me to report the same back to the Senate with the recommendation that it do pass, with the following amendment:

Strike out the word "fifty," in the seventh line, and insert the word "forty."

All of which is respectfully submitted.

PERRY, Chairman.

Bill read first time.

On motion of Senator Davis,

Senate bill No. 269, "An act to amend an act to amend section 16 of an act entitled 'an act to re-district the State into judicial districts and fix the times of holding court therein, and to provide for the election of judges and district attorneys,' etc. approved April 9, 1883," was taken up out of its regular order and read the second time.

Senator Davis offered to amend by adding to the caption the words "approved January 30, 1884."

Adopted and bill ordered engrossed.

On motion of Senator Davis,

The constitutional rule was suspended and the bill was placed on its third reading by the following vote:

YEAS—24.

Bell,	Getzendaner,	Pfeuffer,
Calhoun,	Glasscock,	Pope,
Camp,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Farrar,	Houston of Wheeler,	Terrell,
Fowler,	Jones,	Traylor,
Garrison,	Kilgore,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Jerdone,	Knittel,	Perry.
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The bill was read third time and passed.

On motion of Senator Houston of Bexar,

Senate bill No. 163, "An act to provide for the appointment of official stenographers for the district courts of the State of Texas" was taken up out of its regular order and read the second time, with committee amendments.

Senator Houston of Bexar moved the adoption of the committee amendments.

Senator Davis moved to adopt the committee majority (unfavorable) report.

The majority report was adopted, killing the bill.

On motion of Senator Terrell,

Senate bill No. 209, "An act to preserve the charters of railroad companies that by reason of the financial condition of the country have not constructed the number of miles of road annually required by law, and to prevent the forfeiture thereof," was taken up out of its regular order and read the second time.

Senator Terrell offered the following amendment:

Amend by adding:

Whereas, The near approach of the close of the session may endanger the passage of this bill, therefore an emergency and imperative public necessity exists for the suspension of the constitutional rule which requires bills to be read on three several days, and the same is suspended, and this act shall take effect and be in force from and after its passage.

Adopted, and

The bill was ordered engrossed.

The President gave notice of signing Senate bill No. 223, "An act to provide for the publication and binding of one thousand copies of the Revised Statutes, and to make appropriation therefor."

On motion of Senator Woods,

Senate bill No. 47, "An act to repeal articles 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822 and 2823 of the Revised Civil Statutes of Texas, and to provide for the performance of the duties required by law of the Commissioner of Insurance, Statistics and History." was taken up and read second time, with majority (unfavorable) and minority (favorable) committee reports.

Senator Woods moved to substitute the minority for the majority report.

(Senator Shannon, President pro tem., in the chair.)

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 14, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body of the passage of

Substitute House bill No. 392, "An act to restore to and confer upon the county court of Camp county the criminal jurisdiction heretofore belonging to it under the Constitution and general statutes of the State of Texas, to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with the provisions of this act."

House bill No. 525, "An act to amend section 11 of an act entitled 'an act to redistrict the State into judicial districts and to fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883."

Respectfully,
A. D. SADLER,
Chief Clerk House Representatives.

(The President in the chair.)

Senator Kilgore entered a motion to reconsider the vote by which the Senate refused to pass House bill No. 105 (the Val Verde county bill.)

The minority (favorable) report was adopted by the following vote:

YEAS—14.

Bell,	Garrison,	Shannon,
Calhoun,	Hall,	Terrell,
Davis,	Knittel,	Traylor,
Evans,	Perry,	Woods.
Fowler,	Randolph,	

NAYS—12.

Farrar,	Houston of Bexar,	Kilgore,
Getzendaner,	Houston of Wheeler,	Pfeuffer,
Glasscock,	Jerdone,	Pope,
Harrison,	Jones,	Stinson.

ABSENT, NOT VOTING.

Camp.

The bill was ordered engrossed by the following vote:

YEAS—14.

Bell,	Garrison,	Shannon,
Calhoun,	Harrison,	Terrell,
Davis,	Knittel,	Traylor,
Evans,	Perry,	Woods.
Fowler,	Randolph,	

NAYS—12.

Farrar,	Houston of Bexar,	Kilgore,
Getzendaner,	Houston of Wheeler,	Pfeuffer,
Glasscock	Jerdone,	Pope,
Hall,	Jones,	Stinson.

ABSENT, NOT VOTING.

Camp.

On motion of Senator Traylor, Senate bill No. 264, "An act to restore the jurisdiction of the county court of Bosque county, and repeal all laws in conflict therewith," was taken up out of its regular order and read the second time with committee substitute.

On motion of Senator Traylor, The committee substitute was adopted. Senator Pfeuffer moved to amend by adding after "Bosque," "Llano county," and amend the caption of the bill to conform.

Adopted, and The bill was ordered engrossed. The following House bills were referred: Substitute House bill No. 392 was referred to Judiciary Committee No. 1.

House bill No. 525 was referred to Committee on Judicial Districts.

House bill No. 79 was referred to Committee on State Affairs.

On motion of Senator Houston of Wheeler, The Senate adjourned till 10 o'clock Monday morning.

FIFTY-THIRD DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 16, 1885. }

The Senate met pursuant to adjournment. Lieutenant-Governor Gibbs in the chair. Roll called.

Quorum present. Prayer by the Chaplain, Dr. Smoot. On motion of Senator Stinson, The reading of the journal of Saturday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Hall: Petition protesting against the use of convict labor in the completion of the new State Capitol. Referred to Committee on Public Buildings and Grounds.

REPORTS OF STANDING COMMITTEES.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, March 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 47, being "An act to repeal articles 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822 and 2823 of the Revised Statutes, and to provide for the performance of the duties required by law of the Commissioner of Insurance, Statistics and History," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared committee substitute for Senate bill No. 264, being "An act to restore the jurisdiction of the county courts of Bosque and Llano counties, and to repeal all laws and parts of laws in conflict therewith," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, March 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred House bill No. 533, entitled "An act to amend section 25 of 'an act to redistrict the State into judicial districts and fix the times for holding the courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,'" have had the same under consideration, and instruct me to report it back with the recommendation that it do pass, with the following amendments:

1. After the words "imperative public necessity," in section 2, insert the words "and emergency."
2. Add to section 2 the words, "and it is so enacted."

All of which is respectfully submitted.

FOWLER, Chairman.

Bill read first time.

BILLS AND RESOLUTIONS.

By Senator Houston of Wheeler: "An act reorganizing the thirtieth and thirty-first judicial districts, and to create the thirty-ninth judi-

cial district; to fix the times for holding courts therein, and to provide for the appointment and election of judges and district attorneys in said districts."

Referred to Committee on Judicial Districts.

On motion of Senator Terrell, Senator Camp was excused indefinitely, on account of sickness.

On motion of Senator Shannon, Senator Perry was excused for the day.

On motion of Senator Hall, Senator Jones was excused indefinitely.

On motion of Senator Pope,

The special order was postponed and Senate bill No. 254, "An act requiring the Attorney-General to institute legal proceedings against corporations within this State in violation of section 5, article 10 of the Constitution," was taken up out of its regular order and read the second time.

The committee amendment was adopted.

Senator Pope offered to amend the caption and bill so as to add section 6 of article 10 of the Constitution.

Adopted.

Senator Pope offered the following amendment:

Whereas, There are corporations in this State violating said sections of said article, and there being no law instructing the Attorney-General to institute proceedings against them, and no appropriation to employ assistant counsel and collect evidence in the prosecutions herein provided for, therefore an imperative public necessity and emergency exists that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect from and after its passage, and it is so enacted.

Adopted, and the bill was ordered engrossed.

Senator Pope moved to suspend the constitutional rule and place the bill on its third reading.

Lost by the following vote:

YEAS—18.

Bell,	Glasscock,	Knittel,
Davis,	Harrison,	Pope,
Evans,	Houston of Bexar,	Randolph,
Farrar,	Houston of Wheeler,	Stinson,
Fowler,	Jerdone,	Traylor,
Garrison,	Kilgore,	Woods.

NAYS—6.

Calhoun,	Hall,	Shannon,
Getzendaner,	Pfeuffer,	Terrell.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage of House bill No. 501, "An act to amend section 9 of an act to re-district the State into judicial districts, and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884," passed at the regular session of the Eighteenth Legislature.

Respectfully,

A. D. SADLER,
Chief Clerk House Representatives.

House bill No. 501 was referred to Committee on Judicial Districts.

Senator Harrison entered a motion to reconsider the vote by which Senate bill No. 163, "An act to provide for the appointment of official stenographers for the district courts of the State of Texas," was lost, by the adoption of the unfavorable majority committee report.

Senate bill No. 267, "An act to authorize the State Capitol Board to contract for the substitution of granite for limestone in the construction of the exterior walls of the superstructure of the new State Capitol, and for other changes therein, and to conform all laws thereto, and to make an appropriation for the contingent expenses connected therewith, and to authorize the payment for such change to be made to the contractor in convict labor," was laid before the Senate as the first special order, and

Read the second time.

Senator Stinson offered the following amendment:

Amend by striking out sections 2, 3, 4 and 5.

Lost.

Senator Traylor offered the following amendment:

Add section 2, and conform the numbers of the other sections thereto.

Sec. 2. No changes shall be made in any provisions of the present contract for building the Capitol, nor shall any extension of time for its construction be allowed under the provisions of this bill, nor shall any change in the contract made by the agents of the State be legal until the securities on the bond of the contractors shall file with the Governor of the State, duly authenticated and signed, an agreement that such change or extension of time shall not operate to release or affect the obligation of the securities for the faithful performance and completion of the work by the contractors.

Adopted.

Senator Fowler offered the following amendment:

Amend section 1 by inserting between the words "empowered" and "to," in line 5, the words "in their discretion," and amend caption to correspond.

Adopted.

Senator Pfeuffer offered the following amendment:

Add after section 2, in line 2, page 2:

Provided, the cost of such change shall not exceed six hundred thousand dollars, and said convict labor be furnished at no less rate than the same has been furnished railroad companies; and provided further, that said convict labor shall not be used outside the quarries, except for the construction of a railroad and transporting of the granite to the capitol grounds.

Senator Glasscock moved to amend the amendment by striking out all of the amendment limiting the cost of the change to six hundred thousand dollars.

The amendment to the amendment was adopted by the following vote:

YEAS—14.

Bell,	Hall,	Shannon,
Calhoun,	Houston of Bexar,	Terrell,
Fowler,	Houston of Wheeler,	Traylor,
Getzendaner,	Jerdone,	Woods.
Glasscock,	Knittel,	

NAYS—10.

Davis,	Harrison,	Pope,
Evans,	Kilgore,	Randolph,
Farrar,	Pfeuffer,	Stinson.
Garrison,		

Senator Getzendaner called for a division of the amendment of Senator Pfeuffer.

The first division—that relating to rate of convict labor—was lost, the President voting "nay," by the following vote:

YEAS—12.

Calhoun,	Garrison,	Pfeuffer,
Davis,	Hall,	Pope,
Evans,	Harrison,	Randolph,
Farrar,	Kilgore,	Stinson.

NAYS—12.

Bell,	Houston of Bexar,	Shannon,
Fowler,	Houston of Wheeler,	Terrell,
Getzendaner,	Jerdone,	Traylor,
Glasscock,	Knittel,	Woods.

The second division was lost by the following vote:

YEAS—10.

Davis,	Harrison,	Pope,
Garrison,	Jerdone,	Randolph,
Getzendaner,	Pfeuffer,	Stinson.
Hall,		

NAYS—14.

Bell,	Glasscock,	Shannon,
Calhoun,	Houston of Bexar,	Terrell,
Evans,	Houston of Wheeler,	Traylor,
Farrar,	Kilgore,	Woods.
Fowler,	Knittel,	

Senator Garrison offered the following amendment:

Amend by adding at the end of section 1 the following:

Provided, that no such substitution or change shall be made at any additional cost to the State either in money or convict labor, but only for a further extension of time for the completion thereof.

Lost by the following vote:

YEAS—8.

Davis,	Garrison,	Randolph,
Evans,	Harrison,	Stinson.
Farrar,	Kilgore,	

NAYS—14.

Bell,	Houston of Bexar,	Shannon,
Calhoun,	Houston of Wheeler,	Terrell,
Fowler,	Jerdone,	Traylor,
Getzendaner,	Knittel,	Woods.
Glasscock,	Pfeuffer,	

ABSENT, NOT VOTING.

Hall, Pope.

Senator Harrison moved to reconsider the vote by which the amendment of Senator Stinson was lost.

Lost by the following vote:

YEAS—6.

Davis,	Garrison,	Pfeuffer,
Evans,	Harrison,	Stinson,

NAYS—15.

Bell,	Glasscock,	Knittel,
Calhoun,	Houston of Bexar,	Shannon,
Farrar,	Houston of Wheeler,	Terrell,
Fowler,	Jerdone,	Traylor,
Getzendaner,	Kilgore,	Woods,

ABSENT, NOT VOTING.

Hall, Pope.

Paired—Senators Jones and Randolph. The former would have voted "nay," the latter "yea."

Senator Stinson moved a call of the Senate.

Call sustained.

Senate roll called.

Senators Hall and Pope were found absent without excuse.

The Sergeant-at-Arms was dispatched to bring in the absent Senators, and

The pending business went to the table

On motion of Senator Calhoun,

The Senate adjourned till 3 o'clock this afternoon, the President voting "aye," by the following vote:

YEAS—11.

Calhoun,	Garrison,	Randolph.
Davis,	Getzendaner,	Stinson.
Evans,	Harrison,	Traylor.
Farrar,	Pfeuffer,	

NAYS—11

Bell,	Houston of Wheeler,	Shannon,
Fowler,	Jerdone,	Terrell,
Glasscock,	Kilgore,	Woods.
Houston of Bexar,	Knittel,	

ABSENT, NOT VOTING.

Hall, Pope.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

The Senate resumed consideration of Senate bill No. 267, the pending business on adjournment.

Senator Getzendaner offered the following amendment:

Amend by adding to section 3 as follows: "Provided, the convict labor shall not be used or employed within or about the Capitol grounds, in the city of Austin."

Adopted by the following vote:

YEAS—15.

Bell,	Hall,	Pope.
Calhoun,	Houston of Bexar,	Shannon,
Farrar,	Houston of Wheeler,	Terrell,
Getzendaner,	Jerdone,	Traylor,
Glasscock,	Knittel,	Woods.

NAYS—9.

Davis,	Garrison,	Pfeuffer,
Evans,	Harrison,	Randolph,
Fowler,	Kilgore,	Stinson.

Senator Calhoun offered the following amendment:

Amend section 1 by adding thereto the following: "Provided, the time for the completion thereof shall in no wise be extended to a later date than January 1, 1890."

Senator Terrell moved to amend the amendment by striking out "1890" and inserting "1888."

Withdrawn.

Senator Shannon moved to amend by inserting "1889," in lieu of "1890."

Accepted.

Senator Stinson offered the following substitute for the amendment:

Add to section 1: "Provided, said time shall not be extended beyond the first of January, 1888."

Senator Houston of Wheeler moved the previous question on the amendments and the engrossment of the bill.

Previous question seconded and main question ordered.

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

YEAS—11.

Davis,	Harrison,	Pope.
Evans,	Kilgore,	Randolph,
Garrison,	Knittel,	Stinson.
Hall,	Pfeuffer,	

NAYS—12.

Bell,	Getzendaner,	Shannon,
Calhoun,	Glasscock,	Terrell,
Farrar,	Houston of Bexar,	Traylor,
Fowler,	Houston of Wheeler,	Woods.

ABSENT, NOT VOTING.

Jerdone.

Senator Calhoun withdrew his amendment.

The bill was ordered engrossed by the following vote:

YEAS—12.

Bell,	Getzendaner,	Knittel,
Calhoun,	Glasscock,	Shannon,
Farrar,	Houston of Bexar,	Terrell,
Fowler,	Houston of Wheeler,	Traylor.

NAYS—10.

Davis,	Harrison,	Pope,
Evans,	Kilgore,	Stinson,
Garrison,	Pfeuffer,	Woods.
Hall,		

ABSENT, NOT VOTING.

Jerdone.

Paired—Senators Jones and Randolph. The former would have voted "yea," the latter "nay."

Senator Shannon sent up the following privileged report:

COMMITTEE ROOM.
AUSTIN, March 16, 1885.

Hon. Barnett Gibbs, President of the Senate, and Hon. L. L. Foster, Speaker of the House of Representatives:

The conference committee appointed by the two houses to consider the difference between the Senate and House of Representatives on Senate bill No. 25, entitled "An act to abolish the office of Fish Commissioner, and dispose of all fish ponds and all other property connected with or belonging to the fish department," which difference being the House amendment providing that said act shall not take effect until two years after its passage, have considered the same, and recommend that the House recede from its amendment.

All of which is respectfully submitted.

SHANNON,
GETZENDANER,
EVANS,
For the Senate,
STEELE,
MCKINNEY of Milam,
For the House.

On motion of Senator Shannon,
The committee report was adopted.

Senator Bell sent up the following privileged reports:

COMMITTEE ROOM,
AUSTIN, March 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 269, being "An act to amend an act entitled 'an act to amend section 16 of an act entitled an act to redistrict the State into judicial districts and fix the times of holding court therein, and to provide for the election of judges and district attorneys at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883,' approved January 30, 1884," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills, have carefully examined and compared Senate bill No. 209, being "An act for the relief of the railway companies," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

Senate bill No. 44, "An act to provide for the investment of the permanent school fund," was laid before the Senate in its regular order.

Read the third time and passed.

Senate bill No. 47, "An act to repeal articles 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822 and 2823 of the Revised Statutes, and to provide for the performance of the duties required by law of the Commissioner of Insurance Statistics and History," was laid before the Senate in its regular order, and

Passed by the following vote, the President voting "yea."

YEAS—12.

Bell,	Fowler,	Terrell,
Calhoun,	Garrison,	Traylor,
Davis,	Randolph,	Woods,
Evans,	Shannon,	Mr. President.

NAYS—11.

Farrar,	Harrison,	Pfeuffer,
Getzendaner,	Houston of Bexar,	Pope,
Glasscock,	Kilgore,	Stinson.
Hall,	Knittel,	

ABSENT, NOT VOTING.

Houston of Wheeler, Jerdone.

Senate bill No. 169, "An act to provide for the separation of partition or adjoining fences, and to prescribe a penalty for a violation of the provisions of this act," was laid before the Senate in its regular order,

Read the third time and passed.

Senate bill No. 209, "An act to preserve the charters of railroad companies that by reason of the financial condition of the country have not constructed the number of miles of road annually required by law, and to prevent the forfeiture thereof," was laid before the Senate in its regular order

Read the third time and passed by the following vote:

YEAS—21.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Hall,	Pope,
Evans,	Harrison,	Randolph,
Farrar,	Houston of Bexar,	Shannon,
Fowler,	Houston of Wheeler,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzendaner	Knittle,	Woods.

NAYS—1.

Stinson.

ABSENT, NOT VOTING.

Davis.

Jerdone.

Senate bill No. 264, "An act to restore the jurisdiction of the county courts of Bosque and Llano counties, and repeal all laws in conflict therewith," was laid before the Senate in its regular order,

Read third time and passed.

On motion of Senator Getzendaner,

Senate bill No. 241, "An act making appropriations for certain deficiencies, was taken up out of its regular order and read the second time.

Senator Getzendaner offered the following amendment:

Add section 2:

Sec. 2. The near approach of the end of the session, and the volume of business to be considered, and the fact that the money due these veterans should be paid, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended.

dopted, and
 The bill was ordered engrossed.
 On motion of Senator Getzendaner,
 The constitutional rule was suspended, and
 The bill was placed on its third reading by the following vote:

YEAS—21.

Bell,	Glasscock,	Pope,
Calhoun,	Hall,	Randolph,
Davis,	Houston of Bexar,	Shannon,
Farrar,	Houston of Wheeler,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Knittel,	Traylor,
Getzendaner,	Pfeuffer,	Woods.

NAYS—none.

ABSENT NOT VOTING.

Jerdone.

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

YEAS—21.

Bell,	Glasscock,	Pope,
Calhoun,	Hall,	Randolph,
Davis,	Houston of Bexar,	Shannon,
Farrar,	Houston of Wheeler,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Knittel,	Traylor,
Getzendaner,	Pfeuffer,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Jerdone.

On motion of Senator Bell,
 Senator Harrison was excused from voting on the bill, he having relations interested in the appropriation.

On motion of Senator Garrison,
 Senate bill No. 184, "An act to dispose of the vacant lands of the State," was taken up out of its regular order and read the second time, with committee substitute.

(Senator Kilgore in the chair.)

The committee substitute was lost by the following vote:

YEAS—11.

Bell,	Houston of Bexar,	Shannon,
Calhoun,	Kilgore,	Terrell,
Glasscock,	Knittel,	Traylor.
Hall,	Pope,	

NAYS—12.

Davis,	Garrison,	Pfeuffer,
Evans,	Getzendaner,	Randolph,
Farrar,	Harrison,	Stinson,
Fowler,	Houston of Wheeler,	Woods.

ABSENT, NOT VOTING.

Jerdone.

Senator Harrison offered the following amendment:

Amend the bill by adding the following proviso: "Provided, nothing herein shall prevent any valid and unsatisfied veteran and confederate land certificate from being located and patented upon any land that was vacant and unappropriated at the date of their issuance."

Senator Davis moved to amend the amendment by adding, after the word "unappropriated," the words "and not reserved."

Senator Traylor offered the following substitute for the amendments:

Provided, all unsatisfied veteran and confederate certificates may be located on any of the unlocated reserved lands in the Texas and Pacific Railroad reserve, or on any unlocated land set aside by act of July 14, 1879, to pay the public debt, provided the location is made within the next six months.

The substitute was adopted by the following vote:

YEAS—13.

Bell,	Hall,	Stinson,
Calhoun,	Knittel,	Terrell,
Farrar,	Pope,	Traylor,
Garrison,	Shannon,	Woods.
Glasscock,		

NAYS—11.

Davis,	Harrison,	Kilgore,
Evans,	Houston of Bexar,	Pfeuffer,
Fowler,	Houston of Wheeler,	Randolph.
Getzendaner,	Jerdone,	

The amendment as substituted was adopted was by the following vote:

YEAS—14.

Bell,	Hall,	Stinson,
Calhoun,	Kilgore,	Terrell,
Farrar,	Knittel,	Traylor,
Garrison,	Pope,	Woods.
Glasscock,	Shannon,	

NAYS—10.

Davis,	Harrison,	Jerdone,
Evans,	Houston of Bexar,	Pfeuffer,
Fowler,	Houston of Wheeler,	Randolph.
Getzendaner,		

Senator Stinson offered the following amendment:

Amend by adding after the words "unlocated or unsatisfied veteran land certificates," the words "now owned and held by the original grantee, and which has never been at any time transferred to any other person."

Adopted by the following vote:

YEAS—15.

Davis,	Getzendaner,	Randolph,
Evans,	Hall,	Shannon,
Farrar,	Houston of Bexar,	Stinson,
Fowler,	Houston of Wheeler,	Terrell,
Garrison,	Pfeuffer,	Traylor.

NAYS—8.

Bell,	Jerdone,	Pope,
Calhoun,	Kilgore,	Woods.
Glasscock,	Knittel,	

Senator Harrison was excused from voting.
 Senator Houston of Wheeler offered the following amendment:

"And any transfer of such certificate, or agreement that the same shall be transferred entered into prior to the location and patenting of the same, shall vitiate it."

Adopted.

Senator Terrell moved the previous question.

Previous question seconded and

Main question ordered.

The bill was ordered engrossed by the following vote:

YEAS—15.

Bell,	Garrison,	Randolph,
Davis,	Getzendaner,	Shannon,
Evans,	Glasscock,	Stinson,
Farrar,	Houston of Bexar,	Traylor,
Fowler,	Houston of Wheeler,	Woods.

NAYS—6.

Calhoun, Hall,	Kilgore, Pfeuffer,	Pope, Terrell.
ABSENT, NOT VOTING.		
Jerdone,	Knittel,	

Senator Harrison was excused from voting.

On motion of Senator Fowler,
Senate bill No. 9, "An act to amend an act entitled 'an act regulating the removal of the disabilities of minors, approved March 2, 1881,'" was taken up out of its regular order and read the second time, with unfavorable committee report.

Senator Fowler offered the following substitute, entitled "An act to amend an act regulating the removal of the disabilities of minors."

On motion of Senator Fowler,
The substitute was adopted.

By leave, Senator Houston of Wheeler sent up the following bill:

"An act to establish a uniform series of text books for the public schools of the State of Texas."
Referred to Committee on Education.

Senator Pfeuffer moved to adjourn till ten o'clock to-morrow morning.

Lost by the following vote:

YEAS—6.

Davis, Farrar,	Garrison, Getzender,	Pfeuffer, Traylor.
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NAYS—14.

Bell, Calhoun, Evans, Fowler, Glasscock,	Hall, Houston of Bexar, Houston of Wheeler, Pope, Randolph,	Shannon, Stinson, Terrell, Woods.
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ABSENT, NOT VOTING,

Harrison, Jerdone,	Kilgore,	Knittel,
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On motion of Senator Houston of Bexar,
The Senate adjourned till 10:05 o'clock to-morrow morning.

FIFTY-FOURTH DAY.

SENATE CHAMBER, }
AUSTIN, March 17, 1885. }

Senate met pursuant to adjournment.
Lieutenant-Governor Gibbs in the chair.
Roll called.

Quorum present.
Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Randolph,
The reading of the journal of yesterday was dispensed with.

REPORTS OF STANDING COMMITTEES.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred House bill No. 501, entitled "An act to amend section 9 of 'an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after

the first Monday in November, 1884,' passed at the regular session of the Eighteenth Legislature," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

FOWLER, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred House bill No. 525, entitled "An act to amend section 11 of an act entitled 'an act to redistrict the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

FOWLER, Chairman.

Bill read first time.

By Senator Evans:

COMMITTEE ROOM,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Lands, to whom was referred substitute House bills Nos. 8, 34 and 70, entitled "An act to provide for the leasing and sale of the lands heretofore or that may hereafter be surveyed and set apart for the benefit of the common schools, University, the Lunatic, Blind, Deaf and Dumb and Orphan Asylum funds," have had the same under consideration, and a majority of said committee instruct me to report it back to the Senate, with accompanying amendments, with the recommendation that it do pass as amended.

All of which is respectfully submitted.

EVANS, Acting Chairman.

AMENDMENTS.

1. Amend section 2 by striking out lines 25 to 28 inclusive
2. Amend section 4 by striking out the word "by" in line 10 and insert the word "to" instead.
3. Amend section 5 by striking out all of said section after the word "act," in line 11.
4. Amend section 10 by striking out the word "for," in line 16, and insert the word "to" instead, and strike out all from the words "any person," in line 27, down to the words "other other applicants," in line 42 inclusive.
5. Amend section 13 by striking out all from the word "it," in line 31, to end of section.
6. Amend section 14 by striking out the words "field notes," in line 10, and insert the word "description" instead.
7. Amend section 16 by striking out all after the word "land," in line 12, down to and including the word "note," in line 16, and insert the words, "after he has actually occupied and improved the same for a period of three years."
8. Amend section 19 by inserting after the word "vendee," in line 11, the words, "shall immediately settle upon the land and," and insert after the word "obligations" to word "conditions."
9. Amend section 22 by striking out the words "or sold," in line 2.
10. Strike all of section 25 and number following sections accordingly.
11. Amend section 26 by inserting after the word "clerks," where it first occurs in line 4, the words "not exceeding three," and after the word "grade," in line 6, insert "to be paid out of the funds to which said lands belong, and to be equitably apportioned between the same."
12. Strike out "engrossed rider."

Add to the bill another section, as follows:

Section —. In case land belonging to the school, university or asylum fund has upon it pine or cypress timber suitable for lumber or shingles, the timber upon said land may be sold at \$5.00 per acre, cash, and the purchaser shall have ten years from the date of his purchase in which to remove the timber from such land, but no one shall be permitted to purchase the timber on less than the entire survey or section owned by said

fund. In order to purchase timber under this act the applicants shall file with the surveyor of the county in which the land is situated, his written application, designating and describing the survey or surveys upon which the timber proposed to be purchased is situated, and it shall be the duty of the surveyor to immediately record such application and deliver the same to the applicant upon the payment of a fee of one dollar therefor. The applicant, within three months thereafter, shall forward such application and the purchase money for such timber, to the Commissioner of the General Land Office, whereupon it shall be the duty of the said commissioner to deposit said money in the State Treasury, and to issue to the applicant a certificate, under his hand and seal of office, showing that the applicant has purchased the timber on the survey or surveys mentioned in his application, and describing the same so they can be identified.

Strike out "ipso facto" wherever it is found in the bill. Add to the caption the words, "and for the sale of vacant tracts of land of less than 640 acres, in organized counties," and add another section to the bill as follows:

Sec. — In organized counties vacant tracts of land of less than 640 acres, surrounded by valid surveys, may be sold at \$ per acre cash. In order to purchase such land the applicant shall file with the surveyor of the county in which the land is situated a written application, which shall be recorded by the surveyor, and within six weeks thereafter the said surveyor shall survey the land applied for and make out and deliver to the applicant the field notes, upon the payment of the usual fees. Within six months after filing the application the applicant shall forward to the Commissioner of the General Land Office the field notes and purchase money for said land. Whereupon, it shall be the duty of the Commissioner to deposit said money in the State Treasury and issue to the applicant a patent for said land, upon payment of the usual fees. A person owning the surrounding land, or living upon or occupying said vacant land, shall have a prior right to purchase said vacant land for a period of three months after this act takes effect.

Bill read first time.

On motion of Senator Stinson, Substitute House bill Nos. 8, 34 and 70 was made the special order for to-morrow after morning call, and from day to day till disposed of.

By Senator Randolph:

COMMITTEE ROOM,
AUSTIN, March 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred House bill No. 570, entitled "An act to validate all acts done and all ordinances passed by the city council of Mexia prior to February 3, 1885," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred substitute House bill No. 188, entitled "An act to incorporate the Grand Royal Arch Chapter of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred House bill No. 79, entitled "An act to amend chapter 9 and section 10 of an act of the regular session of the Seventeenth Legislature, entitled 'an act authorizing the commissioners' courts of the several counties of the State to issue bonds for the erection of a court house, and to levy a tax to pay the same, approved February 11, A. D. 1881,' so as to include the issue of jail bonds, denominated as chapter 17 of the acts of the special session of the Legislature held in 1884; and to vali-

date bonds issued under an act entitled 'an act to amend chapter 9, section 10 of an act of the regular session of the Seventeenth Legislature, entitled an act authorizing the county commissioners' court of the several counties of this State to issue bonds for the erection of a court house, and to levy a tax to pay the same, approved February 11, 1881,' so as to include the issue of jail bonds," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred House bill No. 398, entitled "An act to authorize cities and towns to levy and collect taxes for the erection, construction or purchase of public buildings, streets, sewers and other permanent improvements," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass, with the following amendment:

Strike out all that part of section 1 which requires the holding of an election to levy a tax.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred House bill No. 430, entitled "An act to restrict the employment of sailors and crews of foreign vessels from rolling cotton, handling cargo or laboring on the wharves or levees of ports in the State of Texas beyond the end of the ship's tackle," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

Senator Getzendaner sent up the following minority report:

COMMITTEE ROOM,
AUSTIN, March 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

The undersigned, a minority of your Committee on State Affairs, to whom was referred House bill No. 430, entitled "An act to restrict the employment of sailors and crews of foreign vessels from rolling cotton, handling cargo, or laboring on the wharves or levees of ports in the State of Texas, beyond the end of the ship's tackle," have had the same under consideration, and recommend that it do not pass, because

1. The bill proposes to make honest labor a crime.

2. The bill will, to a certain extent, prevent crews from loading and unloading their cargoes, though they may have shipped under such contract.

3. It strikes at one class of labor to favor another class, hence, it is class legislation.

4. It will make port charges that much heavier, and so far, be injurious to the shipping interests of the State.

5. If the captain has the right, by contract or otherwise, to order the crew to load and unload the vessels, they must either obey or disobey such orders. If they obey, they would commit an offense against our law; if they disobey, they would commit an offense against maritime law—an awkward position in which to place any one.

Respectfully submitted,

GETZENDANER,
KILGORE,
EVANS,

For minority.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the following action by the House:

House bill No. 118: The House has concurred in Senate amendments.

House bill No. 126: The House has concurred in the first Senate amendment, and non-concurs in second amendment to same.

Senate concurrent resolution No. 5, fixing date of adjournment, amended and passed.

Substitute Senate bill No. 131, to amend article 3916 of the Revised Civil Statutes, passed.

Senate bill No. 210, relating to county boundaries, amended and passed.

Substitute House bill No. 238, in relation to public free schools, passed.

House bill No. 124, "An act to amend article 1512, chapter 1, title 31 of the Revised Civil Statutes of the State of Texas," passed.

House bill No. 87, "An act to amend article 4574, and to repeal article 4576 of the Revised Statutes of the State of Texas," passed.

A. D. SADLER,
Chief Clerk House of Representatives.

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

Substitute House bill No. 238 to the Committee on Education.

House bill No. 124 to the Committee on State Affairs.

House bill No. 87 to the Committee on Stock and Stock Raising.

Senator Evans sent up the following communication from penitentiary officers:

AUSTIN, TEXAS, March 17, 1885.

Hon. J. W. Jones, chairman Penitentiary Committee:

We respectfully ask through you that the Penitentiary Committee recommend and urge the Legislature to make appropriations for the State penitentiaries for the ensuing two years, as follows:

1. The proceeds of all the convict labor.
2. In addition thereto, for the purpose of making up deficiency in actual monthly expenses, each year. . . \$50,000
3. To purchase material to properly carry on the industries of the two penitentiaries, each year. 50,000
4. To purchase machinery and necessary outfit to develop the iron industry at the Rusk Penitentiary, each year. 50,000
5. To replenish prison libraries, each year. 250

Total money appropriation over and above proceeds of labor for two years. \$300,500

This may seem like a large sum to ask for, especially when we take into consideration the depleted condition of the State Treasury; but we have made low estimates, and believe that we have not asked for one dollar more that is necessary to operate successfully the two penitentiaries.

Our estimates are made on a basis of 2700 convicts, less than the number now on hand, but according to present ratio of increase, the number of convicts by the end of the year will reach 3000.

COST OF MAINTENANCE.

The monthly expense for the support and maintenance of the present number of convicts—which expense includes the salaries of all officers and guards, provisions, clothing, shoes, bedding, medical bills, discharge money, etc.—will approximate per month \$30,000.

The expense per annum will aggregate \$360,000.

RESOURCES.

Our present available cash resources will approximate monthly as follows, viz.:

- For hire of 950 convicts on five year contracts \$14,000
- For hire of 175 convicts on railroad trains 3,750
- Miscellaneous labor in and about prisons. 2,500

Total monthly receipts. \$20,250
Or, total annual certain receipts. \$243,000

It will be seen that our actual expenses will exceed our cash receipts \$7950 per month, or \$117,000 per year.

The estimate of \$3750 per month from railroads cannot certainly be depended upon, because these railroad forces are not contracted for any definite time, and are liable at any time to be turned back upon us, and thus become an expense instead of a profit. A little more than twelve months ago we had about 700 convicts on railroads, yielding a monthly revenue of at least \$15,000; now only 175, and a revenue of \$3750.

OTHER PROBABLE RESOURCES DURING THE YEAR.

1. The State has an interest in crops worked by about 650 convicts, and, with a fair crop year, we may from these crops expect a revenue of \$110,000, which will at least pay expenses. With a good crop, more may be expected, and in event of a failure in crops, much less.

2. From one contract with the K. & G. S. L. R. R. we will receive within the next six months about \$35,000, of which \$20,000 may be appropriated to maintenance of convicts, and the balance to pay for material, etc., used in construction of road. During next year we may expect from said road about \$30,000, the same being deferred payments.

3. From the contractors at the Huntsville penitentiary, if they keep present number of convicts, and make payments as they are now obligated, we may expect by end of the present year about \$19,000, but it is proper to state that one firm of these contractors are urgently asking to be temporarily relieved of two-thirds of the convicts they have hired, claiming that if such relief is not given they may be forced to surrender their contract.

4. From the industries carried on, or to be carried on at the two penitentiaries, we can only expect to receive a revenue in proportion to the amount of work done, which will depend largely on the amount of material used up. The more material furnished the more convicts can be profitably employed, and the more work done. We can certainly expect to get back the cost of material, and a fair valuation of the labor and work put upon it.

From the above statements it will be seen that the appropriations asked for in the second item will be necessary to meet the deficiency during the present year, between the monthly expenses and the monthly receipts, or at least until we can realize from the crops in which the State has an interest. And it may also be needed in case of a failure in crops.

The appropriations in the third item are needed to carry out, as far as possible, the law requiring convicts to be profitably employed within the walls. We have good prison shops and machinery, but these do not avail unless we have material to work up.

It should be borne in mind that we have several hundred men at the two penitentiaries, who must either be kept at great expense in idleness or provision made for their profitable employment. There is no chance to hire these men out at remunerative wages, and even if they could be so hired, or worked outside the walls, it should not be done, because of their long terms, or physical incapacity for outside labor. Our prison industries are yet in their infancy, and they cannot be developed without the necessary appropriations to start them.

We earnestly urge the appropriation asked for in the fourth item, of \$100,000 during the two years, to be used for purchase of machinery, and for developing the iron industry at the Rusk penitentiary. As stated in our report, the material for the production of pig iron is convenient. The penitentiary was located at Rusk in order to utilize the convicts at this industry. Much money has already been spent for buildings, machinery, etc., but not more than necessary. We believe that the amount now asked for will be sufficient to make the iron industry a success. This, too, is the opinion of practical iron men. It is too late to turn back, and it is sincerely hoped that the amount necessary will not be withheld.

The aggregate of the appropriations asked for may seem very large, but is small when compared with the expenses of penitentiary management in other States. The superintendent of the New York State prisons, with about 2800 convicts asks for \$1,200,000 per annum. We ask for about \$500,000, including proceeds of convict labor.

Very respectfully,

THOS. J. GOREE,
Superintendent Penitentiaries.
HAYWOOD BRAHAM,
Financial Agent Texas Penitentiaries.

Referred to Committee on Penitentiaries.
The Senate resumed consideration of Senate bill

No 9. "An act to amend an act entitled 'an act regulating the removal of the disabilities of minors,' approved March 2, 1881."

The bill was ordered engrossed.

Senator Davis called up House bill No. 126—the gambling bill—and moved that the Senate recede from its second amendment.

Adopted by the following vote:

YEAS—11.

Calhoun,	Garrison,	Shannon,
Davis,	Getzendaner,	Stinson,
Evans,	Harrison,	Terrell.
Farrar,	Kilgore,	

NAYS—10.

Bell,	Houston of Bexar,	Randolph,
Fowler,	Houston of Wheeler,	Traylor,
Glasscock,	Pope,	Woods.
Hall,		

ABSENT, NOT VOTING.

Jerdone,	Knittel,	Pfeuffer.
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On motion of Senator Traylor,

House bill No. 501, "An act to amend section 9 of an act entitled 'an act to redistrict the State into judicial districts,' " etc., was taken up out of its regular order.

On motion of Senator Traylor,

The constitutional rule was suspended, and

The bill was placed on its second reading by the following vote:

YEAS—21.

Bell,	Getzendaner,	Pfeuffer,
Calhoun,	Glasscock,	Pope,
Davis,	Hall,	Shannon,
Evans,	Harrison,	Stinson,
Farrar,	Houston of Bexar,	Terrell,
Fowler,	Houston of Wheeler,	Traylor
Garrison,	Kilgore,	Woods

NAYS—none.

ABSENT, NOT VOTING.

Jerdone,	Knittel,	Randolph.
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The bill was read second time, and passed to third reading.

On motion of Senator Farrar,

House bill No. 570. "An act to validate all acts done and all ordinances passed by the city council of Mexia, prior to February 3, 1885," was taken up out of its regular order.

On motion of Senator Farrar,

The constitutional rule was suspended and the bill was placed on its second reading by the following vote:

YEAS—22.

Bell,	Glasscock,	Pope,
Calhoun,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Farrar,	Houston of Wheeler,	Terrell,
Fowler,	Kilgore,	Traylor,
Garrison,	Pfeuffer,	Woods.
Getzendaner,		

NAYS—none.

ABSENT, NOT VOTING.

Jerdone,	Knittel.
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The bill was read the second time and passed to third reading.

On motion of Senator Farrar,

The constitutional rule was suspended and the bill was placed on its third reading by the following vote:

YEAS—22.

Bell,	Glasscock,	Pope,
Calhoun,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Farrar,	Houston of Wheeler,	Terrell,
Fowler,	Kilgore,	Traylor,
Garrison,	Pfeuffer,	Woods.
Getzendaner,		

NAYS—none.

ABSENT, NOT VOTING.

Jerdone,	Knittel.
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The bill was read third time and passed by the following vote:

YEAS—22.

Bell,	Glasscock,	Pope,
Calhoun,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Farrar,	Houston of Wheeler,	Terrell,
Fowler,	Kilgore,	Traylor,
Garrison,	Pfeuffer,	Woods.
Getzendaner,		

NAYS—none.

ABSENT, NOT VOTING.

Jerdone,	Knittel.
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Senate bill No. 210, "An act to amend section 8 of 'an act establishing and prescribing the manner of ascertaining the boundaries of counties,' approved April 22, 1879," was laid before the Senate with House amendments.

Division of the amendments was called for.

Senator Woods moved to concur in the first House amendment.

Senator Houston of Wheeler moved the previous question on all the House amendments.

Previous question seconded and main question ordered.

The first House amendment was concurred in by the following vote:

YEAS—16.

Bell,	Getzendaner,	Randolph,
Davis,	Hall,	Shannon,
Evans,	Houston of Wheeler,	Stinson,
Farrar,	Pfeuffer,	Traylor,
Fowler,	Pope,	Woods.
Garrison,		

NAYS—5.

Calhoun,	Harrison,	Terrell.
Glasscock,	Houston of Bexar,	

ABSENT, NOT VOTING.

Jerdone,	Kilgore,	Knittel.
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On motion of Senator Wood,

The second House amendment was concurred in.

On motion of Senator Houston of Wheeler,

The third House amendment was concurred in.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to report to the Senate that the House has adopted the report of the conference committee on Senate bill No. 25.

A. D. SADLER,
Chief Clerk House of Representatives.

Senate concurrent resolution No. 5, regarding adjournment sine die, with House amendment, was laid before the Senate.

On motion of Senator Pope,

Action on the bill was postponed till Friday.

By leave Senator Stinson sent up a petition of citizens of Camp county, protesting against the unwarranted attacks against the county judge of Camp county, made by a member of the House, on the bill restoring the criminal jurisdiction of Camp county.

Referred to Judiciary Committee No. 1.

Senator Fowler sent up the following privileged report:

COMMITTEE ROOM,
AUSTIN, March 14, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 223, being "An act to provide for the publication and binding of one thousand copies of the Revised Statutes, and to make appropriation therefor," and find the same correctly enrolled, and have this day, at 11:45 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

Senator Harrison called up his motion to reconsider the vote by which the unfavorable committee report on Senate bill No. 163, the stenographer bill, was adopted.

The motion to reconsider was adopted by the following vote:

YEAS—12.

Bell,	Hall,	Pfeuffer,
Farrar,	Harrison,	Pope,
Fowler,	Houston of Bexar,	Randolph,
Glasscock	Houston of Wheeler,	Terrell.

NAYS—9.

Calhoun,	Garrison,	Stinson,
Davis,	Getzendaner,	Traylor,
Evans,	Shannon,	Woods.

ABSENT, NOT VOTING.

Jerdone,	Kilgore,	Knittel.
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Senator Harrison offered a substitute for the bill, entitled "An act to provide for the appointment of official stenographers for the district courts of the State of Texas."

The substitute was adopted.

Senator Houston of Bexar offered the following amendment:

Add to section providing for payment: "And the salary of the stenographer shall be apportioned between the counties, and paid in proportion to the length of terms of court held in each."

Adopted.

Senator Hall offered the following amendment:

Amend section 1 by striking out the word "five" and insert the word "four."

Adopted by the following vote:

YEAS—11.

Bell,	Getzendaner,	Pope.
Calhoun,	Hall,	Terrell.
Farrar,	Houston of Bexar,	Traylor.
Fowler,	Pfeuffer,	

NAYS—10.

Davis,	Harrison,	Shannon,
Evans,	Houston of Wheeler,	Stinson,
Garrison,	Randolph,	Woods.

ABSENT, NOT VOTING.

Jerdone,	Kilgore,	Knittel.
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Senator Shannon offered the following amendment:

Provided, that no stenographer shall be appointed in any county until it has first been ordered by the county commissioners' court of said county.

Adopted.

Senator Glasscock offered the following amendment:

Amend by adding after the words "not more than two hundred dollars," in the penalty clause, and insert, "shall be imprisoned in the county jail not less than thirty days nor more than six months."

Adopted, and

The bill was ordered engrossed by the following vote:

YEAS—14.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Hall,	Pope,
Farrar,	Harrison,	Shannon,
Fowler,	Houston of Bexar,	Terrell.
Getzendaner,	Houston of Wheeler,	

NAYS—7.

Davis,	Randolph,	Traylor,
Evans,	Stinson.	Woods.
Garrison,		

ABSENT, NOT VOTING.

Jerdone,	Kilgore,	Knittel.
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On motion of Senator Houston of Wheeler, Senator Kilgore was excused for the day.

On motion of Senator Farrar,

Senator Jerdone was excused for the day.

On motion of Senator Glasscock,

Senator Knittel was excused for the day.

Substitute House bill No. 109. "An act to require railroad companies to place and keep that portion of their road-bed and right of way over or across which public county roads may run, in proper condition for the use of the traveling public," was laid before the Senate in its regular order,

Read the second time and passed to third reading.

On motion of Senator Shannon,

The constitutional rule was suspended and the bill was placed on its final passage by the following vote:

YEAS—21.

Bell,	Getzendaner,	Pope,
Calhoun,	Glasscock,	Randolph,
Davis,	Hall,	Shannon,
Evans,	Harrison,	Stinson,
Farrar,	Houston of Bexar,	Terrell,
Fowler,	Houston of Wheeler,	Traylor,
Garrison,	Pfeuffer,	Woods.

NAYS—none.

The bill was read third time and passed.

House bill No. 133, "An act to amend chapter 3, article 4405, relating to service on public roads," was laid before the Senate in its regular order, and read second time and passed to its third reading.

(Senator Shannon, President pro tem., in the chair.)

House bill No. 174, "An act for the relief of Virginia E. Littlepage, and to authorize the county court of Travis county to issue to her letters of administration on the estate of her father, Caleb V. Littlepage," was laid before the Senate in its regular order, read second time and passed to third reading.

House bill No. 155. "An act regulating the manner of taking testimony in civil cases," was laid before the Senate in its regular order, and read the second time.

On motion of Senator Fowler,
The bill was postponed indefinitely by the following vote:

YEAS—13.		
Davis,	Hall,	Pope,
Farrar,	Houston of Bexar,	Randolph,
Fowler,	Houston of Wheeler,	Shannon,
Garrison,	Pfeuffer,	Traylor.
Glasscock,		
NAYS—8.		
Bell,	Getzendaner,	Terrell,
Calhoun,	Harrison,	Woods.
Evans,	Stinson,	

On motion of Senator Harrison,
Senate bill No. 253, "An act to regulate railroads in the State of Texas and the charges for freight and passengers, and to prevent discrimination between any such railways in the rates of charges for freight, passengers and baggage, and in the time and manner of transporting the same, and to prevent any discrimination and delay by any such railway companies in respect to business of any kind with competing or connecting lines, and to provide a penalty therefor," was taken up and made the special order for Thursday after morning call, and from day to day till disposed of.

On motion of Senator Glasscock,
Senate bill No. 205, "An act defining who are entitled to be buried in the State cemetery, and defining the duties and powers of the superintendent of public grounds in relation thereto," was taken up and made the special order for Friday morning, after morning call, and from day to day, till disposed of.

On motion of Senator Pope,
The Senate adjourned until 10 o'clock to-morrow morning.

FIFTY-FIFTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, March 18, 1885. }

The Senate met pursuant to adjournment
Lieutenant-Governor Gibbs in the chair.
Roll called.
No quorum present.
The Sergeant-at-Arms was dispatched to bring in the absent Senators.
On motion of Senator Shannon,
The Senate took a recess of ten minutes.
Senate called to order.
Roll called.
No quorum present.
Senator Houston of Wheeler moved to adjourn till 3 o'clock.
Withdrawn.
The Sergeant-at-Arms was dispatched to bring in the absent Senators.
Roll called.
Quorum present.
Prayer by the Chaplain, Dr. Smoot.
On motion of Senator Houston of Wheeler,

The reading of the journal of yesterday was dispensed with.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to report to your honorable body the passage of the following bills:

Senate bill No. 8, "An act to amend chapter 2, article 566 of the Revised Civil Statutes."

House bill No. 391, "An act amendatory of and supplementary to the several acts incorporating the city of Dallas."

Substitute House bill No. 301, "An act to regulate the banking system of Texas."

House bill No. 560, "An act to place upon the market and regulate the sale of the lands heretofore or that may hereafter be surveyed and set apart for the benefit of the common schools, the Lunatic, Blind, Deaf and Dumb and Orphan asylum funds, which may have timber thereon suitable for lumber and shingles, and to prevent trespass upon the same, and prescribe a penalty therefor."

A. D. SADLER,
Chief Clerk House Representatives.

REPORTS OF STANDING COMMITTEES.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills, have carefully examined and compared Senate bill No. 267, being "An act to authorize the State Capitol Board to contract for the substitution of granite for limestone in the construction of the exterior walls of the superstructure of the new State Capitol, and for other changes therein, and to extend the time for completion thereof, and to conform all laws thereto, and to make an appropriation for the contingent expenses connected therewith, and to authorize the payment for such change to be made to the contractor in convict labor," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared substitute for Senate bill No. 9, being "An act to amend an act entitled 'an act regulating the disabilities of minors,' approved March 2, 1881," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 241, being "An act making appropriations for deficiencies in the appropriations heretofore made for the payment of expenses in support of the government from March 1, 1883, to February 23, 1885, and for outstanding claims not registered, and other deficiencies," and find it correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 254, being "An act requiring the Attorney-General to institute legal proceedings against corporations doing business within this State in violation of sections 5 and 6, article 10 of the Constitution of Texas," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 184, being "An act to donate all the public domain in the State of Texas to the public free school fund," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

By Senator Davis:

COMMITTEE ROOM,
AUSTIN, March 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 273, entitled "An act to validate the sale of town lots and blocks situated in the town of Coleman, in Coleman county, Texas made by J. F. Miles and by W. O. Reed, commissioners for Coleman county, Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass; the bill, in the opinion of the committee, would be unconstitutional.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred House bill No. 23, entitled "An act to prevent the employment, retaining or harboring of minors against the consent of parents or guardians," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

By Senator Houston of Bexar:

COMMITTEE ROOM,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 85, entitled "An act to amend articles 3164, 3165, 3166, 3171, 3173, 3176, 3177, 3178 and 3179 of title 61, chapter 2 of the Revised Civil Statutes of the State of Texas, relating to mechanics', contractors', builders' and material men's liens, and to add thereto articles 3179a and 3179b," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do pass, and that 100 copies be printed for the use of the Senate.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred substitute House bill No. 392, entitled "An act to restore to and confer upon the county court of Camp county the criminal jurisdiction heretofore belonging to it under the Constitution and general statutes of the State of Texas, to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with the provisions of this act," have carefully considered the same, and a majority of the committee instruct me to report the same back with accompanying amendment, with the recommendation that it do pass as amended.

Respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE AMENDMENT.

Amend by including Bexar county in the provisions of the bill, and conform caption thereto.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 343, entitled "An act to amend the Revised Civil Statutes of the State of Texas, title 17, by adding thereto article 340a, and to amend article 375 thereof," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do not pass.

Article 340a was passed by the Seventeenth Legislature, and approved March 26, 1881.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 489, entitled "An act to amend chapter 6, title 8 of the Penal Code, by adding article 259a," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 483, entitled "An act to amend article 1533 of the Revised Statutes," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the accompanying amendment, with the recommendation that it do pass as amended.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE AMENDMENT.

Add to the article as follows: "This law shall apply to all justices of the peace appointed by the county commissioners court."

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 354, entitled "An act to restore to and confer upon the county courts of Atascosa, Young, Leon, Dimmitt, Montgomery and Burnet counties the civil and criminal jurisdiction heretofore belonging to said courts under the Constitution and general statutes of the State, to conform the jurisdiction of the district courts to such change, and to repeal all laws in conflict with the provisions of this act," have carefully examined the same, and a majority of your committee instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 265, entitled "An act to authorize married women to appoint the husband agent and attorney in fact to sell the separate property of the wife, and to validate deeds heretofore made by the husband acting under power of attorney from the wife," have carefully considered the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 233, entitled "An act to provide for a more efficient manner of assessing bankers, brokers, dealers in exchange, and stock jobbers," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 212, entitled "An act to amend article 3176 of the Revised Civil Statutes of the State of Texas, concerning mechanics' and other liens," have carefully examined the same, and instruct me to report the same back to the Senate with the recommendation that it lie on the table, for the reason that a House bill relating to the same subject has been reported to the Senate.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

The President gave notice of signing Senate bill No. 25, "An act to abolish the office of fish commissioner, and dispose of all fish ponds and all other property connected with or belonging to the fish department;" and

Senate bill No. 121, "An act entitled an act to redistrict the State into judicial districts, and fix the time for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883;" and

Senate bill No. 131, "An act to give effect to section 2, article 14 of the Constitution;" and

Senate bill No. 210, "An act to amend section 8, of 'an act establishing and prescribing the manner of ascertaining the boundaries of counties,' approved April 22, 1879."

Substitute House bill No. 301 was referred to Judiciary Committee No. 1.

House bill No. 391 was referred to Committee on State Affairs.

House bill No. 560 was referred to Committee on Public Lands.

Senator Garrison moved that the indefinite excuses for the absence of Senators be cancelled after Saturday next, excepting Senator Douglass, and that the Sergeant-at-Arms be instructed to notify the Senators so excused of such cancellation.

Adopted.

On motion of Senator Bell,

Senator Johnson was excused indefinitely, on account of sickness.

Senator Glasscock moved to excuse Senator Farrar until Monday.

Lost.

Senator Davis moved to excuse Senator Farrar for the day.

Senator Terrell moved to substitute Saturday.

Adopted.

Senator Fowler sent up the following privileged report:

COMMITTEE ROOM,
AUSTIN, March 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined

and compared substitute Senate bill No. 101, being "An act to amend article 3916 of the Revised Civil Statutes," and find the same correctly enrolled, and have this day, at 11:50 o'clock a. m., presented the same to the Governor for his approval
All of which is respectfully submitted.

FOWLER, Chairman.

COMMITTEE ROOM,
AUSTIN, March 14, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 121, being "An act to amend section 35 of an act entitled 'an act to redistrict the State into judicial districts, and to fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883," and find the same correctly enrolled, and have this day, at 11:50 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

COMMITTEE ROOM,
AUSTIN, March 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 210, being "An act to amend section 8 of 'an act establishing the manner of ascertaining the boundaries of counties,' approved April 22, 1879," and find the same correctly enrolled, and have this day, at 11:50 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

COMMITTEE ROOM,
AUSTIN, March 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 25, being "An act to abolish the office of Fish Commissioner, and to dispose of all fish ponds and other property connected with or belonging to the Fish Department," and find the same correctly enrolled, and have this day, at 10:50 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

Senator Randolph sent up the following report:

COMMITTEE ROOM,
AUSTIN, March 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 183, entitled "An act to amend section 1, chapter 38 of the general laws of the State of Texas, passed at the regular session of the Eighteenth Legislature," have had the same under consideration, and instruct me to report the following substitute for the bill, and recommend that said substitute do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

The President gave notice of signing House bill No. 118, "An act to amend chapter 6 of title 29 of the Revised Civil Statutes of Texas, by adding thereto, after article 1241, another article to be called article 1241a."

BILLS AND RESOLUTIONS.

By Senator Glasscock:

"An act to authorize the dismissal of certain suits."

Referred to Judiciary Committee No. 1.

Senator Woods moved that the special and regular orders be postponed, and Senate bills on third reading and House bills on second and third reading be acted upon.

Adopted.

The President laid before the Senate the following privileged communication:

GENERAL LAND OFFICE.
AUSTIN, March 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

I learn through the public print that on a recent occasion serious charges were made against me as Commissioner of the General Land Office, by a member of your honorable body. If these charges, as reported, are true, I am unfit for the position I hold; if they are false, it is due to the people of Texas, who have so often honored me, and to myself, that their falsity be shown. As I cannot refute these charges where they were made, I have the honor to request that you appoint at once a special committee, charged with full powers to make a thorough and public investigation of these matters.

I have the honor to be, sir, yours respectfully.

W. C. WALSH,
Commissioner General Land Office.

Senator Davis moved that the committee asked for be appointed, consisting of three Senators, Senator Davis declining to act upon the committee.

Adopted.

The President appointed Senators Traylor, Bell and Garrison on the committee.

The President laid Senate bill No. 8, "An act to amend chapter 2, article 566 of the Revised Civil Statutes" before the Senate, with House amendments.

Senator Shannon moved that the Senate do not concur in the House amendments.

Senator Bell called for a division of the amendments.

Senator Calhoun moved to postpone consideration of amendments until to-morrow.

Adopted.

Senator Houston of Wheeler called up the motion to reconsider the vote by which the Senate refused to pass House bill No. 105 (the Val Verde county bill.)

Withdrawn.

The President laid substitute Senate bill No. 9, "An act to amend an act regulating the removal of the disabilities of minors," before the Senate.

Read third time and passed by the following vote:

YEAS—14.

Bell,	Hall,	Pope,
Calhoun,	Harrison,	Randolph,
Evans,	Houston of Wheeler,	Shannon,
Fowler,	Kilgore,	Woods.
Glasscock,	Pfeuffer,	

NAYS—7.

Davis,	Houston of Bexar,	Terrell,
Garrison,	Stinson,	Traylor.
Getzendaner,		

ABSENT, NOT VOTING.

Jerdone,	Kleberg,	Knittel.
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Senate bill No. 184, "An act to donate all the public domain in the State of Texas to the public free school fund," was laid before the Senate in its regular order, and was read the third time.

Senator Traylor offered the following amendment:

Amend the caption by adding thereto, "and to provide for the location of outstanding veteran and Confederate land certificates held by the original grantee."

Adopted by the following vote:

YEAS—14.

Bell,	Houston of Bexar,	Randolph,
Fowler,	Houston of Wheeler,	Shannon,
Garrison,	Kilgore,	Stinson,
Glasscock,	Pfeuffer,	Traylor.
Harrison,	Pope,	

NAYS—7.

Calhoun,	Getzendaner,	Terrell,
Davis,	Hall,	Woods.
Evans,		

ABSENT, NOT VOTING.

Jerdone,	Kleberg,	Knittel.
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Senator Harrison was excused from voting, and The bill went to the table for want of a quorum. Senator Hall moved to adjourn till ten o'clock to-morrow morning.

Lost by the following vote:

YEAS—1.

Hall.

NAYS—20.

Bell,	Glasscock,	Randolph,
Calhoun,	Harrison,	Shannon,
Davis,	Houston of Bexar,	Stinson,
Evans,	Houston of Wheeler,	Terrell,
Fowler,	Kilgore,	Traylor,
Garrison,	Pfeuffer,	Woods.
Getzendaner,	Pope,	

ABSENT, NOT VOTING.

Jerdone,	Kleberg,	Knittel.
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Senate bill No. 254, "An act requiring the Attorney-General to institute legal proceedings against corporations doing business within this State in violation of sections 5 and 6, article 10 of the Constitution of Texas," was laid before the Senate, and

Passed by the following vote:

YEAS—21.

Bell,	Glasscock,	Pope,
Calhoun,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Fowler,	Houston of Wheeler,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzendaner,	Pfeuffer,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Jerdone,	Kleberg,	Knittel.
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Senate bill No. 267, "An act to authorize the State Capitol Board to contract for the substitution of granite for limestone in the construction of the exterior walls of the superstructure of the new State Capitol, and for other changes therein, and to conform all laws thereto, and to make an appropriation for the contingent expenses connected therewith and to authorize the payment for such change to be made to the contractor in convict labor," was laid before the Senate in its regular order and read third time, and

On motion of Senator Davis, was postponed till Monday.

Senate bill No. 184 was again laid before the Senate and passed.

House bill No. 133, "An act to amend chapter 3, article 4405, relating to service on public roads," was taken up, read third time and passed.

House bill No. 501, "An act to amend section 9 of an act to redistrict the State into judicial districts," etc., was laid before the Senate, read the third time and passed.

House bill No. 248, "An act making an appropriation to pay the mileage and per diem of the presidential electors of the State of Texas for the year 1884," was laid before the Senate and read the second time and passed to third reading.

On motion of Senator Shannon,

The constitutional rule was suspended, and the bill was placed on its final passage by the following vote:

YEAS—21.		
Bell,	Glasscock,	Pope,
Calhoun,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Fowler,	Houston of Wheeler,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzendaner,	Pfeuffer,	Woods.

NAYS—none.
ABSENT, NOT VOTING.

Jerdone. Knittel, Kleberg.

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

YEAS—21.		
Bell,	Glasscock,	Pope,
Calhoun,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Fowler,	Houston of Wheeler,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzendaner,	Pfeuffer,	Woods.

NAYS—none.
ABSENT, NOT VOTING.

Jerdone. Kleberg, Knittel.

House bill No. 314, "An act relating to investment of the permanent public free school funds, and to provide against any loss of such funds in making investments thereof," was laid before the Senate and read the second time.

Senator Traylor offered the following amendment:

Amend section 2, by adding thereto the following: "And if default be made in the payment of interest when due upon any such bond, the Board of Education may, at any time prior to the payment of such over-due interest, elect to treat the principal as also due, and the same shall thereupon, at the option of the Board of Education, become due and payable, and the payment of both such principal and interest shall in all cases be enforced in such manner as is or may be provided by law, and the right to enforce such collection shall never be barred by any law or limitation whatever."

Adopted, and

The bill was passed to third reading.

House bill No. 331, "An act to establish and define the boundaries of the county of Webb, and legalize certain acts of the officers of said county," was laid before the Senate, read the second time and passed to third reading.

House bill No. 538, "An act to amend section 25 of an act to redistrict the State into judicial districts," etc., was laid before the Senate and read the second time.

The first and second committee amendments were adopted, and

The bill passed to third reading.

On motion of Senator Woods,

The constitutional rule was suspended, and

The bill was placed on its final passage by the following vote:

YEAS—21.		
Bell,	Glasscock,	Pope,
Calhoun,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Fowler,	Houston of Wheeler,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzendaner,	Pfeuffer,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Jerdone. Kleberg, Knittel.

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

YEAS—21.		
Bell,	Glasscock,	Pope,
Calhoun,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Fowler,	Houston of Wheeler,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzendaner,	Pfeuffer,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Jerdone. Kleberg, Knittel.

On motion of Senator Houston of Wheeler, The regular order of business was suspended and House bill No. 354, "An act to restore to and confer upon the county courts of Atascosa, Young, Leon, Dimmitt, Montgomery and Burnet counties the civil and criminal jurisdiction heretofore belonging to said courts under the Constitution and general statutes of the State, to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with this act," was taken up, and

On motion of Senator Houston of Wheeler,

The constitutional rule was suspended and the bill was placed on its second reading by the following vote:

YEAS—21.		
Bell,	Glasscock,	Pope,
Calhoun,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Fowler,	Houston of Wheeler,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzendaner,	Pfeuffer,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Jerdone. Kleberg, Knittel.

The bill was read second time and passed to third reading.

On motion of Senator Houston of Wheeler,

The constitutional rule was suspended, and

And the bill was placed on its final passage by the following vote:

YEAS—21.		
Bell,	Glasscock,	Pope,
Calhoun,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Fowler,	Houston of Wheeler,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzendaner,	Pfeuffer,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Jerdone. Kleberg, Knittel.

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

YEAS—21.		
Bell,	Glasscock,	Pope,
Calhoun,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Fowler,	Houston of Wheeler,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzendaner,	Pfeuffer,	Woods.

NAYS—none.
 ABSENT, NOT VOTING.

Jerdone, Kleberg, Knittel.
 (Senator Woods in the chair.)
 On motion of Senator Terrell,
 The Senate adjourned till 3 o'clock this afternoon.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.
 Lieutenant-Governor Gibbs in the chair.
 Roll called.
 No quorum present.
 Senator Houston of Wheeler moved to adjourn
 till ten o'clock to-morrow morning.

Lost.
 Roll called.
 Quorum present.
 On motion of Senator Woods,
 Senator Kleberg was excused for to-day.
 On motion of Senator Shannon,
 Senator Perry was excused for the day.
 On motion of Senator Harrison,
 House bill No. 23, "An act to prevent the employ-
 ment, retaining or harboring of minors against
 the consent of parents and guardians," was taken
 up out of its regular order.

Senator Harrison moved that the constitutional
 rule requiring bills to be read on three several days
 be suspended and that the bill be placed on its
 second reading.

Adopted by the following vote:

YEAS—21.
 Bell, Glasscock, Pope,
 Calhoun, Hall, Randolph,
 Davis, Harrison, Shannon,
 Evans, Houston of Bexar, Stinson,
 Fowler, Houston of Wheeler, Terrell,
 Garrison, Kilgore, Traylor,
 Getzendaner, Pfeuffer, Woods.

NAYS—none.
 ABSENT, NOT VOTING.

Jerdone, Knittel.
 The bill was read the second time.
 Senator Kilgore moved the adoption of the major-
 ity report, killing the bill.

Adopted by the following vote:

YEAS—14.
 Calhoun, Hall, Randolph,
 Davis, Houston of Bexar, Shannon,
 Evans, Kilgore, Stinson,
 Getzendaner, Pfeuffer, Traylor,
 Glasscock, Pope.

NAYS—7.
 Bell, Harrison, Terrell,
 Fowler, Houston of Wheeler, Woods,
 Garrison.

ABSENT, NOT VOTING.
 Jerdone, Knittel.

Substitute House bill No. 22, "An act to levy an
 occupation tax on all dealers in pistols and bowie
 knives, dirks, daggers and other deadly weapons,
 manufactured for the purpose of offense or defense,
 and capable of being concealed on or about the per-

son," was laid before the Senate, and read the sec-
 ond time, with majority (favorable) and minority
 (unfavorable) reports.

Senator Pope moved that the minority report be
 substituted for the majority report.

Senator Davis moved the previous question on the
 motion to adopt the minority report.

Previous question seconded, and
 Main question ordered by the following vote:

YEAS—11.
 Bell, Hall, Randolph,
 Davis, Houston of Bexar, Shannon,
 Getzendaner, Kilgore, Traylor,
 Glasscock, Pfeuffer.

NAYS—10.
 Calhoun, Harrison, Stinson,
 Evans, Houston of Wheeler, Terrell,
 Fowler, Pope, Woods,
 Garrison.

ABSENT NOT VOTING.
 Jerdone, Knittel.

The minority report was adopted by the following
 vote:

YEAS—13.
 Bell, Harrison, Pfeuffer,
 Davis, Houston of Bexar, Pope,
 Evans, Houston of Wheeler, Shannon,
 Fowler, Kilgore, Terrell,
 Hall.

NAYS—8.
 Calhoun, Glasscock, Traylor,
 Garrison, Randolph, Woods,
 Getzendaner, Stinson.

ABSENT, NOT VOTING.
 Jerdone, Knittel.

Substitute House bill No. 33, "An act to amend
 articles 318 and 320 of chapter 4, title 9 of the Penal
 Code of the State of Texas," was laid before the
 Senate and read the second time.

On motion of Senator Davis,
 Substitute Senate bills Nos. 29, 58 and 80 were
 taken up out of their regular order for the purpose
 of being considered in connection with substitute
 House bill No. 33, and was read the second time.

Senator Stinson offered the following substitute
 for the pending bills, entitled:

"An act to repeal articles 320, 321 and 323, and to
 amend articles 318 and 322, title 9, chapter 4 of the
 Penal Code of the State of Texas."

(Senator Shannon, President pro tem., in the
 chair.)

Senator Davis moved to postpone the pending bills
 indefinitely.

Senator Houston of Bexar moved the previous
 question on the motion to postpone indefinitely.

Seconded, and
 Main question ordered.

The motion to postpone indefinitely was adopt
 by the following vote:

YEAS—12.
 Bell, Hall, Kilgore,
 Davis, Harrison, Pfeuffer,
 Garrison, Houston of Bexar, Pope,
 Glasscock, Houston of Wheeler, Randolph.

NAYS—9.
 Calhoun, Getzendaner, Terrell,
 Evans, Shannon, Traylor,
 Fowler, Stinson, Woods.

ABSENT, NOT VOTING.
 Jerdone, Knittel.

House bill No. 49, "An act to amend article 4636, title 95, chapter 2, of the Revised Civil Statutes," was laid before the Senate and read the second time.

On motion of Senator Houston of Bexar,

The bill was postponed and made the special order for Saturday, after morning call, and one hundred copies were ordered printed for the use of the Senate.

The President laid substitute House bill No. 181,

An act to make telegraph and telephone companies and persons or corporations owning or operating telegraph or telephone lines in the State of Texas common carriers" before the Senate.

Read second time with majority (favorable) and minority (unfavorable) reports.

On motion of Senator Davis,

The minority report was adopted, killing the bill.

House bill No. 236, "An act to authorize and require the Commissioner of the General Land Office to issue a certificate for 1280 acres of land to J. B. Robertson, for military service," was laid before the Senate and read the second time.

On motion of Senator Bell,

The bill was tabled subject to call.

House bill No. 241, "An act to amend section 40 of an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3 of title 78 of the Revised Civil Statutes of Texas as refer to public free schools outside of incorporated cities and towns, assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act," passed February 4, 1884," was laid before the Senate, and

Read the second time, and passed to third read-

Senator Woods moved to suspend the constitutional rule and place the bill on its final passage.

Adopted by the following vote:

YEAS—22.

Bell,	Hall,	Pope,
Calhoun,	Harrison,	Randolph,
Davis,	Houston of Bexar,	Shannon,
Evans,	Houston of Wheeler,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Perry,	Traylor,
Getzandaner,	Pfeuffer,	Woods.
Glasscock,		

NAYS—none.

ABSENT, NOT VOTING.

Jerdone, Knittel.

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

YEAS—21.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Fowler,	Houston of Wheeler,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzandaner,	Perry,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Jerdone, Knittel.

Substitute House bill No. 188, "An act to incorporate the Grand Royal Arch Chapter of Texas," was

laid before the Senate and read the second time, and passed to third reading.

On motion of Senator Houston of Bexar,

The constitutional rule was suspended and the bill was placed on its final passage by the following vote:

YEAS—21.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Fowler,	Houston of Wheeler,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzandaner,	Perry,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Jerdone, Knittel, Pope.

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

NAYS—21.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Fowler,	Houston of Wheeler,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzandaner,	Perry,	Woods.

YEAS—none.

ABSENT, NOT VOTING.

Jerdone, Knittel, Pope.

On motion of Senator Stinson,

Senate bill No. 251, "An act to amend article 182 of the Revised Civil Statutes of the State of Texas," was taken up out of the regular order,

Read the second time and ordered engrossed.

Senator Houston of Bexar called up the motion to reconsider the vote by which the Senate refused to pass House bill No. 105, "An act to create the county of Val Verde, and to provide for its organization."

The motion to reconsider was adopted by the following vote:

YEAS—14.

Bell,	Harrison,	Randolph,
Calhoun,	Houston of Bexar,	Terrell,
Evans,	Houston of Wheeler,	Traylor,
Getzandaner,	Perry,	Woods.
Glasscock,	Pfeuffer,	

NAYS—7.

Davis,	Hall,	Shannon,
Fowler,	Pope,	Stinson.
Garrison,		

ABSENT, NOT VOTING.

Jerdone, Kilgore, Knittel.

Senator Pope sent to Secretary's desk the following reasons for voting "nay":

I vote "no" because I am forced to vote by the President. I am paired with Senator Camp, who would have voted "no." I vote, being compelled, as the Senator with whom I am paired would have voted were he present.

POPE.

Senator Hall moved a call of the Senate.

Call sustained.

Roll called.

Senators Jerdone, Kilgore and Knittel were found to be absent without excuse.

The Sergeant-at-arms was dispatched to bring in the absent Senators, and

The pending business went to the table.

Senator Harrison called up, from the President's desk, House bill No. 236, "An act to authorize and require the Commissioner of the General Land Office to issue a certificate for 1280 acres of land to J. B. Robertson, for military service."

Senator Traylor offered the following amendment:

Strike out "unlocated" and insert "unreserved" in the first section.

Adopted.

Senator Fowler offered the following amendment:

Amend by adding the following to section 1: "Provided, that if a sufficient quantity of the public domain for the location of said certificate cannot be found, the owner thereof shall have no further claim upon the State by reason of anything contained in this act."

Adopted.

Senator Fowler moved to adjourn till ten o'clock to-morrow morning.

Lost by the following vote:

YEAS—7.

Davis,	Garrison,	Perry,
Evans,	Hall,	Terrell.
Fowler,		

NAYS—14.

Bell,	Houston of Bexar,	Shannon,
Calhoun,	Houston of Wheeler,	Stinson,
Getzendaner,	Pfeuffer,	Traylor,
Glasscock,	Pope,	Woods.
Harrison,	Randolph,	

ABSENT, NOT VOTING.

Jerdone,	Kilgore,	Knittel.
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Senator Calhoun moved the previous question on the engrossment of the bill.

Seconded, and

Main question ordered.

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

YEAS—12.

Bell,	Harrison,	Pope,
Calhoun,	Houston of Bexar,	Randolph,
Getzendaner,	Houston of Wheeler,	Stinson,
Glasscock,	Perry,	Traylor.

NAYS—9.

Davis,	Garrison,	Shannon,
Evans,	Hall,	Terrell,
Fowler,	Pfeuffer,	Woods.

ABSENT, NOT VOTING.

Jerdone,	Kilgore,	Knittel.
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On motion of Senator Pope,

The Senate adjourned till 10 o'clock to-morrow morning.

FIFTY-SIXTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, March 19, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

No quorum present.

On motion of Senator Terrell,

The Senate took a recess till 10:45 o'clock.

Senate called to order.

Roll called.

No quorum present.

On motion of Senator Calhoun,

The Senate took a recess till 11 o'clock.

Senate called to order.

No quorum present.

On motion of Senator Stinson,

The Senate adjourned till 3 o'clock this afternoon.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

No quorum present.

The Sergeant-at-Arms was dispatched to bring in the absent Senators.

Senator Terrell moved to adjourn till 10 o'clock to-morrow morning.

Withdrawn.

Senator Terrell renewed the motion to adjourn till 10 o'clock to-morrow morning.

Lost by the following vote:

YEAS—5.

Fowler,	Houston of Wheeler,	Terrell.
Houston of Bexar,	Kilgore,	

NAYS—14.

Bell,	Glasscock,	Shannon,
Calhoun,	Harrison,	Stinson,
Evans,	Perry,	Traylor,
Garrison,	Pfeuffer,	Woods.
Getzendaner,	Pope,	

ABSENT, NOT VOTING.

Davis,	Jerdone,	Knittel,
Hall,	Kleberg,	Randolph.

Senator Terrell moved to adjourn till 9:45 o'clock to-morrow morning.

Lost by the following vote:

YEAS—9.

Davis,	Houston of Bexar,	Pope,
Fowler,	Houston of Wheeler,	Shannon,
Garrison,	Kilgore,	Terrell.

NAYS—11.

Bell,	Glasscock,	Stinson,
Calhoun,	Harrison,	Traylor,
Evans,	Perry,	Woods.
Getzendaner,	Pfeuffer,	

ABSENT, NOT VOTING.

Hall,	Kleberg,	Randolph.
Jerdone,	Knittel,	

Senator Pope moved to take a recess till 4 o'clock. Withdrawn.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Houston of Wheeler, The reading of the journal of yesterday was dispensed with.

On motion of Senator Terrell,

Senator Randolph was excused till Monday, on account of sickness.

On motion of Senator Terrell,

Senator Hall was excused for the day, on account of sickness.
 In motion of Senator Pope,
 Senator Jerdone was excused for yesterday.
 In motion of Senator Glasscock,
 Senator Knittel was excused till to-morrow.
 In motion of Senator Garrison,
 the Secretary of the Senate, Mr. Ramey, was excused for the day.
 In motion of Senator Woods,
 Senator Kleberg was excused for the day.

PETITIONS AND MEMORIALS.

By Senator Bell:
 Petition of citizens of Coryell and Hamilton counties, praying for the submission of a constitutional amendment on the prohibition of intoxicating liquors.
 Referred to Committee on Constitutional amendments.

REPORTS OF STANDING COMMITTEES.

Senator Shannon:

COMMITTEE ROOM,
 AUSTIN, March 18, 1885.

Hon. Barnett Gibbs, President of the Senate:
 Your Committee on Internal Improvements, to whom was referred House bill No. 526, entitled "An act to define the duties of telegraph companies in the transmission of messages, and to provide adequate penalties for the enforcement thereof," have had the same under consideration, and instruct me to report it back with accompanying amendment with the recommendation that it do pass as amended.
 All of which is respectfully submitted.

SHANNON, Chairman.

COMMITTEE AMENDMENT.

Amended by striking out all of section 1 after the enacting words and conform the remainder of the bill thereto.

Bill read first time.

COMMITTEE ROOM,
 AUSTIN, March 18, 1885.

Hon. Barnett Gibbs, President of the Senate:
 Your Committee on Internal Improvements, to whom was referred House bill No. 324, entitled "An act to compel railroads and other corporations to establish and maintain public offices in the State of Texas, and providing what books shall be kept thereat, and what said books shall contain, and requiring them to keep said books open for inspection, and to compel them to report to the Comptroller or Governor the true status of said corporations, and such other matters as may be required by said Governor or Comptroller, and providing appropriate penalties for a failure to comply herewith," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass, the same having taken action upon another bill which embraces the same sought to be enacted by this.
 All of which is respectfully submitted.

SHANNON, Chairman.

Bill read first time.

COMMITTEE ROOM,
 AUSTIN, March 18, 1885.

Hon. Barnett Gibbs, President of the Senate:
 I and a signed minority of your Committee on Internal Improvements, to which was referred House bill No. 324, entitled "An act to compel railroads and other corporations to establish and maintain public offices in the State of Texas, and providing what books shall be kept thereat, and what books shall contain, and requiring them to keep said books open for inspection, and to compel them to report to

the Comptroller or Governor the true status of said corporations, and such other matters as may be required by said Governor or Comptroller, and providing appropriate penalties for a failure to comply herewith," differing from the majority of the committee, submit that this bill seeks to enforce section 3 of article 10 of the Constitution; and that it is the duty of the Legislature to observe and enforce what the organic law plainly requires no one can deny.

It may be said that times are hard, that we have just passed through a financial crisis, and that no legislation calculated to embarrass railroads should be passed. If there is any argument in this, then we must conclude that the time has come when corporations are above the reach of the arm of the law.

Are there any corporations violating this section of the Constitution? If yea, should they be shielded from punishment? Should hard times protect violators of the law? If this provision of the Constitution is not being violated, then corporations which it is intended to affect cannot be harmed; we therefore recommend that the said bill do pass.

All of which is respectfully submitted.

RANDOLPH.

By Senator Evans:

COMMITTEE ROOM,
 AUSTIN, March 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Lands, to whom was referred House bill No. 560, entitled "An act to place upon the market and regulate the sale of the lands heretofore or that may hereafter be surveyed and set apart for the benefit of the common schools; Lunatic, Blind, Deaf and Dumb and Orphan Asylum funds, which may have timber thereon suitable for lumber and shingles, and to prevent trespass upon the same, and prescribe a penalty therefor," have carefully examined the same, and instruct me to report the same back with the recommendation that it lie on the table until after action has been taken upon substitute House bills Nos. 8, 34 and 70, as the subject matter of this bill is embraced in said substitute House bill and the amendments recommended thereto.

All of which is respectfully submitted.

EVANS, for Committee.

Bill read first time.

By Senator Bell:

COMMITTEE ROOM,
 AUSTIN, March 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills, have carefully examined and compared Senate bill No. 251, being "An act to amend article 132 of the Revised Statutes," and find it correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
 AUSTIN, March 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared substitute for Senate No. 163, being "An act to provide for the appointment of official stenographers for the district courts of the State of Texas," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

By Senator Fowler:

COMMITTEE ROOM,
 AUSTIN, March 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred House bill No. 124, entitled "An act to amend article 1512, chapter 1, title 31 of the Revised Civil Statutes of the State of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass with the following amendment: Strike out two thousand and insert one thousand in line 3, page 2.

All of which is respectfully submitted.

FOWLER, acting Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

The undersigned, a minority of your Committee on State Affairs, to whom was referred House bill No. 124, "An act to amend article 1512, chapter 1, title 31 of the Revised Civil Statutes of the State of Texas," begs leave to dissent from the report of the majority of your committee, and recommends that the bill do not pass, for the following reasons: The bill, if it becomes a law, will require the county commissioners to give a bond for the faithful performance of their duties. As the duties of such officers are administrative and legislative, involving only the exercise of their best judgment on such matters as may be brought before them, and do not involve the handling of public funds, I see no good to be accomplished by a bond. A proof of any facts authorizing a recovery on the bond would make the officer amenable to punishment under our Penal Code.

The latter is a far more potent agency to prevent wrong than the former.

The commissioners' court is the legislature of the county. There is but little pay attached to the office of county commissioner, and most parties accept the office only after solicitation to that effect, and as a matter of patriotic duty, not as one of profit. Such men should not have the stamp of suspicion placed upon them by a legislative enactment. They should, as they do, feel honored by the trust imposed, and the public should likewise feel that their actions are prompted by an honest desire to discharge a duty, and not by reason of a pecuniary obligation behind them.

All of which is respectfully submitted.

GETZENDANER, for Minority.

COMMITTEE ROOM,
AUSTIN, March 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was re-referred House bill No. 437, entitled "An act to protect mechanics, operatives, bookkeepers, clerks and laborers who perform labor in any mill, factory, shop, store, office or farm against the failure of owners, sub-owners, contractors or agents to pay their wages, and to provide a lien for such wages," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass, with the accompanying amendments.

All of which is respectfully submitted.

FOWLER, acting Chairman.

COMMITTEE AMENDMENTS.

1. Amend section 2 by inserting between the words "for" and "twelve," in line 4, the words "services rendered or labor performed within," and strike out all after the word "the" in line 5, section 2, and insert in lieu thereof "termination of such employment."

2. Amend section 4, by inserting between the words "is" and "due," in line 13, the words "just and."

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred a memorial of the citizens of Van Zandt county, have had the same under consideration, and instruct me to report it back with the recommendation that it be considered in connection with Senate bill No. 237, as both refer to the same subject.

All of which is respectfully submitted.

FOWLER, acting Chairman.

COMMITTEE ROOM,
AUSTIN, March 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 237, entitled "An act for the relief of A. C. Graham, Joshua Hallman, E. J. Sides, D. L. Riley, M. W. Ellis and G. W. Tull," have carefully considered the same, and instruct me to report it back to the Senate with the recommendation that it do not pass.

The object of this bill is to secure a release from the State for the parties whose names are mentioned from all liability on a judgment rendered against them by the Supreme Court at its Austin term, 1884, for \$2361.13, as sureties for one R.

Wells, tax collector of Van Zandt county. In the opinion of the committee, the Legislature is clearly prohibited by section 55 of article 3 of the Constitution from granting the relief prayed for.

The Supreme Court holds that there is a "liability" existing against these parties in favor of the State, and the Constitution expressly prohibits the release, by act of the Legislature of any liability to the State from any individual," etc. As for the claim made in behalf of the parties seeking the relief that the Supreme Court is wrong in holding that they are legally liable, we are of the opinion that the judgment itself, whether correct or not, creates a liability such as is contemplated by the Constitution.

All of which is respectfully submitted.

FOWLER, acting Chairman

Bill read first time.

BILLS AND RESOLUTIONS.

By Senator Glasscock:

"An act to amend chapter 18 of the Revised Civil Statutes by adding article 1379a."

Referred to Judiciary Committee No. 1.

Senator Woods moved that the Senate go into executive session next Monday after morning call, to consider the appointments of the Governor.

Adopted.

The following message was received from the House:

HOUSE OF REPRESENTATIVE
AUSTIN, March 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage of House bill No. 373, "An act to authorize the collector of a newly organized county to collect the unpaid taxes found to be due in his county by the assessor's roll of the county or counties from which such county has been taken, or to which it has been attached for judicial purposes, and to provide for making transcripts from such rolls for the use of the collector in the new county."

Respectfully,

A. D. SADLER,
Chief Clerk House Representatives.

House bill No. 373 was referred to Finance Committee.

Senator Traylor moved to postpone the special order and take up bills on third reading.

Adopted.

House bill No. 236, "An act to authorize and require the Commissioner of the General Land Office to issue a certificate for 1280 acres to J. B. Robertson for military service," was laid before the Senate and read third time.

Senator Woods moved a call of the Senate.

Call sustained.

Senators Fowler and Houston of Wheeler were found to be absent without excuse.

Senator Shannon moved to adjourn till 9:30 o'clock to-morrow morning.

Withdrawn.

Senator Terrell renewed the motion to adjourn.
Lost by the following vote:

YEAS—9.

Davis,	Houston of Wheeler,	Shannon,
Garrison,	Jerdone,	Terrell.
Houston of Bexar,	Kilgore,	

NAYS—12.

Bell,	Glasscock,	Pope,
Calhoun,	Harrison,	Stinson,
Evans,	Perry,	Traylor,
Getzendaner,	Pfeuffer,	Woods.

ABSENT, NOT VOTING.

Fowler.

Senators Fowler and Houston of Wheeler were announced, and the Senate was declared full. The bill (House bill No. 236) was passed by the following vote:

YEAS—11.		
Bell,	Houston of Bexar,	Shannon,
Calhoun,	Houston of Wheeler,	Stinson,
Glasscock,	Perry,	Traylor.
Harrison,	Pope,	
NAYS—10.		
Davis,	Getzendaner,	Pfeuffer,
Evans,	Jerdone,	Terrell,
Fowler,	Kilgore,	Woods.
Garrison,		

House bill No. 331, "An act to establish and define the boundaries of the county of Webb, and legalize certain acts of the officers of said county," was laid before the Senate.

Read third time and passed.

House bill No. 314, "An act relating to investments of the permanent public free school funds, and to provide against any loss of such funds in making investments," was laid before the Senate.

Read third time and passed.

Senate substitute for House bill No. 249, "An act to authorize the county commissioners' court to set aside from year to year not exceeding one-half of the road and bridge tax to purchase and establish free bridges; also to validate bonds heretofore issued for bridge purposes," was laid before the Senate and read the third time.

Senator Woods offered the following amendment:

Amend last section by adding the following words: "Chapter 18 of the Seventeenth Legislature, authorizing the issuance of bonds for building bridges, be and the same is hereby repealed," and amend the caption to conform to this amendment.

Adopted by the following vote:

YEAS—21.		
Bell,	Glasscock,	Pfeuffer,
Calhoun,	Harrison,	Pope,
Davis,	Houston of Bexar,	Shannon,
Evans,	Houston of Wheeler,	Stinson,
Fowler,	Jerdone,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzendaner,	Perry,	Woods.
NAYS—none.		

Senator Stinson offered the following amendment:

Amend by adding the following: "Provided, the parties who petition for any bridge shall first deposit with the clerk of the county court a sufficient amount of money to pay the expenses of said election before the commissioners' court shall be authorized to order said election."

Withdrawn.

Senator Harrison offered the following amendment:

Amend by adding the following proviso: "Provided, if at any such an election the vote shall be in favor of erecting or purchasing such bridge, then the county shall pay the expenses of such election, and the parties making the deposit herein required shall be allowed to withdraw the same, but not otherwise."

Adopted by the following vote:

YEAS—18.		
Bell,	Glasscock,	Pfeuffer,
Calhoun,	Harrison,	Pope,
Davis,	Houston of Bexar,	Shannon,
Evans,	Jerdone,	Terrell,
Fowler,	Kilgore,	Traylor,
Garrison,	Perry,	Woods.
NAYS—3.		
Getzendaner,	Houston of Wheeler,	Stinson.

Senator Getzendaner offered the following amendment:

Amend by limiting the amount of road and bridge tax to be used to an amount not to exceed six cents on the one hundred dollars' valuation.

Senator Davis moved to adjourn till 10 o'clock tomorrow morning.

Lost by the following vote:

YEAS—9.		
Davis,	Houston of Bexar,	Kilgore,
Fowler,	Houston of Wheeler,	Shannon,
Garrison,	Jerdone,	Terrell.

NAYS—11.		
Bell,	Glasscock,	Stinson,
Calhoun,	Harrison,	Traylor,
Evans,	Perry,	Woods.
Getzendaner,	Pfeuffer,	

ABSENT, NOT VOTING.

Pope.

Senator Traylor in the chair.

Senator Terrell moved to adjourn till 9:30 o'clock to-morrow morning.

Adopted by the following vote:

YEAS—11.		
Bell,	Houston of Bexar,	Perry,
Fowler,	Houston of Wheeler,	Shannon,
Garrison,	Jerdone,	Terrell.
Harrison,	Kilgore,	

NAYS—8.		
Calhoun,	Glasscock,	Traylor,
Evans,	Pfeuffer,	Woods.
Getzendaner,	Stinson,	

ABSENT NOT VOTING.

Davis,

Pope.

FIFTY-SEVENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 20, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

No quorum present.

On motion of Senator Fowler,

The Senate adjourned till ten o'clock.

Senate called to order.

Roll called.

Quorum present.

Prayer by the Rev. Dr. Cocke, of Lexington, Va.

On motion of Senator Traylor,

The reading of the journal of yesterday was dispensed with.

REPORTS OF STANDING COMMITTEES.

By Senator Calhoun:

COMMITTEE ROOM.
AUSTIN, March 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Printing, to whom was referred Senate bill No. 242, entitled "An act to amend an act entitled 'an act to amend articles 1026, 1027, 1028, 1029, 1030, 1031 and 1032 of chapter 5, title 26, and articles 1077, 1078, 1079, 1080, 1081 and 1082, of chapter 15, title 26 of the Revised Civil Statutes of the State of Texas,' approved May 3, 1883," have had the same under consideration, and instruct me to report it back

with the recommendation that it do not pass. This bill proceeds upon the hypothesis that there is a State printing office, and that the State can employ printers and binders and purchase machinery without competition or limit to do the printing and binding of the State, and this we think is not in keeping with the spirit of our Constitution. Our reports are now well reported and bound, and sold at reasonable price. The State can sell them now at three dollars, if proper to do so. We think our reports are of too much value to be reported, printed and bound in an inferior manner.

All of which is respectfully submitted.

CALHOUN, for Committee.

Bill read first time.

Senator Evans sent up the following minority report:

COMMITTEE ROOM,
AUSTIN, March 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

The undersigned, as one of the Committee on Public Printing, to whom was referred Senate bill No. 242, entitled "An act to amend an act to amend articles 1026, 1027, 1028, 1029, 1030, 1031 and 1032 of chapter 5, title 26, and articles 1077, 1078, 1079, 1080, 1081 and 1082 of chapter 15, title 26 of the Revised Civil Statutes of the State of Texas," approved May 3, 1882," to which bill a majority have decided to report unfavorably, would beg leave to file a minority report, and ask that said bill do pass the Senate.

The object of the bill is to change the manner of having the reports of the Supreme Court and Appellate Court published. The present law permits the reports—in fact, requires the reporters to have the same published, and to furnish the State one thousand copies each, for which the reporters receive, as compensation, the sum of five dollars and fifty cents per page for as many pages as are in the volume published. Supposing these volumes to average eight hundred pages each it would cost the State \$400 for each 1000 copies, or \$1.40 per copy. The Secretary of State is authorized and required to sell 500 copies; provided sale is found for them, at four dollars per copy, thereby creating a loss to the State on each copy of reports of forty cents.

For the last two years past, as will be seen by reference to warrants issued from the Comptroller's office, there has been paid out the sum of \$21,895 for Supreme Court Reports, and \$17,437 for Court of Appeals Reports, amounting in the aggregate to \$39,332. Nine thousand volumes all told have been furnished. Of this number, up to first of December, as will appear by reference to report of the Secretary of State, there had been sold 1600 volumes. The remainder are on hand, and not in much demand, and yet under the present law the full amount have to be received and paid for.

It is believed by the State Printing Board that these books can be published at the Deaf and Dumb Asylum at a much less expense than at the present rate. In their report of December 31 we find the following statement, in which they say: "In our judgment the cost to the State of the publication of these reports is entirely too much. We respectfully submit that if these reports were printed at the State printing office, it would enable the board to utilize the labor of deaf mutes, and by giving these unfortunate persons continued employment they will have a chance to, at least, become partially self-sustaining; to prepare themselves for future independence and usefulness, and at the same time save much of the expense heretofore attending the publication of these reports."

We see no reason to question this statement. While it may be true that there would for the first year be some necessary outlay in getting proper machinery for binding, yet the cost could not be very great; and it would probably require the employment of good printers to aid in the work, yet still much of the work, such as folding and stitching, could be done by even unskilled workmen, and much of the type setting could be done by ordinary printers. It would give constant employment to a large number of the deaf mutes who should be learning a trade by which they can be enabled in the future to make a support for themselves.

The present system has one very objectionable feature in it. It pays \$5.50 per page. It may not always be the case that we can procure the services of such men as we now have, but the time may come when we will have reporters who will be able to stretch out cases so as to make three reports per annum instead of two—who will be able to lengthen from 1800 to 2400 pages of each set of reports every year. But if we employ a reporter at a fixed salary, he cannot possibly have any

interest in extending the reports to a greater length or greater number of pages than is actually necessary.

Again, we think the present price of the reports is too great. By comparison with other States, whose reports are equally as well gotten up, in a mechanical point of view as ours, will be seen that we are extravagant in price. Our reports certainly can be published at \$3 per volume, including pay of reporter. North Carolina, by act of February 19, 1884, has her reports furnished at \$2 per volume. Ohio reports only worth \$2.50 per volume. Michigan furnishes her reports at \$2 per volume, pays her reporter \$1800 per year and hire \$900 and expenses while attending court. Wisconsin pays her reporter \$3000 per annum, and furnishes her reports at \$2 per volume. Mississippi pays her reporter \$4 per page for copies, and sells reports at \$5. Alabama pays her reporter \$2000 per annum, and sells reports at \$5. Rhode Island pays her reporter \$500 per year. Connecticut pays her reporter \$2500. West Virginia pays her reporter \$1000. California pays her reporter \$6000. Louisiana pays her reporter \$2500.

Indiana gets 500 volumes for \$3.50, and requires the reporter to sell reports at \$3.50. Iowa furnishes reports at \$2 per volume. Arkansas sells her reports at \$5; pays a reporter \$400 per annum. South Carolina reports \$3.50 per volume; retains copyright; pays reporter \$1500. Virginia pays her reporter \$1500. We cite these instances to show that the majority of other States, including the Southern States, furnish their Supreme Court reports at much less than our own State. It is contended that no man who is qualified for the position of reporter would accept it at the sum of \$2500 per annum.

We do not know how that would be, but presume that there are several men in the State of Texas to-day who would make good reporters that are now working for less than that sum. This sum is in accordance with the salaries paid the heads of the departments of the State and district judges.

If we are not mistaken there is a district judge now in the judicial district whose salary is only \$2500, and who was a one time a Supreme Court reporter. With the exception of California and Wisconsin, we have not been able in our examination of this question to find a single State that pays over \$2500; most of them much less.

What other States have done and are now doing, Texas with her present large population and increased demand for these books, certainly can do. The Governor, in his message to the Nineteenth Legislature, calls our attention especially to this matter. We here quote his language:

"The utility of the printing establishment at the Deaf and Dumb Institute has been clearly demonstrated. Some of the neatest and best printing for the departments is done there, and with a little enlargement it can be made available for all the printing and binding required by the State, at a cost greatly below the prices now paid. It is suggested that the court reports, which are now published at a great expense, could be printed and bound there. It would be light work for a judge when writing an opinion to make the syllabus; then the work of preparation for publication would be small. These suggestions, if acted on, will save the large expense annually attending the publication of these reports."

We would respectfully submit that with all the facts before us, there would certainly be a great saving to the State to have the reports published at the Deaf and Dumb Asylum. It would enable the profession to obtain the books at \$3 per volume, and the State could then make a profit on the work as well as give instruction to its wards in learning a useful occupation.

All of which is respectfully submitted.

EVANS.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to report to your honorable body the passage of

House bill No. 579, "An act to divide the western portion of Tom Green county into six new counties, namely: Ector, Winkler, Loving, Upton, Crane and Hunter, and defining the boundaries thereof."

Respectfully,

A. D. SADLER,
Chief Clerk House Representatives.

House bill No. 579 was referred to Committee on Counties and County Boundaries.

On motion of Senator Shannon,

House bill No. 549, "An act to amend section 17 of 'an act to redistrict the State into judicial districts,' etc., was taken up out of its regular order and read second time.

The committee amendments were adopted.

Senator Shannon offered the following amendment:

Amend section 17 so as to read as follows:

"Sec. 17. The seventeenth judicial district shall be composed of the counties of Parker and Tarrant, and the district courts therein shall be held as follows: In the county of Parker on the first Mondays in February and August, and may continue in session six weeks; in the county of Tarrant on the sixth Monday after the first Monday in February, on the third Monday in May, on sixth Monday after the first Monday in August, and on third Monday in November, and may continue in session until business is disposed of."

Adopted, and the bill passed to third reading.

On motion of Senator Shannon,

The constitutional rule was suspended and the bill was placed on its final passage by the following vote:

YEAS—22.

Bell,	Harrison,	Perry,
Calhoun,	Houston of Bexar,	Pfeuffer,
Davis,	Houston of Wheeler,	Pope,
Evans,	Jerdone,	Shannon,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.
Glasscock,		

NAYS—none.

ABSENT, NOT VOTING.

Hall, Stinson.

The bill was read third time and passed.

On motion of Senator Houston of Bexar,

The special orders were postponed for the purpose of taking up and disposing of bills on third reading.

Senate substitute for House bill No. 249, "An act to authorize the county commissioners' court to set aside from year to year not exceeding one-half of the road and bridge tax to purchase and establish free bridges; also to validate bonds heretofore issued for bridge purposes," was laid before the Senate as the pending bill on adjournment yesterday.

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

YEAS—12.

Davis,	Getzendaner,	Knittel,
Evans,	Glasscock,	Perry,
Fowler,	Harrison,	Terrell,
Garrison,	Jerdone,	Traylor.

NAYS—10.

Bell,	Kilgore,	Pope,
Calhoun,	Kleberg,	Shannon,
Houston of Bexar,	Pfeuffer,	Woods.
Houston of Wheeler,		

ABSENT, NOT VOTING.

Hall, Stinson.

The bill was passed by the following vote:

YEAS—18.

Bell,	Fowler,	Harrison,
Calhoun,	Getzendaner,	Houston of Bexar,
Evans,	Glasscock,	Houston of Wheeler,

Jerdone,	Knittel,	Pope,
Kilgore,	Perry,	Terrell,
Kleberg,	Pfeuffer,	Woods.

NAYS—4.

Davis,	Shannon,	Traylor.
Garrison,		

ABSENT, NOT VOTING.

Hall, Stinson.

House bill No. 105, "An act to create the county of Val Verde, and to provide for its organization," was laid before the Senate and passed by the following vote:

YEAS—18.

Bell,	Harrison,	Perry,
Calhoun,	Houston of Bexar,	Pfeuffer,
Evans,	Houston of Wheeler,	Shannon,
Fowler,	Jerdone,	Terrell,
Getzendaner,	Kleberg,	Traylor,
Glasscock,	Knittel,	Woods.

NAYS—3.

Davis,	Garrison,	Kilgore.
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ABSENT, NOT VOTING.

Hall, Stinson.

Paired: Senators Camp and Pope. The former would have voted nay, the latter yea.

Senate bill No. 251, "An act to amend article 182 of the Revised Civil Statutes of the State of Texas," was taken up in its regular order, read the third time and passed.

Substitute Senate bill No. 163, "An act to provide for the appointment of official stenographers for the district courts of the State of Texas," was laid before the Senate, read the third time and passed.

Senate bill No. 8, "An act to amend chapter 2, article 566 of the Revised Civil Statutes," was laid before the Senate with House amendments.

Senator Houston of Bexar moved that the Senate do not concur in the first House amendment.

Adopted.

Senator Woods moved that the Senate do concur in the second House amendment.

Lost.

Senator Bell moved that the Senate do concur in the third House amendment.

Lost.

On motion of Senator Fowler,

One hundred copies of House bill No. 437, "An act to protect mechanics, operatives, bookkeepers, clerks and laborers who perform labor in any mill, factory, shop, store, office or farm against the failure of owners, sub-owners, contractors or agents to pay their wages, and to provide a lien for such wages," were ordered printed for the use of the Senate.

On motion of Senator Houston of Wheeler,

The vote by which House bill No. 105, the Val Verde county bill was passed, was reconsidered.

The bill was passed by the following vote:

YEAS—22.

Bell,	Harrison,	Perry,
Calhoun,	Houston of Bexar,	Pfeuffer,
Davis,	Houston of Wheeler,	Pope,
Evans,	Jerdone,	Shannon,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.
Glasscock,		

NAYS—none.

ABSENT, NOT VOTING.

Hall,

Stinson.

We vote "yea," since it is evident that a majority of the Senate desire the passage of the bill, and for the purpose of allowing the measure to become a law at once.

GARRISON,
KILGORE.
DAVIS.

Substitute Huse bill Nos. 8, 34 and 70, "An act to provide for the leasing and sale of the lands heretofore or hereafter to be surveyed and set apart for the benefit of the common schools, University, the Lunatic, Blind, Deaf and Dumb and Orphan Asylum funds." was laid before the Senate as the first special order, and

Read second time, with committee amendments. (Senator Terrell in the chair.)

Senator Houston of Wheeler moved that the committee amendments be considered separately.

Adopted.

Senator Shannon offered the following substitute for the first committee amendment:

After the word "leased," in line 26, insert the words "to the original lessee or lessees, or their assignee or assignees."

Senator Houston of Bexar moved a call of the Senate on the business of the morning session.

Call sustained.

Senators Hall, Pope and Stinson were found to be absent without excuse.

The Sergeant-at-Arms was dispatched to bring in the absent Senators.

Senator Traylor moved that the call be suspended.

The Senate refused to suspend the call.

Senator Glasscock moved that Senator Hall be excused for the day, on account of sickness.

Adopted by the following vote:

YEAS—21.

Bell,	Glasscock,	Knittel,
Calhoun,	Harrison,	Perry,
Davis,	Houston of Bexar,	Pfeuffer,
Evans,	Houston of Wheeler,	Shannon,
Fowler,	Jerdone,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzendaner,	Kleberg,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Pope.

Stinson.

On motion of Senator Bell,

Senator Stinson was excused for the day, on account of sickness, by the following vote:

YEAS—20.

Bell,	Harrison,	Perry,
Calhoun,	Houston of Bexar,	Pfeuffer,
Davis,	Houston of Wheeler,	Shannon,
Fowler,	Jerdone,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzendaner,	Kleberg,	Woods.
Glasscock,	Knittel,	

NAYS—1.

Evans.

ABSENT, NOT VOTING.

Pope.

On motion of Senator Traylor, Senator Pope was excused for one hour, by the following vote:

YEAS—21.

Bell,	Glasscock,	Knittle,
Calhoun,	Harrison,	Perry,
Davis,	Houston of Bexar,	Pfeuffer,
Evans,	Houston of Wheeler,	Shannon,
Fowler,	Jerdone,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzendaner,	Kleberg,	Woods.

NAYS—none.

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

YEAS—12.

Evans,	Harrison,	Perry,
Fowler,	Houston of Bexar,	Pfeuffer,
Getzendaner,	Kleberg,	Shannon,
Glasscock,	Knittel,	Terrell.

NAYS—10.

Bell,	Houston of Wheeler,	Pope,
Calhoun,	Jerdone,	Traylor,
Davis,	Kilgore,	Woods.
Garrison,		

During the vote Senator Pope was announced.

Senator Houston of Wheeler offered the following amendment to the substitute, as adopted:

Provided that all persons, firms or corporations who lease lands at the rate of 8 and 20 cents, subsequent to having offered less for the same and made tender thereof, having had the same rejected, shall be entitled to avail themselves of the reduction provided for in this act.

Lost.

The substitute was adopted as a part of the bill.

The second committee amendment was adopted.

Senator Shannon offered the following substitute for the third committee amendment:

Add to end of section 5: "Until the expiration of the term for which said lease was made."

Adopted.

Senator Houston of Wheeler offered the following amendment to the substitute:

Provided, that this shall not apply to those who have offered four or more cents per acre per annum for the leased land, and have tendered the amount of such rental, and had had the same rejected.

Lost.

The third committee amendment, as substitute was adopted.

Senator Shannon called for a division of the fourth committee amendment.

The first part of the fourth committee amendment was adopted.

The second part of the fourth committee amendment was adopted by the following vote:

YEAS—17.

Bell,	Harrison,	Perry,
Davis,	Houston of Bexar,	Pfeuffer,
Evans,	Jerdone,	Shannon,
Fowler,	Kilgore,	Traylor,
Garrison,	Kleberg,	Woods.
Getzendaner,	Knittel,	

NAYS—5.

Calhoun,	Houston of Wheeler,	Terrell.
Glasscock,	Pope,	

The following message was received from the House:

HOUSE OF REPRESENTATIVES.
AUSTIN, March 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to inform your honorable body of the passage of the following bills, to wit:

Substitute House bill No. 72, "An act to amend article 4367 of the Revised Statutes."

House bill No. 96, "An act to amend an act entitled 'an act to amend article 4411 of the Revised Civil Statutes,' approved March 5, 1883."

House bill No. 164, "An act to amend article 4245, title 84, chapter 10 of the Revised Statutes of Texas."

Substitute House bills Nos. 171 and 208, "An act to amend article 425 of the Penal Code of the State of Texas."

A. D. SADLER,

Chief Clerk House of Representatives.

Substitute House bill No. 72, and House bill No. 96 and House bill No. 114 were referred to Judiciary Committee No. 1.

Substitute House bills Nos. 171 and 208 was referred to Judiciary Committee No. 2.

On motion of Senator Calhoun,

The Senate adjourned till 3 o'clock this afternoon.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

No quorum present.

Senator Getzendaner moved a call of the Senate in the evening session.

Call sustained.

Senators Houston of Wheeler, Jerdone, Kilgore and Pope were found to be absent without excuse.

The Sergeant-at-Arms was dispatched to bring in the absent Senators.

Senator Jerdone was announced.

Senator Kilgore was announced.

Senator Pope was announced.

Senator Houston of Wheeler was announced, and

The Senate was declared full.

The Senate resumed consideration of the land bill, ending on adjournment.

The fifth committee amendment was adopted.

The sixth committee amendment was adopted.

The seventh committee amendment was adopted.

The eighth committee amendment was adopted.

The ninth committee amendment was adopted.

The tenth committee amendment was adopted.

Senator Houston of Wheeler called for a division of the eleventh committee amendment.

Senator Traylor offered the following substitute for the first part of the eleventh amendment:

Strike out "not exceeding three" and insert "not exceeding five."

Adopted by the following vote:

YEAS—15.

Calhoun,	Glassecock,	Kleberg,
Davis,	Houston of Bexar,	Knittel,
Evans,	Houston of Wheeler,	Pfeuffer,
Fowler,	Jerdone,	Terrell,
Harrison,	Kilgore,	Traylor.

NAYS—7.

Bell,	Perry,	Stinson,
Getzendaner,	Shannon,	Woods
Harrison,		

ABSENT, NOT VOTING.

Pope.

The substitute was adopted as a part of the bill.

The second part of the eleventh amendment was adopted.

Senator Shannon offered the following substitute for the twelfth committee amendment:

Strike out the words "in the district court in Travis county," and strike out all after the word "rents," in line 12, to the end of line 16.

Lost by the following vote:

YEAS—9.

Bell,	Garrison,	Kilgore,
Evans,	Getzendaner,	Shannon,
Fowler,	Harrison,	Terrell.

NAYS—13.

Calhoun,	Jerdone,	Pfeuffer,
Davis,	Kleberg,	Stinson,
Glassecock,	Knittel,	Traylor,
Houston of Bexar,	Perry,	Woods
Houston of Wheeler,		

ABSENT, NOT VOTING.

Pope.

The committee amendment was lost by the following vote:

YEAS—5.

Calhoun,	Garrison,	Houston of Wheeler.
Evans,	Houston of Bexar,	

NAYS—16

Bell,	Kilgore,	Shannon,
Davis,	Kleberg,	Stinson,
Fowler,	Peacock,	Terrell,
Getzendaner,	Perry,	Traylor,
Glassecock,	Pfeuffer,	Woods.
Jerdone,		

ABSENT, NOT VOTING.

Pope.

Senator Davis moved to reconsider the vote by which the amendment was lost.

The President gave notice of signing House bill No. 174, "An act for the relief of Virginia E. Littlepage, and to authorize the county court of Travis county to issue to her letters of administration on the estate of her father, Caleb V. Littlepage."

The motion to reconsider was adopted by the following vote:

YEAS—15.

Bell,	Garrison,	Kilgore,
Calhoun,	Getzendaner,	Peacock,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Terrell,
Fowler,	Houston of Wheeler,	Traylor.

NAYS—8.

Glassecock,	Knittel,	Stinson,
Jerdone,	Perry,	Woods.
Kleberg,	Pfeuffer,	

ABSENT, NOT VOTING.

Pope.

Senator Houston of Bexar moved to reconsider the vote defeating Senator Shannon's substitute.

Adopted.

The substitute was withdrawn.

Senator Houston of Bexar offered the following:

Strike out of engrossed rider, in line 1, "in the district court of Travis county," and also all after the word "act," in line 9, down to and including line 16.

Adopted by the following vote:

YEAS—14.

Bell,	Garrison,	Shannon,
Calhoun,	Getzendaner,	Stinson,
Davis,	Harrison,	Terrill,
Evans,	Houston of Bexar,	Traylor.
Fowler,	Houston of Wheeler,	

NAYS—8.

Jerdone,	Knittel,	Pfeuffer,
Kilgore,	Peacock,	Woods.
Kleberg,	Perry,	

ABSENT, NOT VOTING.

Glasscock,	Pope.
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The amendment as amended was adopted.

Senator Houston of Wheeler offered the following amendment to the thirteenth committee amendment:

Amend by adding after the word "pine" the word "cedar."

Adopted.

Senator Shannon moved to reconsider the vote adopting the amendment.

Withdrawn.

Senator Davis moved to amend by striking out cypress, pine and cedar.

Adopted.

Senator Terrell moved to amend by adding after the word "shingles" the words "cross-ties or telegraph or telephone poles."

Adopted.

Senator Woods offered the following amendment:

Add to section —, (which section provides for sale of pine or cypress timber) the following: "Provided, no timber shall be cut, destroyed or removed from said land until the full amount of purchase money has been paid into the State treasury."

Adopted.

The committee amendment, as amended, was adopted.

Senator Terrell offered the following amendment to the fourteenth committee amendment:

Amend by adding "and insert the word 'thereby' in its stead."

Lost.

The fourteenth committee amendment was adopted.

Senator Glasscock moved to amend the fifteenth committee amendment by inserting the words "not less than" before the words "two dollars," in third line.

Lost.

The fifteenth committee amendment was adopted.

Senator Houston of Bexar, offered the following amendment:

Amend by adding to section 12:

"Provided, that any one person may be permitted to purchase as much as seven sections of dry and one of watered land, which are suitable for grazing purposes only."

Senator Glasscock offered the following amendment:

Amend, by adding to section 26, the following:

"The Commissioner of the General Land Office is further authorized to appoint one person to act as State rent agent, whose duty it shall be to go in person, under the direction of said Commissioner, and examine all the lands belonging to the State that are being used by any person, firm or corporation without paying rent thereon, and should said agent find any such lands being used without being rented, he shall demand rent from such person, firm or corporation, to be paid into the State treasury under the provisions of this act."

The Commissioner of the General Land Office shall furnish said State rent agent with a map of each county containing any of the State lands, with an estimate of the number of acres belonging to the State in each county subject to rent under this act, and if said agent, after examining any of the lands, finds that they are being used without being rented under the provisions of this act, may employ a surveyor to aid him in making measurement of such lands, and said surveyor shall not receive more than four dollars per day for time actually employed, and his fees shall be paid by the person, firm or corporation leasing said lands.

In each and every case, said State rent agent shall make full report of every person, firm or corporation raising cash or other stock in any of the unorganized counties in this State to the Commissioner of the General Land Office, giving the name and the place where located, the number of acres of land being used and the number of head of stock being grazed on said land, as near as he can ascertain, and the estimated value thereof; and said agent shall make a duplicate of said report and file the same in the office of the assessor in the organized county to which such unorganized county is attached for such purposes, for the purpose of enabling said assessor to make an assessment of the value of the property belonging to any such person, firm or corporation; and said agent shall have authority to examine witnesses to ascertain the facts necessary to be contained in his report.

The annual salary of said State rent agent shall be \$1200 and a commission of twenty-five cents for each section of land rented, and said commission shall be collected from the person, firm or corporation leasing said land, by the Commissioner of the General Land Office for the use of said State rent agent, which shall be paid to him; but his salary shall not exceed \$3600 per annum, and any commissions that may be collected in excess of this amount shall be paid into the State treasury in the same manner as other Land Office fees.

If it should be necessary for the protection of said agent while traveling in the discharge of his duties, the Adjutant General of the State shall furnish him with sufficient number of State troops for his protection.

Said State rent agent shall pay all his traveling and other expenses, and shall be required to give a bond of five thousand dollars for the faithful performance of his duties under this act.

Also amend the caption to conform to this amendment.

On motion of Senator Houston of Wheeler,

The Senate adjourned till 10 o'clock to-morrow morning.

FIFTY-EIGHTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, March 21, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Kleberg,

The reading of the journal of yesterday was dispensed with.

REPORTS OF STANDING COMMITTEES.

By Senator Traylor:

COMMITTEE ROOM,
AUSTIN, March 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred House bill No. 373, entitled "An act to authorize the collector of a newly organized county to collect the unpaid taxes found to be due in his county by the assessor's rolls of the county or counties from which such county has been taken or to which it has been attached for judicial purposes, and to provide for making transcripts from such rolls for the use of the collector in the new

county." have had the same under consideration, and instruct me to report it back with the recommendation that it do pass. All of which is respectfully submitted.

TRAYLOR, Chairman.

Bill read first time.
By Senator Davis:

COMMITTEE ROOM,
AUSTIN, March 21, 1885.

Rep. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred substitute House bills Nos 171 and 208, entitled "An act to amend article 425 of the Penal Code of the State of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass, with the following amendment:
Strike out "or by muddying the water."
All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

Senator Terrell called up Senate concurrent resolution No. 5, regarding adjournment sine die, and moved that the Senate concur in the House amendment.

Adopted by the following vote:

YEAS—13.

Davis,	Kilgore,	Shannon,
Fowler,	Kleberg,	Stinson,
Getzendanar,	Knittle,	Terrell,
Hall,	Perry,	Woods.
Houston of Bexar,		

NAYS—8.

Hall,	Houston of Wheeler,	Pfeuffer,
Calhoun,	Jerdone,	Traylor.
Garrison,	Peacock,	

ABSENT, NOT VOTING.

Evans,	Harrison,	Pope.
Glasscock,		

Senator Shannon entered a motion to reconsider the vote by which the Senate concurred in the House amendment.

Senator Terrell called up the motion to reconsider and moved to table it.

Lost by the following vote:

YEAS—9.

Davis,	Houston of Bexar,	Stinson,
Evans,	Kilgore,	Terrell,
Getzendanar,	Kleberg,	Woods.

NAYS—14.

Hall,	Harrison,	Pfeuffer,
Calhoun,	Jerdone,	Pope,
Fowler,	Garrison,	Shannon,
Garrison,	Peacock,	Traylor.
Hall,	Perry,	

ABSENT, NOT VOTING.

Houston of Wheeler.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 21, 1885.

Rep. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage of Senate bill No. 260, "An act to amend articles 1006, and 1008 of an act entitled 'an act to amend articles 1006, and 1008 of the Revised Civil Statutes of the State of Texas,' approved February 21, 1879, passed by the Eighteenth Legislature, and approved April 9 1883," with House amendments.

A. D. SADLER,
Chief Clerk House of Representatives.

The Senate resumed consideration of substitute House bills Nos. 8, 34 and 70, "An act to provide for

the leasing and sale of the lands heretofore or hereafter to be surveyed and set apart for the benefit of the common schools, University, the Lunatic, Blind, Deaf and Dumb and Orphan Asylum funds."

The amendment of Senator Houston of Bexar was lost by the following vote:

YEAS—9.

Hall,	Kleberg,	Pope,
Houston of Bexar,	Knittel,	Shannon,
Jerdone,	Perry,	Terrell.

NAYS—14.

Bell,	Getzendanar,	Pfeuffer,
Calhoun,	Harrison,	Stinson,
Evans,	Houston of Wheeler,	Traylor,
Fowler,	Kilgore,	Woods.
Garrison,	Peacock,	

ABSENT, NOT VOTING.

Davis, Glasscock.

Senator Davis offered to amend the amendment of Senator Glasscock as follows:

Strike out "State rent agent" and insert "State grass commissioner."

Lost.

Senator Harrison offered the following substitute for the Senator Glasscock amendment:

Amend by adding to section 26 the following:

One of the clerks provided for in this section shall be known as "State rent agent," whose duty it shall be, under the direction of the Commissioner of the Land Office, to go in person and examine all lands embraced in this act that are being used by any person, firm or corporation, and make a full and complete report in each and every case where such lands are being used in a manner contrary to the provisions of this act, giving the name of the person, firm or corporation, the location, and the amount of lands claimed or used by them as a stock range for grazing purposes, and the number of cattle or other stock being grazed on said land, and the value thereof, as near as can be ascertained; and he shall forward said report, together with such other information as he may have, to the General Land Office, which shall be filed among the archives of said office to be used for the purpose of carrying out the provisions of this act.

It shall be the duty of said rent agent to demand rent from every person, firm or corporation for any lands being used by them in a manner unauthorized by this act, which rent shall be paid into the State treasury by such person, firm or corporation as provided for the payment of rents in this act. Said State rent agent shall receive for his services, in addition to the salary herein prescribed, the sum of twenty-five cents for each section leased, or upon which rent is collected, to be paid annually by the lessee to the Commissioner of the Land Office at the time the rent is due and payable; provided, his salary and fees shall in no one year exceed thirty-six hundred dollars, and if there be an excess it shall be paid into the State treasury in like manner as other Land Office fees; provided further, that said State rent agent shall pay all his traveling and other expenses.

Adopted by the following vote:

YEAS—18.

Bell,	Harrison,	Perry,
Evans,	Jerdone,	Pfeuffer,
Fowler,	Kilgore,	Shannon,
Garrison,	Kleberg,	Terrell,
Getzendanar,	Knittel,	Traylor,
Hall,	Peacock,	Woods.

NAYS—6.

Calhoun,	Houston of Bexar,	Pope,
Davis,	Houston of Wheeler,	Stinson,

ABSENT, NOT VOTING.

Glasscock

The amendment, as substituted, was adopted by the following vote:

YEAS—17.

Bell,	Harrison,	Perry,
Evans,	Jerdone,	Pfeuffer,
Fowler,	Kilgore,	Shannon,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Woods.
Hall,	Peacock,	

NAYS—7.

Calhoun,	Houston of Wheeler,	Stinson,
Davis,	Pope,	Traylor.
Houston of Bexar,		

ABSENT NOT VOTING.

Glasscock.

Senator Houston of Wheeler offered the following amendment:

In line 24, section 2, after the word "used," add "provided further, all leases executed under this act shall, during the term thereof, remain subject to the right of the State at any time to alter, amend, reform or cancel the same, and it shall be so recited in all leases."

Senator Harrison offered the following substitute for the amendment:

"The State reserves the right by legislative enactment to alter, change or amend any contract of lease made under this act."

Accepted.

Lost by the following vote:

YEAS—3.

Harrison,	Houston of Wheeler,	Pope.
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NAYS—20.

Bell,	Houston of Bexar,	Pfeuffer,
Davis,	Jerdone,	Shannon,
Evans,	Kilgore,	Stinson,
Fowler,	Kleberg,	Terrell,
Garrison,	Knittel,	Traylor,
Getzendaner,	Peacock,	Woods.
Hall,	Perry,	

ABSENT, NOT VOTING.

Calhoun,

Glasscock.

Senator Getzendaner moved to amend by inserting "ten," instead of "six," in section 2, line 3.

Lost.

Senator Peacock offered the following amendment:

Amend section 2 by striking out all down to and including the word "years," in line 3, and insert the following: "Said lands may be leased to any person, firm or corporation for any period not longer than six years."

Adopted by the following vote:

YEAS—15.

Davis,	Kilgore,	Pfeuffer,
Fowler,	Kleberg,	Shannon,
Hall,	Knittel,	Terrell,
Harrison,	Peacock,	Traylor,
Jerdone,	Perry,	Woods.

NAYS—9.

Bell,	Garrison,	Houston of Wheeler,
Calhoun,	Getzendaner,	Pope,
Evans,	Houston of Bexar,	Stinson.

ABSENT, NOT VOTING.

Glasscock.

Senator Traylor offered the following amendment to section 2:

Strike out the provision from line 14 to line 24 inclusive, which gives the preference right to lease to the person or corporation using the school land to the extent of the range claimed.

Adopted by the following vote:

YEAS—20.

Davis,	Jerdone,	Pope,
Evans,	Kilgore,	Shannon,
Fowler,	Kleberg,	Stinson,
Garrison,	Knittel,	Terrell,
Getzendaner,	Peacock,	Traylor,
Hall,	Perry,	Woods.
Harrison,	Pfeuffer,	

NAYS—4.

Bell,	Houston of Bexar,	Houston of Wheeler,
Calhoun,		

ABSENT, NOT VOTING.

Glasscock.

Senator Davis offered the following amendment to section 2:

Strike out all after "application," in line 11, to "and," in line 14.

(Senator Getzendaner in the chair.)

The amendment of Senator Davis was adopted by the following vote:

YEAS—16.

Davis,	Harrison,	Peacock,
Evans,	Jerdone,	Pfeuffer,
Fowler,	Kilgore,	Shannon,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Woods.
Hall,		

NAYS—7.

Bell,	Houston of Wheeler,	Stinson,
Calhoun,	Perry,	Traylor.
Houston of Bexar,		

ABSENT, NOT VOTING.

Glasscock,

Pope.

Senator Fowler offered the following amendment:

Add another section to the bill as follows:

Section —. Land having upon it timber suitable for lumber or shingles may be sold to actual settlers only, at five dollars per acre cash, and in quantities not less than one-fourth section, or more than one-half section, unless the survey is a fraction of a section. In order to purchase land under this section the applicant shall file with the surveyor his written application, verified by affidavit designating the quarter or half section which he desires to purchase, and stating that he intends to settle upon the same in good faith and occupy and improve it. The surveyor shall immediately record and deliver the application to the applicant upon the payment of a fee of one dollar. Within six months thereafter the applicant shall forward the application and purchase money to the General Land Office, whereupon it shall be the duty of the Commissioner to deposit said money in the State treasury and issue a patent to said applicant for the land described in his application; provided, the purchaser shall not be permitted to destroy or use the timber upon such land until he deposits the purchase money for the same in the Land Office as above set forth.

Adopted.

Senator Traylor offered the following amendment to section 12:

Prefix "dry" before lands, in line 1, and add after "acre," in line 2, "and all lands with permanent water on them, or bordering on them, shall be sold at \$3 per acre."

Adopted.

Senator Shannon moved to amend section 13, by striking out, after the words "on it," in line 20, down to and including the word "thereon," in line 21.

Adopted.

Senator Bell offered the following amendment:

Amend section 19 by adding thereto: "Provided, that where any railroad company constructs its line of road across any lands belonging to the several funds hereinbefore mentioned"

shall have laid off a town site thereon, the purchase money for said section or sections on which a town site is laid off be paid to the Treasurer of the State in full by the original purchaser or his assigns at any time subsequent to the completion of the railroad and the laying out of the town site, the Commissioner of the General Land Office shall at once issue patent for such land to the owner thereof upon the payment of said purchase money, and when it is made to appear by the affidavit of two credible citizens that the railroad has been constructed across said land, and the said town site laid off."

Adopted by the following vote:

YEAS—20.

Houston of Wheeler, Pfeuffer,
Jerdone, Pope,
Kilgore, Shannon,
Kleberg, Terrell,
Knittel, Traylor,
Peacock, Woods,
Perry,

NAYS—4.

Garrison, Stinson.

ABSENT, NOT VOTING.

Glasscock.

Senator Harrison offered the following amendment:

Amend engrossed rider by striking out, in line 4, the following words, "use said lands," and insert, "herd, loose herd or pasture his stock for the purpose of grazing upon any of such lands by line-riding, fencing or otherwise."

Adopted by the following vote:

YEAS—19.

Harrison, Perry,
Houston of Bexar, Shannon,
Jerdone, Stinson,
Kilgore, Terrell,
Knittel, Traylor,
Peacock, Woods,

NAYS—4.

Houston of Wheeler, Kleberg, Pfeuffer.

ABSENT, NOT VOTING.

Glasscock,

Pope.

The bill was passed to third reading.

Senator Traylor moved to suspend the constitutional rule and place the bill on its final passage.

Adopted by the following vote:

YEAS—21.

Hall, Perry,
Calhoun, Harrison, Pfeuffer,
Davis, Houston of Bexar, Pope,
Evans, Jerdone, Shannon,
Fowler, Kilgore, Terrell,
Harrison, Kleberg, Traylor,
Getzendaner, Knittel, Woods,

NAYS—2.

Peacock, Stinson.

ABSENT, NOT VOTING.

Glasscock,

Houston of Wheeler.

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

YEAS—19.

Harrison, Pfeuffer,
Jerdone, Shannon,
Kilgore, Stinson,
Kleberg, Terrell,
Knittel, Traylor,
Perry, Woods,

NAYS—4.

Calhoun, Peacock, Pope,
Houston of Wheeler,

Glasscock,

ABSENT, NOT VOTING,
Houston of Bexar.

(The President in the chair.)

The President laid Senate bill No. 260, "An act to amend articles 1006, 1007 and 1008 of the Revised Civil Statutes of the State of Texas, approved February 21, 1879, passed by the Eighteenth Legislature, and approved April 9, 1883," before the Senate, with House amendments.

On motion of Senator Perry,

The Senate concurred in the House amendments.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage of the following bills:

Senate bill No. 157, "An act to amend articles 1770, 1771, 1772, 1773, 1777 and 1780 of the Revised Statutes, so as to better regulate the law of escheats."

House bill No. 349, "An act to amend article 797, chapter 17, title 17 of the Penal Code of the State of Texas."

A. D. SADLER,

Chief Clerk House of Representatives.

House bill No. 349 was referred to Judiciary Committee No. 1.

On motion of Senator Houston of Bexar,

House bill No. 437, "An act to protect mechanics, operatives, book-keepers, clerks and laborers, who perform labor in any mill factory, shop, store, office or farm, against the failure of owners, sub-owners, contractors or agents to pay their wages, and to provide a lien for such wages," was taken up out of its regular order, and,

On motion of Senator Davis,

Was made the special order for Monday after morning call, and from day to day till disposed of.

On motion of Senator Pope,

House bill No. 324, entitled "An act to compel railroads and other corporations to establish and maintain public offices in the State of Texas, and providing what books shall be kept thereat, and what said books shall contain, and requiring them to keep said books open for inspection, and to compel them to report to the Comptroller or Governor the true status of said corporations, and such other matters as may be required by said Governor or Comptroller, and providing appropriate penalties for a failure to comply herewith," was taken up and made the special order for Monday after the first special order after morning call, and from day to day till disposed of.

On motion of Senator Davis,

House bill No. 489, "An act to amend chapter 6, title 8 of the Penal Code, by adding article 259a," was taken up out of its regular order and read the second time, and was passed to third reading.

On motion of Senator Davis,

The constitutional rule was suspended and

The bill was placed on its final passage by the following vote:

YEAS—20.

Bell, Getzendaner,
Calhoun, Evans,
Davis, Fowler,
Garrison, Houston of Bexar,

Houston of Wheeler, Jerdone, Kilgore, Kleberg,	Peacock, Perry, Pfeuffer, Pope,	Stinson, Traylor, Woods.
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NAYS—2.

Harrison,	Terrell.	
Glasscock,	Knittel,	Shannon.

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

YEAS—18.

Bell, Calhoun, Davis, Evans, Fowler, Garrison,	Getzendaner, Hall, Houston of Bexar, Houston of Wheeler, Jerdone, Kilgore,	Kleberg, Peacock, Pfeuffer, Pope, Traylor, Woods.
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NAYS—4.

Harrison, Perry,	Stinson,	Terrell.
Glasscock,	Knittel,	Shannon.

Senator Bell moved to postpone the special orders and take up House bills on second and third reading.

Adopted.

House bill No. 79, entitled "An act to amend chapter 9 and section 10 of an act of the regular session of the Seventeenth Legislature, entitled 'an act authorizing the commissioners' courts of the several counties of the State to issue bonds for the erection of a court house, and to levy a tax to pay the same,' approved February 11, A. D. 1881, so as to include the issue of jail bonds, denominated as chapter 17 of the acts of the special session of the Legislature held in 1884, and to validate bonds issued under an act entitled 'an act to amend chapter 9, section 10 of an act of the regular session of the Seventeenth Legislature, entitled 'an act authorizing the county commissioners' courts of the several counties of this State to issue bonds for the erection of a court house, and to levy a tax to pay the same,' approved February 11, 1881, so as to include the issue of jail bonds," was laid before the Senate and read the second time.

Senator Getzendaner offered the following amendment:

Amend by adding to section 1 as follows:
Provided counties having an area greater than 2000 square miles shall not be permitted to create a bonded debt under the provisions of this act.

Lost.

The bill was passed to third reading.
House bill No. 9, "An act to amend articles 3201, 3222 and 3225 of the Revised Civil Statutes of the State of Texas, adopted at the regular session of the Sixteenth Legislature," was laid before the Senate, and

Read the second time with majority (unfavorable) and minority (favorable) reports.

Senator Peacock moved the adoption of the majority report.

Senator Woods moved to substitute the minority for the majority report.

Lost by the following vote:

YEAS—9.

Calhoun, Evans, Getzendaner,	Harrison, Houston of Bexar, Perry,	Terrell, Traylor, Woods.
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NAYS—14.

Bell, Davis, Fowler, Garrison, Houston of Wheeler,	Jerdone, Kilgore, Kleberg, Knittel, Peacock,	Pfeuffer, Pope, Shannon, Stinson.
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ABSENT, NOT VOTING.

Glasscock,	Hall.
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The majority (unfavorable) report was adopted.
House bill No. 10, "An act to amend articles 120 and 1389 in title 29 of the Revised Civil Statutes of the State of Texas," was laid before the Senate, and read the second time with unfavorable committee report.

On motion of Senator Peacock,

The report (killing the bill) was adopted.

House bill No. 36, "An act to amend article 625 of the Code of Criminal Procedure, relating to challenges to the array," was laid before the Senate, and read second time, with unfavorable committee report.

On motion of Senator Davis,

The report was adopted, killing the bill.

On motion of Senator Pope,

One hundred copies of House bill No. 324 (railroad bill) were ordered printed for the use of the Senate.

Substitute House bill No. 41, "An act to amend chapter 1, title 10 of the Code of Criminal Procedure of the State of Texas," was laid before the Senate and read the second time, with unfavorable (majority) and favorable (minority) committee reports.

Senator Bell moved to substitute the minority for the majority report.

(Senator Terrell in the chair.)

Senator Pope moved the previous question on the motion to substitute the minority for the majority report.

Seconded, and main question ordered.

The motion to substitute was lost by the following vote:

YEAS—11.

Bell, Calhoun, Getzendaner, Kleberg,	Knittel, Perry, Pfeuffer, Stinson,	Terrell, Traylor, Woods.
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NAYS—13.

Davis, Evans, Fowler, Garrison, Hall,	Harrison, Houston of Bexar, Houston of Wheeler, Jerdone,	Kilgore, Peacock, Pope, Shannon.
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ABSENT, NOT VOTING.

Glasscock.

The majority report, defeating the bill, was adopted.

On motion of Senator Houston of Bexar,

The Senate adjourned till eleven o'clock Monday morning.

FIFTY-NINTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, March 23, 1885. }

The Senate met pursuant to adjournment.
Lieutenant-Governor Gibbs in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain, Dr. Smoot.
On motion of Senator Getzendaner,
The reading of the journal of Saturday was dispensed with.

REPORTS OF STANDING COMMITTEES.

By Senator Harrison:

COMMITTEE ROOM,
AUSTIN, March 23, 1885.

Barnett Gibbs, President of the Senate:
Your Committee on Counties and County Boundaries, to whom was referred House bill No. 579, entitled "An act to divide the western portion of Tom Green county into six new counties, namely: Ector, Winkler, Loving, Upton, Crane and Carter, and defining the boundaries thereof," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.
All of which is respectfully submitted.

HARRISON, Chairman.

Bill read first time.
By Senator Randolph:

COMMITTEE ROOM,
AUSTIN, March 23, 1885.

Barnett Gibbs, President of the Senate:
Your Committee on State Affairs, to whom was referred the bill No. 391, entitled "An act amendatory of and supplementary to the several acts incorporating the city of Dallas," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.
All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.
By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, March 23, 1885.

Barnett Gibbs, President of the Senate:
Your Committee on Judicial Districts, to whom was referred the bill No. 271, entitled "An act to amend section 32 and section 33 of an act to redistrict the State into judicial districts to fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts, to be held on the next general election, to be held on the first Tuesday after the first Monday in November, 1884," and Senate bill No. 271, entitled "An act reorganizing the thirtieth and thirty-first judicial districts, and to create the thirty-ninth judicial district to fix the times for holding courts therein, and to provide for the appointment and election of judges and district attorneys in said districts," have had both of said bills under consideration and have instructed me to report the accompanying substitute back for the said bills, with the recommendation that the said substitute be adopted in lieu of the said bills, and that the said substitute do pass.
All of which is respectfully submitted.

FOWLER, Chairman.

Bill read first time.

BILLS AND RESOLUTIONS.

Senator Garrison:
An act to confer upon certain county courts the civil jurisdiction has been heretofore, or may hereafter be diminished, jurisdiction in all matters of eminent domain."
Referred to Judiciary Committee No. 2.

On motion of Senator Kleberg,
Senator Jones was excused indefinitely, on account of sickness.

On motion of Senator Terrell,
Senator Peacock was excused indefinitely.
On motion of Senator Houston of Wheeler,
Senator Glasscock was excused for Saturday.
On motion of Senator Stinson,
Senator Camp was excused indefinitely, on account of sickness.

Senator Terrell moved a call of the Senate on the morning session.

Call sustained.
Senators Jerdone and Perry were found to be absent without excuse, and
The Sergeant-at-Arms was ordered to bring in the absent Senators.

Senator Harrison, by leave, introduced the following concurrent resolution:

Resolved by the Senate, the House concurring, that the Governor of the State be, and is hereby authorized, to request, in the name of the State, the Mexican authorities to permit the removing of the remains of the late Col. Frank Johnson, who was buried in their territory.

Adopted.

On motion of Senator Pope,
The special orders were temporarily postponed and

House bill No. 85, "An act to amend articles 3164, 3165, 3166, 3171, 3176, 3177, 3178 and 3179, of title 61, chapter 2 of the Revised Civil Statutes of the State of Texas, relating to mechanics', contractors', builders' and material men's liens, and to add thereto, articles 3179a and 3179b," was taken up and read the second time.

Senator Davis moved to strike out articles 3179a and 3179b.

Adopted.

Senator Houston of Bexar moved to strike out all after the word "repairs," at the end of line 17, article 3179, down to and including line 28, article 3179.

Adopted.

Senator Evans offered to amend article 3173 by striking out all of said article after the word "property," in line 4.

Lost.

Senator Davis moved to strike out article 3177.

Adopted.

Senator Getzendaner moved to strike out 3177 and all after word "liens," in line 4 of caption.

Adopted.

Senator Terrell moved to amend by striking out the words "two months," in line 17, article 3165, and insert in lieu thereof the words "thirty days."

Adopted.

Senator Kilgore moved to amend by striking out 3177 in the enacting clause.

Adopted.

The bill was passed to third reading.

Senator Houston of Bexar moved to suspend the constitutional rule and place the bill on its final reading.

Adopted by the following vote:

YEAS—23.

Bell,
Calhoun,
Davis,
Farrar,

Fowler,
Garrison,
Getzendaner,
Glasscock,

Hall,
Harrison,
Houston of Bexar,
Houston of Wheeler,

Kilgore, Kleberg, Knittel, Pfeuffer,	Pope, Randolph, Shannon, Stinson,	Terrell, Traylor, Woods.
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NAYS—1.

Evans.

ABSENT, NOT VOTING.

Jerdone, Perry.

The bill was read third time and passed.
The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to report to your honorable body the passage of the following bills:

Senate bill No. 238, "An act to create the Webb county land district."

Senate bill No. 244, "An act to create the Hardeman land district."

House bill No. 148, "An act to amend section 14, chapter 67 of an act entitled 'an act to redistrict the State into judicial districts, and fix the time for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1884."

House bill No. 151, "An act to prevent the gift, sale or loaning of pistols or other deadly weapons to minors, and fixing penalties therefore."

House bill No. 229, "An act to amend article 4360 of the Revised Civil Statutes of the State of Texas, as amended by an act approved February 2, 1884, and an act approved February 5, 1884, chapters 11 and 13 of the general laws passed at the special session of the Eighteenth Legislature, relating to the changing of public roads."

House bill No. 533, "An act to authorize the Secretary of State to purchase for the use of the State the Texas Court of Appeals Reports, volumes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, and to contract for the relinquishment of the copyright of said reports with the persons owning the same, and to prevent the copyrighting of future volumes of said reports to the exclusion of the State, and to make an appropriation therefor."

Senate bill No. 8, "An act to amend chapter 2, article 566 of the Revised Civil Statutes." The House insists upon its amendments to said bill and asks for a conference committee, and appoints the following committee on the part of the House: Messrs. Browning, Steele and Pendleton of Bell.

Respectfully,

A. D. SADLER,
Chief Clerk House Representatives.

Senator Davis moved that the conference committee asked for be appointed.

Adopted.

The President appointed Senators Davis, Terrell and Woods on the committee.

House bill No. 148 was referred to Committee on Judicial Districts.

House bill No. 151 was referred to Judiciary Committee No. 2.

House bill No. 229 was referred to Committee on Roads and Bridges.

House bill No. 533 to Committee on Public Printing.

On motion of Senator Pope,

Senator Jerdone was excused for the day.

Senator Terrell moved to excuse Senator Perry for the day.

Adopted by the following vote:

YEAS—17.

Bell, Calhoun, Evans, Farrar, Fowler, Getzendaner,	Glasscock, Hall, Houston of Bexar, Houston of Wheeler, Kleberg, Knittel,	Pfeuffer, Pope, Shannon, Terrell, Traylor.
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NAYS—7.		
Davis, Garrison, Harrison,	Kilgore, Randolph,	Stinson, Woods.

Senate bill No. 258 (the Kilgore railroad bill) was laid before the Senate as the special order, and on motion of Senator Kilgore was postponed till Senate bills on third reading and House bills on second reading are disposed of.

Senator Houston of Wheeler entered a motion to reconsider the vote by which the bill was postponed.

Senate bill No. 205, "An act defining who are to be buried in the State cemetery, and defining the powers and duties of the Superintendent of Public Grounds in relation thereto," was laid before the Senate as a special order, and was read the second time with committee amendments.

The committee amendments were adopted, and The bill was ordered engrossed.

House bill No. 49, "An act to amend article 4636 title 95, chapter 2 of the Revised Civil Statutes, was laid before the Senate, and

Read the second time and passed to third reading

House bill No. 437, "An act to protect mechanic operatives, book-keepers, clerks and laborers who perform labor in any mill, factory, shop, store office or farm, against the failure of owners, sub-owners, contractors or agents to pay their wages, and to provide a lien for such wages," was laid before the Senate, and read the second time with committee amendments.

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

On motion of Senator Terrell,

The special orders were further postponed, and House bill No. 391, "An act amendatory of and supplementary to the several acts incorporation the city of Dallas," taken up.

On motion of Senator Houston of Bexar,

The constitutional rule was suspended and the bill was placed on its second reading by the following vote:

YEAS—23.

Bell, Calhoun, Davis, Evans, Farrar, Fowler, Garrison, Getzendaner,	Glasscock, Hall, Harrison, Houston of Bexar, Houston of Wheeler, Kilgore, Knittel, Pfeuffer,	Pope, Randolph, Shannon, Stinson, Terrell, Traylor, Woods.
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NAYS—none.

The bill was read second time, and passed to third reading.

On motion of Senator Terrell,

The constitutional rule was suspended, and

The bill was placed on its final reading by the following vote:

YEAS—23.

Bell, Calhoun, Davis, Evans, Farrar, Fowler, Garrison, Getzendaner,	Glasscock, Harrison, Houston of Bexar, Houston of Wheeler, Kilgore, Kleberg, Knittel, Pfeuffer,	Pope, Randolph, Shannon, Stinson, Terrell, Traylor, Woods.
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NAYS—none.

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

YEAS—23.

Bell,	Glasscock,	Pope,
Calhoun,	Harrison,	Randolph.
Davis,	Houston of Bexar,	Shannon,
Evans,	Houston of Wheeler,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Harrison,	Knittel,	Woods.
Getzendaner,	Pfeuffer,	

NAYS—none.

Senator Traylor moved to postpone the executive session till Wednesday morning.

Adopted.

The following message was received from the Governor, and

On motion of Senator Calhoun, was ordered printed in the journal, and consideration of same was postponed till Wednesday:

To the Senate and House of Representatives:

GENTLEMEN—I again call your attention to the inequality of taxation now prevalent in this State. It has become a notorious fact that in certain sections of this State there are large interests that yield no revenue, comparatively, to the support of the government. It not only yields but a paltry sum compared to its vast amount, but this very interest is sustained and grows upon the property of the schools, asylums and University, free, while all the other sections are taxed to support these various institutions. So notorious have these facts become, that in a circular recently issued, the boast is made that these lands are being used free of charge and in defiance of law. The timber on these lands is being cut and hauled off and sold, and no prosecutions can be had, or the property protected, because of the sparse population, unorganized territory and other reasons.

In my message to the extra session of the Eighteenth Legislature I suggested the necessity for the organization of some tribunal not known to the present system, for the purpose of enforcing the laws in certain sections of the State.

The present Legislature has attached two organized counties to another for judicial purposes, for the reason that a sufficient number of law-abiding people cannot be found in them to enforce the law.

How much more, then, is it necessary to have some tribunal in the territory spoken of for the adjudication of these matters. This must be done, and the State must take litigation, criminal and civil, to distant parts of the State, or decline to attempt to enforce the law, either to collect taxes, correct crime or settle civil disputes.

Under the provision of the Constitution, which says, speaking of the judiciary, "and in such other courts as may be organized by the Legislature," ample authority is found to place courts in the midst of the territory alluded to that will administer the law.

I herewith transmit a communication from the Comptroller of Public Accounts, to which I invite the careful consideration of the two Houses.

JOHN IRELAND, Governor.

OFFICE OF COMPTROLLER,
AUSTIN, March 20, 1885.

His Excellency John Ireland, Governor:

DEAR SIR—Having been called upon by the Committee on Revenue and Taxation at an early day in this session of the Legislature for estimates based upon certain rates of revenue taxation, to-wit, 17½, 20, 22½ and 25 cents on the one hundred dollars worth of property, I forwarded the following estimates, which, doubtless, you have seen, viz.: Probable receipts for two years at 17½ cents would be \$3,332,812.

The probable receipts during the next two years, with the rate of taxation at 20 cents, assuming the taxable values to be the same as last year, will be, say, \$3,442,000.

The probable receipts during the next two years, with the rate of taxation increased to twenty-two and one-half cents, taxable values being the same, will produce, say \$3,562,000.

The probable receipts during the next two years, with the rate of taxation increased to twenty-five cents, will be, say \$3,682,000.

Assuming the probable expenses of the State government for the next two years to be as given in the last report from this office, less the item of deficiency provided for by recent

act of the Nineteenth Legislature, we have the probable expenses for the next two years \$3,400,368.

This, added to the increased items presented by the Legislature, which for extra session of the Nineteenth and regular session of the Twentieth Legislatures, will be in amount say \$250,000.

At the present rate of taxation we could well calculate on a deficiency at the end of two years of \$335,556.

The deficiency for the same time with the rate of taxation increased to twenty cents will be, say \$210,368.

The deficiency for the same time with the rate of taxation twenty-two and one-half cents will be, say \$96,000.

And with the rate of taxation at twenty-five cents we estimate a revenue surplus of \$23,632.

In this statement I have not considered any increase of taxable values over that of 1884, nor have I considered any probable increase in losses to the State from increased insolvent lists, and increased lists of sales of lands for the non-payment of taxes, which the stringency of the times indicate.

These estimates having been given out at the request of one of the most important committees of the Legislature, I think perhaps it is not improper for me, as the financial officer of the State, even at this late date, to present the subject to you, with some additional suggestions which you, at your discretion, may or may not present to the Legislature.

The relief sought to be effected by this communication is not intended to affect the amount to be levied for general revenue purposes, but a relief to the general school fund, which may be augmented from other sources, so as to no longer require increased taxation.

The total number of acres of land belonging to the common school fund, as ascertained from the report of the Hon. W. C. Walsh, Commissioner of the General Land Office, is 24,678,279, after deducting the sales made under the several acts of 1874, 1879 and 1881.

If the lands should all be leased at an average price of four cents per acre, it would produce.....	\$987,131 88
The receipts from land notes in the State Treasurer's office.....	476,606 86
Amount of interest on land sales by the State Land Board.....	189,974 45
Interest on county bonds held by the permanent school fund.....	104,622 00
Interest on State bonds held by the permanent school fund.....	117,900 00
Interest on railroad debt to the permanent school fund.....	95,000 00
One-fourth of the occupation taxes.....	211,000 00
Educational poll tax.....	215,000 00

Total amount..... \$2,397,245 19

The above sum (\$2,397,245.19) is \$364,000 more than was distributed to the several counties, derived from the 12 1-2 cents school tax and all other sources.

As may readily be seen, if the school lands can be leased at four (4) cents per acre, the people are relieved from the direct tax of 12 1-2 cents to support the schools.

The ad valorem school tax of 12 1-2 cents will produce \$603,826.00, and as above shown, 4 cents an acre rent for school lands will yield \$987,131.88.

But in this connection I trust I will be excused for calling your attention to the fact that the financial officers of the State will never be enabled to collect taxes to support the government, whether derived from direct tax or a tax in the shape of a lease law for school lands, unless adequate means are provided to enforce the law.

Nearly all the unleased school lands are located in the unorganized counties, in which no tax collector or any other officer of the law lives, and these lands are now occupied by corporations and individuals rent free, and who pay but a small sum on their immense personal profits.

This department has been and will continue to be powerless to enforce proper collections in the unorganized counties, unless new tribunals are created to inspect that extensive territory, to classify and value the lands, and to enforce the provisions of the law.

No tax of any character is ever paid when no means are provided to enforce its collection.

The representatives of the stock interest of the State, in their last State convention, in January last, unanimously adopted the following resolutions:

"1. That a majority of the members desire that the school lands be made to yield a revenue to the school fund under a just system of laws."

* * * * *
 "4. That if the Legislature will provide some means of enforcing respect for the law of April 12, 1883, or enact any other fair law, the school lands of Texas may be made to pay a vast sum annually."

Thus you have before you the declaration of the stock interest of Texas, that you must have means for enforcing respect for any lease law, if revenue is derived from free school lands.

The foregoing figures demonstrate that if the Legislature will adapt some mode whereby a lease law will be operative, and not oppressive to any interest in the immense territory embraced in the unorganized counties, the direct school tax of 12½ cents may be entirely dispensed with after the present year, and the State administered without a deficiency on an aggregate tax of 25 cents on the one hundred dollars valuation, thus diminishing instead of increasing taxation.

Unless some means of this character is adopted, it will require an ad valorem tax of 25 cents and a school tax of 12½ cents, amounting in the aggregate to 37½ cents, to avoid deficiency.

Very respectfully.

WM. J. SWAIN, Comptroller.

By leave, Senator Fowler sent up the following report:

COMMITTEE ROOM,
 AUSTIN, March 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred substitute House bill No. 148, entitled "A bill to be entitled an act to amend articles 8 and 14 of an act entitled 'an act to redistrict the State into judicial districts, and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883, to create the thirty-ninth judicial district of the State of Texas, fix the times for holding court therein, and provide for the appointment of a district judge for said district," have had the same under consideration and instruct me to report it back with the recommendation that it do pass with the following amendment:

Strike out the word "thirty-ninth" in the caption, and the same word in sections 2 and 3, and insert in lieu thereof the word "fortieth."

All of which is respectfully submitted.

FOWLER, Chairman.

Bill read first time.

(Senator Houston of Bexar in the chair.)

Senate bill No. 267 (the bill substituting granite for limestone, etc.) was laid before the Senate and read the third time.

Senator Pope moved to postpone consideration of the bill till Wednesday.

Lost by the following vote:

YEAS—12.

Davis,	Hall,	Pfeuffer,
Evans,	Harrison,	Pope,
Fowler,	Kilgore,	Randolph,
Garrison,	Kleberg,	Stinson.

NAYS—12.

Bell,	Glasscock,	Shannon,
Calhoun,	Houston of Bexar,	Terrell,
Farrar,	Houston of Wheeler,	Traylor,
Getzendaner,	Knittel,	Woods.

On motion of Senator Kleberg,
 The Senate adjourned till 3 o'clock this afternoon.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Senator Kleberg called up the motion of Senator Shannon to reconsider the vote by which the con-

current resolution regarding adjournment sine die was adopted.

Senator Pope moved to postpone consideration of the motion to reconsider till Thursday.

Senator Houston of Wheeler moved the previous question.

Seconded, and

Main question ordered.

The motion of Senator Pope to postpone was lost by the following vote:

YEAS—8.

Bell,	Glasscock,	Randolph,
Calhoun,	Houston of Wheeler,	Shannon.
Garrison,	Pope,	

NAYS—16.

Davis,	Harrison,	Pfeuffer,
Evans,	Houston of Bexar,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.
Hall,		

The motion to reconsider was lost by the following vote:

YEAS—8.

Bell,	Glasscock,	Randolph,
Calhoun,	Houston of Wheeler,	Shannon.
Garrison,	Pope,	

NAYS—16.

Davis,	Harrison,	Pfeuffer,
Evans,	Houston of Bexar,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.
Hall,		

On motion of Senator Houston of Wheeler,

The regular order of business was suspended and Senate bill No. 271, "An act to amend sections 22 and 33 of 'an act to redistrict the State into judicial districts, and to fix the time for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Monday of November, 1884,'" and

Senate bill No. 274, "An act reorganizing the thirtieth and thirty-first judicial districts, and to create the thirty-ninth judicial district, and to fix the times for holding court therein, etc., were taken up.

On motion of Senator Houston of Wheeler,

The constitutional rule was suspended and

The bills were placed on the second reading: the following vote:

YEAS—22.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Hall,	Pope,
Davis,	Houston of Bexar,	Shannon,
Evans,	Houston of Wheeler,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Garrison,	Knittel,	Woods.
Getzendaner,		

NAYS—none.

ABSENT, NOT VOTING.

Harrison, Randolph.

The bills were read the second time with committee substitute, and the committee substitute was adopted and was ordered engrossed.

On motion of Senator Houston of Wheeler,

The constitutional rule was suspended, and

The bill was placed on its final reading by the following vote:

YEAS—24.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Hall,	Pope,
Davis,	Harrison,	Randolph,
Evans,	Houston of Bexar,	Shannon,
Farrar,	Houston of Wheeler,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.

NAYS—none.

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

YEAS—23.

Bell,	Hall,	Pope,
Calhoun,	Harrison,	Randolph,
Evans,	Houston of Bexar,	Shannon,
Farrar,	Houston of Wheeler,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.
Glasscock,	Pfeuffer,	

NAYS—none.

ABSENT, NOT VOTING.

Davis.

On motion of Senator Hall, The regular order of business was suspended, and Senate bill No. 253, "An act to amend article 542 of the Revised Civil Statutes," was taken up, and

Read the second time and was ordered engrossed.

On motion of Senator Hall,

The constitutional rule was suspended, and the bill was placed on its final reading by the following vote:

YEAS—24.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Hall,	Pope,
Davis,	Harrison,	Randolph,
Evans,	Houston of Bexar,	Shannon,
Farrar,	Houston of Wheeler,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.

NAYS—none.

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

YEAS—23.

Bell,	Hall,	Pope,
Calhoun,	Harrison,	Randolph,
Davis,	Houston of Bexar,	Shannon,
Evans,	Houston of Wheeler,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Garrison,	Knittel,	Woods.
Getzendaner,	Pfeuffer,	

NAYS—none.

ABSENT, NOT VOTING.

Glasscock.

On motion of Senator Kleberg,

The regular order of business was postponed, and House bill No. 430, "An act to restrict the employment of sailors and crews of foreign vessels from rolling cotton, handling cargo or laboring on the wharves or levees of ports in the State of Texas, beyond the end of the ship tackle," was taken up, and

On motion of Senator Davis was made the special order for Tuesday after morning call, and from day to day till disposed of, by the following vote:

YEAS—14.

Bell,	Evans,	Getzendaner,
Calhoun,	Farrar,	Houston of Bexar,
Davis,	Garrison,	Houston of Wheeler,

Kilgore,	Pope,	Woods.
Pfeuffer,	Randolph,	

NAYS—10.

Fowler,	Knittel,	Stinson,
Hall,	Perry,	Terrell,
Harrison,	Shannon,	Traylor.

ABSENT, NOT VOTING.

Glasscock.

House bill No. 79, entitled "An act to amend chapter 9 and section 10 of an act of the regular session of the Seventeenth Legislature, entitled 'an act authorizing the commissioners' courts of the several counties of the State to issue bonds for the erection of a court house, and to levy a tax to pay the same,' approved February 11, A. D. 1881, so as to include the issue of jail bonds, denominated as chapter 17 of the acts of the special session of the Legislature held in 1884; and to validate bonds issued under an act entitled 'an act to amend chapter 9, section 10 of an act of the regular session of the Seventeenth Legislature, entitled an act authorizing the county commissioners' court of the several counties of this State to issue bonds for the erection of a court house, and to levy a tax to pay the same,' approved February 11, 1881, so as to include the issue of jail bonds," was laid before the Senate, and

Read the third time and passed by the following vote:

YEAS—21.

Bell,	Getzendaner,	Pfeuffer,
Calhoun,	Hall,	Pope,
Davis,	Houston of Bexar,	Randolph,
Evans,	Houston of Wheeler,	Shannon,
Farrar,	Kilgore,	Stinson,
Fowler,	Kleberg,	Terrell,
Garrison,	Knittel,	Woods.

NAYS—3.

Harrison,	Perry,	Traylor.
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ABSENT, NOT VOTING.

Glasscock.

The President laid House bill No. 195, "An act to amend article 1458 of the Revised Civil Statutes," before the Senate.

The bill was read second time, with unfavorable committee report.

Senator Davis moved the adoption of the committee report.

Senator Fowler moved to recommit the bill to Judiciary Committee No. 1

Lost.

The adoption of the report of the committee was lost by the following vote:

YEAS—12.

Davis,	Getzendaner,	Knittel,
Evans,	Houston of Bexar,	Perry,
Farrar,	Kilgore,	Pfeuffer,
Garrison,	Kleberg,	Terrell.

NAYS—13.

Mr. President,	Hall,	Randolph,
Bell,	Harrison,	Shannon,
Calhoun,	Houston of Wheeler,	Stinson,
Fowler,	Pope,	Woods.
Glasscock,		

Senator Fowler offered amendment:

Amend so as to allow the clerk a reasonable compensation, to be fixed by the court as a part of the costs.

Senator Davis offered to amend the amendment as follows:

Provided, the clerk, is not related to the judge, in which case the sheriff shall fix the compensation.

Adopted.

Senator Pope moved to reconsider the vote adopting the amendment of Senator Davis.

Adopted by the following vote:

YEAS—14.		
Bell,	Hall,	Shannon,
Calhoun,	Harrison,	Stinson,
Fowler,	Houston of Wheeler,	Traylor,
Getzendaner,	Pope,	Woods.
Glasscock,	Randolph,	

NAYS—11.		
Davis,	Houston of Bexar,	Perry,
Evans,	Kleberg,	Pfeuffer,
Farrar,	Kilgore,	Terrell.
Garrison,	Knittel,	

The amendment of Senator Davis was lost.

Senator Woods moved to amend by adding "not to exceed one per cent."

Accepted.

Senator Terrell moved to postpone the bill indefinitely.

Lost by the following vote:

YEAS—12.		
Davis,	Getzendaner,	Kleberg,
Evans,	Hall,	Perry,
Farrar,	Houston of Bexar,	Pfeuffer,
Garrison,	Kilgore,	Terrell.

NAYS—13.		
Bell,	Houston of Wheeler,	Shannon,
Calhoun,	Knittel,	Stinson,
Fowler,	Pope,	Traylor,
Glasscock,	Randolph,	Woods.
Harrison,		

The amendment as amended was adopted by the following vote:

YEAS—17.		
Bell,	Hall,	Randolph,
Calhoun,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Fowler,	Houston of Wheeler,	Traylor,
Getzendaner,	Kilgore,	Woods.
Glasscock,	Pope,	

NAYS—8.		
Davis,	Kleberg,	Pfeuffer,
Farrar,	Knittel,	Terrell.
Garrison,	Perry,	

Senator Kilgore offered the following amendment:

Amend so as to strike out county clerks in the bill, and make it apply only to district clerks.

Adopted.

Senator Houston of Wheeler offered the following amendment:

Amend line 1, section 1, by striking out the words, "Be it enacted by the Legislature of the State of Texas."

Lost by the following vote:

YEAS—11.		
Davis,	Houston of Wheeler,	Perry,
Farrar,	Kilgore,	Pfeuffer,
Garrison,	Kleberg,	Terrell.
Houston of Bexar,	Knittel,	

NAYS—14.		
Bell,	Glasscock,	Shannon,
Calhoun,	Hall,	Stinson,
Evans,	Harrison,	Traylor,
Fowler,	Pope,	Woods.
Getzendaner,	Randolph,	

Senator Davis moved the previous question on the engrossment of the bill.

Seconded and main question ordered.

The bill passed to third reading by the following vote:

YEAS—13.		
Bell,	Glasscock,	Shannon,
Calhoun,	Hall,	Stinson,
Evans,	Pope,	Traylor,
Fowler,	Randolph,	Woods.
Getzendaner,		

NAYS—12.		
Davis,	Houston of Bexar,	Knittel,
Farrar,	Houston of Wheeler,	Perry,
Garrison,	Kilgore,	Pfeuffer,
Harrison,	Kleberg,	Terrell.

House bill No. 252, "An act to amend article 636 chapter 3, title 8 of section 2 of an act entitled 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas,' was laid before the Senate and read the second time and,

On motion of Senator Bell,

The bill was postponed and made the special order for Wednesday after morning call, and from day to day till disposed of, and

One hundred copies were ordered printed for the use of the Senate:

(Senator Bell in the chair.)

House bill No. 214, "An act to compel railroad companies to provide double-decked cars for shipment of goats, sheep, hogs and calves, and to prevent discrimination against shippers thereof, and to provide penalties therefor, was laid before the Senate and read the second time, and,

On motion of Senator Shannon, was recommitted to Committee on Internal Improvements.

On motion of Senator Pope,

Senate bill No. 183, entitled "An act to amend section 1, chapter 38 of the general laws of the State of Texas, passed at the regular session of the Eighteenth Legislature," was taken up and read the second time with committee substitute, and Committee substitute adopted.

Senator Houston of Bexar moved to strike out "Tom Green" from list of exempted counties.

Adopted.

Senator Houston of Wheeler moved to amend by exempting all organized and unorganized counties in the nineteenth senatorial district.

Adopted.

Senator Calhoun moved to amend by adding the counties of Concho, McCulloch, San Saba (mentioned in article 430), to exempted list.

Adopted.

Senator Kleberg moved to amend by exempting McMullen county from the operations of this act and articles 425, 426, 426½, 427, 428 and 429.

Adopted.

Senator Hall offered the following amendment:

Strike out Dimmitt, Frio, Maverick and Zavalla from the list of exempted counties.

Adopted.

Senator Knittel moved to amend by striking out "Austin," in line 19, page 2.

Adopted.

Senator Garrison moved to strike out Panola county from the list of exempted counties, except as to article 429.

Adopted.

The bill was ordered engrossed.

On motion of Senator Davis,

Substitute House bills Nos. 171 and 208, "An act to amend article 425 of the Penal Code of the State of Texas," was taken up and read the second time, with committee amendment.

Senator Kleberg offered the following substitute for the amendment:

Amend by adding the following: "Provided, that the owner of the water shall not be subject to the penalties of this act."

Adopted by the following vote:

YEAS—16.

Bell,	Houston of Wheeler,	Pope,
Farrar,	Kilgore,	Shannon,
Fowler,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Traylor,
Glasscock,	Pfeuffer,	Woods.
Houston of Bexar,		

NAYS—9.

Calhoun,	Garrison,	Perry,
Davis,	Hall,	Randolph,
Evans,	Harrison	Stinson.

The amendment, as substituted, was adopted.

Senator Stinson offered the following amendment:

Amend by exempting the counties of the fifth and twenty-third Senatorial districts.

Senator Davis moved to exempt Cooke and Grayson counties.

Accepted.

Senator Evans moved to exempt the counties of Fannin, Lamar and Red River.

Accepted.

Senator Calhoun moved to exempt all the counties in the twenty-ninth senatorial district.

Accepted.

Senator Randolph moved to exempt the counties of Angelina, Grimes, Houston, Leon and Madison.

Accepted.

Senator Hall moved to exempt all the counties of the twenty-seventh Senatorial district.

Accepted.

Senator Perry moved to amend by exempting Brazos, Milam and Robertson counties.

Accepted.

Senator Calhoun moved to exempt Galveston county.

Accepted.

Senator Traylor offered the following amendment:

Exempt counties of the thirtieth senatorial district.

Accepted.

Senator Garrison offered the following amendment:

Amend by exempting the counties of Rusk, Panola, Shelby, San Augustine, Sabine and Nacogdoches, from the provisions of the bill.

Accepted.

Senator Houston of Bexar moved that the bill be recommitted to Judiciary Committee No. 2.

Senator Pope moved the previous question on the motion to recommit.

Seconded, and

Main question ordered.

The motion was adopted by the following vote:

YEAS—15.

Calhoun,	Farrar,	Glasscock,
Davis,	Garrison,	Hall,
Evans,	Getzendaner,	Houston of Bexar,

Kilgore,	Pfeuffer,	Shannon,
Perry,	Randolph,	Traylor,

NAYS—10.

Bell,	Kleberg,	Stinson,
Fowler,	Knittel,	Terrell,
Harrison,	Pope,	Woods.
Houston of Wheeler,		

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 23, 1885.

Hon. Barnett Gibbs, President of the Senate :

I am instructed to report to your honorable body the passage of the following joint resolutions amending the Constitution of the State of Texas, to-wit:

Substitute House joint resolutions Nos. 1 and 2, to amend sections 3 and 6 of article 5 of the Constitution of the State of Texas.

House joint resolution No. 25, proposing an amendment to section 20, article 16 of the Constitution of the State of Texas.

House joint resolution No. 27, "To amend section 8, article 5 of the Constitution of the State of Texas."

House concurrent resolution granting the use of the Hall of Representatives for certain purposes.

Respectfully,

A. D. SADLER,

Chief Clerk House of Representatives.

The President referred the House joint resolutions just reported to Committee on Constitutional Amendments.

On motion of Senator Pfeuffer,

The Senate adjourned till 10 o'clock to-morrow morning.

SIXTIETH DAY.

SENATE CHAMBER,
AUSTIN, March 24, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Garrison,

The reading of the journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Houston of Bexar:

Memorial of Knights of Labor, protesting against the employment of convicts outside the walls of the State prison.

Referred to Committee on State Affairs.

REPORTS OF STANDING COMMITTEES.

By Senator Kilgore:

COMMITTEE ROOM,
AUSTIN, March 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred House joint resolution No. 25, proposing an amendment to section 20, article 16, of the Constitution of the State of Texas, prohibiting the manufacture, sale, barter and exchange of intoxicating liquors, have had the same under consideration, and a majority of said committee instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted,

KILGORE, Chairman.

Read first time.

By Senator Davis:

COMMITTEE ROOM,
AUSTIN, March 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 278, entitled "An act to confer upon certain county courts whose civil jurisdiction has been heretofore (or may be hereafter) diminished, jurisdiction in all matters of eminent domain," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

By Senator Shannon:

COMMITTEE ROOM,
AUSTIN, March 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was recommended substitute House bill No. 214, entitled "An act to compel railroad companies to provide double-decked cars for shipment of goats, sheep, hogs and calves, and to prevent discrimination against shippers thereof, and to provide penalties therefor," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

SHANNON, Chairman.

Bill read first time.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, March 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 205, being "An act defining who are entitled to be buried in the State cemetery, and defining the duties and powers of the superintendent of public building and grounds in relation thereto," and find the same correctly engrossed.

BELL, Chairman.

By Senator Pfeuffer:

COMMITTEE ROOM,
AUSTIN, March 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Education, to whom was referred substitute House bill No. 238, entitled "An act to amend sections 42, 56, 62, 76, 78, 79 and 86 of an act entitled 'an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, title 78 of the Revised Civil Statutes of Texas as refer to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act,' and to add 43a thereto," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass, with the following amendments:

Amend section 2, introducing section 43a; at the close of it, after the words "Superintendent of Public Instruction," "provided, the county judge shall be paid quarterly in vouchers covering the amount due him according to the compensation allowed by this act for disbursements made for salaries of teachers and other expenditures of the school fund."

Amend section 3 of this bill, amending section 56, by striking out the word "proficiency" and inserting "affirming his or her good standing."

Amend section 5, amending section 76; add after the word "school," near the close of said section, the word "community," in both lines.

All of which is respectfully submitted.

PFEUFFER, Chairman,

Bill read first time.

On motion of Senator Pfeuffer,

One hundred copies of the bill, with committee amendments, were ordered printed for the use of the Senate.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, March 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 253, being "An act to amend ar-

ticle 542 of the Revised Statutes," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman,
COMMITTEE ROOM,
AUSTIN, March 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared substitute for Senate bills Nos. 251 and 274, being "An act to reorganize the thirtieth, thirty-first, thirty-second and thirty-third judicial districts, to create the thirty-ninth judicial district and fix the times for holding court therein and to provide for the appointment and election of judges and district attorneys in said thirty-ninth judicial district, and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman

The President gave notice of signing Senate bill No. 238, "An act creating the Webb land district;" and

Senate bill No. 244, "An act creating the Harde-man land district;" and

Senate bill No. 157, "An act to amend articles 1770, 1771, 1772, 1773, 1777 and 1780 of the Revised Civil Statutes, so as to better regulate the law of escheats;" and

House bill No. 105, "An act to create and provide for the organization of the county of Val Verde;" and

House bill No. 248, "An act making an appropriation to pay the mileage and per diem of the presidential electors of the State of Texas for the year 1884;" and

House bill No. 538, "An act to amend section 25 of an act to redistrict the State into judicial districts and fix the times for holding courts therein," etc. and

House bill No. 549, "An act to amend section 17 of an act entitled 'an act to redistrict the State into judicial districts,'" etc.; and

House bill No. 133, "An act to amend chapter 3, article 4405, relating to service on public roads;" and

House bill No. 331, "An act to establish and define the boundaries of the county of Webb, and legalize certain acts of the officers of said county;" and

House bill No. 501, "An act to amend section 9 of an act entitled 'an act to redistrict the State into judicial districts, and fix the times,'" etc.; and

House bill No. 241, "An act to amend section 40 of an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, of title 78 of the Revised Civil Statutes of Texas, as refer to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with the provisions of this act," passed February 4, 1884;" and

House bill No. 314, "An act relating to investments of the permanent public free school funds, and to provide against any loss of any such funds in making investments thereof;" and

House bill No. 570, "An act to validate all acts done and all ordinances passed by the city council of Mexia;" and

Substitute House bill No. 109, "An act to require railroad companies to place and keep that portion of their road bed and right of way over or across which public county roads may run, in proper condition for the use of the traveling public."

The following message was received from the House:

HOUSE OF REPRESENTATIVES.
AUSTIN, March 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage of House joint resolution No. 14, to amend section 2, article 6 of the Constitution of the State of Texas.

A. D. SADLER,
Chief Clerk House of Representatives.

House joint resolution No. 14 was referred to committee on Constitutional Amendments.

The President laid before the Senate as the first special order House bill No. 324, "An act to compel railroads and other corporations to establish and maintain public offices in the State of Texas, and providing what books shall be kept thereat, and what said books shall contain, and requiring them to keep said books open for inspection, and to compel them to report to the Comptroller or Governor the true status of said corporations, and such other matters as may be required by said Governor or Comptroller, and providing appropriate penalties for a failure to comply herewith."

The bill was read the second time with majority (unfavorable) and minority (favorable) committee reports.

Senator Pope moved to substitute the minority for the majority report.

(Senator Shannon, President pro tem., in the chair.)

The motion to substitute the minority for the majority report was adopted by the following vote:

YEAS—20.

Bell,	Harrison,	Perry,
Houston,	Houston of Bexar,	Pope,
Evans,	Houston of Wheeler,	Randolph,
Farrar,	Jerdone,	Shannon,
Harrison,	Kilgore,	Stinson,
Getzendaner,	Kleberg,	Woods.
Glasscock,	Knittel,	

NAYS—6

Davis,	Hall,	Terrell,
Fowler,	Pfeuffer,	Traylor.

By leave the following special report was sent up Senator Davis:

COMMITTEE ROOM.
AUSTIN, March 24, 1885.

Hon. Barnett Gibbs, President of the Senate, and Hon. L. L. Foster, Speaker of the House of Representatives:

Your conference committee, to whom was referred the differences between the two houses concerning Senate bill No. 8, titled "An act to amend chapter 2, article 566 of the Revised Civil Statutes," respectfully recommend that the House recede from House amendment No. 1, which seeks to add a subdivision to be known as subdivision No. 26; and that the Senate concur in House amendment No. 2, which seeks to amend subdivision No. 4 of the bill; and that the House recede from House amendment No. 3, which seeks to add clause No. 25 to the bill, so as to authorize the formation of corporations for the purchase and sale of merchandise, with capital stock not to exceed \$50,000.

Upon the first two recommendations there was no division in the committee, but concerning the third recommendation four of your committee are in favor of the recommendation and two opposed to it.

DAVIS,
WOODS,
TERRELL,
Senate committee.
BROWNING,
STEELE,
PENDLETON of Bell,
House committee.

COMMITTEE ROOM.
AUSTIN, March 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

The undersigned, a minority of your joint committee on the disagreements between the two houses on Senate bill No. 8, concur with the majority in recommending that the House recede from its first amendment, designated as subdivision No. 26; that the Senate concur in second House amendment to fourth subdivision. And we disagree with the majority in their recommendation that the House recede from the third House amendment, designated as subdivision No. 25. This is the amendment which authorizes corporations to be formed for the purchase and sale of merchandise, with capital stock not to exceed \$50,000. We recommend that the Senate concur in this amendment.

STERLE,
PENDLETON of Bell,
For Minority.

On motion of Senator Davis,

The majority report was adopted.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to the honorable Senate that the House adopted the minority report of the conference committee on Senate bill No. 8, relating to corporations.

Respectfully,

A. D. SADLER,
Chief Clerk House Representatives.

The President pro tem. gave notice of signing Substitute House bill No. 188, "An act to incorporate the Grand Royal Arch Chapter of Texas;" and

House bill No. 354, "An act to restore to and confer upon the county courts of Atascosa, Young, Leon, Dimmitt, Montgomery and Burnet counties the civil and criminal jurisdiction heretofore belonging to said courts under the Constitution and general statutes of the State, to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with this act."

Senator Houston of Bexar offered the following amendment to House bill No. 324:

Add to section 6 the following: Provided, that an honest mistake made in the entries in its books shall not subject a railroad company to the penalties of this section, if the office of said company shall be kept in this State in compliance with this act.

Adopted.

Senator Houston of Bexar moved to amend the penalty so as to make the penalty one thousand dollars per month.

Adopted by the following vote:

YEAS—19.

Bell,	Glasscock,	Perry,
Calhoun,	Hall,	Pfeuffer,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Terrell,
Farrar,	Jerdone,	Traylor,
Fowler,	Knittel,	Woods.
Getzendaner,		

NAYS—7.

Garrison,	Kleberg,	Randolph,
Houston of Wheeler,	Pope,	Stinson.
Kilgore,		

Senator Davis moved to strike out all of section 1 after the enacting clause, and to strike out section 2, and amend section 6 so as to make the penalty attach to any violation of section 3, article 10, of

the Constitution, or any of the provisions of this act.

Lost by the following vote:

YEAS—9.

Davis,	Getzendaner,	Pfeuffer,
Evans,	Hall,	Shannon,
Fowler,	Knittel,	Terrell.

NAYS—17.

Bell,	Houston of Bexar,	Pope,
Calhoun,	Houston of Wheeler,	Randolph,
Farrar,	Jerdone,	Stinson,
Garrison,	Kilgore,	Traylor,
Glasscock,	Kleberg,	Woods.
Harrison,	Perry,	

Senator Woods offered the following amendment:

Amend section 1, on page 2, in lines 2 and 3, by striking out "at some place upon the line of some railroad," and insert "in the locality where its principal business is carried on."

Senator Kleberg moved the previous question on amendment and the passage of the bill to its third reading.

Seconded, and

Main question ordered.

The amendment of Senator Woods was adopted, and

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

YEAS—21.

Bell,	Glasscock,	Perry,
Calhoun,	Harrison,	Pope,
Davis,	Houston of Bexar,	Randolph,
Evans,	Houston of Wheeler,	Shannon,
Farrar,	Jerdone,	Stinson,
Garrison,	Kilgore,	Traylor,
Getzendaner,	Kleberg,	Woods.

NAYS—3.

Hall,	Pfeuffer,	Terrell.
Fowler,	Knittel.	

I vote "no," because the legislation proposed by this bill is not, in my judgment, demanded or desired by the people. Of all the petitions presented during the present session not one has requested additional railway legislation of this character. On the contrary, remonstrances against such legislation have been made by many people. Besides it is unnecessary.

J. O. TERRELL

House bill No. 430, "An act to restrict the employment of sailors and crews of foreign vessels from rolling cotton, handling cargo or laboring on the wharves or levees of ports in the State of Texas, beyond the end of the ship's tackle," was laid before the Senate as the second special order, and

Read the second time with majority (favorable) and minority (unfavorable) committee reports.

Senator Kleberg moved the adoption of the majority report.

Senator Getzendaner moved to substitute the minority for the majority report.

(The President in the chair.)

Senator Fowler moved to adjourn till 3:30 o'clock this afternoon.

Lost by the following vote:

YEAS—6.

Bell,	Farrar,	Harrison,
Calhoun,	Fowler,	Pfeuffer.

NAYS—19.

Davis,	Getzendaner,	Houston of Bexar,
Evans,	Glasscock,	Houston of Wheeler,
Garrison,	Hall,	Jerdone,

Kilgore,	Pope,	Terrell,
Kleberg,	Randolph,	Traylor,
Knittel,	Stinson,	Woods.
Perry,		

ABSENT, NOT VOTING.

Shannon.

Senator Fowler sent up the following privileged report:

COMMITTEE ROOM,
AUSTIN, March 24, 1885

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 157, being "An act to amend articles 1770, 1771, 1772, 1773, 1777 and 1780 of the Revised Statutes, so as to better regulate the law of escheats," and find the same correctly enrolled, and have this day, at 10:30 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman,

COMMITTEE ROOM,
AUSTIN, March 24, 1885

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 233, being "An act to create the Webb land district," and find the same correctly enrolled, and have this day, at 10:30 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman,

COMMITTEE ROOM,
AUSTIN, March 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 244, being "An act to create the Hardeman land district," and find the same correctly enrolled and have this day, at 10:30 o'clock a. m., presented the same to the Governor for his approval.

FOWLER, Chairman,

On motion of Senator Bell,
The Senate adjourned till 3 o'clock this afternoon.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

The Senate resumed consideration of House bill No. 430, "An act to restrict the employment of sailors and crews of foreign vessels from rolling cotton, handling cargo, or laboring on the wharves or levees of ports in the State of Texas, beyond the end of the ship tackle."

Senator Perry moved the previous question on the motion to substitute the minority for the majority report.

Seconded; and

The main question was ordered by the following vote:

YEAS—14.

Bell,	Glasscock,	Knittel,
Farrar,	Hall,	Perry,
Fowler,	Houston of Bexar,	Traylor,
Garrison,	Jerdone,	Woods.
Getzendaner,	Kleberg,	

NAYS—12.

Calhoun,	Houston of Wheeler,	Randolph,
Davis,	Kilgore,	Shannon,
Evans,	Pfeuffer,	Stinson,
Harrison,	Pope,	Terrell.

The minority report was lost by the following vote:

	YEAS—10.	
Calhoun,	Getzendaner,	Perry,
Davis,	Houston of Bexar,	Pfeuffer,
Evans,	Kilgore,	Shannon.
Farrar,		

	NAYS—16.	
Bell,	Houston of Wheeler,	Randolph,
Fowler,	Jerdone,	Stinson,
Garrison,	Kleberg,	Terrell,
Glasscock,	Knittel,	Traylor,
Hall,	Pope,	Woods.
Harrison,		

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

	YEAS—16.	
Bell,	Houston of Wheeler,	Randolph,
Fowler,	Jerdone,	Stinson,
Garrison,	Kleberg,	Terrell,
Glasscock,	Knittel,	Traylor,
Hall,	Pope,	Woods.
Harrison,		

	NAYS—10.	
Calhoun,	Getzendaner,	Perry,
Davis,	Houston of Bexar,	Pfeuffer,
Evans,	Kilgore,	Shannon.
Farrar,		

By leave, Senator Davis sent up the following report:

COMMITTEE ROOM,
AUSTIN, March 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was recommended substitute House bills Nos. 171 and 208, entitled "An act to amend article 425 of the Penal Code of the State of Texas," have had the same under consideration, and instruct me to report the same back with the recommendation that in do pass, with an amendment striking out the words "or by muddying the water."

All of which is respectfully submitted.

DAVIS, Chairman.

Read first time.

The President laid before the Senate House concurrent resolution, granting use of the Hall of Representatives for certain purposes, and same was adopted.

The following message was received from the Governor, and

On motion of Senator Harrison,

Was, together with the accompanying appointments, ordered printed in the journal:

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, March 23, 1885.

To the Senate:

I request your consent to the appointment of the notaries public named in the paper herewith communicated.

JOHN IRELAND, Governor.

Anderson county—E. F. Arthur, Theodore Ash, J. F. Watts, A. W. Gregg, M. Glenn, Theodore D. Jones, J. H. Mead, J. J. Word, J. Conaway, Palestine; W. L. Darden, Bethel; R. M. Jackson, Tennessee Colony; P. L. Bradford, Bradford; W. A. Miller, Kickapoo; J. M. Emerson, Fosterville; W. H. Gill, Palestine; Benjamin Parker, J. W. Bryan, Elkhart; D. M. Butler, R. J. Royal, Palestine.

Archer county—A. Abercombie, F. E. Dycus, L. W. Heath, Archer.

Armstrong county—Charles Goodnight.

Austin county—W. C. Cliett, San Felipe; J. W. Lott, Sealy; E. D. Rawls, Buckhorn.

Angelina county—Homer McMickles, John K. Matthews, James McKnight, Lufkin; John Y. Foster, Eli Gilleland,

Homer; T. C. Moore, Lufkin; E. J. Mantooth, Joseph Chestnut, J. R. Gilleland, W. J. Townsend, Homer.

Atascosa county—J. L. McCaleb, Benton; J. H. Cavender, T. M. Peeler, Pleasanton.

Burnet county—T. E. Hammond, J. G. Cook, R. W. Cates, Burnet; Norton Moses, Strickland; R. H. Ward, Burnet; N. E. Morgan, J. D. Riley, Bertram; Albert Gieseke, A. G. Wilcox, Dick Yett; John Linn, Lacy; G. R. Berry; B. H. Stewart, Mohamet; R. L. Turberville; T. A. Chamberlain, Burnet; Miles Cook, George Gillum, G. A. Brandon, Charles Rise, Robert Rise, D. Williams, N. W. Tobey, W. W. Bebout.

Bosque county—James M. Robertson, N. R. Morgan, Meridian; A. R. Barry, Kopperl; W. D. Thomas, Morgan; J. L. Scott, Meridian; J. P. Grace, Walnut; James A. Gillette, John H. Gouldy, Meridian; N. A. Evans, Valley Mills; Peter Pearson, Norise; John H. Moses.

Brazoria county—G. C. Leonard, Brazoria.

Bastrop county—B. Sass, Smithville; R. A. Brooks, Alum Creek; J. S. Woodruff, Caldwell's store; E. Hagaman, Paige; W. R. McDuff, Weberville.

Bell county—F. D. Smith.

Baylor county—H. S. Melvin, J. T. Montgomery, W. H. Browning, W. R. Bonner, J. R. McLain.

Bee county—Sidney Howard, Beeville.

Brazos county—J. B. Thomas, Bryan.

Bexar county—W. G. M. Samuel; L. L. Lacy, Sam. M. Johnson, E. C. Reed, Frank E. Corbett, Gen. H. P. Bee, L. D. Dibble, San Antonio.

Bowie county—O. P. Taylor, Texarkana; K. Yarbrough, New Boston; J. C. Ellis, J. H. Henderson, W. L. Whitaker, Boston.

Brown county—F. M. Henderson, F. W. Henderson, Brownwood.

Burleson county—E. G. Banks, Caldwell.

Blanco county—W. Wedekind, Round Mountain.

Cameron county—E. C. Forto.

Cass county—W. E. Duncan, J. F. Christian, Atlanta.

Coleman county—John C. Randolph, H. T. Sims, Coleman.

Comanche county—T. R. Hill, Comanche; A. J. Sanderford, De Leon.

Collin county—J. L. Doggett, T. B. Wilson, M. H. Byrne, M. H. Garnett, J. L. White, Thos. H. Emerson, M. W. Johnson, S. H. Cole, J. H. Jenkins, Jno. Church, Jno. D. Page, K. R. Craig, McKinney; R. T. Shelton, L. Butler, F. J. Vance, H. C. Overaker, J. P. Coffey, Plano; Jno. C. White, Jno. Walden, St. Paul; B. B. Fowler, Nickleville; Howard Pickett, P. W. Baldwin, Maxwell; C. Snider, Tevis Bickley, Henry Caver, J. S. Rike, Farmersville; A. J. Caudler, Merritt; Jno. T. Buchanan, Geo. M. Carruth, Celina; James Kuykendall, Thomas Hardison, Foy; W. G. Matthews, Beth; E. Nelson, Jno. Reasor, Lebanon; Jas. Smith, Wm. Moyers, R. R. T. Mitchell, Blue Ridge; T. E. Shirley, I. T. Largent, Jesse Coffey, L. A. Scott, Melissa; W. J. Booth, Millwood; W. H. Bowie, F. M. Bounds, Jesse Hubbard, Weston; J. L. McKaney, Frankfort; Rowland Gooch, G. J. Davie, W. H. Brummitt, Nevada; James L. Greer, Anna; J. C. Rhea, Rhea's Mill; Chas. Blackwood, Jno. Pace, Gray Bill; J. J. Thompson, Rock Hill; J. D. Naylor, Millwood.

Cottle county—Jno. T. Stovall.

Childress county—D. C. Curtis.

Collingsworth county—H. F. Holstien.

Coryell county—H. N. Rather, Copperas Cove; E. E. Clark.

Caldwell county—Henry Rice, D. M. Crosswait, Lockhart; J. N. Stagner, J. W. Campbell, Luling; A. J. Rife, Alledo; W. B. Walker, Prairie Lea; Wm. Alexander, Dale; D. C. Chamberlin, Elm Grove; J. P. Reed, Delhi.

Clay county—W. M. Waddington, R. T. Ricketts, J. M. Willis.

Colorado county—T. W. Hunter, W. B. McCornick, Weimar; Jno. H. Mullen, Oakland; Carey Shaw, French Simpson, Columbus; Walter C. Jones, Vox Populi; Jno. R. Newsom, Eagle Lake; D. C. Gregory, Alleyton.

Camp county—Jno. W. Hooper, Jno. P. Ofiel, Jno. B. Edkins, L. G. Davis, W. R. Heath, J. A. Derrick, E. H. Hopson, C. G. Davis, Jno. A. Thompson, Pittsburg.

Calhoun county—W. H. Woodward.

Callahan county—W. H. Cliett, Baird; J. H. Smith, Putnam; D. Richardson; B. F. Walker, Cottonwood; A. W. Oliver, Baird; J. W. Power, Bell Plain.

Cherokee county—E. C. Dickinson, M. Jernigan, J. P. Gibson, Rusk; D. McCall, Forest; W. C. Boiton, G. W. Middleton, T. H. Collier, Jacksonville; R. H. Childers, Rial Smith, Griffin; A. Harrison, C. A. Miller, Alto; W. C. Frederick, John Dalby, Lone Star; Finesse Brailey, O. C. Taylor, Larissa; C. M.

Wade, Geut; R. S. Finlay, Rusk; A. J. Cuessher, Jacksonville.

Denton county—T. M. Smith, Lewisville; J. H. Degau, Waketon; John Collier, Pilot Point; J. N. Rucker, Little Elm; Benj. Moss, Aubery; A. J. Nance, Bolivar; James Eads, Roanoke; J. C. Wright, Garza; J. M. Copley, D. N. Dodson, Denton; W. H. Bush, Navo; E. T. Bates, Lloyd; R. W. Terrell, A. C. Owsley, W. J. Austin, H. C. Furgerson, Denton; G. T. Walton, Stoney; James Hicks, Little Elm; C. T. Morris, J. C. Smith, Argyle; Chas. Everett, T. A. Collins, O. P. Poe, John L. Ruddell, Denton; T. D. Fouts, Trinity Mills; Isaac N. Allen, C. R. Buddy, Denton; W. H. McNeil, Little Elm; J. M. Rook, Lloyd; J. M. Reasor, Mustang; J. E. Buster, Stewart's Creek; N. F. Wakefield, Waketon.

Dallas county—S. C. McCormick, J. M. Hays, W. H. Barksdale, Dallas; E. D. Sowers, Sowers; J. T. Timberlake, Trinity Mills; John M. McCoy, Frank J. Smith, J. M. Wheatly, Dallas.

Donley county—W. D. Kimball, J. B. McLellan, J. H. Parks, J. G. Murdock.

Dickens county—W. C. Dockam.

Duval county—T. C. Hannelly.

DeWitt county—J. H. Moore, Thomaston.

Ellis county—Anson Rainey, J. D. Templeton, R. M. Clark, R. G. Phillips, R. M. Wyatt, Ed. Oldham, Thos. P. Whipple, N. G. Davis, J. M. Phillips, J. P. H. Nelson, H. M. Rhodus, Waxahachie; C. T. Hoggau, W. H. Fears, J. H. Albritton, D. F. Singleton, Ennis; Alex. Mosely, Bristol; R. P. Mackey, Ferris; Geo. Wylie, Auburn; G. W. Hamlett, T. L. Henderson, Italy; J. C. McKiuney, Ennis; J. W. Couch, I. P. Jeffers, Red Oak; Geo. H. Alderman, Avalon; J. N. Padgett, W. T. M. Dickson, H. N. C. Davis, Milford; T. L. McCarty, Ennis; F. P. Powell, Waxahachie; C. L. Edwards, J. S. McDuffie, Ennis; J. A. Moore, Mt. Peak.

Erath county—C. J. Shapard, Stephenville; J. D. St. Clair, Alexander; T. B. King, Stephenville; T. J. Belcher, Rock Falls; A. B. McClure; S. T. Morris, Dublin; J. L. Durham.

Eastland county—W. L. Calhoun, Eastland; T. D. Jordan, Carbon; D. G. Hunt, Rising Star.

Falls county—Frank B. Chilton, R. S. Hunnicutt, T. B. White, Marlin; J. F. Knox, J. V. Wright, Leonard Magee, George A. Hodges, M. H. Curry, W. A. Patrick, J. M. Stuart, Samuel Brewer, J. R. McDonald, Ed. M. McCollough, Matt Jones, W. J. Finks, W. J. Yates, S. A. Elam, Wm. Hander.

Fayette county—A. F. Dornwell, Waldeck; Paul Meer-scheidt, LaGrange.

Fannin county—A. F. McRea, W. E. Dailey, sr., E. G. Rogers, W. G. Nunn, Ladonia; M. L. Taylor, Savoy; John A. Russell, Bouhan.

Frio county—L. B. C. Gallaway, John Hays, San Miguel; Gilbert Williams, Dilly.

Franklin county—T. W. Templeton, Winnesboro; H. G. Stokely, J. Q. Nunn, J. S. Davis, J. P. Huskey, W. H. Baldwin, Mt. Vernon; J. C. Terrell, Winnesboro, Wood county.

Gonzales county—W. S. Fly, T. F. Harwood, Gonzales; L. N. West, Leesville; Wilbur F. King, Wrightsboro.

Gregg county—T. M. Campbell, J. W. Boring, T. A. Flewellen, C. W. Henderson, Longview; J. C. Barnett, Kilgore; Stephen May, Longview; J. R. Clemmens; E. S. Terry, Longview.

Gray county—A. S. Williams.

Guadalupe county—T. M. Humphreys, Seguin; S. M. Holmes, Staples store; Fritz Kraft, Clear Springs.

Grayson county—A. P. Finlay; J. R. McElroy, Southmayd; Robert E. Smith, Sherman.

Galveston county—W. H. Lisbony, Joseph A. Labatt, Galveston.

Grimes county—Samuel E. Blake, Plantersville; Isaac R. Lindley, Roans Prairie.

Greer county—H. C. Sweet, Lanham.

Hamilton county—R. D. Love.

Howard county—D. A. Walker, Big Springs.

Hill county—W. H. Marsh, Hubbard City; B. F. Vinson, D. J. McClellan, F. M. Bush.

Harrison county—C. H. McGill, J. G. McCown, Marshall; R. W. McGimpsey, Elysian Fields; T. S. Buchanan, Hallville; W. L. Thomas, Marshall.

Harris county—J. H. Dunks, Crosby.

Hood county—W. A. Duke, B. M. Estes, John P. Estes, T. T. Ewell, T. J. Duke, J. R. Morris, J. M. Chadwick, Granbury.

Haskell county—E. P. Morgan, P. B. Ward, Walter Scott, Oscar Martin, John W. Arledge, Haskell.

Hopkins county—W. A. Green, H. C. Barker, Black Jack Grove; T. C. Crain, A. A. Henderson, F. M. Rogers, S. L. Rogers, R. S. Blythe, W. B. James, Guss Garrison, Joseph Brashear, B. T. Stephens, Sulphur Springs; W. D. Byrd, H. C. Wood, E. L. Askew, C. E. Williams, Carroll's Prairie; W. J. Cline, Cornersville; Will T. Holderness, Fairyland; G. B. Christian, White Oak; Joseph Gist, Pictou; R. E. Bertram, Beiley

Spring; T. A. St. Clair, Sulphur Springs; Harvey Anderson, Miller Grove; J. Barker, Sulphur Springs.

Hunt county—D. M. Yeager, Kingston; A. S. Marshall, Greenville; L. F. Phelps, Payne's Store; J. H. Jackson, Commerce; Jas. H. Patterson, Campbell; A. Cameron, Greenville; A. D. Jackson, Wolf City; H. H. Wood, South Sulphur; C. L. Eldon, Greenville; W. R. Lane, Jordin; J. D. Hurst, Payne's Store; G. P. Mitchell, Olivet; J. M. McCamant, Campbell; E. B. Lewis, John O. Wilkinson, Greenville; W. P. Wynn, Payne's Store; W. P. McBride, Humphrey; Z. E. Gandy, Lone Oak; J. F. Pickett, Kingston; S. R. Eitter, A. B. Cushman, Greenville; E. J. Mock, Kingston; E. K. Patrick, Lone Oak; P. A. Norris, Greenville; W. H. Key, Roberts; B. L. Porter, Greenville, W. C. Vallandigham, Donelton; A. G. Titus, Whiterock.

Hardeman county—D. G. Smith, J. H. Meyers, Chillicothe; J. C. Roberts, Margaretta. J. H. Drury, F. C. Ratcliff, J. A. Nabors, G. W. Darby.

Houston county—J. F. Stokes, Grapeland; G. M. Dabson, Pennington, Trinity county.

Hemphill county—Ed. Fletcher.

Hutchinson county—H. T. Groom.

Henderson county—J. M. Warren, Goshen; W. J. Evans, Malakoff; S. M. Bradford, Willow Springs; John S. Jones, J. B. Bishop, Athens; R. W. Wiley, Chandler; John H. Reynolds, New York; H. C. Turner, Fincastle; W. L. McNeil, Brownsboro; J. M. Murchison; H. M. Gossett, J. T. Meredith, Athens.

Jefferson county—W. D. Ivey, Beaumont.

Jack county—Mort. H. Stark, J. T. Jones.

Johnson county—G. H. Maxey, D. W. Adams, C. Y. Kouns, Cleburne.

Jones county—C. D. Davis, C. P. Woodruff, Dan M. Jones, Anson.

Jackson county—Henry T. Chivers, Edna.

Kinney county—W. W. Lamberts, Geo. A. Doogan, Del Rio.

Knox county—R. D. Goree.

Kimble county—Wallace Blair, London.

Kaufman county—E. A. Thompson.

Kendall county—D. W. Grady, F. W. Schweppe, Boerne.

Lampasas county—J. C. Hubert, Lampasas.

Lee county—N. B. May.

Limestone county—A. E. Fermin, Mexia; J. J. Swame, Kosse.

Llano county—W. T. Dalrymple, Llano.

Lavaca county—C. B. Patton, Sweet Home; E. T. Paeggli, Baur; Jesse Green, Hallettsville; R. J. Putney, H. T. Kuhne, Hope; W. G. Chapman, Hackberry; Ira Ezell, Ezell's Store; H. C. Youngkin, Autioch; S. Sewell, Hackberry; Wm. H. Striebeck, Breslan; J. A. Whitfield, Hallettsville; J. H. Anderson, Moulton; Isaac E. Clark.

Lamar county—W. G. Baird.

Lipscomb county—E. K. Polley.

Marion county—J. H. Parsons, W. E. Estes, John Fenman, Lee Sherrill, Jefferson Geo. R. Beard, J. A. Lindsey, T. N. Lockett, A. J. B. Garrett, W. A. Walker, J. M. Harper, C. G. Graham; J. H. Rowell, P. H. Rowell, R. A. Loomis.

Morris county—H. E. Henderson, Dangerfield; J. H. Mathews, W. G. Callaway, Bolden; W. M. Cason, Cason; John Speerman, Dangerfield; J. H. Hart, Cavetti.

Milam county—Leonard Isaacs, Frank Clemment, J. E. Langmorr, B. T. Middleton, J. H. Sparkman, J. L. Lockett, Rockdale; H. N. Roberts, W. T. Hefley, W. M. McGregor, B. I. McCalla, Cameron; F. M. Adams, Gause; J. H. Graves, Lilack; A. S. Russell, Milano; B. I. Arnold, Cameron; E. Y. Terrell, Jones Prairie; A. G. Wilcox, Rockdale; W. A. H. Asken, Baileyville; John A. Smith, Branchville; James Peeler, Cameron.

McLennan county—G. W. Kinchloe, Mastersville; J. W. Speight, Waco; W. O'Brien, McGregor; Thos. A. Blair, Jas. I. Moore, Waco; W. C. Barnett, Valley Mills; Alfred Battle, W. L. Baker, R. G. Pidcocke, T. D. Penry, E. A. McKenney, Waco; J. R. Robinson, Robinsonville; B. H. Rogers, W. M. Sleeper, L. W. Bagby, A. M. Harris, T. M. Makeig, W. S. Kinchloe, Waco; H. C. Williams, Lorena; J. B. Vesey, Axtell; C. J. Monroe, West; Hiram Morgan, Moody; John B. Nichols, Crawford; T. J. Womack, Patrick; T. J. Prim, Boesqueville; T. J. Talliaferro, Ross; T. A. Tucker, Harrison; J. H. Dunn, Mart; A. C. Prendergast, Waco; Seth Mills, Speigerville; Allen L. West, D. H. Hardy, J. R. Davis, E. A. Marshall, Waco; John W. Ridgill, Eddy; W. G. Mobley; J. H. Davenport, Jr., Waco.

Midland county—A. A. Bell.

Montague county—Wm. Garborough, J. E. Wille's, W. H. Wilson, R. B. Davis, J. M. Grigsby, G. F. Thomas, J. H. Howard, M. B. Hoskins.

Mitchell county—R. L. Boren, J. Good, T. Q. Mullin, Xavier Ryan, W. J. Hatch, J. H. Morrison, R. H. Looney, A. Maclean, Colorado City.

McMullen county—E. S. Atkinson.

Madison county—John Vernon, Willow Hole.

Martin county—Peter Smith, Adam Koriz, John Markel, Marienfeld; John Souer, Peter Glouden.

McCulloch county—J. L. Spiller, Brady City.

Maverick county—E. L. Watkins, Eagle Pass.

Medina county—Marshall Burney, Devine.

Nueces county—James W. Ward, Stanley Welch, Corpus Cristi; Chas. L. Lege.

Newton county—H. F. Wilson, Belgrade.

Nacogdoches county—H. V. Fall, Cherino.

Nolan county—J. F. Edison, J. W. Posey, Jos. Boone, Sweetwater.

Navarro county—J. D. Curtis, R. E. Prince, Corsicana; P. P. Powell, Angus; Geo. H. Sherrard, Birdston; L. L. Jester, Corsicana; Richard Gowan, A. B. Lee, H. C. Talbot, J. G. Way, Cross Roads.

Oldham county—J. P. Bagland, H. H. Wallace, W. S. Mabry, H. M. Kimball, John W. Cone, J. E. McAllister, A. D. Tomb.

Panola county—Frank Lawson.

Polk county—S. B. Tackaberry, Moscow; B. W. Maury, J. C. Feagin, T. B. Dunman, J. R. Oats, J. L. Henderson.

Palo Pinto county—J. C. Haynes, Mineral Wells; J. S. Straughan, Palo Pinto; W. P. Gibbs, Hampton; S. B. Garrett, J. E. Laverty, Palo Pinto; C. W. Massie; Jas. T. Daniel, Straun; H. M. Montgomery, Palo Pinto; M. L. Garrett; M. B. Fryar, Christian.

Potter county—Warren Witzel.

Parker county—H. Smythe, Mack B. Roach, Weatherford.

Robertson county—J. A. Carson, Wootan Wells.

Rock county—W. J. Graham, Henderson; Chas. C. Leverett, Overton; James M. Crane, Minden.

Rains county—S. J. Stuart, John Mills, A. D. Braziel, Emory.

Bunnels county—G. W. Perryman.

San Saba county—Leigh Burleson, San Saba.

Shackelford county—G. M. Rutledge, J. B. Gildart, John M. Moore, Albany; T. J. Grounds, Hulttown.

Smith county—M. Scott, John H. Bonner, Tyler; L. Loving, Bullard; H. H. Moore, Tyler; J. O. Collier, Troupe; H. C. Huggins, Starrville; W. H. Marsh, Winona; John A. Mathias, Browning; L. Jarvis, Troupe; W. G. Human, Tyler; P. G. Bradshaw, Mt. Sylvania; Jo Carlton, Red Springs; J. A. Hill, White House; Jas. M. Edwards, J. T. White, H. B. Urquhart, Tyler.

Starr county—E. Downey Dav's, John P. Kelsey.

Sabine county—W. W. Weatherred, Hemphill; J. T. Polley.

Shelby county—W. V. Caraway.

Throckmorton county—B. F. Reynolds, sr., Ft. Griffin; C. K. Stribling.

Travis county—T. A. Thomson; C. F. Hill, Austin.

Taylor county—Ed. Curd, Abilene; W. C. Cheatham, Buffalo Gap; J. E. Cockrell, G. A. Kirkland, M. W. Northington, F. B. Huston, C. C. Parker, D. B. Corley, Abilene.

Trinity county—W. B. Young, Primmington; S. A. Robb, Trinity.

Tyler county—E. C. Parsons, Woodville.

Tarrant county—Frank W. Norris, Francis Granger, T. J. Powell, C. M. Templeton, A. W. Hutchins, D. D. Wall, James Harrison, E. C. McPhail, W. B. Tucker, Fort Worth; J. B. Alexander, Mansfield; David Farnsworth, Handy; George Finger, Johnson's Store; Elihu Newton, Padin's Store; Levy Walker, Azle; D. S. Brown, J. T. Sanders, Fort Worth H. E. Valentine, Bedford.

Upshur county—J. M. Hamilton, H. L. Sowell, Lafayette; S. C. Hart, Gilmer; H. C. Cauliffe, Coffeeville; J. D. Hart, Simpsonville; T. H. Chandler.

Uvalde county—Jesse K. Floyd.

Van Zandt county—W. J. Greer, T. R. Yantis, John S. Spinks, Canton; W. B. Wynn, S. B. Kilgore, J. G. Kearby, R. E. Yantis, J. C. Wright, Wills Point; Addison Clark, David Cade, Owllet Green; J. C. Austin, Grand Saline; J. A. Bailey, J. N. Pollard, Walton; S. W. Murphy, R. S. Jones, Edom; E. S. Raines; J. T. Gill, Edgewood; G. D. Staten, Canton.

Williamson county—C. Morelle, L. C. Clark, T. W. Stratton, R. H. Price, Georgetown; J. P. Davis, Hutto; J. G. Gordon, H. Dickson, John Threadgill, Danl. Moody, John W. Parker, Wm. Elliott, Geo. E. Scott, Taylor; J. P. Magill, Leander; J. B. J. Oliver, Duval; Sam C. Taylor, Jollyville; J. G. Ward, Liberty Hill; S. P. Williams, R. C. Hart, Round Rock; H. A. Christie, Old Round Rock; Edward E. Diggs, J. W. Robertson, Round Rock; A. G. Ganaway, Florence; A. P. Johnson, J. A. Rumsey, J. W. Waymond, Corn Hill; S. M. Slaughter, S. J. Barber, Beakiss; E. F. Kelley, W. N. Hardeman, Bartlett; T. S. Reed, Gabriel Mills; J. W. Posey, J. R. Kuler; Levi Pennington, Georgetown.

Wood county—M. D. Carlock, T. J. Russell, R. C. Campbell, Winsboro; Geo. A. Cage, S. R. Bruce, Mineola; C. R. Gorman, Winsboro; J. H. Mayo, L. H. Burch; John B. Phillips, Pine Mills; John H. Newsom, Mineola; J. M. Lanford, Winsboro.

Waller county—James W. Renfro, Howths Station.

Wharton county—B. D. King, Wharton.

Wichita county—E. F. Bunch, Lewis C. Grant, W. W. Flood, R. E. Huff, W. B. Houston, N. Henderson, M. M. Templeton, S. B. McBride, J. H. Barwise, L. T. Miller, J. P. Boyd, T. C. Wilson, J. J. Van Dyke, T. C. Thomson, Wichita Falls.

Wheeler county—J. O. B. Street, E. J. Rising, W. L. E. Dickson, Mark Huselby, W. H. Grigaby, M. P. Williamson, Mobeetie.

Wilson county—H. S. Hastings, Nockenut; Jack Sutherland, Sutherland Springs.

Webb county—G. W. Broadwater, Juan V. Benavides, E. S. Remington, W. H. Mowry, Geo. W. Woodman.

Washington county—O. H. P. Garrett, Brenham; Dr. J. B. Moore, Graball; C. L. Spencer, Washington; Oscar Samuel, Prairie Hill; G. W. Booker, Independence; Henry Muller, Brenham.

Wise county—W. A. Bonner, S. E. Hatchett, Alvord; John Brown, Bridgeport; B. B. Bell, Greenwood; G. M. McSpadden, Stoney; W. B. Marral, Keters.

Wilbarger county—B. W. Edgell, R. P. Elliott, C. Wheeler, D. R. Britt, C. F. Doan, H. C. Thompson.

Young county—A. B. Gant, B. Holman, O. E. Finlay, H. W. Williams; W. B. Pope Belknap; W. C. Blakly, Farmer; S. M. McConnell, C. W. Johnson, B. F. Arnold, Graham.

Zapata county—James Downing

On motion of Senator Bell,
The regular order of business was suspended, and Senate bill No. 214, "An act to compel railroad companies to provide double-decked cars for shipment of goats, sheep, hogs and calves, and to pre-

vent discrimination against shippers thereof, and to provide penalties therefor," was taken up and Read the second time, with unfavorable committee report.

Senator Houston of Bexar moved the adoption of the committee report.

Adopted by the following vote:

YEAS—17.		
Davis,	Houston of Bexar,	Pfeuffer,
Evans,	Jerdone,	Randolph,
Fowler,	Kilgore,	Shannon,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Traylor.
Glasscock,	Perry,	

NAYS—7.		
Bell,	Houston of Wheeler,	Stinson,
Calhoun,	Pope,	Woods.
Farrar,		

ABSENT, NOT VOTING.
Harrison.

(Senator Terrell in the chair.)
Senator Houston of Wheeler withdrew the motion to reconsider the vote by which the Senate yesterday postponed Senate bill No. 253 (the Kilgore railroad bill.)

On motion of Senator Stinson,
The regular order of business was suspended and substitute House bill No. 148, "An act to amend sections 8 and 14 of 'an act to redistrict the State into judicial districts,'" etc., was taken up and

Read the second time, with committee amendment.

On motion of Senator Stinson,
The committee amendment was adopted.
Senator Stinson offered the following amendment:

Amend section 8 so as to read as follows:
Section 8. The eighth judicial district shall be composed of the counties of the counties of Hunt, Hopkins, Delta and Rains, and the district court shall be held therein as follows: In the county of Hunt on the first Mondays in January and July, and may continue in session eight weeks. In the county of Delta on the on the eighth Mondays after the first Mondays in January and July, and may continue in session four weeks.

In the county of Hopkins on the twelfth Monday after the first Mondays in January and July, and may continue in session seven weeks. In the county of Rains on the nineteenth Monday after the first Mondays in January and July, and may continue in session three weeks.

Adopted.
Senator Stinson offered the following amendment:

Section 6. The near approach of the close of the session of the present Legislature, and the great need for the immediate changes in the terms of the courts mentioned in this act, and for the changes therein made in the judicial districts mentioned, creates an imperative public necessity and emergency that requires that the constitutional rule requiring bills to be read on three several days be suspended, and that this bill be placed upon its immediate passage, and that this act take effect and be in force from its passage, and it is so enacted.

Adopted.
The bill was passed to third reading.
On motion of Senator Stinson,
The constitutional rule was suspended and the bill was placed on its final reading by the following vote:

YEAS—25.		
Bell,	Evans,	Garrison,
Calhoun,	Farrar,	Getzendaner,
Davis,	Fowler,	Glasscock,

Hall, Harrison, Houston of Bexar, Houston of Wheeler, Jerdone, Kilgore,	Kleberg, Knittel, Perry, Pope, Randolph,	Shannon, Stinson, Terrell, Traylor, Woods.
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NAYS—1.

Pfeuffer.

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

YEAS—25.

Bell, Calhoun, Davis, Evans, Farrar, Fowler, Garrison, Getzendaner, Glasscock,	Hall, Harrison, Houston of Bexar, Houston of Wheeler, Jerdone, Kilgore, Kleberg, Knittel,	Perry, Pope, Randolph, Shannon, Stinson, Terrell, Traylor, Woods.
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NAYS—1.

Pfeuffer.

On motion of Senator Kleberg, Senate bill No. 216, "An act to regulate proceedings in suits and prosecutions for libel," was taken up and

Read the second time, with majority (unfavorable) and minority (favorable) committee reports.

Senator Kleberg moved to substitute the minority for the majority report.

Lost by the following vote:

YEAS—11.

Evans, Fowler, Harrison, Houston of Wheeler,	Jerdone, Kleberg, Knittel, Pfeuffer,	Pope, Randolph, Traylor.
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NAYS—14.

Bell, Calhoun, Davis, Farrar, Garrison,	Getzendaner, Glasscock, Houston of Bexar, Kilgore, Perry,	Shannon, Stinson, Terrell, Woods.
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On motion of Senator Houston of Bexar, Senator Hall was excused from voting on the bill. The majority report, killing the bill was adopted. (The President in the chair.)

Senate bill No. 267, "An act authorizing the State Capitol Board to contract for the substitution of granite for limestone, in the construction of the exterior walls of the superstructure of the new State Capitol, and for other changes thereof, and to extend the time for the completion thereof, and to conform all laws thereto, and to make an appropriation for the contingent expenses connected therewith, and to authorize the payment for such change to be made to the contractors in convict labor," was laid before the Senate, and

Passed by the following vote:

YEAS—15.

Bell, Calhoun, Farrar, Fowler, Getzendaner,	Glasscock, Hall, Houston of Bexar, Houston of Wheeler, Jerdone,	Knittel, Shannon, Terrell, Traylor, Woods.
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NAYS—10.

Davis, Evans, Garrison, Harrison,	Kilgore, Kleberg, Perry,	Pfeuffer, Pope, Stinson,
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Paired: Senators Jones and Randolph. The former would have voted "yea," and the latter "nay."

On motion of Senator Getzendaner,

The regular order was suspended and House bill No. 443, "An act to amend the Revised Civil Statutes of the State of Texas, title 17, by adding therein article 340a, and to amend article 375 thereof," was taken up and read the second time.

Senator Houston of Bexar offered the following amendment:

Amend by striking out "340a" wherever it occurs and insert in lieu thereof "340b."

Adopted.

The bill was passed to third reading.

On motion of Senator Houston of Bexar,

The constitutional rule was suspended and

The bill was placed on its final reading by the following vote:

YEAS—25.

Bell, Calhoun, Davis, Evans, Farrar, Fowler, Garrison, Getzendaner, Glasscock,	Hall, Harrison, Houston of Bexar, Jerdone, Kilgore, Kleberg, Knittel, Perry,	Pfeuffer, Pope, Randolph, Shannon, Stinson, Terrell, Traylor, Woods.
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NAYS—none.

ABSENT, NOT VOTING.

Houston of Wheeler.

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

YEAS—22.

Bell, Calhoun, Davis, Evans, Fowler,	Harrison, Houston of Bexar, Jerdone, Kilgore, Kleberg,	Pfeuffer, Pope, Randolph, Shannon, Stinson,
Getzendaner, Glasscock, Hall,	Knittel, Perry,	Traylor, Woods.

NAYS—3.

Farrar, Garrison, Terrell.

ABSENT, NOT VOTING.

Houston of Wheeler.

Senator Bell submitted the following privileged report:

COMMITTEE ROOM,
AUSTIN, March 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared committee substitute for Senate bill No. 185 being "An act to amend article 428 of chapter 38 of 'an act to amend articles 423, 424, 425, 426, 427, 428, 429 and 430a, and to create article 426½, and to repeal article 430 of chapter 5 of the Penal Code of the Revised Statutes, for the protection of fish and game,' approved March 15, 1881, and article 430 of chapter 113 of an act to amend article 430 of section 1, and to repeal section — of an act entitled 'an act to amend articles 424, 425, 426, 427, 428, 429 and 430a, and to create article 426½, and to repeal article 430 of chapter 5, title 13 of the Penal Code of the Revised Statutes, for the protection of fish and game' approved March 15, 1881," and find the same correctly engrossed.

BELL, Chairman.

On motion of Senator Pope,
The Senate, by the following vote, adjourned at ten o'clock to-morrow morning:

YEAS—29.

Bell,	Getzendaner,	Knittel,
Calhoun,	Glasscock,	Perry,
Davis,	Harrison,	Pfeuffer,
Evans,	Houston of Bexar,	Pope,
Farrar,	Jerdone,	Shannon,
Fowler,	Kilgore,	Traylor.
Garrison,	Kleberg,	

NAYS—5.

Hall,	Stinson,	Woods.
Randolph,	Terrell,	

ABSENT, NOT VOTING.

Houston of Wheeler.

SIXTY-FIRST DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 25, 1885.

The Senate met pursuant to adjournment.
Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Traylor,

The reading of the journal of yesterday was dispensed with.

The morning call having been concluded, and the hour having arrived,

The Senate went into executive session on the appointments of the Governor.

IN THE SENATE.

Senate bill No. 205, "An act defining who are entitled to be buried in the State cemetery, and defining the duties and powers of the Superintendent of Public Grounds in relation thereto," was laid before the Senate and read the third time.

Senator Glasscock offered the following amendment:

Whereas, The near approach of the adjournment of the Legislature, owing to amount of unfinished business on hand, bill not admit of this bill being read on three several days, and there being no law regulating the burial of the dead in the State cemetery, therefore an imperative public necessity exists that there should be such a law, the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended, and it is so enacted.

Adopted by the following vote:

YEAS—24.

Bell,	Glasscock,	Perry,
Calhoun,	Hall,	Pfeuffer,
Davis,	Harrison,	Pope,
Evans,	Houston of Bexar,	Randolph,
Farrar,	Jerdone,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.

NAYS—none.

ABSENT NOT VOTING.

Houston of Wheeler, Shannon.

The bill was passed by the following vote:

YEAS—24.

Bell,	Glasscock,	Perry,
Calhoun,	Hall,	Pfeuffer,
Davis,	Harrison,	Pope,
Evans,	Houston of Bexar,	Randolph,
Farrar,	Jerdone,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Houston of Wheeler, Shannon.

By leave, the following reports were filed:
By Senator Kleberg:

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Stock and Stockraising, to whom was referred House bill No. 87, entitled "An act to amend article 4574, and to repeal article 4576 of the Revised Statutes of the State of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass, with the following amendment:

Strike out section 2 of the bill.

All of which is respectfully submitted.

KLEBERG, Chairman.

Bill read first time.

By Senator Pope:

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred House bill No. 229, "An act entitled an act to amend article 4860 of the Revised Civil Statutes of the State of Texas, as amended by an act approved February 2, 1884, and an act approved February 5, 1884, chapters 11 and 13 of the general laws passed at the special session of the Eighteenth Legislature, relating to the changing of public roads," have carefully examined the same. The provisions of this bill being substantially the same as those of Senate bill No. 153, which was rejected by the Senate, the majority of said committee therefore instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

PERRY, Chairman.

Bill read first time.

By Senator Evans:

COMMITTEE ROOM,
AUSTIN, March 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Printing, to whom was referred House bill No. 533, entitled "An act to authorize the Secretary of State to purchase for the use of the State the Texas Court of Appeals reports, volumes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, and to contract for the relinquishment of the copyright of said reports with the persons owning the same, and to prevent the copyrighting of future volumes of said reports to the exclusion of the State, and to make an appropriation therefor," have had the same under consideration, and instruct me to report the same back with the recommendation that it do pass with the following amendments.

All of which is respectfully submitted.

EVANS, Chairman.

COMMITTEE AMENDMENTS.

1. Amend by striking out in line 11, page 2, the words "three years."
2. Strike out, page 2, all of lines 15 and 16, and line 17 to and inclusive of the word "all."
3. Lines 10 and 11, page 3, strike out "four dollars," and insert "three dollars."

Bill read first time.

The President gave notice of signing Senate bill No. 260, "An act to amend articles 1006, 1007 and 1008 of 'an act to amend articles 1006, 1007 and 1008 of the Revised Civil Statutes of the State of Texas,' approved February 21, 1879, passed by the Eighteenth Legislature at its regular session, approved the ninth day of April, 1883."

The President laid before the Senate

Substitute Senate bill No. 183, "An act to amend article 428 of chapter 38 of 'an act to amend articles 423, 424, 425, 426, 427, 428, 429 and 430a, and to create article 426½, and to repeal article 430 of chapter 5 of the Penal Code of the Revised Statutes, for the protection of fish and game,' approved March 15, 1881, and article 430 of chapter 113 of an act to amend article 430 of section 1, and to repeal section — of an act entitled 'an act to amend articles 423, 424, 425, 426, 427, 428, 429 and 430a, and to create article 426½, and to repeal article 430 of chapter 5, title 13 of the Penal Code of the Revised Statutes, for the protection of fish and game,' approved March 15, 1881."

The bill was read the third time and passed.

(The following should have gone in the journal of yesterday.)

I do here enter my solemn protest against the passage of the bill changing the Capitol contract, by substituting granite for limestone. If the substitution of granite for limestone was the only change, the bill would not be so odious, but the bill also extends the time for the completion of the Capitol, by placing it in the power of the Capitol Board to not only extend the time for years, but fixes no limit on the amount they are to pledge the State to pay for this change. The Capitol syndicate contracted with their eyes open, to build and complete this structure by the first day of January, 1888. They gave the State a good and solvent bond to secure a performance of that contract. They agreed to build it for one million and a half dollars, and received from the State in payment of this sum 3,000,000 acres of fine land. The State has complied with its contract, but they have made no effort to complete the building within the time agreed upon, and in consequence half of the time has expired, and the foundation not yet finished. I consider this granite bill nothing short of a subterfuge to relieve this syndicate of its liability to the State on its bond, which ought not to be done. An extension of time must be of some material advantage to them, or they would not desire it. It certainly cost the State something to grant it; and the State should not be made to concede away all of its rights, when no corresponding concession is being made to it.

Another serious objection: The bill authorizes a change in the style of architecture, and empowers the Capitol Board to do away with all or a greater portion of the ornamental work on the inner and outside of the building, which destroys its beauty, and for which the State has already paid a handsome price.

In this measure the State has all to lose and nothing to gain, while the contractors have all to gain and nothing to lose. I predict that it will be a long time before the State gets its new Capitol, and I fear it will be a much inferior building to that contemplated in the original contract, and the original cost price will pale into utter insignificance when compared with the final cost under the proposed changes. Such has been the experience of every State which has undertaken to change or modify its capitol building contract after the construction of the building had commenced.

We concur in what Senator Harrison says.

HARRISON.

KLEBERG,
RANDOLPH,
GARRISON,
PFEUFFER,
DAVIS,
STINSON.

I concur in all the reasons given above by Senator Harrison for opposing this bill, and will state further that it is *unwise* to undertake, as this bill does, to place granite walls upon limestone foundations. And besides, three million acres of *land* is as much as the State ought to expend in the construction of our Capitol building. I believe the true policy to be pursued in this matter is for the State to comply strictly with the present contract, and require the contractors to do the same.

PERRY.

The President laid before the Senate House bill No. 324, "An act to compel railroads and other corporations to establish and maintain public offices in the State of Texas, and providing what books shall be kept thereat, and what said books shall contain, and requiring them to keep said books open for inspection, and to compel them to report to the Comptroller or Governor the true status of said corporations, and such other matters as may be required by said Governor or Comptroller and providing appropriate penalties for a failure to comply herewith."

The bill was read the third time.

Senator Traylor offered the following amendment

Section 7. All railroads within this State shall have ~~an~~ months after this act goes into effect, within which time to comply with the provisions hereof.

Adopted by the following vote:

YEAS—24.

Bell,	Hall,	Pfeuffer,
Calhoun,	Harrison,	Pope,
Davis,	Houston of Bexar,	Randolph,
Evans,	Jerdone,	Shannon,
Fowler,	Kilgore,	Stinson,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Traylor,
Glasscock,	Perry,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Farrar, Houston of Wheeler.

The bill was passed.

The President laid before the Senate House bill No. 437, "An act to protect mechanics, operatives book-keepers, clerks and laborers, who perform labor in any mill, factory, shop, store, office or farm against the failure of owners, sub-owners, contractors or agents to pay their wages, and to provide a lien for such wages."

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

YEAS—4.

Bell,	Perry,	Pope.
Getzendaner,		

NAYS—20.

Calhoun,	Harrison,	Randolph,
Davis,	Houston of Bexar,	Shannon,
Evans,	Jerdone,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Glasscock,	Knittel,	Woods.
Hall,	Pfeuffer,	

ABSENT, NOT VOTING.

Farrar, Houston of Wheeler.

House bill No. 430, "An act to restrict the employment of sailors and crews of foreign vessels from rolling cotton, handling cargo or laboring on the wharves or levees of ports in the State of Texas beyond the end of the ship's tackle," was laid before the Senate, and read the third time and passed by the following vote:

YEAS—15.

Bell,	Harrison,	Randolph,
Fowler,	Jerdone,	Stinson,
Garrison,	Kleberg,	Terrell,
Glasscock,	Knittel,	Traylor,
Hall,	Pope,	Woods

NAYS—9.

Calhoun,	Getzendaner,	Perry,
Davis,	Houston of Bexar,	Pfeuffer,
Evans,	Kilgore,	Shannon.

Paired—Senators Farrar and Houston of Wheeler. The former would have voted "yea," the latter "nay."

On motion of Senator Pope, Senator Houston of Wheeler was excused for to-day and to-morrow.

The President laid before the Senate, House bill No. 49, "An act to amend article 4636, title 95, chapter 2 of the Revised Civil Statutes."

The bill was read third time and passed.

On motion of Senator Randolph, Senator Pope was excused for the day, on account of sickness.

House bill No. 195, "An act to amend article 458 of the Revised Civil Statutes of the State of Texas," was laid before the Senate.

Read third time and lost by the following vote:

YEAS—10.

Bell,	Glasscock,	Stinson,
Calhoun,	Hall,	Traylor,
Evans,	Randolph,	Woods.
Fowler,		

NAYS—14.

Davis,	Houston of Bexar,	Perry,
Farrar,	Jerdone,	Pfeuffer,
Garrison,	Kilgore,	Shannon,
Getzendaner,	Kleberg,	Terrell.
Harrison,	Knittel,	

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 25, 1885.

Hon. Barnett Gible, President of the Senate :

I am instructed to report to your honorable body the passage of the following bills:

Senate bill No. 165, "An act to amend articles 4132 and 4190 of the Revised Civil Statutes of the State of Texas."

Senate bill No. 180, "An act to amend section 4 of an act to redistrict the State into judicial districts," etc.

Senate bill No. 209, "An act to preserve the charters of railway companies that, by reason of the financial condition of the country, have not constructed the number of miles of road annually required by law, and to prevent the forfeiture thereof."

Senate bill No. 235, "An act to authorize the several county commissioners' courts of the State of Texas to provide for more than four terms of the county court annually," etc.

House bill No. 162, "An act to amend article 2411, chapter 4, title 42 of the Revised Civil Statutes of the State of Texas."

House bill No. 218, "An act authorizing the sheriffs, constables or their deputies of this State to make persons who are principals or sureties on indemnifying bonds parties to suits," etc.

Substitute House bill No. 265, "An act to provide for the proper control, management and direction of the institutions respectively known as Blind Asylum and Deaf and Dumb Asylum."

Substitute House bill No. 270, "An act to amend article 3856 of the Revised Statutes."

House bill No. 287, "An act to amend article 3969, title 79, Revised Civil Statutes."

Substitute House bill No. 290, "An act to amend articles 378 and 379, chapter 6, title 11 of the Penal Code of the State of Texas, and to add to said chapter and title article 379a."

House bill No. 341, "An act to authorize the Governor to grant leave of absence from the State to district judges of the State of Texas."

Substitute House bill No. 360, "An act to amend article 4390a of chapter 1, title 87, of the acts of the called session of the Eighteenth Legislature, approved April 5, 1884."

House bill No. 409, "An act to amend article 4518, of chapter 1, title 91 of the Revised Civil Statutes of the State of Texas."

House bill No. 422, "An act to amend article 341, title 10, chapter 4 of the Revised Penal Code."

House bill No. 490, "An act to amend sections 4, 9 and 16 of an act entitled 'an act to incorporate the city of Calvert, in Robertson county.'"

Senate bill No. 48, "An act to punish fishing and hunting on the enclosed lands of another."

A. D. SADLER,
Chief Clerk House of Representatives.

The President referred House bills Nos. 290, 422, and 409, and substitute House bill No. 218 to Judiciary Committee No. 2, and

House bills Nos. 162 and 490 to Committee on State Affairs; and

Substitute House bill No. 270 and House bill No. 287 to Committee on General Land Office; and

House bill No. 265 to Committee on Asylums; and House bill No. 341 to Committee on Judicial Districts; and

Substitute House bill No. 360 to Committee on Roads and Bridges.

The President laid before the Senate,

Substitute Senate bill No. 48, "An act to punish fishing and hunting on the enclosed lands of another," with House amendments.

The Senate concurred in the first House amendment, and refused to concur in other House amendments.

Senate bill No. 165, "An act to amend articles 4182 and 4190 of the Revised Civil Statutes of the State of Texas," was laid before the Senate with House amendments, and.

On motion of Senator Houston of Bexar,

The Senate concurred in the House amendments.

Senate bill No. 235, "An act to authorize the several county commissioners' courts of the State of Texas to provide for more than four terms of the county court annually for the transaction of civil, criminal and probate business, and fix the times at which all the terms of said county courts may be held," was laid before the Senate with House amendment, and

On motion of Senator Calhoun,

The House amendment was concurred in.

Senate bill No. 180, "An act to amend section 4 of an act to redistrict the State into judicial districts, and to fix the times for holding courts therein," etc., was laid before the Senate, with House amendments, and

On motion of Senator Bell, was postponed until to-morrow.

House bill No. 252, "An act to amend article 636, chapter 3, title 8 of section 2 of an act entitled 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas,' was laid before the Senate, and:

Read the second time, with majority (unfavorable) and minority (favorable) committee reports.

Senator Bell moved to adopt the minority report.

Adopted by the following vote:

YEAS—15.

Bell,	Harrison,	Pfeuffer,
Calhoun,	Jerdone,	Stinson,
Fowler,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Traylor,
Glasscock,	Perry,	Woods.

NAYS—9.

Davis,	Garrison,	Kilgore,
Evans,	Hall,	Randolph,
Farrar,	Houston of Bexar,	Shannon.

(Senator Kleberg in the chair.)

Senator Davis moved to amend by striking out all after the word "defendant," in line 19, page 2.

Adopted.

Senator Bell offered the following amendment:

Amend section 1, subdivision 13, page 3, by striking out all after the word "action," in line 6, and adding in lieu thereof: "And if it appears to have been formed from reading newspaper accounts, communications, statements or reports, or from mere rumor or hearsay, and the juror states on oath that he feels able, notwithstanding such opinion, to render an impartial verdict upon the law and the evidence, the court, if satisfied that he is impartial and will render such verdict, may, in its discretion, admit him as competent to serve in such case; but if the court, in its discretion, is not satisfied that he is impartial, the juror shall be discharged."

Senator Houston of Bexar offered the following substitute for the amendment:

Strike out all after the word "discharge," line 8, page 3, down to and including the word "opinion," in line 12.

Lost by the following vote:

YEAS—11.

Davis,	Hall,	Kilgore,
Evans,	Harrison,	Randolph,
Farrar,	Houston of Bexar,	Shannon.
Garrison,	Jerdone,	

NAYS—13.

Bell,	Kleberg,	Stinson,
Calhoun,	Knittel,	Terrell,
Fowler,	Perry,	Traylor,
Getzendaner,	Pfeuffer,	Woods.
Glasscock,		

Senator Harrison offered the following substitute for the amendment:

Amend section 13 by striking out all in line 31 after the word "verdict."

Lost by the following vote:

YEAS—12.

Davis,	Getzendaner,	Jerdone,
Evans,	Hall,	Kilgore,
Farrar,	Harrison,	Randolph,
Garrison,	Houston of Bexar,	Shannon.

NAYS—12.

Bell,	Kleberg,	Stinson,
Calhoun,	Knittel,	Terrell,
Fowler,	Perry,	Traylor,
Glasscock,	Pfeuffer,	Woods.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage by the House of substitute House bill No. 370, known as the appropriation bill.

Respectfully,

A. D. SADLER,
Chief Clerk House of Representatives.

Substitute House bill No. 370 was referred to Committee on Finance.

On motion of Senator Traylor,

One hundred copies of the bill were ordered printed for the use of Senate, and

The bill was made special order for to-morrow after morning call, and from day to day till disposed of.

The amendment of Senator Bell was adopted by the following vote:

YEAS—17.

Bell,	Getzendaner,	Pfeuffer,
Calhoun,	Glasscock,	Stinson,
Davis,	Jerdone,	Terrell,
Evans,	Kleberg,	Traylor,
Fowler,	Knittel,	Woods.
Garrison,	Perry,	

NAYS—8.

Farrar,	Houston of Bexar,	Randolph,
Hall,	Kilgore,	Shannon.
Harrison,		

Senator Kilgore moved to strike out subdivision 15, page 3.

The following message was received from the House:

HOUSE OF REPRESENTATIVES
AUSTIN, March 25, 1885

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to report to the Senate the passage of the following bills:

Substitute House bill No. 502, "An act to postpone the sale of real and personal property for taxes assessed for 1885 until the first Monday in July, 1885."

Substitute House No. 551, "An act to establish and organize the county of Mills."

Respectfully,

A. D. SADLER,
Chief Clerk House Representatives

On motion of Senator Randolph,

The Senate adjourned till 3 o'clock this afternoon by the following vote:

YEAS—15.

Calhoun,	Hall,	Knittel,
Davis,	Harrison,	Perry,
Farrar,	Houston of Bexar,	Pfeuffer,
Garrison,	Jerdone,	Randolph,
Glasscock,	Kilgore,	Shannon.

NAYS—9.

Bell,	Getzendaner,	Terrell,
Evans,	Kleberg,	Traylor,
Fowler,	Stinson,	Woods.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Senator Shannon, President pro tem., in the chair. Roll called.

Quorum present.

The Senate resumed consideration of House No. 252.

Senator Kleberg moved the previous question on the amendment of Senator Kilgore, pending on adjournment, and the engrossment of the bill.

Seconded, and main question ordered.

The amendment of Senator Kilgore was adopted by the following vote:

YEAS—12.

Davis,	Harrison,	Knittel,
Evans,	Houston of Bexar,	Pfeuffer,
Farrar,	Jerdone,	Randolph,
Garrison,	Kilgore,	Shannon.

NAYS—11.

Bell,	Glasscock,	Terrell,
Calhoun,	Kleberg,	Traylor.
Fowler,	Perry,	Woods.
Getzendaner,	Stinson,	

ABSENT, NOT VOTING.

Hall.

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

YEAS—12.

Bell,	Glasscock,	Stinson,
Calhoun,	Kleberg,	Terrell,
Fowler,	Knittel,	Traylor,
Getzendaner,	Perry,	Woods.

NAYS—11.

Davis,	Harrison,	Pfeuffer,
Evans,	Houston of Bexar,	Randolph,
Farrar,	Jerdone,	Shannon.
Garrison,	Kilgore,	

ABSENT, NOT VOTING.

Hall.

Substitute House bill No. 502 was referred to Finance Committee.

Substitute House bill No. 551 was referred to Committee on Counties and County Boundaries.

Senator Glasscock entered a motion to reconsider the vote by which the Senate refused to pass to third reading House bill No. 214, "An act to compel railroad companies to provide double-decked cars for shipment of goats, sheep, hogs and calves, and to prevent discrimination against shippers thereof, and to provide penalties therefor."

On motion of Senator Garrison, The regular order of business was suspended, and,

Senate bill No. 278, "An act to confer upon certain county courts, whose civil jurisdiction has been heretofore or may hereafter be diminished, jurisdiction in all matters of eminent domain," was taken up and read the second time and ordered engrossed.

On motion of Senator Garrison, The constitutional rule was suspended, and The bill was placed on its third reading by the following vote:

YEAS—21.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Harrison,	Randolph,
Davis,	Houston of Bexar,	Shannon,
Evans,	Jerdone,	Stinson,
Farrar,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Fowler,	Hall,	Perry.
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The bill was read third time and passed by the following vote:

YEAS—21.

Bell,	Glasscock,	Perry,
Calhoun,	Harrison,	Pfeuffer,
Davis,	Houston of Bexar,	Randolph,
Evans,	Jerdone,	Shannon,
Farrar,	Kilgore,	Stinson,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Fowler,	Hall,	Traylor.
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Senator Fowler sent up the following privileged report:

COMMITTEE ROOM,
AUSTIN, March 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 260, being "An act to amend articles 1006, 1007 and 1008 of an act entitled 'an act to amend articles 1006, 1007 and 1008 of the Revised Civil Statutes of the State of Texas, approved February 21, 1879,' passed by the Eighteenth Legislature, and approved April 9, 1883," and find the same correctly enrolled, and have this day, at 11 o'clock a. m., presented the same to the Governor for his approval. All of which is respectfully submitted.

FOWLER, Chairman.

By leave, Senator Bell sent up the following reports:

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on General Land Office, to whom was referred substitute House bill No. 270, entitled "An act to amend article 3858 of the Revised Statutes," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

BELL, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on General Land Office, to whom was referred House bill No. 287, entitled "An act to amend article 396, title 79, Revised Civil Statutes," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

BELL, Chairman.

Bill read first time.

On motion of Senator Terrell,

Senator Hall was excused for to-day and to-morrow.

House bill No. 398, "An act to authorize cities and towns to levy and collect taxes for the erection, construction or purchase of public buildings, streets, sewers and other permanent improvements," was laid before the Senate, and

Read the second time with committee amendment, and

Committee amendment adopted and bill passed to third reading.

On motion of Senator Getzendaner,

The constitutional rule was suspended, and

The bill was placed on its final passage by the following vote:

YEAS—22.

Bell,	Glasscock,	Perry,
Calhoun,	Harrison,	Pfeuffer,
Davis,	Houston of Bexar,	Shannon,
Evans,	Jerdone,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Garrison,	Knittel,	Woods.
Getzendaner,		

NAYS—none.

ABSENT, NOT VOTING.

Randolph.

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

YEAS—22.

Bell, Calhoun, Davis, Farrar, Fowler, Garrison, Getzendaner, Glasscock,

Harrison, Houston of Bexar, Jerdone, Kilgore, Kleberg, Knittel, Perry,

Pfeuffer, Randolph, Shannon, Stinson, Terrell, Traylor, Woods.

NAYS—none.

ABSENT, NOT VOTING,

Evans.

Substitute House bill No. 392, "An act to restore to and confer upon the county court of Camp county the criminal jurisdiction heretofore belonging to it under the Constitution and general statutes of the State of Texas, to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with the provisions of this act," was laid before the Senate, and

Read the second time, with committee amendment.

Senator Houston of Bexar offered the following amendment to the committee amendment:

Strike out "Bexar" and insert "Zapata."

Adopted.

The committee amendment as amended was adopted.

Senator Terrell sent up the following amendment:

Amend bill by striking out "Camp" in caption and in bill wherever it occurs.

Adopted.

The bill was passed to third reading.

On motion of Senator Houston of Bexar, The constitutional rule was suspended, and

The bill was placed on its final passage by the following vote:

YEAS—23.

Bell, Calhoun, Davis, Evans, Farrar, Fowler, Garrison, Getzendaner,

Glasscock, Harrison, Houston of Bexar, Jerdone, Kilgore, Kleberg, Knittel, Perry,

Pfeuffer, Randolph, Shannon, Stinson, Terrell, Traylor, Woods.

NAYS—none.

The bill was read third time and passed.

On motion of Senator Davis,

Senate bill No. 248, "An act to amend articles 2725 and 2726 of the Revised Statutes," was taken up and read the second time.

Senator Harrison offered the following amendment:

Strike out "district attorney" wherever it appears in the bill.

Adopted, and

The bill was ordered engrossed.

On motion of Senator Evans,

The constitutional rule was suspended, and

The bill was placed on its final passage by the following vote:

YEAS—23.

Bell, Calhoun, Davis, Evans, Farrar,

Fowler, Garrison, Getzendaner, Glasscock, Harrison,

Houston of Bexar, Jerdone, Kilgore, Kleberg, Knittel,

Perry, Pfeuffer, Randolph,

Shannon, Stinson, Terrell,

Traylor, Woods.

NAYS—none.

The bill was read a third time and passed.

On motion of Senator Glasscock,

The regular order of business was suspended and Senate bill No. 179, "An act prescribing a penalty to those who bring cattle into this State infected with the disease of pleuro-pneumonia, rhinderpest, or any other contagious disease," was taken up and

Read the second time.

Senator Glasscock offered the following amendment:

Whereas, There is no law prescribing a penalty against those who bring cattle into this State affected with a contagious disease, and the present session of the Legislature being so near to a close will not admit of this bill being read on three several days, therefore an emergency and imperative public necessity exists requiring suspension of the constitutional rules, and the same be and are hereby suspended, and it is so enacted.

Adopted.

Senator Fowler offered the following amendment

Amend by striking out the word "rhinderpest" wherever occurs.

Adopted.

Senator Terrell moved to postpone the bill indefinitely.

Lost by the following vote:

YEAS—8.

Davis, Kilgore, Kleberg,

Knittel, Randolph, Stinson,

Terrell, Traylor.

NAYS—15.

Bell, Calhoun, Evans, Farrar, Fowler,

Garrison, Getzendaner, Glasscock, Harrison, Houston of Bexar,

Jerdone, Perry, Pfeuffer, Shannon, Woods.

Senator Davis offered the following amendment:

Where "rhinderpest" is stricken out insert "hollow-tail."

Adopted.

Senator Kilgore moved to strike out "pleuro-pneumonia."

Lost by the following vote:

YEAS—7.

Davis, Garrison, Kilgore,

Kleberg, Knittel,

Stinson, Terrell.

NAYS—16.

Bell, Calhoun, Evans, Farrar, Fowler, Getzendaner,

Glasscock, Harrison, Houston of Bexar, Jerdone, Perry,

Pfeuffer, Randolph, Shannon, Traylor, Woods.

Senator Kleberg moved to postpone action on the bill till the first day of April.

Adopted by the following vote:

YEAS—15.

Davis, Evans, Garrison, Getzendaner, Glasscock,

Jerdone, Kilgore, Kleberg, Knittel, Pfeuffer,

Randolph, Shannon, Stinson, Terrell, Traylor.

NAYS—8.

Bell,
Calhoun,
Farrar,

Fowler,
Harrison,
Houston of Bexar,

Perry,
Woods.

The President pro tem. gave notice of signing the following bills, to-wit:

House bill No. 79, entitled "An act to amend chapter 9 and section 10 of an act of the regular session of the Seventeenth Legislature, entitled 'an act authorizing the commissioners' courts of the several counties of the State to issue bonds for the erection of a court house, and to levy a tax to pay the same,' approved February 11, A. D. 1881, so as to include the issue of jail bonds, denominated as chapter 17 of the acts of the special session of the Legislature held in 1884; and to validate bonds issued under an act entitled 'an act to amend chapter 9, section 10 of an act of the regular session of the Seventeenth Legislature, entitled an act authorizing the county commissioners' court of the several counties of this state to issue bonds for the erection of a court house, and to levy a tax to pay the same,' approved February 11, 1881, so as to include the issue of jail bonds."

House bill No. 430, "An act to restrict the employment of sailors and crews of foreign vessels from rolling cotton, handling cargoes or laboring on wharves or levees of ports in the State of Texas, beyond the end of the ship's tackle;" and

House bill No. 489, "An act to amend chapter 6, title 8 of the Penal Code, by adding article 259a."

By leave the following reports were sent up:
By Senator Houston of Bexar:

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred substitute House bill No. 301, entitled "An act to regulate the banking system of Texas," have carefully examined the same, and a majority of the committee instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Barnett Gibbs, President of the Senate:

The undersigned, a minority of your Judiciary Committee No. 1, to whom was referred substitute House bill No. 301, entitled "An act to regulate the banking system of Texas," dissenting from the views expressed in the majority report, beg leave to recommend that the bill do pass.

All of which is respectfully submitted.

HARRISON, for minority.

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 349, entitled "An act to amend article 797, chapter 17, title 17 of the Penal Code of the State of Texas," have carefully examined the same, and a majority of the committee instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 164, entitled "An act to amend article 4245, Sec 84, chapter 10, of the Revised Statutes of Texas," have

carefully examined the same, and a majority of the committee instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 96, entitled "An act to amend an act entitled 'an act to amend article 4411 of the Revised Civil Statutes,' approved March 5, 1883," have carefully examined the same, and a majority of the committee instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 372, entitled "An act to amend article 3193 of the Revised Civil Statutes," have carefully examined the same, and a majority of the committee instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred substitute House bill No. 72, entitled "An act to amend article 4367 of the Revised Statutes," have carefully examined the same, and a majority of the committee instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 277, entitled "An act to amend chapter 13 of the Revised Civil Statutes by adding article 1379a," have carefully considered the same, and a majority of the committee instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 276, entitled "An act to authorize the dismissal of certain suits," have carefully examined the same, and a majority of the committee instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

By Senator Harrison:

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 551, entitled "An act to establish and organize the county of Mills," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

HARRISON, Chairman.

Bill read first time.

On motion of Senator Jerdone,

Senate bill No. 259, "An act to amend chapter 20, title 37 of the Revised Civil Statutes of the State of Texas, by adding thereto three additional articles, to be known as articles 2041a, 2041b and 2041c," was taken up, and

Read the second time and ordered engrossed.

On motion of Senator Jerdone,

The constitutional rule was suspended, and

The bill was placed on its final passage by the following vote:

YEAS—22.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Houston of Bexar,	Randolph,
Davis,	Jerdone,	Shannon,
Evans,	Kilgore,	Stinson,
Farrar,	Kleberg,	Terrell,
Fowler,	Knittel,	Traylor,
Garrison,	Perry,	Woods.
Getzendaner,		

NAYS—1.

Harrison.

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

YEAS—16.

Davis,	Houston of Bexar,	Pfeuffer,
Evans,	Jerdone,	Randolph,
Farrar,	Kilgore,	Shannon,
Fowler,	Knittel,	Traylor,
Getzendaner,	Perry,	Woods.
Glasscock,		

NAYS—7.

Bell,	Harrison,	Stinson,
Calhoun,	Kleberg,	Terrell.
Garrison,		

The following message was received from the Governor:

To the Senate and House of Representatives:

GENTLEMEN—I learn from the public prints that the two houses have adopted a resolution to adjourn on the thirty-first instant.

By virtue of an act of the Eighteenth Legislature, the board created thereby has been auditing the claims against the federal government for moneys expended in defending the Texas frontier. We have now audited, in accordance with the rules adopted by the Treasury department, about one million, and will soon complete the work. The whole sum will probably be about fourteen hundred thousand.

When they are presented to the auditorial board at the Treasury department, they are taken up item by item, and the State is required to satisfy that board:

1. That the money was actually expended.
2. That there was a necessity for the expenditure. It was supposed at one time that our board had authority to employ a man and send him to Washington, to remain there to represent the State in securing the payment of our claims.

But the opinion of the board now is, that it is lacking in authority to make a contract for that purpose. It will require a first class business man, and he will have to be on the spot all the time.

It has been supposed by some that our Senators and members in Congress could perform this duty. I am informed by them that it is impossible for them to do so, and that it is the duty of the State to send a man to look after these claims who can give his whole time to it.

I am not fully advised of the import of the bill pending in the House of Representatives, but learn that the committee to whom it was referred has reported adversely to it.

If the measure fails entirely, it will prove disastrous to the State.

This is a large claim. I of course can form no idea of the amount that will be realized on it.

I trust the measure will be taken up, and the board invested with such authority as will enable the State to collect its money.

JOHN IRELAND.

The President laid before the Senate House bill No. 526, "An act to define the duties of telegraph companies in the transfer of messages, and to provide adequate penalties for the enforcement thereof."

The bill was read the second time with committee amendment.

On motion of Senator Houston of Bexar,

The Senate adjourned till ten o'clock to-morrow morning.

SIXTY-SECOND DAY.

SENATE CHAMBER,
AUSTIN, March 26, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Calhoun,

The reading of the journal of yesterday was dispensed with.

REPORTS OF STANDING COMMITTEES.

By Senator Kilgore:

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred substitute House joint resolutions Nos. 1 and 2 entitled "Joint resolution to amend sections 3 and 6 of article 5 of the Constitution of the State of Texas," have had the same under consideration, and a majority of your committee instruct me to report it back with the recommendation that it do not pass.

Substitute House joint resolution Nos. 1 and 2 seek to take from the Court of Appeals jurisdiction of all civil business and place it in the Supreme Court. The effect of the proposed change would be to overload the docket of the Supreme Court to such an extent as to greatly obstruct the administration of justice.

All of which is respectfully submitted.

KILGORE, Chairman.

Read first time.

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred House joint resolution No. 27, entitled "Joint resolution to amend section 8, article 5, of the Constitution of the State of Texas," have had the same under consideration and instruct me to report it back with the recommendation that it do pass.

The object of this joint resolution is to confer general jurisdiction on the district courts, and to give them such general supervisory control over county commissioners' courts as may be provided by law.

All of which is respectfully submitted.

KILGORE, Chairman.

Read first time.

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred House joint resolution No. 14, entitled "Joint resolution to amend section 2, article 6 of the Constitution of

State of Texas," have had the same under consideration. And instruct me to report it back with the recommendation that it do pass.

The purpose of this joint resolution is to require foreign born persons to declare their intention to become a citizen of United States twelve months prior to any election before they can vote, and to authorize persons to vote in organized counties having an election precinct therein.

All of which is respectfully submitted.

KILGORE, Chairman.

Read first time.

By Senator Traylor:

COMMITTEE ROOM,
AUSTIN, March 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred substitute House bill No. 502, entitled "An act to postpone the sale of real and personal property for taxes assessed for 1884 until the first Monday in July, 1885," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

A majority of the committee think it will establish a bad precedent, without being of material advantage to taxpayers. It is believed that money will be as scarce on July 1 as now, and is it thought collectors will be so indifferent to their own political interests as to hastily and arbitrarily enforce such collections. Furthermore, several collectors have already advertised sales of real estate of non-residents, and it is believed the extension herein provided will bring about many complications without corresponding good.

All of which is respectfully submitted.

TRAYLOR, Chairman.

Bill read first time.

By Senator Davis:

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred House bill No. 422, entitled "An act to amend article 341, title 10, chapter 4, of the Revised Penal Code," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred substitute House bill No. 290, entitled "An act to amend articles 378 and 379, chapter 6, title 11 of the Penal Code of the State of Texas, and to add to said chapter and title article 379a," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred House bill No. 409, entitled "An act to amend article 4518, of chapter 1, title 91, of the Revised Civil Statutes of the State of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred sub-

stitute House bill No. 218, entitled "An act authorizing the sheriffs, constables, or their deputies of this State to make persons who are principals or sureties on indemnifying bonds parties to suits, and giving such sheriffs, constables or their deputies time to secure service on such principals and sureties," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass, with the following amendment:

Strike out the words "with the consent of the plaintiff in such damage suit," in section 1 of the bill.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred House bill No. 151, entitled "An act to prevent the gift, sale or loaning of pistols or other deadly weapons to minors, and fixing penalties therefor," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 266, entitled "An act to authorize the redemption of lands sold under execution, or orders of sale and powers of sale in mortgages or deeds of trust, and to prescribe the mode of proceeding therein," have had the same under consideration, and instruct me to report it back with the recommendation that it do lie on the table, as the near approach of the close of the session renders its passage exceedingly doubtful.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

By Senator Randolph:

COMMITTEE ROOM,
AUSTIN, March 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred House bill No. 490, entitled "An act to amend sections 4, 9 and 16 of an act entitled 'an act to incorporate the city of Calvert, in Robertson county,'" have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

In the opinion of the committee, the bill, if passed, would be unconstitutional.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred House bill No. 162, entitled "An act to amend article 2411, chapter 4, title 42, of the Revised Civil Statutes of the State of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred

House bill No. 341, entitled "An act to authorize the Governor to grant leave of absence from the State to district judges of the State of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass. The district judges, under existing laws, have the right to leave the State at any time they choose, provided they do not thereby neglect the duties of their office, and we not think that they should be permitted to leave during a session of their court, or at any time when the duties of their office would be materially affected thereby.

All of which is respectfully submitted.

FOWLER, Chairman.

Bill read first time.
By Senator Bell:

COMMITTEE ROOM,
AUSTIN, March 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 259, being "An act to amend chapter 20, title 37 of the Revised Statutes, by adding thereto three additional articles, to be known as articles 2041a, 2041b and 2041c," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 248, being "An act to amend articles 2225 and 2226 of the Revised Statutes," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 278, being "An act to confer upon certain county courts whose jurisdiction has been heretofore, or may hereafter be diminished, jurisdiction in all matters of eminent domain," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

Senator Traylor sent up the following special committee report:

COMMITTEE ROOM,
AUSTIN, March 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your special committee, appointed at the request of Hon. W. C. Walsh, Commissioner of the General Land Office, in accordance with his communication to yourself, dated March 16, 1885, requesting that a special committee be appointed to investigate charges made against him on the floor of the Senate Chamber, in reference, as we understand it, to correspondence between himself and A. E. Dodson, of Cooke county, concerning the location of the John C. White veteran certificate, and also in reference to the locating and patenting veteran certificates in Greer county. We have ascertained that an extensive correspondence, covering a period of a year, has been carried on between Mr. A. E. Dodson and Hon. W. C. Walsh, in reference to various and sundry locations as might occur with any person doing a general land agency business and the Commissioner of the General Land Office. But the committee only had occasion to make investigation in reference to the correspondence relative to the John C. White certificate before alluded to, which correspondence consists of four or five letters written by Mr. Dodson, and answers thereto by the Commissioner of the General Land Office, hence it is this correspondence only we have investigated and to which we refer.

Mr. Dodson located sixty-nine and one-half acres of land in Cooke county, by virtue of veteran certificate No. 1690, issued under act of March 15, 1881. The land was surveyed in August, 1883, and filed in the Land Office August 24, 1883. Taking the course of all claims, it was registered, indexed, and referred to the calculator. He discovered errors in the field notes, viz.:

that they did not close, and this fact was reported before examination on the map, or as to legality was made. The object (Capt. Walsh says) was to get the claim in such condition as to patent immediately if declared legal.

Previous to this date, however, on July 3, 1883, Mr. Dodson had written a letter to the Commissioner enquiring whether or not veteran certificates issued under act of March 15, 1881, and veteran certificates issued under act of 1879, and Confederate certificates, locatable on vacancies of less than 640 acres in organized counties, would be patented. In response to which the Commissioner gave no opinion in reference to veterans issued under act of 1881, of which the John C. White location, but merely quoted the language of the act of March 15, 1881, granting these certificates, but stating plainly that veteran certificates under act of 1879 and Confederate certificates were not locatable on vacancies of less than 640 acres in organized counties.

On September 27, 1883, Mr. Dodson asks information as to the validity of his J. C. White location, and further asks whether there any case now in court awaiting action to settle this question. He was answered October 2, 1883, that the Commissioner knew of no case in court involving the question. On December 17, 1883, in answer to his letter of November 20, 1883, he was again advised of error in the field notes. The legal question involved, and about which correspondence had passed, was supposed to be understood, and was not repeated. On May 23, 1884, in answer to Mr. Dodson's letter of May 21, 1884, inquiring about seventeen claims, he was furnished a statement by the Commissioner as far as the claims had been examined, those which had not been endorsed by the draftsmen and examining clerk were reported as having been passed for examination, and if found correct would be patented when ready in their order. This, we learn, is the usual formula in reporting unexamined claims, and simply means that if no objection legal or technical, is found, the claims would be patented. It would probably have been better had the Commissioner repeated the legal doubts as to this claim, but it was not done.

August 12, 1884, the claim was endorsed by the chief draftsman "Illegal—being made on reserved land—otherwise correct on map;" and October 8, 1884, Mr. Dodson was written quoting the above endorsement. This meant nothing more, less, says Capt. Walsh, than that the Commissioner would not pass on the question of the validity of the location. Mr. Dodson must have known that the question was held open by the department for judicial or legislative action before the location was made, in evidence of which we refer to the letter addressed him by the Commissioner, before referred to, bearing date July 3, 1883. He was treated, it appears, in the same manner as others. His survey was filed, registered and mapped, the endorsement of the draftsman was made as in all such cases, to prevent the claim passing to patent through any oversight.

The committee are of the opinion a misconception arose in reference to Capt. Walsh's letter of July 3, 1883, to Mr. A. E. Dodson, in answer to Mr. Dodson's inquiry as to whether veteran certificates of 1881, veteran certificates of 1879, and Confederate certificates, were locatable on vacant land of less than 640 acres in organized counties; in reply to which Capt. Walsh said positively the two latter class of certificates were not, but merely quoted the law authorizing the issuance of the first named class, he being in doubt about the latter class himself and preferring to leave it to the courts or to the Legislature to determine. Also, in reporting upon the John C. White location, in connection with others, he said "they had been passed for examination, and if found correct would be patented," he meaning thereby if correct technically and legal, while it may have been construed by others as having reference alone to the field notes. The reasons above given, and the additional one that Mr. Dodson wrote Senator Davis that Capt. Walsh had, in conversation with him, agreed to recognize the validity of the John C. White location, we think led to the misunderstanding.

We will add, we have heard of no instance where persons were allowed patents on tracts of less than 640 acres in organized counties since the act of March 11, 1881, reserving land from location, nor have we any knowledge of any person being denied the right to locate veteran certificates of 1881 in Greer county.

The act of March 15, 1881, granting veteran certificates 1280 acres, made them locatable as headright certificates "any of the public domain of the State," and repealed the act of 1879, granting certificates of 640 acres each to veterans, specifically reciting its caption and "all other laws conflicting with the provisions of this act." The provisions of this act were: 1, the issuance of certificates for 1280 acres; 2, that the

were locatable as headrights, and, as such, divisible until exhausted; and 3, upon any public domain. The Commissioner, regarding "public domain" as embracing such of the territory of the State as she had not granted to individuals or dedication to some trust, it was held by that officer that these certificates were locatable upon any land not located or not surveyed for educational purposes. In applying this construction, he was met with the preceding act of March 11, 1881, which prohibited the location of any certificates on the lands therein named, and while ordinarily the later act would repeal the earlier, the fact remained that the two acts of March 11, 1881, and March 15, 1881, neither received the requisite vote, and consequently came into existence ninety days after adjournment, namely, July 1, 1881. The act of February 25, 1879, which had appropriated one-half of the territory of Greer county to public schools and one-half for the payment of the public debt, was not repealed in the act of March 11, 1881, and was held to be repealed so far as it conflicted with the provisions of the act of March 15, 1881, to the extent, at least, of one-half its territory.

That is, the Commissioner ruled that the act of March 11, 1881, granting veteran certificates, although passed three days before the act of July 14, 1879, reserving from location lands in unorganized counties and all tracts of less than 640 acres in organized counties, which would include the tract upon which the John C. White certificate was located in Cook county, that both acts going into effect simultaneously, he would recognize the surveys thus made, but would not patent, but await legislative or judicial action. He also ruled that veteran certificates issued under act of 1879 could not be located in Greer county, because there was no repealing clause in the bill granting the certificates, but that veteran certificates issued under act of 1881 could be located in Greer county, because it was subsequent to the act of 1879, setting aside Greer county for a specific purpose, and repealed all laws in conflict therewith.

We are informed by Capt. Walsh this ruling was communicated by him in conversation in the office to Col. John M. Swisher, a Texas veteran, who had one of the certificates affected thereby. Col. Swisher investigated the matter, and after consultation with lawyers, concluded the ruling was correct, and had circular letters printed and sent to veterans who had obtained or were entitled to certificates under the act of 1881.

These printed letters were distributed over the State, and the fact of the ruling was commented on by the newspapers and known to the public generally.

Many of the veterans accepted the proposition of Col. Swisher, and made contracts with him for location of their certificates in Greer county. He located and returned about one hundred surveys before anyone else took any steps in the matter.

When the first patents were issued, they were sent to the Governor for his signature, unaccompanied by any others, with a letter calling his attention to their character and where located. When the cattle firm, which afterwards located there, became satisfied that the ruling of the Land Office was correct, and that the title of Texas was indisputable, they bought and located also.

There was no limitation in the law or the certificates as to sale, and whatever legal right the State granted to the veteran, he could convey and vest in his assignee.

Having held that the veteran certificates, under act of 1881, were locatable in Greer county, there was no authority to rule that they were good only to the original grantee.

The ruling by the Commissioner, so far as we can ascertain, have been uniform, viz:

1. That the Land Office would not determine the question of conflict between the acts of March 11, 1881, and March 15, 1881.
2. That veteran certificates of 1881 were locatable in Greer county.
3. That veteran certificates under act of 1879, which contained no repealing clause, and Confederate certificates, were not locatable therein.

Nothing contrary to the above has been ruled, so far as we can learn. While we have had to rely almost exclusively on data and information furnished by the Land Office, or persons connected therewith, yet we have reached the conclusion that there was nothing in the conduct of the Hon. W. C. Walsh in reference to the location of the John C. White certificate, or the correspondence relating thereto, or in reference to the locating and patenting lands in Greer county, that would justify a

suspicion that he was actuated by other than the purest motives in the intelligent discharge of a conscientious official duty.

All of which is respectfully submitted.

JNO. H. TRAYLOR,
C. K. BELL,
C. J. GARRISON.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body that the House has passed the following bills:

Senate bill No. 141, "An act to amend articles 29 and 30 of the Penal Code of Criminal Procedure for the State of Texas."
Substitute House joint resolution No. 30, "Joint resolution to amend section 2, of article 5 of the Constitution of the State of Texas."

House bill No. 562, "An act to amend sections 12 and 4 of an act entitled 'an act to provide for the more efficient management of the the Texas State Penitentiaries and to make an appropriation therefor,' approved April 18, 1883."

Substitute House bill No. 170, "An act to provide annual pensions for the surviving indigent soldiers or indigent volunteers of the Texas Revolution, and the indigent surviving signers of the Declaration of Independence, and the indigent surviving widows of such soldiers, volunteers or signers, and to repeal all laws and parts of laws in conflict therewith."

House bill No. 529, "An act to amend an act to redistrict the State into judicial districts," etc.

Respectfully,

A. D. SADLER,
Chief Clerk House of Representatives.

HOUSE OF REPRESENTATIVES,
AUSTIN, March 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body that the House has reconsidered its action in adopting the minority report of the conference committee on Senate bill No. 8, and has adopted the majority report of said committee.

Respectfully,

A. D. SADLER,
Chief Clerk House Representatives.

BILLS AND RESOLUTIONS.

By Senator Glasscock:

"An act to authorize the Governor to appoint three assessors and collectors of taxes in the unorganized counties of the State, and to define their powers and duties and fix their compensation."

Referred to Finance Committee.

Substitute House bill No. 370, "An act making appropriations for the support of the State government for the years beginning March 1, 1885, and ending February 28, 1887, and for other purposes," was laid before the Senate and read the second time.

On motion of Senator Traylor,

The bill was acted upon by sections.

Senator Glasscock offered the following amendment:

Amend by adding to the appropriation of the executive office the following: For balance of salary due Edwin Rust as executive clerk from November 15, 1883 to March 1, 1885, \$775.

Lost.

(Senator Terrell in the chair.)

Senator Kleberg offered the following amendment:

Amend item in line 15, page 3: "Salary of inside watchman \$900, and two other additional watchmen for the treasury and Comptroller's department, at \$600 each; total, \$2100."

Senator Shannon offered the following substitute for the amendment:

In line 17, strike out the words "at \$700 each."

Accepted, and

Adopted by the following vote:

YEAS—15.

Calhoun,	Hall,	Perry,
Davis,	Houston of Bexar,	Shannon,
Evans,	Kilgore,	Stinson,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Traylor.

NAYS—9.

Bell,	Glasscock,	Pfeuffer,
Farrar,	Harrison,	Randolph,
Fowler,	Jerdone,	Woods.

ABSENT, NOT VOTING.

Pope.

Senator Evans moved to amend line 6, page 4 of printed bill, in Comptroller's department, by inserting \$1350 in lieu of \$1200.

Adopted by the following vote:

YEAS—16.

Bell,	Houston of Bexar,	Randolph,
Calhoun,	Jerdone,	Shannon,
Evans,	Kilgore,	Stinson,
Garrison,	Kleberg,	Terrell,
Glasscock,	Pfeuffer,	Traylor.
Hall,		

NAYS—8.

Davis,	Getzendaner,	Perry,
Farrar,	Harrison,	Woods.
Fowler,	Knittel,	

Senator Davis offered the following amendment:

Change all the \$1200 salaries in Comptroller's department to \$1350.

Adopted by the following vote:

YEAS—17.

Calhoun,	Harrison,	Randolph,
Davis,	Houston of Bexar,	Shannon,
Fowler,	Jerdone,	Stinson,
Garrison,	Kilgore,	Terrell,
Glasscock,	Knittel,	Traylor.
Hall,	Pfeuffer,	

NAYS—7.

Bell,	Getzendaner,	Perry,
Evans,	Kleberg,	Woods.
Farrar,		

ABSENT NOT VOTING.

Pope.

Senator Harrison moved to reconsider the vote adopting the amendment of Senator Davis.

Senator Davis moved to lay that motion on the table.

Adopted.

Senator Garrison offered the following amendment to the Land Office department:

Amend in line 11 by striking out "\$12,960," in both columns and insert "\$14,400" in lieu thereof.

Lost.

Senator Houston of Bexar moved to amend so as to make all \$1200 salaries in Land Office \$1350.

Withdrawn.

Senator Glasscock moved to amend line 6, page 5, by striking out "\$1350," and inserting "\$1500."

Lost.

Senator Evans moved to strike out "\$1600," in line 3, page 5, and insert "\$1800."

Senator Traylor moved to substitute the amendment by striking out "\$1600" and inserting "\$1500."

Adopted.

The amendment as substituted was lost.

Senator Kilgore moved to amend by striking out \$14,400, in line 14, page 5, and insert \$15,200 in lieu thereof.

Senator Evans moved to substitute the amendment by striking out "twelve," after the word "of," in line 14, page 5, printed bill, and insert in lieu thereof the word "ten."

Accepted, and

Amendment lost.

Senator Calhoun offered the following amendment:

Amend lines 7, 14, 16 and 18, page 5, General Land Office, strike out \$1200 wherever it occurs and insert \$1350.

Lost.

Senator Shannon moved the following amendment:

In line 15 strike out all after the word "one" and insert "school, university and asylum land draftsman, to be paid out of the respective funds."

Adopted.

Senator Davis moved to strike out the word "chief" in line 23, page 6.

Adopted.

Senator Shannon moved to make the Court of Appeals' porter hire \$300.

Adopted.

Senator Calhoun moved to amend line 23, page 8, by striking out "\$95,000," where it appears, and insert "\$100,000."

Adopted.

Senator Calhoun offered to amend line 24, page 8, for \$12,000 insert \$12,500.

Adopted.

Senator Davis moved to amend by striking out line 24.

Withdrawn.

(The President in the chair.)

Senator Traylor offered to amend lines 13 and 14, page 9, by striking out \$5000 and inserting \$8000.

Adopted.

Senator Davis offered the following amendment:

After penitentiaries, in line 19, page 9, add "and capitol," and make "board" read "boards."

Adopted.

Senator Glasscock moved to amend line 1, page 10, so as to make salary of Superintendent of Public Grounds and Buildings \$1000 per year instead of \$500.

Adopted by the following vote:

YEAS—13.

Calhoun,	Houston of Bexar,	Shannon,
Fowler,	Jerdone,	Stinson,
Getzendaner,	Kilgore,	Terrell,
Glasscock,	Kleberg,	Traylor.
Hall,		

NAYS—11.

Bell,	Garrison,	Pfeuffer,
Davis,	Harrison,	Randolph,
Evans,	Knittel,	Woods.
Farrar,	Perry,	

ABSENT NOT VOTING.

Pope.

Senator Davis moved to stike out from line 10, page 10, to line 14, inclusive.

Adopted.

Senator Glasscock moved to amend page 10, line 6, by striking out "\$350" and inserting "\$1000." Also strike out "\$100" and insert "\$1000."

Lost.

Senator Woods moved to strike out all in line 6, page 11.

Lost by the following vote:

YEAS—11.

Davis,
Farrar,
Garrison,
Getzendaner,

Hall,
Kilgore,
Kleberg,
Knittel,

Perry,
Pfeuffef,
Woods.

NAYS—13.

Bell,
Calhoun,
Evans,
Fowler,
Glasscock,

Harrison,
Houston of Bexar,
Jerdone,
Randolph,

Shannon,
Stinson,
Terrell,
Traylor.

ABSENT, NOT VOTING.

Pope.

I vote "no." because I do not think that the appropriation should be stricken out while the law granting pensions is unrepealed.

TERRELL.

Senator Pfeuffer moved to substitute "\$60,000" for "\$70,000," in line 7, page 12.

Withdrawn.

Senator Terrell moved to strike out "\$640," in line 26, page 12, and insert "salary of engineer and two firemen, \$900."

Adopted.

On motion of Senator Davis,

Senato: Knittel was excused for the day.

Senator Terrell moved to strike out "\$20,000" and insert "\$25,000."

Adopted.

Senator Stinson moved to strike "\$900," in line 1, under 1887.

Adopted.

Senator Terrell moved to strike out "\$1200," in line 27, page 15, and insert "\$900."

Adopted.

Senator Stinson moved to add the following: "For support of summer normal schools, to be paid out of school fund for the years ending February 28, 1886, \$6000; 1887, \$6000."

Senator Kilgore offered the following substitute for the amendment:

Amend by adding after the word "purpose," in line 7, page 14, the following words: "For the payment of salaries of summer normal institute principals, to be appointed by the Superintendent of Public Instruction, one in each senatorial district for whites, and one in each congressional district for colored teachers, \$6000 each year."

Accepted.

Senator Davis moved to amend the amendment as substituted as follows:

Strike out "Superintendent of Public Instruction" and insert "Board of Education."

Lost.

The amendment as substituted was adopted.

Senator Getzendaner moved to strike out line 26, on page 7.

Lost.

Senator Traylor moved to amend page 17, lines 28 and 29, by striking out "to be paid out of general

revenue." and inserting "to be paid out of available school fund."

The President referred the following House bills, to-wit:

No. 529 to Committee on Judicial Districts.

No. 562 to Committee on Penitentiaries.

Substitute House bill No. 170 to Committee on State Affairs:

Substitute House joint resolution to Committee on Constitutional Amendments.

On motion of Senator Houston of Bexar,

The Senate adjourned till 3 o'clock this afternoon.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

The President gave notice of signing the following bills:

Senate bill No. 165, "An act to amend articles 4182 and 4190 of the Revised Civil Statutes of the State of Texas"

Senate bill No. 235, "An act to authorize the several commissioners' courts of the State of Texas to provide for more than four terms of the county courts annually, for the transaction of civil, criminal and probate business, and to fix the times at which all the terms of the county courts may be held."

Senate bill No. 180, "An act to amend section 4 of of 'an act to redistrict the State into judicial districts,' etc., was laid before the Senate with House amendments.

On motion of Senator Traylor,

The Senate concurred in the first House amendment.

On motion of Senator Garrison,

The Senate refused to concur in the second House amendment.

On motion of Senator Terrell,

Senator Pope was excused for to-day, on account of sickness.

Senate bill No. 141, "An act to amend articles 29 and 30 of the Code of Criminal Procedure for the State of Texas," was laid before the Senate, with House amendment.

On motion of Senator Davis,

The Senate concurred in the House amendment.

The Senate resumed consideration of substitute House bill No. 370 (the appropriation bill).

The amendment of Senator Traylor, pending on adjournment, was adopted.

Senator Terrell moved to reconsider the vote just taken.

Adopted.

The amendment was then adopted by the following vote:

YEAS—15.

Bell,
Calhoun,
Farrar,
Fowler,
Getzendaner,

Glasscock,
Houston of Bexar,
Jerdone,
Kleberg,
Knittel,

Perry,
Pfeuffer,
Randolph,
Traylor,
Woods.

YAYS—9.

Davis,	Hall,	Shannon,
Evans,	Harrison,	Stinson,
Garrison,	Kilgore,	Terrell.

Senator Harrison offered the following amendment:

Amend line 2, page 19, by adding "subject, however, to the appropriation herein made for the A. and M. College."

Adopted.

Senator Davis offered the following amendment:

Amendment to the appropriation bill: To refund to purchasers of public domain and other public lands the money paid by them into the State Treasury as the purchase money on lands for which they have been unable to acquire title for the reasons mentioned in the act of April 14, 1833, page 113 of the general laws of the Eighteenth Legislature, \$5000. One-half to be paid out of the general revenue, and the other out of the fund to which said money belongs.

Adopted.

Senator Kleberg offered the following amendment:

Under head of "miscellaneous," add "to pay John O'Brien for Sam Houston bust, \$1500."

Lost.

Senator Fowler moved to strike out "\$1000," in both places in line 12, page 11, and insert instead in each place "\$1400."

Lost.

Senator Houston of Bexar offered the following amendment:

Amend by inserting after 'General Land Office, the following:

DEPARTMENT OF INSURANCE, STATISTICS AND HISTORY:

For salary of Commissioner.....	\$2,000	\$2,000
Salary of chief clerk.....	1,500	1,500
One temporary clerk.....	500	500
Porter hire.....	300	300
Stationery, postage, fuel, lights, expressage, and binding books for public library.....	500	500
Purchasing books for public library.....	500	500
Subscriptions for newspapers for public library and binding the same.....	200	200
Contingent expenses.....	100	100
Deficiency in appropriation for payment of sets of Southern Historical Society papers distributed to the several counties in the State, (10 sets of 10 vols. each \$31).....	310	

Senator Shannon moved to amend the amendment as follows:

Strike out all but the salary of Commissioner and one clerk.

Adopted.

The amendment, as amended, was adopted by the following vote:

YEAS—15.

Bell,	Hall,	Pfeuffer,
Farrar,	Houston of Bexar,	Randolph,
Garrison,	Jerdone,	Stinson,
Getzendaner,	Kilgore,	Terrell,
Glasscock,	Kleberg,	Taylor.

NAYS—9.

Calhoun,	Fowler,	Perry,
Davis,	Harrison,	Shannon,
Evans,	Knittel,	Woods.

(Senator Shannon, President pro tem., in the chair.)

Senator Getzendaner moved to strike out lines 10, 11, 12, 13, 14, 15, 16 and 17, on page 20.

Adopted.

Senator Traylor offered the following amendment:

For salary of Commissioner of Fish, pay of help at the ponds, water supply, shipping fish, incidental expenses, etc. to date when the law abolishing the Commissioner takes effect, say July 1, 1885, the sum of \$1035.

Adopted.

Senator Traylor offered the following amendment:

To pay D. F. Garrett amount paid into the Land Office as purchase money and patent fees on two settler's claims in name of W. W. Hanks and Robert Johnson, on which claims patents could not issue, \$162.

Lost.

Senator Traylor moved to amend by adding:

To pay the widow of Peter Tomlinson for military services performed by Joseph A. Bottoro, in 1860, \$258.60.

Lost.

Senator Traylor offered the following amendment:

For payment of J. S. Montgomery for services of M. S. Boatner as school inspector for three months, in 1873, \$375.

Lost.

Senator Kleberg offered the following amendment:

To pay the State Railroad Engineer and his assistant for the unexpired term of their respective offices, say \$1500, or as much thereof as may be necessary out of said sum.

Adopted.

Senator Evans moved to amend as follows:

Amend by adding after line 3, page 22, the following: "Two per cent of whatever may be collected on claims of the State of Texas against the United States, together with the sum of \$5000, or so much thereof as may be necessary, to pay the expenses and for the services of such agent as the Governor may appoint for the purpose of prosecuting and attending to the collection of said claims at Washington City"

Senator Terrell offered the following substitute for the bill:

For salary and expenses of an agent of the State of Texas to be appointed by the Governor, for the purpose of presenting and urging the claims of the State of Texas against the United States for money expended for frontier protection, of per cent of all claims allowed by the United States in favor of the State of Texas, and the further sum (to be paid upon the warrant of the Governor) of \$3000.

Adopted.

Senator Glasscock offered the following amendment to the substituted amendment:

And for defending Texas against invasions and marauding bands from Mexico.

Lost.

The amendment as substituted was adopted.

Senator Harrison offered the following amendment:

Amend by striking out the items for porter hire in the Department of State, Treasury, department, executive office, Attorney General's office, Comptroller's office and Department of Insurance, Statistics and History, and appropriate \$1600 a year for 1886 and 1887 ending February 23, for porter hire for these departments.

Senator Kleberg moved the previous question on the amendment and the bill.

Seconded and main question ordered.

The amendment of Senator Harrison was lost, and the bill was passed to third reading. On motion of Senator Davis, the vote by which the bill was passed to third reading was reconsidered. Senator Traylor offered the following amendment:

Add section —. The near approach of the close of the present session of the Legislature, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

Adopted, and the bill was passed to third reading. On motion of Senator Kleberg, the constitutional rule was suspended, and the bill was placed on its final reading by the following vote:

YEAS—22.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Hall,	Randolph,
Davis,	Houston of Bexar,	Shannon,
Evans,	Jerdone,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Harrison,	Knittel,	Woods.
Getzendaner,		

NAYS—1.

Harrison.

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

YEAS—16.

Bell,	Houston of Bexar,	Randolph,
Calhoun,	Kilgore,	Shannon,
Evans,	Kleberg,	Stinson,
Getzendaner,	Knittel,	Terrell,
Glasscock,	Pfeuffer,	Traylor.
Hall,		

NAYS—8.

Davis,	Garrison,	Perry,
Farrar,	Harrison,	Woods.
Fowler,	Jerdone,	

I vote "no" on the appropriation bill for the following reasons, among others:

1. The appropriations out of the available public free school fund for the maintenance of the Sam Houston and Prairie View Normal schools is in violation of section 5, article 7 of the Constitution.
2. The appropriation of \$50,000 to develop the iron industries at the Rusk penitentiary will be a useless waste of public money, and result in no benefit to the State.

DAVIS.

House bill No. 526, "An act to define the duties of telegraph companies in the transfer of messages, and to provide adequate penalties for the enforcement thereof," was laid before the Senate.

On motion of Senator Davis, the bill was postponed and made the special order for to-morrow after morning call, and from day to day until disposed of.

On motion of Senator Woods, the regular order of business was suspended, and Senate bill No. 257, "An act to amend article 3994, article 80 of the Revised Civil Statutes, approved April 4, 1881," was taken up.

Read the second time, and ordered engrossed.

House bill No. 252, "An act to amend article 636, chapter 3, title 8, of section 2 of 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas,'" was laid before the Senate and read third time.

Senator Traylor moved the previous question on the passage of the bill.

Seconded, and Main question ordered. No quorum voted on the bill.

Senator Kilgore moved to adjourn till 10 o'clock to-morrow morning.

Lost by the following vote:

YEAS—9.

Davis,	Hall,	Kilgore,
Farrar,	Houston of Bexar,	Pfeuffer,
Garrison,	Jerdone,	Randolph.

NAYS—15.

Bell,	Glasscock,	Shannon,
Calhoun,	Harrison,	Stinson,
Evans,	Kleberg,	Terrell,
Fowler,	Knittel,	Traylor,
Getzendaner,	Perry,	Woods.

Senator Harrison moved to adjourn till 8 o'clock to-night.

Lost by the following vote:

YEAS—9.

Davis,	Garrison,	Kilgore,
Evans,	Harrison,	Randolph,
Farrar,	Jerdone,	Shannon.

NAYS—15.

Bell,	Hall,	Pfeuffer,
Calhoun,	Houston of Bexar,	Stinson,
Fowler,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Traylor,
Glasscock,	Perry,	Woods.

Senator Jerdone moved to adjourn till to-morrow morning.

Lost by the following vote:

YEAS—11.

Davis,	Hall,	Pfeuffer,
Evans,	Houston of Bexar,	Randolph,
Farrar,	Jerdone,	Shannon.
Garrison,	Kilgore,	

NAYS—15.

Bell,	Harrison,	Stinson,
Calhoun,	Kleberg,	Terrell,
Fowler,	Knittel,	Traylor,
Getzendaner,	Perry,	Woods.
Glasscock,		

Senator Getzendaner moved a call of the Senate on the bill.

Call sustained.

Roll called.

Absent—Senator Kilgore.

The Sergeant-at-Arms was ordered to bring in the absentee, and

The pending bill went to the table.

Senator Glasscock moved to take up Senate bill No. 186.

Lost.

House joint resolution No. 25, "Proposing an amendment to section 20, article 16 of the Constitution of the State of Texas," was laid before the Senate and read the second time.

Senator Terrell moved a call of the Senate.

Call sustained.

Roll called.

Absent—Senator Kilgore.

The pending business went to the table.

House bill No. 525 (judicial district bill) was laid before the Senate.

Senator Stinson moved a call of the Senate.

Call sustained.

Roll called.

Absent—Senator Kilgore.

The pending business went to the table.

Senator Kleberg moved to adjourn till 8 o'clock to-night.

Lost.

Senator Jerdone moved to adjourn till 10 o'clock to-morrow morning.

Adopted.

SIXTY-THIRD DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 27, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Kleberg,

The reading of the journal of yesterday was dispensed with.

The President gave notice of signing the following bills:

House bill No. 236, "An act to authorize and require the Commissioner of the General Land Office to issue a certificate for 1280 acres of land to J. B. Robertson for military service;" and

House bill No. 343, "An act to amend the Revised Civil Statutes of the State of Texas, title 17, by adding thereto article 340a, and to amend article 375 thereof;" and

Substitute House bill No. 148, "An act to amend article 14, chapter 67 of an act to redistrict the State into judicial districts," etc.; and

Senate bill No. 8, "An act to amend chapter 2, article 566 of the Revised Civil Statutes, and to prohibit the formation and chartering of corporations for the purpose of purchasing lots or subdividing lands, and the sale and conveyance of the same;" and

Senate bill No. 209, "An act to preserve the charters of certain railway companies that by reason of the financial condition of the country, have not constructed the number of miles of road annually required by law, and to prevent the forfeiture thereof."

REPORTS OF STANDING COMMITTEES.

By Senator Farrar:

COMMITTEE ROOM,
AUSTIN, March 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Asylums, to whom was referred substitute House bill No. 265, entitled "An act to provide for the proper control, management and direction of the institutions respectively known as Blind Asylum and Deaf and Dumb Asylum," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

The committee are of the opinion that the laws now in force are sufficient for the proper regulation and government of these institutions.

All of which is respectfully submitted.

FARRAR, Chairman.

Bill read first time.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, March 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined Senate bill No. 235, being "An act to authorize the several county commissioners' courts of the State of Texas to provide for more than four terms of the county court annually, for the transaction of civil, criminal and probate business, and fix the times at which all the terms of said county courts may be held," and find the same correctly enrolled, and have this day, at 11 o'clock a. m., presented the same to the Governor for his approval.

FOWLER, Chairman.

COMMITTEE ROOM,
AUSTIN, March 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 165, being "An act to amend articles 4128 and 4190 of the Revised Civil Statutes of the State of Texas," and find the same correctly enrolled, and have this day, at 11 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, March 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 257, being "An act to amend the act entitled 'an act to amend article 3994 of title 80 of the Revised Statutes, approved April 4, 1881,'" and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

By Senator Garrison:

COMMITTEE ROOM,
AUSTIN, March 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Insurance, Statistics and History to whom was referred House bill No. 152, entitled to "An act to amend articles 2812, 2813, 2814, 2815, 2816, 2817, 2819 and 2823 of chapter 6, title 48 of the Revised Civil Statutes of the State of Texas," have had the same under consideration, and a majority of the committee instruct me to report it back with the recommendation that it lie upon the table, for the reason that they see no necessity for the legislation contemplated in the bill.

All of which is respectfully submitted

GARRISON, Chairman

Bill read first time.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, March 27, 1885

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred House bill No. 139, entitled "An act to amend section 29 of the act to redistrict the State into judicial districts, and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts, at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883," have had the same under consideration, and instruct me to report it back with the recommendation that it remain on the table subject to the call of the Senate.

All of which is respectfully submitted.

FOWLER, Chairman

Bill read first time.

By Senator Traylor:

COMMITTEE ROOM,
AUSTIN, March 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 279, to be entitled "An act to authorize the Governor to appoint three assessors and collectors of taxes in unorganized counties of the State, and to define their powers and duties and fix their compensation," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted,

TRAYLOR, Chairman.

Bill read first time.

By Senator Kilgore:

COMMITTEE ROOM,
AUSTIN, March 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred substitute House joint resolution No. 30, to amend section 2, article 5 of the Constitution of Texas, have had the same under consideration, and a majority of the committee instruct me to report it back with the recommendation that it do pass.

Joint resolution No. 30 proposes to increase the number of the judges of the Supreme Court to five.

All of which is respectfully submitted.

KILGORE, Chairman.

Read first time.

By Senator Terrell:

COMMITTEE ROOM,
AUSTIN, March 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Penitentiaries, to whom was referred House bill No. 562, entitled "An act to amend sections 12 and 4 of an act entitled 'an act to provide for the more efficient management of the Texas State penitentiaries, and to make an appropriation therefor,' approved April 18, 1883," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

TERRELL for Committee.

Bill read first time.

BILLS AND RESOLUTIONS.

By Senator Calhoun:

"An act to reorganize the thirty-fifth judicial district of the State of Texas, and to fix the times and terms of courts therein, and to repeal all laws in conflict with the same."

Referred to Committee on Judicial Districts.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage of

House bill No. 439, sections 1 and 2 of "An act to amend an act entitled 'an act to amend article 4662, chapter 1, title 95 of the Revised Statutes, as amended and approved May 4, A. D. 1883, and to amend articles 4666 and 4668, chapter 1, title 95 of the Revised Civil Statutes, to reduce taxation for general revenue purposes, to conform the tax laws to the amended condition, and to provide for the levy and collection of a tax to maintain a system of free schools under the amended Constitution"

House bill No. 456, "An act to amend chapter 2 of title 48 of the Revised Civil Statutes, so as to add thereto article 2745a." Senate bill No. 122, "An act to regulate the collection of taxes, and to provide for prompt settlement by collectors." read second time and enacting clause stricken out.

Senate bill No. 138, "An act to amend chapter 3, title 53 of the Revised Statutes, by adding thereto article 2971a."

Substitute House bills Nos. 8, 34 and 70, "An act to provide for the leasing and sale of the lands heretofore or that may

hereafter be surveyed and set apart for the benefit of the common schools, University, the Lunatic, Blind, Deaf and Dumb, and Orphan Asylum funds."

The House has concurred in Senate amendments Nos. 1, 2, 3, 7, 8, 11, 12, 14 and 16; and has refused to concur in Nos. 4, 5, 6, 9, 10, 13, 15, 17, 18, 19, 20, 21, 22, 23, 24 and 25 of same.

Respectfully,

A. D. SADLER,

Chief Clerk House of Representatives.

On motion of Senator Davis,

The Senate refused to recede from its amendments to substitute to House bills Nos. 8, 34 and 70 (the land bill), and a conference committee was asked for.

The President appointed Senators Davis, Shannon and Calhoun.

The President referred House bill No. 436 to Judiciary Committee No. 1, and

House bill No. 439 to Finance Committee.

House bill No. 252, "An act to amend article 636, chapter 3, title 8, of section 2 of 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas,'" was laid before the Senate, and passed by the following vote:

YEAS—13.

Bell,	Kleberg,	Stinson,
Calhoun,	Knittle,	Terrell,
Fowler,	Perry,	Traylor,
Getzandaner,	Pfeuffer,	Woods.
Glasscock,		

NAYS—10.

Davis,	Hall,	Kilgore,
Evans,	Harrison,	Randolph
Farrar,	Houston of Bexar,	Shannon,
Garrison,		

ABSENT, NOT VOTING.

Houston of Wheeler, Pope.

House bill No. 526, "An act to define the duties of telegraph companies in the transfer of messages, and to provide adequate penalties for the enforcement thereof," was laid before the Senate.

On motion of Senator Davis,

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

On motion of Senator Davis,

Senators Houston of Wheeler and Pope were excused for the day, on account of sickness.

Senate bill No. 122, "An act to regulate the collection of taxes, and to provide for prompt settlement by collectors," was laid before the Senate with House amendment, and,

On motion, was postponed indefinitely.

Senate bill No. 138, "An act to amend chapter 3, title 53 of the Revised Statutes, by adding thereto article 2971a," was laid before the Senate, with House amendments.

Senator Farrar moved to concur in the first House amendment, and moved the previous question on the amendments of the House.

Previous question seconded, and

Main question ordered.

The first House amendment was concurred in by the following vote:

YEAS—23.

Bell,	Fowler,	Houston of Bexar,
Calhoun,	Garrison,	Jerdone,
Davis,	Getzandaner,	Kilgore,
Evans,	Glasscock,	Kleberg,
Farrar,	Hall,	Knittle,

Perry,
Pfeuffer,
Randolph,

Shannon,
Stinson,
Terrell,

Traylor,
Woods.

NAYS—1.

Harrison.

The second House amendment was concurred in.

Senator Fowler moved to reconsider the vote by which the Senate, on yesterday, concurred in the House amendment to Senate bill No. 141, "An act to amend articles 29 and 30 of the Code of Criminal Procedure for the State of Texas."

Adopted.

Senator Fowler moved to concur in the House amendment.

Adopted by the following vote:

YEAS—24.

Bell,
Calhoun,
Davis,
Evans,
Farrar,
Fowler,
Garrison,
Getzendaner,

Glasscock,
Hall,
Harrison,
Houston of Bexar,
Jerdone,
Kilgore,
Kleberg,
Knittel,

Perry,
Pfeuffer,
Randolph,
Shannon,
Stinson,
Terrell,
Traylor,
Woods.

NAYS—none.

Senator Davis moved to take up House bills with favorable committee reports and act upon such bills first.

Adopted.

House bill No. 525, "An act to amend section 11 of 'an act to redistrict the State into judicial districts,'" etc., was laid before the Senate, and

Read the second time and passed to third reading.

On motion of Senator Fowler,

The constitutional rule was suspended, and

The bill was placed on its final reading by the following vote:

YEAS—22.

Bell,
Calhoun,
Davis,
Evans,
Farrar,
Fowler,
Garrison,
Getzendaner,

Glasscock,
Hall,
Harrison,
Houston of Bexar,
Jerdone,
Kleberg,
Knittel,

Perry,
Pfeuffer,
Randolph,
Shannon,
Stinson,
Traylor,
Woods.

NAYS—none.

ABSENT, NOT VOTING.

Kilgore,

Terrell.

The bill was read third time and passed.

By leave, the following committee reports were sent up:

By Senator Perry:

COMMITTEE ROOM,
AUSTIN, March 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred substitute House bill No. 360, entitled "An act to amend article 4390a of chapter 87 of the acts of the called session of the Eighteenth Legislature, approved April 5, 1884," have carefully examined the same, and said committee instruct me to report the same back with the accompanying substitute, and recommend that said substitute do pass.

All of which is respectfully submitted.

PERRY, Chairman.

Bill read first time.

By Senator Traylor:

COMMITTEE ROOM
AUSTIN, March 27, 1885

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred House bill No. 439, entitled "An act amendatory of sections 1 and 2 of an act entitled 'an act to amend article 4662, chapter 1, title 1 of the Revised Statutes, as amended and approved May 4, 1882, and to amend article 4666 and 4668, chapter 1, title 1 of the Revised Civil Statutes, to reduce taxation for general revenue purposes, to conform the tax laws to the amended constitution, and to provide for the levy and collection of a tax to maintain a system of free schools under the amended constitution,'" have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

TRAYLOR, Chairman.

Bill read first time.

On motion of Senator Traylor,

One hundred copies of the bill were ordered printed for the use of the Senate.

By Senator Fowler:

COMMITTEE ROOM
AUSTIN, March 27, 1885

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred Senate bill No. 280, entitled "An act to reorganize the fifth judicial District of the State of Texas, to fix the names and terms of courts therein, and to repeal all laws in conflict with the same," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

FOWLER, Chairman.

Bill read first time.

Senator Terrell offered the following resolution:

Resolved, That each of the committee clerks of the Senate, when not in the actual service of the committee, be required to assist the enrolling clerk in the performance of his duty for the remainder of the present session.

Adopted.

House bill No. 124, "An act to amend article 31 of chapter 1, title 31 of the Revised Civil Statutes of the State of Texas," was laid before the Senate.

Read second time, with majority (favorable) and minority (unfavorable) committee reports.

On motion of Senator Glasscock,

The minority report was adopted.

House bill No. 483, "An act to amend article 4662 of the Revised Statutes, was laid before the Senate with committee amendment, and read second time.

On motion of Senator Bell,

The committee amendment was adopted, and

The bill was passed to third reading.

(Senator Terrell in the chair.)

House bill No. 373, "An act to authorize the collector of a newly organized county to collect the unpaid taxes found to be due in his county by the assessors' rolls of the county or counties from which such county has been taken, or to which it has been attached for judicial purposes, and to provide for making transcripts from such rolls for the use of the collector in the new county," was laid before the Senate, and

Read the second time and passed to third reading.

On motion of Senator Davis,

The constitutional rule was suspended, and

The bill was placed on its final passage by the following vote:

YEAS—23.

Bell,	Hall,	Pfeuffer,
Calhoun,	Harrison,	Randolph,
Davis,	Houston of Bexar,	Shannon,
Evans,	Jerdone,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.
Glasscock,	Perry,	

NAYS—none.

ABSENT, NOT VOTING.

Farrar.

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

YEAS—22.

Bell,	Hall,	Pfeuffer,
Calhoun,	Harrison,	Randolph,
Davis,	Jerdone,	Shannon,
Evans,	Kilgore,	Stinson,
Fowler,	Kleberg,	Terrell,
Garrison,	Knittel,	Traylor,
Getzendaner,	Perry,	Woods.
Glasscock,		

NAYS—none.

ABSENT, NOT VOTING.

Farrar,

Houston of Bexar.

House bill No. 579, "An act to divide the eastern portion of Tom Green county into six new counties, namely: Ector, Winkler, Loving, Upton, Crane and Hunter, and defining the boundaries thereof," was laid before the Senate and

Read the second time, and

The Senate refused to pass the bill to its third reading.

On motion of Senator Davis,

The vote by which the bill was lost was reconsidered.

The bill was then lost by the following vote:

YEAS—10.

Bell,	Kilgore,	Shannon,
Calhoun,	Knittel,	Stinson,
Davis,	Perry,	Terrell.
Getzendaner,		

NAYS—12.

Farrar,	Harrison,	Pfeuffer,
Fowler,	Houston of Bexar,	Randolph,
Glasscock,	Jerdone,	Traylor,
Hall,	Kleberg,	Woods.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to report to your honorable body that the House insists on its second, third and fourth amendments to Senate bill No. 48, and asks for a conference committee on same, and appoints Messrs. Jones of McLennan, Pendleton of Bell and Henderson on the part of the House.

That the House insists upon its second amendment to Senate bill No. 180, "An act to amend section 4 of 'an act to re-district the State into judicial districts,'" etc., and asks for a conference committee on same, and appoints on such committee, on the part of the House, Messrs. Blount of San Augustine, Caven and Ingraham.

Respectfully,

A. D. SADLER,
Chief Clerk House Representatives.

Senator Getzendaner moved to appoint the conference committee asked for on Senate bill No. 48.

Adopted.

Senators Getzendaner, Davis and Calhoun were appointed on the committee.

Senator Garrison moved to grant the conference committee asked for on Senate bill No. 180.

Adopted.

Senators Garrison, Kilgore and Hall were appointed on the committee.

Senator Fowler sent up the following privileged reports:

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills, have carefully examined and compared Senate bill No. 209, being "An act for the relief of railway companies," and find the same correctly enrolled, and have this day at 10:50 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

COMMITTEE ROOM,
AUSTIN, March 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 8, being "An act to amend chapter 2, article 566 of the Revised Statutes," and find the same correctly enrolled, and have this day, at 10:50 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

On motion of Senator Shannon, Senate bill No. 280, "An act to reorganize the thirty-fifth judicial district of the State of Texas, to fix the times and terms of courts therein, and to repeal all laws in conflict with the same," was taken up.

The constitutional rule was suspended, and the bill was placed on its second reading by the following vote:

YEAS—24.

Bell,	Glasscock,	Perry,
Calhoun,	Hall,	Pfeuffer,
Davis,	Harrison,	Randolph,
Evans,	Houston of Bexar,	Shannon,
Farrar,	Jerdone,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.

NAYS—none.

The bill was read second time and ordered engrossed.

On motion of Senator Shannon,

The constitutional rule was suspended, and the bill was placed on its third reading by the following vote:

YEAS—22.

Bell,	Glasscock,	Knittel,
Calhoun,	Hall,	Pfeuffer,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Farrar,	Jerdone,	Terrell,
Fowler,	Kilgore,	Traylor,
Garrison,	Kleberg,	Woods.
Getzendaner,		

NAYS—none.

ABSENT, NOT VOTING.

Perry,
Randolph.

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

YEAS—23.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Farrar,	Jerdone,	Terrell,
Fowler,	Kilgore,	Traylor,
Garrison,	Kleberg,	Woods.
Getzendaner,	Knittel,	

NAYS—none.

ABSENT, NOT VOTING.

Perry.

House bill No. 349, "An act to amend article 797, chapter 17, title 17 of the Penal Code of the State of Texas," was laid before the Senate, and Passed to third reading by the following vote:

YEAS—17.

Bell,	Houston of Bexar,	Pfeuffer,
Calhoun,	Jerdone,	Randolph,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Garrison,	Knittel,	Woods.
Glasscock,	Perry,	

NAYS—6.

Davis,	Getzendaner,	Shannon,
Evans,	Harrison,	Stinson.

ABSENT, NOT VOTING.

Hall.

(The President in the chair.)

Substitute House bills Nos. 171 and 208, "An act to amend article 425 of the Penal Code of the State of Texas," was laid before the Senate, and

Read second time with committee amendment.

The committee amendment was adopted, and

The bill was passed to third reading.

On motion of Senator Kleberg,

The Senate adjourned till 3 o'clock this afternoon.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

On motion of Senator Evans,

House joint resolution No. 25, proposing an amendment to section 20, article 16 of the Constitution of the State of Texas, was laid before the Senate, and

Passed to third reading by the following vote:

YEAS—14.

Bell,	Getzendaner,	Shannon,
Calhoun,	Harrison,	Stinson,
Davis,	Kilgore,	Terrell,
Evans,	Perry,	Traylor.
Farrar,	Randolph,	

NAYS—7.

Hall,	Kleberg,	Pfeuffer,
Houston of Bexar,	Knittel,	Woods.
Jerdone,		

ABSENT, NOT VOTING.

Garrison, Glasscock.

Paired: Senators Fowler and Houston of Wheeler. The former would have voted "nay," the latter "yea."

House bill No. 409, "An act to amend article 4518

of chapter 1, title 91 of the Revised Civil Statutes of the State of Texas," was laid before Senate,

Read the second time, and passed to third reading.

(Senator Shannon, President pro tem., in the chair.)

House bill No. 162, "An act to amend article 2411 chapter 4, title 42 of the Revised Civil Statutes of the State of Texas," was laid before the Senate, and

Read the second time.

Senator Woods moved to strike out "stationery,"

Lost.

The bill was passed to third reading.

By leave, the following reports were sent up.

By Senator Traylor:

COMMITTEE ROOM,
AUSTIN, March 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred House bill No. 456, entitled "An act to amend chapter 2 of title 48 of the Revised Civil Statutes, so as to add thereto article 2745a," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

TRAYLOR, Chairman.

Bill read first time.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, March 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred House bill No. 529, entitled "An act to amend 'an act to reorganize the State into judicial districts and fix the times of holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883, in so far as the same relates to the second and fourth judicial districts, and to repeal all laws in conflict herewith," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

FOWLER, Chairman.

Bill read first time.

Senate bill No. 257, "An act to amend an act to amend article 3994, of title 80, of the Revised Statutes," approved April 4, 1881," was laid before the Senate.

Read third time and passed.

Substitute House bill No. 238 was laid before the Senate, and

On motion of Senator Pfeuffer was postponed and made the special order for to-morrow.

(The President in the chair.)

House bill No. 96, "An act to amend 'an act to amend article 4411 of the Revised Civil Statutes,' approved March 5, 1883," was laid before the Senate and read the second time.

Senator Kleberg moved to strike out "ten days" and insert "eight days."

Senator Davis moved the previous question on the amendment and the bill.

Seconded.

Main question ordered.

The amendment was lost.

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

YEAS—9.

Bell,	Houston of Bexar,	Kleberg,
Evans,	Jerdone,	Randolph,
Farrar,	Kilgore,	Woods.

NAYS—12.

Calhoun,	Harrison,	Shannon,
Davis,	Knittel,	Stinson,
Fowler,	Perry,	Terrell,
Getzendaner,	Pfeuffer,	Traylor.

ABSENT, NOT VOTING.

Garrison, Hall.

Senator Bell sent up the following privileged report:

COMMITTEE ROOM,
AUSTIN, March 27, 1885.

Hon. Barn bba, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 280, being "An act to reorganize the thirty-fifth judicial district of the State of Texas, and to fix the times and terms of courts therein, and to repeal all laws in conflict with the same," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage of

Senate bill No. 254, "An act requiring the Attorney-General to institute legal proceedings against corporations doing business within this State in violation of sections 5 and 6, article 10 of the Constitution of Texas."

And of substitute Senate bill No. 264, "An act to restore the jurisdiction of the county courts of Bosque and Llano counties, and to repeal all laws in conflict therewith."

Substitute House bill No. 91, "An act to amend title 10, chapter 1, article 849 of the Code of Criminal Procedure of the State of Texas."

House bill No. 586, "An act to protect persons in the settlement of the common school, University, the Lunatic, Blind, Deaf and Dumb and Orphan Asylum lands, and to prescribe penalties for an interference of their legal rights."

A. D. SADLER,

Chief Clerk House of Representatives.

On motion of Senator Kleberg,

House bill No. 586, "An act to protect persons in the settlement of the common school, University, the Lunatic, Blind, Deaf and Dumb, and Orphan Asylum lands, and to prescribe penalties for an interference with their legal rights," was taken up, and read first time, and

On motion the constitutional rule was suspended, and

The bill was placed on its second reading by the following vote:

YEAS—23.

Bell,	Hall,	Pfeuffer,
Calhoun,	Harrison,	Randolph,
Davis,	Houston of Bexar,	Shannon,
Evans,	Jerdone,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.
Glasscock,	Perry,	

NAYS—none.

ABSENT, NOT VOTING.

Garrison.

The bill was read second time and passed to third reading.

On motion of Senator Kleberg,

The constitutional rule was suspended, and

The bill was placed on its final passage by the following vote:

YEAS—22.

Bell,	Hall,	Perry,
Calhoun,	Harrison,	Pfeuffer,
Davis,	Houston of Bexar,	Randolph,
Evans,	Jerdone,	Shannon,
Farrar,	Kilgore,	Stinson,
Fowler,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Woods.
Glasscock,		

NAYS—none.

ABSENT, NOT VOTING.

Garrison,

Traylor.

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

YEAS—23.

Bell,	Hall,	Pfeuffer,
Calhoun,	Harrison,	Randolph,
Davis,	Houston of Bexar,	Shannon,
Evans,	Jerdone,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.
Glasscock,	Perry,	

NAYS—none.

ABSENT, NOT VOTING.

Garrison.

Substitute Senate bill No. 264, "An act to restore the jurisdiction of the county courts of Bosque and Llano counties, and to repeal all laws in conflict therewith," was laid before the Senate with House amendments.

On motion of Senator Pfeuffer,

The first House amendment was concurred in.

On motion of Senator Traylor,

The second House amendment was concurred in.

On motion of Senator Davis,

House bill No. 91, "An act to amend title 10, chapter 1, article 849 of the Code of Criminal Procedure of the State of Texas," was taken up out of its regular order and read the first time.

Senator Davis moved to suspend the constitutional rule and place the bill on its second reading.

Adopted by the following vote:

YEAS—23.

Bell,	Hall,	Pfeuffer,
Calhoun,	Harrison,	Randolph,
Davis,	Houston of Bexar,	Shannon,
Evans,	Jerdone,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.
Glasscock,	Perry,	

NAYS—none.

ABSENT, NOT VOTING.

Garrison.

The bill was read second time and passed to third reading.

On motion of Senator Davis,

The rule was further suspended, and

The bill was placed on its final passage by the following vote:

YEAS—22.

Bell,	Hall,	Pfeuffer,
Calhoun,	Harrison,	Randolph,
Davis,	Jerdone,	Shannon,
Evans,	Kilgore,	Stinson,
Farrar,	Kleberg,	Terrell,
Fowler,	Knittel,	Traylor,
Getzendaner,	Perry,	Woods.
Glasscock,		

NAYS—none.

ABSENT NOT VOTING.

Houston of Bexar.

Garrison.

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

YEAS—22.

Bell,	Harrison,	Pfeuffer,
Calhoun,	Houston of Bexar,	Randolph,
Davis,	Jerdone,	Shannon,
Farrar,	Kilgore,	Stinson,
Fowler,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Traylor,
Glasscock,	Perry,	Woods.
Hall,		

NAYS—none.

ABSENT, NOT VOTING.

Garrison.

Evans,

On motion of Senator Terrell,
House bill No. 562, "An act to amend sections 1, 2 and 4 of 'an act to provide for the more efficient management of the Texas State penitentiaries, and to make an appropriation therefor,' approved April 18, 1883," was taken up out of its regular order, and

On motion of Senator Terrell,
The constitutional rule was suspended, and
The bill was placed on its second reading by the following vote:

YEAS—22.

Bell,	Harrison,	Pfeuffer,
Calhoun,	Houston of Bexar,	Randolph,
Evans,	Jerdone,	Shannon,
Farrar,	Kilgore,	Stinson,
Fowler,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Traylor,
Glasscock,	Perry,	Woods.
Hall,		

ABSENT NOT VOTING.

Garrison.

Davis,

The bill was read second time and passed to third reading.

On motion of Senator Terrell,
The rule was further suspended, and the bill was placed on its final passage by the following vote:

YEAS—21.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Houston of Bexar,	Randolph,
Evans,	Jerdone,	Shannon,
Farrar,	Kilgore,	Stinson,
Fowler,	Kleberg,	Terrell,
Garrison,	Knittel,	Traylor,
Getzendaner,	Perry,	Woods.

NAYS—1.

Harrison.

ABSENT, NOT VOTING.

Hall.

Davis,

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

YEAS—21.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Houston of Bexar,	Randolph,
Evans,	Jerdone,	Shannon,
Farrar,	Kilgore,	Stinson,
Fowler,	Kleberg,	Terrell,
Garrison,	Knittel,	Traylor,
Getzendaner,	Perry,	Woods.

NAYS—1.

Harrison.

ABSENT, NOT VOTING.

Hall.

Davis,

Senator Davis entered a motion to reconsider the vote by which House bill No. 96, relative to road law, failed to pass to third reading.

On motion of Senator Woods,

Substitute House bill No. 360, "An act to amend article 4390a, of chapter 1, title 87 of the acts of the called session of the Eighteenth Legislature, approved April 5, 1884," was taken up out of its regular order.

Senator Woods moved to suspend the rule and place the bill on its second reading.

Adopted by the following vote:

YEAS—22.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Harrison,	Randolph,
Davis,	Jerdone,	Shannon,
Evans,	Kilgore,	Stinson,
Farrar,	Kleberg,	Terrell,
Fowler,	Knittel,	Traylor,
Garrison,	Perry,	Woods.
Getzendaner,		

NAYS—none.

ABSENT, NOT VOTING.

Hall,

Houston of Bexar.

The bill was read second time with substitute.
Senator Davis moved to postpone the bill and the substitute indefinitely.

Lost by the following vote:

YEAS—6.

Davis,	Hall,	Kleberg,
Farrar,	Jerdone,	Randolph.

NAYS—17.

Bell,	Glasscock,	Shannon,
Calhoun,	Harrison,	Stinson,
Evans,	Houston of Bexar,	Terrell,
Fowler,	Knittel,	Traylor,
Garrison,	Perry,	Woods.
Getzendaner,	Pfeuffer,	

ABSENT, NOT VOTING.

Kilgore.

The Senate refused, by the following vote, to adopt the substitute:

YEAS—9.

Bell,	Harrison,	Perry,
Evans,	Jerdone,	Stinson,
Getzendaner,	Knittel,	Woods.

NAYS—14.

Calhoun,	Glasscock,	Randolph,
Davis,	Hall,	Shannon,
Farrar,	Houston of Bexar,	Terrell,
Fowler,	Kleberg,	Traylor.
Garrison,	Pfeuffer,	

ABSENT, NOT VOTING.

Kilgore.

Senator Terrell moved to amend caption so as to read:

"An act to amend article 4390a of chapter 1, title 87 of the acts of the called session of the Eighteenth Legislature, and to add 4390a $\frac{1}{2}$."

Senator Kleberg moved to lay the bill on the table subject to call.

Adopted by the following vote:

YEAS—14.

Bell,	Harrison,	Pfeuffer,
Davis,	Jerdone,	Randolph,
Fowler,	Kleberg,	Shannon,
Getzendaner,	Knittel,	Woods.
Hall,	Perry,	

NAYS—7.

Calhoun, Garrison, Houston of Bexar,	Kilgore, Stinson,	Terrell, Traylor.
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ABSENT, NOT VOTING.

Evans,	Farrar,	Glasscock.
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The President gave notice of signing the following bills:

House bill No. 85, entitled "An act to amend articles 3164, 3165, 3166, 3171, 3173, 3176, 3177, 3178 and 3179 of title 61, chapter 2 of the Revised Civil Statutes of the State of Texas, relating to mechanics, contractors, builders' and material men's liens, and to add thereto articles 3179a and 3179b," and

House bill No. 391, "An act amendatory of and supplementary to the several acts incorporating the city of Dallas."

House bill No. 290, "An act to amend articles 378 and 379, chapter 6, title 11 of the Penal Code of the State of Texas, and to add to said chapter and title article 379a," was laid before the Senate, and read the second time.

Senator Pfeuffer offered the following amendment:

Add to exceptions as follows: "Or wine that has been manufactured from grapes grown in the county."

Lost.

The bill was passed to third reading.

(Senator Terrell in the chair.)

Substitute House bill No. 72, "An act to amend article 4367 of the Revised Statutes," was laid before the Senate, and

Read the second time, and

Passed to third reading.

Substitute House bill No. 270, "An act to amend article 3856 of the Revised Statutes," was laid before the Senate.

Read the second time and passed to third reading.

House bill No. 287, "An act to amend article 3969, title 79, Revised Civil Statutes," was laid before the Senate.

Read second time and passed to third reading.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 27, 1885.

Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body that Senate bill No. 236, "An act amendatory of an act relating to the commission of award, defining the powers and duties thereof, and to make appropriations to pay the salaries of the judges thereof, approved March 20, 1883, and which was amendatory of an act relating to the same subject, approved July 0, 1881," was lost in the House.

Respectfully,

A. D. SADLER,
Chief Clerk House of Representatives.

Senator Harrison moved to reconsider the vote just taken.

Lost.

House bill No. 87, "An act to amend article 4574 and to repeal article 4576, of the Revised Statutes of the State of Texas," was laid before the Senate, and

Read second time, with committee amendment.

The committee amendment was adopted, and

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

YEAS—12.

Farrar, Getzendaner, Glasscock, Hall,	Harrison, Houston of Bexar, Jerdone, Kleberg,	Knittel, Pfeuffer, Traylor, Woods.
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NAYS—11.

Bell, Calhoun, Davis, Evans,	Garrison, Kilgore, Perry, Randolph,	Shannon, Stinson, Terrell.
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ABSENT, NOT VOTING.

Fowler.

Substitute House bill No. 218, "An act authorizing the sheriffs, constables, or their deputies, of this State to make persons who are principals or sureties on indemnifying bonds parties to suits, and giving to such sheriffs, constables, or their deputies, time to secure service on such principals and sureties," was laid before the Senate, and

Read the second time with committee amendments.

Committee amendments adopted.

Senator Hall moved to insert, after the word "right," the words "at the return term of the court."

Adopted, and

Bill passed to third reading.

House bill No. 533, "An act to authorize the Secretary of State to purchase for the use of the State the Texas Court of Appeals reports, volumes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, and to contract for the relinquishment of the copyright of said reports with the persons owning the same, and to prevent the copyrighting of future volumes of said reports to the exclusion of the State, and to make an appropriation therefor," was laid before the Senate, and

Read second time with committee amendments.

The committee amendments were adopted, and

The bill was passed to third reading.

On motion of Senator Evans,

The constitutional rule was suspended, and

The bill was placed on its final passage by the following vote:

YEAS—24.

Bell, Calhoun, Davis, Evans, Farrar, Fowler, Garrison, Getzendaner,	Glasscock, Hall, Harrison, Houston of Bexar, Jerdone, Kilgore, Kleberg, Knittel,	Perry, Pfeuffer, Randolph, Shannon, Stinson, Terrell, Traylor, Woods.
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NAYS—none

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

YEAS—24.

Bell, Calhoun, Davis, Evans, Farrar, Fowler, Garrison, Getzendaner,	Glasscock, Hall, Harrison, Houston of Bexar, Jerdone, Kilgore, Kleberg, Knittel,	Perry, Pfeuffer, Randolph, Shannon, Stinson, Terrell, Traylor, Woods.
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NAYS—none.

House bill No. 151, "An act to prevent the gift, sale or loaning of pistols, or other deadly weapons to minors, and fixing penalties therefor," was laid before the Senate, and

Read second time with unfavorable committee report.

On motion of Senator Houston of Bexar, The committee report was adopted.

On motion of Senator Kleberg.

House bill No. 502, "An act to postpone the sale of real and personal property for taxes assessed for 1884 until the first Monday in July, 1885," was taken up out of its regular order, and

Read the second time and passed to third reading by the following vote:

YEAS—20.

Bell,	Hall,	Perry,
Calhoun,	Harrison,	Pfeuffer,
Davis,	Houston of Bexar,	Randolph,
Farrar,	Jerdone,	Shannon,
Fowler,	Kilgore,	Stinson,
Garrison,	Kleberg,	Terrell.
Glasscock,	Knittel,	

NAYS—3.

Getzendaner, Traylor, Woods.

ABSENT, NOT VOTING.

Evans.

Senator Glasscock moved to suspend the constitutional rule and place the bill on its third reading.

Adopted by the following vote:

YEAS—22.

Bell,	Hall,	Perry,
Calhoun,	Harrison,	Pfeuffer,
Davis,	Houston of Bexar,	Randolph,
Farrar,	Jerdone,	Shannon,
Fowler,	Kilgore,	Stinson,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Traylor.
Glasscock,		

NAYS—1.

Woods.

ABSENT NOT VOTING.

Evans.

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

YEAS—22.

Bell,	Glasscock,	Knittel,
Calhoun,	Hall,	Perry,
Davis,	Harrison,	Pfeuffer,
Evans,	Houston of Bexar,	Randolph,
Farrar,	Jerdone,	Shannon,
Fowler,	Kilgore,	Stinson,
Garrison,	Kleberg,	Terrell,
Getzendaner,		

NAYS—2.

Traylor, Woods.

On motion of Senator Traylor,

House bill No. 456, "An act to amend chapter 2, of title 48 of the Revised Civil Statutes, so as to add thereto article 2745a," was taken up and on motion,

The constitutional rule was suspended, and

The bill placed on its second reading by the following vote:

YEAS—23.

Bell,	Glasscock,	Perry,
Calhoun,	Hall,	Pfeuffer,
Davis,	Harrison,	Randolph,
Evans,	Houston of Bexar,	Shannon,
Farrar,	Jerdone,	Terrell,
Fowler,	Kilgore,	Traylor,
Garrison,	Kleberg,	Woods.
Getzendaner,	Knittel,	

NAYS—none.

ABSENT, NOT VOTING.

Stinson.

The bill was read the second time and passed to third reading.

On motion of Senator Traylor,

The constitutional rule was further suspended and

The bill was placed on the final reading by the following vote:

YEAS—23.

Bell,	Glasscock,	Perry,
Calhoun,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Farrar,	Jerdone,	Terrell,
Fowler,	Kilgore,	Traylor,
Garrison,	Kleberg,	Woods.
Getzendaner,	Knittel,	

NAYS—none.

ABSENT, NOT VOTING.

Pfeuffer.

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

YEAS—24.

Bell,	Glasscock,	Perry,
Calhoun,	Hall,	Pfeuffer,
Davis,	Harrison,	Randolph,
Evans,	Houston of Bexar,	Shannon,
Farrar,	Jerdone,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.

NAYS—none.

On motion of Senator Garrison,

House bill No. 529, "An act to amend 'an act to redistrict the State into judicial districts, and fix the times of holding court therein, and to provide for the election of judges and district attorneys on said districts at the next general election,' etc., on so far as the same relates to the second and fourth judicial districts," etc., was taken up, and on motion of Senator Kleberg, was postponed indefinitely

On motion of Senator Getzendaner,

The Senate adjourned till ten o'clock to-morrow morning.

SIXTY-FOURTH DAY.

SENATE CHAMBER, }
AUSTIN, March 28, 1885. }

The Senate met pursuant to adjournment. (Senator Shannon, President pro tem., in the chair.)

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Traylor,

The reading of the journal of yesterday was dispensed with.

The President pro tem. gave notice of signing the following bills, to-wit:

House bill No. 49, "An act to amend article 4686 title 95, chapter 2 of the Revised Civil Statutes."

Substitute House bill No. 392, "An act to restore to and confer upon the county court of Zapata county the criminal jurisdiction heretofore belonging to it under the Constitution and general statutes of the State of Texas, and conform the jurisdiction of the district court to such change, and repeal all laws in conflict with the provisions of this act."

REPORTS OF STANDING COMMITTEES.

By Senator Randolph:

COMMITTEE ROOM.
AUSTIN, March 27, 1885:

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred substitute House bill No. 170, entitled "An act to provide annual pensions for the surviving indigent soldiers or indigent volunteers of the Texas Revolution, and the indigent surviving signers of the Declaration of Independence, and the indigent surviving widows of such soldiers, volunteers and signers, and to repeal all laws and parts of laws in conflict thereof," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

Senator Fowler offered the following resolution:

Resolved, That the Secretary of the Senate furnish the printers with a list of all the bills passed both Houses at this session of the Legislature up to and including the thirtieth instant, showing date of approval, if approved, and number of each bill and caption of each bill, and that he cause said list to be printed in the Senate Legislative Record of the thirty-first instant.

Adopted.

On motion of Senator Kleberg,

Senator Houston of Wheeler was excused indefinitely.

On motion of Senator Traylor,

House bill No. 439, sections 1 and 2 of "An act to amend an act entitled 'an act to amend article 4662, chapter 1, title 95 of the Revised Statutes, as amended and approved May 4, A. D. 1882, and to amend articles 4666 and 4668, chapter 1, title 95 of the Revised Civil Statutes, to reduce taxation for general revenue purposes, to conform the tax laws to the amended Constitution, and to provide for the levy and collection of a tax to maintain a system of free schools under the amended Constitution,'" was taken up out of its regular order and

Read the second time.

Senator Randolph offered the following amendment:

Strike out "twenty-five" and insert "twenty-two and a half," in line 3, page 2; and strike out "twelve and a half," in line 4, page 2, and insert "ten."

Senator Perry called for a division of the amendment.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body that the House has passed the following bills:

Senate bill No. 88, "An act to further regulate attachments in county and justices' courts."

Senate bill No. 184, "An act to donate all the public domain in the State of Texas to the public free school fund."

Senate bill No. 203, "An act to amend article 122 of the Penal Code."

Senate bill No. 248, "An act to amend articles 2725 and 2726 of the Revised Statutes."

House bill No. 239, "An act to authorize the commissioners' courts of the organized counties of the State of Texas, to which unorganized counties are attached for judicial purposes, to lay off and designate justices' precincts in such unorganized counties," etc.

House bill No. 425, "An act to define the northern and other boundary lines of the town of Goliad."

House bill No. 567, "An act to restore the jurisdiction of the county courts of Jefferson, Tyler and Concho counties, and to repeal all laws in conflict therewith."

House joint resolution No. 1, "Joint resolution to permit the Governor, Comptroller and Adjutant-General to withdraw from the Comptroller's and Adjutant-General's offices such original vouchers as may be necessary to enable them under authority of an act of the Legislature, approved March 28, 1883, to properly present the claims of the State of Texas for payment by the United States, under an act of Congress, approved June 27, 1882."

Substitute House bill No. 370, the general appropriation bill.

The House has concurred in the following Senate amendments to same: Nos. 2, 4, 5, 6, 7, 8, 9, 10, 12, 13, 15, 16, 19, 20, 23, 24 and 26, and refused to concur in Nos. 1, 3, 11, 14, 17, 18, 21, 22 and 25.

A. D. SADLER,
Chief Clerk House Representatives.

Senator Kilgore moved that the Senate do not recede from its amendments to the appropriation bill, and that the Senate ask for a conference committee.

Adopted.

Senator Davis moved to reconsider the vote just taken.

Lost.

Senators Kilgore, Traylor and Getzendaner were appointed on the part of the Senate on said committee.

House joint resolution No. 1 was referred to Committee on State Affairs.

House bill No. 567 was referred to Committee on Judicial Districts.

House bill No. 239, and House bill No. 425 were referred to Committee on Counties and County Boundaries.

The first division of the amendment of Senator Randolph was lost by the following vote:

YEAS—10.

Davis,	Glasscock,	Pfeuffer,
Evans,	Hall,	Randolph,
Farrar,	Knittel,	Shannon.
Garrison,		

NAYS—14.

Bell,	Houston of Bexar,	Stinson,
Calhoun,	Jerdone,	Terrell,
Fowler,	Kilgore,	Traylor,
Getzendaner,	Kleberg,	Woods
Harrison,	Perry,	

ABSENT, NOT VOTING.

Pope.

The second division of Senator Randolph's amendment was lost by the following vote:

YEAS—11.

Evans,	Glasscock,	Pfeuffer,
Farrar,	Harrison,	Randolph,
Garrison,	Knittel,	Traylor.
Getzendaner,	Perry,	

NAYS—12.

Bell,	Houston of Bexar,	Shannon,
Calhoun,	Jerdone,	Stinson,
Davis,	Kilgore,	Terrell,
Fowler,	Kleberg,	Woods.

ABSENT, NOT VOTING.

Hall.

Senator Davis offered the following amendment:

Add to the caption "and to better regulate the taxation of banking corporations, State or national, and the shares therein, by adding another section, to be known as section 2a."

Add section 2a as follows:

Sec. 2a. Every banking corporation, State or national, doing business in this State shall, in the city or town in which it is located, render its real estate to the assessor of taxes at the time and in the manner required of individuals. At the time of making such rendition the president or some other officer of said bank shall file with said assessor a sworn statement showing the number and amount of the shares of said bank, the name and residence of each shareholder, and the number and amount of shares owned by him. Every shareholder of said bank shall, in the city or town where said bank is located, render at their actual value to the assessor of taxes all shares owned by him in such bank; and in case of his failure so to do, the assessor shall assess such unrendered shares as other unrendered property. Each share in any such bank shall be taxed only for the difference between its actual cash value and the proportionate amount per share at which its real estate is assessed. The taxes due upon the shares of banking corporations shall be a lien thereon, and no banking corporation shall pay any dividend to any shareholder who is in default in the payment of the taxes due on his shares; nor shall any banking corporation permit the transfer upon its books of any share, the owner of which is in default in the payment of his taxes upon the same.

Nothing herein shall be so construed as to tax national or State banks, or the share-holders thereof, at a greater rate than is assessed against other moneyed capital in the hands of individuals.

Adopted.

Senator Traylor offered the following amendment:

Add section 2, that article 4665 be so amended as hereafter to read as follows:

Article 4665. That there shall be levied on and collected from every person, firm, company or association of persons pursuing any of the following named occupations, an annual tax, except when herein otherwise provided, on every such occupation or separate establishment as follows:

From every merchant whose purchases amount to one hundred thousand dollars annually, one hundred and twenty-five dollars; from every merchant whose annual purchases amount to fifty thousand dollars, sixty dollars; from every merchant whose annual purchases amount to twenty-five thousand dollars, twenty-five dollars; from every merchant whose annual purchases amount to fifteen thousand dollars, twenty dollars; from every merchant whose annual purchases amount to ten thousand dollars, twelve dollars; from every merchant whose annual purchases amount to five thousand dollars, six dollars; from every merchant whose annual purchases amount to two thousand dollars or less, three dollars; from every commercial traveler, drummer, salesman or solicitor of trade by sample or otherwise, an annual occupation tax of thirty-five dollars, payable in advance; provided, that the tax herein required to be paid by such commercial traveler, drummer, salesman or solicitor, shall be paid to the Comptroller of Public Accounts, whose receipts, under seal, shall be evidence of the payment of such tax; and provided further, that no county, city or town shall levy or collect any occupation tax upon such commercial traveler, drummer, salesman or solicitor; provided, that nothing herein contained shall apply to any one soliciting subscriptions for religious, literary or historical books or maps, or to persons soliciting for nurseries, newspapers and gravestones; provided further, that every commercial traveler, drummer, salesman or solicitor of trade shall, on demand of the tax collector of any county of the State, or of any peace officer of said county, exhibit to such officer the Comptroller's receipt above mentioned; and every commercial traveler, drummer, salesman, or solicitor of trade who shall fail or refuse to exhibit said receipt to such officer on demand by him, shall be deemed guilty of a misdemeanor and fined in a sum not less than twenty-five nor more than one hundred dollars. A merchant, in the meaning of this act, is any person, firm or association of persons engaged in buying and selling goods, wares and merchandise of any kind whatever.

From every traveling person selling patent or other medicines, one hundred and seventy-five dollars; and no traveling person shall so sell until said tax is paid; provided, that this

tax shall not apply to commercial travelers, drummers or salesmen making sales or soliciting trade for merchants engaged in selling drugs or medicines, who shall be taxed as other commercial drummers.

From every fortune teller, one hundred and seventy-five dollars. From every clairvoyant or mesmerist who plies his or her occupation for money, five dollars for each and every county in which such vocation is carried on.

From every person, firm or association of persons engaged in discounting and shaving paper, or engaged in business as money brokers, or bankers, or dealers in stocks, securities or bills of exchange, or in buying and selling bonds, State or county warrants or other claims against the State, an annual tax of sixteen dollars in a city or town of not more than two thousand inhabitants; in a city or town of five thousand and not less than two thousand inhabitants, an annual tax of forty dollars; in a city or town of ten thousand, and not less than five thousand inhabitants, an annual tax of eighty dollars; in a city or town of twenty thousand and not less than ten thousand inhabitants, an annual tax of one hundred and twenty dollars; in a city or town of more than twenty thousand inhabitants, an annual tax of one hundred and sixty dollars.

From every operator or owner of any daguerrean, photograph, or other such like gallery, by whatever name called, if in any incorporated city or town of less than five thousand inhabitants, six dollars; if more than five thousand inhabitants, fourteen dollars, and if elsewhere, four dollars; and from every person soliciting work for any daguerrean, photograph, or such like gallery, or for persons engaged in the business of copying or enlarging pictures or photographs of any character, where such gallery is not situated in, or such business is not in the county in which he solicits such work, seven dollars.

From any auctioneer doing business in a city of ten thousand inhabitants or more, an annual tax of forty-five dollars from every auctioneer in a city or town of five thousand and not more than ten thousand inhabitants, thirty dollars; from every auctioneer in a city or town of two thousand inhabitants and not more than five thousand, eighteen dollars; from auctioneers in all other towns or villages, twelve dollars.

From every person, firm or association of persons following the occupation of ship brokers, or ship agents, if in a city or town of ten thousand inhabitants, or more, twenty dollars; if in a city or town of less than ten thousand inhabitants, seven dollars.

From every keeper of a toll bridge an annual tax of seven dollars.

From every person, firm or association of persons selling upon commission, an annual tax of seven dollars.

From every land agent there shall be collected an annual tax of five dollars.

The term "land agent" shall be construed to mean any person, firm or association of persons, performing for compensation, and of the following services: Purchasing or selling real estate for others; purchasing or selling land certificates for others. But this term "land agent" shall not be so construed as to levy tax upon attorneys in addition to the one hereinafter levied.

From every person practicing law, and from every conveyancer, five dollars; provided, that attorneys at law shall only pay county occupation tax in the county of his or their residence.

From every physician, surgeon, oculist or medical specialist of any kind, traveling from place to place in the practice of his profession, an annual tax of forty dollars in each county where he may practice his profession. From every dentist five dollars.

From every other 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, printing or lettering words or pictures on fences or other places as a means of advertising, the sum of twenty dollars per annum for the State, and in each county in which the occupation may be pursued, an annual tax of four dollars; provided, that this clause shall not be so construed as to tax persons advertising their own business.

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

For every billiard, bagatelle, pigeon hole, devil-among-the-tailors, or Jenny Lind table, or anything of the kind used for profit, twenty dollars; and any such table used in connection with any drinking saloon, or other place of business where intoxicating liquors are sold or given away, or upon which any

money or other thing of value is paid, shall be regarded as used for profit.

From every person, firm or association of persons selling or offering for sale the Illustrated Police News, Police Gazette, and other illustrated publications of like character, the sum of five hundred dollars in each county in which such sale may be made, or offered to be made.

For any person or persons who shall sell pools on horse races, five dollars for each and every day they may so sell said pools.

For every nine or ten pin alley, or any other alley used for profit, by whatever name called, constructed or operated upon the principle of a bowling alley, and upon which balls are rolled, without regard to the number of pins used, or whether pins are used or not, or whether the balls are rolled by hand or with a cue, one thousand dollars. Any such alley used in connection with any drinking saloon or any drug store, or with any drug store where intoxicating liquors are sold or given away, or upon which any money or thing of value is paid, shall be regarded as used for profit.

From all persons keeping or using for profit any hobby horse, or flying jenny, or device of that character, with or without name, sixteen dollars for each county wherein the same are kept or used.

From every foot peddler, five dollars in each county where he peddles.

For every peddler with one horse or one pair of oxen, the sum of fifteen dollars in each county where he peddles.

For every peddler with two horses or two pairs of oxen, thirty dollars in each county in which he may pursue such occupation; provided, nothing herein contained shall be so construed as to include traveling vendors of tin or earthen ware; provided further, that nothing herein contained shall be so construed as to include traveling vendors of literature exclusively religious in character, or traveling vendors of fruit and fruit trees exclusively.

For every theatre or dramatic representation from which pay for admission is demanded or received, two dollars for each day they may perform, or fifty dollars per quarter; provided, that theatrical or dramatic representations given by performers for instruction only, or entirely for charitable purposes, shall not be herein included.

For every circus, where equestrian or acrobatic feats and performances are exhibited, for which pay for admission is demanded or received, for each performance thereof, fifty dollars, notwithstanding more than one such performance may take place daily.

For every exhibition where acrobatic (feats) are performed for profit, not connected with the circus, ten dollars for each performance.

For every sleight-of-hand performance or exhibition of leger demain, ten dollars.

For every fight between men and bulls, or between dogs and bulls, or between bears and dogs, or between bulls and any other animals, five hundred dollars for each performance per year.

For every cock pit, when kept for profit, or upon which any money or thing of value is bet or paid, twenty-five dollars.

For every menagerie, wax work, or exhibition of any kind, where a separate fee for admission is demanded or received, ten dollars for every day on which fees for such admission are received; provided, that exhibitions by associations organized for promotion of art, science, charity or benevolence shall be exempt from taxation.

For every concert, where a fee for admission is demanded or received, two dollars; provided, that entertainments when given by the citizens for charitable purposes, or for the support or aid of literary or cemetery associations, are excepted.

For every livery or feed stable, thirty cents for each stall and thirty cents for each hack, buggy or other vehicle; for every hack, buggy or other vehicle let for hire not connected with a livery stable, two dollars; for every wagon yard used for profit, not connected with a livery, feed or sale stable, five dollars.

From every life insurance company doing business in this State, an annual tax of three hundred dollars; and in every county in which they may do business, seven dollars as county tax.

From every fire, marine, or guarantee insurance company doing business in this State, an annual tax of two hundred dollars, and in every county in which they may do business seven dollars as county tax.

The State tax due from insurance companies shall be paid

by such companies to the Comptroller of Public Accounts, whose receipt, under seal, shall be evidence of payment of State tax; and the county collectors receipt shall be authority to work in any county of this State for which such company has a receipt.

From every person, firm or association of persons dealing in lightning rods, an annual tax of thirty-six dollars to the State, and eighteen dollars as county tax to the county in which such business is carried on; upon every person canvassing for the sale of lightning rods, an annual tax of thirty-six dollars, and eighteen dollars as county tax to each county in which such canvassing is done.

From every person, firm or association of persons following the occupation of cotton broker, cotton factor, or commission merchant, in a city of more than five thousand inhabitants, an annual tax of thirty-five dollars, and in all other cases an annual tax of eighteen dollars; provided, that a merchant who pays an occupation tax as under section 3 of this act, shall not be considered as a "cotton broker."

From every pawnbroker an annual tax of seventy-five dollars.

From every person pursuing the occupation of a cotton buyer, five dollars; provided, that a merchant who pays an occupation tax as herein prescribed shall not be considered as a cotton buyer.

From every person, firm, agency or association of persons dealing in sewing machines, an annual tax of fifteen dollars to the State, and seven dollars as county tax in every county where such business may be carried on; and upon every person canvassing for the sale of sewing machines, an annual tax of fifteen dollars to the State, and seven dollars as county tax in every county where such business may be carried on; provided, that a merchant who pays an occupation tax, as required by this section, shall not be required to pay this special tax for selling sewing machines.

From any person, firm or association of persons doing an express business in this State, an annual tax of five hundred dollars shall be levied and collected, this tax to be paid by such person, firm or association of persons doing an express business to the Comptroller of Public Accounts, whose receipt, under seal, shall be issued to the company or companies, certified copies of which shall be evidence of the payment of the State, county and municipal occupation tax.

From every person, firm or association of persons owning or running any palace sleeping or dining room cars, on any railroad in this State, there shall be collected an annual tax of fifty cents per mile for each and every mile of any and all railroads in this State over which such cars may run. The tax herein due shall be paid by such person, firm or association of persons to the Comptroller of Public Accounts, whose receipt, under seal, shall be issued to the person, company or firm, certified copies of which shall be evidence of the payment of State tax; provided, that nothing herein contained shall authorize the levy of any county or municipal tax upon such person, firm or association of persons.

From every person, firm or association of persons owning or running any railroad cars, steamboats or stage coaches in this State, there shall be collected quarterly, on the first days of January, April, July and October of each year, a tax of three-fourths of one per centum on steamboats and stage coaches, and one-half of one per centum on railroads upon their gross receipts from all passenger travel within this State, the said gross receipts to be returned under oath by said owner, agent or manager to the Comptroller, and said tax to be collected by the Comptroller under such regulations as he may prescribe; provided, that nothing herein contained shall authorize the levy of any county or municipal tax upon such person, firm or association of persons.

From every chartered telegraph company doing business within this State, there shall be collected one cent for every full rate message sent by any person within this State to any person within this State, and one-half that for any message less than a full rate message so sent. This tax to be paid quarterly to the Comptroller, on the sworn statement of the chief manager of said company or companies, or any other officer authorized by said company to make such statement, who shall keep a record of such messages; and the receipts of the Comptroller, under seal, shall be issued to said company or companies, certified copies of which shall be evidence of the payment of the State tax; provided, railroad messages for running their trains and for company use shall not be taxed; provided further, that nothing herein contained shall authorize the levy or collection of any county or municipal tax upon

such chartered companies for messages sent, and messages sent on official business by officers of the United States.

All telephone companies doing business in this State shall be divided into three classes, viz: Those doing business in a city or cities of ten thousand inhabitants and over shall be of the first class; those doing business in a city or cities of five thousand and less than ten thousand inhabitants, shall be of the second class; and all other telephone companies shall be of the third class.

Telephone companies of the first class shall pay an annual occupation State tax of one hundred dollars, and an annual county tax to each county in which they may do business of twenty dollars.

Telephone companies of second class shall pay an annual State occupation tax of fifty dollars, and an annual occupation county tax in each county in which they may do business of ten dollars.

Telephone companies of the third class shall pay an annual occupation State tax of ten dollars, and an annual county tax to each county in which they may do business of five dollars.

From each gas company manufacturing gas in towns and cities of ten thousand inhabitants or more, thirty-five dollars; in towns and cities having less than ten thousand inhabitants, twenty dollars.

For each electric light company, in cities or towns of ten thousand inhabitants or less, fifty dollars; and in cities of more than ten thousand inhabitants, one hundred dollars; provided, that this act shall not be construed to prevent persons or firms of persons who pay an occupation tax under this act for pursuing the occupation of a merchant in a city or town from soliciting trade within the corporation limits of said city or town where they may reside.

(The President in the chair.)

Senator Bell called for division of the amendment.

The first division was adopted by the following vote:

YEAS—14.

Bell,	Kilgore,	Stinson,
Calhoun,	Knittel,	Terrell,
Farrar,	Perry,	Traylor,
Fowler,	Pfeuffer,	Woods.
Harrison,	Shannon,	

NAYS—9.

Davis,	Getzendaner,	Houston of Bexar,
Evans,	Glasscock,	Jerdone,
Garrison,	Hall,	Kleberg.

ABSENT, NOT VOTING.

Randolph.

The second division was adopted.

Senator Kleberg moved the previous question on the amendment, and the passage to third reading of the bill.

Seconded, and

Main question ordered.

The third division of the amendment was lost by the following vote:

YEAS—10.

Bell,	Houston of Bexar,	Randolph,
Farrar,	Perry,	Traylor,
Glasscock,	Pfeuffer,	Woods.
Hall,		

NAYS—14.

Calhoun,	Getzendaner,	Knittel,
Davis,	Harrison,	Shannon,
Evans,	Jerdone,	Stinson,
Fowler,	Kilgore,	Terrell.
Garrison,	Kleberg,	

The Senate refused by the following vote to make the amendment a part of the bill:

YEAS—9.

Bell,	Kilgore,	Stinson,
Calhoun,	Perry,	Traylor,
Harrison,	Randolph,	Woods.

NAYS—15.

Davis,	Getzendaner,	Kleberg,
Evans,	Glasscock,	Knittel,
Farrar,	Hall,	Pfeuffer,
Fowler,	Houston of Bexar,	Shaannon,
Garrison,	Jerdone,	Terrell.

Senator Harrison (by leave) sent up the following reports:

COMMITTEE ROOM,
AUSTIN, March 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 425, entitled "An act to define the northern and other boundary lines of the town of Goliad," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

HARRISON, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 29, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 239, entitled "An act to authorize the commissioners' courts of the organized counties of the State of Texas, to which unorganized counties are attached for judicial purposes, to lay off and designate justices' precincts in such unorganized counties, and to constitute such precincts election precincts, and to provide for voting in such unorganized counties for county commissioners of the counties to which they are so attached," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

HARRISON, Chairman.

Bill read first time.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to inform this honorable body of the passage by that body of the following bills:

Senate bill No. 126, "An act prescribing and fixing the venue of suits against foreign corporations, joint stock companies or associations," etc.

House bill No. 589, "An act to provide for the identification and permanent marking of surveys heretofore made for the benefit of the common school fund by virtue of alternate certificates."

House bill No. 533, returned to the House with Senate amendments. The House has concurred in said Senate amendments.

Substitute House bills Nos. 8, 34 and 70, the land bills. Messrs. Robinson of Jack, Jones of McLennan, Browning Crane and Faubion are appointed as conference committee.

And Messrs. Upton, Henderson, Pendleton of Bell, Gunter and Loving are appointed on free conference committee on substitute House bill No. 370, the general appropriation bill.

Senate bill No. 48: The House has adopted report of the conference committee.

A. D. SADLER,
Chief Clerk House Representatives.

The President gave notice of signing the following bills:

Senate bill No. 131, "An act to give effect to section 21, article 14 of the Constitution."

Senate bill No. 141, "An act to amend articles 29 and 30 of the Code of Criminal Procedure of the State of Texas."

Senate bill No. 254, "An act requiring the Attorney-General to institute legal proceedings against corporations within this State in violation of section 5, article 4 of the Constitution."

House bill No. 439, was passed to third reading. By leave Senator Davis sent up the following report:

COMMITTEE ROOM,
AUSTIN, March 27, 1885.

Hon. Barnett Gibbs, President of the Senate, and Hon. L. L. Foster, Speaker of the House of Representatives:

Your conference committee, to whom was referred the differences between the two houses respecting Senate substitute bill No. 48, entitled "An act to punish fishing and hunting on the enclosed lands of another," respectfully recommend that the Senate concur in the second and fourth House amendments, and that the House recede from its third amendment. All of which is respectfully submitted.

DAVIS,
TRAYLOR,
CALHOUN,
Senate committee.
JONES of McLennan,
PENDLETON of Bell,
HENDERSON,
House committee.

On motion of Senator Davis,
The report was adopted.
Senator Traylor moved to suspend the constitutional rule, and to place the bill on its final passage. Adopted by the following vote:

YEAS—21.

Bell,	Getzendaner,	Knittel,
Calhoun,	Glasscock,	Randolph,
Davis,	Hall,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Farrar,	Jerdone,	Terrell,
Fowler,	Kilgore,	Traylor,
Garrison,	Kleberg,	Woods.

NAYS—1.

Harrison.

ABSENT, NOT VOTING.

Perry, Pfeuffer.

Senator Kilgore moved to amend by inserting after the 'oath,' line 14, page 12, the following words: "To be actually administered by the assessor or his deputy."

Senator Houston of Bexar moved to amend by adding, "or by some other officer authorized to administer oaths."

Lost.

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

YEAS—9.

Evans,	Jerdone,	Shannon,
Hall,	Kilgore,	Stinson,
Harrison,	Randolph,	Woods.

NAYS—13.

Bell,	Garrison,	Kleberg,
Calhoun,	Getzendaner,	Knittel,
Davis,	Glasscock,	Terrell,
Farrar,	Houston of Bexar,	Traylor.
Fowler,		

ABSENT, NOT VOTING.

Perry, Pfeuffer.

Senator Traylor moved to strike out chapter 1, title 95 when it occurs in the body of the bill.

Adopted by the following vote:

YEAS—19.

Bell,	Getzendaner,	Kilgore,
Calhoun,	Glasscock,	Kleberg,
Davis,	Hall,	Knittel,
Evans,	Harrison,	Randolph,
Farrar,	Houston of Bexar,	Traylor,
Fowler,	Jerdone,	Woods.
Garrison,		

NAYS—3.

Shannon,	Stinson,	Terrell.
	ABSENT, NOT VOTING.	
Perry,	Pfeuffer.	

The bill was passed by the following vote:

YEAS—20.

Bell,	Glasscock,	Perry,
Calhoun,	Hall,	Shannon.
Davis,	Houston of Bexar.	Stinson,
Evans,	Jerdone,	Terrell,
Farrar,	Kilgore,	Traylor,
Fowler,	Kleberg,	Woods.
Getzendaner,	Knittel,	

NAYS—3.

Garrison,	Harrison,	Randolph.
	ABSENT, NOT VOTING.	
Pfeuffer.		

Senator Terrell rose to a point of personal privilege, and stated that charges of a very grave nature were afloat concerning Alexander Sampson, Calendar Clerk of the Senate, and read a letter and telegram purporting to be from Mr. Sampson, which demanded prompt and thorough investigation on the part of the Senate, as the charges reflected upon the Senate as well as upon Mr. Sampson. He said Mr. Sampson acknowledged having written the letter and telegram.

Senator Fowler offered the following resolution:

Resolved, That Alexander Sampson, Calendar Clerk of the Senate, be and he is hereby dismissed from said office; and that Tom B. Jones, one of the committee clerks of the Senate, be required to perform the duties of said office until the close of this session.

On motion of Senator Terrell,

The resolution was referred to a committee of three, to investigate the matter and report to the Senate at its afternoon session concerning the charges.

The President appointed Senators Terrell, Harrison and Randolph on the committee.

On motion of Senator Shannon,

The Senate appointed two additional Senators on the conference (land bill) committee.

Senators Woods and Kleberg were appointed on the committee.

Senator Shannon moved to appoint two more Senators on the conference (appropriation bill) committee.

Adopted.

Senators Bell and Pfeuffer were appointed on the committee.

Senate bill No. 126, "An act prescribing and fixing venue of suits against foreign corporations, joint stock companies or associations, or acting corporations or associations doing business in this State, and to provide the mode of serving process on such corporations or associations," was laid before the Senate with House amendment, and

On motion of Senator Kleberg,

The House amendment was concurred in.

Senate bill No. 184, "An act to donate all the public domain in the State of Texas to the public free school fund," was laid before the Senate with House amendments.

Senator Davis moved that the Senate do not concur in the first House amendment.

Senator Bell moved to concur in first House amendment.

The Senate refused to concur in the first amendment by the following vote:

YEAS—9.

Bell, (Garrison, Glasscock,	Houston of Bexar, Jerdone, Kilgore,	Knittel, Terrell, Traylor.
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NAYS—15.

Calhoun, Davis, Evans, Farrar, Fowler,	Getzendaner, Hall, Harrison, Kleberg, Perry,	Pfeuffer, Randolph, Shannon, Stinson, Woods.
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Senator Davis moved that the Senate do not concur in the second House amendment.

Adopted.

Senator Houston of Bexar moved to postpone the special order and take up House joint resolutions.

Adopted.

House joint resolution No. 25, "Proposing an amendment to section 20, article 16 of the Constitution of the State of Texas."

Senator Calhoun moved to postpone the resolution till Monday.

Adopted by the following vote:

YEAS—15.

Bell, Calhoun, Davis, Evans, Farrar,	Garrison, Harrison, Kilgore, Perry, Rancolph,	Shannon, Stinson, Terrell, Traylor, Woods.
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NAYS—9.

Fowler, Getzendaner, Glasscock,	Hall, Houston of Bexar, Jerdone,	Kleberg, Knittel, Pfeuffer.
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Senator Terrell moved to reconsider the vote by which the Senate yesterday passed House bill No. 562, "An act to amend sections 1, 2 and 4 of 'an act to provide for the more efficient management of the Texas State penitentiaries, and to make an appropriation therefor,' approved April 18, 1883."

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

YEAS—22.

Bell, Calhoun, Davis, Evans, Farrar, Fowler, Garrison, Getzendaner,	Glasscock, Hall, Harrison, Houston of Bexar, Kilgore, Kleberg, Knittel,	Perry, Pfeuffer, Randolph, Shannon, Stinson, Terrell, Woods.
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NAYS—none.

ABSENT, NOT VOTING.

Jerdone,	Traylor.
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Substitute House joint resolutions Nos. 1 and 2, to "Amend sections 3 and 6 of article 5 of the Constitution of the State of Texas," was laid before the Senate and read the second time.

Senator Davis offered the following amendment:

After seat of government strike out "and not exceeding two other places," and after the capitol of the State, strike out "and at not exceeding two other places."

Senator Terrell offered the following substitute for the amendment:

Strike out the word "two" wherever it occurs, and insert "three," so as to make it read "meet at capital and at not more than three other places."

Senator Kleberg moved the previous question on the amendments.

Seconded, and

Main question ordered.

The substitute was lost by the following vote:

YEAS—8.

Garrison, Getzendaner, Hall,	Jerdone, Kilgore, Randolph,	Stinson, Terrell.
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NAYS—15.

Bell, Calhoun, Davis, Evans, Farrar,	Fowler, Glasscock, Harrison, Houston of Bexar, Kleberg,	Knittel, Pfeuffer, Shannon, Traylor, Woods.
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ABSENT, NOT VOTING.

Perry.

The amendment was adopted by the following vote:

YEAS—12.

Davis, Evans, Farrar, Fowler,	Getzendaner, Glasscock, Kleberg, Pfeuffer,	Shannon, Traylor, Woods, Mr. President.
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NAYS—11.

Bell, Calhoun, Garrison, Hall,	Harrison, Houston of Bexar, Jerdone, Kilgore,	Randolph, Stinson, Terrell.
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ABSENT, NOT VOTING.

Knittel,

Perry.

I vote "no" because to adopt the amendment would defeat the resolution.

HOUSTON of Bexar.

I concur in the above, because it is too late in the session to get the resolution through if amended.

HARRISON.

The resolution was passed to third reading.

House joint resolution No. 30, "To amend section 2 of article 5 the Constitution of the State of Texas," was laid before the Senate, and

Read the second time.

Senator Kleberg moved to strike out "\$3000" and insert "\$5000" in section 1.

Lost, and

The resolution was passed to third reading.

On motion of Senator Fowler,

The Senate adjourned till 3 o'clock this afternoon.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

No quorum present.

On motion of Senator Shannon,

The Senate took a recess for thirty minutes.

Senate called to order.

Roll called.

No quorum present.

On motion of Senator Shannon,

The Senate took a recess till four o'clock.

Senate called to order.

Roll called.

Quorum present.

Senator Terrell sent up the following report from the special committee appointed this morning:

COMMITTEE ROOM,
AUSTIN, March 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your special committee appointed to investigate the resolution in regard to the dismissal of Mr. A Sampson, Calendar Clerk of the Senate, respectfully recommend that the resolution be adopted.

TERRELL,
RANDOLPH,
HARRISON.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to report to your honorable body that the House has concurred in Senate amendments to House bill No. 324, "An act to compel railroads and other corporations to establish and maintain public offices in the State of Texas, and providing what books shall be kept thereat, and what said books shall contain, and requiring them to keep said books open for inspection, and to compel them to report to the Comptroller, or Governor, the true status of said corporations," etc.

A. D. SADLER,
Chief Clerk House Representatives.

HOUSE OF REPRESENTATIVES,
AUSTIN, March 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body that the House has passed

Substitute House bill No. 408, "An act to amend chapter 2, title 2 of the Penal Code of the State of Texas, by adding thereto article 354a."

Senate bill No. 188, "An act to amend section 13 of an act to redistrict the State into judicial districts," etc.

Also, to report that the House has concurred in Senate amendment to House bill No. 252.

Senate bill No. 269, "An act to amend an act entitled 'an act to redistrict the State into judicial districts,'" etc.

A. D. SADLER,
Chief Clerk House of Representatives.

Substitute House bill No. 408 was referred to Judiciary Committee No. 1.

Senator Terrell moved that the report of the committee be adopted.

The report was adopted by the following vote:

YEAS—21.

Bell,	Getzendaner,	Perry,
Calhoun,	Glasscock,	Pfeuffer,
Davis,	Hall,	Randolph,
Evans,	Harrison,	Shannon,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Garrison,	Knittel,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Houston of Bexar, Stinson.

On motion of Senator Kilgore,

Senator Jerdone was excused from voting on the resolution.

House joint resolution No. 1, to permit the Governor, Comptroller and Adjutant-General to withdraw from the Comptroller's and Adjutant-General's offices such original vouchers as may be necessary to enable them, under authority of an act of the Legislature, approved March 28, 1883, to properly present the claims of the State of Texas for payment by the United States under act of Congress, approved June 27, 1881."

On motion of Senator Garrison,

The constitutional rule was suspended, and

The resolution was placed on its second reading by the following vote:

YEAS—24.

Bell,	Glasscock,	Perry,
Calhoun,	Hall,	Pfeuffer,
Davis,	Harrison,	Randolph,
Evans,	Houston of Bexar,	Shannon,
Farrar,	Jerdone,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.

NAYS—none.

The resolution was read second time and passed to third reading.

Senator Kilgore moved to suspend the constitutional rule and place the resolution on its third reading.

Adopted by the following vote:

YEAS—23.

Bell,	Hall,	Pfeuffer,
Davis,	Harrison,	Randolph,
Evans,	Houston of Bexar,	Shannon,
Farrar,	Jerdone,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.
Glasscock,	Perry,	

NAYS—none.

ABSENT, NOT VOTING.

Calhoun.

The resolution was read the third time.

Senator Farrar offered the following amendment:

Provided, certified copies of the vouchers be left in the Comptroller's office.

Adopted by the following vote:

YEAS—17.

Bell,	Glasscock,	Knittel,
Calhoun,	Hall,	Pfeuffer,
Davis,	Harrison,	Randolph,
Farrar,	Houston of Bexar,	Stinson,
Fowler,	Jerdone,	Woods.
Getzendaner,	Kleberg,	

NAYS—7.

Evans,	Perry,	Terrell,
Garrison,	Shannon,	Traylor.
Kilgore,		

The resolution was passed by the following vote:

YEAS—22.

Bell,	Glasscock,	Perry,
Calhoun,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Farrar,	Jerdone,	Terrell,
Fowler,	Kilgore,	Traylor,
Garrison,	Kleberg,	Woods.
Getzendaner,		

NAYS—2.

Knittel, Pfeuffer.

By leave, Senator Houston of Bexar sent up the following report:

SENATE CHAMBER,
AUSTIN, March 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

SIR: I ask leave to report House bill No. 408, entitled "An act to amend chapter 2, title 2 of the Revised Code of the State of Texas, by adding thereto article 354a," which was referred to Judiciary Committee No. 1, with the recommendation that the same be considered and passed by the Senate. It is impracticable to have a meeting of the committee at this late hour of the session, and hence this report.

Respectfully,

HOUSTON of Bexar, Chairman.

Bill read first time.

On motion of Senator Houston of Bexar.

The bill (reported by him) was taken up, and made special order for Monday.

Senate bill No. 188, "An act to amend section 13 of an act to redistrict the State into judicial districts," etc. was laid before the Senate with House amendment.

On motion of Senator Farrar,

The House amendment was concurred in.

Oh motion of Senator Shannon,

House bill No. 408, "An act to amend chapter 2, title 2 of the Penal Code of the State of Texas by adding thereto article 354a," was taken up, and

On motion of Senator Jerdone,

Was postponed and made the special order for Monday after morning call.

Senator Bell moved to take up and act upon House bills on third reading.

Adopted.

House bill No. 87, "An act to amend article 4574, and to repeal article 4576 of the Revised Statutes of the State of Texas," was laid before the Senate, read the third time, and

Failed to pass by the following vote:

YEAS—11.

Farrar,	Kleberg,	Shannon,
Harrison.	Knittel,	Traylor,
Houston of Bexar,	Perry,	Woods.
Kilgore,	Pfeuffer,	

NAYS—13.

Bell,	Garrison,	Jerdone,
Calhoun,	Getzendaner,	Randolph,
Davis,	Glasscock,	Stinson,
Evans,	Hall,	Terrell.
Fowler,		

House bill No. 162, "An act to amend article 2411, chapter 4, title 42 of the Revised Civil Statutes of the State of Texas," was laid before the Senate,

Read third time and passed.

House bill No. 349, "An act to amend article 797, chapter 17, title 17 of the Penal Code of the State of Texas," was taken up,

Read third time and passed.

Substitute House bills Nos. 171 and 208, "An act to amend article 425 of the Penal Code of the State of Texas," was taken up,

Read third time and passed.

House bill No. 483, "An act to amend article 1533 of the Revised Statutes," was laid before the Senate,

Read third time and passed.

House bill No. 72, "An act to amend article 4367 of the Revised Statutes," was taken up,

Read third time and passed.

House bill No. 409, "An act to amend article 4518 of chapter 1, title 91 of the Revised Civil Statutes of the State of Texas," was taken up,

Read third time and passed.

Substitute House bill No. 218, "An act authorizing the sheriffs, constables or their deputies of this State to make persons who are principals or sureties on indemnifying bonds, parties to suits, and giving such sheriffs, constables or their deputies time to secure service on such principals and sureties," was taken up.

Read third time and passed.

House bill No. 287, "An act to amend article 3969,

title 79, Revised Civil Statutes, was laid before the Senate.

Read third time and passed.

Substitute House bill No. 290, "An act to amend articles 378 and 379, chapter 6, title 11 of the Penal Code of the State of Texas, and to add to said chapter and title article 379a," was taken up,

Read third time and passed.

Substitute House bill No. 270, "An act to amend article 3856 of the Revised Statutes," was taken up.

Read third time and passed.

House joint resolution No. 27, "to amend section 8, article 5 of the Constitution of the State of Texas," was taken up.

Read second time and passed to third reading.

Senator Davis called up his motion to reconsider the vote by which the Senate refused to pass to third reading, yesterday, House bill No. 96, "An act to amend 'an act to amend article 4111 of the Revised Civil Statutes,' approved March 5, 1883."

The motion to reconsider was adopted.

(Senator Kilgore in the chair.)

Senator Stinson offered the following amendment

Amend by striking out "five or more resident citizens subject to road duty," and insert in lieu thereof "a majority of the hands subject to road duty in any road precinct."

Lost by the following vote:

YEAS—12.

Calhoun,	Getzendaner,	Pfeuffer,
Evans,	Harrison,	Shannon,
Farrar,	Houston of Bexar,	Stinson,
Fowler,	Perry,	Woods.

NAYS—12.

Bell,	Hall,	Knittel,
Davis,	Jerdone,	Randolph,
Garrison,	Kilgore,	Terrell,
Glasscock,	Kleberg,	Traylor.

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

YEAS—14.

Bell,	Hall,	Knittel,
Calhoun,	Harrison,	Perry,
Davis,	Houston of Bexar,	Randolph,
Garrison,	Kilgore,	Woods.
Glasscock,	Kleberg,	

NAYS—9.

Evans,	Getzendaner,	Stinson,
Farrar,	Pfeuffer,	Terrell,
Fowler,	Shannon,	Traylor.

ABSENT, NOT VOTING.

Jerdone.

Substitute Senate bills Nos. 271 and 274, "An act to reorganize the thirtieth, thirty-first, thirty-second and thirty-third judicial districts, to create the thirty-ninth judicial district, and fix the times for holding court therein, and to provide for the appointment and election of judges and district attorneys in said thirty-ninth judicial district," was taken up with House amendment, and

On motion of Senator Shannon,

The Senate concurred in the House amendment. On motion of Senator Hall, House bill No. 281, "An act to authorize the commissioners' courts of the organized counties of the State of Texas to which unorganized counties are attached for judicial purposes, to lay off and designate justices' precincts in such unorganized counties, and to consti-

tate such precincts election precincts, and to provide for voting in such unorganized counties for county commissioners of the counties to which they are attached," was taken up, and

The constitutional rule was suspended, and The bill was placed on its second reading by the following vote:

YEAS—22.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Harrison,	Perry,	Woods.
Getzendaner,		

NAYS—none.

ABSENT, NOT VOTING.

Jerdone, Knittel.

The bill was read second time and passed to third reading.

On motion of Senator Kleberg,

The constitutional rule was further suspended and the bill was placed on its third reading by the following vote:

YEAS—22.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Garrison,	Knittel,	Woods.
Getzendaner,		

ABSENT NOT VOTING.

Jerdone, Perry.

The bill was read third time and passed.

On motion of Senator Glasscock,

House bill No. 589, "An act to provide for the identification and permanent marking of surveys heretofore made for the benefit of the common school fund by virtue of alternate certificates," was taken up.

Senator Glasscock moved to suspend constitution al rule to place bill on second reading.

Senator Traylor moved to refer the bill to Committee on Public Lands.

Adopted.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage

Senate bill No. 280, "An act to reorganize the thirty-fifth judicial district, and

Substitute Senate bills Nos. 271 and 274, "An act to reorganize the thirtieth, thirty-first, and thirty-second and thirty-third judicial districts," etc.

A. D. SADLER,
Chief Clerk House of Representatives.

Senator Garrison sent up the following report:

COMMITTEE ROOM,
AUSTIN, March 28, 1885.

Barnett Gibbs, President of the Senate, and Hon. L. L. Foster, Speaker of the House of Representatives:

Your conference committee appointed upon House amendment to Senate bill No. 180, have carefully considered the same, and recommend that the House recede from its amendment to said bill, because, if the bill should be passed with

said amendment, Shelby county would be deprived of any court, on account of the failure of House bill No. 529 to pass the Senate.

BLOUNT of San Augustine,
INGRAHAM,
CRANE,
For House.

GARRISON,
HALL,
KILGORE,
For Senate.

On motion of Senator Garrison,
The report was adopted.
Senator Stinson moved to adjourn till 9:30 Monday morning.

Lost.
On motion of Senator Terrell,
Senator Houston of Bexar was excused for Monday next.

On motion of Senator Terrell,
Mr. Monroe Drew, the Postmaster, was excused for the past six days on account of sickness.

On motion of Senator Davis,
The Senate adjourned till 9:30 o'clock Monday morning.

CORRECTED LIST OF NOTARIES.

Anderson county—E. F. Arthur, Theodore Ash, J. F. Watts, A. W. Gregg, M. Glenn, Theodore D. Jones, J. H. Mead, J. J. Word, J. Conaway, Palestine; W. L. Darden, Bethel; R. M. Jackson, Tennessee Colony; P. L. Bradford, Bradford; W. A. Miller, Kickapoo; J. M. Emerson, Fosterville; W. H. Gill, Palestine; Benjamin Parker, J. W. Bryan, Elkhart; D. M. Butler, R. J. Royal, Palestine.
Archer county—S. Abercombie, F. E. Dycus, L. W. Hart, Archer.

Armstrong county—Charles Goodnight.
Austin county—C. S. Miller, James H. Shelburne, W. I. Glenn, S. B. Pier, Bellville; Wm. Wenneneser, Nelsonville; Charles Korff, Shelby; Fritz Peters, Cat Springs; G. T. Ross, San Felipe; John Harvey, Kenneyville; E. L. Day, Cochran; Max Meisner, Industry; J. H. Krancher, Bellville; W. C. Cliett, San Felipe; J. W. Lott, Sealy; E. D. Rawls, Buckhorn.

Angelina county—Homer McMickles, John K. Matthews, James McKnight, Lufkin; John Y. Foster, Eli Gilleland, Homer; T. C. Moore, Lufkin; E. J. Mantooth, Joseph Chestnut, J. R. Gilleland, W. J. Townsend, Homer.

Atascosa county—J. L. McCaleb, Benton; J. H. Cavender, T. M. Peeler, Pleasanton.

Bastrop county—B. Sass, Smithville; R. A. Brooks, Alum Creek; J. S. Woodruff, Caldwell's store; E. Hagaman, Paige; W. R. McDuff, Weberville; L. Heiligbrodt, R. P. Jones, J. W. Kennedy, F. A. Orgain, H. J. Wamel, S. W. Briggs, W. A. Highsmith, M. H. Hill, J. E. B. Laird, D. M. Scott, T. C. Baird.

Bell county—F. D. Smith.

Baylor county—H. S. Melvin, J. T. Montgomery, R. J. Browning, W. R. Bonner, J. R. McLain.

Bee county—Sidney Howard, Beeville.

Bexar county—W. G. M. Samuel; L. L. Lacy, Sam. M. Johnson, E. C. Reed, Frank E. Corbett, Gen. H. P. Bee, L. D. Dibble, San Antonio.

Bowie county—O. P. Taylor, Texarkana; K. Yarbrough, New Boston; J. C. Ellis, J. H. Henderson, W. L. Whitaker, Boston; J. J. Peters, Boston; J. C. Wright, H. M. Burrows, A. D. Putnam, Dalby Springs; D. D. Gupton, W. W. Dillard, A. C. Ward, J. B. Lassiter, DeKalb; Sam H. Smelser, J. E. Anderson, Thos. L. Lynch, New Boston; A. J. Purcell, J. H. Smelser, M. A. Bassett, H. N. Samstag, C. A. Hooks, L. C. DeMorse, Jas. A. Marx, W. T. Hudgins, W. L. Whitaker, Texarkana.

Burnet county—T. E. Hammond, J. G. Cook, R. W. Cates, Burnet; Norton Moses, Strickland; R. H. Ward, Burnet; U. E. Morgan, J. D. Riley, Bertram; Albert Gieseke, A. G. Wilcox, W. D. Yett; John Linn, Lacy; G. R. Berry; B. H. Stewart, Mohamet; R. L. Turberville; T. A. Chamberlain, Burnet;

Miles Cook, George Gillum, G. A. Brandon, Charles Rise, Robert Rise, D. Williams, N. W. Tobey, W. W. Bebout.

Blanco county—W. Wedekind, Round Mountain.

Brown county—F. M. Henderson, F. W. Henderson, Brownwood.

Burleson county—E. G. Banks, Caldwell; C. S. Adams, Mearle; J. L. Hill, Caldwell; J. W. Page; J. W. Ragsdale. Tunis; C. S. Williams, Caldwell; C. C. Harvey, Hookerville; J. M. Jackson, A. W. McIver, T. R. Batte, Caldwell; E. L. Flanagan, Tunis; N. M. Thornton, Ike Bingham, Caldwell.

Bosque county—James M. Robertson, N. R. Morgan, Meridian; A. R. Barry, Kopperl; W. D. Thomas, Morgan; J. L. Scott, Meridian; J. P. Grace, Walnut; James A. Gillette, John H. Gouley, Meridian; N. A. Evans, Valley Mills; Peter Pearson, Norse; John H. Moses; G. W. Leaverton, Clifton; R. E. Conine, Cayote.

Brazoria county—G. C. Leonard, Brazoria; Wm. Fort Smith.

Cass county—Joda Snipes, Douglassville; W. Q. Henderson, E. A. Allday, Atlanta; J. C. Hutchinson, Queen City; Ed. Rand, Kildare; J. S. Lunday, Wayne; James Petty, Bryan's Mill; Clay Fulcher, Cussetta Mill; Frank Hall, Gibson's Mill; C. Palmore, Dalton Mill; Mack Fletcher, Hughes Springs; T. J. Everett, Avinger Springs; J. R. Glaze, Galloway's Store; D. J. Blackwell, Red Hill; Thomas Wood, Forest; W. F. Ford, Queen City; M. R. Pilkinton, Sardis; J. J. Fowler, Coke's Store; I. S. Lacy, Culberson; T. C. Taylor, J. P. Wood, Linden.

Caldwell county—Henry Rice, D. M. Crosswait, Lockhart; J. N. Stagner, J. W. Campbell, Luling; A. J. Rife, Alledo; W. B. Walker, Prairie Lea; Wm. Alexander, Dale; D. C. Chamberlin, Elm Grove; J. P. Reed, Delhi.

Clay county—W. M. Waddington, R. T. Ricketts, J. M. Willis.

Cameron county—E. C. Forto.

Chambers county—Hugh Jackson, James Armstrong, Wallisville; R. D. White, William Gordon, Turtle Bayou; James Jackson, Double Bayou.

Clay county—T. Bowmar, W. B. Stickney, W. A. Squires, W. D. Slayton, J. C. Chestnutt, R. D. Wellborne, E. B. Monday, Henrietta; Wm. Wantland, Belleville; George A. Watts, J. M. Jones, Vincent Stine, M. C. Ivie, A. K. Swan, W. G. Eustis, Henrietta; F. G. Bransford, New Port.

Calhoun county—W. H. Woodward.

Callahan county—W. H. Cliett, Baird; J. H. Smith, Putnam; D. Richardson; B. F. Walker, Cottonwood; A. W. Oliver, Baird; J. W. Power, Bell Plain.

Cherokee county—E. C. Dickinson, M. Jernigan, J. P. Gibson, Rusk; D. McCall, Forest; W. C. Bolton, G. W. Middleton, T. H. Collier, Jacksonville; R. H. Childers, Rial Smith, Griffin; A. Harrison, C. A. Miller, Alto; W. C. Frederick, John Dalby, Lone Star; Finess Braley, O. C. Taylor, Larissa; C. M. Wade, Gent; R. S. Finlay, Rusk; A. J. Cnessher, Jacksonville.

Collin county—J. L. Doggett, T. B. Wilson, M. H. Byrne, M. H. Garnett, J. L. White, Thos. H. Emerson, M. W. Johnson, S. H. Cole, J. H. Jenkins, Jno. Church, Jno. D. Page, K. R. Craig, McKinney; R. T. Shelton, L. Butler, F. J. Vance, H. C. Overaker, J. P. Coffey, Plano; Jno. Walden, St. Paul; B. B. Fowler, Nickleville; Howard Pickett; P. W. Baldwin, Maxwell; C. L. Snider, Tevis Bickley, Henry Caver, J. S. Rike, Farmersville; A. J. Caudler, Merritt; Jno. T. Buchanan, Geo. M. Carruth, Celina; James Kuykendall, Thomas Hardison, Foy; W. G. Matthews, Beth; E. Nelson, Jno. Reasor, Lebanon; Jas. Smith, Wm. Moyers, R. T. Mitchell, Blue Ridge; T. E. Shirley, I. T. Largent, Jesse Coffey, L. A. Scott, Melissa; W. J. Booth, Millwood; W. H. Bowie, F. M. Bounds, Jesse Hubbard, Weston; J. L. McKamy, Frankfort; Rowland Gooch, G. J. Davie, W. H. Brummitt, Nevada; James L. Greer, Anna; J. C. Rhea, Rhea's Mill; Chas. Blackwood, Jno. Pace, Gray Bill; J. J. Thompson, Rock Hill; J. D. Naylor, Millwood; Geo. Hardin, Farmerville; J. W. Franklin, Allen.

Coleman county—John C. Randolph, H. T. Sims, Coleman.

Comanche county—T. R. Hill, Comanche; A. J. Sanderford, De Leon.

Cottle county—Jno. T. Stovall.

Childress county—D. C. Curtis.

Collingsworth county—H. F. Holstien.

Coryell county—H. N. Rafter, Copperas Cove; E. E. Clark.

Colorado county—T. W. Hunter, W. B. McCormick, Weimar; Jno. H. Mullin, Oakland; Carey Shaw, Friend Simpson, Columbus; Walter C. Jones, Vox Populi; Jno. R. Newsom, Eagle Lake; D. C. Gregory, Alleyton.

Camp county—Jno. W. Hooper, Jno. J. Ofiel, Jno. B. Ed-

dins, W. R. Heath, J. A. Derrick, E. H. Hopson, C. G. Davis, Jno. A. Thompson, Pittsburg.

Dallas county—S. C. McCormick, J. M. Hays, W. H. Barkdale, Dallas; E. D. Sowers, Sowers; J. T. Timberlake, Trinity Mills; John M. McCoy, Frank J. Smith, J. M. Wheatly, Dallas. Donley county—W. D. Kimball, J. H. Parks, J. G. Murdock, J. B. McClelland.

Dickens county—W. C. Dockam.

Denton county—T. M. Smith, Lewisville; J. H. Degan, Waketon; John Collier, Pilot Point; J. N. Rucker, Little Elm; Benj. Moss, Aubery; A. J. Nance, Bolivar; James Eads, Roanoke; J. C. Wright, Garza; J. M. Copley, D. N. Dodson, Denton; W. H. Bush, Navo; E. F. Bates, Lloyd; R. W. Terrell, A. C. Owsley, W. J. Austin, H. C. Furgerson, Denton; G. T. Walton, Stoney; James Hicks, Little Elm; C. T. Morris, J. C. Smith, Argyle; Chas. Everett, T. A. Collins, O. P. Poe, John L. Ruddell, Denton; T. D. Fouts, Trinity Mills; Isaac N. Allen, C. R. Buddy, Denton; W. H. McNeil, Little Elm; J. M. Rook, Lloyd; J. N. Rayzor, Mustang; J. E. Buster, Stewart's Creek, N. F. Wakefield, E. S. Smith, John Bain, J. R. McCormick, Waketon.

Duval county—T. C. Hannelly.

DeWitt county—J. H. Moore, Thomaston.

Delta county—B. B. Taylor, Mount Joy; R. B. Redfern, Ben Franklin; Johnathan Bills, Cooper; J. B. Simpson, Charleston; James M. Brown, Ben Franklin.

Erath county—C. J. Shapard, Stephenville; J. D. St. Clair, Alexander; T. B. King, Stephenville; T. J. Belcher, Rock Falls; A. B. McClure; S. T. Morris, Dublin; J. L. Durham; L. E. Gillette, Dublin.

Eastland county—W. L. Calhoun, Eastland; D. T. Jordan, Carbon; D. G. Hunt, Rising Star.

Ellis county—Anson Rainey, J. D. Templeton, R. M. Clark, R. G. Phillips, R. M. Wyatt, Ed. Oldham, Thos. P. Whipple, N. G. Davis, J. M. Phillips, J. P. H. Nelson, H. M. Rhodus, Waxahachie; C. T. Hogan, W. H. Fears, J. H. Albritton, D. F. Singleton, Ennis; Alex. Mosely, Bristol; R. P. Mackey, Ferris; Jno. Wylie, Auburn; G. W. Hamlett, T. L. Henderson, Italy; J. C. McKinney, Ennis; J. W. Couch, Red Oak; I. P. Jeffers, Palmer; Geo. H. Alderman, Avalon; J. N. Padgett; W. T. M. Dickson, H. N. C. Davis, Milford; T. L. McCarty, Ennis; F. P. Powell, Waxahachie; C. L. Edwards, J. S. McDuffie, Ennis; J. A. Moore, Mt. Peak.

Falls county—Frank B. Chilton, R. S. Hunnicutt, T. B. White, Marlin; J. F. Knox, J. V. Wright, Leonard Magee, George A. Hodges, M. H. Curry, W. A. Patrick, J. M. Stuart, Samuel Brewer, J. R. McDonald, Ed. M. McCollough, Matt Jones, W. J. Finks, W. J. Yates, S. A. Elam, Wm. Hauder; J. T. Somerville, Marlin.

Franklin county—T. W. Templeton, Winnesboro; H. G. Stokely, J. Q. Nunn, J. S. Davis, J. P. Huskey, W. H. Baldwin, Mt. Vernon; J. C. Terrell, Winnesboro, Wood county.

Fort Bend county—J. C. Williams, T. E. Mitchell, West John, Richmond; W. C. Sims, Pittsville; J. A. Gibson, Foster, W. L. Duulap, Stafford's Point; Durke Susee (Duke), Arcola.

Fannin county—A. F. McRea, W. E. Dailey, sr., E. G. Rogers, W. G. Nunn, Ladonia; M. L. Taylor, Savoy; John A. Russell, Bouham.

Frio county—L. B. C. Gallaway, John Hays, San Miguel; Gilbert Williams, Dilly.

Fayette county—N. L. McKinnon, Schulenberg; A. D. Paulus, High Hill; Chas. Luck, Black Jack Springs; A. Windmeyer, Aumonville; G. G. Moore, I. T. Lane, Flatonia; H. Zavisch, Cistern; E. C. Phelps, J. C. Stiehl, La Grange; E. Henkel, F. A. Schliek, Round Top; G. W. Radford, Ledbetter; C. W. Moore, West Point; C. J. von Rosenberg, Ellinger; A. C. Lenert, Warrenton; A. E. Falke, Warda; A. Nerestra, New Pargue; J. Ivy, Flatonia; W. S. Chunn, Cistern; A. Giles, Winchester; A. F. Dornwell, Waldeck; Paul Meerscheidt, LaGrange; Wm. Muenzler.

Galveston county—W. H. Lisbony, Joseph A. Labatt, Galveston; Henry C. Mayer, Frank H. McMahan.

Grimes county—Samuel E. Blake, Plantersville; Isaac R. Lindley, Roans Prairie.

Greer county—H. C. Sweet, Lanham.

Guadalupe county—T. M. Humphreys, Seguin; S. M. Holmes, Staples' store; Fritz Kraft, Clear Springs.

Grayson county—A. P. Finlay; J. R. McElroy, Southmayd; Robert E. Smith, Sherman.

Gonzales county—W. S. Fly, T. F. Harwood, Gonzales; L. N. West, Leesville; Wilbur F. King, Wrightsboro; W. V. Collins, Gonzales; W. J. Bright, T. B. Littell, Enoch Steen.

Gregg county—T. M. Campbell, J. W. Boring, T. A. Flewel-

led, C. N. Henderson, Longview; J. C. Barnett, Kilgore; Stephen May, Longview; E. S. Terry, Longview.
 Gray county—A. S. Williams.
 Hamilton county—R. D. Love.
 Haskell county—Arthur C. Foster, Haskell.
 Hardin county—S. B. Turner, Hardin; J. P. Work, Kountze; John Davis, Concord; T. J. Hooks, R. N. B. Tompkins, Village Mills.
 Harrison county.—H. C. Gray, Scotsville; C. D. Kretz, Chas. F. Chevaillier, John B. Carter, B. W. Long, M. Haggard, Marshall; Geo. E. Toullerton, R. P. Littlejohn, H. M. Matthis, L. W. Loyd, C. H. McGill, J. G. McCown, Marshall; Geo. D. McGimpsey, Elysian Fields; T. S. Buchanan, Hallville; W. L. Thomas, Marshall.
 Harris county—J. H. Dunks, Crosby.
 Hood county—W. A. Duke, B. M. Estes, John P. Estes, T. T. Ewell, T. J. Duke, J. R. Morris, J. M. Chadwick, Granbury.
 Haskell county—F. P. Morgan, P. B. Ward, Walter Scott, Oscar Martin, John W. Arledge, Haskell.
 Howard county—D. A. Walker, Big Springs.
 Hill county—W. H. Marsh, Hubbard City; B. F. Vinson, D. J. McClellan, F. M. Bush.
 Harlan county—D. G. Smith, J. H. Meyers, Chillicothe; J. C. Roberts, Margerette; J. H. Drury, F. C. Ratcliff, J. A. Nabors, G. W. Darby.
 Houston county—J. F. Stokes, Grapeland; G. M. Dolson, Pennington, Trinity county.
 Hemphill county—Ed. Fletcher.
 Hutchinson county—H. T. Groom.
 Henderson county—J. M. Warren, Goshen; W. J. Evans, Malakoff; S. M. Bradford, Willow Springs; John S. Jones, J. B. Bishop, Atheus; R. W. Wiley, Chandler; John H. Reynolds, New York; H. C. Turner, Fincaeste; W. L. McNeil, Brownsboro; J. M. Murphy, Murchison; H. M. Gossett, J. T. Meredith, Athens.
 Hopkins county—W. A. Green, H. C. Barker, Black Jack Grove; T. C. Crain, A. A. Henderson, F. M. Rogers, S. L. Rogers, R. S. Blythe, W. B. James, Guss Garrison, Joseph Brashear, B. T. Stephens, Sulphur Springs; W. D. Byrd, H. C. Wood, R. L. Askew, C. B. Williams, Carroll's Prairie; W. J. Cline, Cornersville; Will T. Holderness, Fairlyland; G. B. Christian, White Oak; Joseph Gist, Picton; R. E. Bertram, Reiley Springs; T. A. St. Clair, Sulphur Springs; Harvey Anderson, Miller Grove; J. W. Barker, Sulphur Springs.
 Hunt county—D. W. Yeager, Kingston; A. S. Marshall, Greenville; L. F. Phelps, Payne's Store; J. H. Jackson, Commerce; Jas. H. Patterson, Campbell; A. Cameron, Greenville; A. D. Jackson, Wolf City; H. H. Wood, South Sulphur; C. L. Elder, Greenville; W. R. Lane, Jordin; J. D. Hurst, Payne's Store; M. T. Mitchell, Olivera; J. M. McCamant, Campbell; E. B. Lewis, John O. Wilkinson, Greenville; W. P. West, Payne's Store; W. P. McBride, Humphrey; Z. E. Gandy, Lone Oak; J. F. Pickett, Kingston; S. R. Etter, A. R. Cushman, Greenville; E. J. Mock, Kingston; E. K. Patrick, Lone Oak; P. A. Norris, Greenville; W. H. Key, Roberts; K. L. Porter, Greenville; W. C. Vanlandingham, Donelson; A. G. Titus, Whitesock.
 Jefferson county—W. D. Irely, A. S. John, W. M. Campbell, R. H. Leonard, Geo. W. O'Brien, Mark Weiss, T. J. Russell, J. F. Lanier, J. W. Dorman, Beaumont; T. C. McReynolds, Jos. Broussard, T. W. Paine, Sabine Pass.
 Jack county—Mort. H. Stark, J. F. Jones.
 Johnson county—G. H. Maxey, D. W. Adams, C. Y. Kouns, Cleburne.
 Jones county—C. D. Davis, C. P. Woodruff, Dan M. Jones, Anson.
 Jackson county—Henry T. Chivers, Edna.
 Jasper county—Lipcomb Norvill, Henry C. Howell, T. W. Ford, K. B. Seal, Jasper; T. H. Owens, Bevelport; J. H. Sanders, Weiss Bluff.
 Kinney county—W. W. Lamberts, Geo. A. Doogan, Del Rio.
 Knox county—R. D. Goree.
 Kaufman county—E. A. Thompson, S. M. Cannon.
 Kendall county—D. W. Grady, F. W. Schweppe, Boerne; Fred. Hofheuz, Guadalupe Theo. Weidenfeld, Comfort.
 Kimble county—Wallace Blain.
 Lampasas county—J. C. Hubert, Lampasas.
 Lee county—N. R. May; W. M. Buras, Lexington; F. S. Wade, Blue Branch; R. H. Flanniken, Tanglewood; E. C. Harrell, H. Goldstein, J. L. Roussseau, Giddings; A. F. Rainwater, Ledbetter, Washington county; Otto J. E. Urban, Fedor.
 Lavaca county—C. B. Patton, Sweet Home; R. T. Jaeggli, Baur; Jesse Green, Hallettsville; R. J. Putney; H. T. Kuhne, Hope; W. G. Chapman, Hac berry; Ira Ezell, Ezell's Store; H. C. Youngkin, Antioch; S. Sewell, Hackberry; Wm. H. Striebeck, Brossau; J. A. Whitfield, Hallettsville; J. H. Anderson, Moulton; Isaac E. Clark.
 Lamar county—W. G. Baird.
 Lipscomb county—E. E. Polley.
 Limestone county—A. E. Fernin, Mexia; J. J. Swame, Kesse.
 Liberty county—Geo. Ricks, J. G. Miuter, Sam R. Perryman, Liberty; L. C. Chambers, Alfred Isaacs, J. D. Lum, Tarkington's Prairie; J. W. Davis, Dayton; T. B. Smith, Ironton; Frank Ababier, H. H. Devoe; Liberty; Gustavo Lacour, Moss Bluff.
 Llano county—W. T. Dalrymple, Llano; W. L. Carleton, W. L. Armstrong, R. F. Roundtree, Wm. Kyle, J. W. Davis, S. H. Oatman, H. J. Reynolds, John McLeod, Knight Stith, James Flack, E. H. Wilkes, M. B. Clendennan.
 Marion county—J. H. Parsons, W. E. Estes, John Penman, Lee Sherrill, Jefferson; Geo. R. Beard, J. A. Lindsay, T. N. Lockett, A. J. B. Garrett, W. A. Walker, J. M. Harper, C. G. Graham, J. H. Rowell, P. H. Rowell, R. A. Loomis; D. B. Hale, Lassater,

Morris county—H. E. Henderson, Dangerfield; J. H. Mathews, W. G. Callaway, B. A. den; W. M. Cason, Cason; John Speorman, Dangerfield; J. H. Hart, Gavett.
 Maverick county—E. L. Watkins, Eagle Pass.
 Medina county—Marshall Burney, Devine.
 Milam county—Leonard Isaacs, Frank Clement, J. E. Longmoor, B. T. Middleton, J. H. Sparkman, J. L. Lockett, Rockdale; H. N. Roberts, W. T. Helley, W. M. McGregor, R. I. McCalla, Cameron; F. M. Adams, Gause; J. H. Graves, Lilack; A. S. Russell, Milano; B. L. Arnold, Cameron; E. Y. Terrell, Jones Prairie; A. G. Wilcox, Rockdale; W. A. H. Askaw, Baileyville; John A. Smith, Branchville; James Peeler, Cameron.
 Martin county—Peter Smith, Adam Koriz, John Markel, Marienfield; John Souer, Peter Glouden.
 McCulloch county—J. L. Spiller, Brady City; M. Clements, Walter Anderson, J. T. Williams, J. L. Tarver, Chas. E. Williams.
 Montague county—Wm. Garborough, J. E. Willets, W. H. Wilson, R. B. Davis, J. M. Grigsby, G. F. Thomas, J. H. Howard, M. B. Hoskins, E. S. Eades, Jos. W. Kerr; C. J. Haile, J. M. Tindall, Bowie; Wm. Robertson, Dye; I. H. Baggess, St. Jo; E. W. Giles, Duxbury; C. C. Johnson, E. L. Jarrot, Bowie; R. D. Rugeley, Montague; M. W. Ross, St. Jo; J. T. Bellows, Sunset; M. J. Davis, Montague; L. R. Willets, Bowie; E. S. Eads, Illinois Bend; C. L. Herbert, W. A. Morris, W. S. Jamison, Montague; John S. Love, Red River station; L. C. McNatt, Burlington; L. B. Roberson, Hardy; J. W. Kerr, B. E. Green, Bowie.
 Motley county—J. M. Campbell, H. H. Campbell.
 Mitchell county—R. L. Boren, Jay Good, T. Q. Mullin, Xavier Ryan, W. J. Hatch, J. H. Morrison, R. H. Looney, A. Maclean, Colorado City.
 McLennan county—G. W. Kinchloe, Mastersville; J. W. Speight, Waco; W. C. O'Bryan, McGregor; Thos. A. Blair, Jas. I. Moore, Waco; W. C. Barnett, Valley Mills; Alfred Battle, W. S. Baker, R. G. Pidcocke, T. D. Peury, E. A. McKenney, Waco; F. R. Robinson, Robinsonville; R. H. Rogers, W. M. Sleeper, L. W. Bagby, A. M. Harris, F. M. Makeig, W. S. Kinchloe, Waco; H. C. Williams, Lorena; J. B. Vesey, Axtell; C. J. Monroe, West; Hiram Morgau, Moody; John B. Nichols, Crawford; T. J. Womack, Patrick; T. J. Prim, Besqueville; T. J. Talliaferro, Ross; F. A. Tucker, Harrison; J. K. Dunn, Mart; A. C. Prendergast, Waco; Seth P. Mills, Speigleville; Allen L. West, D. H. Hardy, J. R. Downs, E. A. Marshall, Waco; John W. Ridgill, Eddy; W. G. Mobley; J. H. Davenport, Jr., Waco; L. P. Field, Mastersville; Frank Richardson, Eddy; C. F. Schaefer, Lorena.
 Midland county—A. A. Bell.
 McMullen county—E. S. Atkinson.
 Madison county—John Vernon, Willow Hole.
 Navarro county—J. D. Curtis, R. E. Prince, Corsicana; P. P. Powell, Angus; Geo. B. Sherrard, Birdston; L. L. Jester, Corsicana; Richard Gowan, A. B. Lee, H. C. Talbot; J. G. Way, Cross Roads; W. J. Gibbs, H. K. Farrar, A. S. Henry, J. M. Blanding, T. J. Meredith, R. H. Mathews, H. T. McCallen.
 Nueces county—James W. Ward, Stanley Welch, Corpus Cristi; Chas. L. Lege.
 Nolan county—J. F. Edison, J. W. Posey, Jos. Boone, Sweetwater.
 Newton county—E. A. Cheatham, John T. Sutton, Thos. H. Good, John T. Keaghey, Burkville; C. H. Nemit, L. B. Clark, Newton; James R. Lee, Livonia; H. F. Wilson, Belgrade.
 Nacogdoches county—W. S. Patton, Tom R. Jennings, Geo. H. Matthews, Anthony B. Patton, John N. Gilbert, Wm. Martin, Nacogdoches; J. H. Miller, Wonders; J. H. Garrison, Nacogdoches; J. V. Birdwell, Martin City; O. P. Fears, Wonders; R. A. Wooten, E. J. Spinks, Cheroke; D. C. Mast, Melrose; J. H. Thomas, Douglas; H. V. Fall.
 Oldham county—I. P. Ragland, H. H. Wallace, W. S. Mabry, H. M. Kimball, John W. Cone, J. E. McAllister, A. D. Tomb.
 Orange county—J. F. Hart, W. D. Wingate, Geo. W. Mitchell, John Starke, J. Swinord, B. H. Smith, Orange.
 Panola county—Thos. F. Hull, N. C. Williams, Carthage; J. J. Langley, Beckville; T. G. Allison, Fair Play; J. W. Cariker, T. A. Lawrence, Clayton; B. D. Holland, Centennial; W. H. Brittle, Bethany; J. B. Wells, Deadwood; T. A. Cadenhead, DeBarry; M. W. Donaldson, J. A. Leslie, J. L. Harris, Frank Lawson.
 Polk county—S. B. Tackalberry, Moscow; B. W. Maury, J. C. Feagin, T. B. Dunnam, L. B. Oats, J. L. Henderson.
 Palo Pinto county—J. C. Haynes, Mineral Wells; J. S. Straughan, Palo Pinto; W. P. Gibbs, Hampton; S. B. Garrett, J. E. Laverty, Palo Pinto; C. W. Massie, Jas. T. Daniel, Straun; H. M. Montgomery, Palo Pinto; M. L. Garrett; M. B. Fryar, Christian; H. M. Berry, Palo Pinto; W. W. Reid, Christian; J. L. Cunningham, Palo Pinto.
 Potter county—Warren Witzel.
 Parker county—H. Snythe, Mack B. Roach, Weatherford.
 Pecos county—John Mills, A. D. Braziel, H. W. Martin, J. R. McMahan, H. P. Campbell, William Jones, Horace W. Martin, Thos. M. Alfred, Walter Calvert, Emory.
 Runnels county—G. W. Perryman.
 Rusk county—D. M. Deason, Pine Hill; W. P. Devereux, Glenfawn; G. B. Gould, John H. Young, J. G. Garrison, J. T. Maddox, J. S. McAnulty, G. R. Lacy, Henderson; T. H. Still, J. K. Martin, Overton; J. L. Findley, Harmony Hill; J. P. Ross, Mt. Enterprise; Dallas Foreman, New Salem; L. D. Stevens, Stevens; H. Carter, Caledonia; W. J. Graham, Henderson; Chas. C. Leverett, Overton; James M. Crane, Minden.
 Robertson county—J. A. Carson, Wootan Wells.
 Rockwall county—J. E. Stephens.
 San Saba county—Leigh Burleson, San Saba.
 Shackelford county—G. M. Rutledge, J. B. Gildart, John M. Moore, Albany, T. J. Grounds, Hulttown.
 Starr county—E. Downey Davis, John P. Kelsey.
 San Jacinto county—C. M. Woods, Shepard.

Sabine county—W. W. Weathered, Hemphill; J. T. Polley; Jas. P. Payne, Sexton; E. N. Beall, Geneva.

San Augustine county—W. H. Crouch, M. W. Hungerford, Chas. Flourney, San Augustine.

Smith county—M. Scott, John H. Bonner, Tyler; L. Loring, Bullard; H. H. Moore, Tyler; J. O. Collier, Troupe; H. C. Huggins, Starrville; W. H. Marsh, Winona; John A. Mathias, Browning; L. Jarvis, Troupe; W. G. Human, Tyler; P. G. Bradshaw, Mt. Sylvan; Jo Carlton, Red Springs; J. A. Hill, White House; Jas. M. Edwards, J. T. White, H. B. Urquhart, Tyler; J. G. Jones, Troupe; Jeff D. Burns, Tyler.

Shelby county—W. V. Caraway; J. M. Hairgrave, Buena Vista; Tom C. Davis, Center; Dan Brittain, Sam A. Owens, John H. Truitt, A. M. Neathery, Wm. H. Stanley, M. H. Cooper, E. M. Hughes, J. M. Bell, J. T. Mosley, P. H. McLaughlan, J. M. Truitt, Tarrant county—Frank W. Norris, Francis Granger, T. J. Powell, C. M. Templeton, A. W. Hutchins, D. D. Wall, James Harrison, E. C. McPhail, W. B. Tucker, Fort Worth; J. B. Alexander, Mansfield; David Farnsworth, Handy; George Finger, Johnson's Store; Elihu Newton, Padin's Store; Levy Walker, Azle; D. S. Brown, J. T. Saunders, Fort Worth; H. E. Valentine, Bedford.

Titus county—Willie Ligon, J. F. Wilkinson, B. F. Wood, Mt. Pleasant; W. A. Keith, Cockville; W. R. Edwards, Mt. Pleasant.

Throckmorton county—B. F. Reynolds, sr., Ft. Griffin; C. K. Stribling.

Travis county—T. A. Thomson; C. F. Hill, Austin; C. A. Graves, Fiskville.

Taylor county—Ed. Curd, Abilene; W. C. Cheatham, Buffalo Gap; J. E. Cockrell, G. A. Kirkland, M. W. Northington, sr., F. B. Huston, C. C. Parker, D. B. Corley, Abilene.

Trinity county—W. B. Young, Pennington; S. A. Robb, Trinity.

Tyler county—E. C. Parsons, Woodville; Jerry Grimes, Grimes' Bluff; W. H. Rice Hyatt; Geo. Woolly; Robert M. Shivers, Town Bluff; B. B. Barlow, Billum's Creek; B. A. Stewart, Patrick Haynes, Edwark Simmons, Seamon's Prairie. John H. Kirby, Thos. D. Scott, G. C. Stovall, Woodville.

Upshur county—J. M. Hamilton, H. L. Sowell, Lafayette; S. C. Hart, Gilmer; H. C. Cundliffe, Coffeaville; J. D. Hart, Simpsonville; T. H. Chandler.

Uvalde county—Jesse K. Floyd.

Van Zandt county—W. J. Greer, T. R. Yantis, John S. Spinks, Canton; W. B. Wynn, S. B. Kilgore, J. G. Kearby, R. E. Yantis, J. C. Wright, Wills Point; Addison Clark, David Cade, Owllet Green; J. C. Austin, Grand Saline; J. A. Bailey, J. N. Pollard, Walton; S. W. Murphy, B. S. Jones, Edom; E. S. Raines; J. T. Gill, Edgewood; G. D. Staten, Canton.

Washington county—O. H. P. Garrett, Brenham; Dr. J. B. Moore, Graball; C. L. Spencer, Washington; Oscar Samuel, Prairie Hill; G. W. Booker, Independence; Henry Muller, Brenham; Hugh L. McLung, K. Krug, W. C. Broesche, Barton; Geo. B. Roberson, Thomas B. Botta, A. Jeffries, E. B. Bandle, Brenham. J. M. Calloway, Jerd. W. H. Vinson. Frank Klukan, Wesley.

Waller county—J. D. Montgomery, Morris Fisher, A. J. Harvey, J. M. Pinckney, T. S. Reese, D. N. Harris, Hempstead. M. L. Moore, Fields' Store. Wm. Tompkins, Gladish's Store. W. P. Downman, Pattison. W. F. Andress, Hempstead. N. B. Farr, A. C. Tompkins, Hempstead. James W. Benfro, Howths Station.

Webb county—G. B. Broadwater, Juan Y. Benavides, E. S. Remington, W. H. Mowry, Geo. W. Woodman.

Williamson county—C. Morelle, L. C. Clark, T. W. Stratton, B. H. Price, Georgetown; J. P. Davis, Hutto; J. G. Gordon, H. Dickson, John Threadgill, Danl. Moody, John W. Parker, Wm. Elliott, Geo. R. Scott, Taylor; J. P. Magill, Leander; J. B. J. Oliver, Duval; Sam C. Taylor, Jollyville; J. G. Ward, Liberty Hill; S. P. Williams, R. C. Hart, Bound Rock; H. A. Christie, Old Round Rock; Edward E. Diggs, J. W. Robertson, Round Rock; A. G. Ganaway, Florence; A. P. Johnson, J. A. Rumsey, J. W. Waymand, Corn Hill; S. M. Slaughter, S. J. Barber, Beaukiss; E. F. Kelley, W. N. Hardeman, Bartlett; T. S. Reed, Gabriel Mills; J. W. Posey, J. R. Kuler; Levi Pennington, Georgetown.

Wichita county—E. F. Bunch, Lewis C. Grant, W. W. Flood, R. E. Huff, W. B. Houston, N. Henderson, M. M. Templeton, S. B. McBride, J. H. Barwise, L. T. Miller, J. P. Boyd, T. C. Wilson, J. J. Van Dyke, T. C. Thomson, Sebastian Armstrong, Wichita Falls.

Wise county—W. A. Bonner, S. E. Hatchett, Alvord; John Brown, Bridgeport; R. B. Bailly, Greenwood; G. M. McSpadden, Stoney; W. B. Merrill, Keters.

Wilbarger county—B. W. Edgell, R. P. Elliott, C. Wheeler, D. E. Britt, C. F. Doan, H. C. Thompson.

Wheeler county—J. O. B. Street, E. J. Rising, W. L. R. Dickson, Mark Huseby, W. H. Grigsby, M. P. Williamson, Mobeetie.

Wilson county—H. S. Hastings, Nockenut; Jack Sutherland, Sutherland Springs.

Wharton county—B. D. King, Wharton.

Wood county—M. D. Carlock, T. J. Eussell, E. C. Campbell, Winsboro; Geo. A. Cage, S. R. Bruce, Mineola; C. B. Gorman, Winsboro; J. H. Mayo, L. H. Burch, Quitman; John B. Phillips, Pine Mills; John B. Newsom, Mineola; J. M. Lankford, Winsboro.

Young county—A. B. Gant, R. Holman, O. E. Finlay, H. W. Williams; W. B. Pope, Belknap; W. C. Blakly, Farmer; S. M. McConnell, C. W. Johnson, B. F. Arnold, Graham. W. C. Blakey, Farmer. S. N. McConnell, Murray.

Zapata county—James Downing.

SIXTY-FIFTH DAY.

SENATE CHAMBER,
AUSTIN, March 30, 1885.

The Senate met pursuant to adjournment.
Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by Rev. Dr. Burleson.

On motion of Senator Kleberg,

The reading of the journal of yesterday was dispensed with.

REPORTS OF STANDING COMMITTEES.

By Senator Evans:

SENATE CHAMBER,
AUSTIN, March 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

I herewith return Senate bill No. 27, entitled "An act to prescribe the number of copies of each day's proceedings of the two houses of the Legislature while in session, and to provide for the printing of the same," and would state that there is no necessity for action upon the same, as Senate bill No. 257, which has passed the Senate, embraces the same subject matter.

All of which is respectfully reported.

EVANS,
Chairman Committee on Public Printing.

Bill read first time.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, March 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 254, being "An act requiring the Attorney-General to institute legal proceedings against corporations doing business in this State in violation of sections 5 and 6, article 10 of the Constitution of Texas," and find the same correctly enrolled, and have this day, at 11:50 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

COMMITTEE ROOM,
AUSTIN, March 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 141, being "An act to amend articles 29 and 30 of the Code of Criminal Procedure for the State of Texas," and find the same correctly enrolled, and have this day, at 11:50 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

COMMITTEE ROOM,
AUSTIN, March 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 138, being "An act to amend chapter 3, title 53 of the Revised Statutes, by adding thereto article 2971a," and find the same correctly enrolled, and have this day, at 11:50 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

COMMITTEE ROOM,
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred

House bill No. 567, entitled "An act to restore the jurisdiction of the county courts of Jefferson, Tyler and Concho counties, and to repeal all laws in conflict therewith," have had the same under consideration, and instruct me to report it back with the recommendation that the accompanying substitute be adopted for said bill, and that the said substitute do pass.
All of which is respectfully submitted.

FOWLER, Chairman.

Bill read first time, with committee substitute.

Senator Shannon submitted the following free conference committee report on substitute House bill Nos. 8, 34 and 70 (the land bill):

COMMITTEE ROOM,
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate, and Hon. L. L. Foster, Speaker of the House of Representatives:

Your committee of free conference, to whom was referred the disagreement of the two houses upon substitute for House bills Nos. 8, 34 and 70, entitled "An act to provide for the leasing and sale of the lands heretofore or that may hereafter be surveyed and set apart for the benefit of the common school, University, the Lunatic, Blind, Deaf and Dumb, and Orphan Asylum funds," would respectfully recommend that the Senate recede from Senate amendments Nos. 9, 21 and 23, and that the House concur in Senate amendments Nos. 5, 6, 10 and 25.

Your committee further recommend that the fourth Senate amendment be reformed so as to read: "Strike out 'for,' in line 16, section 10, page 7, and insert 'to,' and insert between 'act' and 'shall,' in line 23, same section and page, 'in organized counties of thirteen hundred square miles or less,' and strike out all after 'sections,' in line 32, same page and section, to 'whenever,' in line 35 of said section.

That Senate amendment No. 13 be reformed by striking out "cross-ties, telegraph or telephone poles," in line 5, page 21, and by striking out "three months," in line 18, page 22, and insert "thirty days."

That Senate amendment No. 15 be reformed by striking out lines 1 and 2, page 22, and insert: "Add after 'funds,' in caption, 'in the organized and unorganized counties, and for the sale of vacant tracts of less than 640 acres in the organized counties,'" and strike out "six," in line 3 page 23, and insert "three."

That Senate amendments Nos. 17, 18 and 19 be combined and reformed so as to make section 2 of the bill read as follows:

Sec. 2. Said lands may be leased to any person, firm or corporation for any period not longer than six years, at the rate of five (5) cents per acre per annum. Provided, that any person, firm or corporation holding and using any of said land for grazing purposes on the first day of February, 1885, shall have a prior right for sixty days from the time this act takes effect to lease the entire amount of the range so used and claimed by such person, firm or corporation on said date; but in such case the lease shall date, and the rent shall be payable from said first day of February, 1885; and the person, firm or corporation exercising this option shall be required to lease the whole of the range so used. No lands leased under any former law shall be leased under this act to the original lessee or lessees, or to their assignee or assignees, for a lower price than such lands were leased under such former law until after such prior lease has expired by limitation.

That Senate amendment No. 20 be reformed by striking out "six months," in lines 12 and 13, page 20, and inserting "ninety days."

That Senate amendment No. 22 be reformed so as to read: "Strike out all from 'on it,' in line 20, section 13, page 10, down to and including 'thereon,' in line 21, same page, and insert, and whether or not it has timber thereon suitable for lumber or shingles."

That Senate amendment No. 24 be reformed so as to read: "Strike out 'who,' in line 4, of engrossed rider, page 19, and insert after, 'lands,' 'contrary to law.'"

And your committee respectfully recommend that the Senate and the House adopt the Senate amendments as above reformed.

The references herein are to the Senate printed bill, as reformed by the House.

And your committee recommend that the thirteenth Senate amendment as reformed be numbered section 29 in the bill; and that the twentieth Senate amendment as reformed be numbered section 30 in the bill; and all of Senate amendment

No. 15 as reformed, except that part referring to the caption, be numbered section 31 in the bill; and that the emergency clause be stricken from the bill, it having failed to pass by the necessary two-thirds majority.

All of which is respectfully submitted.

SHANNON,
CALHOUN,
WOODS,
KLEBERG,
Senate Committee.
ROBINSON of Jack,
BROWNING,
JONES of McLennan,
FAUBION,
House Committee.

Senator Kleberg moved to adopt the committee report.

Adopted by the following vote:

YEAS—14.

Bell,	Jerdone,	Pfeuffer,
Evans,	Kleberg,	Shannon,
Fowler,	Knittel,	Terrell,
Getzendaner,	Peacock,	Woods.
Glasscock,	Perry,	

NAYS—8.

Calhoun,	Harrison,	Stinson,
Davis,	Kilgore,	Traylor.
Garrison,	Randolph,	

ABSENT, NOT VOTING.

Farrar,	Hall,	Pope.
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Senator Traylor sent the following to the Secretary's desk:

I vote "no," on the report of the conference committee on the "land bill."

1. Because land with permanent water on it, or bordering on it, is placed on the market at two dollars per acre, when it is worth at least four dollars per acre. It is well known the Land Board had to take this land off the market to prevent it all being bought at three dollars per acre. It is true this land is to be sold only to actual settlers, but I predict before the next Legislature meets, all the watered land, except such as front on streams where the water is not accessible on account of the precipitous rock bluffs, will be sold, and go into the hands of a few wealthy stock men or corporations who will place the actual settlers thereon, and will thus control the watered land and everything adjacent thereto thus ending in a monopoly of the water and hence of the land, which will render most of the dry land unsalable, nor will there be any occasion to then lease it. Besides there will be a loss of several hundred thousand dollars difference in the price and the real value. Furthermore, I think it unwise policy to sell the watered land at any price at the present time or till persons settling the dry sections can by artificial means procure water.

2. The bill gives the preference right to lease to persons "occupying and claiming the range," thus enabling persons who have been occupying the school land in violation of law to virtually confiscate the alternate sections belonging to private owners for the period of the lease, and in addition thereto, bring about confusion with conflicting claimants.

3. There is no limit to the leasing, and this will give the wealthy unfair advantages over the poor. Then there are other features that are objectionable. If the bill had have been defeated, a restriction could have been passed in a few minutes time doing away with the Land Board, providing for sale only to actual settlers, and forbidding competition in either lease or sale, in which case the present law would have been infinitely better than the one just passed.

TRAYLOR.

Senator Traylor submitted the following conference committee report on substitute House bill No. 370 (the appropriation bill):

COMMITTEE ROOM.
AUSTIN, March 30, 1885.

Hon. L. L. Foster, Speaker of the House of Representatives, and Hon. Barnett Gibbs, President of the Senate:

Your committee of free conference on the differences between the two houses on substitute House bill No. 370 have carefully considered the same, and beg leave to recommend as follows:

First Senate amendment: House concurs.

Third Senate amendment: In lieu thereof committee recommend that on page 4,

In line 10, insert \$1260 each year.

In line 13, insert \$1260 each year.

In line 15, insert \$1260 each year.

In line 17, insert \$12,600 each year.

Eleventh Senate amendment: In lieu thereof the committee recommends that the salary of the Superintendent of Public Buildings be placed at \$1200 each year, as fixed by law, in article 4466, Revised Civil Statutes.

Fourteenth Senate amendment, which is on page 13, printed bill: Strike out \$20,000, and insert \$25,000 in lieu thereof. We recommend that the House concur.

Seventeenth Senate amendment, appropriating \$6000 for summer normal schools. We recommend that the House concur.

Eighteenth Senate amendment, in appropriation for Sam Houston normal school, strikes out the words "general revenue," and inserts "school fund." We recommend that the House concur.

Twenty-first Senate amendment: Committee recommends as follows, to be inserted after appropriation for Adjutant-General's Office:

Department of Insurance Statistics and History:	
For salary of Commissioner, each year.....	\$2000 00
For salary of Chief Clerk, each year.....	1500 00
For stationery, postage, fuel, lights, expressage, and binding books for public library, each year.....	400 00
For purchasing books for public library, each year..	400 00
Subscriptions for newspapers for public library and binding same, each year.....	200 00
Contingent expenses, each year.....	50 00

Twenty-second Senate amendment, striking out appropriation for James Harding, \$767.31; we recommend that the Senate recede.

Twenty-fifth Senate amendment: In lieu thereof the committee recommends that the following words be inserted: "For compensation and expenses of an agent of the State of Texas, to be appointed by the Governor, for the purpose of presenting and urging the claims of the State against the United States for money expended for frontier protection, one-half of one per cent of all claims allowed by the United States in favor of the State, and the further sum (to be paid upon the warrant of the Governor) of \$3000."

Twenty sixth Senate amendment: Emergency clause, recommend that the House concur.

The committee recommend that the following item be stricken out:

For tendering and paying money to defendants in suits brought by the Attorney-General in accordance with the directions of the Land Board, appointed by virtue of an act of April 12, 1883, and to pay expenses of said suits, \$60,000."

All of which is respectfully submitted.

UPTON,
HENDERSON,
PENDLETON of Bell,
GUNTER,
LOVING,
House committee,
KILGORE,
TRAYLOR,
GETZENDANER,
FFEUFFER,
BELL,
Senate committee.
HENDERSON.

Non-concurring:

On motion of Senator Traylor,
The report of the committee was adopted.
Senator Kleberg offered the following resolution:

Whereas, It is very important to have a good index to the Senate journal, for the ready reference of the Senators and

others, and that numerous typographical, and other errors which have crept into the journal, may be corrected in an errata to be made and printed with the index; and

Whereas, The unfinished business is important for future reference, and should be properly arranged and deposited in the State Department, with a synopsis of the same arranged and printed with the journal; and

Whereas, It is important that the Senators should have an agent at the Capitol to attend to sundry matters connected with Legislative matters. etc.: therefore be it

Resolved by the Senate, That the Secretary of the Senate be retained sixty days to prepare a full and complete index to the Senate journal, to correct the proof and have it published with the same. That the Secretary also shall correct any errors he may find in the journal, as typographical, etc., and publish as an errata with the journal. That he shall also take charge of the bills and joint resolutions of the Senate, and collect them all together, properly arrange and deposit in the State Department for future reference, and he shall make a synopsis of the same and publish with the Senate journal. That he shall also have a copy of the journal bound for each Senator and the Lieutenant-Governor, and send to them at their homes, and he shall send a copy of the Senate journal also to each of the Representatives of the Nineteenth Legislature and also to the officers of each body, and the officers of the State government, and shall do and perform all such things as may be required of him by the Senate during his continuance in office; the said Secretary to receive as pay for the first thirty days, five dollars per day, and for the next thirty days, four dollars per day; but after the expiration of the sixty days herein mentioned, the Secretary to receive no pay. That the Sergeant at-Arms turn over to the Secretary such stationery and postage as he may have left on hand, when he turns over the property of the Senate, for his use in carrying on the duties herein required. That the Secretary shall pay for what is herein required of him, as for postage, binding of journals, etc., out of the contingent fund of the Legislature, the warrants to be signed and approved as required by the law on this subject.

Adopted.

Senator Bell offered the following resolution:

Resolved, That the First Assistant Secretary be retained for fifteen days after adjournment, at \$5 per day, to assist the Secretary in indexing the journals and other necessary work.

Senator Randolph offered the following substitute for the resolution:

Resolved, That W. M. Imboden, Second Assistant Secretary be retained in office for fifteen days to assist in indexing the journal, preparing the caption of bills for publication, and doing such other work as may be necessary. The said W. M. Imboden, to be paid out of the contingent funds, on certificate of the Secretary, approved by the President of the Senate.

The substitute was adopted by the following vote

YEAS—13.

Calhoun,	Harrison,	Perry,
Davis,	Jerdone,	Randolph,
Garrison,	Kilgore,	Stinson,
Glasscock,	Peacock,	Terrell.
Hall,		

NAYS—9.

Bell,	Kleberg,	Shannon,
Evans,	Knittel,	Traylor,
Getzendaner,	Pfeuffer,	Woods.

ABSENT, NOT VOTING.

Farrar,	Fowler,	Pope.
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The following messages were received from the House:

HOUSE OF REPRESENTATIVES.
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to inform this honorable body of the passage by that body of the following bills:
Senate bill No. 193, "To provide for the correction and

revision of the abstracts of located, titled and patented lands in Texas."

Senate bill No. 278. "An act to confer upon certain county courts, whose civil jurisdiction has been heretofore or may hereafter be diminished, jurisdiction in all matters of eminent domain."

Substitute House bill No. 370, "General appropriation bill," the House has adopted the free conference committee report: Substitute House bills Nos. 8, 34 and 74, "The land bill."

The House has adopted the report of the conference committee.

A. D. SADLER,
Chief Clerk House Representatives.

HOUSE OF REPRESENTATIVES,
AUSTIN, March, 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body that the House has passed the following bills:

House bill No. 450, "An act granting to Stephen H. Darden a land certificate for one-third of one league (1476 acres) of land."

Substitute House bill No. 439, the tax bill: The House adopts the report of conference committee.

Respectfully,

A. D. SADLER,
Chief Clerk House Representatives.

The President gave notice of signing the following bills:

Senate bill No. 203, "An act to amend article 122 of the Penal Code."

Senate bill No. 264, "An act to restore the jurisdiction of the county courts of Llano and Mason counties, and to repeal all laws in conflict therewith."

Senate bill No. 248, "An act to amend articles 2725 and 2726 of the Revised Statutes."

Senate bill No. 269, "An act to amend an act entitled 'an act to redistrict the State into judicial districts,' etc."

Senate bill No. 88, "An act to further regulate attachments in county and justices' courts."

On motion of Senator Davis,

Substitute House bill No. 170, "An act to provide annual pensions for the surviving indigent soldiers and indigent volunteers of the Texas Revolution, and the indigent surviving signers of the Declaration of Independence, and the indigent surviving widows of such soldiers, volunteers or signers, and to repeal all laws and parts of laws in conflict therewith," was taken up and

Read the second time.

Senator Davis offered the following amendment:

In section 1 strike out all after the words, "indigent volunteers," in third and fourth lines, down to "and," in the eleventh line, engrossed bill, and insert "who were in the actual military service of Texas at the time of the siege of Bexar, in December, 1835, or at the time of the battle of San Jacinto, in 1836, or who was in such military service for as much as six weeks between said times."

Add to the bill two sections as follows:

Section 12. The act approved on the twenty-eight day of March, 1833, entitled "An act to provide annual pensions for the surviving soldiers or volunteers of the Texas revolution, and the surviving signers of the Declaration of Independence of Texas, and the surviving widows of such soldiers or volunteers and signers," under which pensions are now being paid, be and the same is hereby repealed, and no pensions shall hereafter be paid under said act.

Sec. 13. The importance of this bill and the near approach of the close of the session, creates an imperative public necessity and emergency demanding the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect from and after its passage, and it is so enacted.

Adopted.

The bill was passed to third reading.

On motion of Senator Davis,

The constitutional rule was suspended, and

The bill was placed on its third reading by the following vote:

YEAS—21.

Bell,	Hall,	Pfeuffer,
Calhoun,	Harrison,	Randolph,
Davis,	Jerdone,	Shannon,
Evans,	Kilgore,	Stinson,
Fowler,	Kleberg,	Terrell,
Garrison,	Knittel,	Traylor,
Getzendaner,	Perry,	Woods.

NAYS—1.

Glasscock.

ABSENT, NOT VOTING.

Farrar,

Peacock,

Pope.

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

YEAS—19.

Bell,	Hall,	Perry,
Calhoun,	Harrison,	Pfeuffer,
Davis,	Jerdone,	Shannon,
Evans,	Kilgore,	Terrell,
Farrar,	Kleberg,	Traylor,
Garrison,	Knittel,	Woods.
Getzendaner,		

NAYS—2.

Glasscock,

Stinson.

ABSENT NOT VOTING.

Farrar,

Pope,

Randolph.

(Senator Shannon in the chair.)

House bill No. 450 was referred to Committee on Public Lands.

House bill No. 526, "An act to define the duties of telegraph companies in the transfer of messages, and to provide adequate penalties for the enforcement thereof," was taken up.

Senator Kleberg moved to indefinitely postpone the bill.

Lost by the following vote:

YEAS—10.

Bell,	Glasscock,	Pfeuffer,
Davis,	Kleberg,	Stinson,
Fowler,	Knittel,	Woods.
Garrison,		

NAYS—11.

Calhoun,	Jerdone,	Shannon,
Evans,	Kilgore,	Terrell,
Getzendaner,	Perry,	Traylor.
Harrison,	Randolph,	

ABSENT, NOT VOTING.

Farrar,

Peacock,

Pope.

Hall,

The bill was read second time.

Senator Davis moved to strike out section 2.

Adopted.

Senator Davis moved to lay the bill on the table.

Adopted.

On motion of Senator Traylor,

House bill No. 567, "An act to restore the jurisdiction of the county courts of Jefferson, Tyler and Concho counties," was taken up, and, on motion,

The constitutional rule was suspended, and

The bill was placed on its second reading by the following vote:

YEAS—20.

Bell,	Glasscock.	Randolph,
Calhoun,	Harrison,	Shannon,
Davis,	Jerdone,	Stinson,
Evans,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Garrison,	Knittel,	Woods.
Getzendaner,	Pfeuffer,	

NAYS—1.

Perry.

ABSENT, NOT VOTING.

Farrar,	Peacock,	Pope.
Hall,		

The bill was read second time and committee substitute adopted, and

The bill was passed to third reading.

On motion of Senator Kleberg,

The constitutional rule was suspended, and

The bill was placed on the final reading by the following vote:

YEAS—22.

Bell,	Hall,	Pfeuffer,
Calhoun,	Harrison,	Randolph,
Davis,	Jerdone,	Shannon,
Evans,	Kilgore,	Stinson,
Fowler,	Kleberg,	Terrell,
Garrison,	Knittel,	Traylor,
Getzendaner,	Perry,	Woods.
Glasscock,		

NAYS—none.

ABSENT NOT VOTING.

Farrar,	Peacock,	Pope.
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The bill was read third time and passed.

Senator Kleberg moved a call of the Senate on the morning session.

Call sustained.

Roll called.

Absent—Senators Farrar and Pope.

On motion of Senator Kleberg,

Senators Farrar and Pope were excused indefinitely.

House joint resolution No. 25, "Proposing an amendment to section 20, article 16 of the Constitution of the State of Texas," was taken up and

Read third time and lost by the following vote:

YEAS—14.

Bell,	Harrison,	Shannon,
Calhoun,	Kilgore,	Stinson,
Davis,	Peacock,	Terrell,
Evans,	Perry,	Traylor.
Getzendaner,	Randolph,	

NAYS—7.

Glasscock,	Kleberg,	Pfeuffer,
Hall,	Knittel,	Woods.
Jerdone,		

Paired: Senators Garrison and Houston of Bexar; the former would have voted "yea," the latter "nay."

Senators Fowler and Houston of Wheeler; the former would have voted "nay," the latter "yea."

Senator Glasscock sent up the following reasons for voting "nay:"

I vote "no" on the proposed amendment, for the following reasons:

1. Because I believe the object sought to be attained by the proposed amendment is already provided for in article 16, section 20 of the Constitution, and the local option laws in existence, made in pursuance to said article and section of the Constitution, under which the whole State can, by counties, with a majority vote of the qualified voters of each county, accomplish the same result as to prohibition as is demanded in the present proposed amendment to the Constitution.

The State and national Democratic platforms have declared against sumptuary laws, and having accepted a Democratic nomination and elected on the same, I feel it my duty under the circumstances to abide by the same; and more especially so because at the last election held in every county in my district on prohibition, prohibition was defeated, thus showing that a majority of the district are opposed to prohibition. To vote "yea," under the circumstances, would be to disregard the sentiment of a majority of the people whom I have the honor to represent.

GLASSCOCK.

House bill No. 408, "An act to amend title 2, chapter 2, of the Penal Code of the State of Texas, by adding thereto article 354a," was taken up and

Read second time.

Senator Jerdone offered the following amendment:

Amend by adding after the word "offense," in line 5, page 2 the following: "Provided, the provisions of this act shall apply only to contracts entered into for future delivery when the contract itself shows, or it is the express understanding of both parties to it, that there shall be no actual tender or delivery, but only a settlement of differences; that is, a payment by the losing party of the difference between the contract price and the market price for any particular time and month."

Lost.

The bill was passed to its third reading.

Senator Kleberg moved to suspend the constitutional rule and place the bill on its final passage.

The Senate refused to suspend the rule by the following vote:

YEAS—17.

Bell,	Getzendaner,	Randolph,
Calhoun,	Harrison,	Shannon,
Davis,	Kilgore,	Stinson,
Evans,	Kleberg,	Traylor,
Fowler,	Peacock,	Woods.
Garrison,	Perry,	

NAYS—6.

Glasscock,	Jerdone,	Pfeuffer,
Hall,	Knittel,	Terrell.

Substitute House joint resolution No. 30, "To amend section 2 of article 5 of the Constitution of the State of Texas," was taken up,

Read third time and lost by the following vote:

House Joint resolution No. 27, "To amend section 8, article 5 of the Constitution of the State of Texas," was taken up,

Read third time and lost by the following vote:

YEAS—10.

Bell,	Hall,	Peacock,
Calhoun,	Harrison,	Perry,
Getzendaner,	Jerdone,	Woods.
Glasscock,		

NAYS—13.

Davis,	Kleberg,	Shannon,
Evans,	Knittel,	Stinson,
Fowler,	Pfeuffer,	Terrell,
Garrison,	Randolph,	Traylor.
Kilgore,		

Senator Fowler sent up the following privileged reports:

COMMITTEE ROOM,
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 269, being "An act to amend an act entitled 'an act to redistrict the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883, ap-

proved January 30, 1884," and find the same correctly enrolled, and have this day, at 11 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.
 FOWLER, Chairman.

COMMITTEE ROOM,
 AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 200, being "An act to amend article 122 of the Penal Code," and find the same correctly enrolled, and have this day, at 11 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.
 FOWLER, Chairman.

COMMITTEE ROOM,
 AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled bills, have carefully examined and compared Senate bill No. 248, being "An act to amend articles 2725 and 2726 of the Revised Statutes," and find the same correctly enrolled, and have this day at 11 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.
 FOWLER, Chairman.

COMMITTEE ROOM,
 AUSTIN, March 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. —, being "An act to restore the jurisdiction of the county courts in Llano and Mason counties, and to repeal all laws in conflict therewith," and find the same correctly enrolled, and have this day, at 11 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.
 FOWLER, Chairman.

COMMITTEE ROOM,
 AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 88, being "An act to further regulate attachments in county and justice courts," and find the same correctly enrolled, and have this day, at 11 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.
 FOWLER, Chairman.

Substitute House joint resolutions Nos. 1 and 2, to amend sections 3 and 6 of article 5 of the Constitution of the State of Texas," was taken up.

Read the third time and lost by the following vote:

YEAS—6.

Bell,	Glasscock,	Perry,
Calhoun,	Harrison,	Woods.

NAYS—16.

Davis,	Jerdone,	Pfeuffer,
Evans,	Kilgore,	Randolph,
Fowler,	Kleberg,	Shannon,
Garrison,	Kuittel,	Stinson,
Getzendaner,	Peacock,	Traylor,
Hall,		

ABSENT. NOT VOTING.

Terrell.

House joint resolution No. 14, "To amend section 2, article 6 of the Constitution of the State of Texas," was taken up,

Read second time, and lost.

Substitute House bill No. 265, "An act to provide for the proper control, management and direction of the institutions respectively known as Blind Asylum, and Deaf and Dumb Asylum," was taken up and read second time, and

On motion of Senator Terrell,
 The unfavorable committee report was adopted.

House bill No. 152, "An act to amend articles 2812, 2813, 2814, 2815, 2816, 2817, 2819 and 2823 of chapter 6, title 48 of the Revised Civil Statutes of the State of Texas," was taken up, and

On motion of Senator Kleberg,
 The unfavorable committee report was adopted.

Substitute House bill No. 301, "An act to regulate the banking system of Texas," was taken up, and

On motion of Senator Davis,
 The unfavorable (majority) committee report was adopted.

House joint resolution No. 30, "To amend section 2, of article 5 of the Constitution of the State of Texas," was taken up,

Read third time and lost by the following vote:

YEAS—8.

Bell,	Glasscock,	Perry,
Calhoun,	Harrison,	Woods.
Getzendaner,	Kilgore,	

NAYS—15.

Davis,	Jerdone,	Randolph,
Evans,	Kleberg,	Shannon,
Fowler,	Knittel,	Stinson,
Garrison,	Peacock,	Terrell,
Hall,	Pfeuffer,	Traylor.

House bill No. 164, "An act to amend article 4245, title 84, chapter 10 of the Revised Statutes of Texas," was laid before the Senate and read second time.

On motion of Senator Terrell,
 The unfavorable committee report was adopted.

House bill No. 560, "An act to place upon the market and regulate the sale of the lands heretofore or that may hereafter be surveyed and set apart for the benefit of the common schools, the Lunatic, Blind, Deaf and Dumb and Orphan Asylums, which may have timber thereon suitable for lumber and shingles, and to prevent trespass upon the same, and prescribe a penalty therefor," was taken up, and

On motion of Senator Shannon, was postponed indefinitely.

Senator Garrison offered the following resolution:

Resolved, That the Sergeant-at-Arms be retained five days after adjournment, to label all furniture, take up carpets and take an inventory of the same, and turn over such property to the proper authority, and that he forward all mail coming to the Senate.

Adopted.

Substitute House bill No. 551, "An act to establish and organize the county of Mills," was taken up, and

On motion of Senator Bell,
 The unfavorable committee report was adopted.

House bill No. 490, "An act to amend sections 4, 9 and 16 of an act entitled 'an act to incorporate the city of Calvert, in Robertson county,'" was taken up, and

On motion of Senator Terrell,
 The unfavorable committee report was adopted.

Senator Glasscock called up his motion to reconsider the vote by which the Senate adopted the unfavorable committee report on House bill No. 214, "An act to compel railroad companies to provide double-decked cars for shipment of goats, sheep hogs and calves, and to prevent discrimination against shippers thereof, and to provide penalties therefor."

On motion of Senator Kleberg,
 The motion to reconsider was tabled.

Senator Terrell called up his motion to reconsider the vote by which the Senate refused to sustain the President in his rulings on the insurance bill.

The motion to reconsider was adopted, and The President was sustained.

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

Adopted.

House bill No. 341, "An act to authorize the Governor to grant leave of absence from the State to district judges of the State of Texas," was taken up, and,

On motion of Senator Davis,

The unfavorable committee report was adopted.

House bill No. 229, "An act to amend article 4360 of the Revised Civil Statutes of the State of Texas, as amended by an act approved February 2, 1884, and an act approved February 5, 1884, chapters 11 and 13 of the general laws, passed at the special session of the Eighteenth Legislature, relating to the changing of public roads," was taken up, and

On motion of Senator Davis,

The unfavorable committee report was adopted.

House bill No. 422, "An act to amend article 341, title 10, chapter 4 of the Revised Penal Code," was taken up, and

On motion of Senator Garrison,

The unfavorable committee report was adopted.

On motion of Senator Kleberg,

The Senate adjourned till 3 o'clock this afternoon.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

The President gave notice of signing House bill No. 96, "An act to amend an act entitled 'an act to amend article 4411 of the Revised Civil Statutes,' approved March 5, 1883."

On motion of Senator Kleberg,

To-morrow morning at 11 o'clock was set apart for memorial services upon the death of the Hon. J. C. Buchanan, a late member of the State Senate.

Senator Bell offered the following resolution:

Resolved, That C. M. Boynton, First Assistant Secretary, be and he is hereby retained in office fifteen days after adjournment, for the purpose of assisting the Secretary in indexing the journals, and other necessary work.

Adopted.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body that the House has passed Senate bill No. 241, "An act making appropriations for deficiencies in the appropriations heretofore made for the payment of expenses in support of the government from March 1, 1883, to February 23, 1885, and for outstanding claims not registered, and other deficiencies."

Messrs. Pendleton of Bell, Blount of San Augustine and Cowles have been appointed on free conference committee on Senate bill No. 170, the pension bill.

A. D. SADLER
Chief Clerk House Representatives.

HOUSE OF REPRESENTATIVES,
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body that the House has passed House bill No. 593, "An act to provide for the establishment of a live stock sanitary commission, to prescribe its duties, and to make an appropriation therefor."

Senate bill No. 184: The House insists on its amendments, and asks for a free conference committee on the same, and the following committee on the part of the House is appointed to-wit: Messrs. Armistead, Browning and McGaughey.

House bill No. 532, "An act to restore the civil jurisdiction of the county court of Orange county, and to repeal all laws in conflict therewith."

Senate joint resolution No. 10, "Joint resolution delivering the property known as the Alamo to the city of San Antonio."

House joint resolution No. 1, "To permit the Governor, Comptroller and Adjutant-General to withdraw vouchers, etc." The House refused to concur in Senate amendments.

Senate bill No. 4, "An act to amend article 2514, chapter 5, title 47 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' adopted February 28, 1879."

Substitute House bill No. 170, "An act to provide annual pensions for the surviving indigent soldiers or indigent volunteers of the Texas Revolution, etc." The House refuses to concur in Senate amendments to same.

Senate bill No. 9, "An act to amend an act entitled 'an act regulating the removal of the disabilities of minors.'" Laid on the table.

Senate substitute for House bill No. 4, "An act to amend article 2402, title 42, chapter 3 of the Revised Statutes of the State of Texas." Laid on the table.

Senate bill No. 1, "An act to amend article 549, title 15 chapter 11 of the Penal Code." Indefinitely postponed.

Senate bill No. 6, "An act to diminish the civil and criminal jurisdiction of the county court of Montague county, and to conform the jurisdiction of the district court to such change." Adverse report of committee adopted.

Senate concurrent resolution No. 7, "Authorizing the Governor to request the Mexican authorities, in the name of the State, to permit the removing of the remains of the late Col. Frank Johnson, who was buried in their territory." Passed.

Substitute Senate bill No. 10, "An act to amend article 4 title 2 of the Revised Statutes."

Substitute Senate bill No. 204, "An act to prohibit sheriffs and witnesses from charging fees, mileage or expenses in certain cases."

A. D. SADLER,
Chief Clerk House of Representatives.

By leave, Senator Peacock sent up the following reports:

COMMITTEE ROOM,
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Lands, to whom was referred House bill No. 589, entitled "An act to provide for the identification and permanent marking of surveys heretofore made for the benefit of the common school fund by virtue of alternate certificates," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass. Your committee are of the opinion that the present laws, which provide for county and district surveyors to settle disputed boundaries, are sufficient.

All of which is respectfully submitted.

PEACOCK, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

You Committee on Public Lands, to whom was referred House bill No. 450, entitled "An act granting to Stephen H. Darden a land certificate for one-third of one league 1476 (acres) of land," have had the same under consideration, and instruct me to report it back with the accompanying amendment and recommendation that it do pass as amended.

All of which is respectfully submitted.

PEACOCK, Chairman.

COMMITTEE AMENDMENT.

Add to section one the following: "Provided, said certificate can be located only on the vacant lands of this State which are in no manner reserved or appropriated."

Bill read first time.

Senator Davis moved that the Senate insist upon its amendment to substitute House bill No. 170, and that a free conference committee be asked for.

Adopted.

The President appointed Senators Davis, Woods and Bell on the free conference committee on the part of the Senate.

Senator Harrison moved that the committee asked for on Senate bill No. 180 be appointed.

Adopted.

Senators Harrison, Peacock and Davis were, on the part of the Senate, appointed on the committee.

On motion of Senator Getzendaner,

The Senate receded from its amendment to House joint resolution No. 1.

Senator Kleberg offered the following resolution:

Resolved, That the Sergeant-at-Arms be authorized to retain two porters in his employ until he takes up carpet and turns over the furniture to proper authority, not to exceed five days.

Adopted.

House bill No. 593 was referred to Committee on Stock and Stockraising.

Senator Terrell offered the following resolution:

Resolved, That all the clerks of the Senate be requested to assist the Enrolling Clerk to-night at eight o'clock, and that one-half day's extra pay be allowed to said clerks for said assistance.

Lost.

Senator Kleberg moved to reconsider the vote just taken.

Adopted.

Senator Kleberg moved to strike out the words "one-half day's extra pay be allowed said clerks for said assistance."

Adopted.

The resolution as amended was adopted.

On motion of Senator Shannon,

House bill No. 532, "An act to restore the civil jurisdiction of the county court of Orange county, and to repeal all laws in conflict therewith," was taken up, read first time, and

On motion the rule was suspended, and the bill was placed on its second reading by the following vote:

YEAS—21.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Harrison,	Randolph,
Davis,	Kilgore,	Shannon,
Evans,	Kleberg,	Stinson,
Fowler,	Knittel,	Terrell,
Garrison,	Peacock,	Traylor,
Getzendaner,	Perry,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Hall, Jerdone.

The bill was read the second time and passed to third reading.

On motion of Senator Glasscock,

The constitutional rule was further suspended, and

The bill was put on its third reading by the following vote:

YEAS—21.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Harrison,	Randolph,
Davis,	Kilgore,	Shannon,
Evans,	Kleberg,	Stinson,
Fowler,	Knittel,	Terrell,
Garrison,	Peacock,	Traylor,
Getzendaner,	Perry,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Hall, Jerdone.

The bill was read third time and passed.

By leave Senator Shannon sent up the following reports:

COMMITTEE ROOM,
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Stock and Stockraising, to whom was referred House bill No. 593, entitled "An act to provide for the establishment of a live stock sanitary commission, to prescribe its duties and to make an appropriation therefor," have considered the same, and I am instructed by a majority thereof to report it back to the Senate and recommend its passage.

All of which is respectfully submitted.

SHANNON, for majority Committee.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

The minority of your Committee on Stock and Stockraising, to whom was referred House bill No. 593, entitled "An act to provide for the establishment of a live stock sanitary commission, to prescribe its duties and to make an appropriation therefor," respectfully dissent from majority report of the committee, because the bill, if it becomes a law, will have the effect of discriminating between different sections of the State as affecting the stock interests; wherefore they ask that the bill do not pass.

All of which is respectfully submitted.

KLEBERG,
WOODS,
For minority.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to report to the Senate the passage of Senate bill No. 31, "An act to regulate reservations in sales of personal property."

Senate bill No. 250, "An act to amend article 542 of the Revised Statutes."

A. D. SADLER,
Chief Clerk House of Representatives.

On motion, House bill No. 593, "An act to provide for the establishment of a live stock sanitary commission, to prescribe its duties, and to make an appropriation therefor," was taken up.

(Senator Calhoun in the chair.)

Senator Kleberg moved to substitute the minority (unfavorable) for the majority (favorable) committee report.

Adopted by the following vote:

YEAS—11.

Evans,	Knittel,	Randolph,
Fowler,	Peacock,	Stinson,
Harrison,	Perry,	Woods.
Kleberg,	Pfeuffer,	

NAYS—10.

Bell, Calhoun, Davis, Garrison,	Getzendaner, Glasscock, Jerdone,	Shannon, Terrell, Traylor.
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Hall, ABSENT, NOT VOTING.
 Kilgore.

Senator Fowler moved to reconsider the vote by which the minority (unfavorable) report was adopted.

Senator Harrison moved to lay that motion on the table.

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

YEAS—9.

Evans, Harrison, Kleberg,	Knittel, Peacock, Perry,	Pfeuffer, Stinson, Woods.
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NAYS—13.

Bell, Calhoun, Davis, Fowler, Garrison,	Getzendaner, Glasscock, Jerdone, Kilgore,	Randolph, Shannon, Terrell, Traylor.
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Hall, ABSENT, NOT VOTING.

The motion to reconsider was adopted by the following vote:

YEAS—12.

Bell, Calhoun, Davis, Fowler,	Garrison, Getzendaner, Glasscock, Jerdone,	Randolph, Shannon, Terrell, Traylor.
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NAYS—9.

Evans, Harrison, Kilgore,	Kleberg, Knittel, Peacock,	Perry, Pfeuffer, Woods.
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Hall, ABSENT, NOT VOTING.

The minority report was lost by the following vote:

YEAS—10.

Evans, Harrison, Kleberg, Knittel,	Peacock, Perry, Pfeuffer.	Randolph, Stinson, Woods.
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NAYS—12.

Bell, Calhoun, Davis, Fowler,	Garrison, Getzendaner, Glasscock, Jerdone,	Kilgore, Shannon, Terrell, Traylor.
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Hall, ABSENT, NOT VOTING.

Senator Shannon moved to suspend the rule and place the bill on its second reading.

Lost by the following vote:

YEAS—12.

Bell, Calhoun, Davis, Fowler.	Garrison, Getzendaner, Glasscock, Jerdone,	Kilgore, Shannon, Terrell, Traylor.
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NAYS—9.

Evans, Harrison, Kleberg,	Knittel, Peacock, Perry,	Pfeuffer, Stinson, Woods.
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Hall, ABSENT, NOT VOTING.

(The President in the chair.)

On motion of Senator Harrison,

The Senate took a recess, subject to call of President.

The Senate called to order by Senator Shannon President pro. tem.

On motion of Senator Davis,

The Senate concurred in the House amendment to Senate bill No. 31.

A message was received from the House announcing that the enacting clause had been stricken of Senate bill No. 183.

Substitute House bill No. 238, "An act to amend sections 42, 56, 62, 76, 78, 79b and 86 of an act entitled 'an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, title 78 of the Revised Civil Statutes of the State of Texas as refer to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act, and to add 43a thereto," was taken up.

Senator Getzendaner moved to indefinitely postpone the bill.

Lost.

The bill was read the second time.

On motion of Senator Davis,

The bill was laid on the table.

On motion of Senator Peacock,

The Senate adjourned till 8 o'clock to-night.

NIGHT SESSION.

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

No quorum present.

On motion of Senator Shannon,

The Senate adjourned until to-morrow morning at 9:30 o'clock.

The following bills have passed both House of the Legislature, have been enrolled and presented to the Governor for his approval, and in obedience to the resolution adopted by the Senate on yesterday, are spread on the journals:

Chapter 1—Senate bill No. 13, An act making an appropriation for the mileage and per diem pay of the members and the per diem pay of the officers and employees of the Nineteenth Legislature. Approved January 20, 1885.

Chapter 2—House bill No. 81, An act making an appropriation to defray the contingent expenses of the Nineteenth Legislature. Approved January 26, 1885.

Chapter 3—Senate bill No. 5, An act to reorganize the twenty-eighth judicial district of the State of Texas, and to provide the times for holding the district court therein. Approved January 26, 1885.

Chapter 4—Senate bill No. 12, An act to prescribe the time of holding district court in the several counties composing the thirtieth judicial district of the State of Texas. Approved January 29, 1885.

Chapter 4—Senate bill No. 71, An act to transfer to the general revenue account certain funds now in the State Treasury to the credit of other accounts. Approved January 31, 1885.

Chapter 6—Senate bill No. 115, An act to amend section 2 of an act to redistrict the State into judicial districts and to provide the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883. Approved February 5, 1885.

Chapter 7—House bill No. 113, An act to amend article

75 of the Revised Civil Statutes of the State of Texas, as amended by an act passed at the regular session of the Eighteenth Legislature, approved April 14, A. D. 1883. Approved February 5, 1885.

Chapter 8—Senate bill No. 17. An act to give orders of sale foreclosing liens upon land the force and effect of writs of possession.

Chapter 9—House bill No. 21. An act to amend article 677 of Penal Code of the State of Texas.

Chapter 10—House bill No. 51. An act to restore to and confer upon the county court of Grimes county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and general statutes of the State, to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with the provisions of this act. Approved February 10, 1885.

Chapter 11—Senate bill No. 112. An act to provide for the issuance and sale of the bonds of the State to supply deficiencies in the revenue, and to provide the manner of the sale of said bonds. Approved February 13, 1885.

Chapter 12—Senate bill No. 150. An act to amend sections 9 and 10 of an act entitled an act to provide for the classification, sale and lease of the lands heretofore or hereafter surveyed and set apart for the benefit of the common school, University, Lunatic, Blind, Deaf and Dumb and Orphan Asylum funds." Approved February 16, 1885.

Chapter 13—Substitute House bill No. 3. An act making appropriations for deficiencies in the appropriations heretofore made for payment of expenses in support of the government from March 1, 1884, to February 28, 1885, being for payment of claims registered in the Comptroller's office, in accordance with law, and for outstanding claims not registered, and other deficiencies.

Chapter 14—House bill No. 15. An act to amend sections 4 and 16 of an act entitled an act for the protection of the wool-growing interests of the State of Texas, approved April 4, 1883. Approved February 20, 1885.

Chapter 15—House bill No. 35. An act to amend article 4531, chapter 2 of the Revised Statutes. Approved February 20, 1885.

Chapter 16—Substitute House bill No. 48. An act to amend section 1 of an act entitled an act to regulate the appointment and define the duties of notaries public, to require them to procure and use legal seals, and punish them for failing to do so. Approved February 20, 1885.

Chapter 17—Senate bill No. 230. An act to prevent the forfeiture of the rights of purchasers of public free school and University or asylum land. Approved February 23, 1885.

Chapter 18—House bill No. 116. An act to amend section 18 of an act entitled an act to redistrict the State into judicial districts and fix the terms of holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884. Approved February 23, 1885.

Chapter 19—Substitute House bill No. 238. An act to re-enact section 28 of an act entitled an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884. approved April 9, 1883, and to amend said section 28 of said act. Approved February 26, 1885.

Chapter 20—House bill No. 250. An act to amend section 34 of an act entitled an act to redistrict the State into judicial districts, and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883. Approved February 27, 1885.

Chapter 21—House bill No. 278. An act to create the Nolan land district. Approved February 27, 1885.

Chapter 22—House bill No. 543. An act to prescribe the times of holding the district courts in the twenty-first judicial district. Approved March 4, 1885.

Chapter 23—House bill No. 335. An act to create and provide for the organization of the county of Midland. Approved March 4, 1885.

Chapter 24—House bill No. 232. An act to authorize the county commissioners to assume control of the streets and alleys of any city or incorporated town within their jurisdiction in which there is no de facto municipal government, and to have the same worked as public roads. Approved March 4, 1885.

Chapter 25—House bill No. 136. An act to amend chapter 79

of the acts of 1883, entitled an act to amend section 46 of an act to encourage stockraising, approved April 22, 1879, and amended April 4, 1881 and April 12, 1883. Approved March 4, 1885.

Chapter 26—Senate bill No. 173. An act to repeal article 4112 of the Revised Civil Statutes of the State of Texas. Approved March 10, 1885.

Chapter 27—Substitute House bill No. 27. An act to authorize the transfer of occupation licenses.

Chapter 28—Substitute House bills Nos. 13, 61, 64, 104 and 161. An act to amend section 71 of an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, title 78, of the Revised Civil Statutes of Texas as refer to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act, passed at the called session of the Eighteenth Legislature. Approved March 12, 1885.

Chapter 29—Senate bill No. 65. An act to amend article 690, chapter 90 of the Penal Code, as amended April 4, 1881. Approved March 13, 1885.

Chapter 30—House bill No. 428. An act to amend article 4687 of the Revised Civil Statutes of the State of Texas. Approved March 17, 1885.

Chapter 31—Senate bill No. 223. An act to provide for the publication and binding of one thousand copies of the Revised Statutes, and to make appropriation therefor. Approved March 17, 1885.

Chapter 32—Senate bill No. 210. An act to amend section 8 of an act establishing and prescribing the manner of ascertaining the boundaries of counties, approved April 22, 1879. Approved March 18, 1885.

Chapter 33—Senate bill No. 121. An act to amend section 35 of an act entitled an act to redistrict the State into judicial districts, and to fix the time for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883. Approved March 18, 1885.

Chapter 34—House bill No. 118. An act to further regulate the waiver of service and the confession of judgment in civil suits, by adding after article 1347 of the Revised Statutes an additional article, to be known as 1347a. Approved March 18, 1885.

Chapter 35—Substitute House bill No. 126. An act to amend article 358 of chapter 3, title 11 of the Penal Code of the State of Texas. Approved March 19, 1885.

Chapter 36—Senate bill No. 25. An act to abolish the office of Fish Commissioner, and to dispose of all fish ponds and other property connected with or belonging to the fish department.

Chapter 37—Senate bill No. 157. An act to amend articles 1770, 1771, 1772, 1773, 1777 and 1780 of the Revised Statutes, so as to better regulate the law of escheats. Approved March 24, 1885.

Chapter 38—House bill No. 241. An act to amend section 40 of an act entitled an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, of title 78, of the Revised Civil Statutes of the State of Texas as refer to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with the act passed February 4, 1884. Approved March 24, 1885.

Chapter 39—House bill No. 338. An act to amend section 25 of an act to redistrict the State into judicial districts and fix the term for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884. Approved March 24, 1885.

Chapter 40—Senate bill No. 24. An act to create the Hardeman land district. Approved March 24, 1885.

Chapter 41—Senate bill No. 238. An act to create the Webb land district. Approved March 24, 1885.

Chapter 42—House bill No. 314. An act relating to and regulating the investment of the public free school and other funds, to guard against any loss of such funds in making investments thereof, and to provide further evidence of the validity of bonds and securities purchased therewith, making the certificate of the Attorney General or other specified acts evidence of the validity of such bonds or securities, and to fix the jurisdiction and venue of suits thereon. Approved March 24, 1885.

Chapter 43—House bill No. 549. An act to amend an act

entitled an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883. Approved March 24, 1885.

Chapter 44—House bill No. 133, An act to amend chapter 3, article 4405, relating to service on public roads. Approved March 24, 1885.

Chapter 45—House bill No. 331, An act to establish and define the boundaries of the county of Webb, and legalize certain acts of the officers of said county. Approved March 24, 1885.

Chapter 46—House bill No. 248, An act making an appropriation to pay the mileage and per diem of the presidential electors of the State of Texas for the year 1884. Approved March 24, 1885.

Chapter 47—House bill No. 109, An act to require railroad companies to place and keep that portion of their road bed and right of way over or across which public county roads may run, in proper condition for the use of the traveling public. Approved March 24, 1885.

Chapter 48—House bill No. 501, An act to amend section 9 of an act entitled an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys, at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, passed at the regular session of the Eighteenth Legislature. Approved March 24, 1885.

Chapter 49—House bill No. 354, An act to restore and confer upon the county courts of Atascosa, Young, Leon, Dimmitt, Montgomery, Llano and Burnet counties the civil and criminal jurisdiction heretofore belonging to said courts under the Constitution and general statutes of the State, to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with the provisions of this act. Approved March 24, 1885.

Chapter 50—House bill No. 105, An act to create the county of Val Verde, and to provide for its organization. Approved March 24, 1885.

Chapter 51—Substitute Senate bill 131, An act to amend article 3916 of the Revised Civil Statutes. Approved March 24, 1885.

Chapter 52—Senate bill No. 260, An act to amend articles 1006, 1007 and 1008 of an act entitled an act to amend articles 1006, 1007 and 1008 of the Revised Civil Statutes of the State of Texas, approved February 21, 1879, passed by the Eighteenth Legislature, and approved approved April 9, 1883. Approved March 26, 1885.

Chapter 53—House bill No. 489, An act to amend chapter 6, title 8 of the Penal Code, by adding article 259a. Approved March 25, 1885.

Chapter 54—House bill No. 430, An act to restrict the employment of sailors and crews of foreign vessels from rolling cotton, handling cargo, or laboring on the wharves or levees of ports in the State of Texas beyond the end of the ship tackle. Approved March 26, 1885.

Chapter 55—Senate bill No. 235, An act to authorize the several county commissioners' courts of the State of Texas to provide for more than four terms of county court annually for the transaction of civil, criminal and probate business, and fix the times at which all the terms of said courts may be held. Approved March 26, 1885.

Chapter 56—Senate bill No. 165, An act to amend articles 4182 and 4190 of the Revised Civil Statutes of the State of Texas. Approved March 26, 1885.

Chapter 57—Senate bill No. 209, An act for the relief of railway companies. Approved March 27, 1885.

Chapter 58—Substitute House bill No. 148, An act to amend articles 8 and 14 of an act entitled an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys insaid districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883, to create the fortieth judicial district of the State of Texas, fix the times for holding courts therein, and to provide for the appointment of a district judge in said district. Approved March 27, 1885.

Chapter 59—House bill No. 79, An act to amend chapter 9 and section 1 of an act of the regular session of the Seventeenth Legislature, entitled an act authorizing the commissioners' courts of the several counties of the State to issue bonds for the erection of a court house, and to levy a tax to pay the same, approved February 11, A. D. 1881, so as to include the issue of jail bonds, denominated as chapter 17 of the

acts of the special session of the Legislature held in 1884, and to validate bonds issued under an act entitled an act to amend chapter 9, section 1 of an act of the regular session of the Seventeenth Legislature, entitled an act authorizing the county commissioners' court of the several counties of this State to issue bonds for the erection of a court house, and to levy a tax to pay for the same, approved February 11, 1881, so as to include the issue of jail bonds. Approved March 27, 1885.

Chapter 60—House bill No. 343, An act to amend the Revised Civil Statutes of the State of Texas, title 17, by adding thereto article 340b, and to amend article 375 thereof. Approved March 27, 1885.

Chapter 61—Senate bill No. 8, An act to amend chapter 2, article 566 of the Revised Statutes. Approved March 27, 1885.

Chapter 62—Substitute House bill No. 392, An act to restore to and confer upon the county court of Zapata county the criminal jurisdiction heretofore belong to it under the Constitution and general statutes of the State of Texas, to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with the provisions of this act. Approved March 28, 1885.

Chapter 63—House bill No. 49, An act to amend article 4636, title 95, chapter 2 of the Revised Civil Statutes. Approved March 28, 1885.

Chapter 64—Senate bill No. 141, An act to amend articles 29 and 30 of the Code of Criminal Procedure for the State of Texas. Approved March 28, 1885.

Chapter 65—Senate bill No. 138, An act to amend chapter 3, title 53 of the Revised Statutes, by adding thereto article 2971a. Approved March 28, 1885.

Chapter 66—House bill No. 85, An act to amend articles 3164, 3165, 3166, 3171, 3173, 3176, 3178 and 3179 of title 61, chapter 2 of the Revised Civil Statutes of the State of Texas, relating to mechanics', contractors', builders' and material men's liens. Approved March 28, 1885.

Chapter 67—Senate bill No. 254, An act requiring the Attorney-General to institute legal proceedings against corporations doing business within this State in violation of sections 5 and 6, article 10 of the Constitution of Texas. Approved March 28, 1885.

Chapter 68—House bill No. 224, An act to compel railroad and other corporations to establish and maintain public offices in the State of Texas, and providing what books shall be kept thereat, and what said books shall contain, and requiring them to keep said books open for inspection, and to compel them to report to the Comptroller or Governor the true status of said corporations, and such other matters as may be required by said Governor or Comptroller, and providing appropriate penalties for failure to comply herewith. Approved March 28, 1885.

Chapter 69—Senate bill No. 248, An act to amend articles 2725 and 2726 of the Revised Statutes. Approved March 30, 1885.

Chapter 70—Senate bill No. 203, Act to amend article 122 of the Penal Code. Approved March 30, 1885.

Chapter 71—Substitute Senate bill No. 264, An act to restore the jurisdiction of the county courts in Llano and Mason counties, and to repeal all laws in conflict therewith.

Chapter 72—House bill No. 533, An act to authorize the Secretary of State to purchase, for the use of the State, the Texas Court of Appeals reports, volumes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, and to contract for the relinquishment of the copy right of said reports with the persons owning the same, and to prevent the copyrighting of future volumes of said reports to the exclusion of the State, and to make an appropriation therefor. Approved March 30, 1885.

Chapter 73—Substitute House bill No. 91, An act to amend title 10, chapter 1, article 849 of the Code of Criminal Procedure of the State of Texas. Approved March 30, 1885.

Chapter 74—Senate bill No. 269, An act to amend an act entitled an act to amend section 16 of an act to redistrict the State into judicial districts, and fix the times of holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883, approved January 30, 1884. Approved March 30, 1885.

Chapter 75—Senate bill No. 88, An act to further regulate attachments in county and justices' courts. Approved March 30, 1885.

Senate bill No. 180, An act to amend section 4 of an act to redistrict the State into judicial districts and to fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next

general election, to be held on the first Tuesday after the first Monday in November, 1884.

Senate bill No. 183, An act to amend section 13 of an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883.

Senate bill No. 193, An act for the correction and revision of the abstracts of located, titled and patented lands in Texas.

Senate bill No. 280, An act to reorganize the thirty-fifth judicial district of the State of Texas, and to fix the times and terms of courts therein, and to repeal all laws in conflict with the same.

Senate bill No. 126, An act prescribing and fixing the venue of suits against foreign corporations, joint stock companies or associations, or acting corporations or associations doing business in this State, and to provide the mode of serving process on such corporations or associations.

Senate bill No. 10, An act to amend article 4, title 2 of the Revised Statutes.

Senate bill No. 4, An act to amend article 2514, chapter 5, title 47 of an act entitled an act to adopt and establish the Revised Civil Statutes of the State of Texas, adopted February 28, 1879.

Senate bill No. 31, An act to regulate reservations in sales of personal property.

Senate bill No. 253, An act to amend article 542 of the Revised Statutes.

Substitute Senate bill No. 48, An act to prevent fishing and hunting on the enclosed lands of another.

Substitute Senate bill No. 204, An act to prohibit sheriffs and witnesses from charging fees, mileage or expenses in certain cases.

Substitute Senate bills Nos. 271 and 274, An act to reorganize the thirtieth, thirty-first, thirty-second and thirty-third judicial districts, to create the thirty-ninth judicial district, and fix the times for holding court therein, and to provide for the appointment and election of judges and district attorneys in said thirty-ninth judicial district.

Senate bill No. 46, An act for the relief of Wm. S. Rooth, S. F. Grimes, and the heirs of Henry Leftridge, deceased.

Senate bill No. 136, An act for the relief of W. J. Salyer and to validate donation warrant No. 509, and the survey made by virtue thereof, issued by G. W. Hockley, Secretary of War, on the fourteenth of August, 1838, for 640 acres of land, to John Sharp.

Senate bill No. 196, An act for the relief of Z. C. Collier, Thomas Collier and William Ramer.

Senate bill No. 137, An act to repeal sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 27, 28, 30, 31, 83, 198, 199 and 200, and to amend sections 2, 4, 5, 6, 29, 33, 43, 45, 70, 74, 78, 103, 120, 197, 201, 202 and 203 of an act entitled an act to incorporate the city of San Antonio and grant a new charter to said city, approved August 13, 1870, and to repeal an act to incorporate the city of San Antonio, approved July 17, 1856, and an act to amend the act to incorporate the city of San Antonio, approved February 11, 1860; also an act to amend an act, entitled an act to incorporate the city of San Antonio and grant a new charter to said city, approved April 18, 1879.

The above list embraces all the Senate bills up to adjournment on March 30, 1885. A few House bills could not be obtained.

SIXTY-SIXTH DAY.

SENATE CHAMBER, }
AUSTIN, March 31, 1885. }

The Senate met pursuant to adjournment.
Lieutenant-Governor Gibbs in the chair.
Roll called.
Quorum present,
Prayer by the Chaplain, Dr. Smoot.
On motion of Senator Kleberg,
The reading of the journals of yesterday was dispensed with.
The President gave notice of signing the following bills:

Senate bill No. 126, "An act prescribing and fixing the venue of suits against foreign corporations, joint stock companies or associations, or acting corporations or associations doing business in this State, and to provide the mode of serving process on such corporations or associations."

Senate bill No. 48, "An act to prevent fishing and hunting on the enclosed lands of another."

Substitute Senate bill No. 10, "An act to amend article 4, title 2 of the Revised Civil Statutes of the State of Texas."

Senate bill No. 241, "An act making appropriations for deficiencies in the appropriations heretofore made for the payment of expenses in support of the government from March 1, 1883, to February 28, 1885, and for outstanding claims not registered, and for other deficiencies."

Senate bill No. 193, "An act to provide for the correction and revision of the abstracts of located, titled and patented lands in Texas."

Substitute Senate bill No. 204, "An act to prohibit sheriffs and witnesses from charging fees, mileage or expenses in certain cases."

Senate bill No. 280, "An act to reorganize the thirty-fifth judicial district of the State of Texas, and to fix the times and terms of holding courts therein, and to repeal all laws in conflict with the same."

Senate bill No. 180, "An act to amend section 4 of an act to redistrict the State into judicial districts," etc.

Senate bill No. 278, "An act to confer upon certain county courts whose civil jurisdiction has been heretofore, or may hereafter be diminished, jurisdiction in all matters of eminent domain."

Senate bill No. 188, "An act to amend section 13 of an act to redistrict the State into judicial districts," etc.

Senator Davis submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate, and Hon. L. L. Foster, Speaker of the House of Representatives:

Your committee of free conference, to whom was referred the disagreement of the two houses concerning substitute House bill No. 170, entitled "An act to provide annual pensions," etc., respectfully recommend that the first portion of Senate amendment be so reformed as to strike from first section of engrossed bill all after "indigent volunteers," in lines 3 and 4, to the word "and," in line 11, and insert "who was in the actual military service of Texas at the time of the siege of Bexar, in December, 1835, or at the time of the battle of San Jacinto, in April, 1836, or who was in such actual military service for as much as six weeks between the commencement of the revolution at Gonzales, in the fall of 1835, and the first day of July, 1836."

And that sections 12 and 13 of said amendment be changed to 11 and 12.

And that original section 11 be stricken from the bill.

And that said amendment as reformed be adopted by the two houses.

All of which is respectfully submitted.

DAVIS,
BELL,
WOODS,
Senate Committee.
BLOUNT of San Augustine,
PRNDLETON of Bell,
COWLES,
House Committee.

On motion of Senator Davis,
The report was adopted.
Senator Peacock sent up the following report:

COMMITTEE ROOM,
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate, and Hon. L. L. Foster, Speaker of the House of Representatives:

Your committee of free conference, to whom was referred questions of difference between the two houses upon Senate bill No. 184, have had the same under consideration, and recommend that the House recede from the House amendments to said bill.

Respectfully submitted.

ARMISTEAD,
MCGAUGHEY,
For House Committee.

PEACOCK,
HARRISON,
DAVIS,
Senate Committee.

On motion of Senator Peacock,
The committee report was adopted.
Senator Calhoun sent up the following report:

COMMITTEE ROOM,
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Treasurer's and Comptroller's Offices, have examined the Treasurer's and Comptroller's offices, and beg leave to submit the following report:

The time allowed your committee after discharging their other duties, would not allow us to familiarize ourselves with the extensive workings of those offices, and no complaint having been heard as to the efficiency of them, your committee made only a limited investigation.

The Comptroller's office is managed in a systematic and efficient manner. The records of that office are voluminous, and for lack of room are too much crowded; but the employees in the several sub-departments seem to be perfectly familiar with all under their control.

We found the Treasurer's office to some extent seemingly crowded, and believe that if the employees had more room they could work with more ease, but no complaint was made, and the management of that office is as good as could be asked or expected.

We examined the books, bonds, accounts and cash in the office, and found the same in accord with the report of that office made February 10, 1885. The same is hereunto attached, marked "Exhibit A," and made a part of this report.

The Treasurer's and Comptroller's offices are apparently faithfully managed, and the employees in said offices are courteous and sober business men.

We cannot make any suggestions as to the clerical force necessary to run either of said offices, for the duties of both are varied and extensive, and we fully realize that in this matter we must rely upon the judgment and integrity of the heads of said departments.

All of which is respectfully submitted.

CALHOUN, Chairman.

BALANCES IN TREASURY FEBRUARY 10, 1885.

	Currency.	Bonds.
Permanent school fund.....	\$22,097 13	\$5,426,684 75
Permanent University fund.....	2,239 58	516,061 63
Blind Asylum land sales account....	52,650 36	20,400 00
Orphan Asylum land sales account...	3,917 47	
Deaf and Dumb land sales account...	29,328 44	17,500 00
Lunatic Asylum land sales account...	15,136 07	52,100 00
A. and M. College land sales account.		209,000 00
County taxes.....	27,275 43	
Escheated estates.....		375 00
Certificate of public debt.....	465 95	
Tax titles.....	605 12	
Penitentiaries.....	5,000 00	
Special loan tax.....		79,409 50
Bexar county bonds.....	22,636 06	
Dallas city bonds (T. and P.).....	3,812 33	
Dallas city bonds (D. and W.).....	1,855 03	
Galveston county bonds.....	107 39	
Sherman city bonds (T. and P.).....	1 29	
Harrison county bonds.....	31	
Anderson county bonds.....	7,159 73	
Sherman city bonds (H. and T. C.)....	8 75	
McKinney city bonds.....	2,428 51	
Tyler city bonds.....	41	
Walker county bonds.....	4,088 99	
Waxabachie city bounds.....	349 41	
Peabody school fund.....	983 29	
Five per cent bond sales account.....	38 65	
Four per cent bond sales account.....	3 43	

Unorganize county tax account.....	13,139 46	
Land sales accounts.....	95,619 79	
Collector's cost account.....	62 93	
Capitol land sales account.....	150 55	
Harrison county compromise sub-bonds.....	2,274 44	
Redemption unorganized counties....	1,516 64	
Available University fund.....	66,924 06	8,308 37
General revenue.....	46,640 35	
State Land Board.....	670 63	
Available school fund.....	32 80	
Total.....	\$429,220 78	\$6,329,839 25
	Cr.	
A. and M. College fund.....	\$2,345 55	
Smith county bonds.....	2,400 00	4,745 55
Balance.....	\$424,475 23	\$6,329,839 25

AUSTIN, TEXAS, February 10, 1885.

I hereby certify that the foregoing sets forth the true and correct condition of the several accounts, as per the books of this department.

F. R. LUBBOCK, Treasurer.

The above statement of balance in the treasury is correct.

WM. J. SWAIN, Comptroller.

House bill No. 408, "An act to amend title 2, chapter 2, of the Penal Code of the State of Texas, by adding thereto article 354a," was

Taken up and read third time.

(Senator Traylor in the chair.)

Senator Kleberg moved the previous question on the passage of the bill.

Seconded, and the

Main question ordered.

The bill was passed by the following vote:

YEAS—20.

Bell,	Harrison,	Randolph,
Calhoun,	Houston of Bexar,	Shannon,
Davis,	Houston of Wheeler,	Stinson,
Evans,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Garrison,	Peacock,	Woods.
Getzendaner,	Perry,	

NAYS—3.

Hall,	Jerdone,	Pfeuffer.
Glasscock,	Knittel.	

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your committee that the House has passed

House bill No. 590, "An act supplemental to and amendatory of an act entitled 'an act to amend chapter 79 of the acts of 1883.'"

Substitute House bill No. 170: House adopts report of free conference committee.

Respectfully,

A. D. SADLER
Chief Clerk House Representatives.

Senator Kilgore offered the following resolution:

Resolved, That the Calender Clerk, Tom Jones, be retained in office for the period of five days from and after the adjournment of the Senate, to assist the other officers in their duties

Adopted.

(Senator Getzendaner in the chair.)

Senator Traylor offered the following resolution:

Resolved, That the Hon. Barnett Gibbs, Lieutenant-Gov-ernor, has made a faithful and efficient presiding officer of the Senate. As such he has been impartial and accomplished thus facilitating legislation, for which he deserves the thanks of his constituents.

Adopted by the following vote:

YEAS—24.

Bell,	Harrison,	Perry,
Callhoun,	Houston of Bexar,	Pfeuffer,
Davis,	Houston of Wheeler,	Randolph,
Evans,	Jerdone,	Shannon,
Fowler,	Kilgore,	Stinson,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Traylor,
Hall,	Peacock,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Glasscock.

Senator Traylor offered the following resolution:

Resolved, That the Hon. W. R. Shannon, President pro tem., has made a faithful, impartial and efficient officer; that he has our unqualified endorsement, and retires with the unanimous commendation of the Senate.

Adopted by the following vote:

YEAS—23.

Bell,	Hall,	Perry,
Callhoun,	Harrison,	Pfeuffer,
Davis,	Houston of Bexar,	Randolph,
Evans,	Houston of Wheeler,	Stinson,
Fowler,	Jerdone,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzendaner,	Knittel,	Woods.
Glasscock,	Peacock,	

NAYS—none.

ABSENT, NOT VOTING.

Kleberg.

The following message was received from the Governor:

To the Senate:

I request your consent to the appointment of the notaries public named in the papers herewith transmitted.

JOHN IRELAND, Governor.

- Anderson county—Louis Kopf.
- Bexar county—J. N. Groesbeck.
- Blanco county—J. G. Baldwin, Westbrook.
- Collin county—J. S. Love, A. P. Carter.
- Cook county—Thos. Willis, Rosston.
- Caldwell county—B. T. Palmer, Lockhart.
- Delta county—R. B. Redfern, Jas. M. Brown, W. R. Patterson, James Pattison, Howard Templeton, M. C. Thompson, Cooper.
- Denton county—J. N. Kealy, Louisville.
- Fayette county—W. S. Robson, LaGrange.
- Fannin county—A. O. Stephens.
- Galveston county—F. H. McMahon, Galveston.
- Hamilton county—C. M. Boynton.
- Hunt county—R. R. Neyland, A. H. Hefner, B. F. Looney, C. A. Russell; T. R. Austin, W. W. Collins, Greenville.
- Hill county—W. P. Pardue, Itaska.
- Kaufman county—W. C. Hallonquest, Lawrence; H. B. Williams, Prairieville.
- Lavaca county—Volney Ellis, Hallettsville.
- Llano county—A. J. Johnson, John S. Atchison, Eugene Wilson, S. B. Luckie, John McLeod, W. L. Armstrong, H. J. Reynolds, W. L. Carlton, J. W. Davis, M. B. Clendennan, R. F. Rountree, E. H. Wilkes, S. H. Oatman, James Flack, Knight Stith, Wm. Kyle.
- McLennan county—E. M. Ewing, Waco.
- Midland county—James Farr, B. K. Brant, E. B. Lancaster, J. C. Carr.
- Milam county—E. L. Antony.
- Nueces county—David Oliver, Reuben Holbein.
- Parker county—W. T. Albert, Aledo.
- Presidio county—J. M. Gaddis, Murphyville.
- Stephens county—S. S. Cook, Eolian.
- Travis county—C. A. Graves, Fiskville.
- Tyler county—S. H. Burch, James M. Powell.
- Titus county—J. A. McElreath, W. J. Moore.
- Wood county—R. N. Stafford, Mineola.
- Val Verde county—Robert Wolfing, Archibald Bogle, A. F. Dignowity, Ed. Block, John C. Perry, G. W. Brown, Geo. A. Doogan, Del Rio.

Senator Kleberg sent up the following privileged reports:

COMMITTEE ROOM,
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 126, being "An act prescribing and fixing the venue of suits against foreign corporations, joint stock companies or associations, or acting corporations or associations doing business in this State, and to provide the mode of serving process on such corporations or associations," and find the same correctly enrolled, and have this day, at 10:15 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

KLEBERG, for Committee.

COMMITTEE ROOM,
AUSTIN, March 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 48, being "An act to prevent fishing and hunting on the enclosed lands of another," and find the same correctly enrolled, and have this day, at 10:15 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

KLEBERG, for Committee.

COMMITTEE ROOM,
AUSTIN, March 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared substitute Senate bill No. 10, being "An act to amend article 4, title 2 of the Revised Civil Statutes of the State of Texas," and find the same correctly enrolled, and have this day, at 10:15 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

KLEBERG, for Committee.

COMMITTEE ROOM,
AUSTIN, March 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 180, being "An act to amend section 4 of an act entitled 'an act to redistrict the State into judicial districts, and to fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,'" and find the same correctly enrolled, and have this day at 10:15 o'clock a. m., presented the same to the Governor for his approval.

KLEBERG, for Committee.

COMMITTEE ROOM,
AUSTIN, March 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 278, being "An act to confer upon certain county courts whose civil jurisdiction has been heretofore, or may hereafter be diminished, jurisdiction in all matters of eminent domain," and find the same correctly enrolled, and have this day, at 10:15 o'clock a. m., presented the same to the Governor for his approval.

KLEBERG, for Committee.

COMMITTEE ROOM,
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 289, being "An act to reorganize the thirty-fifth judicial district of the State of Texas, and to fix the times and terms of courts therein, and to repeal all laws in conflict with the same," and find the same correctly enrolled, and have this day, at 10:15 a. m., presented the same to the Governor for his approval.

KLEBERG, for Committee.

COMMITTEE ROOM,
AUSTIN, March 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared substitute Senate bill No. 204, being "An act to prohibit sheriffs and witnesses from charging fees, mileage or expenses in certain cases," and find the same correctly enrolled, and have this day, at 10:15 o'clock a. m., presented the same to the Governor for his approval.

KLEBERG, for Committee.

COMMITTEE ROOM,
AUSTIN, March 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 188, being "An act to amend section 13 of 'an act to redistrict the State into judicial districts and fix the times of holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883," and find the same correctly enrolled, and have this day, at 10:15 o'clock a. m., presented the same to the Governor for his approval.

KLEBERG, for Committee.

COMMITTEE ROOM,
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled bills, have carefully examined and compared Senate bill No. 193, being "An act to provide for the correction and revision of the abstracts of located, titled and patented lands in Texas," and find the same correctly enrolled, and have this day, at 10:15 o'clock a. m., presented the same to the Governor for his approval.

KLEBERG, for Committee.

COMMITTEE ROOM,
AUSTIN, March 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 241, being "An act making appropriations for deficiencies in the appropriations heretofore made for the payment of expenses in support of the government from March 1, 1883, to February 28, 1885, and for outstanding claims not registered, and for other deficiencies," and find the same correctly enrolled, and have this day, at 10:15 o'clock a. m., presented the same to the Governor for his approval.

KLEBERG, for Committee.

The President gave notice of signing the following bills and resolutions:

Senate bill No. 31, "An act to regulate reservations in sales of personal property."

Senate joint resolution No. 10, "Delivering the property known as the Alamo to the city of San Antonio."

Senate concurrent resolution No. 7.

Senate bill No. 4, "An act to amend article 2514, of chapter 5, title 47 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' adopted February 28, 1879."

Substitute Senate bills Nos. 271 and 274, "An act to reorganize the thirtieth, thirty-first, thirty-second and thirty-third judicial districts, to create the thirty-ninth judicial district, and to fix the times for holding court therein, and to provide for the appointment and election of judges and district attorneys in said thirty-ninth judicial district."

Senator Fowler sent up the following privileged reports:

COMMITTEE ROOM,
AUSTIN, March 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 31, being "An act to regulate reservations in sales of personal property," and find the same correctly enrolled, and have this day, at 10:50 o'clock a. m., presented the same to the Governor for his approval.

FOWLER, Chairman.

COMMITTEE ROOM,
AUSTIN, March 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate joint resolution No. 10, being "A resolution delivering the property known as the Alamo to the city of San Antonio," and find the same correctly enrolled, and have this day, at 10:50 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

COMMITTEE ROOM,
AUSTIN, March 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate concurrent resolution No. 7, and find the same correctly enrolled, and have this day, at 10:30 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

COMMITTEE ROOM,
AUSTIN, March 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills, have carefully examined and compared Senate bill No. 4, being "An act to amend article 2514, of chapter 5, title 47 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' adopted February 28, 1879," and find the same correctly enrolled, and have this day, at 10:50 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

COMMITTEE ROOM,
AUSTIN, March 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared substitute Senate bills Nos. 271 and 274, being "An act to reorganize the thirtieth, thirty-first, thirty-second and thirty-third judicial districts, to create the thirty-ninth judicial district, and to fix the times for holding court therein and to provide for the appointment and election of judge and district attorneys in said thirty-ninth judicial district," and find the same correctly enrolled, and have this day, at 10 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

The following message was received from the House:

HOUSE OF REPRESENTATIVES
AUSTIN, March 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform the Senate of the passage of Senate bill No. 257.

Respectfully,

A. D. SADLER,
Chief Clerk House Representatives.

Senator Stinson sent up the following report:

COMMITTEE ROOM,
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your special committee to whom was referred Senate bill No. 175, entitled "An act regulating insurance and the rights and liabilities of the insurer and insured, and to amend article 2953 of the Revised Civil Statutes," have had the same under consideration, and instruct me to report it back with the recommendation that it lie upon the table, for the reason that we have not been able to agree upon a bill, or amendments to the present bill, and further, the near approach of the close of the session will prevent any action upon the question.

All of which is respectfully submitted.

STINSON, Chairman.

On motion of Senator Stinson,
The committee report was adopted.

House bill No. 450, "An act granting to Stephen H. Darden a land certificate for one-third of a league (1476 acres) of land," was laid before the Senate and read second time with committee amendment.

Amendment adopted and bill passed to third reading.

Senator Glasscock moved to suspend the constitutional rule and place the bill on its final passage.

Senator Houston of Bexar moved a call of the Senate.

Call sustained.

Roll called.

Absent—Senators Evans and Getzendaner.

The pending business went to the table.

House bill No. 590, "An act supplemental to and amendatory of an act to amend chapter 79 of the acts of 1883," etc., was taken up, and

On motion of Senator Kleberg,

The constitutional rule was suspended, and

The bill was passed to its second reading by the following vote:

YEAS—25.

Bell,	Harrison,	Perry.
Calhoun,	Houston of Bexar,	Pfeuffer,
Davis,	Houston of Wheeler,	Randolph,
Evans,	Jerdone,	Shannon,
Fowler,	Kilgore,	Stinson,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Traylor,
Glasscock,	Peacock,	Woods.
Hall,		

NAYS—none.

Bill read second time and passed to third reading. (Senator Shannon in the chair.)

Senator Kleberg moved to suspend the constitutional rule and place the bill on its third reading.

Adopted by the following vote:

YEAS—25.

Bell,	Harrison,	Perry.
Calhoun,	Houston of Bexar,	Pfeuffer,
Davis,	Houston of Wheeler,	Randolph,
Evans,	Jerdone,	Shannon,
Fowler,	Kilgore,	Stinson,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Traylor,
Glasscock,	Peacock,	Woods.
Hall,		

NAYS—none.

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

YEAS—24.

Bell,	Hall,	Peacock,
Calhoun,	Harrison,	Perry,
Davis,	Houston of Bexar,	Pfeuffer,
Evans,	Houston of Wheeler,	Randolph,
Fowler,	Jerdone,	Shannon,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Traylor,
Glasscock,	Knittel,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Stinson.

The President gave notice of signing the following bills:

House bill No. 525. "An act to amend section 11 of an act to redistrict the State into judicial districts," etc.

House bill No. 562. "An act to amend sections 1, 2 and 4 of 'an act to provide for the more efficient management of the State penitentiaries, and to make an appropriation therefor.'"

House bill No. 598.

Substitute House bills Nos. 171 and 208. "An act to amend article 425 of the Penal Code of the State of Texas."

House bill No. 456, "An act to amend chapter 2, of title 48 of the Revised Civil Statutes, so as to add thereto article 2745a."

House bill No. 409, "An act to amend article 4518, of chapter 1, title 91 of the Revised Civil Statutes of Texas."

House bill No. 239, "An act to authorize the commissioners' courts of the organized counties of the

State of Texas, to which unorganized counties are attached for judicial purposes, to lay off and designate justices' precincts in such unorganized counties, and to constitute such precincts election precincts, and to provide for voting in such unorganized counties for county commissioners of the counties to which they are attached."

House bill No. 483, "An act to amend article 1533 of the Revised Statutes."

Substitute House bill No. 270, "An act to amend article 3856 of the Revised Statutes."

Substitute House bill No. 272, "An act to amend article 4367 of the Revised Statutes."

House bill No. 373, "An act to authorize the collector of a newly organized county to collect the unpaid taxes found to be due in his county by the assessor's rolls of the county or counties from which such county has been taken, or to which it has been attached for judicial purposes, and to provide for making transcripts from such rolls for the use of the collector in the new county."

Substitute House bill No. 218, "An act authorizing the sheriffs, constables or their deputies of this State to make persons who are principals or sureties on indemnifying bonds parties to suits, and giving such sheriffs, constables or their deputies time to make service on such principals and sureties."

House bill No. 349, "An act to amend article 797, chapter 17, title 17 of the Penal Code of the State of Texas."

House bill No. 252, "An act to amend article 636, chapter 3, title 8, of section 2 of 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas.'"

Senator Houston of Bexar offered the following resolution:

Resolved. That the Senate do now proceed to elect a President pro tem.

Adopted.

The President appointed Senators Kleberg, Houston of Bexar and Pfeuffer as tellers.

Senator Kleberg nominated Senator Woods for President pro tem.

Senator Peacock nominated Senator Terrell.

Senator Hall nominated Senator Getzendaner.

Senator Getzendaner declined to be a candidate.

Nominations were declared closed, and the first ballot resulted as follows:

Senator Terrell.....	7
Senator Kilgore.....	1
Senator Getzendaner.....	1
Senator Woods.....	12
Senator Evans.....	4

No election.

SECOND BALLOT.

Senator Terrell.....	8
Senator Getzendaner.....	2
Senator Kilgore.....	1
Senator Woods.....	8
Senator Evans.....	6

No election.

THIRD BALLOT.

Senator Woods.....	9
Senator Getzendaner.....	2
Senator Terrell.....	6
Senator Evans.....	7

No election.

FOURTH BALLOT.

Senator Terrell.....	7
Senator Woods.....	9
Senator Evans.....	7
Senator Getzendaner.....	2

No election.

FIFTH BALLOT.

Senator Woods.....	10
Senator Evans.....	7
Senator Getzendaner.....	2
Senator Terrell.....	6

No election.

SIXTH BALLOT.

Senator Evans.....	8
Senator Bell.....	1
Senator Getzendaner.....	1
Senator Kilgore.....	1
Senator Terrell.....	7

No election.

SEVENTH BALLOT.

Senator Woods.....	6
Senator Evans.....	8
Senator Bell.....	1
Senator Terrell.....	6
Senator Getzendaner.....	1

No election.

Senator Harrison nominated Senator Kilgore.
 Senator Perry nominated Senator Shannon.
 Senator Shannon declined to be a candidate.

EIGHTH BALLOT.

Senator Woods.....	5
Senator Terrell.....	6
Senator Evans.....	8
Senator Peacock.....	1
Senator Kilgore.....	1
Senator Shannon.....	1
Senator Getzendaner.....	1

No election.

Senator Houston of Wheeler nominated Senator Peacock.

Senator Terrell withdrew his name and seconded the nomination of Senator Peacock.

NINTH BALLOT.

Senator Peacock.....	8
Senator Woods.....	5
Senator Shannon.....	1
Senator Bell.....	1
Senator Terrell.....	1
Senator Traylor.....	1
Senator Evans.....	6
Senator Kilgore.....	1

No election.

Senator Woods withdrew his name.

TENTH BALLOT.

Senator Evans.....	11
Senator Peacock.....	10
Senator Woods.....	1
Senator Kilgore.....	1
Senator Shannon.....	2

No election.

ELEVENTH BALLOT.

Senator Peacock.....	10
Senator Evans.....	11
Senator Kilgore.....	3

No election.

TWELFTH BALLOT.

Senator Evans.....	11
Senator Peacock.....	6
Senator Kilgore.....	5

No election.

Senator Terrell withdrew the name of Senator Peacock.

THIRTEENTH BALLOT.

Senator Kilgore.....	
Senator Evans.....	

Senator Kilgore was declared elected, and was escorted to the chair by Senators Terrell and Wood and was sworn in.

(Senator Kilgore, President pro tem. in the chair Senator Davis offered the following resolution:

Be it resolved by the Senate, That the Engrossing Clerk retained five days to arrange and turn over the engrossed bill of the Senate, and to aid the Secretary of the Senate in checking up the same and placing in the State department.

Adopted.

Senator Traylor offered the following resolution

Resolved, That T. W. Gregory be allowed pay for two days services, at the same rate allowed other clerks for services in enrolling bills, to be paid out of contingent fund.

Adopted.

Senator Peacock offered the following resolution

Resolved by the Senate, the House concurring, That a joint committee of the two houses, consisting of three members in each house, be appointed to wait upon the Governor and notify him that the Nineteenth Legislature is ready to adjourn.

Adopted.

Senators Peacock, Evans and Glasscock were appointed on the committee.

Senator Garrison offered the following resolution

Resolved, That the thanks of the Senate are due the present subordinate officers of the Senate for the faithful and efficient manner in which they have discharged their duties as such officers.

Adopted.

The President gave notice of signing the following bills:

Senate bill No. 253, "An act to amend article 54 of the Revised Civil Statutes."

Senate bill No. 257, "An act to amend article 399 of title 80 of the Revised Civil Statutes, approved April 4, 1881."

House bill No. 162, "An act to amend article 241, chapter 4, title 42 of the Revised Civil Statutes of the State of Texas."

Substitute House bills Nos. 8, 34 and 70, "An act to provide for the leasing and sale of the lands heretofore or that may hereafter be surveyed and set apart for the benefit of the common school, University, the Lunatic, Blind, Deaf and Dumb and Orphan Asylum funds."

Substitute House bill No. 370, "An act making appropriations for the support of the State government for the years beginning March 1, 1885, and ending February 28, 1887, and for other purposes."

House bill No. 502, "An act to postpone the sale of real and personal property for taxes assessed for 1884 until the first Monday in July, 1885."

House bill No. 536, "An act to protect persons in the settlement of the common school, University, the Lunatic, Blind, Deaf and Dumb and Orphan Asylum lands, and to prescribe penalties for an interference with their legal rights."

Substitute House bill No. 170, "An act to provide annual pensions for the surviving indigent volunteers of the Texas revolution, and the indigent surviving signers of the declaration of independence"

and the indigent surviving widows of such soldiers, volunteers or signers, and to repeal all laws in conflict therewith."

Substitute House bill No. 408, "An act to amend chapter 2, title 2 of the Penal Code of the State of Texas by adding thereto article 354a."

Senator Woods offered the following resolution:

Resolved, That the Enrolling Clerk be retained five days to do such work as is necessary.

Adopted.

(The President in the chair.)

The hour having arrived for the Senate to go into executive session,

On motion of Senator Harrison,

The Senate went into executive session on the appointments of the Governor.

IN THE SENATE.

Senator Houston of Bexar moved to publish in the journal the action taken in executive session.

Adopted.

All appointments in Governor's message of today, and H. P. Bee, Commissioner of Insurance, statistics and History, were confirmed:

Senator Kleberg moved that the Senate now hold memorial services, out of respect to the late Hon. John C. Buchanan.

Adopted.

Senator Kleberg sent up the following report and resolutions:

COMMITTEE ROOM,
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your committee to whom was referred the resolution of the Senate relating to the death of Hon. John C. Buchanan, beg leave to submit herewith the following resolutions, and recommend their adoption.

All of which is respectfully submitted.

KLEBERG,
CAMP,
KILGORE,
Committee.

Whereas, Since the adjournment of the last session of the legislature Hon. John C. Buchanan, a member of the Senate, has departed this life; and

Whereas, It is the pleasure of this Senate to pay fitting tribute to the high character of the deceased for his integrity and patriotism in the public service, and his honesty, purity of purpose and fidelity to principle in every relation of life; therefore, be it

Resolved, That it is the sense of the Senate that in the death of the Hon. John C. Buchanan the country has lost a public servant noted for his courage, efficiency and purity of character, and a citizen singularly devoted to all the nobler and higher duties of enlightened citizenship.

Be it further resolved, That a page of the Senate journal be set apart for memorial purposes, on which shall be inscribed the name and rank of the deceased, the places and dates of his birth and death.

Be it further resolved, That the Secretary of the Senate furnish the family of the deceased with a copy of this resolution.

Senator Kilgore addressed himself to the resolution, as follows:

Mr. President:

I take it the Senate will not consider it in appropriate for me to make some observations on the resolution just read in your hearing. I will limit my remarks principally to a recital of the leading incidents in the public career of him whose death we mourn to-day.

John C. Buchanan needs no eulogy on this occasion. Young as he was in years, when he died he had succeeded in impressing upon the history and the institutions of his State many of the characteristics of his own gallant spirit. During the ten years of service which he gave to his country he was ever found contending for the right and condemning the wrong, as his enlightened judgment taught him what the right was and what the wrong.

Mr. Buchanan was born at Greenwood, La., in 1850. His father came to Texas that year and settled at Bellevue, Rusk county. It was my fortune to have known him from his early youth. I knew him as a young man struggling against adverse fortune in his effort to fit himself for the duties of life. By his own exertion and the help of a friend and benefactor, he acquired a good education, having attended school at Gilmer, Upshur county, several years. He also taught school in Louisiana while studying law, and was admitted to the bar in 1873, and settled in Quitman, in Wood county. In the practice of his profession he soon acquired the confidence of his people by his attention to his business, his ability, his uprightness and his manly traits of character. Soon after he established himself in the practice, he contracted a most fortunate marriage with a woman in every respect worthy of him. In 1876 he was elected county attorney of Wood, and served in that capacity for about twelve months, and resigned. In 1878 he was nominated at the Terrell convention as a candidate for the Senate for the district comprised of the counties of Kaufman, Hunt, Rockwall, Van Zandt, Rains and Wood, and was elected by a large majority. He was then twenty-eight years old, but in the Senate of the Sixteenth Legislature he early took rank with the abler men of that body. When the State was reapportioned in 1882, his county was placed in a district with Smith, Rains, Upshur and Gregg, and in 1882 he was re-elected to the Senate from the new district, with very little opposition. In 1884 he was elected district attorney of the seventh judicial district, composed of the counties of Smith, Van Zandt, Rains, Wood, Upshur and Gregg, without opposition. But he died before he qualified, and never entered upon the duties of his new office.

Mr. Buchanan was a fearless advocate of public free schools, and the people are largely indebted to him for the vast improvement made in the school system of the State during the past five or six years. He was the author of the law to prevent criminals from escaping under the plea of drunkenness, and the law which imposed a heavy penalty for sunning the Police Gazette and such like papers, which law was held by the Court of Appeals to be a valid and binding statute, in a decision which was delivered just before he died, or about the time.

Mr. Buchanan at his death was thirty-five years old, and nearly one-third of his short life was spent in the public service, and no blemish ever rested on his character. In the private walks of life, as a citizen, as a public official—whether in humble or in exalted position—he was the same true, faithful, courageous man, whose memory this Senate and the country can afford to honor.

Senator Pope said:

Mr. President and Senators:

I desire to speak a few words as a tribute to the memory of our dead friend and former co-laborer in this chamber. I was in the town which was the home of Senator Buchanan, the very day he lay down upon the bed of sickness from which he never arose. He fell, prostrated from over exertion in nursing through dangerous illness, the loved little ones of his own household; his dear children that he loved as he did his life, and for whom he seemed willing to die if they could live. This conduct was characteristic of the man, for to him there was no sublimer word than duty, and he was ever ready to respond to its demands. Here, in this Senate Chamber, we who served with him must testify he earned, and justly, too, the name of a faithful legislator. For earnest devotion, for patient care, for integrity of purpose, he had no superior. He was not brilliant, neither was he gifted with what men call eloquence, but whenever he entered into debate he always commanded attention. And in the discussions of measures he always moved straight forward to the merits of the question, and wasted no time on subordinate issues. He was courteous, manly and dignified upon the floor of the Chamber, and in his personal hearings towards fellow Senators was free, open-hearted, frank and generous. As a legislator he took the liveliest interest in educational matters, and labored zealously in furtherance of all things tending to advance the cause of educa-

tion. As a legislator he was a model and an exemplar that any one might adopt. May we cherish his memory and profit by his example.

If the spirit ever gazes
From its wanderings back,
If the immortal ever traces
O'er its mortal track;

Then, oh! sometimes, brother, meet us
On our wandering way,
And in hours of sadness greet us
As a brother may.

Green be the spot where sleeps his honored dust.

Here scattered oft, the earliest of the year,
By unseen hands, be showers of violets found;
May song birds love to build and warble here,
And loving footsteps lightly print the ground.

Senator Terrell said:

Mr. President:

There is always sadness in the presence of death. There is a tear for every corpse and a garland for every tomb; whether the victim be plebeian or patrician; whether he dies on land or on the sea, "in the wild storm or under the quiet stars;" whether he falls in the conflict of battle or in the peaceful home, where loving arms are entwined around him, there is always an eye that marks his coming, and weeps when he comes no more.

We are accustomed to the funeral pageant. The hearse is almost as familiar as the carriage, and the sombre tolling of bells frequently remind us of the sunset of life; and yet we tremble when we stand in the midst of death. No hope can soften its asperities; no balm can heal its sting; no hand can lift the veil with which it pallis every human heart and blights every human ambition.

The dying man may see in dreams the golden gates of far off paradise; he may catch the fragrant air that perfumes the gardens of the Hesperides; and the melody of angelic charms may float around his couch, but yet he trembles and hesitates as he launches his bark upon "that mysterious sea that never yet has borne, on any wave, the image of a returning sail."

John C. Buchanan is no more.

Whither his spirit wanders, we cannot tell.

Whether it now hovers about this chamber, or reposes in some far off "island of the blest," we cannot know.

We only know that he is numbered among the immortals. That no longer do his "footsteps echo down the corridors of time;" that no longer does he care for the debates or applause of Senates. In the very prime of majestic manhood, in the zenith of a life radiant with promise, when the love of a people was cheering his heart, and those sweet musical echoes which the world calls fame were charming his ear, he has been called away.

It was not my fortune to witness his triumphs upon this floor. I did not see him in those grand contests which are now part of the history of his adopted State. It was in private life that I knew him best. It was upon the hustings that I have seen his strength, and in the court room that I have praised his works and admired his skill.

Thrice honored by the suffrages of his people, he was always faithful to their trusts. A man of cloudless brain, of a pure heart and of unquestioned honor, in him were united the brilliant genius of a younger statesmanship with all the experienced wisdom of the old.

Yet, just at the moment when the sun shone brightest, just when the horizon seemed farthest away, just when he appeared to be the complete master of his own future, just when the bells were ringing his triumph, came disease and death and the grave.

It seems but yesterday his arm was brawny, yet now upon that arm the worm has made his meal. It seems but yesterday that his eloquence filled this chamber, yet now he rests in the "tongueless silence of the dreamless dust." But then he sat by the side of a loving wife, and bright-eyed children played upon his knees and shared his prosperity; yet now the widow weeps and the children are fatherless. By his tomb we stand and exclaim, in the words of England's gifted poetess:

"Leaves have their time to fall,
And flowers to wither at the north wind's breath,
And stars to set; but all—
Thou hast all seasons for thine own, O, Death!

"We know when moons shall wane,
When summer birds from far shall cross the sea,
When autumn's hues shall tinge the golden grain,
But who shall teach us when to watch for thee?"

On motion of Senator Getzendaner,
The resolutions were adopted by a rising vote, and the remarks were ordered printed in the journal on a page of which be dedicated for the purpose.

The following message was received from the Governor, and read in full:

EXECUTIVE OFFICE,
AUSTIN, March 21, 1885.

Gentlemen of the Legislature:

In bringing your labors to a close, I desire to say that which the measures perfected have not been entirely satisfactory to me, the country, and, I dare say, to either house, still, I believe that they are sufficient to enable those charged with the duty to carry on the government for the next two years. You have been severely criticised, often no doubt, by persons that could not do half so well as you have done. With smaller bodies and more deliberation, no doubt legislation would be more satisfactory.

There is no reason to doubt the integrity and patriotism of each and every member, and that in so far as the two houses have failed to do what might have been for the best is the result of individual independence of judgment among the members.

Let those who come after improve on the present if they can; and should they do so, I feel sure you will rejoice with all good people at their superior wisdom.

I am, very respectfully, your obedient servant,

JOHN IRELAND,
Governor.

Senator Fowler sent up the following privileged reports:

COMMITTEE ROOM,
AUSTIN, March 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No 257, being "An act to amend an act entitled 'an act to amend article 994 of title 80 of the Revised Statutes,' approved April 4, 1881," and find the same correctly enrolled, and have this day, at 10:50 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

COMMITTEE ROOM,
AUSTIN, March 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bill have carefully examined and compared Senate bill No. 253, being "An act to amend article 542 of the Revised Statutes" and find the same correctly enrolled, and have this day, at 10:50 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

Senator Kilgore offered the following resolution:

Resolved, That the Secretary of the Senate be and is hereby directed to prepare, without delay, a list of all laws passed by the Nineteenth Legislature which go into effect at once, and that he give the captions of all such acts, and have the same printed and distributed.

Adopted.

The President gave notice of signing House bill No. 532, substitute House bill No. 567, House joint resolution No. 1, House bill No. 287, House bill No. 590.

IN MEMORY

OF

Hon. John Creighton Buchanan

Born at Greenwood, Louisiana, Feb'y 24th, 1850.

His parents came to Rusk county, Texas, in his infancy, where he was reared; was educated at Gilmer, Texas; commenced practice of law at Quitman, Wood county, Texas, in 1873; elected County Attorney in 1876, and to the State Senate in 1878, in which he served during the Sixteenth, Seventeenth and Eighteenth Legislatures;

Was Chairman Committee of Education in the Seventeenth; was a conscientious, able and progressive legislator; took the lead on all moral and educational questions; was elected District Attorney of his Judicial District in November, 1884; and

Died at his Home in Mineola, Wood Co., Texas,

in December, 1884, in his 35th year.

A truly great and good man has gone, and no one's death has been more generally regretted in our State than that of young BUCHANAN.

Senator Pfeuffer rose to a question of privilege, and addressed the Senate as follows:

The "privilege" allowed to Senators to make personal explanations needs no explanation by me. It is not asked that it shall extend to permission to state before this Senate matters of explanation which, it is thought, every Senator would not consider as proper subject matter to be embraced in remarks under the rule which gives the privilege for personal explanations of a defensive character, disconnected from the regular business of this honorable body.

This Senate knows to what I have been subjected in public prints. I will not refer to what may have been said in this Senate in connection with certain measures I have introduced and advocated. I was here to respond in person, or constructively in person, and could confront antagonism in debate before this body on all questions of difference that may have arisen between me and my fellow Senators. Differences between members of this body in their views and opinions were matters for public discussion; the proper system of ethics peculiar to legislative bodies, rules and guides and protects our membership. We regard nothing in the nature of matter that may be introduced by a Senator as personal and privileged matter as properly offered if it be in response to that which he may have met in gallant debate on the floor of this Senate. This class of matter and this class of antagonism I do not propose to answer now. I desire to be heard to respond to a mischievous, selfish and venal press that has persistently misrepresented me, and held me up for ridicule in every form that could either wound the feelings of its subject or prejudice the sentiments or opinions of the citizens of his State that he has faithfully labored to serve. I will not say that the whole press has been thus ungenerous, nor is it against the whole press that I defend. To many of the papers of the State I return my thanks for their fairness in stating my position fairly on questions at issue. Only a few most miserable writers and publishers have been unscrupulous, and day by day loaded their columns with constant sneer, ridicule, criticism and words framed in a thousand forms, devised to raise a prejudice against me from every view, mentally, morally or physically. It is thus that these venal sheets have their power. They crush or they elevate! The most worthy man or the most righteous cause may be ruined by a corrupt press. Under their present assumed privilege as journalists, irresponsible, itinerant Bohemians may day by day indulge in their taunts, their criticisms, their misrepresentations, and the officer or the citizen affected has no remedy other than brute force, or that of the slow and uncertain statute whose provisions they are careful to avoid. We can not engage in a war of words, as officers and citizens, and make defenses day by day, and correct falsehoods uttered by those who control the ink horn of an editor, and by those lesser powers of the press who disseminate their works day by day, either as sensationalists, for notoriety, or from motives of actual hostility, or for gain. There are but few of us who have not felt these ungenerous attacks; and in our labors individually and as members of this body, consisting of both houses of the Legislature, all have felt keenly the insults that have been heaped upon us. Members have been assailed by mere scribblers, who scarcely kept pace to record the subjects of legislation. They have assumed a knowledge of the details and proprieties of all measures; and unparalleled effrontery has been dashing itself in the columns of a few of these sheets, controlled by scribblers who wield a quill ready to turn their lines into vinegar and gall, or into soft and gracious plaudits and high sounding panegyrics, as may be indicated to them by their background masters, prompting with the jingle of gold as the reward for their work.

But I cannot consume the time of the Senate at this late period, when moments are precious, in arraigning this antagonism. If public men are to be adjudged by representatives of this class, whether they be friends or foes, we have fallen on unhappy times, and if the power exists that can raise or crush—raise that which is most unworthy, crush that which is innocent of wrong, and by misrepresentation in good or in evil, elevate or lower at their pleasure, unhappy is the age! Unhappy be the times in which the venom of the slanderer or the praise of a tool or hireling can reach so far, mercilessly poisoning public sentiment, or by soothing apologies lull to sleep just criticism or condemnation.

The common slanderer, with only a persistent tongue and active foot, is limited in his mischievous work; the slanderer journalist that can lay ridicule on your person, misrepresentation on your actions, false interpretations on your motives, insinuations against your honesty, and scandal against your

reputation as a man, and you powerless to defend, is a creature of this age alone. His effusions are placed at the door of your domicile day by day, and on the tables of your friends and constituents, who honor and trust you, and you powerless against his assaults.

I claim the right in these last hours of this session, when it may no longer be urged that I am in debate by an insidious move on questions for legislation, to reply to charges that, as stated, have been made in a thousand forms—misrepresentations that each day assume new phases.

I was made chairman of the Committee of Education at this session of the Legislature. For some years past I have been one of the directors of the A. and M. College, located at Bryan. I have felt a profound interest in the success of that institution. This Legislature had scarcely met when we heard words of ridicule addressed against the A. and M. College, and derisive sneers at its efforts, and suggestions that it be abandoned as an educational institution and be converted into an asylum. These enemies of the A. and M. College thought that it was inimical to the State University at Austin. The A. and M. College had friends. There were those amongst us who believed it was an institution that should receive the first care of the State. We may have been of opinion that the class of our youth that the A. and M. College proposed to cultivate was as important to the State, and would, when leaving that institution, be worth as much for her prosperity as urbane scholars versed in the languages of Greece and Rome, or proficient in the soft tongues of Spain and Italy, the brilliant language of France, or the stately manliness of the language of my fatherland.

There were some who thought that the schools where the farmer's sons were taught the nature of soils, the chemistry of crops, were as important as the schools in which metaphysical jargon is heard in wrangling from morning to night. There were some who thought that sound instruction in the history of domestic animals, a knowledge in the capacities of their different breeds, their adaptability to our climate, their diseases and remedies and best modes of rearing, their anatomical structure, and everything necessary for their successful management, was as useful as the pleasing science of entomology that may expand itself in volumes on the anatomy of the carrion beetle, or tremendous discussions unfolding the purpose the house fly or the swamp gallinipper serve as assistants in hygiene in our kitchens and around our poisonous lagoons.

There were some of us who had these thoughts relating to the relative utility of the two classes of what is termed high education—the one looking to gain producers on our farms and ranches, the other as supplying material from which the bench and the bar, the pulpit, the medical corps, are recruited, and from which, also, come the vast herd of idlers that is too highly cultivated to work in manual labor, and too worthless to follow out in any line for which their education may fit them to be useful as members of society.

We think we may be pardoned for holding in importance the science which teaches our youth to look to the earth and inspect its soils, and discern the hidden powers of nature that, when applied, will make teeming crops and an abundant yield. We may be pardoned if we think this science equal in dignity and equally useful with the science that would consult the stars and the planets, and endeavor to determine their occult influences—influences which, if discovered, could never be controlled. It may be discovered that spots on the sun control vegetation, and the phases of the moon regulate the tides and the weather; but it is beyond the powers of man to regulate these awful influences. Metaphysical wranglers may worry their minds over innate ideas, questions of time and space, or even the calculation of the number of angels that might dance upon a needle point. The practical knowledge of one's own self, as each man may discover, and an analysis of, and knowledge as it grows with us, and a knowledge of things that are actual around us, are as worthy of thought as these questions of the schoolman. It is as important and dignified to know how to stretch and preserve the skins of cattle slaughtered with the knife, and save their meat for food, and pack it in barrels with salt, as to be able to kill the ephemeral butterfly with chloroform and preserve it with arsenic, packed away in a show case, with a Greek name in polysyllables pinned on its back, doing the honors of an epitaph and biography, offered as an atonement for its poor little life, that was taken for science's sake by some murderous crazy bug hunter.

There were those who thought the studies of the proper application of the pulley, the lever, the wedge and wheel and axil, to aid the powers of man's feeble muscles, and the prin-

ciples of machines that assist to make work easy and redeem men, women and children from a life of toil, were quite as important and dignified as the study of the mechanics of the solar system, or as the dreams of the fanciers, who imagine in their reveries that they hear the music of spheres. There are even those who thought that the culture and development of an actual, real, first-class taurus, a regular bull, that could paw the earth and bellow with no uncertain sound, and whose prowess could be seen and whose future progeny might be contemplated with pride, was a study as dignified, as refined and perhaps as useful, as the study of the prowess of the Centaur the ferociousness of the three headed dog Ceberus, the hideousness of the Lernean Hydra, or Jupiter, in the form of a bull, when he eloped with Europa, or the white bull that was loved by the unchaste Pasiphæ, or Minotaurus, their dreadful offspring. The one who has been so greatly decried as the hero of the Agricultural and Mechanical College farm is the actual bull for the farm for actual use. He is in every sense of the term fit socially to move in the society to which he belongs. The others as the monsters and bulls of classic readings for the dreamers in mythology, and serve for raising ideas and images that are horrible and unchaste beyond description. But enough of these comparisons. In practical life and practical work there are no useless, senseless humbugs. In the pastimes of science, literature and art there are thousands of things that the world were better had they never been, but being, if they were forgotten.

But in thus contrasting much that is embraced in polite learning with the useful and practical knowledge needed in everyday life, let it not be understood that those who gave dignity and importance to that which is useful to the masses either decried or tried to lower the proper dignity of higher education in literature, science and arts. While there is much of chaff in the ordinary so-called higher education, its aims, objects and effects on society in its enjoyments, its government, its strength and prosperity are all important. The mistake that has been made is by the zealous friends of higher education that treats of the polite branches. They have lost track of the usefulness of the branches that should be taught to the masses in agriculture and mechanics, and in kindred pursuits.

Because there were those who would not ignore the necessity that the State should endow with lavish hands the institute that looked to the enlightenment of the masses in their ordinary pursuits, they were pronounced enemies of higher education—enemies of the great State University! Never was a more unjust charge uttered; never was there a party more grossly misrepresented. The importance and dignity of both classes of education were fully appreciated. It was to distribute the revenues provided for education to all these subjects, and to foster all the institutions that were to make our people more enlightened, prosperous and happy, that influenced the introduction of the measures in regard to the University and common school establishments that my name has been coupled with, much said to my detriment, and unjustly, as misunderstanding my sentiments and misrepresenting both my opinions and the measures proposed by me for legislation.

Since the effect of the measures introduced by myself have been so loudly commented upon, and their substance has been so scandalously misrepresented, and I have been denounced and ridiculed as an enemy of the University and education, I deem it but justice to myself and those who have stood with me, to briefly set forth the leading points in the bill proposed. It is to repel unjust attacks that persistently were persevered in, seeking to destroy my influence for the present and damage me in the future, that I speak.

There is something which every man in public life has pride for; a pride which equals the pride of the success of his efforts, and that is, that his intentions, principles and motives be properly stated, so that the whole public may judge him fairly in his official career. Had this been done, I would not be on this floor claiming the privilege of explanation. What I proposed as law, and framed in two bills, with the State University and common schools as the subject, has neither been correctly stated nor fairly represented as to matter, purpose or method; nor have my own particular opinions, views or policies as to universities or common schools been fairly stated. Measures that led simply to changes have been branded as measures to destroy; principles that were intended to perfect have been denounced as the theory of vandalism that was to ruin.

It is to defend myself on these questions affecting my standing before the people who may not have kept pace with legis-

lation, that I speak and give reasons for the faith that I have in me.

Let us examine these so-called extraordinary measures first, of the University. The bill introduced by me in the Senate had for its caption: "An act to perfect the University of Texas, and provide for its government and management and repealing the present law."

Scarcely was this bill introduced, before it was charged that it should be fitly captioned, "a bill to destroy," and it was charged that such was the deliberate design in framing the measures proposed. My aim was to perfect. I have profound respect for all things old. Venerable men, ancient laws, old governments, long tried institutions, antiquated castles and towers standing on firm foundations, or even in ruins, command my respect and veneration, and it would be with almost fear that I would change them, much less with the ruthless hand, demand them by legislation. I had not thought that I was advocating a change of anything so venerable and respected by the people as an institution, that I should be subjected to jeers, taunts and almost insults, as a vandal. Had I been a reformer against a well organized priesthood, that had arrayed its ranks all the learning and talent of a well disciplined clergy or with cowl and gown and unshorn beard, gone into the ranks of perfumed Sybarites, with cry of reform and correction could not have been met with more persistent repulses. It was charged that I was on a mission to destroy the University. It is a new institution. Neither by a long experience with its management, wisdom displayed in their counsels or wisdom in the first organization, did the University as we found it, possess the characteristics to entitle it to respect as an institution that could not be improved. It was in its baby days, and was as unformed and immature as a sailing vessel. Perhaps, unfortunately, I had not attached that dignity to the existing organization of the new institution that I had engaged in its formation had thought courteous. Had it been an institution that had passed its infancy and had flourished through a course of years, and whose management had been well matured, it would have been with timid voice and perhaps that I would have suggested, much less urged, that its established forms be disturbed. But what did we find in connection with this institution? The law hastily framed for its conduct and government, a rapid action on the part of the powers who ruled it to secure something in stone and mortar as a nucleus to fix the institution in its present locality as a thing established and permanent. New institutions, as well as old ones, are entitled to respect. Old, that have stood the test of time and which have been from year to year and century to century perfected, should be disturbed with care. New institutions, whose existing organization has not been tried, and which theoretically seemed good, should be allowed to at least, have chance for experiment.

The University as we find it, with the law that was hastily framed, was in the nature of an experiment. On examination of the law entitled, "An act to establish the University of Texas," approved March 30, 1881, we find that a greater part of it consists of provisions for preliminary work for voting for the locating, time of election and manner of making the returns thereof. It is not until we read section 1 of the act that we enter on the law proper, framed for the government of the institution. It is at this point I propose to begin, and point out the few features in the old law, and the changes I introduced in the bill for perfecting the old law.

The system laid down in the bill which I introduced, as differing from the old law, related to the following points:

1. The authority that by law should govern the University should be vested in a "University Board," consisting of the State Board of Education, the Superintendent of Public Instruction, and the chancellor, to be chosen by the Governor, with the consent of the Senate.

Under the old law the government is in the hands of a board of eight regents, who hold office for eight years, so organized that at the end of each two years the term of two regents expires, and successors are appointed by the Governor.

2. Professors of Law and Medical departments to be paid only from funds arising from the tuition fees received from students studying those branches, and that students in these departments be charged ordinary and usual fees for tuition.

The old law makes no discrimination in this class of students and admits them without charge for tuition.

3. Salaries of professors are fixed for the present with a maximum at \$2200; salaries subject to change according as the Legislature may deem proper by legislation, and the number of professors fixed and limited, but to be changed from the

to time as to numbers, to meet the necessities of the University. The old law leaves the matter of the employment of professors, their number and salaries, to the Board of Regents of the University, without any limitation.

4. The course of study for the University shall be that of a first-class institution, and students shall be admitted only when they may be able to pass a satisfactory examination in the highest branches of high schools.

The old law makes no provision on this point, but leaves the Board of Regents the power to establish the degree of advancement the student must attain to entitle him or her to admission; it may be primary, or grammar, or high school proficiency; at the will of the regents.

5. Provision is made for establishing one University preparatory school in each congressional district, under control of an auxiliary professor, to be appointed by the University Board—such professor to be paid a salary of \$1500 per annum, which schools shall be organized as high schools, in harmony with the University course, and serve as feeders to the institution. The University Board to select a place for these schools, and the same to be one of the local establishments at the point selected. No payment to be made of salaries of auxiliary professors unless the same can be done without in anywise interfering with the successful support and maintenance of the main University. These auxiliary establishments to serve temporarily as institutions to fit students for the main University, and to be continued under the discretion of the University Board.

This is an entire new feature in the law.

6. The University Board shall present to the Legislature an itemized report of all receipts and disbursements; also itemized estimate for all disbursements required for each year, and itemized appropriations shall be made therefor by the Legislature.

The old law made appropriations in bulk, and the Board of Regents could expend it for any items they deemed proper, in their discretion; and no legal complaint could be raised of their authority on the ground of extravagance, all expenditures being left solely to their discretion.

7. No money shall be drawn from the State Treasury from the University fund on requisition; but all accounts shall be separately paid by warrant on the State Treasurer, and the account therefor filed with the Comptroller, duly certified to and approved, before the warrant should issue.

Under the old law, or practice, at least by custom, whether legal or otherwise, thousands of dollars were drawn from the State treasury at one time on requisition, and held by the University authorities or in bank, and accounts and claims paid as the same might fall due. Moneys were drawn from the treasury from the University fund for services and supplies furnished before services were performed or articles received, and afterwards from time to time vouchers and accounts were placed in the Comptroller's office accounting for these funds.

8. The Legislature shall make appropriation from time to time from the University fund, for the support not only of the main University at Austin, but also for the A. and M. College, so as to make that institution efficient to carry out the designs of its establishment.

Under the old law, the discretion was left with the Board of Regents to expend the moneys as they deemed proper, and practically that discretion was used to expend the whole available fund on the main University at Austin.

I have briefly given in this analysis every leading feature of the bill proposed by me "to perfect the University," and a brief statement of the old law with which the changes come in contact. The remainder of the machinery of the two laws is unimportant as to variance. Mere details for carrying out the plans laid down in the bill, and to make definite and positive the rule of action, conclude the bill.

I ask a deliberate consideration of the points referred to, and if there be any other passages that the critic might object to, or that are material variances from the old law, I am unable to find them.

It is for the introduction of these proposed changes that I have been assailed. These, and these only, are the monstrosities.

It is for the promulgation of these principles that I am charged with being the author of the bill to destroy the University, and an enemy to the institution, and no friend of what is called high education.

I will leave it for the fair and considerate to determine how far the charges have been unjust, but not without briefly presenting the reasons that urge me to suggest the changes that are set forth in my analysis of the bill. The propriety

of several of these changes is self-evident, and needs no argument. I submit the propositions with reference to appropriations and the manner of drawing funds from the treasury, as well as the requirements for assistance for the A. and M. College, without argument other than presented heretofore.

Let us examine the other points upon which the changes are suggested in the bill I presented:

1. The governmental authority of the University.

The old law vesting the government in a Board of Regents, each of whom hold office for eight years, is unconstitutional. It is the unconstitutionality of the law that makes it mainly objectionable. The Constitution provides, in section 30 of miscellaneous provisions, that "the duration of all offices not otherwise fixed by this Constitution shall never exceed two years." The regents of the University are creatures of law, and the term is not fixed by the Constitution, nor is it privileged thereby to extend beyond two years. The question is, Are the regents of the University officers as understood by the words of the Constitution? I assume that their standing is fixed by their powers, functions, responsibilities, duties and manner of their creation. The regents have charge in administering an institution of learning. They appoint professors and officers, make contracts binding on the State, expend public money, have power of removal of appointees under them in the service of the State, have a term of service fixed by the law, have successors, and receive pay for the services which they perform. If we can find one single qualification required as essential to constitute an officer of the State that is not possessed by a Regent, we will be glad to have it presented. Take every definition and every authority, and analyze the functions of the regents with the definition, and we can come to but one conclusion—they are officers.

If they be not officers what are they? Is there a class of authorities between the citizen and the recognized officer that has some other name? I ask why should not the regents of the University be subject to the constitutional provision limiting extent of term of service to two years? It may be answered that the stability of the regular, uniform management of the University will be better preserved when there is a long continuation in the performance of the duties. Experience and long familiarity with the work and duties will give them higher qualifications for the work, and the interests of the State and the institution with which they are connected will be better served when they have a long term of service. I may be willing to grant this proposition; but in granting these assumptions, I would say they apply equally to any other office that the law might fix. The State Superintendent of Public Instruction is a creature of law. Will it be argued that the law could extend his functions beyond two years? The mere fact that it would be better for the interests of the State that regents could be appointed for a longer term than two years, is no argument that they were not included in the constitutional provision, because the argument in favor of long terms applies with equal force to all other creatures of law known as officers and performing public service.

The judge, the justice, the hide inspector, and every other functionary, will profit by experience, and perhaps serve the State better by long usage in his office. But the policy of the makers of the Constitution seems clearly to make the term of all servants and functionaries of short duration; and we cannot beg the question and say that regents are not officers, because in the very nature of their duties the State would be better served were they given a longer term of service. We dismiss this question. It is a mere quibble. Regents are officers under the Constitution. I will admit that I think it would be wise were they allowed a longer term—eight years if you please—but the Constitution prohibits this, and we must meet the difficulty.

The duration of the governmental offices of the University being limited to two years, a new question arises as to what is the best system of governmental officers for the institution with a limitation of such short duration. It is either that some authority shall elect or appoint citizens to govern the University for two years, or that the government shall fall as an ex officio duty on some officer elected by the people. It is not easy to determine in these cases what is the wisest plan. I gave the matter much thought and weighed the two systems from every standpoint. I preferred that the officers who constitute the Board of Education, consisting of the Governor, Comptroller, Secretary of State, Superintendent of Public Instruction, and a Chancellor, to be appointed by the Senate, should constitute the governing power of the University.

These officers are in the main elected by the people, and any policies the people may desire to urge in relation to the

University could always be made issues in the canvass. These officers are directly responsible, and their management would, in my opinion, be better and safer than if the government were placed in the hands of a Board of Regents, appointed for only two years. A regency with a term so short could scarcely meet and familiarize itself with the wants of the University before its term would expire. The State officers that I have approved as forming the government for the University would be ever present at the seat of the institution, and quickly become familiar with its wants and abuses. It is true it would require diligence by officers in the performance of duties; but their government could not be less efficient than that of a Board of Regents scattered through the State, called together at great expense for a few sessions during their term of service. In short, the responsibility to the people direct of the officers named in the bill—they being in the field at all times for labor—their direct responsibility, the economy of their employment, and all other points, induced me to advocate the board as named, since a board of short duration of two years is imperative under the Constitution. It is urged that a Governor will exercise a controlling voice, because he appoints a Secretary of State. This alleged defect, which I do not admit is real, could easily have been remedied by substituting the Attorney-General or some other officer; but we find there is an independent action by these officers, and the Governor neither rules his appointees with iron rod, nor does he desire to rule them.

Objection is urged that the government of the University would become political, being in the hands of political authority. We cannot reason too far in advance; no conclusions on questions of this character can be relied on as being unerring. Our only remedy is to do the best we can, since we cannot continue a governmental body beyond two years. We prefer to take the active creature and live officer from the people, and make him responsible direct, in the field, instead of a scattered body, generally called together and held under the influence of a few of their number. While not wedded to this organization for the government of the University, it is the best I can see under the circumstances that necessitate a change to comply with our constitutional obligations, the imperative demands of which cannot be ignored.

2. The second innovation against the old law, which is made in the bill presented by me is, that the law department of the University shall be self-sustaining, and professors' salaries be paid from tuition fees derived from students.

I will content myself with but few remarks in support of this policy. I regard the establishment of the law chair in the University as being least of all needed at the present time. I believe in applying the means of the University to the establishment and support of every chair before one dollar is applied for law professors. I have no objection to the crop of attorneys being as great annually as can spring up from their own spontaneity; but I object to the State encouraging an undue growth of material in this profession that is already overcrowded. Far better it is, in the various schools that may be established, to direct the minds of the bright and ambitious away from the ranks of a profession where so few attain eminence, and in which there is an abundant supply to assist in the administration of justice. I have no hostility against the profession, but am far from recognizing the correctness of a policy that will encourage so many young men in following the study of the law, by opening doors and giving facilities, at the expense of cutting off something better. They may acquire a smattering in a profession, that generally recruits itself by hard study, independent of State aid. For the present at least, this branch of the University should rely on itself.

I do not say that the same argument applies with equal force to the medical department, because we can scarcely have too many well educated physicians; but both these professions are in general recruited from a class that is well able pecuniarily to pay for its own tuition; and until we are stronger in our financial ability, and until we have supplied all other important chairs, I would leave the young gentlemen seeking education for these professions to use that energy and pluck and industry that has characterized and made successful and honorable a thousand noted names that are recorded in the history of these professions.

3. The bill provides that students shall pass an examination in the most advanced branches of high schools in such studies as they undertake in the University, and that this rule be strictly enforced.

I think that all who will reason without bias will commend this provision. The establishment at Austin should be a

University strictly, and be supported for that character of instruction that pertains to a University. We have numerous high schools doing duty throughout the State, that are educating classes as advanced as those in the State University.

There are ample facilities at home for the high school courses, and I deem it a perversion of the University fund to maintain an institution at the capital that is a university in name and a high school in fact. I am well aware of the objection made to the rule that requires a proficiency of the standard I have indicated. It is stated that we have not sufficient material to fill the halls of the University with students advanced to this high grade. I ask, when will we have a sufficient number to fill the halls and justify the employment of professors at magnificent salaries? These institutions are of slow growth, unless they wait their time and permit subordinate institutions to precede them. This is the natural order of creation of these establishments. First in a State there grows a system of common schools—they multiply until school houses are marks in every neighborhood. Then come demands for secondary instruction, and high schools are the result. It would be to reverse order were high schools founded when children had not learned the rudiments. After a strong system of high schools is established, then comes the demand for the college and university. Whether the University is before its time remains to be seen; but if it be in advance of what is demanded, it were better to close its doors for the time, and husband its funds until there be a condition of affairs in our educational advancement in which it will be demanded and sought for to perform its proper function. But that it should serve as a mere school, I think improper and a perversion of its sacred funds. In my opinion the fixing of a high grade of scholarship would result only for a short period in cutting off attendance.

In connection with this point I will allude to some disturbances connected with the strict application of this rule in the bill I have under discussion, that are local in their nature. I am not here now to speak in uncertain words. It is well known that the grade of scholarship established by the authorities of the University (whether fixed by catalogue or not, it is useless to take time in discussion), is below the high school grade. It is a well known fact that a large number of students in the University are residents of Austin. It is a well known fact Austin can support a system of high school instruction second to that of no city in Texas, and prepare and graduate students for a university course in numbers almost sufficient to crowd the halls of this University, with its present capacity, from year to year. What do we find?

We find the students of this city, replete with educational institutions and advantages, public and private, leaving the forms to which they belong—the classes where their attainments place them—seeking for admission to the University Plastic and yielding, as it is, and adopting its curriculum, instead of to a fixed standard, to meet the demands of those who ask to be admitted to its halls, the University becomes a high school in the midst of high schools, and it supplies its ranks from the material of the very city in which it is established!

I say this: were a high grade of scholarship established in the University, and an examination exacted that would require to be passed with success in the studies that pertain to a high school, the grade of scholarship would be advanced in this capital city, and an incentive would be added that would in the end make Austin the Athens of Texas. She needs but to cultivate her schools for secondary instruction—become a mother by her own local institutions—to supply material for a University; educating her own offspring and the youth of Texas to fit them to enter the halls of the long-talked-of University that has honored her as the chosen seat of literature, science and art.

The University, with a curriculum fixing a low grade of scholarship for admission, depletes and even ruins the outside efforts of the local schools, public and private, degrades her own standing, and does untold harm to the advancement of the interests and respectability of the institution. Besides this, it injures the students of the city where situated, to whose advancement and education it seems to contribute. The lowering of the grade of scholarship, as I have stated, fills the institution with local students, whose wants can be better supplied by the private and public schools of the city, because they receive special attention under their home masters. In the University, students are left to rely upon themselves. "Learn or not learn" is the maxim of the University. When the professor delivers his lecture, the student can partake or not partake, digest or not digest. How unnatural to apply

this rule, which is proper in its application for matured students, to youth who properly belong to the high school, and who need the helping hand and kindly encouragement of the master at every step in their studies!

I ask no confession from any student as to how far he or she has found that to learn means to study; and whether the student be in the primary, high school, college or University, that the matter of education rests with the student and his books, and not with the professor. What I desire to show, with reference, to the material that goes to the university from Austin, is that it is an unhappy advantage which they enjoy. They pass from under the instruction of teachers who know them, and stand related to them with parental solicitude for their interests, into the lecture room of the professors, who know them not. They are deprived of that patient attention to their mental wants that they so much need, and are left to rely upon themselves. Despairing, they soon turn with pride simply to the fact that they are recognized as "students" in the University, and inflated with this thought, they content themselves after a brief sip from its fountains and try their wings and fly without their degrees. Happily had it been for Austin had the high grade of scholarship been established; her young men and her maidens would have made an effort in their home schools to enter the portals of the University that stands so grandly in her beautiful site; and the University, with her high standard of scholarship, would have warned them to stand afar until they are ready to take the food for matured intellects which she had prepared. To be able to enter the University would have been their first ambition in life, and having entered well prepared and matured, the State would have been given cultivated men and women that would have been her honor and pride.

This stand for an advanced course pertaining to a university proper, should as well be taken now as at any period. I argue that while the University may be weak in numbers for a time, the mere existence of it as a fixed institution, with a curriculum of high grade, will stimulate in the preparation of students to fill its halls. I would dislike to think that the University is a creature in advance of the necessities of our State; to think so, would be to admit that the students already prepared to enter on mature studies, formed a number too small to demand a State institution. I think we have the scattered material well advanced in high branches, and willing to accept the advantages of a first class university, if proper means be applied to secure their attendance. I trust that a different management will cause students to clamor for admission to an overcrowded university, rather than that a hungry university, with depleted halls and empty benches, should lower its dignity by crying for striplings to listen to its wisdom.

4. In immediate connection with the subject of establishing a high standard of proficiency on the part of students of the University, I will refer to that feature of the bill that provides for the appointment of auxiliary professors to act as principals in high schools to be selected or established—one in each of the eleven congressional districts. This proposition has been denounced as a design to fritter away the University fund, and by disintegration destroy the main institution. It will be noticed by examination of criticisms that no one has assailed this proposition on the ground that it was unconstitutional. I think, from consideration of the question, and conference with others with reputation for knowledge of the law, that there is no question as to the power of the Legislature to employ auxiliary professors, and detail them for duty as superintendents of high schools, acting as preparatory for a University course.

I have thought of this plan long and well; and while not proposing it as a feature that would be permanent, it promises the best results while the institution is in its infancy, and the paucity of students desiring admission to a university proper is felt so keenly. Let there be a first-class institution in each congressional district, with a course of study in strict harmony with the University; and let it be well conducted, and we will have a benefit to the students of such establishments excelled by only the University itself. The text books and general course of preparatory instruction can be made to conform to the dictates of the University; and on entering the University for a student, it would be as though he were merely advancing gradually to a more elevated plane. Can any one say that these schools, thus organized, would not be beneficial? May we not reason that their establishment, with the incentive given by their professors, and the certainty that their students would be able to pass to the University with an advanced course of study

with better advantages, not stimulate, encourage, and even raise a desire in the minds of students and parents to take advantages offered by a great University. There can be nothing but benefit arising from these subordinate institutions; the money expended could not be considered as lost.

Let us see how far the charge of this being an attempt to ruin the University is supported. It was either ignorance or malice, or both these bad incentives, that prompted this charge. The whole amount required for salaries of the eleven professors of these schools is sixteen thousand and five hundred dollars (\$16,500); and, mark well, there is a provision in the bill, in plain terms, directing that the appointment of these auxiliary professors shall only be made "Provided the amount of the available University fund be sufficient to meet the expenses of salaries of other professors, officers and employees of the State University, and the regular expenses of the State University, as required and provided for, to insure its successful support and management."

These are the exact terms of the bill. I give them in their very words, because they have been suppressed in outside hostile discussions, leveled by antagonists against these auxiliary professorships.

How could ruin follow these appointments, when it is expressly provided that everything needful to secure the successful support and management of the main University should be provided and appropriated before their appointment? With this restriction, how could anything have been done to mar the successful working of the University?

In the face of this provision, which I was careful to insert, deliberately intending that the main University should not be crippled, an intention plainly apparent from the substance of the proviso, who can doubt that the charge that this feature was aimed to destroy is not false? Who can doubt that it is not malicious—maliciously false? It could not injure; then how could it have been intended to injure? Could an intelligent critic have digested the plan as to these professorships without having read the proviso relating to their appointment. To award him honesty of purpose in his criticism, I must deny him common intelligence.

There was nothing but good intended in this strait in which the University is found—seeking for students; and this remedy was to be applied only for a period when it would be needed. I was willing to have experimented with this legislation as a remedy. Had it proved unsuccessful, it could have been abandoned.

It could do no harm to the main University, but could accomplish much good where these schools were to be established. This charge that I repel, that I aimed to destroy the University, is a sample of the misrepresentations that I feel called upon to denounce.

5. The salaries of professors as prescribed in the bill should be referred to briefly. The bill, elsewhere than in the section giving rates of salaries, prescribes that appropriations shall be made at each session of the Legislature for salaries of professors, and all other expenses of the University.

The section fixing salaries was easily changed, had the Legislature seen fit to not agree on the rates as fixed. The cry raised against salaries being so low as to be degrading to those to whom they were offered, was one of those subterfuges concocted to raise prejudice against the system of legislative jurisdiction on this question. What I desired to do was to have salaries fixed by the Legislature itself, and not entrust that prerogative to any other authority. A few hundred dollars, or even thousands, expended in this direction, would not have been opposed by me or met with disfavor.

I wanted these questions of salary fixed by law. I could not conceive but that the Legislature was able to take jurisdiction of this question, and that it had competency to determine what was a reasonable expenditure for the services of professors. But there was an outside influence, I cannot say by whom instigated, that desired to keep this jurisdiction to fix the salaries of professors in the discretion of the Board of Regents. It was a power existing, and was held to and advocated, for some purpose, with a tenacity that was strange, passing strange; and I will not attempt to fathom for what reasons, motives, or for whose benefit. The doctrine advanced was that the Board of Regents was in the field, and should have unlimited control of the purse of the University. It was their mission to hunt down professors, or to weigh the evidences of professors who besieged them with testimonials. They were to select such men as would make the Texas University famous. We pause to ask whether fancy prices paid for salaries would give reputation to professors not already famous? We pause to ask whether a name with a dozen degrees abbreviated, with

half the alphabet affixed, without any other history, would add to the reputation of the University?

I have lived long enough to know and believe that all men, who have passed through a practical life as mine has been, and I believe all students who have passed through college or university, will realize that professors who have the highest fame and the grandest array of titles, are not always the professors that are best adapted to the mission of teachers. They frequently have a pride above their work, and their intercourse with students, and modes of instruction are anything but satisfactory.

I know there is a reputation that attaches to a student if he can claim to have been an alumnus of some noted university. Again, if he can claim that he was a student of a celebrated professor, he acquires a species of notoriety. Alas! How many who pass through noted universities, and listen to renowned professors, acquire no other reputation through life than these poor honors?

But I must hasten on. What I sought was that the Legislature should take jurisdiction over this question of salaries, and give to our University a professorship that was learned, substantial and all sufficient to lead our youth to the highest planes. I desired that substantial salaries should be paid to talented men; and that a class of instructors should be selected who are real teachers, practical and in love with their profession as teachers. I must say, with gratification, that there is an abundant source from which to supply our University with men of this class.

When the State furnishes a substantial, learned professorship, the student should be satisfied—she has done her duty. The false glamour that a student might pride in for having listened to a professor whose fame is world-wide; is an enjoyment that the State does not owe him. The real, substantial and sound education is what the State should give—and this only she offers to him; and, as to whether he will be benefited, depends upon himself. Guided by a teacher who loves the work of teaching—whose head is not so far in the stars in his flights and theories as to lose sight of his mission—every student can reach all that his industry and his intellect can attain. I think an economy may be practiced in this direction relating to salaries, and the real substantial efficiency of the University not be impaired. Far be it from my wish to degrade men of learning, and to offer to them paltry recompense for their services. Give—give to them lavishly—to the utmost extent that our abilities can reach; but let us not go beyond the extent of our means in this generosity.

Texas could only offer the best her facilities could afford, and no more could be expected. If she gives a learned, substantial professorship, employed at no fancy salary, she has given the essentials for a good education; and if her sons reject her offer because she cannot give the luxury of the sauce of world wide reputation for her teachers, she is not to blame.

I have covered every point that I have advocated in the bill introduced by me. I have acted according as I have thought right, in the introduction of this bill. No man is responsible for these measures other than myself. Owing to relations of close friendship existing between me and Gov. Ireland, by those vindictive against us both, he has been charged with attempting, through me, to inject these measures into the laws. Not one word of proof has been offered in support of this coalition, and the assertion rests on bare assumption. I can do no more than enter my solemn protest against coupling his name with these measures, because he neither framed them, dictated them nor suggested them; and I am not advised as to how far he would have sanctioned them, had they been submitted to him as legislative acts for executive sanction. I wish to bear all this burden alone. I take all the responsibilities. Since unjust criticism of the press has called forth these remarks, it may not be out of place to thank those gentlemen of the press who have fairly stated the principles in the bill, and who follow the advice: "To nothing extenuate or naught set down in malice."

I do not object to their healthy criticism on these measures. It is by fair discussion that the truth is reached. An enlightened press, as the greater part of our press is, assists largely to secure that which is to the best interests of the State. I have been dealt fairly with by many who noticed these measures, and my principles have not been misrepresented or my motives impugned. It is only a few against whom I raise my voice—I call them not by name; they are too well known to need specific designation, and pronounce them as curses rather than as blessings to the people.

The University has no stronger friend than I. Its branch, the Agricultural and Mechanical College, is also my pride. I trust in the near future to see all our great educational establishments moving harmoniously, without rivalry, richly endowed, and their halls filled with our noble Texas youth, who will be dismissed from her portals firm in their morals, with strong muscles and with cultivated intellects, ready to do battle with the world and to do honor to their State and family in all the varied duties of life.

The hour for adjournment having arrived, Lieut. Gov. Gibbs, President of the Senate, delivered the following address:

Gentlemen of the Senate:

As the hour of adjournment has about arrived, and as I may never have the pleasure of again presiding over the Senate as now constituted, I consider a few farewell remarks not inappropriate.

In all sincerity, I congratulate the Senate upon its fidelity to public trust and the industry with which you have labored to render effective service to your constituents. In some quarters there have been complaints that you have passed but few bills, but in this day of too much legislation it is clear in my mind that a legislature can sometimes serve the people, best by saving them from the evil consequences of hasty legislation.

When we consider that often under more conservative governments the legislative department spends twice the time allowed us by the Constitution, in maturing one or two important measures, we cannot but be surprised at the amount of work you have done. In this State, because of its size and rapid development, as well as on account of its diverse interests, the labors of the Legislature are necessarily great, and no matter how earnest, conscientious and intelligent may be your efforts, you must be prepared for adverse criticism, especially before the beneficial result of your labors can be realized. You have shown a commendable disposition to enact laws to suppress crime and to put a stop to the useless expenditure of public money.

If in some instances you have done those things you should have left undone, and left undone those things you should have done, you can console yourself with the reflection that it has ever been, and will ever be, thus with legislative bodies. Your labors have been earnest and directed with intelligence, and when this Senate is weighed in the scale of public justice it will not be found wanting. I appreciate the uniform courtesy and respect you have shown the chair, and the disposition manifested by each of you to facilitate the business of the session.

In spite of the fact that a contrary impression has been made upon the people, yet I know, and you all realize, that the utmost cordiality and personal esteem exists among the members of this body. In the heat of debate, words were used that we have all regretted; yet there has been no malice, and no one deplored it sooner and more sincerely than the honorable Senators themselves. I feel conscious of having the good will of each member of this body, and have certainly tried to deserve it by an effort at uniform courtesy and impartiality.

The Chaplain delivered a prayer, and the Senate adjourned sine die.