

JOURNAL

TEXAS STATE LIBRARY

Austin, Texas

ARCHIVES

OF THE

SENATE OF TEXAS,

BEING THE

Regular Session, Nineteenth Legislature,

BEGUN AND HELD AT THE

CITY OF AUSTIN, JANUARY 13, 1885.

AUSTIN:
K. W. SWINDELLS, STATE PRINTER.
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 employes 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.
--------	--------

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

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, Kilgore, Peacock, Pope, Randolph,	Shannon, Stinson, Terrell, Traylor, 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, Johnson, Jones, Kleberg, Knittle, Peacock,	Pfeuffer, Pope, Randolph, 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, Johnson, Jones, Kilgore, Kleberg,	Knittle, Peacock, Perry, Pfeuffer, Pope, Shannon, 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 Gertzenaner:

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 Getzenaner 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	

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.
-------	---------	--------

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.

Grantees.	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 Peta.....	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, 1883.....	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, 1883.....	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,	Knittle,	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.
----------------------	----------	-----------

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.
--	--	---

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.
----------------------------	-----------------------------------	-----------------------

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.
---	---	---

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.
---	---	--

NAYS—14.

Bell, Calhoun, Evans, Fowler, Garrison,	Getzendaner, Glasscock, Hall, Harrison, Peacock,	Perry, Pfeuffer, Pope, Shannon.
---	--	--

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 Wheeler, Woods.
Houston of Bexar,	

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,

Houston of Bexar, Houston of Wheeler.

Evans.

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,	Douglass,	Garrison,
Calhoun,	Evans,	Getzendaner,
Camp,	Farrar,	Glasscock,
Davis,	Fowler,	Hall,

Harrison, Houston of Bexar, Houston of Wheeler, Johnson, Jones,	Kilgore, Knittle, Perry, Pfeuffer, Pope,	Shannon, Stinson, Terrell, Traylor Woods.
---	--	---

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.
--	---	--

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.
---	---	--

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.
---	--	---

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.
--	--	---

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 396¹¹/₁₁; 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.
----------	---------	----------

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.
----------	----------	-----------

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 articles 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.
---	--	--

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.
--	--	--

NAYS—8.

Camp, Fowler, Houston of Wheeler,	Johnson, Perry, Pope,	Stinson, Terrell.
---	-----------------------------	----------------------

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.
---	--	---

NAYS—10.

Calhoun, Davis, Farrar, Houston of Bexar,	Johnson, Pfeuffer, Randolph,	Shannon, Traylor, Woods.
--	------------------------------------	--------------------------------

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, Shar. Co.
--	---	---

NAYS—15.

Bell, Calhoun, Camp, Fowler, Garrison,	Getzendaner, Johnson, Knittel, Pfeuffer, Pope,	Randolph, Stinson, Terrell, Traylor, Woods.
--	--	---

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, Pope,	Jones, Perry,	Stinson, Terrell.
--	------------------	----------------------

NAYS—20.

Bell, Calhoun, Camp, Davis, Douglass, Evans, Farrar,	Fowler, Garrison, Hall, Houston of Bexar, Johnson, Kilgore, Kleberg,	Knittel, Pfeuffer, Randolph, Shannon, Traylor, Woods.
--	--	--

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.
---	--	---

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.
-------	----------	--------

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.
--------------	-----------

ABSENT NOT VOTING.

Jerdone, Knittel.

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-

rowers 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—13.

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 23, 1833," 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.
-----------	---------	----------

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 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 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 on 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.
--------------------------------	--	----------------------------------

NAYS—12.

Bell, Calhoun, Camp, Farrar,	Hall, Harrison, Houston of Bexar, Johnson,	Peacock, Pope, Randolph, Woods.
---------------------------------------	---	--

ABSENT, NOT VOTING.

Douglass. Evans,	Jerdone,	Kleberg.
---------------------	----------	----------

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.
---	---	----------------------------------

NAYS—10.

Bell, Calhoun, Camp, Hall,	Harrison, Johnson, Pope,	Randolph, Shannon, Woods.
-------------------------------------	--------------------------------	---------------------------------

ABSENT, NOT VOTING.

Douglass, Evans,	Jerdone,	Kleberg.
---------------------	----------	----------

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 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.