

Senator Bell offered to amend by striking out article 610.

Lost by the following vote:

YEAS—7.

Bell, Garrison, Glasscock,	Hall, Houston of Bexar,	Houston of Wheeler, Traylor.
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NAYS—14.

Calboun, Camp, Davis, Evans, Harrison,	Jerdone, Johnson, Peacock, Pope, Randolph,	Shannon, Stinson, Terrell, Woods.
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ABSENT, NOT VOTING.

Farrar, Fowler,	Perry,	Pfeuffer.
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The bill was ordered engrossed.

Senator Bell submitted the following privileged report:

COMMITTEE ROOM,
AUSTIN, February 10, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 33, being "An act to fix the venue of suits for the wrongful and malicious suing out of attachments," and find the same correctly engrossed.

BELL, Chairman.

Senate bill No. 131, "An act to amend article 3916 of the Revised Civil Statutes," was laid before the Senate on its third reading.

Read third time and passed.

Senate bill No. 165, "An act to amend articles 4182 and 4190 of the Revised Civil Statutes," was laid before the Senate in its regular order.

Read third time and passed.

Senate bill No. 96, "An act to punish for deer hunting by fire light at night time," was taken up and read with unfavorable committee report.

The committee report was lost.

Senator Davis moved to amend by excepting all the State from the provisions of the act except Madison and adjoining counties.

Lost.

Senator Hall offered the following amendment:

Amend by exempting the twenty-seventh senatorial district from the operations of this act.

Senator Stinson offered to amend the amendment as follows:

Amend by exempting Hunt, Hopkins, Delta, Franklin and Camp counties from the operations of this law.

Accepted.

Senator Farrar moved to exempt Limestone, Free-stone and Navarro counties from the operation of this act.

Accepted.

Senator Houston of Wheeler offered the following:

Amend by adding the counties of Montague, Clay, Wichita, Wilbarger, Baylor, Archer, Throckmorton, Young, Haskell, Hardeman, Wheeler, Donley and Oldham, and counties attached to them for judicial purposes are exempt from the provisions of this act.

Accepted.

Senator Traylor offered to amend by adding Hood, Bosque, Somervell, Erath and Palo Pinto counties.

Accepted.

Senator Evans added Fannin, Lamar and Red River to the exempted counties.

Accepted.

Senator Houston of Bexar moved to exempt all the counties comprising the twentieth and twenty-eighth senatorial districts.

Accepted.

Senator Davis moved to add Cooke and Grayson counties to the exempted list.

Accepted.

Senator Terrell offered to amend by excepting the counties of Dallas, Kaufman, Rockwall, Van Zandt and Henderson.

Accepted.

Senator Garrison moved to amend by adding the counties of Rusk, Panola, Shelby, Sabine, San Augustine and Nacogdoches.

Accepted.

Senator Jerdone moved to amend by excepting the counties composing tenth senatorial district.

Accepted.

Senator Calhoun moved to exempt the counties embraced in the twenty-ninth senatorial district from the operation of the law.

Accepted.

Senator Peacock moved to add Brown, Cass, Marion, Morris and Titus counties to the exempted list.

Accepted.

Senator Woods moved to amend by adding the county of Lavaca to the exempted list.

Accepted.

Senator Harrison moved to exempt McLennan and Falls counties.

Adopted.

Senator Pfeuffer moved to exempt the counties of the twenty-fifth senatorial district.

Accepted.

Senator Bell moved to amend by exempting the counties of Bell, Coryell, Hamilton and Lampasas.

Accepted.

Senator Terrell withdrew his amendment.

The amendment as amended was adopted, and

The bill ordered engrossed by the following vote:

YEAS—19.

Bell, Calhoun, Camp, Evans, Farrar, Garrison, Hall,	Harrison, Houston of Wheeler, Jerdone, Johnson, Peacock, Pope,	Randolph, Shannon, Stinson, Terrell, Traylor, Woods.
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NAYS—4.

Davis, Glasscock,	Houston of Bexar,	Pfeuffer.
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ABSENT, NOT VOTING.

Fowler,

Perry.

On motion of Senator Pope,

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

TWENTY-FIFTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, February 11, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

No quorum present.

The Sergeant-at-Arms was dispatched to bring the

Senators absent without excuse into the bar of the Senate Chamber.

On motion of Senator Hall,

The Senate took a recess of ten minutes.

Senate called to order.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Peacock,

The reading of the journals of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Evans (by request):

Petition of citizens of Fannin county, asking for a law to prohibit the sale of intoxicating liquors within certain limits of Stephenville High School. Referred to Committee on State Affairs.

REPORTS OF STANDING COMMITTEES.

By Senator Peacock:

COMMITTEE ROOM,
AUSTIN, February 11, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Lands, to whom was referred Senate bill No. 187, entitled, "An act confirming patents and surveys by virtue of headright donation, military and county warrants, issued under special laws enacted after March 31, 1870, and prior to April 1, 1876," have carefully considered the same and instruct me to report the bill back to the Senate with accompanying amendments, and as amended to recommend its passage.

PEACOCK, Chairman.

COMMITTEE AMENDMENTS.

1. Insert the word "donation" after the word "headright," in the caption and section 1 of the bill.
2. After "1876," in section 1 of the bill, insert the words "on account of military service or settlement in Texas."

COMMITTEE ROOM,
AUSTIN, February 11, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Lands, to whom was referred House bill No. 278, entitled "An act to create the Nolan land district," have duly considered the same, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

PEACOCK, Chairman.

COMMITTEE ROOM,
AUSTIN, February 11, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Lands, to whom was referred Senate bill No. 189, entitled "An act to annul and cancel all locations and surveys made thereunder and patents issued upon any lands situated in the county of Greer, and to restore said land to the respective funds to which they belong," have duly considered the same, and instruct me to report it back to the Senate with accompanying amendments, and as amended to recommend its passage.

PEACOCK, Chairman.

COMMITTEE AMENDMENTS.

1. After the word "locations" in the caption and in the sixth line of section 1 of the bill, insert the words "under veteran certificates."
2. After the word "county" in the caption and sixth line of section 1 of the bill, insert the words "and in any other county or counties in which the public lands were reserved for the payment of the public debt."
3. After the word "located," in second line of section 2, insert the words "under veteran certificates."
4. After the word "county," in fourth line of section 2, insert the words "and in any other county or counties in which

the public lands were reserved for the payment of the public debt."

5. After the word "land," in line 2, section 2, insert words "under veteran's certificates."

6. After the word "county," in line 3, section 3, insert words "and in any other county or counties in which public lands were reserved for the payment of the public debt."

COMMITTEE ROOM,
AUSTIN, February 11, 1885

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Lands, have had under consideration Senate bill No. 195, entitled "An act to provide for the classification, sale and lease of lands heretofore or hereafter surveyed and set apart for the benefit of the common schools University, Lunatic, Blind, Deaf and Dumb and Orphan Asylum funds," and instruct me to report it back to the Senate with the recommendation that it be considered in connection with Senate bill No. 7, and in committee of whole Senate.

All of which is respectfully submitted.

PEACOCK, Chairman

By Senator Davis:

COMMITTEE ROOM,
AUSTIN, February 10, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 48, entitled "An act to prevent parties from hunting, fishing or gathering pecans, plums, grapes, or any other wild or cultivated fruits upon the enclosed lands of any other, and to prescribe a penalty therefor," have carefully examined the same, and instruct me to report the accompanying substitute, with the recommendation that such substitute do pass.

All of which is respectfully submitted.

DAVIS, Chairman

COMMITTEE ROOM,
AUSTIN, February 10, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 166, entitled "An act to amend article 14 of the Revised Civil Statutes of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, February 10, 1885

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 197, entitled "An act to amend articles 165, 170 and 172, chapter 4, title 6 of the Penal Code," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

BILLS AND RESOLUTIONS.

By Senator Pope:

"An act to amend article 339, chapter 4 of the Penal Code."

Referred to Judiciary Committee No. 1.

By Senator Houston of Wheeler:

"An act to regulate the practice of dentistry," etc. Referred to Committee on Public Health.

By Senator Evans, by request:

"An act to amend 'an act to amend title 32, chapter 17 of the Revised Statutes, etc., by adding thereto articles 1639a and 1639b,' approved April 14, 1884."

Referred to Judiciary Committee No. 2.

By Senator Glasscock:

"An act to authorize the commissioners' court of Travis county to call a special election in said county to determine whether or not the said county will buy or build a "free bridge" across the Colorado river at the city of Austin."

Referred to Committee on Roads, Bridges and Ferries.

By Senator Pfeuffer:

A bill to be entitled 'A special act for the relief of better administration and employment of the lands and properties dedicated to the use of the State Agricultural and Mechanical College in the county Brazos, by abolishing and discontinuing certain public roads established, laid off and running through the lands of said college.'

Referred to Committee on Roads, Bridges and Ferries.

By Senator Jerdone:

'An act to amend article 122 of the Penal Code of the State of Texas.'

Referred to Judiciary Committee No. 2.

On motion of Senator Terrell,

Senator Perry was excused till Wednesday.

Senate bill No. 25, 'An act to abolish the office of Fish Commissioner, and to dispose of all the fish ponds and other property connected with or belonging to the fish department,' was laid before the Senate as a special order and read second time.

The committee amendment, on motion of Senator Shannon, was adopted.

Senator Peacock offered the following amendment:

Amend by striking out the words 'Adjutant-General,' and insert 'Commissioner of Insurance, Statistics and History.'

Lost.

Senator Pope moved to reconsider the vote on Senator Peacock's amendment.

Lost by the following vote:

YEAS—9.

Fowler,	Houston of Wheeler,	Pope,
Harrison,	Peacock,	Randolph,
Houston of Bexar,	Pfeuffer,	Terrell.

NAYS—16.

Ball,	Garrison,	Johnson,
Calhoun,	Getzendaner,	Shannon,
Camp,	Glasscock,	Stinson,
Davis,	Hall,	Traylor,
Evans,	Jerdone,	Woods.
Farrar,		
Fowler,		
Garrison,		

Senator Getzendaner offered to amend by adding the end of sixth line "at their discretion."

Senator Terrell moved to amend the amendment by adding after the word "sold" the words "or leased."

Accepted, and

The amendment as amended was adopted.

Senator Peacock offered to amend by striking out "Adjutant-General" and inserting "Superintendent of Public Buildings and Grounds."

Adopted.

Senator Shannon moved to strike out "their" and insert "his."

Adopted, and

The bill ordered engrossed by the following vote:

YEAS—18.

Ball,	Garrison,	Peacock,
Calhoun,	Getzendaner,	Randolph,
Camp,	Hall,	Shannon,
Davis,	Harrison,	Stinson,
Evans,	Jerdone,	Terrell,
Farrar,	Johnson,	Woods.

NAYS—7.

Fowler,	Houston of Wheeler,	Pope,
Glasscock,	Pfeuffer,	Traylor.
Houston of Bexar,		

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 11, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to inform your honorable body of the passage of the following bills:

House bill No. 9, "An act to amend articles 3201, 3225 and 3225 of the Revised Civil Statutes of the State of Texas, adopted by the regular session of the Sixteenth Legislature."

House bill No. 116, "An act to amend section 18 of an act entitled 'an act to redistrict the State into judicial districts and fix the time of holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884.'"

House bill No. 136, "An act to amend chapter 79 of the acts of 1883, entitled 'an act to amend section 46 of an act to encourage stockraising, and to protect stockraisers,' approved April 22, 1879, and amended April 4, 1881, and April 12, 1883."

Substitute House bill No. 48, "An act to amend sections 1 and 5 of an act entitled 'an act to regulate the appointment and define the duties of notaries public, to require them to procure and use legal seals, and punish them for failing to do so,' approved April 1, 1881."

A. D. SADLER, Chief Clerk House.

Senator Houston of Wheeler moved to postpone action on Senate bill No. 7, which was laid before the Senate as a special order, and make it the special order for to-morrow after morning call.

Senator Davis moved to amend by making Senate bill No. 195 special order for same hour.

Accepted and adopted.

Senator Houston of Bexar moved to suspend the regular order of business and take up substitute House bill No. 48, a bill to be entitled "An act to amend sections 1 and 5 of an act entitled 'an act to regulate the appointment and define the duties of notaries public, to require them to procure and use legal seals, and punish them for failing to do so,' approved April 1, 1881."

Adopted, and bill read first time.

On motion of Senator Houston of Wheeler,

The rule was suspended to have the bill read the second time, by the following vote:

YEAS—25.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Hall,	Pope,
Camp,	Harrison,	Randolph,
Davis,	Houston of Bexar,	Shannon,
Evans,	Houston of Wheeler,	Stinson,
Farrar,	Jerdone,	Terrell,
Fowler,	Johnson,	Traylor,
Garrison,	Peacock,	Woods.
Getzendaner,		

NAYS—none.

The bill was read the second time.

Senator Shannon offered the following amendment:

Provided, that nothing in this act shall be so construed as to exempt notaries public from jury service.

Adopted.

Senator Harrison offered to amend by striking out all that part of the bill which makes any change in a notarial seal.

Adopted, and

The bill passed to third reading.

On motion of Senator Houston of Bexar,

The constitutional rule was suspended to have the bill read the third time, by the following vote:

YEAS—21.

Bell,	Garrison,	Johnson,
Calhoun,	Getzendaner,	Peacock,
Camp,	Glasscock,	Pfeuffer,
Davis,	Hall,	Pope,
Evans,	Harrison,	Shannon,

Farrar,	Houston of Bexar,	Terrell,
Fowler,	Jerdone,	Traylor.

NAYS—3.

Randolph,	Stinson,	Woods.
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ABSENT, NOT VOTING:

Houston of Wheeler.

Senator Pope moved a call of the Senate.

The motion was properly seconded.

The Senate call completed.

Senator Pfeuffer was found absent without excuse, and

The Sergeant-at-Arms was dispatched to bring the absent Senator within the bar of the Senate chamber.

On motion of Senator Houston of Bexar,

The call was suspended, and

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

YEAS—22.

Bell,	Getzendaner,	Johnson,
Calhoun,	Glasscock,	Peacock,
Camp,	Hall,	Pope,
Davis,	Harrison,	Randolph,
Evans,	Houston of Bexar,	Shannon,
Farrar,	Houston of Wheeler,	Terrell,
Fowler,	Jerdone,	Traylor.
Garrison,		

NAYS—2.

Stinson,	Woods.
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ABSENT, NOT VOTING.

Pfeuffer.

On motion of Senator Pope,

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

TWENTY-SIXTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, February 12, 1885.

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

Senator Randolph moved to dispense with the reading of the journal of yesterday.

Lost.

The Secretary proceeded to read the journal.

Senator Houston of Wheeler moved to reconsider the vote by which the motion of Senator Randolph was lost.

Adopted by the following vote:

YEAS—21.

Bell,	Harrison,	Pope,
Camp,	Houston of Bexar,	Randolph,
Davis,	Houston of Wheeler,	Shannon,
Farrar,	Jerdone,	Stinson,
Garrison,	Johnson,	Terrell,
Getzendaner,	Peacock,	Traylor,
Hall,	Perry,	Woods.

NAYS—3.

Calhoun,	Evans,	Glasscock.
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ABSENT, NOT VOTING.

Fowler,	Pfeuffer.
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The motion of Senator Randolph to dispense with the reading of the journal of yesterday was again put and carried, and

The reading of the journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

Senator Hall, by request, presented a petition from citizens of Webb county against abolishing the ranger service.

Referred to Committee on Frontier Protection.

By Senator Evans:

Petition of citizens of Fannin county asking for the submission to a vote of the people of a prohibitory amendment to the Constitution of the State.

Referred to Committee on Constitutional Amendments.

Senator Houston of Wheeler asked to have the bill he introduced yesterday on the practice of dentistry referred to Committee on Public Health.

By Senator Shannon:

Memorial from citizens and tax payers of fifty-five counties of the State in reference to the material to be used in the construction of the State Capitol, asking that granite be used instead of limestone.

Referred to special committee on substituting granite for limestone in the construction of the new Capitol.

By Senator Garrison:

Petition of citizens of Rusk county to have the Pine Hill school incorporated so as to prohibit the sale of intoxicating liquors sold within four miles of Pine Hill.

Referred to Committee on Education.

By Senator Woods:

Petition of citizens of Lavaca county, containing two hundred and eighty-two names, requesting that Lavaca county be exempted from the game law in reference to killing deer.

Referred to Judiciary Committee No. 2.

BILLS AND RESOLUTIONS.

By Senator Traylor:

"An act to provide in what cases sheriffs shall not be entitled to compensation."

Referred to Judiciary Committee No. 2.

By Senator Glasscock:

"An act defining who are entitled to be buried in the State cemetery, and defining the duties and powers of the superintendent of public grounds in relation thereto."

Referred to Committee on Public Grounds and Buildings.

The following message was received from the House:

HALL OF HOUSE OF REPRESENTATIVES,
AUSTIN, February 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to report to your honorable body the passage of House bill No. 249, "An act to repeal an act entitled 'an act to authorize counties to issue bonds for bridge purposes, and to levy a tax to pay the same; also, to

validate bonds heretofore issued for bridge purposes,' passed at the called session of the Eighteenth Legislature." Senate Bill No. 113.

A. D. SADLER, Chief Clerk.

An act to repeal section 4 of an act entitled 'an act defining who are officers of this State, and prescribing their rights, powers, duties and privileges,' approved February 15, 1881," was laid before the Senate as the first special order, and read the second time.

(The President in the chair.)

The bill was ordered engrossed by the following vote:

YEAS—19.

Bell,	Hall	Randolph.
Calhoun,	Harrison,	Shannon,
Camp,	Houston of Wheeler,	Stinson,
Davis,	Jerdone,	Terrell,
Evans,	Johnson,	Traylor,
Farrar,	Peacock,	Woods.
Glasscock,		

NAYS—6.

Fowler,	Getzendaner,	Perry,
Garrison,	Houston of Bexar,	Pope.

Pfeuffer.

Substitute House bill No. 3, "An act making appropriations for deficiencies in the appropriations heretofore made for payment of expenses in support of the government from March 1, 1884, to February 28, 1885, being for payment of claims registered in the Comptroller's office in accordance with law, and for outstanding claims not registered, and other deficiencies," was laid before the Senate as second special order and read the second time.

The first, second and third committee amendments were adopted.

Senator Traylor offered to amend by adding thereto:

For the payment of Frank Dirks, former sheriff of Galveston county, for conveying prisoners to the penitentiary in 1868, \$124.00.

Lost by the following vote:

YEAS—7.

Glasscock,	Peacock,	Shannon,
Houston of Bexar,	Randolph,	Traylor.
Jerdone.		

NAYS—15.

Bell,	Farrar,	Houston of Wheeler,
Calhoun,	Garrison,	Johnson,
Camp,	Getzendaner,	Perry,
Davis,	Hall,	Stinson,
Evans,	Harrison,	Woods.

ABSENT, NOT VOTING.

Fowler,	Pope,	Terrell.
Pfeuffer,		

On motion of Senator Traylor,

The Senate took a recess of ten minutes for the purpose of welcoming the Hon. Carl Schurz.

The Senate was called to order.

On motion of Senator Davis, Senator Pfeuffer was excused for the day, on account of sickness.

On motion of Senator Harrison, Lee Blocker, a porter, was excused, to attend the funeral of his former master.

The bill passed to its third reading.

On motion of Senator Traylor,

The constitutional rule was suspended and the bill passed to its third reading by the following vote:

YEAS—22.

Bell,	Hall,	Perry,
Calhoun,	Harrison,	Pope,
Camp,	Houston of Bexar,	Randolph,
Davis,	Houston of Wheeler,	Shannon,
Farrar,	Jerdone	Stinson,
Garrison,	Johnson,	Traylor,
Getzendaner,	Peacock,	Woods.
Glasscock,		

NAYS—1.

Evans.

ABSENT, NOT VOTING.

Fowler,

Terrell.

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

YEAS—21.

Bell,	Hall,	Perry,
Calhoun,	Harrison,	Pope,
Davis,	Houston of Bexar,	Randolph,
Farrar,	Houston of Wheeler,	Shannon,
Garrison,	Jerdone,	Stinson,
Getzendaner,	Johnson,	Traylor,
Glasscock,	Peacock,	Woods.

NAYS—1.

Evans.

ABSENT, NOT VOTING.

Camp,

Fowler,

Terrell.

Senate bill No. 7, "An act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the common school, University, Blind, Deaf and Dumb, Lunatic and Orphan Asylum funds of the State of Texas, and to repeal all laws in conflict therewith;" and

Senate bill No. 195, "An act to provide for the classification, sale and lease of lands heretofore or hereafter surveyed and set apart for the benefit of the common school, University, Lunatic, Blind, Deaf and Dumb and Orphan Asylum funds," were laid before the Senate as the third special order, and both bills were read the second time.

On motion of Senator Pope,

The Senate went into committee of the whole on the pending bills.

IN COMMITTEE OF THE WHOLE.

(Senator Pope in the chair.)

IN THE SENATE.

(The President in the chair.)

Senator Pope, chairman of the committee of the whole, reported progress by the committee, and asked leave to sit again to-morrow.

Adopted.

The President gave notice of signing Senate bill No. 150, "An act to amend sections 9 and 10 of an act entitled 'an act to provide for the classification, sale and lease of the lands heretofore or hereafter surveyed and set apart for the benefit of the common school, University, the Lunatic, Blind, Deaf and Dumb and Orphan Asylum funds,'" and

Senate bill No. 112, "An act to provide for the issuance and sale of the bonds of the State to supply

deficiencies in the revenue, and to provide the mode and manner of the sale of said bonds."

The President referred House bill No. 9, "An act to amend articles 3201, 3222 and 3225 of the Revised Civil Statutes," etc., to Judiciary Committee No. 1.

House bill No. 136, "An act to amend chapter 79 of the acts of 1883, entitled 'an act to amend section 46 of an act to encourage stockraising and to protect stockraisers,'" etc., to Committee on Stock and Stockraising.

House bill No. 116, "An act to amend section 18 of an act entitled 'an act to redistrict the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held,'" etc., to Judiciary Committee No. 2.

House bill No. 249, "An act to repeal an act to authorize counties to issue bonds for bridge purposes, and to levy a tax to pay the same, also to validate bonds heretofore issued for bridge purposes," etc.

Referred to Finance Committee.

Senator Bell submitted the following privileged reports:

COMMITTEE ROOM,
AUSTIN, February 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 25, being "An act to abolish the office of Fish Commissioner, and dispose of all fish ponds and other property connected with or belonging to the fish department," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 11, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared committee substitute for Senate bills Nos. 160 and 161, being "An act to amend articles 595 and 610 of the Revised Statutes of the State of Texas," and find the same correctly engrossed.

BELL, Chairman.

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

TWENTY-SEVENTH DAY.

SENATE CHAMBER,
AUSTIN, February 13, 1885.

Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Davis,

The reading of the journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Houston of Bexar:
Memorial from the officers and citizens of Maverick

county, praying for the retention of the frontier forces in full efficiency.

Referred to Finance Committee.

By Senator Terrell:

A petition protesting against the passage of the Houston (of Bexar) insurance bill.

Referred to Committee on Insurance, Statistics and History.

REPORTS OF STANDING COMMITTEES.

By Senator Houston of Bexar:

COMMITTEE ROOM,
AUSTIN, February 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 75, entitled "An act to amend articles 2489, 2490, 2493, 2505, 2506, 2550, 2557, 2562, 2563, 2565, 2566, 2574, 2575, 2611, 2614, 2632, 2649 and 2677 of the Revised Statutes of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it be considered in committee of the whole Senate.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, February 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 62, entitled "An act to amend articles 1801, 1802, 1823, 1867, 1921, 1923, 1924, 1932, 1934, 1944, 1949, 1964, 1973, 1974, 1978, 2025, 2041, 2056, 2057, 2067, 2068, 2070, 2071, 2072, 2081 and 2082 of the Revised Statutes of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it be considered in committee of the whole Senate.

Respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, February 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 185, entitled "An act to provide for an occupation tax upon telephone companies, and to repeal all laws in conflict herewith," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it lie on the table, for the reason that bills providing for the levying of a tax cannot originate in the Senate.

Respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, February 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 191, entitled "An act to amend article 2219 of chapter 2, of title 38 of the Revised Statutes of the State of Texas, have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do not pass.

Respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, February 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 47, entitled "An act to repeal articles 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822 and 2823 of the Revised Civil Statutes of Texas, and to provide for the performance of the duties required by law of the Commissioner of Insurance, Statistics and History," have carefully considered the same, and a majority of your committee instruct me to report the same back to the Senate with the recommendation that it do not pass, because the bill seeks to abolish the department and office of Commissioner of Insurance, Statistics and History, and they are of opinion that said department is useful and important to the people of Texas, and should not be abolished.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Senator Davis submitted the following minority report on Senate bill No. 47:

COMMITTEE ROOM,
AUSTIN, February 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

The undersigned, members of your Judiciary Committee No. 1, respectfully dissent from the views of the majority of said committee, who have reported adversely on Senate bill No. 47, which seeks to abolish the so-called Department of Insurance, Statistics and History, and to transfer its business to the Comptroller's Office. For the last two years said department has cost the State, for salary of Commissioner and clerical force, \$6300 per annum. The duties of the office are merely clerical, and the proof before the committee abundantly established that they could be discharged by one clerk, who could be procured at a salary of \$1500 per annum. By abolishing the pretended department, and transferring the business to the Comptroller's department, the work could be done as efficiently at a cost of \$1500 per annum as it has heretofore been done at a cost of \$6300. It is not the duty of the State to create unnecessary offices in order to furnish places and sinecures for men, however worthy they may be; and we owe it to the people that no unnecessary officers are retained at the expense of the taxpayers. We therefore respectfully recommend that said bill do pass, and that a useless and unnecessary department be no longer maintained at the expense of this State

DAVIS,
WOODS,
SHANNON,
TERRELL.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, February 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 113, being "An act to repeal section 4 of an act entitled 'an act defining who are officers of this State, and prescribing their rights, powers, duties and privileges,' approved February 15, 1881," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

By Senator Traylor:

"An act to amend section 4 of 'an act to provide for the more efficient management of the Texas State penitentiaries, and to make an appropriation therefor,' approved April 18, 1883."

Referred to Committee on Penitentiaries.

By Senator Woods, by request:

"An act to provide and make an appropriation for the payment of fees in felony cases due by the State of Texas to John E. McMullen, district clerk, and A. W. Murray, late sheriff of Wilson county, Texas."

Referred to Finance Committee.

By Senator Calhoun:

"An act for the relief of D. C. B. Dunlap, and to make an appropriation therefor."

Referred to Committee on Claims and Accounts.

By Senator Terrell:

A bill to preserve the charters of railway companies that, by reason of the financial condition of the country, have not constructed the number of miles of road annually required by law, and to prevent the forfeiture thereof.

Referred to Committee on Internal Improvements.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 14, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to report to your honorable body the passage of the following bills:

House bill No. 155, "An act regulating the manner of taking testimony in civil cases."

House bill No. 375, "An act to prescribe the time of holding the district courts in the twenty-first judicial district, so as to allow additional time for holding said court in Burleson county."

A. D. SADLER, Chief Clerk.

The President referred House bill No. 155 to Judiciary Committee No. 1, and House bill No. 375 to Committee on Judicial Districts.

HOUSE OF REPRESENTATIVES,
AUSTIN, February 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the following action of the House:

House bill No. 36, "An act to amend article 625 of the Code of Criminal Procedure, relating to challenges to the array."

Substitute House bills Nos. 13, 61, 64, 104 and 161, with Senate amendments.

The House concurs in first Senate amendment and non-concurs in second Senate amendment.

A. D. SADLER, Chief Clerk.

The President referred House bill No. 36 to Judiciary Committee No. 1.

The hour having arrived for the sitting of the committee of the whole,

The Senate went into the committee of the whole on the consideration of Senate bill No. 7, and Senate bill No. 195.

(Senator Pope in the chair.)

IN THE SENATE.

(The President in the chair.)

Senator Pope, chairman of the committee of the whole, reported that the committee of the whole had substituted Senate bill No. 195, "An act to provide for the classification, sale and lease of lands heretofore or hereafter surveyed and set apart for the benefit of the common school, University, Lunatic, Blind, Deaf and Dumb and Orphan Asylum funds," for Senate bill No. 7, "An act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the common school, University, Blind, Deaf and Dumb, Lunatic and Orphan Asylum funds of the State of Texas, and to repeal all laws in conflict therewith;" and ask leave to sit again Monday after morning call.

The report of the committee was adopted.

The following privileged reports were submitted.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, February 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled bills have carefully examined and compared Senate bill No. 150, being "An act to amend sections 9 and 10 of 'an act to provide for the classification, sale and lease of the lands heretofore or hereafter set apart for the benefit of the Common school, University, the Lunatic, Blind, Deaf and Dumb, and Orphan Asylum funds,' and find the same correctly enrolled, and have this day, at 10:40 o'clock a. m., presented the same to the Governor for his approval.

FOWLER, Chairman.

COMMITTEE ROOM,
AUSTIN, February 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 112, being "An act to provide for the issuance and sale of the bonds of the State to supply deficiencies in the revenue, and to provide the manner of the sale of said bonds," and find the same correctly enrolled, and

have this day, at 10:40 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, February 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 96, being "An act to punish for deer hunting by fire light at night time," and find the same correctly engrossed.

BELL, Chairman.

Senate bill No. 84, "An act to amend article 178, chapter 4 of title 6 of the Penal Code," was laid before the Senate as the first special order, and read second time and ordered engrossed.

The President appointed Senator Farrar, instead of Senator Pfeuffer, to examine into the affairs of the Agricultural and Mechanical College.

Senate bill No. 25, "An act to abolish the office of fish commissioner and dispose of all fish ponds and other property connected with or belonging to the fish department," was laid before the Senate in its regular order and read the third time.

Senator Terrell submitted the following amendment:

Amend by adding "that before said ponds and fish are sold or leased that 500 of the carp fish therein shall be transferred to the ponds owned by the State at Terrell, Texas."

Adopted by the following vote:

YEAS—21.

Bell,	Hall,	Pope,
Calhoun,	Harrison,	Randolph,
Camp,	Houston of Bexar,	Shannon,
Evans,	Houston of Wheeler,	Stinson,
Farrar,	Jerdone,	Terrell,
Fowler,	Peacock,	Traylor,
Getzendaner,	Perry,	Woods.

NAYS—4.

Davis,	Glasscock,	Johnson.
Garrison,		

ABSENT, NOT VOTING,

Pfeuffer.

The bill passed by the following vote:

YEAS—19.

Bell,	Getzendaner,	Peacock,
Calhoun,	Hall,	Randolph,
Camp,	Harrison,	Shannon,
Davis,	Houston of Wheeler,	Stinson,
Evans,	Jerdone,	Terrell,
Farrar,	Johnson,	Woods.

NAYS—6.

Fowler,	Houston of Bexar,	Pope,
Glasscock,	Perry,	Traylor.

ABSENT, NOT VOTING.

Pfeuffer.

Senate bill No. 33, "An act to fix the venue of suits for the wrongful or malicious suing out of attachments," was laid before the Senate in its regular order, and

Read the third time and passed by the following vote:

YEAS—29.

Bell,	Farrar,	Glasscock,
Camp,	Fowler,	Harrison,
Davis,	Garrison,	Houston of Wheeler,
Evans,	Getzendaner,	Johnson,

Peacock,
Perry,
Randolph,

Shannon,
Stinson,
Terrell,

Traylor,
Woods.

NAYS—5.

Calhoun,	Houston of Bexar,	Pope.
Hall,	Jerdone,	

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to report to your honorable body the passage of House bill No. 144, "An act to amend article 4227, title 84, chapter 10 of the Revised Civil Statutes, the State of Texas."

A. D. SADLER,

Chief Clerk House of Representatives.

Referred to Committee on Internal Improvements, Senator Davis moved to reconsider and to lay that motion on the table.

Senator Pope moved a call of the Senate.

The call was seconded by the requisite number. The call was completed, and

Senator Pfeuffer was found absent without excuse.

Senator Davis moved to excuse Senator Pfeuffer on account of sickness for to-day.

Adopted by the following vote:

YEAS—24.

Bell,	Glasscock,	Perry,
Camp,	Hall,	Pope,
Davis,	Harrison,	Randolph,
Evans,	Houston of Bexar,	Shannon,
Farrar,	Houston of Wheeler,	Stinson,
Fowler,	Jerdone,	Terrell,
Garrison,	Johnson,	Traylor,
Getzendaner,	Peacock,	Woods.

NAYS—1.

Calhoun.

The Senate was declared full, and

The motion of Senator Davis was adopted.

Substitute House bills Nos. 160 and 161, "An act to amend articles 595 and 610 of the Revised Statutes of the State of Texas," was taken up in regular order and read third time.

Senator Bell moved to postpone the pending bill till to-morrow.

Lost.

Senator Bell raised the point of order that the same provision has already been voted down once, and cannot be considered again.

Senator Pope moved to adjourn till 10 o'clock to-morrow morning.

Withdrawn.

Senator Farrar moved to excuse Senator Houston of Bexar till Monday.

Adopted.

Senator Pope renewed his motion to adjourn till 10 o'clock to-morrow morning.

Adopted.

TWENTY-EIGHTH DAY.

SENATE CHAMBER,
AUSTIN, February 14, 1885. }

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

Roll called.
 Quorum present.
 Prayer by Rev. Dr. Malone.
 On motion of Senator Stinson,
 The reading of the journal of yesterday was dispensed with.
 On motion of Senator Bell,
 The First Assistant Secretary, Mr. Boynton, was excused till Thursday, on account of sickness.
 On motion of Senator Davis,
 Senator Pfeuffer was excused indefinitely, on account of sickness.

PÉTITIONS AND MEMORIALS.

By Senator Calhoun:
 Memorial of citizens of Taylor county, praying for the submission of a constitutional amendment for prohibition.
 Referred to Committee on Constitutional Amendments.
 By Senator Jones, by request:
 Protest of citizens of Houston, Texas, against the passage of the Houston (of Bexar) insurance bill.
 Referred to Committee on Insurance, Statistics and History.
 By Senator Hall:
 Memorial from citizens of Kinney and Crockett counties, protesting against the organization of Val Verde county.
 Referred to Committee on Counties and County Boundaries.
 By Senator Kleberg:
 Memorial of citizens of DeWitt county, asking for an amendment to the Constitution prohibiting the manufacture and sale of spirituous, vinous and malt liquors in this State.
 Referred to Committee on Constitutional Amendments.

REPORTS OF STANDING COMMITTEE.

By Senator Traylor:

COMMITTEE ROOM,
 AUSTIN, February 14, 1885.

Hon. Barnett Gibbs, President of the Senate:
 Your Committee on Finance, to whom was referred House bill No. 249, entitled "An act to repeal an act entitled 'an act to authorize counties to issue bonds for bridge purposes and to levy a tax to pay the same; also to validate bonds heretofore issued for bridge purposes,' passed at the called session of the Eighteenth Legislature," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.
 All of which is respectfully submitted.
 TRAYLOR, Chairman.

By Senator Davis:

COMMITTEE ROOM,
 AUSTIN, February 14, 1885.

Hon. Barnett Gibbs, President of the Senate:
 Your Judiciary Committee No. 2, to whom was referred House bill No. 116, entitled "An act to amend section 18 of an act entitled 'an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,'" have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.
 All of which is respectfully submitted.
 DAVIS, Chairman.

By Senator Bell:

COMMITTEE ROOM,
 AUSTIN, February 13, 1885.

Hon. Barnett Gibbs, President of the Senate:
 Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 84, being "An act to amend article 178, chapter 4 of title 6 of the Penal Code, so as to prevent selling liquors on election day," and find the same correctly engrossed.
 BELL, Chairman.

By Senator Randolph:

COMMITTEE ROOM,
 AUSTIN, February 13, 1885.

Hon. Barnett Gibbs, President of the Senate:
 Your Committee on State Affairs, to whom was referred a petition of the citizens of Stephenville, Fannin county, asking for a law to prohibit the sale of intoxicating liquors within certain limits of Stephenville High School, have carefully examined the same, and instruct me to report the same back with the recommendation that the relief prayed for in said petition cannot be granted, on account of the unconstitutionality of the same.
 All of which is respectfully submitted.
 RANDOLPH, Chairman.

COMMITTEE ROOM,
 AUSTIN, February 13, 1885.

Hon. Barnett Gibbs, President of the Senate:
 Your Committee on State Affairs, to whom was referred Senate bill No. 174, entitled "An act to amend section 4 of an act entitled 'an act to provide for an organization of a board to direct and supervise, control,' etc., approved March 23, 1883," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the following amendment, to-wit: Amend by striking out all after the word "fixed," and add thereto the words, "fee of such amount as the Governor may deem sufficient to pay the expenses of such agent while in attendance to this business, and a further fee by way of commissions not to exceed two per cent of the amount allowed by the United States government on these claims, to be paid said agent upon the collection of said claims."
 All of which is respectfully submitted.
 RANDOLPH, Chairman.

COMMITTEE ROOM,
 AUSTIN, February 13, 1885.

Hon. Barnett Gibbs, President of the Senate:
 Your Committee on State Affairs, to whom was referred a memorial of the committee of colored men appointed by the colored people of Texas in convention at Houston assembled, August, 1884, asking for suitable legislation upon the following subjects: Jury law, county convict farms, houses of correction, and colored branch University, have carefully examined the same, and instruct me to report the same back with the opinion that the law is now sufficient in every respect, except as to the mode and manner of the treatment of county convicts, and ask that said petition be referred to Judiciary Committee No. 2, for the purpose to make such changes as they may deem fit and proper.
 All of which is respectfully submitted.
 RANDOLPH, Chairman.

BILLS AND RESOLUTIONS.

Senator Johnson offered the following resolution, which, under the rules, lays on the table one day:
 Resolved, That on and after Monday, the sixteenth of February, the Senate hold two sessions each day.

By Senator Stinson:

"An act to amend section 8 of an act establishing and prescribing the manner of ascertaining the boundaries of counties."
 Referred to Committee on Counties and County Boundaries.
 By Senator Evans:
 "An act to amend article 4419 of the Revised Civil Statutes," etc.

Referred to Committee on Roads and Bridges.

By Senator Jerdone:

"An act to amend article 3176 of the Revised Civil Statutes of the State of Texas, concerning mechanics' and other liens."

Referred to Judiciary Committee No. 1.

Senator Pope introduced the following resolution:

Whereas, The Hon. Thomas A. Hendricks, Vice-President elect of the United States, as we learn from the papers of the State, contemplates a visit to certain cities in Texas; therefore,

Be it resolved, That the Senate and House of Representatives of the Texas Legislature, now in session, do cordially invite the Hon. Thomas A. Hendricks, Vice-President elect of these United States, to visit the capital of Texas.

2. Resolved, That the President of the Senate and Speaker of the House of Representatives be and they are hereby respectfully requested to jointly communicate by telegraph this invitation to our distinguished fellow-citizen.

Adopted.

By Senator Randolph, by request;

"An act to amend article 765 of the Penal Code of the State of Texas."

"An act to amend chapter 13, title 22 of the Penal Code, etc., by adding thereto article 765a."

Both bills referred to Judiciary Committee No. 2.

Senate bill No. 142, "An act to amend sections 2, 9, 12, 22, 23, 29, 30, 33, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 51, 53, 54, 56, 57, 59, 60, 61, 62, 63, 64, 68, 73, 75, 77, 78, 79, 79d, 83, 84, 85 and 87, of an act entitled 'an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, title 78 of the Revised Civil Statutes of Texas as refer to public free schools outside of incorporated cities and towns, assuming, or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act,' the same being chapter 25, general laws of the special session of the Eighteenth Legislature, 1884; and to add thereto as new sections, sections 12a, 12b, 12c, 12d, 12e, and sections 58a, 58b, 58c, and repealing all laws and parts of laws in conflict with the provisions of this act and the original act of which it is amendatory," was laid before the Senate as a special order.

On motion of Senator Davis,

Action on the bill was postponed, and made the special order for Tuesday after morning call.

Substitute House bills Nos. 13, 61, 63, 104, 161, "An act to amend section 71 of 'an act to establish and maintain a system of public free schools,'" etc., was taken up, and,

On motion of Senator Davis,

The Senate refused to recede from the Senate amendments, and a free conference committee asked for.

On motion of Senator Jones,

Senate bill No. 173, "An act to repeal article 4112 of the Revised Civil Statutes of the State of Texas," was taken up out of its regular order.

Read the second time and ordered engrossed.

Senate No. bill 113, "An act to repeal section 4 of an act entitled 'an act defining who are officers of this State, and prescribing their rights, powers, duties, and privileges,' approved February 15, 1881," was laid before the Senate.

Read third time and passed.

Senate bill No. 96, "An act to punish for deer-hunting by firelight at night time," was laid before the Senate.

Read third time and passed.

On motion of Senator Johnson,

Senate bill No. 153, "An act to amend article 4360 of an act entitled 'an act to amend articles 4360, 4361, 4366, 4367, 4370, 4371, 4372, 4375, 4379, 4384, 4387, 4389, and 4390 of title 87, chapter 1, and to add thereto articles 4390a, 4390b, 4390c, and also to amend article 4392 of chapter 2 and article 4418 of chapter 4, title 87 of the Revised Civil Statutes, relating to public roads, and to enforce the provisions of article 4390a of this bill, and to provide adequate penalties therefor," passed by the Eighteenth Legislature at its called session," was taken up out of its regular order, and made special order for Tuesday after morning call.

On motion of Senator Stinson,

Senate bill No. 81, "An act to amend article 500, chapter 3, title 15 of the Penal Code," was taken up out of its regular order and read second time.

The committee amendment was adopted.

Senator Davis offered an amendment to strike out all after "years," in eighth line.

Withdrawn.

Senator Kilgore offered the following:

Amend by striking out all after the word "years," line eight, and insert the following: "If the assault is made by a person in disguise, or with a bowie knife, dirk, dagger, pistol, slung shot, sword cane, spear, knuckles made of any metal whatever, or any kind of knife capable of inflicting death, the punishment for such assault shall not be less than four years nor more than ten years."

Adopted, and

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

YEAS—12.

Bell,	Glasscock,	Stinson,
Evans,	Johnson,	Terrell,
Fowler,	Perry,	Traylor,
Getzendaner,	Pope,	Mr. President.

NAYS—14.

Calhoun,	Hall,	Kleberg,
Camp,	Houston of Wheeler,	Peacock,
Davis,	Jerdone,	Randolph,
Farrar,	Jones,	Shannon.
Garrison,	Kilgore,	

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 14, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage of House bill No. 105, "An act to create the county of Val Verde, and to provide for its organization."

House concurrent resolution requesting Texas Senators and Representatives to secure a survey and report upon the navigable condition of West Galveston and San Louis bays by the United States government.

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

The President gave notice of signing House bill No. 35, "An act to amend article 4531 of the Revised Statutes," and

House concurrent resolution inviting President Diaz to the laying of the corner stone of the new State Capitol.

On motion of Senator Traylor,

Senate bill No. 194, "An act to provide for the sale of all real estate bid off to the State by collectors of taxes at tax sales, the owners of which have not redeemed the same," was taken up out of its

regular order and made special order for Monday after morning call, to be considered with the special order for that time.

On motion of Senator Bell,

Senate bill No. 120, "An act to amend article 1161, title 28, chapter 4 of the Revised Civil Statutes of the State of Texas," was taken up out of its regular order, read the second time and made special order for Thursday after morning call.

Senator Davis moved to have the bill referred to a special committee of three, who should report on the constitutionality of the bill.

Adopted, and

Senators Davis, Bell and Camp appointed on the committee.

On motion of Senator Davis,

Senate bill No. 157, "An act to amend 'an act to amend articles 1770, 1771, 1772, 1773, 1777 and 1780 of the Revised Statutes,' etc., so as to better regulate the law of escheats," was taken up out of its regular order, and

Read second time, with the first, second and third committee amendments, and

Amendments adopted and bill ordered engrossed.

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

Adopted by the following vote:

YEAS—22.

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

NAYS—none

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

YEAS—22.

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

NAYS—none.

(Senator Woods in the chair.)

On motion of Senator Johnson,

Senate bill No. 48, "An act to prevent parties from hunting or fishing upon the enclosed lands of another, and to prescribe a penalty therefor," was taken up out of its regular order, and

Read second time, with committee substitute.

On motion of Senator Davis,

The committee substitute was adopted.

Senator Getzendaner offered the following amendment:

Add "the word" before the word "posted," in tenth line.

Adopted.

Senator Calhoun offered the following amendment:

Amend by exempting all the counties embraced in the twenty-ninth senatorial district from the operations of this act.

Senator Houston of Wheeler offered to amend the amendment as follows:

Amend by adding the counties of Archer, Baylor, Clay, Donley, Haskell, Hardeman, Montague, Oldham, Throckmorton, Young, Wheeler, and the counties attached thereto are exempt from the provisions of this act.

Accepted.

Senator Shannon offered the following amendment to the amendment:

Except the counties of Parker, Jack, Wise and Tarrant from the operations of the law.

Accepted.

Senator Hall asked to amend the pending amendment by adding the following counties to the exempted list:

Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, La Salle, Frio, Maverick, Kinney, Dimmitt, Zavalla, Nueces, Duval, Uvalde.

Accepted.

Senator Jerdone offered the following amendment:

Amend by excepting all counties in tenth senatorial district—Galveston, Brazoria and Matagorda.

Accepted.

Senator Peacock offered to amend the pending amendment as follows:

Amend so as to exempt from the operation of this act the counties of Bowie, Cass, Marion, Morris and Titus.

Accepted.

Senator Camp offered to amend as follows:

Amend by exempting the counties of Gregg, Smith, Wood, Upshur and Rains from the operations of the act.

Accepted.

The amendment of Senator Calhoun as amended was lost by the following vote:

YEAS—10.

Bell,	Houston of Wheeler,	Peacock,
Calhoun,	Jerdone,	Randolph,
Camp,	Johnson,	Shannon.
Hall,		

NAYS—12.

Davis,	Garrison,	Stinson,
Evans,	Getzendaner,	Terrell,
Farrar,	Glasscock,	Traylor,
Fowler,	Perry,	Woods.

Senator Traylor offered to amend to bill as follows:

Add to section 1, "provided, this act shall not apply to enclosures of more than 1280 acres of land."

Lost.

Senator Houston of Wheeler moved a call of the Senate.

Call sustained, and

Roll call completed, and

Senator Pope found absent without excuse.

Senator Shannon moved to suspend the call.

The Senate refused to suspend the call.

Senator Pope returned to the Senate chamber, and

The Senate was declared full.

Senator Davis moved the previous question.

Seconded and main question ordered, and

The bill was ordered engrossed by the following vote:

YEAS—17.

Bell,	Garrison,	Pope,
Camp,	Getzendaner,	Randolph,
Davis,	Glasscock,	Stinson,
Evans,	Hall,	Terrell,
Farrar,	Johnson,	Woods.
Fowler,	Perry,	

NAYS—6.

Calhoun, Jerdone, Shannon,
Houston of Wheeler, Peacock, Traylor.

Senator Hall introduced the following resolution:

Resolved, That the President of the Senate be authorized to employ the services of J. P. C. Whitehead so long as his services are needed, to assist the secretaries in the discharge of their duties.

Adopted unanimously.

On motion of Senator Houston of Wheeler, Senate joint resolution No. 1, proposing an amendment to section 12, article 8, was taken up and made special order for Wednesday next after morning call, and from day to day till disposed of.

On motion of Senator Shannon,

One hundred copies of Senate bill No. 195. "An act to provide for the classification, sale and lease of lands heretofore or hereafter surveyed and set apart for the benefit of the common school, University, Lunatic, Blind, Deaf and Dumb, and Orphan Asylum funds," were ordered printed for the use of the Senate.

On motion of Senator Perry,

Senate bill No. 37, "An act to amend article 636, title 8, chapter 3 of the Code of Criminal Procedure of the State of Texas," was taken up out of its regular order and made special order for Wednesday after morning call.

Senator Stinson moved to reconsider the vote engrossing Senate bill No. 48, and to lay that motion on the table.

Adopted.

On motion of Senator Traylor, Senate bill No. 193, "An act to provide for the correction and revision of the abstracts of located, titled and patented lands in Texas, was taken up out of its regular order and read second time, with committee amendments.

The amendments were lost.

Senator Traylor offered the following amendment:

Whereas, It is important that this bill pass at this session of the Legislature, an imperative public necessity and emergency exists for the passage of this act; therefore the rule requiring bills to be read on three several days be and the same is hereby suspended.

Adopted, and bill ordered engrossed.

On motion of Senator Traylor,

The constitutional rule was suspended and the bill placed on third reading by the following vote:

YEAS—22.

Bell, Getzendener, Pope,
Calhoun, Glasscock, Randolph,
Camp, Hall, Shannon,
Davis, Houston of Wheeler, Stinson,
Evans, Jerdone, Terrell,
Farrar, Johnson, Traylor,
Fowler, Perry, Woods,
Garrison,

NAYS—none.

ABSENT, NOT VOTING.

Peacock.

The bill was read third time.

Senator Terrell offered the following amendment:

Insert in line 4, after the word "act," the words "shall take effect," and strike out the words "the passage of," in third line

Adopted by the following vote:

YEAS—22.

Bell, Getzendener, Pope,
Calhoun, Glasscock, Randolph,
Camp, Houston of Wheeler, Shannon,
Davis, Jerdone, Stinson,
Evans, Johnson, Terrell,
Farrar, Peacock, Traylor,
Fowler, Perry, Woods,
Garrison,

NAYS—none.

ABSENT, NOT VOTING.

Hall.

The bill passed.

On motion of Senator Garrison,

The Senate adjourned till 10 o'clock Monday morning.

TWENTY-NINTH DAY.

SENATE CHAMBER, }
AUSTIN, February 16, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

On motion of Senator Kleberg,

The reading of the journal of Saturday was dispensed with.

On motion of Senator Hall,

Senator Bell was excused for the day.

PETITIONS AND MEMORIALS.

By Senator Kleberg:

Memorial of J. W. Dickey, of Wilson county, asking relief.

Referred to Committee on State Affairs.

Memorial of citizens of Live Oak county, asking that civil and criminal jurisdiction of the county court of Live Oak county be restored.

Referred to Judiciary Committee No. 1.

By Senator Houston of Bexar:

Memorial of the county officers of Kerr county, protesting against the reduction of the frontier forces.

Referred to Committee on Finance.

REPORTS OF STANDING COMMITTEES.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, February 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred House bill No. 375, entitled "An act to prescribe the time of holding the district courts in the twenty-first judicial district, so as to allow additional time for holding said court in Burleson county," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

FOWLER, Chairman.

By Senator Getzendener:

COMMITTEE ROOM,
AUSTIN, February 14, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Claims and Accounts, to whom was

referred Senate bill No. 190, entitled "An act for the relief of Thomas J. Hunter, Thaddeus W. Hunter and Robert H. Hunter, for stock, corn and hogs consumed or destroyed by the Texas army in 1836," have carefully examined the same, and instruct me to report the same back, with the recommendation that it do not pass. So long a time having elapsed since the transactions took place out of which this claim grew, we think it injudicious on the part of the State now to open the door to admit it.

All of which is respectfully submitted.

GETZENDANER, Chairman.

COMMITTEE ROOM,
AUSTIN, February 14, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred Senate bill No. 203, entitled "An act for the relief of D. C. B. Dunlap, and to make appropriation therefor," have carefully examined the same, and instruct me to report the same back, with the recommendation that it do not pass.

All of which is respectfully submitted.

GETZENDANER, Chairman.

BILLS AND RESOLUTIONS.

By Senator Camp:

"An act to amend title 17, chapter 9 of Revised Statutes, by adding thereto article 474a."

Referred to Judiciary Committee No. 1.

By Senator Evans (by request):

"An act to regulate proceedings in suits and prosecution for libel."

Referred to Judiciary Committee No. 2.

By Senator Fowler:

"An act to repeal an act granting a land certificate of 1280 acres to the surviving soldiers of the Texas revolution," to repeal an act approved April 26, 1879."

Referred to Committee on Public Lands.

The President appointed Senators Davis, Traylor and Perry, on the part of the Senate, on the free conference committee on substitute House bills Nos. 61, 63, 104, 161, "An act to amend section 71 of an act to establish and maintain a system of public free schools," etc.

Substitute House bill No. 48, "An act to amend sections 1 and 5 of an act entitled 'an act to regulate the appointment and define the duties of notaries public, to require them to procure and use legal seals, and punish them for failing to do so,'" etc., was laid before the Senate, the House having refused to concur in the Senate amendment.

On motion of Senator Shannon,

The Senate refused to recede from its amendment, and a free conference committee was asked for and appointed.

On the part of the Senate the President appointed Senators Shannon, Houston of Bexar, and Davis on this committee.

The hour having arrived for the sitting of the committee of the whole,

The Senate went into committee of the whole on the substitute for Senate bill No. 7, Senate bill No. 25; "the Land bill," Senator Pope, chairman.

IN THE SENATE.

The President in the chair.

Senator Pope, chairman of the committee of the whole, reported progress, and asked leave to sit again to-morrow morning after the morning call.

The report was adopted.

The President referred House bill No. 105, "An

act to create the county of Val Verde, and to provide for its organization," to Committee on Counties County Boundaries.

The President laid before the Senate, as a special order, Senate bill No. 84, "An act to amend article 178, chapter 4, title 6 of the Penal Code, so as to prevent selling liquors on election day."

Read third time and passed.

Senator Jones, by leave, introduced a joint resolution authorizing the Capitol Board to modify the contract for building the new State Capitol so as to substitute granite for limestone for the outward walls of the superstructure.

Referred to Committee on Public Buildings and Grounds.

Senator Davis moved to postpone the regular order of business to take up Senate bill No. 30, "An act to prescribe the times and places of holding the Supreme Court and Court of Appeals."

Adopted, and bill taken up.

On motion of Senator Davis,

The bill was indefinitely postponed.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage of the following bills:

Senate bill No. 79, adding an amendment, "An act requiring the Comptroller of Public Accounts, Commissioner of the General Land Office and State Treasurer to employ females, when their services can be had, to fill one-half the clerkships in the several departments under the control of these officers."

Substitute House bill No. 126, "An act to amend article 358, of chapter 3, title 11 of the Penal Code of the State of Texas."

House bill No. 174, "An act for the relief of Virginia E. Littlepage, and to authorize the county court of Travis county to issue to her letters of administration on the estate of her father, Caleb V. Littlepage."

A. D. SADLER, Chief Clerk.

Substitute Senate bills Nos. 160 and 161, "An act to amend articles 595 and 610 of the Revised Statutes of the State of Texas," was taken up as regular business on the President's table and read third time.

On motion of Senator Calhoun,

The bill was postponed until Wednesday morning after the special order for that day, etc.

On motion of Senator Johnson,

The regular order of business was postponed, and Senate bill No. 153, to be entitled "An act to amend article 4360 of 'an act to amend articles 4360, 4361, 4366, 4367, 4370, 4371, 4374, 4375, 4379, 4384, 4387, 4389 and 4390 of title 87, chapter 1, and to add thereto articles 4390a, 4390b and 4390c,'" etc., was taken up and read second time, with majority and minority reports.

Senator Woods moved to substitute the minority report for the majority report on the bill.

Senator Davis moved the previous question.

Seconded, and main question ordered.

Minority report adopted by the following vote, which was unfavorable, and defeats the bill:

YEAS—16.

Calhoun,	Jerdone,	Shannon,
Davis,	Jones,	Stinson,
Getzendaner,	Knittel,	Terrell,
Hall,	Peacock,	Traylor,
Houston of Bexar,	Pfeuffer,	Woods,
Houston of Wheeler,		

NAYS—10.

Camp, Evans, Fowler, Glasscock,	Johnson, Kilgore, Kleberg.	Perry, Pope, Randolph.
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The President took up and referred the following House bills and resolutions, to-wit:

Substitute House bill No. 126, to be entitled "An act to amend article 358 of chapter 3, title 11 of the Penal Code of the State of Texas," to Judiciary Committee No. 1.

House bill No. 174, to be entitled "An act for the relief of Virginia E. Littlepage, and to authorize the county court of Travis county to issue to her letters of administration on the estate of her father, Caleb V. Littlepage," to Judiciary Committee No. 2.

House concurrent resolution requesting a survey and report of the navigable condition of West Galveston and San Louis bays by the United States government, to Committee on Commerce and Manufactures.

Senate bill No. 79, "An act requiring the Comptroller of Public Accounts, Commissioner of the General Land Office and State Treasurer to employ female clerks, when their services can be had, to fill one-half the clerkships in the several departments under the control of these officers," was laid before the Senate with House amendments.

Senator Terrell moved to postpone the further consideration of the bill and amendments indefinitely.

Senator Houston of Bexar raised the point of order that action on the bill and amendments could not be postponed, and moved that the House amendments be concurred in.

The point of order was not sustained.

Senator Davis moved the previous question on the motion of Senator Terrell.

Senator Houston of Bexar moved a call of the Senate.

Call sustained.

The Senate call was completed, and Senate declared full.

The previous question was seconded and main question ordered, and

The motion to postpone indefinitely was adopted by the following vote:

YEAS—15.

Calhoun, Camp, Davis, Glasscock, Hall,	Jerdone, Jones, Kilgore, Kleberg, Knittel,	Pfeuffer, Pope, Randolph, Terrell, Woods.
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NAYS—11.

Evans, Fowler, Getzendaner, Houston of Bexar,	Houston of Wheeler, Johnson, Peacock, Perry,	Shannon, Stinson, Traylor.
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Senator Calhoun entered a motion to reconsider vote just taken.

Senator Stinson moved to adjourn till 10 o'clock to-morrow morning.

Lost by the following vote:

YEAS—11.

Calhoun, Evans, Fowler, Getzendaner,	Houston of Bexar, Johnson, Peacock, Perry,	Shannon, Stinson, Traylor.
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NAYS—15.

Camp, Davis, Glasscock, Hall, Houston of Wheeler,	Jerdone, Jones, Kilgore, Kleberg, Knittel,	Pfeuffer, Pope, Randolph, Terrell, Woods.
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Senator Davis called up the motion of Senator Calhoun, to reconsider the vote postponing consideration of the bill indefinitely, and moved to lay that motion on the table.

Adopted by the following vote:

YEAS—15.

Camp, Davis, Glasscock, Hall, Houston of Wheeler,	Jerdone, Jones, Kilgore, Kleberg, Knittel,	Pfeuffer, Pope, Randolph, Terrell, Woods.
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NAYS—11.

Calhoun, Evans, Fowler, Getzendaner,	Houston of Bexar, Johnson, Peacock, Perry,	Shannon, Stinson, Traylor.
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Senator Camp made the following privileged reports:

COMMITTEE ROOM,
AUSTIN, February 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 157, being "An act to amend articles 1770, 1771, 1772, 1773, 1777 and 1780 of the Revised Statutes, so as to better regulate the law of escheats," and find the same correctly engrossed.

CAMP, for Committee.

COMMITTEE ROOM,
AUSTIN, February 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared committee substitute for Senate bill No. 48, being "An act to punish fishing and hunting on the enclosed lands of another," and find the same correctly engrossed.

All of which is respectfully submitted.

CAMP, for Committee.

COMMITTEE ROOM,
AUSTIN, February 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 173, being "An act to repeal article 4112 of the Revised Civil Statutes," and find the same correctly engrossed.

CAMP, for Committee.

Senator Pope, by leave, introduced the following bills:

"An act to amend an act to establish uniform weights per bushel of wheat, corn and other products of the State."

Referred to Committee on State Affairs.

"An act to amend title 26, chapter 7 of the Revised Civil Statutes."

"An act to amend title 29, chapter 12 of the Revised Civil Statutes."

Both bills referred to Judiciary Committee No. 2. By Senator Jones:

"An act to amend article 4237 of the Revised Statutes."

Referred to Committee on Internal Improvements.

On motion of Senator Terrell,

The Senate adjourned until ten o'clock to-morrow morning.

THIRTIETH DAY,

SENATE CHAMBER,)
AUSTIN, TEXAS, February 17, 1885. }

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

PETITIONS AND MEMORIALS.

By Senator Kleberg:
Memorial of the New York, Texas and Mexican Railway Company, asking the privilege of bringing suit in the district court of Travis county against the State of Texas, for the value of certain land certificates due said railway company by reason of its having built and equipped a certain number of miles of its railway previous to the repeal of "An act granting land certificates to railways constructed in this State."

Referred to Judiciary Committee No. 1.

REPORTS OF STANDING COMMITTEES.

By Senator Davis:

COMMITTEE ROOM,
AUSTIN, February 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 198, entitled "An act to amend article 339, chapter 4, of the Penal Code," have carefully examined the same, and instruct me to report the accompanying substitute therefor, and recommend that such substitute do pass.
All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE SUBSTITUTE SENATE BILL NO. 198.

An act to punish the keeping of a house or place as a resort for the purpose of smoking opium or any other intoxicant.

COMMITTEE ROOM,
AUSTIN, February 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 214, entitled "An act to amend chapter 13, title 22, of the Penal Code of the State of Texas, by adding thereto article 765a," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass. The bill provides for the punishment of persons buying or selling hides under certain circumstances, which, in the opinion of the committee, is already sufficiently provided for by law.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, February 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 213, entitled "An act to amend article 765 of the Penal Code of the State of Texas," have carefully examined the same, and instruct me to report it back with the recommendation that it do not pass. Under the present law cattle skinning is punished as a misdemeanor, and this bill seeks to go change the law as to punish the offense as a felony.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, February 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 204, entitled "An act to provide in what cases sheriffs shall be entitled to compensation," have carefully examined the same, and instruct me to report the accompanying substitute therefor, and recommend that such substitute do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 204.

An act to prohibit sheriffs from charging fees in certain cases.

COMMITTEE ROOM,
AUSTIN, February 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 203, entitled "An act to amend article 122 of the Penal Code of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, February 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 199, entitled "An act to regulate the practice of dentistry in the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it be referred to the Committee on Public Health.

All of which is respectfully submitted.

DAVIS, Chairman.

By Senator Houston of Bexar:

COMMITTEE ROOM,
AUSTIN, February 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 49, entitled "An act to amend article 4686, title 95, chapter 2 of the Revised Civil Statutes," have carefully examined the same and a majority of your committee instruct me to report the same back to the Senate with the recommendation that it be referred to the Committee on Internal Improvements.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, February 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 193, being "An act to provide for the correction and revision of the abstracts of located, titled and patented lands in Texas," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

By Senator Glasscock:

COMMITTEE ROOM,
AUSTIN, February 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Buildings and Grounds, to whom was referred Senate bill No. 205, entitled "An act defining who are entitled to be buried in the State cemetery, and defining the powers and duties of the Superintendent of Public Grounds in relation thereto," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the following amendments:

1. Strike out in section 1, beginning at the word "and" in next to the last line of said section the following words: "And the families of all the above named persons."

2. Insert after the word "Texas," in next to last line of sec-

tion 1, the following words: "And all officers in command of the State troops."

All of which is respectfully submitted.

GLASSCOCK, Chairman.

By Senator Stinson:

COMMITTEE ROOM,
AUSTIN, February 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 164, entitled "An act to amend article 378, chapter 6, title 11 of the Penal Code of the State of Texas, and to add article 378a to chapter 6, title 11 of the Penal Code of the State of Texas," have carefully examined the same, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

STINSON, for Committee.

COMMITTEE ROOM,
AUSTIN, February 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Private Land Claims, to whom was referred Senate bill No. 196, entitled "An act for the relief of Z. C. Collier, Thomas Collier and William Ramer," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

STINSON, Chairman.

By Senator Peacock.

COMMITTEE ROOM,
AUSTIN, February 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Lands, to whom was referred Senate bill No. 217, entitled "An act to repeal 'an act granting a land certificate of 1230 acres to the surviving soldiers of the Texas Revolution,' and to repeal an act approved April 26, 1879," etc., have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

PEACOCK, Chairman.

The President gave notice of signing substitute House bill No. 3, "An act making appropriations for deficiencies in the appropriations heretofore made for payment of expenses in support of the government, from March 1, 1884, to February 23, 1885, being for payment of claims registered in the Comptroller's office, in accordance with law, and for outstanding claims not registered, and other deficiencies;" and

House bill No. 15, "An act to amend sections 4 and 16 of an act entitled 'an act for the protection of the wool growing interests of the State of Texas,' approved April 4, 1883."

BILLS AND RESOLUTIONS.

Senator Houston of Bexar offered the following resolution:

Resolved, That the Commissioner of Insurance, Statistics and History be requested to furnish the Senate, as soon as practicable, a statement covering the following points:

1. The name and place of domicile of all fire insurance companies doing business in Texas since the first day of January, 1885.
2. The amount of risks written since that time by each of said companies.
3. The amount of premiums received by each of said companies since that time.
4. The amount of losses paid out by each of said companies since that time.
5. The excess of premiums received over losses paid out by all of said companies.
6. The amount of capital stock of each of said companies.

7. The names of all fire insurance companies now authorized to do business in this State.

8. The names of all such insurance companies, if any, who have failed to comply with the insurance laws of this State.

9. The names of all such companies who have failed to make a report on January 1, 1885, as required by articles 2965 and 2966 of the Revised Statutes of this State.

10. The names of all companies who have made but partial reports since January 1, 1875.

Adopted.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to inform your honorable body of the appointment of the following conference committees by the Speaker of the House: Substitute House bills Nos. 13, 61, 64, 104 and 161, Messrs. Foster of Grayson, Hamilton and Rountree.

Substitute House bill No. 48, Messrs. Robinson of Jack, Steele and Combes of Dallas.

Also to inform your honorable body that the House has moved a reconsideration of its action of the sixteenth instant concerning Senate bill No. 79, and requests the Senate to return to the House said bill, in order that the House may conclude its deliberations and action upon the same.

A. D. SADLER,

Chief Clerk House of Representatives.

By leave.

Senator Jones sent up the following report for the special joint committee to visit the State penitentiaries:

COMMITTEE ROOM,
AUSTIN, February 17, 1885.

Hon. L. L. Foster, Speaker of the House of Representatives, and Hon. Barnett Gibbs, President of the Senate:

Your joint committee of the Senate and House, appointed by House concurrent resolution, dated January 25, 1885, to investigate the management, operation and condition of the Texas State penitentiaries, and to make such suggestions as to their future management as they may deem necessary, beg leave to report as follows:

That a quorum of said committee met in the parlors of the Gibbs House in Huntsville on the tenth day of February, and on motion of the Hon. Harry Haynes, the Hon. J. W. Jones was chosen chairman of the committee; whereupon it was resolved to at once make a careful inspection and examination of the Huntsville penitentiary.

The committee first proceeded to examine the cells, which they found in good, clean and safe condition; many of the convicts displaying marked good taste in the tidy appearance and arrangement of their cells.

We found that there is a total of 2700 convicts at present, distributed as follows: 640 at Huntsville, 465 at Rusk, 182 on railroad trains, and the balance on farms, variously distributed. The cell capacity of the Huntsville penitentiary is about 650 convicts.

HOSPITAL AND PATIENTS.

In the hospital there were but few patients, all of whom received careful medical attention.

SHOPS.

Visiting the machine shops, we found most of the convicts usefully employed in the manufacture of wagons, furniture and a supply of clothing, shoes and harness necessary for the use of the penitentiary. We also found a large stock of material and manufactured goods on hand, consisting of wagons and furniture ready for market.

STILL BROTHERS.

Messrs. Still Brothers have under contract thirty-five convicts, who are employed in the manufacture of saddle-trees, girths, etc.

WIGGINS & SIMPSON.

This firm has contracted for seventy-five convicts for a period of five years, at the rate of sixty cents per day each. They are turning out from their shops excellent work.

CONTRACT SYSTEM.

It appears to the committee that the contract system works most excellently, and the character of the work turned out of the shops of Wiggins & Simpson and Still Brothers appears superior to that turned out on State account.

THE WYNNE FARM.

Your committee visited the State farm near Huntsville, and found the same to be in excellent condition. The farm consists of 1900 acres of land, 1100 of which are in a high state of cultivation. The truck patches consist of turnips, onions and other fall vegetables, which we found to be abundant. The convicts present a healthy appearance and appear to be as well satisfied as men under the circumstances could be expected; and there is abundance of corn to run the farm for the ensuing year, and fodder and other forage. The teams, consisting of mules and oxen, were also in good condition, and their appearance was indicative of unusual care. The farm is run on State account, and not only pays expenses, but the books of Capt. Swythers, the manager, show a balance in favor of the State. We found that the farm supplies the prison at Huntsville with the vegetables—turnips, onions, potatoes, etc.—which are ample for the prison necessities.

FOOD AND TREATMENT.

We found the food at the Huntsville penitentiary abundant and wholesome, and the treatment of the convicts to be humane and the management efficient, and the convicts under good discipline. The convicts were visited by the committee individually and in a body, and no complaints as to treatment for amount of food were made. The water supply is abundant, affording every protection against fire.

We found that the present chaplain has rendered efficient service, and that the prison has a good chapel for religious services, and a small but well selected library, which we think should be enlarged.

In addition, we would add that we found the buildings safe, sufficient and well ordered, and the management conducted in accordance with the most approved methods of prison discipline.

RUSK PENITENTIARY.

At Rusk we found the buildings safe, clean and well ordered, and of a cell capacity of one thousand convicts. The water facilities are good, affording good protection in case of fire.

SHOPS.

The shops have been worked on State account, but at present are doing but very little. The reason given by the management is, that there is no market for manufactured articles, and a lack of seasoned wagon and furniture material.

The hospital, dining room, laundry, and chapel are all in very good condition.

Since the expiration of the Comer & Fairris contract, we find that the furnace in connection with the Rusk penitentiary has not been operated. We find the machinery ample for the manufacture of pig iron, and a large supply of charcoal on hand. The machinery was purchased at a cost of \$65,000, and is of a superior quality.

We found that the shops were virtually idle.

TREATMENT.

The committee visited the convicts at their cells, and found various complaints as to the treatment of the convicts. In many instances the punishment was severe, not to say cruel, and the discipline extremely rigid. Where whipping, as a punishment, has been administered, the statements of the convicts showed that the number of lashes ranged all the way from forty to one hundred and forty. This punishment was administered for attempts on the part of convicts to escape, and for other violations of the rules and regulations of the penitentiary. A portion of your committee examined the backs of convicts alleged to have been whipped, and saw scars indicating that their flesh had been lacerated and the skin broken.

In this connection your committee would state that some time during the fall of 1884, a convict named Goodall was killed by a guard under the following circumstances: The convict had been commanded to submit to a whipping; while being whipped he broke away from the guard and went on to what they call the run-around, in the third story of the cells. He was commanded to come down and submit to a whipping; he

protested that he would not come down because they would kill him. The under keeper, named Hughes, told him that he would conquer his temper with his life or body; at this time a shot was fired from an upstairs window, from the effect of which the convict Goodall died in a day or two. An inquest was held over his body, and a guard named Gayton testified at the inquest that he shot him. That guard is still in the employ of the penitentiary as a guard. There were two witnesses who stated to the committee that after the shooting they went to the spot where Goodall fell and found a chair round, a razor and a knife. The excuse for shooting him was, that he was going to escape through the top of the building. From examination of the building and the enclosure around it, the committee are satisfied that he could not have finally escaped from the penitentiary; and your committee are of the opinion that such killing was wanton and cruel, and manifested a disregard of human life, and it is our opinion that the conduct of the guard who did the killing, and such officials as were near there and privy to the killing, should be subjected to a close investigation.

FOOD.

Numbers of convicts volunteered to make complaints to members of the committee in regard to the food; and the complaints were so serious that the committee investigated individually, and took testimony from numbers of convicts. The quantity seems to have been sufficient, but the quality, by the concurrent testimony of all convicts examined, or by the statements of those who voluntarily came before the committee, was very bad. The bread was made with cold water, and was frequently cold, mouldy and clammy before served to the convicts. The meats consist of beef and bacon; the bacon was frequently inferior, rancid and spoilt. The beef was sometimes scant in amount and badly cooked; in fact, all the food appears to be poorly cooked, and this results not from any defect in the kitchen arrangements, but from the negligence of the steward. We found that the physician had frequently condemned food as being unsound and unwholesome; but we were unable to learn that any particular amount of food condemned by the physician was ever cooked by the steward. The steward, against whom the complaints were lodged, is still retained in the position, and we suggest that steps should be taken to have him discharged. The committee are satisfied that the complaints in the main are well founded. The water is good, and the supply ample.

The chapel for the church and Sunday school services is neat and comfortable. The chaplain is efficient and diligent in the discharge of his duty. The library, though small, is well selected.

The supply of medicines seems to be sufficient, and the department is well managed under the direction of Dr. Jameson, assisted by Dr. Walton, a convict.

The superintendent, assistant superintendents and the financial agent extended to the committee every courtesy and all facilities for conducting their investigation.

FARMING ON SHARES.

We find that during the last few months contracts have been made with some six or eight parties in the counties of Robertson and Grimes for convicts to cultivate crops on shares. The number of convicts ranges from twenty-five to something over one hundred to the several parties. The terms of these contracts are, in substance, that the State is to furnish the convicts, guard, feed and clothe them, and the farmer to furnish land, teams and implements, and the crops to be equally divided between the farmers and the State—the farmers in some instances to pay a small bonus to the State in money.

The committee learned of no bad treatment of convicts, but on the contrary, they seemed to be well treated, more healthy and better satisfied on the farms than in the walls. The reason for these contracts given by the management is, that the convicts were idle in the walls, the railroads having turned in nearly all they had contracted for, and it was thought by them to be the best thing to make some arrangements by which the convicts could be utilized in making enough, at least, for their support; and your committee is of the opinion that they were disposed of to the best advantage, the fact being that the penitentiaries are only capable of containing 1600 convicts, while there are 2700 on hand, and the industries operated in the walls are so limited as to require the services of only a limited number.

COMER & FAIRIS CONTACT.

This contract was made by the Penitentiary Board with

Comer & Fairris in July, 1883, and was to go into effect in January, 1884. In substance said contract was about as follows:

1. The State was to furnish to Comer & Fairris the labor of one thousand convicts for a term of ten years, to be used in operating the Rusk penitentiary, and the industries connected therewith, the convicts to be divided into three classes.

2. The State was to furnish and pay officers and guards for said convicts, clothe the convicts, and, in short, to furnish everything incidental to the management and keeping of the convicts.

3. The contractors were to have the use of all shop buildings, machinery and tools, the blast furnaces, ore privileges and wood on the State lands, for fuel and steam purposes, the spur railroad, and all other property belonging to the State, not reserved.

4. The State reserved administration and all buildings, and such tools, wagons, teams and other property as might be needed for the use of the State.

5. The contractors were to pay monthly for the labor, at the rate of one hundred dollars per annum for the first class, seventy-five dollars for the second class, and fifty dollars for the third class hands.

6. The contractors were to feed the convicts and guards, to keep the buildings and other property turned over to them in good repair; and

7. The State was to furnish, for ninety days after the execution of the contract, such surplus hands as might be at Rusk free of charge.

8. To get material to make tools, etc., and to operate the furnace in the penitentiary.

9. The contractors were to work outside the prison walls only such number of convicts as might be necessary to cut wood, dig ore, burn coal, get lime rock, saw lumber and make provisions and forage for the necessary operation of the furnace in the penitentiary.

Under this contract Comer & Fairris took charge of and began operations at the Rusk penitentiary and furnace on the first day of January, 1884. They paid their monthly labor accounts for three months, that is to say, for January, February and March, these accounts becoming due on the tenth day of each subsequent month from the beginning of the contract.

The labor accounts collected from Comer & Fairris for the three months named above amounted to \$3,975.48. When the fourth installment of labor bills became due on the tenth day of April, 1884, Comer & Fairris applied to the board for an extension. The result was that the Penitentiary Board executed a supplemental contract with Comer & Fairris, which provided in substance that the board would furnish provisions for the support of the convicts up to the tenth day of September, 1884, and would give Comer & Fairris that time in which to pay their labor bills.

On the fifth day of September, 1884, Comer & Fairris made an offer to surrender their contract; this was acceded to by the Penitentiary Board. At this time the account of Comer & Fairris with the State stood about as follows: \$8881 due the State for provisions furnished for the time mentioned in the supplemental contract, to-wit, four months, and labor bills which in the aggregate made their indebtedness something over \$26,000, which amount they proposed to settle by turning over to the Penitentiary Board property they had come in possession of since their connection with the Rusk penitentiary under their contract. This property consisted of wood, iron ore and wagon material and some unfinished wagons on hand in their wagon factory, charcoal, etc. The appraisers failing to agree as to the value of a portion of the property that Comer & Fairris proposed to turn over to the State in settlement of their debt, an umpire was agreed upon to pass upon the value of the remainder. The result of the appraisement and valuation was that the claim of Comer & Fairris against the State exceeded the amount due and owing from Comer & Fairris in the sum of \$3100, which amount the State paid to them in cash, which, together with the advances and labor bills heretofore mentioned, made the sum of about \$31,000, for which the State received about four thousand cords of wood, sixty-five thousand bushels of charcoal, a lot of unfinished wagons, and a considerable lot of new material in the shops of the Rusk penitentiary, and \$1130 in permanent improvements. The State paid in cash an additional sum of about \$1700 for lumber at and about the time of the settlement, which was paid for the purpose of procuring a final settlement with Comer & Fairris, they saying that they would not make a settlement unless the State purchased the lumber.

The figures submitted by the committee are not exact, but are only intended to give substantial results.

The property taken is of little value unless appropriations are made to utilize it in operating the penitentiary and furnace at Rusk, the same having been idle since the surrender by Comer & Fairris. The superintendent and financial agent state in their report that it will require from \$50,000 to \$70,000 to put it in successful operation.

The committee in this connection will state that much of the property accepted from Comer & Fairris in satisfaction of their claim was taken at a price in excess of its real value, and unless operations are resumed at the furnace and the penitentiary, the property will be a virtual loss to the State.

It is obvious to the committee that the State was placed at a great disadvantage in effecting the settlement with Comer & Fairris, for the reason that the sureties on the bond of Comer & Fairris for the faithful performance of their contract were all non-residents of the State of Texas, and in case such settlement had not been made, and suit had been brought, would have subjected the State to a long and tedious litigation, attended with great expense. And the committee deprecate most seriously the practice of taking sureties on bonds for faithful performance of contracts with the State in operating its convicts who are non-residents of the State, when it can be avoided.

RECOMMENDATIONS AND SUGGESTIONS.

1. A majority of your committee recommend that such appropriation, to be based upon the reports of the financial agent and superintendent of the penitentiaries, as may be necessary to place the iron industry at Rusk upon a basis that will be self sustaining, be made.

2. We recommend the making of contracts to carry on the various industries similar to those now in force at Huntsville, where it can be done.

3. We recommend that such appropriations be made for the maintenance of the penitentiaries at Rusk and Huntsville as may be necessary.

4. We recommend the purchase of a sufficient quantity of agricultural land, in a body, for the employment of all such convicts as cannot be furnished employment in the walls. This recommendation of the committee is based upon the following reason: There being insufficient room in the penitentiary walls and few facilities for the employment of convicts, the Penitentiary Board have been compelled to make farm contracts, by which the State has gone into farming on the shares. There are a number of such contracts in the counties of Robertson and Grimes and other counties. This policy scatters the convicts at various points, brings them in contact with the people and disorganizes labor, causes dissatisfaction in communities where they are located, demoralizes society and increases the expense of guard and sergeant hire, and increases the opportunity for escapes; whereas if the State owned a large body of land, sufficient to furnish employment to all of the surplus convicts outside of the walls, they could keep them in one place and in one enclosure, isolated from the public and securely guarded at less expense; at the same time the convicts will be self-supporting, for it would scarcely ever occur that the farm would not produce sufficient to feed and clothe them.

5. We recommend that the Penitentiary Board be abolished, and that the management of the penitentiaries be placed exclusively in the hands of the superintendent, who shall be subject to removal by the Governor for cause; and that the financial agent be retained as now provided by law.

6. We recommend that a commission, consisting of three citizens well informed on prison management, be appointed by the Governor, to visit the various prisons in the United States to investigate their management and collect information as to their treatment and employment in various industries of their convicts, and to report the result of such investigation to the next Legislature, with such suggestions as they may deem proper, in order that the State may, from the best sources of information obtainable, adopt a policy for the permanent management of the State prisons.

7. We recommend that in the event the contract for building the new State Capitol is so modified as to substitute granite for limestone, the penitentiary management be authorized to contract for as many convicts as possible for the quarrying and handling of granite to be used in the new Capitol.

8. A majority of your committee recommend a separate superintendent and financial agent for each of the penitentiaries at Rusk and Huntsville, and that the management be kept separate and distinct. The reason for this recommendation by a majority of your committee is based upon the following

fact: that the management will be much more efficient, and that the State will be enabled to dispense with the services of one inspector and two assistant superintendents, and that it would inure to the better treatment of the convicts by bringing the officers in more direct supervision over them.

9 We would also recommend that executive clemency be extended to a certain number of lifetime convicts every year, to be granted after a certain period of good behavior, for the reason that this would be an incentive for obedience and good behavior that no lifetime convict would fail to improve.

10. Notwithstanding the recommendation of the committee as to the purchase of a farm and the employment thereon of convicts, the committee do not wish to be understood as favoring such a system as a permanent policy for the State; for it is the opinion of the committee that it is the duty of the State to make provision for the confinement of its convicts within penitentiary walls, so that the judgment and sentence of the court trying them can be carried out; the suggestion of the committee for the purchase of a farm being deemed by them the only expedient now available for the keeping of convicts and their support with as little expense to the State as possible till sufficient prison room can be provided.

All of which is respectfully submitted.

JONES,
KLEBERG,
KILGORE,
Senate Committee.
HAYNES.
KIMBROUGH,
HENDRY,
MOORE of Washington,
House Committee.

We respectfully dissent from the recommendation of the majority providing separate management and separate superintendents.

We respectfully dissent from the recommendation of the majority making an appropriation for the Rusk furnace.

JONES,
KLEBERG,
HAYNES.
JONES.
HAYNES.

The following minority report was also sent up:

COMMITTEE ROOM,
AUSTIN, February 17, 1885.

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

The undersigned, a minority of your joint committee appointed to visit and investigate the management of the State penitentiaries, being unable to agree with the majority in their recommendation for large appropriations for the operation of the Rusk furnace, and for separate management of each of the penitentiaries, beg leave to submit the following: As to the "Rusk furnace," we do not believe that it can ever be placed on a paying basis, or ever made self-sustaining, and it would be a waste of money to attempt to make it so for the following reasons:

1. The ore is very inferior in quality. There is no bituminous coal anywhere in that region of country, and consequently the only heat-producing material being charcoal. In order to procure this charcoal, timbered land would have to be purchased by the State, and parties having such land for sale, seeing the State's necessities, would demand exorbitant prices for the same, which land when denuded of the wood would be utterly valueless for any purpose whatever.

In addition to the foregoing, it is submitted that in the event of purchase, there would be a further expense incident thereto in converting the wood into charcoal and transporting it to the furnace.

2. The means and facilities for transportation are very limited, there being but one railroad, and that a narrow gauge, the only connection between the town of Rusk and the rest of the State. This being true, the expense of transportation of material to or manufactured articles from the penitentiary would be so great as to overbalance all profits that might otherwise ensue on the production or manufacture of articles for market. Limestone is essential to the production of pig iron. There is no limestone within a hundred miles of Rusk, the seat of the penitentiary. The importation of this article is very expensive.

3. The water supply is very deficient, it being necessary to construct huge dams at great expense in order to husband anything like a sufficient quantity.

4. The condition of the furnace at present is such as to render it unavailable for even the production of "pig iron," it being in a very dilapidated state. And were this not the case, the quality of the pig iron is of such an inferior grade that were it utilized in producing or manufacturing commercial wares or merchandise, they could not compete with the productions of older manufactories. The Superintendent and Financial Agent agree that in order to put the furnace in such condition as to produce articles of traffic from the pig iron, it would take an appropriation of sixty-five to ninety thousand dollars. We are therefore of the opinion that the State would save money by allowing it to remain idle, and we recommend that the machinery be sold and the proceeds utilized for penitentiary purposes.

JONES, of Senate Committee.
HARRY HAYNES, of House Committee.

As to the separate management and separate superintendents for each of the penitentiaries we submit:

That in our opinion it is best to have one superintendent with supreme control over both penitentiaries. Any enterprise can be managed better by one than many heads, between whom differences are likely to arise, not unattended with jealousies and bickerings, and at the same time one superintendent would insure uniformity in management, conduct and discipline.

Again, the State is not in a condition financially to incur the additional expense of double superintendent's pay. Where there is but one superintendent there can be no excuse for a neglect of duty nor evading or shifting responsibilities.

Respectfully submitted,

JONES,
KLEBERG,
Senate Committee.
HARRY HAYNES,
House Committee.

Senator Traylor offered the following resolution:

Resolved, That a committee of three Senators be appointed by the President of the Senate, to confer with the owners of the granite mountain, in Burnet county, from which the contractors for building the Capitol are now getting granite, and ascertain if said property can be bought for the State, and, if so, at what price.

Adopted, and

The President appointed on this committee Senators Traylor, Pfeuffer and Johnson.

Senator Kleberg introduced the following resolution and had it referred to Committee on State Affairs:

Resolved, That the Nineteenth Legislature of the State of Texas stand adjourned sine die at 12 o'clock m., on Monday, the seventeenth of March, 1885.

By Senator Glasscock:

"An act for the relief of Anna B. Smith, assignee and heir of Rufus R. Smith."

Referred to Committee on Private Land Claims.

By Senator Traylor:

"An act to provide for the publication and binding of one thousand copies of the Revised Statutes of the State of Texas, and to make an appropriation therefor."

Referred to the Committee on Finance.

Senator Jones entered a motion to reconsider the vote by which the minority report on Senate bill No. 153 was on yesterday adopted.

The hour having arrived, the Senate went into committee of the whole on the consideration of Senate bill No. 195, the substitute for Senate bill No. 7. (Senator Pope in the chair.)

IN SENATE.

(The President in the chair.)

Senator Pope, chairman of the committee of the whole, reported progress, and asked leave to sit again to-morrow after morning call.

The report was adopted.

A message was received from the Governor.

Senator Houston of Bexar moved that the Senate grant the request of the House to return Senate bill No. 79, "An act to require the Comptroller of Public Accounts, etc., to employ female clerks." etc.

Senator Davis raised the point of order that the bill had gone beyond the jurisdiction of the Senate, and therefore the Senate cannot in anywise act upon the bill.

Pending discussion on the point of order,

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

By mistake of the Chief Clerk, the Senate was this morning informed that the House had ordered the return of Senate bill No. 79. The House simply entered a motion to reconsider the vote by which said bill was passed, and to enter that motion on the journal, no final disposition having been made of said motion.

A. D. SADLER, Chief Clerk.

The motion of Senator Houston of Bexar to grant the request of the House was withdrawn.

Senator Houston of Bexar moved that the Secretary be instructed to report the bill back to the House with the information that the Senate had refused to concur in the House amendments.

Senator Davis arose to a point of order, but before stating his point of order,

The President ruled the motion of Senator Houston out of order, whereupon

Senator Houston appealed from the decision of the President.

Pending this appeal.

Senator Pope moved to adjourn till ten o'clock to-morrow morning.

Adopted, and the Senate adjourned.

THIRTY-FIRST DAY.

SENATE CHAMBER. }
AUSTIN, February 18, 1885. }

Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the House Chaplain, Dr. Poindexter.

On motion of Senator Terrell,

The reading of the journal of yesterday was dispensed with.

On motion of Senator Evans,

Senator Perry was excused indefinitely, on account of sickness.

On motion of Senator Kleberg,

Senator Jones was excused till to-morrow.

PETITIONS AND MEMORIALS.

By Senator Shannon:

Memorial of citizens of Calvert, Texas, praying for an amendment to their city charter.

Referred to Committee on State Affairs.

By Senator Houston of Wheeler:

Petition of the citizens of Clay and Montague counties, protesting against leasing of school lands.

Petition of citizens of Clay county, protesting against the leasing of the school lands.

Petition of the county officers and citizens of Wilbarger county, protesting against the lease law.

The three petitions referred to Committee on Public Lands.

By Senator Calhoun:

A memorial from citizens of Taylor county on prohibition.

Referred to Committee on Constitutional Amendments.

REPORTS OF STANDING COMMITTEES.

By Senator Jerdone:

COMMITTEE ROOM,
AUSTIN, February 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Health, to whom was referred Senate bill No. 128, entitled "An act to establish a State Board of Medical Examiners, and to regulate the practice of medicine and surgery in the State of Texas, also defining the duties of such board," have carefully examined the same, and instruct me to report the same back to the Senate with the accompanying amendments, with the recommendation that it do pass as amended.

All of which is respectfully submitted.

JERDONE, Chairman.

COMMITTEE AMENDMENTS.

1. Strike out after line 4 in section 4, down to and including the word "act," in line 9, and insert "shall be styled and shall transact business under and by the name of 'State Board of Medical Examiners for Texas,' and shall have and use a seal with a star of five points, and the words around the margin, 'State Board of Medical Examiners for Texas.'"
2. Strike out the words "unprofessional or," in line 7, section 9.
3. Strike out all of section 10.
4. Strike out the word "satisfactory," in lines 5 and 6, section 12, and add to the section, "the affidavits of two credible persons or a certified copy of any public record of the fact shall be sufficient evidence to require the secretary to register an applicant under this section, and the same may be presented without the personal presence of the applicant."
5. In section 14 strike out the words "whose name shall not be found in the official register," and insert the words "who has not complied with the provisions of this act."
6. In section 15, after the word "court" in line 7, insert the words "or jury trying the case," and strike out the remainder of the section.
7. In section 17 strike out the words "bank to the credit of the State Board of Medical Examiners," and insert the words "State Treasury, and the State Treasurer shall preserve the same and keep an account thereof, and pay the same out as hereinafter provided."
8. In section 19, line 3, strike out the word "unprofessional."
9. In section 20, line 10, strike out the word "bank" and insert "State Treasurer."
10. Strike out section 25.

COMMITTEE ROOM,
AUSTIN, February 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Health to whom was referred Senate bill No. 154, entitled "An act to regulate the practice of medicine and surgery, and to punish persons for malpractice," have carefully examined the same, and instruct me to report the same back to the Senate with the recommendation that it lie on the table, for the reason that your committee have reported upon a bill relating to the same subject.

All of which is respectfully submitted.

JERDONE, Chairman.

COMMITTEE ROOM,
AUSTIN, February 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Health, to whom was referred Senate bill No. 199, entitled "An act to regulate the practice of dentistry in the State of Texas," have carefully examined the same, and instruct me to report the same back to the Senate with the accompanying amendment, with the recommendation that it do pass as amended.

All of which is respectfully submitted.

JERDONE, Chairman.

COMMITTEE AMENDMENT.

Strike out section 8.

By Senator Traylor:

COMMITTEE ROOM,
AUSTIN, February 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 223, entitled "An act to provide for the publication and binding of one thousand copies of the Revised Statutes of the State of Texas, and to make an appropriation therefor," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

TRAYLOR, Chairman.

BILLS AND RESOLUTIONS.

By Senator Shannon (by request):

"An act to amend sections 4, 9 and 16 of 'an act to incorporate the city of Calvert, in Robertson county.'"

Referred to Committee on State Affairs.

By Senator Jerdone:

"An act to enable servants and employees to maintain actions for damages for personal injuries sustained at the hands of a co-employee or fellow servant."

Referred to Judiciary Committee No. 1.

By Senator Traylor:

"An act to amend article 2396, chapter 3, title 42 of the Revised Statutes."

Referred to Judiciary Committee No. 1.

By Senator Davis:

"An act to repeal article 2384 of the Revised Statutes."

Referred to Judiciary Committee No. 1.

"An act to abolish the office of secretary of the Capitol Board."

Referred to Committee on State Affairs.

By Senator Randolph:

"An act to provide for the sale and lease of the lands that have been heretofore or may hereafter be surveyed and set apart for the benefit of the common school, University, Lunatic, Blind, Deaf and Dumb, and Orphan Asylum funds."

Referred to Committee on Public Lands.

Senator Davis offered the following resolution:

Resolved, That the Secretary be instructed to report to the House that the second Senate amendment to substitute House bill No. 48 was to strike out section 5 from the caption and bill.

Adopted.

The following message from the Governor was laid before the Senate, and together with the accompanying letter,

On motion of Senator Pfeuffer, was referred to Committee on State Affairs:

To the Senate and House of Representatives.

GENTLEMEN—I herewith transmit a letter received from ex-Governor P. H. Bell.

I do so because it comes from one who once had the authority to communicate with the Legislature of this State, and now can only do so through this office.

The communication comes from one whose early life was devoted to a State whose splendor we now enjoy, and it is proper that he should be heard.

Respectfully,

JOHN IRELAND, Governor.

WARRENTON, N. C., February 10, 1885.

His Excellency Governor Ireland:

As one of your predecessors in the executive chair of Texas, or (more to my purpose), as an old Texan, I respectfully ask your attention to, and invoke your aid in a measure which personally concerns me, and which I believe involves a principle that should have been maintained in the law to which I now refer. Your pension act excludes from the benefits of its provisions all persons residing outside of the limits of the State. In the original pension law non-residents were placed on the same footing as residents. Under this law I received my quota of the amount allowed. It was acceptable, and I was grateful for it. The law as it now exists is partial and unjust, and I here enter, very respectfully, my protest against it, and request that your Excellency will interpose your influence and authority with the honorable Legislature to have the present pension act so modified as to have my name, and all old soldiers similarly situated, on the original muster roll, with benefits equal to those on the roll who are inside of the limits of your State. The pension law, beneficent in its object, was intended not only to extend material aid, but patriotically and gratefully to recognize the services of a class of men who, in the greatest peril of her existence, ventured their fortunes and lives in her behalf; further than this it conveyed a compliment, and was approved as a souvenir to be cherished and passed to the descendants of every soldier.

No geographical divisions could properly be considered, and no party lines or prejudices to give it coloring. Let it be remembered that the appeals sent forth from Texas in 1835-6 were not limited to sections or States, but to all who loved liberty rather than oppression. They came to me in my mountain home, and, under rough auspices and against strong remonstrances, I ranged myself under the Lone Star banner, and for the period of twenty-odd years I remained at the post of my duty, in the field and in her councils. I came to her in weakness; I left her in power. I came to her in her afflictions of poverty, chaos and distress; I left her in peace, tranquility and order—her boundary marked bravely and honorably by the sword, her debt adjusted on equitable principles, her war debt paid and a large surplus in her treasury. The State of my adoption was and is most dear to me. I left her with profound sorrow, in the discharge of a sacred duty, no less than the preservation of the life of a devoted and much-loved wife. If I had not done so, under the circumstances, I should have been unworthy the respect of the people of Texas.

In kind appreciation of the services of an old Texas soldier, your Excellency will, I am sure, excuse and forward this application. It will be most acceptable service to me, and gratefully remembered.

The results of the civil war swept from me more than two-thirds of my estate, and I have had since a hard struggle to keep on the surface. I am wearing into years, and have no time in which to look out for new departures. I am admonished by natural laws that before many years can pass I shall be beckoned across the river, when, in the providence of a merciful God, I shall, I trust, be reunited in the Spirit Land with the comrades and patriots who, while yet a youth, I so often met on the battlefields of Texas.

I congratulate your Excellency on your re-election, and sincerely hope that your administration for the second term may greatly advance the State and be pleasant and satisfactory to yourself.

I have the honor to be, with the highest respect, your obedient servant,

P. H. BELL.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage

of House bill No. 428, "An act to amend article 4736 of the Revised Civil Statutes of the State of Texas."

A. D. SADLER, Chief Clerk.

The hour having arrived for the sitting of the committee of the whole,

The Senate went into the committee of the whole on consideration of Senate bill No. 195, the committee substitute for Senate bill No. 7.

(Senator Pope in the chair.)

IN THE SENATE.

(The President in the chair.)

Senator Pope, chairman of the committee of the whole, reported progress, and asked leave to sit again to-morrow after morning call.

On motion of Senator Getzendaner,

The report was adopted.

On motion of Senator Randolph,

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

THIRTY-SECOND DAY.

SENATE CHAMBER,
AUSTIN, February 19, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Houston of Wheeler,

The reading of the journal of yesterday was dispensed with.

On motion of Senator Bell,

Mr. Boynton, First Assistant Secretary, was excused for the day, on account of sickness.

REPORTS OF STANDING COMMITTEES.

By Senator Getzendaner:

COMMITTEE ROOM,
AUSTIN, February 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred Senate bill No. 211, entitled "An act to amend article 4419 of the Revised Civil Statutes of the State of Texas," have carefully examined the same, and instruct me to report the same back with the accompanying substitute, and recommend the passage of said substitute.

All of which is respectfully submitted.

GETZENDANER, for Committee.

COMMITTEE SUBSTITUTE.

A bill, "An act to amend article 4419 of the Revised Civil Statutes," etc.

By Senator Randolph:

COMMITTEE ROOM,
AUSTIN, February 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 224, entitled "An act to amend sections 4, 9 and 16 of an act entitled 'an act to incorporate the city of Calvert, in Robertson county,'" have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

COMMITTEE ROOM,
AUSTIN, February 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred

memorial of citizens of De Witt county asking for an amendment to the Constitution prohibiting the manufacture and sale of spirituous, vinous, or malt liquors in this State, have carefully examined the same, and instruct me to report the same back with the recommendation that it be referred to the Committee on Constitutional Amendments.

All of which is respectfully submitted.

RANDOLPH, Chairman.

REPORTS OF SPECIAL COMMITTEES.

By Senator Davis:

COMMITTEE ROOM,
AUSTIN, February 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your special committee, to whom was referred for investigation the question of the right of the Legislature to confer upon county courts jurisdiction to hear and determine election causes which question is involved in Senate bill No. 20 and the committee substitute therefor, respectfully report that they have examined the subject, and, while not free from doubt, it is the opinion of the committee that the Legislature can, under the Constitution, confer such jurisdiction upon the county courts.

All of which is respectfully submitted.

DAVIS,
BELL,
CAMP.

COMMITTEE ROOM,
AUSTIN, February 18, 1885.

Hon. Barnett Gibbs, President of the Senate, and Hon. L. L. Foster, Speaker of the House of Representatives:

Your committee of free conference, to whom was submitted the differences between the two houses in reference to substitute House bills Nos. 13, 61, 64, 104 and 161, respectfully recommend that "Rusk" be stricken from the second Senate amendment, and that the House concur in the Senate amendments, with the exception aforesaid.

All of which is respectfully submitted.

DAVIS,
TRAYLOR,
PERRY,
On the part of the Senate.
FOSTER of Grayson,
HAMILTON,
ROUNTREE,
On the part of the House.

On motion of Senator Davis,

The report of the free conference committee was adopted.

By Senator Shannon:

COMMITTEE ROOM,
AUSTIN, February 17, 1885.

Hon. Barnett Gibbs, President of the Senate, and Hon. L. L. Foster, Speaker of the House of Representatives:

Your conference committee to whom was referred the difference between the two Houses upon substitute House bill No. 48, entitled "An act to amend sections 1 and 5 of 'an act to regulate the appointment and define the duties of notaries public; to require them to procure and use legal seals, and punish them for failing to do so,' approved April 1, 1881," have considered the same, and have to report with the recommendation that the House do concur in the Senate amendment to said bill.

All of which is respectfully submitted.

SHANNON,
HOUSTON of Bexar,
DAVIS,
Senate Committee.
STEELE,
COMBES of Dallas,
ROBINSON of Jack,
House Committee.

On motion of Senator Shannon,

The committee report was adopted.

BILLS AND RESOLUTIONS.

By Senator Fowler:

"An act to amend article 906 of the Code of Criminal Procedure, so as to compel justices of the peace

to investigate and prosecute all violations of the law when they may have good cause to believe an offense has been committed."

Referred to Judiciary Committee No. 2.
By Senator Shannon:

"An act to prevent the forfeiture of the rights of purchasers of public free school, University or asylum land."

Referred to Committee on Public Lands.
By Senator Kilgore:

"An act to amend title 17, chapter 4, article 407 of the Revised Civil Statutes, relating to cemeteries when the same may be located outside of the corporate limits of the city or town."

Referred to Committee on State Affairs.

Senator Glasscock introduced the following joint resolution, and had it referred to Committee on State Affairs:

Be it resolved by the Senate and House of Representatives of the State of Texas, That our Senators and Representatives in the United States Congress be requested to present and urge on the part of the United States such a provision in a treaty with Mexico as will permit the immediate bringing of the remains of any citizen of the United States dying in Mexico back to the United States, without the delay and expense now demanded by the Republic of Mexico in such case.

By leave, Senator Peacock submitted the following committee report :

COMMITTEE ROOM,
AUSTIN, February 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Lands, to whom was referred Senate bill No. 230, entitled "An act to prevent the forfeiture of the rights of purchasers of public free school, University or asylum lands," have carefully considered the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

PEACOCK, Chairman.

On motion of Senator Shannon, The special order was postponed, and Senate bill No. 230, "An act to prevent the forfeiture of the rights of purchasers of public free school, University, or asylum land," was taken up out of its regular order, and,

On motion, the constitutional rule was suspended, and

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

YEAS—24.

Bell,	Hall,	Pfeuffer,
Calhoun,	Houston of Bexar,	Pope,
Camp,	Houston of Wheeler,	Randolph,
Davis,	Johnson,	Shannon,
Evans,	Kilgore,	Stinson,
Fowler,	Kleberg,	Terrell,
Getzandaner,	Knittel,	Traylor,
Glasscock,	Peacock,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Douglass, Jerdone, Jones.

The bill was read second time and ordered engrossed.

On motion of Senator Shannon,

The constitutional rule was suspended, and

The bill put on its third reading by the following vote:

YEAS—24.

Bell,	Hall,	Pfeuffer,
Calhoun,	Houston of Bexar,	Pope,
Camp,	Houston of Wheeler,	Randolph,

Davis,	Johnson,	Shannon,
Evans,	Kilgore,	Stinson,
Fowler,	Kleberg,	Terrell,
Getzandaner,	Knittel,	Traylor,
Glasscock,	Peacock,	Woods.

NAYS—none.

ABSENT, NOT VOTING,

Douglass, Jerdone, Jones.

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

YEAS—24.

Calhoun,	Hall,	Pfeuffer,
Camp,	Houston of Bexar,	Pope,
Davis,	Houston of Wheeler,	Randolph,
Douglass,	Johnson,	Shannon,
Farrar,	Kilgore,	Stinson,
Fowler,	Kleberg,	Terrell,
Getzandaner,	Knittel,	Traylor,
Glasscock,	Peacock,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Evans, Jerdone, Jones.

On motion of Senator Douglass, Senate bill No. 196, "An act for the relief of Z. C. Collier, Thomas Collier and Wm. Ramon," was taken up out of its regular order and read second time.

Senator Fowler offered the following amendment:

Amend section 1 by adding the following: "Provided, that if a sufficient quantity of the public domain for the location of said certificates can not be found, the said parties shall have no further claim against the State by reason of anything contained in this act."

Adopted.

Senator Woods offered to amend by adding to section 4 the following:

Said certificate can only be located upon vacant and unappropriated public domain of Texas, and the State is to be in no manner liable in case the certificate is not located on any vacant land; provided further, that the restrictions above stated be set forth in the face of the certificate.

Lost.

The bill was ordered engrossed by the following vote:

YEAS—20.

Bell,	Hall,	Peacock,
Calhoun,	Houston of Bexar,	Pope,
Camp,	Houston of Wheeler,	Randolph,
Douglass,	Johnson,	Shannon,
Fowler,	Kilgore,	Stinson,
Getzandaner,	Kleberg,	Traylor.
Glasscock,	Knittel,	

NAYS—3.

Evans, Terrell, Woods.

ABSENT, NOT VOTING.

Davis, Jerdone, Pfeuffer, Jones.

On motion of Senator Houston of Wheeler, The constitutional rule was suspended, and The bill placed on its second reading by the following vote:

YEAS—20.

Bell,	Hall,	Peacock,
Calhoun,	Houston of Bexar,	Pope,
Camp,	Houston of Wheeler,	Randolph,
Davis,	Johnson,	Shannon,
Douglass,	Kilgore,	Stinson,
Fowler,	Kleberg,	Traylor.
Glasscock,	Knittel,	

NAYS—4.

Evans,	Terrell,	Woods.
Getzendaner,	ABSENT, NOT VOTING.	
Jerdone,	Jones,	Pfeuffer.

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

YEAS—20.

Bell,	Houston of Bexar,	Pfeuffer,
Calhoun,	Houston of Wheeler,	Pope,
Camp,	Johnson,	Randolph,
Douglass,	Kilgore,	Shannon,
Fowler,	Kleburg,	Stinson,
Glasscock,	Knittel,	Traylor.
Hall,	Peacock,	

NAYS—5.

Davis,	Getzendaner,	Woods.
Evans,	Terrell,	

ABSENT, NOT VOTING.

Jerdone, Jones.

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

On motion of Senator Calhoun,

The special order was further postponed and Senate bill No. 121, "An act to amend section 35 of an act to redistrict the State into judicial districts, and to fix the time for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884," approved April 9, 1883," was taken up out of its regular order and read second time.

Senator Calhoun offered the following amendment:

1. Insert "February" instead of "March" at every place in the bill where "March" appears.

2. Amend section 3 by substituting in lieu thereof the following: "And whereas, by the existing laws the next terms of the district court of several counties in said district are not at proper times or of proper length; and whereas, it will be of great convenience to the officers and attendants upon said courts to have the terms of said courts held at the times specified in this act, on and after the twelfth day of April, A. D. 1885; and whereas, this session of the Legislature will not adjourn in time to allow ninety days to intervene between the adjournment of the same and the twelfth day of April, A. D. 1885; therefore, an imperative public necessity exists requiring that this act should go into effect and be in force from and after the twelfth day of April, A. D. 1885; hence, an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and it is, therefore, so enacted."

Adopted, and

The bill ordered engrossed.

On motion of Senator Calhoun,

The constitutional rule was suspended, and

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

YEAS—25.

Bell,	Houston of Bexar,	Pfeuffer,
Calhoun,	Houston of Wheeler,	Pope,
Camp,	Jerdone,	Randolph,
Davis,	Johnson,	Shannon,
Evans,	Kilgore,	Stinson,
Fowler,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Traylor,
Glasscock,	Peacock,	Woods.
Hall,		

NAYS—none.

ABSENT, NOT VOTING.

Douglass.

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

YEAS—23.

Bell,	Houston of Bexar,	Pfeuffer,
Calhoun,	Houston of Wheeler,	Pope,
Camp,	Jerdone,	Randolph,
Davis,	Johnson,	Shannon,
Evans,	Kilgore,	Stinson,
Fowler,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.
Hall,	Peacock,	

NAYS—none.

ABSENT, NOT VOTING.

Douglass, Glasscock, Terrell.

The President referred House bill No. 428, "An act to amend article 4786 of the Revised Civil Statutes of the State of Texas," to Committee on Internal Improvements.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the following action by the House:

Substitute House bill No. 48: The House has adopted the report of the conference committee.

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

On motion of Senator Peacock,

House bill No. 232, "An act to authorize county commissioners' courts to assume control of the streets and alleys of any city or incorporated town within their jurisdiction, in which there is no de facto municipal government, and to have the same worked as public roads," was taken up out of its regular order and read second time.

Senator Houston of Bexar offered the following amendment:

Amend by adding: "And where there is a de facto city government, and the city government shall fail for ninety days after being notified by the county commissioners' court to open a street or highway to connect with any first class county road now open or leading to the boundary of said corporation, then the county commissioners' court shall be authorized to open a street or highway from the boundary of said corporation so as to connect said first class county road with the nearest or most practicable street already open and leading into said city, and such city shall be required to pay the actual expense incurred by the commissioners' court in opening such street or highway."

And amend caption to conform to this amendment.

Lost.

Senator Fowler offered the following amendment:

Amend section one by adding the following: "Provided, that all residents of any city or town having no de facto city government not otherwise exempt from road duty shall be liable to road service as in other cases."

Adopted, and

The bill was passed to its third reading.

On motion of Senator Peacock,

The constitutional rule was suspended to have the bill read the third time by the following vote:

YEAS—23.

Bell,	Hall,	Peacock,
Calhoun,	Houston of Bexar,	Pope,
Camp,	Houston of Wheeler,	Randolph,
Davis,	Jerdone,	Shannon,
Evans,	Johnson,	Terrell,
Fowler,	Kilgore,	Traylor,
Getzendaner,	Kleberg,	Woods.
Glasscock,	Knittel,	

NAYS—none.

ABSENT, NOT VOTING.

Douglass, Pfeuffer, Stinson.

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

YEAS—22.

Bell,	Houston of Wheeler,	Pope,
Calhoun,	Jerdone,	Randolph,
Davis,	Johnson,	Shannon,
Fowler,	Kilgore,	Stinson,
Getzendaner,	Kleberg,	Terrell,
Glasscock,	Knittel,	Traylor,
Hall,	Peacock,	Woods.
Houston of Bexar,		

NAYS—none.

ABSENT, NOT VOTING.

Camp,	Evans,	Pfeuffer.
Douglass,		

On motion of Senator Kleberg, Senate bill No. 126, "An act prescribing and fixing the venue of suits against foreign corporations, joint stock companies or associations, or acting corporations or association doing business in this State, and to provide the mode of serving process on such corporations or associations," was taken up out of its regular order and read second time, with three committee amendments.

The three committee amendments were adopted, and

The bill was ordered engrossed.

On motion of Senator Getzendaner,

House bill No. 116, "An act to amend section 18 of 'an act to redistrict the State into judicial districts,'" etc., was taken up out of its regular order and

Read second time and passed to third reading.

On motion of Senator Johnson,

The special order was further postponed, and substitute Senate bill No. 48, "An act to punish fishing and hunting on the enclosed lands of another," was taken up,

Read third time and passed.

Senator Bell submitted the following privileged report:

COMMITTEE ROOM,
AUSTIN, February 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 230, being "An act to prevent the forfeiture of the rights of purchasers of public free school, University and asylum land," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

On motion of Senator Traylor,

Senate bill No. 167, "An act to provide for the care and preservation of the Alamo," was taken up out of its regular order, and read second time.

Senator Traylor offered the following amendment:

Amend by adding sections 2 and 3.

Sec. 2. It is further provided that Col. Robert P. Crockett, himself a veteran of the Texas revolution, and who is the only surviving son of the illustrious Davy Crockett, who fell at the Alamo, be appointed by the Governor as provided in section 1 of this act, for a period of two years, or until his successor is appointed.

Sec. 3. For the purpose of preserving for future use and in consideration of its intrinsic value, the exhibit belonging to the State of Texas, now on exhibition at the World's Industrial Exposition at New Orleans, may after the thirtieth of May next, under the directions of the Governor, be deposited in the Alamo, to the end that it may be properly cared for, and that it may be accessible for the inspection of visitors, on such conditions as the Governor may prescribe.

Senator Peacock offered the following substitute for the amendment:

Amend the bill so as to authorize the Governor to sell the Alamo property to the best advantage for the State, and turn the proceeds of such sale into the State treasury, and to amend the caption so as to conform to this amendment.

On motion of Senator Pope,

The substitute was tabled by the following vote:

YEAS—16.

Bell,	Glasscock,	Knittel,
Calhoun,	Houston of Bexar,	Pope,
Camp,	Houston of Wheeler,	Shannon,
Evans,	Jerdone,	Stinson,
Fowler,	Kleberg,	Traylor.
Getzendaner,		

NAYS—9.

Davis,	Kilgore,	Randolph,
Hall,	Peacock,	Terrell,
Johnson,	Pfeuffer,	Woods.

ABSENT, NOT VOTING.

Douglass,

Senator Terrell offered the following amendment:

Amend by striking out that part of the amendment which authorizes the articles now on exhibition at New Orleans to be deposited in the Alamo.

Adopted.

Senator Stinson offered the following amendment:

Amend by striking out all that relates to the appointment of Mr. Crockett.

Lost by the following vote:

YEAS—9.

Calhoun,	Getzendaner,	Peacock,
Davis,	Houston of Wheeler,	Pfeuffer,
Evans,	Johnson,	Stinson.

NAYS—14.

Bell,	Houston of Bexar,	Shannon,
Camp,	Kleberg,	Terrell,
Fowler,	Knittel,	Traylor,
Glasscock,	Pope,	Woods.
Hall,	Randolph,	

ABSENT, NOT VOTING.

Douglass,

Jerdone, Kilgore.

Senator Peacock offered to amend the amendment as follows:

Provided, that no liability shall be incurred by the State on account of this act.

Adopted.

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

Senator Fowler moved to postpone further consideration of the bill till Monday next.

Lost by the following vote:

YEAS—7.

Davis,	Hall,	Peacock,
Fowler,	Johnson,	Pfeuffer.
Getzendaner,		

NAYS—17.

Bell,	Jerdone,	Shannon,
Calhoun,	Kilgore,	Stinson,
Camp,	Kleberg,	Terrell,
Evans,	Knittel,	Traylor,
Houston of Bexar,	Pope,	Woods.
Houston of Wheeler,	Randolph,	

ABSENT, NOT VOTING.

Douglass,

Glasscock.

The motion of Senator Houston of Bexar to reconsider the vote by which the amendment of Senator

Terrell was adopted, was adopted by the following vote:

YEAS—13.		
Bell, Houston of Bexar, Houston of Wheeler, Jerdone, Kilgore,	Kleberg, Knittel, Pope, Randolph,	Shannon, Stinson, Traylor, Woods.
NAYS—11.		
Camp, Davis, Evans, Fowler,	Getzendaner, Glasscock, Hall, Johnson,	Peacock, Pfeuffer, Terrell.
ABSENT, NOT VOTING.		
Calhoun,	Douglass.	

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

YEAS—10.		
Calhoun, Camp, Davis, Evans,	Fowler, Getzendaner, Hall,	Peacock, Pfeuffer, Terrell.
NAYS—14.		
Bell, Houston of Bexar, Houston of Wheeler, Jerdone, Johnson,	Kilgore, Kleberg, Knittel, Pope, Randolph,	Shannon, Stinson, Traylor, Woods.
ABSENT, NOT VOTING.		
Douglass,	Glasscock,	

Senator Peacock offered the following amendment:

Amend by saying "put the State exhibit at New Orleans in the Alamo until the completion of the new Capitol, and then place it in the museum."

Senator Kleberg moved the previous question on the amendments and the engrossment of the bill.

Previous question seconded, and

Main question ordered by the following vote:

YEAS—17.		
Bell, Camp, Evans, Getzendaner, Houston of Bexar, Houston of Wheeler,	Jerdone, Johnson, Kilgore, Kleberg, Knittel, Pope,	Randolph, Shannon, Stinson, Traylor, Woods.
NAYS—8.		
Calhoun, Davis, Fowler,	Glasscock, Hall, Peacock,	Pfeuffer, Terrell.
ABSENT, NOT VOTING		
Douglass.		

The amendment of Senator Peacock was adopted by the following vote:

YEAS—15.		
Bell, Calhoun, Camp, Glasscock, Hall,	Houston of Bexar, Jerdone, Johnson, Kilgore, Peacock.	Pfeuffer, Pope, Randolph, Shannon, Terrell.
NAYS—10.		
Davis, Evans, Fowler, Getzendaner,	Houston of Wheeler, Kleberg, Knittel,	Stinson, Traylor, Woods.
ABSENT, NOT VOTING.		
Douglass.		

The amendment of Senator Taylor, as amended, was adopted by the following vote:

YEAS—19.		
Bell, Calhoun, Camp, Getzendaner, Glasscock, Houston of Bexar, Houston of Wheeler,	Jerdone, Johnson, Kilgore, Kleberg, Knittel, Pope,	Randolph, Shannon, Stinson, Terrell, Traylor, Woods.
NAYS—6.		
Davis, Evans,	Fowler, Hall,	Peacock, Pfeuffer.

The bill was ordered engrossed by the following vote:

YEAS—20.		
Bell, Calhoun, Camp, Davis, Evans, Getzendaner, Harrison,	Houston of Bexar, Houston of Wheeler, Jerdone, Kilgore, Kleberg, Knittel, Pope,	Randolph, Shannon, Stinson, Terrell, Traylor, Woods.
NAYS—5.		
Fowler, Glasscock,	Hall, Peacock,	Pfeuffer.
ABSENT, NOT VOTING.		
Douglass.		

Senator Hall sent the following to the Secretary's desk:

I vote "no," because the Alamo building is not of sufficient dimensions to hold the exhibits of Texas now at the New Orleans Exposition.

HALL

Senator Bell sent up the following privileged report:

COMMITTEE ROOM,
AUSTIN, February 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 196, being "An act for the relief of L. C. Collier, Thomas Coolier, and Wm. Ramer," and find the same correctly engrossed.

BELL, Chairman.

Senator Terrell, by leave, sent up the following report for special committee on asylums:

COMMITTEE ROOM,
AUSTIN, February 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your committee to whom was assigned the duty of visiting, inspecting and reporting the condition of the North Texas Insane Asylum, at Terrell, respectfully report that they have performed that duty as far as they reasonably could in the absence of the plans and drawings of the buildings. Said plans and drawings could not be found at the time the committee visited the asylum.

Conversation had by us with the designing architect has satisfied us that the building is substantially in accord with the design and contract. Your committee is unanimously of the opinion that it is a good building, well adapted to the purposes for which it was constructed, and would recommend the following appropriations to equip, furnish and support it for the ensuing two years. The estimate is for a capacity of four hundred lunatics for the second year, and an average of three hundred for the first years. With the cost of some of the items of machinery and furniture none of your committee are acquainted. The estimate is that of the superintendent and the building supervisor, and is considerably below the cost of same equipment elsewhere in our State.

	1885.	1886.
For fencing and palings.....	\$4,500	.....
Barn, lots and stock well.....	2,000	.....
Wagons, hack, harness and plows	500	.....
Mules, horses, milch cows and swine	1,700	.....
Reservoir well for asylum.....	1,000	.....
Shop and tools.....	500	.....

Trees, seeds and stock .. . . . . .	.....	.....
Fish for tank	500	.....
Iron balcony and gallery screens.....	700	.....
Hydraulic plaster finish to ward walls.....	1,500	.....
Furniture, beds and blinds	18,000	.....
Heating apparatus for building, laundry and kitchen furniture.....	20,000	.....
Gas machine and fixtures.....	1,000	.....
Drain pipe and labor placing same.....	750	.....
Painting and coating north wall and blinds	2,000	.....
General repairs and preservation	250	750
Amount due contractors.....	1,300	.....
Salary of Superintendent	2,000	2,000
Salary of assistant superintendent	1,500	1,500
Salary of apothecary.....	600	600
Salary of bookkeeper and steward.....	1,000	1,000
Salary of matron.....	600	600
Salary of carpenter.....	480	480
Salary of gardener	480	480
Salary of farmer and assistant.....	600	600
Salary of scavenger	200	200
Salary of engineer and fireman.....	640	640
Salary of cook and two assistants.....	960	960
Salary of baker.....	400	400
Salary of five laundresses	1,000	1,000
Salary of two seamstresses.....	480	480
Salary of twenty-four ward attendants. . .	5,760	5,760
Salary of two night watches	720	720
Salary of two supernumeraries.....	720	720
Groceries, fuel, gas and water	40,000	50,000
Transportation	1,000	1,000
Contingent expenses	1,000	500
Dry goods, clothing, etc.....	6,000	8,000
Stock and milkman and dining room girls	960	960
Medical stores	2,000	2,000
Total.....	\$125,300	\$81,350

It is the unanimous opinion of your committee that the appropriations herein suggested are necessary to furnish and equip said asylum.

TERRELL,
CAMP,
EVANS,
Senate Committee.
CAMP,
WOODS,
DAVIS,
House committee.

Senator Pope moved to adjourn till to-morrow morning.

Lost.

Senator Houston of Wheeler moved to adjourn till 10:30 to-morrow morning.

Senator Pope moved to substitute 9:30 for Senator Houston's motion.

Accepted, and

Adopted by the following vote.

YEAS—15.

Bell,	Houston of Wheeler,	Peacock,
Calhoun,	Jordone,	Pope,
Camp,	Johnson,	Shannon.
Hall,	Kilgore,	Stinson.
Houston of Bexar,	Kuittel,	Traylor.

NAYS—9.

Davis,	Getzendaner,	Randolph,
Evans,	Glasscock,	Terrell,
Fowler,	Pfeuffer,	Woods.

ABSENT. NOT VOTING.
Kleberg.

Douglass,

And the Senate adjourned until 9:30 to-morrow morning.

THIRTY-THIRD DAY.

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

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

Roll called.
Quorum present.
Prayer by the Chaplain, Dr. Smoot.
On motion of Senator Terrell,
The reading of the journals of yesterday was dispensed with.

REPORTS OF STANDING COMMITTEES.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, February 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred Senate bill No. 176, entitled "An act for the relief of, and to refund to the city of Laredo, Texas, the amount expended by it in the maintenance of quarantine during the yellow fever epidemic of 1882, and to make an appropriation therefor," have carefully examined the same, and instruct me to report it back with the recommendation that it do not pass.

The amount claimed in this bill by the city of Laredo is \$1,818.48, which sum it would appear from the evidence was actually expended by the city in maintaining the quarantine. This quarantine, however, was not a State quarantine, under the direction and control of the State health officer, the expenses of which are paid by the State, but was a local quarantine under the direction and control of the city of Laredo alone, and the expenses therefore justly chargeable against said city and not against the State. If this claim should be recognized and paid by the State, the door would thereby be open to the admission of other claims of a similar character amounting to thousands of dollars. This claim is particularly objectionable for the reason that the State Health Officer requested permission to take part in the movement of the quarantine proceedings, but was refused.

All of which is respectfully submitted.

FOWLER, for Committee.

COMMITTEE ROOM,
AUSTIN, February 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred Senate bill No. 177, entitled "An act for the relief of and to refund to the city of Brownsville, Texas, the sum expended by it under authority of the proclamation of Governor R. B. Hubbard, of Texas, issued April 24, 1878, to prevent the introduction and spread of yellow fever in the State of Texas during the epidemic of 1878, and to make an appropriation therefor," have carefully considered the same, and instruct me to report it back with the recommendation that it do not pass.

The amount claimed in this bill against the State is two thousand five hundred and fifty-seven dollars and sixty-six cents. The quarantine in which this expense was incurred was local quarantine, and wholly under the control and direction of the city of Brownsville, and there is no valid reason why the State should refund this sum to the city. It is not a valid claim against the State, and was so held by the Attorney-General, in an opinion given the Comptroller in 1878. If this claim should be paid, the door will be opened to the admission of other claims of similar character amounting to thousands of dollars.

All of which is respectfully submitted.

FOWLER, for Committee.

By Senator Kleberg:

COMMITTEE ROOM,
AUSTIN, February 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Stock and Stockraising, to whom was referred House bill No. 136, entitled "An act to amend chapter 79 of the acts of 1883, entitled 'an act to amend section 46 of an act to encourage stockraising and to protect stockraisers,' approved April 22, 1879, and amended April 4, 1881, and April 13, 1883," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass, with the following amendments:

1. Add DeWitt and Jack counties among the counties exempted from the operation of this act.
2. Add emergency clause.

All of which is respectfully submitted.

KLEBERG, Chairman.

COMMITTEE ROOM,
AUSTIN, February 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 231, entitled "An act to amend article 906 of the Code of Criminal Procedure, so as to compel justices of the peace to investigate and prosecute all violations of the law when they may have good cause to believe an offense has been committed," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, February 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 220, entitled "An act to amend title 29, chapter 12, of the Revised Civil Statutes of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, February 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 216, entitled "An act to regulate proceedings in suits and prosecution for libel," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

DAVIS, Chairman.

Senator Evans submitted the following minority report:

COMMITTEE ROOM,
AUSTIN, February 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

As one of your Judiciary Committee No. 2, to whom was referred Senate bill No. 216, entitled "An act to regulate proceedings in suits and prosecutions for libel," would respectfully ask to make a minority report, the majority of said committee having reported unfavorably. I would respectfully ask to have the bill considered favorable by the Senate, and that the same do pass.

The law now in existence permits the publishers of papers to be sued out of the county of their residence, requiring them to go to distant counties to defend suits or prosecutions, making an exception to the general rule of law requiring suits to be brought in the county of defendant's residence. The first section of the bill gives the defendant the right to plead and prove in justification the truth of the facts published. This should be allowed by so amending this section as to prevent its coming in conflict with the Constitution, which we think could be done. We think it should always be permissible to prove the truth of any assertion made, whether verbally or by written or printed publication. If the statement published be true, then the party referred to is not slandered, and the publisher should be permitted to prove that fact. If the publication be false, then the publisher should suffer the consequences of his own act; but where he speaks the truth it is right and proper that he may establish by proof.

We would therefore ask that the bill, with the accompanying amendment thereto, be passed.

All of which is respectfully submitted.

EVANS, for minority.

AMENDMENT SENATE BILL NO. 216.

Amend section 1 by adding thereto "When the matter published is not improper for public information."

COMMITTEE ROOM,
AUSTIN, February 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 219, entitled "An act to amend title 26, chapter 7 of the Revised Civil Statutes of the State of Texas," have

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

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, February 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred House bill No. 174, entitled "An act for the relief of Virginia E. Littlepage, and to authorize the county court of Travis county to issue to her letters of administration on the estate of her father, Caleb V. Littlepage," have carefully examined the same, and instruct me to report the same back with the recommendation that it be referred to Judiciary Committee No. 1.

All of which is respectfully submitted.

DAVIS, Chairman.

BILLS AND RESOLUTIONS.

By Senator Randolph:

"An act to provide for a more efficient manner of assessing bankers, brokers, dealers in exchange and stock jobbers."

Referred to Judiciary Committee No. 1.

On motion of Senator Davis,

Fifty copies of the bill were ordered printed.

Senator Pope moved to postpone Senate bill No. 195 (the land bill) and set it for next Monday, and asked leave to sit in the committee of the whole on the consideration of that bill on that day.

An objection was raised, and

The motion was withdrawn.

On motion of Senator Pfeuffer,

Senator bill No. 142 (the Pfeuffer educational bill) was taken up out of its regular order and made special order for Tuesday after morning call, and from day to day until disposed of.

On motion of Senator Traylor,

Senate bills Nos. 77 and 194 (the real estate tax bills) were taken up and made the special order for Monday after morning call, and from day to day until disposed of.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage of "House concurrent resolution for the appointment of a joint committee of arrangements on behalf of the Legislature, to suitably celebrate the laying of the corner stone of the new State Capitol."

A. D. SADLER, Chief Clerk.

On motion of Senator Getzendaner,

Senate bill No. 100 (pensions for surviving soldiers, etc.), was taken up out of its regular order and made special order for Wednesday after morning call, and from day to day till disposed of.

On motion of Senator Houston of Wheeler,

Senator Douglass was excused indefinitely from yesterday, on account of sickness.

On motion of Senator Peacock,

Senators Camp and Stinson were excused till Tuesday.

On motion of Senator Houston of Wheeler,

Senator Jones was excused till Monday.

On motion of Senator Bell,

The First Assistant Secretary, Mr. Boynton, was excused for the day, on account of sickness.

Senator Peacock moved to go into committee of

the whole on the consideration of Senate bill No. 195 (the land bill), with Senator Pope chairman of the committee.

Lost by the following vote:

YEAS—11.

Evans,	Peacock,	Shannon,
Getzendaner,	Pfeuffer,	Terrell,
Johnson,	Pope,	Woods.
Kilgore,	Randolph,	

NAYS—12.

Bell,	Hall,	Kleberg,
Calhoun,	Houston of Bexar,	Knittel,
Davis,	Houston of Wheeler,	Traylor,
Glasscock,	Jerdone,	Mr. President.

ABSENT, NOT VOTING.

Fowler.

The President voted "no."

By leave, Senator Randolph made the following report:

COMMITTEE ROOM,
AUSTIN, February 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate concurrent resolution No. 5, that the Nineteenth Legislature stands adjourned on the seventeenth day of March, 1885, at 12 m., have carefully examined the same, and instruct me to report the same back with the recommendation that it be adopted.

All of which is respectfully submitted,
RANDOLPH, Chairman.

On motion of Senator Woods,
The regular order of business was suspended, and
The resolution just reported by the committee was taken up for action.

Senator Pope moved the previous question on the resolution.

Previous question seconded, and

Main question ordered, and

The resolution was adopted by the following vote:

YEAS—15.

Bell,	Houston of Wheeler,	Pope,
Davis,	Kilgore,	Shannon,
Evans,	Kleberg,	Terrell,
Fowler,	Knittel,	Traylor,
Hall,	Peacock,	Woods.

NAYS—8.

Calhoun,	Houston of Bexar,	Pfeuffer,
Getzendaner,	Jerdone,	Randolph.
Glasscock,	Johnson,	

Senator Pfeuffer sent the following to the Secretary's desk:

My reasons for voting no: While I would be in favor of adjourning to-morrow for all the good we have accomplished to date, I would not exclude the fact that certain measures now pending in both houses, if passed, may prove of great good to the people of Texas. The fixing of a day certain for adjournment nearly a month ahead is premature, and while it may encourage more rapid work (which is only an assumption) it may increase the danger of passing bills insufficiently considered. The Legislature is composed of men that need no such spur for attention to business.

PFEUFFER.

Senator Pfeuffer moved to reconsider the vote adopting the resolution.

Senator Davis raised the point of order that the Senator making the motion had voted on the losing side, and therefore the motion could not be entertained.

The point of order was sustained.

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

Withdrawn.

By leave, Senator Fowler sent up petitions of citizens of Bastrop and Travis counties requesting a change in the boundary lines between said counties.

Referred to Committee on State Affairs.

Senator Glasscock moved to postpone the order of business and take up Senate bill No. 179 (the pleuro-pneumonia bill, out of its regular order.)

Lost.

Senate joint resolution No. 1, "Proposing an amendment to section 12 of article 8 of the Constitution," was laid before the Senate as a special order, and

Read second time, with committee substitute, and Committee substitute adopted, and ordered engrossed.

Senate bill No. 86, "An act to amend title 10, chapter 1 of the Code of Criminal Procedure of the State of Texas by adding thereto articles 870a, 870b," was laid before the Senate as a special order, and

On motion of Senator Bell, was laid on the table subject to call.

Substitute Senate bills Nos. 160 and 161, "An act to amend articles 595 and 610 of the Revised Statutes of the State of Texas," was taken up as third special order, and

Read third time and passed by the following vote:

YEAS—14.

Calhoun,	Kilgore,	Randolph,
Davis,	Kleberg,	Shannon,
Evans,	Knittel,	Terrell,
Fowler,	Peacock,	Woods.
Johnson,	Pfeuffer,	

NAYS—7.

Bell,	Hall,	Houston of Wheeler,
Getzendaner,	Houston of Bexar,	Pope.
Glasscock,		

ABSENT, NOT VOTING.

Jerdone, Traylor.

Senate bill No. 173, "An act to repeal article 4112 of the Revised Civil Statutes of the State of Texas," was laid before the Senate.

Senator Shannon moved to table the bill subject to call.

Lost.

The bill was read third time and passed.

House bill No. 116, "An act to amend an act to redistrict the State into judicial districts, etc., and to provide for the election of judges and district attorneys," was laid before the Senate,

Read third time and passed.

House concurrent resolution for the appointment of a joint committee of arrangement on behalf of the Legislature to suitably celebrate the laying of the corner stone of the new State Capitol, was laid before the Senate and adopted.

On motion of Senator Bell,

Senate bill No. 120, "An act to amend article 1161, title 28, chapter— of the Revised Civil Statutes of the State of Texas," was taken up out of its regular order and

Read second time, with special committee report and committee substitute.

On motion of Senator Davis,

The substitute was adopted, and

The bill was ordered engrossed.
 The President gave notice of singing substitute House bill No. 48, "An act to amend sections 1 and 5 of 'an act to regulate the appointment and define the duties of notaries public, to require them to procure and use legal seals, and punish them for failing to do so,' approved April 1, 1881."

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
 AUSTIN, February 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body that the House, under a suspension of the rules by a four-fifths vote, has passed, by a two-thirds vote—yeas, 79; nays, none—Senate bill No. 230.

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

(Senator Shannon, President pro tem in the chair.)

On motion of Senator Bell, Senate bill No. 125, "An act to amend articles 1719, 1720, 1721, 1722, 1723, 1731, 1743, 1744 and 1752, chapter 6, title 34 of the Revised Statutes of the State of Texas," was laid before the Senate out of its regular order, and

Read second time and ordered engrossed.

On motion of Senator Traylor,

Senate bill No. 223, "An act to provide for the publication and binding of one thousand copies of the Revised Statutes of the State of Texas, and to make appropriation therefor," was taken up out of its regular order and

Read a second time and ordered engrossed.

Senator Traylor moved to suspend the constitutional rule and place the bill on its final passage.

Senator Pope moved a call of the Senate.

Call sustained.

Roll call completed.

Senators Glasscock, Houston of Wheeler and Jerdone were absent without excuse, and

The Sergeant-at-Arms was dispatched to bring the absent Senators into the Senate.

Senators Glasscock and Houston of Wheeler were conducted into the Senate chamber, and

On motion of Senator Terrell, the Senate call was suspended, and

The constitutional rule was suspended by the following vote:

YEAS—23.

Bell,	Houston of Bexar,	Pfeuffer,
Calhoun,	Houston of Wheeler,	Pope,
Davis,	Jerdone,	Randolph,
Evans,	Johnson,	Shannon,
Fowler,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Traylor,
Glasscock,	Knittel,	Woods.
Hall,	Peacock,	

NAYS—none.

(Senator Jerdone entered the Senate while the vote was being taken.)

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

YEAS—23.

Bell,	Houston of Bexar,	Pfeuffer,
Calhoun,	Houston of Wheeler,	Pope,
Davis,	Jerdone,	Randolph,
Evans,	Johnson,	Shannon,
Fowler,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Traylor,
Glasscock,	Knittel,	Woods.
Hall,	Peacock,	

NAYS—none.

Senator Houston of Wheeler moved to adjourn till 10 o'clock to-morrow morning.

Withdrawn.

On motion of Senator Getzendaner, Senate bill No. 10, "An act to amend article 4 title 2 of the Revised Statutes of the State of Texas," was taken up out of its regular order and

Read second time, with the committee substitute. The committee substitute was adopted and order engrossed.

On motion of Senator Getzendaner,

The constitutional rule was suspended, and

The bill put on its third reading by the following vote:

YEAS—23.

Calhoun,	Houston of Bexar,	Pfeuffer,
Bell,	Houston of Wheeler,	Pope,
Davis,	Jerdone,	Randolph,
Evans,	Johnson,	Shannon,
Fowler,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Traylor,
Glasscock,	Knittel,	Woods.
Hall,	Peacock,	

NAYS—none.

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

YEAS—23.

Bell,	Houston of Bexar,	Pfeuffer,
Calhoun,	Houston of Wheeler,	Pope,
Davis,	Jerdone,	Randolph,
Evans,	Johnson,	Shannon,
Gowler,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Traylor,
Glasscock,	Knittel,	Woods.
Hall,	Peacock,	

NAYS—none.

On motion of Senator Kleberg,

Senate bill No. 46, "An act for the relief of Wm. S. Boothe, S. F. Grimes, et al.," was taken up out of its regular order."

Read second time with committee substitute.

The committee substitute was adopted and ordered engrossed.

On motion of Senator Woods,

Senate bill No. 65 (the stock herding bill) was taken up out of its regular order and made special order for Monday after first special order after morning call, and from day to day till disposed of.

On motion,

Senate bill No. 203, "An act to amend article 122 of the Penal Code," etc., was taken up out of its regular order and read second time.

Senator Davis offered to amend by adding the word "included" between the words "are" and "the," in sixth line.

Adopted.

Senator Peacock moved to amend by adding "the Superintendent of Public Instruction."

Adopted, and

The bill was ordered engrossed.

On motion of Senator Calhoun,

Senate bill No. 197, "An act to amend articles 165, 170 and 172, chapter 4, title 6, of the Penal Code," was taken up out of its regular order and

Read second time.

Senator Calhoun offered to amend by inserting after the word "articles," in line 20, "170 and 171."

Adopted.

Senator Terrell offered to amend by striking out

the words "in any precinct, city or county in which he is not then entitled to vote," in article 165.

Senator Davis moved to strike out "qualified voter" and insert "legally qualified."

Withdrawn.

Senator Peacock moved to amend the amendment by striking out the word "county."

Lost.

Senator Davis offered the following substitute for Senator Terrell's amendment:

Strike out article 165 and insert, "If any person, knowing himself not to be legally qualified to, who shall vote, or offers to vote at any election held under the laws of this State, shall be punished by confinement in the penitentiary not less than two nor more than five years."

Accepted.

Senator Getzendaner offered the following substitute:

If any person, knowing himself not to be legally qualified, shall vote or offer to vote at any election for any officer then to be chosen, or shall vote or offer to vote at any election ordered in pursuance of the laws of this State, he shall be punished by confinement in the penitentiary not less than two nor more than five years.

Lost.

The amendment of Senator Terrell, as substituted by the substitute of Senator Davis, was adopted, and

The bill was ordered engrossed.

On motion of Senator Davis,

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

THIRTY-FOURTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, February 21, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Calhoun,

The reading of the journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Farrar:

Petition of citizens and business men of Corsicana, Texas, protesting against the passage of the Houston (of Bexar) insurance bill.

Referred to Committee on Insurance, Statistics and History.

REPORTS OF STANDING COMMITTEES.

By Senator Randolph:

COMMITTEE ROOM,
AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 232, entitled "An act to amend title 17, chapter article 407 of the Revised Civil Statutes, relating to cemeteries when the same may be located outside of the corporate limits of the city or town," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

COMMITTEE ROOM,
AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs to whom was referred Senate bill No. 228, entitled, "An act to abolish the office of secretary of the Capitol Board," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

COMMITTEE ROOM,
AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 218, entitled "An act to amend an act entitled 'an act to establish uniform weights per bushel of wheat, corn and other products of the State,'" have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

The present statute upon the subject is not changed by this act, save in placing the weight of a bushel of charcoal at 20 instead of 22 pounds; and we may well quote the maxim, "De minimus non curat lex."

All of which is respectfully submitted.

RANDOLPH, Chairman.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, February 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs to whom was referred the petition of officers and citizens of Bastrop and Travis counties, requesting a change in the boundary line between said counties, have carefully considered the same, and instructed me to report the same back to the Senate with the recommendation that no further action be taken thereon.

The Constitution (see subdivision 3 of section 1, article 9) provides that "no part of any existing county shall be detached from it and attached to another existing county until the proposition for such change shall have been submitted, in such manner as may be provided by law, to a vote of the electors of both counties, and shall have received a majority of those voting on the question in each county." The change desired by the petitioners is to detach from Travis county a portion of its territory and attach the same to Bastrop county, and as no election for this purpose has been held as provided by law, the Legislature has no authority under the Constitution to make the proposed change.

All of which is respectfully submitted.

FOWLER, for Committee.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, February 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 126, being "An act prescribing and fixing the venue of suits against foreign corporations, joint stock companies or associations, or acting corporations or associations doing business in this State, and to provide the mode of serving process on such corporations or associations," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 121, being "An act to amend section 25 of an act entitled 'an act to redistrict the State into judicial districts, and to fix the time for holding court therein, and to provide for the election of judges and district attorneys in the said districts at the next general election, to be held on first Tuesday after the first Monday in November, 1884,' approved April 9, 1883," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined

and compared Senate bill No. 197, being "An act to amend articles 165, 170 and 172, chapter 4, title 6 of the Penal Code," and find the same correctly engrossed.

BELL, Chairman.

BILLS AND RESOLUTIONS.

By Senator Kleberg:

"An act for the relief of J. W. Dickey of Wilson county."

Referred to Committee on State Affairs.

By Senator Calhoun:

"An act to authorize the several county commissioners' courts of the State of Texas to provide for more than four terms of the county court annually, for the transaction of civil and criminal business, and fix the times at which all the terms of said county courts may be held."

Referred to Judiciary Committee No. 2.

By Senator Fowler:

Joint resolution delivering the property known as the Alamo to the city of San Antonio.

Referred to Committee on State Affairs.

The President gave notice of signing Senate bill No. 230, "An act to prevent the forfeiture of the rights of purchasers of public free school, University and asylum lands."

On motion of Senator Evans,

Senator Johnson was excused for the day, on account of sickness.

On motion of Senator Jerdone,

The Calendar Clerk, Alexander Sampson, Esq., was excused till Monday, on account of important business.

On motion of Senator Fowler,

House bill No. 375, "An act to prescribe the time of holding the district courts in the twenty-first judicial district, so as to allow additional time for holding said court in Burleson county," was taken up out of its regular order, and

Read second time and passed to third reading.

On motion of Senator Fowler,

The constitutional rule was suspended and the bill put on its final passage, by the following vote:

YEAS—22.

Bell,	Hall,	Pfeuffer,
Calhoun,	Houston of Bexar,	Pope,
Davis,	Jerdone,	Randolph,
Evans,	Kilgore,	Shannon,
Farrar,	Kleberg,	Terrell,
Fowler,	Knittel,	Traylor,
Garrison,	Peacock,	Woods.
Getzendaner,		

NAYS—none.

ABSENT, NOT VOTING.

Glasscock, Houston of Wheeler.

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

YEAS—25.

Bell,	Hall,	Pfeuffer,
Calhoun,	Houston of Bexar,	Pope,
Davis,	Jerdone,	Randolph,
Evans,	Peacock,	Shannon,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Garrison,	Knittel,	Woods.
Getzendaner,		

NAYS—none.

ABSENT, NOT VOTING.

Glasscock, Houston of Wheeler,

On motion of Senator Getzendaner, Senator Glasscock was excused for the day. On motion of Senator Bell, Senator Houston of Wheeler was excused for the day.

Senator Bell submitted the following privileged reports:

COMMITTEE ROOM,
AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 167, being "An act to provide for the care and preservation of the Alamo, and for the deposit of the Texas exhibit at the World's Industrial Exposition at New Orleans therein," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared committee substitute for Senate joint resolution No. 1, proposing an amendment to section 12, article 8 of the Constitution," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared committee substitute for Senate bill No. 120, being "An act to confer upon county courts jurisdiction in cases of contested elections," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared committee substitute for Senate bill No. 10, being "An act to amend article 4, title 2 of the Penal Code," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 223, being "An act to provide for the publication and binding of one thousand copies of the Revised Statutes of the State of Texas, and to make an appropriation therefor," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 203, being "An act to amend article 122 of the Penal Code," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared committee substitute for Senate bill No. 46, being "An act for the relief of Wm. S. Booth, S. F. Grimes and the heirs of Henry Leftridge, deceased," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 125, being "An act to amend articles 1719, 1720, 1721, 1722, 1723, 1331, 1743, 1744 and 1752, of chapter 6, title 34 of the Revised Statutes," and find the same correctly engrossed.

BELL, Chairman.

House bill No. 249, "An act to repeal 'an act to authorize counties to issue bonds for bridge purposes, and to levy a tax to pay the same; also to validate bonds heretofore issued for bridge purposes,' passed at the call session of the Eighteenth Legislature," was laid before the Senate, and

Read the second time, and

On motion of Senator Bell, was postponed till Monday.

House bill No. 278, "An act to create the Nolan land district," was laid before the Senate in its regular order, and

Read second time and passed to third reading.

On motion of Senator Shannon.

Senate bill No. 224, "An act to amend sections 4, 9 and 16 of an act entitled 'an act to incorporate the city of Calvert, in Robertson county,'" was taken up out of its regular order,

Read the second time, and,

On motion of Senator Shannon, was laid on the table subject to call.

On motion of Senator Kleberg,

Senate bill No. 126, "An act prescribing and fixing the venue of suits against foreign corporations, joint stock companies or associations, or acting corporations or associations, doing business within this State, and to provide the mode of serving process on such corporations or associations," was taken up out of its regular order,

Read third time and passed.

Senate bill No. 27, "An act to authorize the transfer of occupation licenses," was laid before the Senate in its regular order, and read second time.

Senator Peacock moved a call of the Senate.

Call sustained.

Senator Houston of Bexar was found absent without being excused.

The Sergeant-at-Arms was dispatched to bring the absent Senator into the Senate Chamber.

Senator Houston of Bexar was announced, and

The Senate was declared full, and

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

YEAS—13.

Bell,	Houston of Bexar,	Randolph,
Calhoun,	Jerdone,	Shannon,
Evans,	Kilgore,	Woods,
Fowler,	Knittel,	Mr. President.
Hall,		

NAYS—9.

Davis,	Getzerdaner,	Pope,
Farrar,	Kleberg,	Stinson,
Garrison,	Peacock,	Traylor.

Senator Fowler sent up the following privileged report:

COMMITTEE ROOM,
AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 230, being "An act to prevent the forfeiture of the rights of purchasers of public free school, university and asylum land," and find the same correctly enrolled, and have this day, at 10:40 o'clock a. m., presented the same to the Governor for his approval.

FOWLER, Chairman.

House joint resolution No. 20, "joint resolution requesting our Senators and Representatives in Congress to aid in establishing a national trail for the outlet of Texas cattle," was laid before the Senate, Read and adopted.

House joint resolution No. 22, "granting leave of absence to Hon. W. E. Collard, judge of the twentieth judicial district," was laid before the Senate, and

Read with unfavorable committee report, and

On motion of Senator Houston of Bexar,

The committee report was adopted.

Senate bill No. 164, "An act to amend article 378, chapter 6, title 11 of the Penal Code," etc., was laid before the Senate in its regular order, and

On motion of Senator Terrell, was postponed till next Wednesday.

Senate bill No. 204, "An act to provide in what cases sheriffs shall not be entitled to compensation," was laid before the Senate in its regular order, and

Read second time with committee substitute.

On motion of Senator Davis,

The committee substitute was adopted.

Senator Terrell moved to strike out the word "and" and insert the word "or" in line 6, section 1.

Adopted.

Senator Peacock moved to amend as follows:

"And a witness who refuses to give bail or make affidavit of his inability to give bail shall not be entitled to fees, mileage or expenses," and to amend the caption to correspond.

Adopted, and

The bill was ordered engrossed.

On motion of Senator Traylor,

The constitutional rule was suspended, and the bill put on its third reading by the following vote:

YEAS—22.

Bell,	Hall,	Pfeuffer,
Calhoun,	Houston of Bexar,	Pope,
Davis,	Jerdone,	Randolph,
Evans,	Kilgore,	Shannon,
Farrar,	Kleberg,	Terrell,
Fowler,	Knittel,	Traylor,
Garrison,	Peacock,	Woods.
Getzerdaner,		

NAYS—none.

The bill was read third time and passed.

On motion of Senator Calhoun,

Senate bill No. 182, "An act to amend articles 151 and 158, chapter 2 of title 6 of the Penal Code," was taken up out of its regular order,

Read second time and ordered engrossed.

On motion of Senator Hall,

Senate bill No. 124, "An act to amend section 2 of an act to provide for the payment of the expenses of attached witnesses in felony cases," was taken up out of its regular order and read second time.

Senator Calhoun offered the following amendment:

The witness shall in no case receive fees for any service under attachment where he is conveyed to any court by a sheriff, unless such witness shall have made affidavit of his inability to attend said court without the assistance of the sheriff or officer conveying him.

Lost.

(Senator Peacock in the chair.)

The bill was ordered engrossed.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage by the House of

Senate bill No. 136, "An act for the relief of W. J. Salyer, and to validate donation warrant No. 509, and the survey made by virtue thereof, issued by G. W. Hookley, Secretary of War, on fourteenth of August, 1838, for 640 acres of land, to John Sharp."

A. D. SADLER, Chief Clerk.

Senator Pfeuffer offered the following resolution:

Whereas, The filthy condition of the matting on the floor of the Senate, which has not been looked after for nearly twelve months, and the neglected ventilation or airing of the Chamber, causes sickness of many of the members of the Senate; be it

Resolved, That the Sergeant-at-Arms of the Senate be required to have said matting removed by Monday morning, February 23, and new matting put down in its stead, the same to be paid for out of the contingent fund of the Nineteenth Legislature; and the floor thoroughly scoured, and all the windows and doors of the Chamber opened every morning for at least three hours before the commencement of the morning session, to admit fresh air, and to see that the said room is kept in better order than heretofore.

Adopted.

On motion of Senator Bell,

Senate bill No. 146, "An act to amend article 288 of the Code of Criminal Procedure," was taken up out of its regular order the second time.

Senator Davis moved to strike out the word "and" in line 12, between "number" and "style," and insert the word "or" in lieu thereof.

Adopted, and the bill was ordered engrossed.

On motion of Senator Getzendaner,

Senate bill No. 190, "An act for the relief of Thos. J. Hunter, Thadeus W. Hunter and Robert H. Hunter, for stock, corn and hogs consumed or destroyed by the Texas army in 1836," was taken up out of regular order, and

Read second time with unfavorable committee report.

The committee report was adopted and bill lost.

On motion of Senator Getzendaner,

Senate bill No. 208, "An act for the relief of D. C. B. Dunlap," was taken up,

Read second time with unfavorable committee report, and

On motion of Senator Woods,

The committee report was adopted and bill lost.

On motion of Senator Kleberg,

Senate bill No. 46, "An act for the relief of Wm. S. Boothe, S. F. Grimes et al," was taken up out of its regular order,

Read third time and passed by the following vote:

YEAS—22.

Bell,	Hall,	Pfeuffer,
Calhoun,	Houston of Bexar,	Pope,
Davis,	Jerdone,	Randolph,
Evans,	Kilgore,	Shannon,
Farrar,	Kleberg,	Terrell,
Fowler,	Knittel,	Traylor,
Garrison,	Peacock,	Woods.
Getzendaner,		

NAYS—none.

On motion of Senator Pope,
Senate bill No. 180, "An act to amend section 4 of chapter 67 of general laws of the State of Texas, passed at the regular session of Eighteenth Legislature," was taken up out of its regular order.

Read second time and ordered engrossed.

On motion of Senator Fowler,

Senate bill No. 176, "An act for the relief of and to refund to the city of Laredo, Texas, the amount

expended by it in the maintenance of quarantine during the yellow fever epidemic of 1832, and to make an appropriation therefor," was taken up out of its regular order, and

Read second time with unfavorable committee report, and on motion

The committee report was adopted and the bill lost.

On motion of Senator Fowler:

Senate bill No. 177, "An act for the relief, etc., of the city of Brownsville, etc.," was taken up out of regular order.

Read second time with unfavorable committee report.

The committee report was adopted and the bill lost.

Senator Davis moved to reconsider the vote by which the resolution of Senator Pfeuffer, instructing the Sergeant-at-Arms to clean up and scour out the Senate Chamber, was adopted.

Lost by the following vote:

YEAS—7.

Calhoun,	Fowler,	Hall,
Davis,	Garrison,	Kilgore.
Evans,		

NAYS—14.

Bell,	Kleberg,	Shannon,
Farrar,	Kinttel,	Terrell,
Getzendaner,	Peacock,	Traylor,
Houston of Bexar,	Pfeuffer,	Woods.
Jerdone,	Pope,	

ABSENT, NOT VOTING.

Randolph.

On motion of Senator Shannon,

The Senate adjourned till ten o'clock Monday morning.

THIRTY-FIFTH DAY.

SENATE CHAMBER,
AUSTIN, February 23, 1885. }

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

Roll called.

Quorum present.

Prayer by the House Chaplain, Dr. Smoot.

On motion of Senator Kleberg,

The reading of the journal of Saturday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Bell:

To the Hon. Barnett Gibbs, President of the Senate of the Nineteenth Legislature of the State of Texas:

Your memorialists, members of the Sheriffs' Association of the State of Texas, having the best interests of the State at heart, and believing that there is nothing of more importance than the proper enforcement of the criminal laws, respectfully suggest to your honorable body the following changes in our laws:

1. We recommend that the laws be so changed as to provide that when the sheriff conveys an attached witness out of his county for the purpose of testifying before a grand jury of another county, that he be compensated in the same manner as where the witness testifies in a felony case.

2. That when the sheriff conveys an attached witness out of his county to testify in a misdemeanor case, that he be allowed his actual expenses, to be paid by the county in which the prosecution is pending.

3. That the same fees be allowed the sheriffs for services rendered in an examining trial before a justice of the peace or other committing magistrate as are allowed for like services rendered in a final trial before a district court. It often happens that a sheriff has to convey a defendant from a distant part of the State before a justice for examining trial, at great expense to himself, and yet he is only allowed four dollars for his services. It is submitted that the peace officers are not able, however much they may be disposed to do so, to pursue and bring to justice the violators of the law when there is no adequate compensation provided for their labors, or even for repaying them their actual expenses, unless they can collect it from the defendants, which seldom ever happens.

4. That when a defendant forfeits his bond or recognizance and the same is collected, that the officers of the court where the prosecution is pending be allowed their fees for services rendered in the main case, to be paid out of the amount collected on the bond or recognizance.

5. That a descriptive list of all fugitives from justice be published annually and furnished the sheriffs of the various counties.

6. That parties to suits in civil cases sending out process to be served by sheriffs of other counties shall be required to send fees for said service in advance.

7. That for executing capias in misdemeanor cases in a county other than the one in which the case is pending, the sheriff or constable shall be entitled to the same fees allowed by law in felony cases; said fees to be paid by the county from which process issues. And that for serving writs in the county where prosecution is pending, mileage as in felony cases be allowed, payable by the defendant upon conviction.

8. That provision be made for issuance of capias for the arrest of parties convicted of felony who escape pending appeal, and that same fees be allowed as in original case; provided, that in no case shall any officer from whom such convict escapes receive any fees for his recapture.

H. E. BARKER,
President Sheriffs' Association.

Attest:

JOHN P. KIRK, Secretary.

Referred to Committee on State Affairs.

By Senator Hall:

Petition from the citizens of Duval county, against the disbanding of the frontier battalion.

Referred to Committee on Frontier Protection.

By Senator Evans:

Petition of twenty thousand citizens of the State of Texas, asking for the submission to a vote of the people of an amendment to the Constitution "prohibiting the manufacture and sale of intoxicating liquors."

Referred to Committee on Constitutional Amendments.

By Senator Kilgore:

Memorial from citizens of Van Zandt county, asking relief for A. C. Graham, D. L. Riley, et al.

Referred to Committee on State Affairs.

By Senator Calhoun:

Memorial from citizens of Coleman county, for prohibition.

Referred to Committee on Constitutional Amendments.

Senator Kilgore presented a purported memorial from a citizen of Dallas, relating to pending legislation, and asked to have it read in full.

Senator Calhoun raised the point of order that the memorial was out of order, as it had no name attached to it.

The point of order was sustained.

Senator Pope took an appeal from the decision of the chair.

The chair was sustained by a vote of the Senate.

REPORTS OF STANDING COMMITTEES.

By Senator Randolph:

COMMITTEE ROOM,
AUSTIN, February 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate joint resolution No. 10, "delivering the property known as the Alamo to the city of San Antonio," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

BILLS AND RESOLUTIONS.

By Senator Kilgore:

"An act for the relief of A. C. Graham, Joshua Hallman et al."

Referred to Committee on State Affairs.

By Senator Hall:

"An act to create the Webb land district."

Referred to Committee on General Land Office.

By Senator Terrell:

"A bill to provide for the purchase and improvement of ten thousand or more acres of land for the use of the penitentiary system of Texas."

Referred to Committee on Penitentiaries.

By Senator Traylor, by request:

"An act for the relief of clerks and sheriffs, who may have performed services under the provisions of an act providing for the condemnation and sale of lands for delinquent taxes, approved June 2, 1873, by providing a mode for auditing their accounts, and making an appropriation for the payment of the same."

Referred to Committee on Claims and Accounts.

By Senator Jones, by leave:

Petition of the Geological and Scientific Association of the State asking to take charge of the New Orleans exhibit.

Referred to Committee on State Affairs.

On motion of Senator Farrar,

Senator Knittel was excused for the day.

On motion of Senator Pope,

Senator Johnson was excused for the day, on account of sickness.

On motion of Senator Fowler,

Senator Pfeuffer was excused for the day.

On motion of Senator Jerdone,

Alex Sampson, Esq., Calendar Clerk, was excused for the day.

On motion of Senator Kleberg,

Senate bill No. 64, "An act to provide for the management and control of the lands set aside for the benefit of the University of Texas," was taken up out of its regular order and made special order for Wednesday, after morning call.

On motion of Senator Farrar,

Senate bill No. 138, "An act to amend chapter 3, title 53 of the Revised Statutes of Texas by adding thereto article 2971a," was taken up out of its regular order and made special order for Wednesday, after morning call.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to inform your honorable body of the passage of the following bills:

House bill No. 335, "An act to create and provide for the organization of the county of Midland."

House bill No. 473, "An act to amend sections 3, 4, 5, 106, 117, 156 and 158 of 'an act to incorporate the city of Galveston and grant a new charter,' approved August 2, 1876; amended by an act approved April 5, 1881. amended by an act approved March 7, 1883."

Also, to inform your honorable body of the following committee on the part of the House to act with a like committee of the Senate in arranging on behalf of the Legislature for celebrating the laying of the corner stone of the new Capitol, March 2: Linn, McKinney of Walker, Upton, Taylor, Moore of Travis.

A. D. SADLER, Chief Clerk.

The President referred the bills reported as follows:

House bill No. 335 to Committee on Counties and County Boundaries.

House bill No. 473 to Committee on State Affairs.

The President appointed Senators Shannon, Pope, Jones, Glasscock and Terrell on the part of the Senate on celebrating the laying of the corner stone of the new Capitol.

The following message was received from the Governor.

On motion of Senator Getzendaner the message, together with the accompanying reports, was ordered published in the journals:

To the Senate and House of Representatives:

I herewith transmit the statement of T. J. Goree, Superintendent, and Haywood Brahan, Financial and Purchasing Agent, of the penitentiaries, referring to that part of the report of the joint committee of the two houses touching the Rusk prison, and also the resignation of I. G. Searcy and Walter Tips, members of the Board of Managers of the penitentiaries, with their reasons for their action, all of which may be of some service in formulating a new management that now devolves on the Legislature.

Texas has not had more efficient and faithful public servants than these gentlemen have proven themselves to be.

JOHN IRELAND, Governor.

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, February 20, 1885.

T. J. Goree, Haywood Brahan:

GENTLEMEN: As Superintendent and Financial and Purchasing Agent, I call your attention to the report of the committee of the two houses of the Legislature who recently visited the penitentiaries, and especially to that part relating to the Rusk penitentiary, including the Comer & Farris contract and condition of the furnace. In short, the whole Rusk report I desire a full statement and explanation.

I am very respectfully your obedient servant,

JOHN IRELAND,
Governor.

AUSTIN, TEXAS, February 20, 1885.

Governor John Ireland, Austin, Texas:

Your favor of even date to hand, calling attention to the report of the joint committee of the Senate and House of Representatives who recently visited our penitentiaries at Huntsville and Rusk, and asking an explanation on our part in regard to the criticisms made by said committee in reference to the Comer & Farris contract, and the feeding, punishment, etc., of the convicts at the Rusk penitentiary.

In reply, we would state that Senators Jones, Kleberg and Kilgore, and Representatives Haynes, Kimbrough and Hendry met and organized at Huntsville on Tuesday morning the tenth instant, by electing Senator Jones chairman, and arrived at the superintendent's office about eleven o'clock a. m., and proceeded to inspect the Huntsville penitentiary, going through the cell buildings, chapel, dining room, kitchen, shops, etc.

We, in conjunction with Captain Ben E. McCulloch, assistant superintendent, offered them every facility to assist them to make a thorough investigation of everything pertaining to the management of our penitentiaries, telling them that, as servants of the people in the management of our peniten-

tiaries, we had nothing to conceal from the public, and that if any errors had been committed, we were as anxious to find it out as they could possibly be. We further told the members of the committee that all we demanded was, if any charges were made against us, or anyone connected with the penitentiary in any official capacity, by any citizen or convict that we be allowed a hearing before the committee in answer to any such charges. In the afternoon of same day Senator Kilgore and Hon. Mr. Haynes were chosen as a sub-committee to visit the Wynne farm, owned and operated by the State, near Huntsville. At 6 o'clock p. m. of same day the committee left for Rusk, and we accompanied them. At Phelps, eight miles from Huntsville, when en route to Rusk, the committee were joined by Representative Moore, who proceeded with them to Rusk. The committee arrived at the prison at Rusk between 11 and 12 o'clock a. m. on Wednesday, the eleventh instant, and remained until 2 o'clock p. m. Thursday, the twelfth instant, when they left for Austin.

Immediately after arriving at the Rusk penitentiary, the committee proceeded to inspect the cell buildings, dining room, kitchen, store room or commissary, chapel, hospital, laundry, and the different shops within the walls, and the iron furnace outside of the walls of the penitentiary.

After dinner the committee met in one of the rooms of the administrative building, and proceeded to examine witnesses in reference to the supplemental contract with Messrs. Comer & Farris and the final settlement with them on the surrender of their contract. In the meantime the committee, through their chairman, wrote out a notice, and had it sent over and posted up in the town of Rusk, informing the citizens that they were in session at the penitentiary, and inviting any one who had any complaint or charges to make against the management or officers of the penitentiary to appear before them.

In our examination before the committee we were only questioned about the supplemental contract and final settlement with Messrs. Comer & Farris, and asked a few questions about expenses, appropriations, etc., for the future.

As regards punishment of convicts, the committee examined convicts, and the most of them convicts of the worse character, who voluntarily appeared before them. Any one familiar with the character and discipline of convicts knows that it is always the worse character of convicts who are ready to volunteer information (manufactured to suit their purposes) to State officers and visiting committees of the Legislature as regards their treatment, and we state that such was the character of the majority of the convicts examined by the committee, many of whom had been punished for escapes, attempts to escape and other mutinous and disorderly conduct.

The committee did not consult the prison records at Rusk, or give the officers of the prison an opportunity to be heard in their own defense on the charges made by the class of convicts mentioned, in regard to cruel and excessive punishment. We feel it to be our duty to state in justice to Capt. F. P. O'Brien, assistant superintendent of the Rusk penitentiary, who has immediate charge of, the control and discipline of convicts, that he is a humane, efficient and attentive officer, and would not countenance cruel treatment or excessive punishment of convicts. And we further state that the records at the Rusk penitentiary show every time any convict was punished, for what offense, and the manner, amount and mode of punishment that was inflicted, and the witnesses who were present when the same was administered. We emphatically deny that when whipping has been resorted to as the mode of punishment, that any convict was ever struck over twenty-nine lashes at any one time for the same offense. This we are prepared to prove by the records of the prison, and the sworn testimony of all the officers, sergeants and guards, as well as by the testimony of the best class of convicts of said prison.

THE KILLING OF GOODALL.

Goodall was a convict from Lamar county, serving his second term. He was generally considered one of the worst and most desperate convicts in the prison. He had committed a murderous assault on convict Newton with a bar of iron, and was ordered punished for it. When taken out of his cell for the purpose, he broke away from the guards and declared that he would be killed before he would submit to punishment. This all created a terrible excitement amongst the few guards who were present, as well as the convicts who were locked up in the cells. The underkeeper, Mr. Hughes, ran into the office where the superintendent (Goree) was, and

told him of the situation. The instructions given him by the superintendent were to hurry back and try to capture and subdue Goodall, without using violent means, and under no circumstances to permit any shooting. He started out of the office and had gotten but a few steps when the report of a gun shot was heard, and it was found that Goodall, who was making violent threats and demonstrations at the time, was shot by some one from the window in the third story over the guards' room. Goodall died the next day. When an inquest was held, presided over by Mr. E. C. Dickinson, justice of the peace, who, after hearing all the evidence, exonerated the guard. Guyton, who did the shooting, had been guarding a long time, and had always been a humane, faithful and efficient guard; hence was retained by the assistant superintendent. Soon afterwards the district court of Cherokee county met, and this killing was fully investigated by the grand jury, and no bill was found. It may be mentioned that in a moment after the shooting, when the superintendent reached the cell building, the most intense excitement prevailed, and it seemed as if bedlam had broken loose. It was a considerable while before quiet could be restored. In our opinion, expressed at the time and since, this killing was unnecessary and unjustifiable, and could only be excused because of the intense excitement prevailing at the time. No one more than ourselves and the assistant superintendent deprecate this truly unfortunate affair.

FOOD.

As to the report of the committee in regard to the food furnished at the Rusk penitentiary, we will say that since the surrender of the Comer & Fairris contract, on the fourth of September last, the State has fed the convicts, and the Financial Agent is alone responsible for the quality and variety of the food since that date, as he purchases all provisions for both penitentiaries. The steward is responsible only for the preparation and distribution of the food. The provisions purchased for both prisons, except beef, are purchased from the same parties, and if complaints are true, as made in regard to the quality of the food at the Rusk penitentiary, it seems that similar complaints would have been made at the Huntsville penitentiary, where no complaints whatever were made. As to the variety of food, the provision reports on file with the secretary of the Penitentiary Board, which are subject to inspection, will show the amount of each kind of provisions issued at each penitentiary during each month last year, and the month of January this year. These reports will show that the variety of food is much the same at both penitentiaries, and a recent calculation made by the superintendent demonstrates the fact that the cost of feeding at Rusk has been about two cents per day per convict more than at Huntsville. When the committee visited Rusk there was stored in the commissary building the usual monthly supply of provisions, consisting of bacon, flour, meal, sugar, coffee, molasses, onions, beans, rice, dried apples, potatoes, etc. In addition to these articles, constantly kept on hand, good fresh beef has been furnished from two to four times per week. The dinner furnished the convicts on the day of the visit of the committee consisted of good substantial food, and was a fair average dinner.

From September 14, 1884, until the middle of December, the superintendent was nearly all the time at the Rusk prison. He daily visited the prison kitchen and dining room, saw for himself the quantity, quality and variety of food furnished the convicts, talked with the convicts about food, and here alleges that not a single complaint was made to him in regard to the food or its preparation. The prison physician, Dr. Jamison, has told us that there has been no cause of complaint against the culinary department since the State has been feeding.

It is to be regretted that the committee, in hearing the complaints of convicts in regard to the food and its preparation, did not get the dates of the alleged irregularities, so as to have shown whether they occurred prior to or after the State commenced feeding. During the Comer & Fairris contract they fed the convicts and guards, and employed their own steward. Occasionally complaints were made of the quality and preparation of the food, which upon demand from the State officers were remedied. Finally we had a guard placed in the kitchen to look after the convict cooks and waiters, and to see to the quality and preparation of food. We apprehend that the committee are under the impression that the steward of Comer & Fairris, Mr. Green, is still in charge: such is not the case, but the present steward is Mr. Grammar, who we think is a faithful, diligent and efficient officer. We plead guilty to feeding cold bread, because, in baking for such a

number of convicts it is impossible to furnish it otherwise.

If any mouldy bread has been furnished at any time, it has been accidental. No better bread is made anywhere than the flour bread at the Rusk penitentiary. The corn bread is made and baked just as corn bread on the outside. If beef at any time is scant, it is supplemented with bacon. There is no limit of food at either penitentiary, but every convict is supplied until he is satisfied. If has no doubt frequently occurred, even under State management, that certain articles of food have not been properly prepared, but such things will occur in the best regulated families. It may be proper to mention that some time since, when your Excellency and other members of the Penitentiary Board visited Rusk and thoroughly investigated similar complaints, you found them without foundation. The healthful appearance of the convicts at Rusk clearly indicates that they are not improperly fed. If opinions are based upon and conclusions drawn from unsupported convict testimony, no officer's character or reputation can be safe.

IRON FURNACE, WATER SUPPLY, ETC.

As regards the iron furnace and industries at the Rusk penitentiary, we beg to state that the furnace has been idle since the surrender of the Comer & Fairris contract, and we have done nothing in the different shops, except finish up some partly finished wagons and furniture received from Comer & Fairris, and such general repair work as we could get, for the reason that we had no available appropriation at our command with which to run the furnace and buy material with which to run the shops. The furnace is in good condition, except a change in the bosh, which was made by Comer & Fairris, from the manner of its original construction. The furnace can be changed back as originally constructed within a very short time by convict labor, at a nominal cost for the material necessary. The water supply, with which to operate the furnace, is ample and sufficient, and there has never been any difficulty on account of the water supply. It is true the timber is scarce and stumpy immediately around Rusk, but on the line of the K. & G. S. L. R. R. tracts of woodland can be bought at reasonable prices to make all the coal necessary to run the furnace for years to come. In regard to the Comer & Fairris contract and final settlement with them, we do not know that we can give any fuller explanation than is made in our biennial reports, to which reference is respectfully made.

Very respectfully your obedient servants,

THOMAS J. GOREE,
Superintendent of Penitentiaries.
HAYWOOD BRAHAN,
Financial Agent State Penitentiaries.

AUSTIN, TEXAS, February 19, 1885.

Hon. John Ireland, Governor of Texas:

DEAR SIR: The report of the Penitentiary Committee, which doubtless you have seen, renders it necessary, in our judgment, to sever our connection with that institution, and in doing so we deem it but just to ourselves to reply briefly to some of the statements contained therein, especially as no opportunity was given us to contradict the evidence upon which the report is founded. Several of the gentlemen composing that committee, both of the Senate and House, are known to us, and for whose opinions we entertain the highest respect, but for this very reason we feel it incumbent upon us to say a few words in our own justification. The Board was perfectly familiar with the facts of the shooting of the man named in the report. It is possible he might have been retaken without being shot. We can all discover, after important events have transpired, how it was possible to have accomplished a different and better result in some other way. The best organized systems under the wisest management are liable to such a catastrophe in the excitement and confusion of such an occasion.

All persons at all familiar with the management of convicts know (and those not familiar ought to know) that once let it be understood among them that guns will not be used, and it will not only put an end to all discipline, but they could neither be taken to the prison nor let out of their cells when there. We shoot a burglar or thief. An officer arresting a supposed criminal will shoot him, and all applaud, but the moment a man is proven a criminal and condemned for some deadly offence against the laws of society, if thereafter he is slain in an effort to regain his freedom (perchance by murdering or attempting to murder his guard) it is spoken of as an outrage. The bruise spoken of in the report as having been seen on the man's back is not traced to any management, any

p. 138 missing

Senator Kilgore offered the following amendment:

Amend section 2 by adding to the section the following words: "Provided, that if there should be a contest at the sale of any land offered for sale under this section, the former owner of such land shall have the prior right to purchase the same at said sale."

Withdrawn.

Senator Traylor offered the following amendment:

In the beginning of line nineteen add "advertised and."

Adopted.

As amended section 2 was adopted.

Senator Traylor offered to amend section 3 as follows:

After the word "Comptroller," in line six, insert "in such manner as the Comptroller may require."

Adopted.

Section 3 as amended was adopted.

Section 4 was adapted.

Senator Traylor offered the following amendment section 5:

In line ten, after the word "owners," add "or whether the taxes have been paid on such lands or whether such lands legally exist as valid surveys."

Adopted.

Senator Traylor offered the following amendment section 5:

In line 14, after the word "cause," insert: "He shall strike the same from the rolls if the taxes have not been paid thereon, or if no such valid surveys exist in the county, or if there was an error in the assessment."

Adopted.

Senator Traylor offered the following amendment:

In line 7, after the word "county," insert "with the aid of the county surveyor."

Adopted.

Senator Evans in the chair.)

In motion of Senator Kleberg,

the Senate reconsidered the vote by which the amendment of Senator Traylor to section 2 was lost.

Senator Kleberg offered the following substitute for the amendment:

Insert in line 18 the words "and at the same time," after the word "manner."

Accepted and adopted.

Senator Traylor offered the following amendment:

In section 5, "and furnish the Comptroller a list of such lands for cancellation."

Adopted.

Section five, as amended, was adopted.

Senator Davis offered the following amendment:

In section six section eight (next to the emergency clause.)

Adopted.

Senator Traylor offered the following:

In section six as follows, and conform the numbers of the sections thereto:

16. For services herein provided the surveyor and assessor shall each be allowed three dollars per day for not more than five days, to be paid by the commissioners' court.

Adopted.

Section 7 was adopted.

Senator Davis offered the following amendment:

Change section 8 so as to be an imperative public necessity clause only.

Adopted.

Senator Calhoun offered the following amendment:

Sec.— Whenever any land is sold to any person under the provisions of the act, and it shall afterwards appear by judicial investigation or otherwise, that all of the amount of taxes, costs and other charges against said land, for which the same was sold, were not lawful and due, but that only a part of the same was due, such fact shall not void the sale and purchase of said land, but said sale shall be valid and binding for an undivided portion of said land so purchased, of the same proportion and ratio to the whole amount purchased as the amount of lawful taxes and costs due bears to the whole amount of supposed taxes and costs and charges supposed and charged to be due at the time said land was so sold.

Lost, and the bill was ordered engrossed.

Senator Bell offered the following privileged report:

COMMITTEE ROOM,
AUSTIN, February 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills, have carefully examined Senate bill No. 182, being, "An act to amend articles 151 and 153, chapter 2, of title 6 of the Penal Code," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 204, being "An act to prohibit sheriffs and witnesses from charging fees, mileage or expenses in certain cases," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 124, being "An act to amend section 2 of an act entitled 'an act to provide for the payment of attached witnesses in felony cases,'" and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 190, being "An act to amend section 4 of an act entitled 'an act to redistrict the State into judicial districts, and to fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts of the next general election, to be held on the first Tuesday after the first Monday in November, 1884,'" and find the same correctly engrossed.

BELL, Chairman.

Senator Hall entered a motion to reconsider the vote by which the Senate adopted the adverse reports of the Committee on Claims and Accounts on the bills for the relief of the cities of Brownsville and Laredo in certain quarantine expenditures.

On motion of Senator Davis,

The constitutional rule was suspended and the bill placed on its final passage by the following vote:

YEAS—21.

Bell,	Getzendaner,	Kilgore,
Calhoun,	Glasscock,	Kleberg,
Davis,	Hall,	Peacock,
Evans,	Harrison,	Randolph,
Farrar,	Houston of Wheeler,	Terrell,
Fowler,	Jerdone,	Traylor,
Garrison,	Jones,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Houston of Bexar, Shannon.

The bill was read third time and passed.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage of Senate bill No. 137, "An act to repeal sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 25, 27, 28, 30, 31, 83, 198, 199 and 200, and to amend sections 2, 4, 5, 6, 29, 33, 43, 45, 70, 74, 78, 103, 120, 197, 201, 202 and 203 of an act entitled 'an act to incorporate the city of San Antonio and grant a new charter to said city,' approved August 13, 1870, and to repeal 'an act to incorporate the city of San Antonio,' approved July 17, 1856, and 'an act to amend the act to incorporate the city of San Antonio,' approved February 11, 1860, also an act to amend an act entitled 'an act to incorporate the city of San Antonio and grant a new charter to said city,' approved April 18, 1879."

Respectfully,

A. D. SADLER, Chief Clerk.

On motion of Senator Harrison,

Senate bill No. 189, "An act to annul and cancel all locations and surveys made thereunder and patents issued upon any land situate in the county of Greer, and to restore said lands to the respective funds to which they belong," was taken up and made special order for Thursday after morning call.

(The President in the chair.)

On motion of Senator Jones,

Senate bill No. 174, "An act to amend section 4 of 'an act to provide for an organization of a board to direct, supervise, control,' etc., was taken up out of its regular order and read the second time.

On motion of Senator Jones,

The committee amendment was adopted.

Senator Evans offered the following amendment:

Amend by adding section 5: "And there is hereby appropriated the sum of five thousand dollars, or so much thereof as may be necessary, to carry this law into effect.

Adopted.

Senator Harrison moved to reconsider the vote just taken.

Adopted, and

The amendment was withdrawn.

Senator Glasscock offered the following amendment:

Amend by adding:

Section 2. Whereas an emergency exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Lost, and

The bill was ordered engrossed.

Senate bill No. 65, "An act to amend article 690, chapter 90 of the Penal Code," was laid before the Senate as the second special order, and read second time with committee substitute, and

On motion of Senator Woods,

The committee substitute was adopted and ordered engrossed.

Senate joint resolution No. 1, "Proposing an amendment to section 12, of article 8 of the Constitution," was laid before the Senate in its regular order, and read third time and lost by the following vote:

YEAS—18.

Bell,	Glasscock,	Kilgore,
Calhoun,	Hall,	Kleberg,
Farrar,	Harrison,	Randolph,
Fowler,	Houston of Wheeler,	Shannon,
Garrison,	Jerdone,	Terrell,
Getzendaner,	Jones,	Traylor.

NAYS—3.

Davis,	Evans,	Peacock.
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ABSENT, NOT VOTING.

Houston of Bexar.

Senator Houston of Wheeler entered a motion to reconsider the vote just taken.

Senator Davis raised the point or order that Senator Houston had voted on the losing side and could not move a reconsideration.

The point of order was sustained.

Senator Davis entered a motion to reconsider the vote just taken.

The President laid before the Senate Senate bill No. 120, "An act to confer upon county courts jurisdiction in cases of contested elections."

The bill was read third time and passed.

Senate bill No. 125, "An act to amend articles 1719, 1720, 1721, 1722, 1723, 1731, 1743, 1744 and 1752 of chapter 6, title 34 of the Revised Civil Statutes," was laid before the Senate, read third time and passed.

On motion of Senator Kleberg,

Senator Houston of Bexar was excused for the day.

Senator Peacock introduced a bill entitled "An act amendatory of 'an act relating to the commission of arbitration and award, defining the powers and duties thereof, and to make appropriations to pay the salaries of the judges thereof,' approved March 20, 1883, and which was amendatory of an act relating to the same subject, approved February 9, 1881."

Referred to Judiciary Committee No. 1.

On motion of Senator Davis,

The regular order of business was suspended, and Senate bill No. 187, "An act confirming patents and surveys by virtue of headright, military and bounty warrants issued under special laws enacted after March 31, 1870, and prior to April 18, 1876," was taken up and read second time.

First and second committee amendments were adopted.

The President signed House bill No. 116, "An act to amend section 18 of an act entitled 'an act to redivide the State into judicial districts, and fix the times for holding court therein, etc.'"

On motion of Senator Calhoun,

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

THIRTY-SIXTH DAY.

SENATE CHAMBER,
AUSTIN, February 24, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.
On motion of Senator Peacock.
The reading of the journal of yesterday was dispensed with.

REPORTS OF STANDING COMMITTEES.

By Senator Traylor:

COMMITTEE ROOM,
AUSTIN, February 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 143, entitled "An act making appropriations for the support of the State government for the years beginning March 1, 1885, and ending February 28, 1887," have carefully examined the same, and instruct me to report the same back with the recommendation that the accompanying substitute, which is the product of the joint finance committees of both houses, be passed.

All of which is respectfully submitted.

TRAYLOR, Chairman.

Bill read first time.

By Senator Randolph:

COMMITTEE ROOM,
AUSTIN, February 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred House bill No. 473, entitled "An act to amend sections 3, 4, 5, 106, 117, 156 and 158 of an act to incorporate the city of Galveston, and grant a new charter," approved August 2, 1876, amended by an act approved April 5, 1881, amended by an act approved March 7, 1883," have had the same under consideration and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

By Senator Harrison:

COMMITTEE ROOM,
AUSTIN, February 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 152, entitled "An act to amend section 8 of an act entitled 'an act establishing the manner of ascertaining the boundaries of counties,' approved April 22, 1879," have carefully examined the same, and instruct me to report the same back to the Senate with the recommendation that it do pass, and that it be considered by the Senate in connection with Senate bill No. 210, which relates to the same subject.

All of which is respectfully submitted.

HARRISON, Chairman.

Bill read first time.

By Senator Calhoun:

COMMITTEE ROOM,
AUSTIN, February 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 235, entitled "An act to authorize the several county commissioners' courts of the State of Texas to provide for more than four terms of the county court annually for the transaction of civil and criminal business, and fix the time at which all the terms of said county courts may be held," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

The object of this bill is to re-enact a law passed at the called session of the Eighteenth Legislature, but not referred to in the Governor's call convening said called session.

All of which is respectfully submitted.

CALHOUN, for Committee.

Bill read first time.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, February 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 146, being "An act to amend article 288 of the Code of Criminal Procedure," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared committee substitute for Senate bill No. 65, being "An act to amend article 690, chapter 90 of the Penal Code, as amended April 4, 1881," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 174, being an act to amend section 4 of an act entitled "An act to provide for an organization of a board to direct, supervise and control the work of obtaining and presenting statements, accounts and abstracts showing the amount and character of the claims of the State of Texas against the government of the United States, for moneys expended by said State in protecting her frontier; to prepare proper vouchers, and to obtain and present necessary proof in support of said claim, as required by an act of Congress entitled 'an act to authorize the Secretary of the Treasury to examine and report to Congress the amount of all claims of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas and Nevada, and the Territories of Washington and Idaho, for moneys expended and indebtedness assumed by said States and Territories in repelling invasion and suppressing Indian hostilities, and for other purposes,' approved June 27, 1882; to provide means and to employ the necessary clerical force to enable said board to discharge its duties, and to make appropriation to pay the expenses of the same, approved March 23, 1883," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on General Land Office, to whom was referred Senate bill No. 238, entitled "An act to create the Webb land district," have carefully examined the same, and instruct me to report the same back, with the recommendation that it do pass.

All of which is respectfully submitted.

BELL, Chairman.

Bill read first time.

BILLS AND RESOLUTIONS.

By Senator Houston of Wheeler:

"An act to create the Hardeman land district."

Referred to Committee on Public Lands.

By Senator Kleberg:

An act making appropriations for certain deficiencies."

Referred to Finance Committee.

By Senator Evans:

An act to amend 'an act to amend articles 1026, 1027, 1028, 1029, 1030, 1031 and 1032 of chapter 5, title 26, and articles 1077, 1078, 1079, 1080, 1081 and 1082 of chapter 15, title 26 of the Revised Civil Statutes,' etc., approved May 3, 1882."

Referred to Committee on Public Printing.

By Senator Pope:

An act to define the duties of telegraph companies in the transmission of messages, and to prescribe penalties for the enforcement thereof."

Referred to Committee on Internal Improvements.

On motion of Senator Calhoun,
Senate bill No. 235, "An act authorizing the commissioners' courts, etc., to provide for the holding of more than four terms of the county court annually," etc., was taken up out of its regular order, the special order being postponed.

Senator Davis moved to make it a special order for Friday, after morning call.

Lost.

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

Lost by the following vote:

YEAS—19.

Bell,	Hall,	Peacock,
Calhoun,	Harrison,	Pope,
Evans,	Houston of Wheeler,	Randolph,
Farrar,	Jerdone,	Shannon,
Garrison,	Jones,	Terrell,
Getzendaner,	Kleberg,	Traylor.
Glasscock,		

NAYS—5.

Davis,	Knittel,	Woods.
Fowler,	Pfeuffer,	

ABSENT, NOT VOTING.

Camp,	Johnson,	Stinson.
Houston of Bexar,	Kilgore,	

On motion of Senator Traylor,

The special orders were postponed and the bills on third reading were taken up.

Senate bill No. 167, "An act to provide for the care and preservation of the Alamo and for the deposit of the Texas exhibit at the World's Industrial Exposition therein," was laid before the Senate,

Read third time and passed.

Senator Terrell moved to reconsider the vote by which the bill was passed.

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

Lost by the following vote :

YEAS—12.

Farrar,	Houston of Bexar,	Pope,
Garrison,	Houston of Wheeler,	Shannon,
Getzendaner,	Kleberg,	Traylor,
Glasscock,	Knittel,	Woods.

NAYS—14.

Bell,	Hall,	Peacock,
Calhoun,	Harrison,	Pfeuffer,
Davis,	Jerdone,	Randolph,
Evans,	Jones,	Terrell.
Fowler,	Kilgore,	

ABSENT, NOT VOTING.

Camp,	Johnson,	Stinson,
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The motion of Senator Terrell to reconsider was adopted by the following vote:

YEAS—14.

Calhoun,	Hall,	Peacock,
Davis,	Harrison,	Pfeuffer,
Fowler,	Jerdone,	Randolph,
Getzendaner,	Jones,	Terrell.
Glasscock,	Kilgore,	

NAYS—12.

Bell,	Houston of Bexar,	Pope,
Evans,	Houston of Wheeler,	Shannon,
Farrar,	Kleberg,	Traylor,
Garrison,	Knittel,	Woods.

Senator Jones offered an amendment.

Senator Houston of Wheeler raised the point of order that the amendment was not germane to the subject matter of the bill.

The point of order was sustained.

Senator Jones offered to amend by striking out all in the bill relating to the New Orleans exhibit and amend the caption to conform thereto.

Senator Kleberg moved the previous question on the amendment and the bill.

Previous question seconded.

Withdrawn.

Senator Fowler moved the previous question on the amendment and the bill.

Previous question seconded, and main question ordered.

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

YEAS—13.

Calhoun,	Hall,	Peacock,
Davis,	Harrison,	Shannon,
Fowler,	Jerdone,	Randolph,
Getzendaner,	Jones,	Terrell.
Glasscock,		

NAYS—13.

Bell,	Houston of Wheeler,	Pope,
Evans,	Kilgore,	Shannon,
Farrar,	Kleberg,	Traylor,
Garrison,	Knittel,	Woods.
Houston of Bexar,		

ABSENT, NOT VOTING.

Camp,	Johnson,	Stinson.
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The bill was passed by the following vote:

YEAS—14.

Bell,	Houston of Bexar,	Pope,
Evans,	Houston of Wheeler,	Shannon,
Farrar,	Kleberg,	Traylor,
Garrison,	Knittel,	Woods.
Getzendaner,	Pfeuffer,	

NAYS—12.

Calhoun,	Hall,	Kilgore,
Davis,	Harrison,	Peacock,
Fowler,	Jerdone,	Randolph,
Glasscock,	Jones,	Terrell.

ABSENT, NOT VOTING.

Camp,	Johnson,	Stinson.
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On motion of Senator Houston of Bexar,
Senate bill No. 137, "An act to amend the city charter of San Antonio," etc., was taken up, with House amendments, and

The House amendments concurred in.

(Senator Shannon, President pro tem., in the chair.)

On motion of Senator Jerdone,

House bill No. 473, "An act to amend sections 3, 4, 5, 106, 117, 156 and 158 of 'an act to incorporate the city of Galveston and to grant a new charter,' approved August 2, 1876, amended by an act approved April 5, 1881, amended by an act approved March 7, 1883," was taken up out of its regular order.

On motion of Senator Jerdone the constitutional rule was suspended, and

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

YEAS—21.

Bell,	Harrison,	Knittel,
Calhoun,	Houston of Bexar,	Peacock,
Fowler,	Houston of Wheeler,	Pfeuffer,
Garrison,	Jerdone,	Randolph,
Getzendaner,	Jones,	Terrell,
Glasscock,	Kilgore,	Traylor,
Hall,	Kleberg,	Woods.

NAYS—1.

Davis.

ABSENT, NOT VOTING.

Camp,	Johnson,	Shannon,
Evans,	Pope,	Stinson.
Farrar,		

The bill was read the second time and passed to third reading.

On motion of Senator Jerdone,

The constitutional rule was suspended and

The bill placed on its final passage by the following vote:

YEAS—24.

Bell,	Harrison,	Peacock,
Davis,	Houston of Bexar,	Pfeuffer,
Evans,	Houston of Wheeler,	Pope,
Fowler,	Jerdone,	Randolph,
Garrison,	Jones,	Shannon,
Getzendaner,	Kilgore,	Terrell,
Glasscock,	Kleberg,	Traylor,
Hall,	Knittel,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Calhoun,	Farrar,	Stinson.
Camp,	Johnson,	

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

YEAS—24.

Bell,	Harrison,	Peacock,
Davis,	Houston of Bexar,	Pfeuffer,
Evans,	Houston of Wheeler,	Pope,
Fowler,	Jerdone,	Randolph,
Garrison,	Jones,	Shannon,
Getzendaner,	Kilgore,	Terrell,
Glasscock,	Kleberg,	Traylor,
Hall,	Knittel,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Calhoun,	Farrar,	Stinson.
Camp,	Johnson,	

Senator Bell sent up the following privileged report.

COMMITTEE ROOM,
AUSTIN, February 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 77, being "An act to further regulate the collection of taxes on real estate, including lands heretofore bought by the State at delinquent tax sales," and find the same correctly engrossed.

BELL, Chairman.

By leave, Senator Houston of Bexar introduced a bill to be entitled "An act to authorize the county commissioners' courts to set aside from year to year not exceeding one-half of the road and bridge tax to establish free bridges across streams having an average width of sixty feet."

Referred to Committee on Roads and Bridges.

By leave, the following reports were sent up and read:

By Senator Houston of Bexar:

COMMITTEE ROOM,
AUSTIN, February 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 236, entitled "An act amendatory of an act relating to the commission of arbitration and award, defining the powers and duties thereof, and to make appropriations to pay the salaries of the judges thereof, approved March 20, 1883, and which was amendatory of an act relating to the same subject, approved February 9, 1881," have carefully examined the same, and a majority of the committee instruct me to report same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

By Senator Peacock:

COMMITTEE ROOM,
AUSTIN, February 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Lands, to whom was referred bill No. 244, entitled "An act to be entitled an act to create the Hardeman land district," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

PEACOCK, Chairman.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your body the passage of the following bills:

House bill No. 236, "An act to authorize and require the Commissioner of the General Land Office to issue a certificate for 1280 acres of land to J. B. Robertson, for military services."

Substitute House bill No. 237, "An act to alter the corporate limits of the city of Waco"

House bill No. 250, "An act to amend section 34 of an act entitled 'an act to redistrict the State into judicial district and fix the time for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883."

And to report the indefinite postponement by the House of Senate bill No. 50.

A. D. SADLER, Chief Clerk.

The President referred House bill No. 236 to Committee on General Land Office.

Substitute House bill No. 237 to Committee on Counties and County Boundaries.

House bill No. 250 to Committee on Judicial Districts.

The President gave notice of signing Senate bill No. 136, "An act for the relief of W. J. Salyer and to validate donation warrant No. 509 and the survey made by virtue thereof, issued by G. W. Hockley, Secretary of War, on August 14, 1838, for 640 acres of land, to John Short, the said Salyer being now the owner of said certificate."

On motion of Senator Glasscock

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

THIRTY-SEVENTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, February 25, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by Rev. R. C. Buckner of Dallas.
 On motion of Senator Calhoun.
 The reading of the journal of yesterday, was dispensed with.
 On motion of Senator Shannon.
 Senator Traylor was excused till Monday.
 On motion of Senator Pope.
 Senators Camp, Johnson and Stinson were excused indefinitely, from yesterday.

PETITIONS AND MEMORIALS.

By Senator Glasscock:
 Memorial from citizens of Presido county, favoring the formation of Brewster county.
 Referred to Committee on Counties and County Boundaries.

REPORTS OF STANDING COMMITTEES.

By Senator Shannon:

COMMITTEE ROOM,
 AUSTIN, February 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 221, entitled "An act to amend article 4257 of the Revised Civil Statutes of the State of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it be considered in committee of the whole, and that 150 copies be printed.
 All of which is respectfully submitted.

SHANNON, Chairman.

Bill read first time.

COMMITTEE ROOM,
 AUSTIN, February 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 18, entitled "An act to amend and carry into effect article 4238 of the Revised Statutes of the State of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

SHANNON, Chairman.

Bill read first time.

COMMITTEE ROOM,
 AUSTIN, February 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 209, entitled "An act to preserve the charters of railway companies that by reason of the financial condition of the country have not constructed the number of miles of road annually required by law, and to prevent the forfeiture thereof," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

SHANNON, Chairman.

Bill read first time.

COMMITTEE ROOM,
 AUSTIN, February 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred House bill No. 428, entitled "An act to amend article 4786 of the Revised Civil Statutes of the State of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

SHANNON, Chairman.

Bill read first time.

COMMITTEE ROOM,
 AUSTIN, February 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred House bill No. 144, entitled "An act to amend article

4227, title 84, chapter 10, of the Revised Civil Statutes of State of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

SHANNON, Chairman.

Bill read first-time.

Senator Randolph presented the following minority report:

COMMITTEE ROOM,
 AUSTIN, February 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

A minority of your Committee on Internal Improvement to whom was referred House bill No. 144, entitled "An act to amend article 4227, title 84, chapter 10 of the Revised Civil Statutes of the State of Texas," beg leave to differ from the majority report, and offer the following reasons why said bill should pass: First, that it would diminish the number of wilful and negligent detentions of freight by railroads, thereby decreasing litigation between citizens and said railroads, causing said railroads to make greater preparations to relieve intermediate stations along their respective lines by furnishing ample conveyance to carry off cotton and other freights.

All of which is respectfully submitted, and ask that the minority be adopted in lieu of the majority report.

RANDOLPH, for the Minority.

By Senator Harrison:

COMMITTEE ROOM,
 AUSTIN, February 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 335, entitled "An act to create and provide for the organization of the county of Midland," have carefully considered the same, and a majority of your committee instruct me to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

HARRISON, Chairman.

Bill read first time.

COMMITTEE ROOM,
 AUSTIN, February 25, 1885

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred substitute House bill No. 237, entitled "An act to alter the corporate limits of the city of Waco," have had the same under consideration, and instruct me report it back with the recommendation that it do pass.

All of which is respectfully submitted.

HARRISON, Chairman.

Bill read first time.

By Senator Terrell:

COMMITTEE ROOM,
 AUSTIN, February 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Commerce and Manufactures, to whom was referred "House concurrent resolution requesting the Senators and Representatives of Texas in Congress to secure a survey and report by government engineers of the condition of the channel through West Galveston bay and San Luis bay, have carefully examined the same, and instruct me to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TERRELL, Chairman.

Resolution read first time.

By Senator Getzendaner:

COMMITTEE ROOM,
 AUSTIN, February 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred Senate bill No. 171, entitled "An act for the relief of Thomas Dillard," have had the same under consideration, and instruct me to report the same back with the recommendation that it do not pass.

This belongs to a class of school claims which the Legislature has on several occasions enacted laws to enable the counties to audit and pay.

In the opinion of your committee this claim, presuming it be just, cannot be a liability of the State.
All of which is respectfully submitted.

GETZENDANER, Chairman.

Bill read first time.

COMMITTEE ROOM.

AUSTIN, February 25, 1885.

U. Barnett Gibbs, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred Senate bill No. 201, entitled "An act to authorize the commissioners' court of Travis county to call a special election said county to determine whether or not the said county will buy or build a bridge to be a free bridge across the Colorado river at the city of Austin," have had the same under consideration, and instruct me to report it back with the commendation that it do not pass.
All of which is respectfully submitted.

GETZENDANER, acting Chairman.

Bill read first time.

The President gave notice of signing House bill No. 473, "An act to amend sections 3, 4, 5, 106, 117, 116 and 158 of 'an act to incorporate the city of Galveston and to grant a new charter,' approved August 2, 1876, amended by an act approved April 5, 1881, amended by an act approved March 7, 1883."

BILLS AND RESOLUTIONS.

By Senator Hall:

"An act to muster into the service of the State minute men for the protection of the frontier and for the suppression of lawlessness and crime."

Referred to Committee on State Affairs.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 25, 1885.

U. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage of substitute House bill No. 338, "An act to re-enact section 28 of an act entitled 'an act to redistrict the State into judicial districts, and fix the times for holding court therein, to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the Tuesday after the first Monday in November, 1884, approved April 9, 1883,' and to amend said section 28 of said act."

A. D. SADLER, Chief Clerk.

The President referred House bill No. 338 to Committee on Judicial Districts.

Senator Calhoun moved to suspend the regular special orders and take up Senate bill No. 235, "An act authorizing the several county commissioners' courts of the State of Texas, to provide for more than four terms of the county court annually for the transaction of civil and criminal business, and to fix the times at which all the terms of said county courts may be held."

Senator Randolph moved a call of the Senate.

Call sustained.

Senators Houston of Wheeler and Pope were absent without excuse.

On motion of Senator Davis,

the call of the Senate was suspended.

Senator Davis moved to amend the motion of Senator Calhoun by making the bill the special order for tomorrow, after morning call.

Senator Calhoun withdrew his motion, which disposed of both motions.

Senate bill No. 142, "An act to amend sections 2, 9, 23, 29, 30, 33, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 51, 53, 54, 56, 57, 59, 60, 61, 62, 63, 64, 68, 73, 75, 79, 79d, 83, 84, 85 and 87 of an act entitled 'an

act to establish and maintain a system of public free schools for the State of Texas,' and to repeal so much of chapter 3, title 78 of the Revised Civil Statutes of Texas as refer to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act,' the same being chapter 25 general laws of the special session of the Eighteenth Legislature, 1844; and to add thereto as new sections, sections 12a, 12b, 12c, 12d, 12e, and sections 58a, 58b and 58c, and repealing all laws and parts of laws in conflict with the provisions of this act and the original act of which it is amendatory," was laid before the Senate as the first special order.

On motion of Senator Davis,

The bill was postponed and made the special order for to-morrow after the morning call and after other special orders.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 25, 1885.

U. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body that the House has rejected the report of the conference committee on substitute House bills Nos. 13, 61, 64, 104 and 161, and asks for a committee of free conference on same, and appoint as such committee on the part of the House, Messrs. Foster of Grayson, Hamilton and Rountree.

A. D. SADLER, Chief Clerk.

On motion of Senator Terrell,
The request was granted, and

The President appointed on said committee Senators Terrell, Randolph and Fowler.

Senate bill No. 100, "An act to repeal an act entitled 'an act to provide annual pensions for the surviving soldiers or volunteers of the Texas Revolution and the surviving signers of the Declaration of Independence of Texas, and the surviving widows of such soldiers, volunteers and signers,' approved March 28, 1883," was laid before the Senate as the special order, and

Read second time with special committee (minority) substitute report.

Senator Fowler moved to substitute the minority for the majority report.

Senator Davis moved the previous question on the motion to substitute and the engrossment of the bill.

Previous question seconded, and

Main question ordered.

The motion to substitute the minority for the majority report was lost by the following vote:

YEAS—6.

Calhoun,	Glasscock,	Pope,
Fowler,	Houston of Bexar,	Randolph.

NAYS—16.

Bell,	Jerdone,	Peacock,
Davis,	Jones,	Pfeuffer,
Evans,	Kilgore,	Shannon,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Woods.
Hall,		

ABSENT, NOT VOTING.

Farrar,	Harrison,	Houston of Wheeler.
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The bill was ordered engrossed by the following vote:

YEAS—16.

Bell,
Davis,
Garrison,
Getzendaner,
Hall,
Harrison,

Jerdone,
Jones,
Kilgore,
Kleberg,
Knittel,

Peacock,
Pfeuffer,
Shannon,
Terrell,
Woods.

NAYS—8.

Calhoun,
Evans,
Fowler,

Glasscock,
Houston of Bexar,
Houston of Wheeler,

Pope,
Randolph.

ABSENT, NOT VOTING.

Farrar.

Senator Peacock moved to reconsider the vote engrossing the bill, and moved to lay that motion on the table.

Senator Houston of Bexar moved a call of the Senate.

Call sustained.

Senators Farrar and Randolph were found absent without excuse.

The Sergeant-at-Arms was dispatched to bring in the absent Senators.

Senators Farrar and Randolph were announced, and

The Senate was declared full.

The motion of Senator Peacock to lay the motion to reconsider on the table was adopted by the following vote:

YEAS—17.

Bell,
Davis,
Farrar,
Garrison,
Getzendaner,
Hall,

Harrison,
Jerdone,
Jones,
Kilgore,
Kleberg,
Knittel,

Peacock,
Pfeuffer,
Shannon,
Terrell,
Woods.

NAYS—7.

Calhoun,
Evans,
Fowler,

Glasscock,
Houston of Bexar,
Pope,
Randolph,

ABSENT, NOT VOTING.

Houston of Wheeler.

Senator Pope raised the point of order that Senator Houston of Wheeler was now out of the Senate Chamber and not voting, and under the call of the Senate the motion could not be decided.

The point of order was not sustained, as the Senator was present and answered to his name under the call of the Senate.

On motion of Senator Davis,

Senate bill No. 217, "An act to repeal an act granting a land certificate of 1280 acres to the surviving soldiers of the Texas Revolution, etc., to repeal an act approved April 26, 1879," etc., was taken up out of its regular order, and

Read second time and ordered engrossed.

On motion of Senator Davis,

The constitutional rule was suspended, and

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

YEAS—21.

Bell,
Calhoun,
Davis,
Evans,
Farrar,
Fowler,
Garrison,

Getzendaner,
Hall,
Harrison,
Houston of Bexar,
Jerdone,
Jones,
Kilgore,

Kleberg,
Knittel,
Peacock,
Pfeuffer,
Shannon,
Terrell,
Woods.

NAYS—4.

Glasscock,
Houston of Wheeler,

Pope,

Randolph.

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

YEAS—20.

Bell,
Calhoun,
Davis,
Evans,
Farrar,
Fowler,
Garrison,

Getzendaner,
Hall,
Harrison,
Jerdone,
Jones,
Kilgore,
Kleberg,

Knittel,
Peacock,
Pfeuffer,
Shannon,
Terrell,
Woods.

NAYS—5.

Glasscock,
Houston of Bexar,

Houston of Wheeler,
Pope,
Randolph.

By leave, Senator Fowler sent up the following reports:

COMMITTEE ROOM.

AUSTIN, February 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred substitute House bill No. 338, entitled "An act to re-enact section 28 of an act entitled 'an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883, and to amend said section 28 of said act," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

FOWLER, Chairman.

Bill was read first time.

COMMITTEE ROOM,

AUSTIN, February 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred House bill No. 250, entitled "An act to amend section 34 of an act entitled 'an act to redistrict the State into judicial districts, and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

FOWLER, Chairman.

Bill was read first time.

Senator Fowler sent up the following privileged report:

COMMITTEE ROOM,

AUSTIN, February 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 136, being "An act for the relief W. J. Salyer, and to validate donation warrant No. 509 and the survey made by virtue thereof, issued by G. W. Hockley, Secretary of War, on fourteenth August, 1838, for 640 acres of land, to John Sharp," and find the same correctly enrolled, and have this day, at 11:10 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

On motion of Senator Davis,

Senate bill No. 187, "An act confirming patents and surveys by virtue of headright, military and bounty warrants issued under special laws enacted after March 31, 1870, and prior to April 18, 1876," was taken up out of its regular order and read second time and ordered engrossed.

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

The Senate refused to suspend the constitutional rule by the following vote:

YEAS—19.

Bell,	Hall,	Peacock,
Calhoun,	Jerdone,	Pfeuffer,
Davis,	Jones,	Pope,
Evans,	Kilgore,	Randolph,
Fowler,	Kleberg,	Shannon,
Garrison,	Knittel,	Terrell.
Getzendaner,		

NAYS—5.

Farrar,	Harrison,	Woods.
Glasscock,	Houston of Wheeler,	

ABSENT, NOT VOTING.

Houston of Bexar.

Senator Harrison entered a motion to reconsider the vote just taken.

Senator Calhoun renewed his motion to take up Senate bill No. 235, "An act allowing the county commissioners," etc.

Adopted.

Bill taken up out of its regular order and read second time.

Senator Harrison offered the following substitute for the bill:

A bill to be entitled "An act to fix the terms of the county courts of the State of Texas."

Be it enacted by the Legislature of the State of Texas, That there shall be begun and holden at the county seat of each county a term of the county court thereof for civil, criminal and probate business, on the first Mondays in January, March, May, July, September and November in each year, which shall continue in session until the business thereof is disposed of. And until otherwise changed by the Legislature the terms shall remain as herein provided.

Lost, and

The bill was ordered engrossed.

On motion of Senator Calhoun,

The constitutional rule was suspended and the bill placed on its third reading by the following vote:

YEAS—22.

Bell,	Hall,	Peacock,
Calhoun,	Houston of Bexar,	Pfeuffer,
Evans,	Jerdone,	Pope,
Farrar,	Jones,	Randolph,
Fowler,	Kilgore,	Shannon,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Woods.
Glasscock,		

NAYS—1.

Harrison.

ABSENT, NOT VOTING.

Davis, Houston of Wheeler.

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

YEAS—22.

Bell,	Hall,	Peacock,
Calhoun,	Houston of Bexar,	Pfeuffer,
Davis,	Jerdone,	Pope,
Evans,	Jones,	Randolph,
Fowler,	Kilgore,	Shannon,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Woods.
Glasscock,		

NAYS—1.

Harrison.

ABSENT, NOT VOTING.

Farrar, Houston of Wheeler.

On motion of Senator Hall, substitute House bill No. 338, "An act to re-enact section 28 of 'an act to redistrict the State into judicial districts,'" was taken up out of its regular order and,

On motion of Senator Hall,

The constitutional rule was suspended and the bill was placed on its second reading by the following vote:

YEAS—22.

Bell,	Hall,	Peacock,
Calhoun,	Harrison,	Pfeuffer,
Davis,	Houston of Bexar,	Pope,
Evans,	Jerdone,	Randolph,
Fowler,	Kilgore,	Shannon,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Woods.
Glasscock,		

NAYS—none.

ABSENT, NOT VOTING.

Farrar, Houston of Wheeler, Jones.

The bill was read second time, and passed to third reading.

On motion of Senator Hall,

The constitutional rule was suspended and the bill placed on its final passage by the following vote:

YEAS—21.

Bell,	Getzendaner,	Knittel,
Calhoun,	Hall,	Peacock,
Davis,	Harrison,	Pfeuffer,
Evans,	Houston of Bexar,	Pope,
Farrar,	Jerdone,	Randolph,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Woods.

NAYS—none.

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

YEAS—23.

Bell,	Glasscock,	Peacock,
Calhoun,	Hall,	Pfeuffer,
Davis,	Harrison,	Pope,
Evans,	Houston of Bexar,	Randolph,
Farrar,	Jerdone,	Shannon,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Woods.
Getzendaner,	Knittel,	

NAYS—none.

ABSENT, NOT VOTING.

Houston of Wheeler, Jones.

The following communication was received from the Commissioner of Insurance, Statistics and History, and

On motion of Senator Kleberg,

Was, together with the accompanying statement, ordered printed in the journal, and the reading of it was dispensed with:

OFFICE OF THE

COMMISSIONER OF INSURANCE, STATISTICS AND HISTORY,
AUSTIN, February 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

In compliance with the resolution of February 17, 1885, of the honorable Senate, I have the honor to transmit the following papers:

1. The name and domicile of all fire insurance companies having done business in the State of Texas since the first day of January, 1875.
2. The capital stock of each of said companies.
3. The amount of risks written since 1875 by each of said companies.
4. Amount of premiums received during said time.
5. The amount of losses paid during said time.
6. The excess of premiums received over losses paid out.
7. The names of fire insurance companies authorized to do business in the State of Texas.
8. The number of years each company has done business in the State.

The insurance laws give to existing companies until March 1, 1885, to make their annual statements, and therefore the office cannot declare what companies will fail to comply with requirements of the law.

The Western Assurance company, of Toronto, Canada is the only company which has withdrawn their papers, and intimated that they will cease to do business in the State.

The annual statements of fifty-one companies have up to this time been registered in this office.

Respectfully,

H. P. BEE, Commissioner.

Statement of Business, etc., of Insurance Companies in Texas since the Year 1875.

Companies.	Paid up Capital Stock or Assets.	Risks Written.	Premiums Received.	Losses Paid.	Excess of Premiums over Losses.	Excess of Losses over Premiums.	No. of Years the Co. has been in the State.
Ætna Ins. co., Hartford, Conn	\$4,000,000 00	\$4,595,434 62	\$196,170 92	\$163,534 76	\$32,636 16		20
American Central Ins. co., St. Louis, Mo.	600,000 00	4,454,800 00	57,198 77	47,099 37	10,099 40		13
British-America Ass. co., Toronto, Can.	500,000 00	1,060,799 00	Incomplete.	22,052 08			5
Citizens' Ins. co., St. Louis, Mo.	200,000 00	310,950 00	5,417 00	6,835 00		\$1,418 00	5
Commercial Union Ass.co., London, Eng	2,368,554 66	2,518,247 00	138,959 89	81,711 08	57,248 81		10
Connecticut Fire Ins.co., Hartford,Conn	1,000,000 00	5,928,400 00	96,788 97	80,077 52	16,711 45		15
Continental Ins. co., New York, N. Y.	1,000,000 00	25,770,174 00	370,675 04	277,773 02	98,902 02		11
California Ins. co., San Francisco, Cal.	600,000 00	2,463,676 09	34,868 06	10,617 20	24,250 86		3
Commercial Ins. co., San Francisco, Cal.	200,000 00	2,044,227 33	45,577 63	20,157 00	25,420 63		2
City of London Fire Ins.co., London,Eng	1,000,000 00	4,309,858 84	73,767 93	65,055 96	8,711 97		3
Crescent Ins. co., New Orleans, La	600,000 00	11,748,842 20	244,974 17	156,304 68	88,669 49		5
East Texas Fire Ins. co., Tyler, Texas...	100,000 00	23,501,966 27	595,994 02	393,817 66	202,176 36		10
Factors' and Traders' Ins. co., N. O., La.	700,000 00	5,001,045 00	114,771 20	17,361 39	97,409 81		9
Fire Ass'n, Philadelphia, Pa.	500,000 00	24,140,123 02	337,936 04	252,641 40	85,294 67		2
Fire Ins. Ass'n, London, Eng	967,581 45	11,494,328 13	172,296 15	116,793 27	55,502 88		5
Fireman's Fund Ins. co., San Frisco, Cal.	750,000 00	1,197,150 00	Incomplete.	Incomplete.			6
Franklin Fire Ins. co., Philadelphia, Pa.	400,000 00	1,620,158 00	26,961 74	13,466 63	13,495 11		3
Galveston Ins. co, Galveston, Texas		Incomplete.	185,960 00	11,183 00	74,777 00		7
German-American Ins. co., N. Y., N. Y.	1,000,000 00	13,404,180 00	186,446 96	137,722 32	46,724 59		13
German Ins. co., Freeport, Ill.	200,000 00		60,883 90	47,776 86	12,107 04		3
Germania Fire Ins. co., New York, N. Y.	1,000,000 00	Incomplete.	201,171 64	194,340 00	6,831 64		20
Girard Fire and Marine Ins.co, Phila. Pa	300,000 00	3,629,691 00	72,991 87	43,642 21	29,349 66		4
Glens Falls Ins. co., Glens Falls, N. Y.	200,000 00	1,314,809 00	24,807 17	18,780 76	6,026 41		2
Hamburg-Bremen Fire Ins. co., Germ'y	300,000 00	12,144,799 22	212,790 73	172,611 49	40,179 24		11
Hanover Fire Ins. co., New York, N. Y.	1,000,000 00	2,626,900 67	396,667 72	173,366 13	223,301 59		20
Hartford Fire Ins. co., Hartford, Conn.	1,250,000 00	41,441,123 00	429,439 85	375,366 40	54,073 45		15
Home Ins. & Banking co., Galveston, Tex		Incomplete.					12
Home Ins. co., New York, N. Y.	3,000,000 00	Incomplete.	599,213 98	589,705 30	9,508 68		20
Houston Ins. co., Houston, Texas	300,000 00	19,321,139 00	123,080 21	39,446 06	83,634 15		10
Howard Ins. co., New York, N. Y.	500,000 00	2,117,267 00	35,389 18	34,689 13	700 05		5
Imperial Fire Ins. co., London, Eng...	1,478,580 24	8,691,247 15	141,786 30	71,956 77	69,729 53		9
Ins. Co. of N. Am., Philadelphia, Pa.	3,000,000 00	8,016,129 00	338,326 84	270,871 62	67,455 22		10
La Confiance Ins. co., Paris, France	115,066 01	5,807,612 33	95,276 00	57,039 86	38,236 14		3
Lamar Ins. co., New York, N. Y.	200,000 00	20,250 00	638 62	Incomplete			
Lancashire Ins. co., Manchester, Eng...	1,488,322 36	20,215,407 98	302,025 92	234,107 47	67,918 45		10
Liverp'l, London & Globe Ins. co., Liv'p.	5,771,959 71	58,557,890 25	873,215 15	629,442 64	243,772 57		9
Lion Fire Ins. co., London, England	712,501 40	3,873,085 33	53,737 04	30,412 63	13,324 41		5
London & Lancashire Fire Ins. co., Liv'p.	1,415,424 45	7,413,393 35	102,812 02	65,054 76	37,757 26		6
London & Provincial Fire Ins. co., Lond.	510,648 57	964,809 00	14,176 56	8,820 44	6,356 12		3
London Ins. Corporation, London, Eng.	1,406,279 18	Incomplete	79,188 82	104,620 83		25,423 01	4
Manhattan Fire Ins. co., New York, N. Y.	250,000 00	1,731,147 00	17,324 90	12,531 71	4,793 19		2
Merchants' Ins. co., Galveston, Texas.	125,000 00	Incomplete	50,556 00	41,135 00	9,421 00		9
Mechanics' Mut'l Ins.co., Milwaukee, Wis		358,623 00	10,777 09	12,776 76		1,999 67	1
Merchants' Ins. co., Newark, N. J.	400,000 00	4,121,123 83	74,306 92	54,929 44	19,377 48		3
Metropole Ins. co., Paris, France	543,880 31	917,519 00	12,854 72	8,940 33	4,014 39		4
National Fire Ins. co., Hartford, Conn.	1,000,000 00	7,427,773 00	102,231 72	64,062 41	38,169 31		13
National Fire Ins. co., New York, N. Y.	200,000 00	1,208,841 00	11,561 16	6,450 92	5,110 24		3
New Orleans Ins. Ass., New Orleans, La.	300,000 00	23,099,948 09	426,314 74	242,029 88	184,284 86		5
New Orleans Ins. co., New Orleans, La.	500,000 00	3,294,330 49	65,243 31	34,672 51	30,570 74		4
Niagara Fire Ins. co., New York, N. Y.	500,000 00	10,380,377 00	180,305 21	118,511 23	61,793 98		4
North'n Ass. co., London & Aber'dn, G. B	1,294,526 57	4,883,276 84	69,336 04	31,731 91	37,604 13		4
N. Brit. & Mercantile Ins. co., Lon. & Ed'g	3,301,747 61	Incomplete.	253,880 55	231,517 32	22,363 03		18
N. Ger. Fire Ins. co., Hamburg, Germ'ny	441,537 79	2,031,286 00	30,592 64	23,544 53	7,048 11		7
N. W. National Ins. co., Milwaukee, Wis	600,000 00	4,667,252 00	50,370 34	37,763 38	13,106 96		6
Oakland Home Ins. co., Oakland Cal.	200,000 00	171,637 50	Incomplete.				2
Phenix Ins. co., Brooklyn, N. Y.	1,000,000 00	26,810,015 00	344,957 26	250,786 53	94,170 73		16
Phenix Ass. co., London, England	1,503,476 00	4,661,955 34	64,124 18	36,852 21	27,271 97		4
Phenix Ins. co., Hartford, Conn.	2,000,000 00	21,862,080 00	366,424 50	246,052 53	120,371 97		19
Queen Ins. co., Liverpool, England	873,169 75	13,934,423 41	192,102 76	185,619 32	6,483 44		9
Royal Ins. co., Liverpool, England	4,444,773 79	2,034,711 25	412,483 04	317,795 29	94,687 75		10
Scottish Un'n & Nat'l Ins.co., Edinburg.	1,114,546 68	3,913,698 00	46,658 54	38,605 54	8,053 00		4
Springf'd F & Marine Ins.co., Sp'd, Mass	1,000,000 00	18,653,876 00	304,518 31	211,581 59	92,936 72		10
Standard Fire Office, London, England.	680,365 95	3,844,785 00	36,733 29	10,802 43	25,930 86		2
Star Fire Ins. co., of New York, N. Y.	500,000 00	Incomplete.					2
St. Paul Fire & M. Ins. co., St. Paul, Min	5,000,000 00	2,170,360 00	180,076 29	173,643 23	6,433 06		4
Sun Fire Office, of London, England...	1,477,932 97	9,849,774 21	106,687 48	45,901 97	60,785 51		11
Sun Ins. co., of San Francisco, Cal.	300,000 00	1,268,504 00	19,109 29	4,944 45	14,164 84		2

Statement of Business, etc., of Insurance Companies in Texas—continued.

Companies.	Paid up Capital Stock or Assets.	Risks Written.	Premiums Received.	Losses Paid.	Excess of Premiums over Losses.	Excess of Losses over Premiums.	No of the Years Co. has been in the State.
Sun Mutual Ins. co., of New Orleans, La	\$497,382 80	\$2,245,640 41	\$145,095 26	\$96,993 29	\$48,101 97	.....	2
Texas Banking & Ins. co., of Galveston.	.....	.....	.....	.....	.....	.....	6
Traders' Ins. co., of Chicago, Ill.....	500,000 00	8,239,071 76	139,063 33	98,385 50	40,677 83	.....	11
Transatlantic Fire Ins. co., Hamburg, G'y	486,458 37	1,521,170 00	21,096 56	7,048 52	14,048 04	.....	6
Union Fire & Marine Ins. co., Galv. Tex.	.....	.....	.....	.....	.....	.....	15
Watertown Ins. co., of Watertown, N.Y.	200,000 00	Incomplete.	34,408 86	15,261 78	19,147 08	.....	2
Western Ass. co., Toronto, Canada.....	879,431 34	9,825,935 00	339,192 77	157,824 15	81,368 62	.....	8
West'n F. & Mar. Ins. co., S. Francisco, Cal	200,000 00	1,066,307 35	32,426 25	10,235 05	22,191 20	.....	3
West'n Texas Ins. co., San Antonio, Tex	76,000 00	876,893 00	14,559 94	10,901 82	3,658 12	.....	1
Wmsburg City F. Ins. co., Brooklyn, N.Y	250,000 00	2,103,785 00	35,254 40	14,224 28	21,030 12	.....	4
American Fire, Philadelphia.....	400,000 00	528 763 00	Incomplete.	Incomplete.	Incomplete	.....	3 m
Southern Insurance co.....	249,900 00	1,045,305 00	21,390 61	4,594 87	16,795 74	.....	9 m
Hibernia, New Orleans.....	400,000 00	1,035,158 00	20,979 22	1,219 76	19,754 46	.....	9 m
Citizens' Ins. co.....	300,000 00	1,925,428 33	25,541 60	19,335 89	5,705 71	.....	1
Warwick Union, England.....	1,124,819 76	Incomplete.	20,494 72	26,650 67	.....	6,155 95	.....
Pennsylvania Fire, Philadelphia.....	400,000 00	380,212 00	.....	.....	.....	.....	3 m

RECAPITULATION.

Amount of premiums received.....	\$10,851,536 99
Amount of losses paid.....	\$8,016,018 49
Excess of premiums over losses.....	\$2,835,518 50

LIST OF INSURANCE COMPANIES THAT HAVE FILED THEIR ANNUAL STATEMENTS.

- Williamsburg City Fire Insurance company of Brooklyn, N.Y.
- Phoenix Insurance company of Hartford, Ct.
- American Central Insurance company of St. Louis, Mo.
- Merchants' Insurance company of Newark, N. J.
- Connecticut Fire Insurance company of Hartford, Ct.
- Etna Fire Insurance company of Hartford, Ct.
- Scottish Union and National Fire Insurance company of Edinburgh, Scotland.
- Lion Fire Insurance company of London, England.
- Traders' Fire Insurance company, Chicago, Ill.
- American Fire Insurance company of Philadelphia, Pa.
- Hartford Fire Insurance company of Hartford, Ct.
- North British and Mercantile Fire Insurance company of London and Edinburgh.
- St. Paul Fire and Marine Insurance company of St. Paul, Minn.
- National Fire Insurance company of Hartford, Ct.
- Phoenix Assurance Fire Insurance company of London, Eng.
- Southern Insurance company of New Orleans, La.
- Hamburg-Bremen Insurance company of Hamburg, Germany.
- Imperial Fire Insurance company of London, England.
- Girard Fire and Marine Insurance company of Philadelphia, Pa.
- Home Insurance company of New York, N. Y.
- Union Marine Insurance company of Liverpool, England.
- German American Insurance company of New York, N. Y.
- Springfield Fire and Marine Insurance company of Springfield, Mass.
- Thames and Mersey Marine Insurance company of England.
- Hibernia Insurance company of New Orleans, La.
- Sun Insurance company of San Francisco, Cal.
- East Texas Fire Insurance company of Tyler, Texas.
- Niagara Fire Insurance company of New York, N. Y.
- Germania Fire Insurance company of New York, N. Y.
- British and Foreign Marine Insurance company of Liverpool, England.

- Sun Fire Office Insurance company of London, England.
 - Western Assurance company of Toronto, Canada.
 - Hanover Insurance company of New York, N. Y.
 - Citizens Insurance company of New York, N. Y.
 - Commercial Insurance company of San Francisco, California.
 - Norwich Union Fire Insurance company of Norwich, Eng.
 - British America Assurance company of Toronto, Canada.
 - Fire Association Insurance company of Philadelphia, Pa.
 - Northern Assurance company of Aberdeen and London, Great Britain.
 - Trans-Atlantic Fire Insurance company of Hamburg, Germany.
 - Factors' and Traders' Insurance company of New Orleans, La.
 - City of London Fire Insurance company of London, Eng.
 - Fireman's Fund Insurance company of San Francisco, Cal.
 - London and Lancashire Insurance company of Liverpool, England.
 - Royal Insurance company of Liverpool, England.
 - Pennsylvania Fire Insurance company of Philadelphia, Pa.
 - Commercial Union Assurance company of London, England.
 - Phoenix Insurance company of Brooklyn, New York.
 - New Orleans Insurance Association of New Orleans, La.
 - Fire Insurance Association of London, England.
 - Lancashire Insurance company of Manchester, England.
 - Insurance Company of North America of Philadelphia, Pa.
 - Liverpool, London and Globe Insurance company, London, England.
 - California Insurance company, San Francisco, California.
- The eighth, ninth and tenth sections cannot now be answered, as articles 2965 and 2966 of the Revised Statutes of the State of Texas do not require companies to file their annual statements on the first day of January, but on that day, or within sixty days thereafter.

H. P. BEE, Commissioner.

On motion of Senator Jerdone, Senate bill No. 203, "An act to amend article 122 of the Penal Code of the State of Texas," was taken up out of its regular order and read third time.

Senator Harrison offered to amend by adding city attorneys and marshals.

Senator Kleberg offered to amend the amendment by adding hide and animal inspector of towns, cities or counties.

Lost.

Senator Kleberg offered to substitute the amendment by adding "and all other city, county and State officials."

Accepted, and adopted by the following vote:

YEAS—23.

Bell,	Glasscock,	Knittel,
Calhoun,	Hall,	Peacock,
Davis,	Harrison,	Pope,
Evans,	Houston of Bexar,	Randolph,
Farrar,	Houston of Wheeler,	Shannon,
Fowler,	Jerdone,	Terrell,
Garrison,	Kilgore,	Woods.
Getzendaner,	Kleberg,	

NAYS—none.

ABSENT, NOT VOTING.

Jones, Pfeuffer.

The bill was passed.

Senator Davis called up Senator Harrison's motion to reconsider the vote by which the Senate refused to suspend the constitutional rule on the final reading of Senate bill No. 187.

The motion to reconsider was adopted, and

The rules were suspended by the following vote:

YEAS—25.

Bell,	Hall,	Knittel,
Calhoun,	Harrison,	Peacock,
Davis,	Houston of Bexar,	Pfeuffer,
Evans,	Houston of Wheeler,	Pope,
Farrar,	Jerdone,	Randolph,
Fowler,	Jones,	Shannon,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Woods.
Glasscock,		

NAYS—none.

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

YEAS—21.

Bell,	Getzendaner,	Kleberg,
Calhoun,	Glasscock,	Knittel,
Davis,	Hall,	Peacock,
Evans,	Houston of Bexar,	Pfeuffer,
Farrar,	Jerdone,	Randolph,
Fowler,	Jones,	Shannon,
Garrison,	Kilgore,	Terrell.

NAYS—2.

Harrison, Woods.

ABSENT, NOT VOTING.

Houston of Wheeler, Pope.

Senator Getzendaner moved to take up and dispose of Senate bills and House bills on third reading.

Adopted.

Senate bill No. 124, "An act to amend section 2 of an act entitled 'an act to provide for the payment of the expenses of attached witnesses in felony cases,'" was laid before the Senate and read third time.

Senator Bell offered the following amendment:

Amend by adding:

Section 1. Be it enacted by the Legislature of the State of Texas, That any witness who may have been recognized or attached and given bond for his appearance before any court out of the county of his residence to give testimony in a felony

case or before the grand jury of such county, and who shall appear in compliance with the obligations of such recognition or bond, shall be allowed his actual traveling expenses not to exceed three cents per mile going to and returning from the court by the nearest practicable conveyance, and one dollar per day for each day he may be necessarily absent from home as a witness in such case or before such grand jury.

And amend caption to conform to this amendment.

Adopted by the following vote:

YEAS—22.

Bell,	Hall,	Peacock,
Calhoun,	Houston of Bexar,	Pfeuffer,
Evans,	Jerdone,	Pope,
Farrar,	Jones,	Randolph,
Fowler,	Kilgore,	Shannon,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Woods.
Glasscock,		

NAYS—none.

ABSENT, NOT VOTING.

Davis, Harrison, Houston of Wheeler

Bill passed.

Senate bill No. 180, "An act to amend section 4 an act to redistrict the State into judicial districts and to fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884," was laid before the Senate.

Read third time and passed.

Senate bill No. 182, "An act to amend articles 15 and 158 in chapter 2, title 6 of the Penal Code," was taken up,

Read third time and passed.

Senate bill No. 197, "An act to amend articles 16 170 and 172, chapter 4, title 6 of the Penal Code was taken up,

Read third time and passed.

Senate bill No. 146, "An act to amend article 1 of the Code of Criminal Procedure," was taken up

Read third time and passed.

Committee substitute for Senate bill No. 65, "An act to amend article 690, chapter 90 of the Penal Code, as amended April 4, 1881," was taken up, and

Read third time and passed.

Senate bill No. 174, "An act to amend section 4 an act entitled 'an act to provide for an organization of a board to direct, supervise and control the work of making statements of amount of claims by the State of Texas against the United States for frontier protection,' etc., etc., was taken up, and

Read third time and passed.

House bill No. 278, "An act to create the Nolan land district," was taken up,

Read third time and passed.

Substitute House bill No. 27, "An act to authorize the transfer of occupation licenses," was taken up

Read third time and passed by the following vote

YEAS—14.

Bell,	Hall,	Kilgore,
Calhoun,	Houston of Bexar,	Knittel,
Farrar,	Houston of Wheeler,	Pope,
Fowler,	Jerdone,	Randolph,
Glasscock,	Jones,	

NAYS—10.

Davis,	Kleberg,	Shannon,
Evans,	Peacock,	Terrell,
Garrison,	Pfeuffer,	Woods.
Getzendaner,		

Senator Bell submitted the following privileged message:

COMMITTEE ROOM,
AUSTIN, February 25, 1885.

Wm. M. Gibbs, President of the Senate:
The Committee on Engrossed Bills have carefully examined and compared Senate bill No. 235, being "An act to authorize several county commissioners' courts of the State of Texas to provide for more than four terms of the county court annually for the transaction of civil, criminal and probate business, and the times at which all the terms of said county courts shall be held," and find the same correctly engrossed.

BELL, Chairman.

The President gave notice of signing House bill No. 375, "An act to prescribe the time of holding district courts in the twenty-first judicial district so as to allow additional time for holding said district in Burleson county;" and

House joint resolution No. 20, requesting our Senators and Representatives in Congress to aid in establishing a national trail for the outlet of Texas

On motion of Senator Harrison, substitute House bill No. 237, to be entitled "An act to alter the corporate limits of the city of Waco," taken up.

Senator Harrison moved to suspend the constitutional rule and place the bill on the second reading. Adopted by the following vote:

YEAS—24.

Calhoun,	Glasscock,	Knittel,
Davis,	Hall,	Peacock,
Evans,	Harrison,	Pfeuffer,
Farrar,	Houston of Bexar,	Pope,
Fowler,	Jerdone,	Randolph,
Garrison,	Jones,	Shannon,
Getzendaner,	Kilgore,	Terrell,
	Kleberg,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Houston of Wheeler.

Bill read second time and passed to third reading.

On motion of Senator Harrison the constitutional rule was suspended and the bill put on third reading by the following vote:

YEAS—23.

Calhoun,	Glasscock,	Peacock,
Davis,	Harrison,	Pfeuffer,
Evans,	Houston of Wheeler,	Pope,
Farrar,	Jerdone,	Randolph,
Fowler,	Jones,	Shannon,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Woods.
	Knittel,	

NAYS—none.

ABSENT, NOT VOTING.

Houston of Bexar.

Bill read third time and passed by the following vote:

YEAS—22.

Calhoun,	Glasscock,	Peacock,
Davis,	Hall,	Pfeuffer,
Evans,	Harrison,	Pope,
Farrar,	Jerdone,	Randolph,
Fowler,	Jones,	Shannon,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Houston of Bexar, Houston of Wheeler, Knittel.

Senator Fowler moved to suspend the constitutional rule and take up House bill No. 250, to be entitled "An act to amend section 34 of an act entitled 'an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883."

Adopted, and bill taken up.

On motion of Senator Fowler,

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

YEAS—24.

Bell,	Glasscock,	Knittel,
Calhoun,	Hall,	Peacock,
Davis,	Houston of Bexar,	Pfeuffer,
Evans,	Houston of Wheeler,	Pope,
Farrar,	Jerdone,	Randolph,
Fowler,	Jones,	Shannon,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Harrison.

Bill read second time and passed to third reading.

Senator Fowler moved a suspension of the rules to put the bill on third reading.

Adopted by the following vote:

YEAS—25.

Bell,	Hall,	Knittel,
Calhoun,	Harrison,	Peacock,
Davis,	Houston of Bexar,	Pfeuffer,
Evans,	Houston of Wheeler,	Pope,
Farrar,	Jerdone,	Randolph,
Fowler,	Jones,	Shannon,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Woods.
Glasscock,		

NAYS—none.

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

YEAS—23.

Bell,	Glasscock,	Knittel,
Calhoun,	Hall,	Pfeuffer,
Davis,	Houston of Bexar,	Pope,
Evans,	Houston of Wheeler,	Randolph,
Farrar,	Jerdone,	Shannon,
Fowler,	Jones,	Terrell,
Garrison,	Kilgore,	Woods.
Getzendaner,	Kleberg,	

NAYS—none.

ABSENT, NOT VOTING.

Harrison,

Peacock.

House bill No. 49, to be entitled "An act to repeal an act entitled 'an act to authorize counties to issue bonds for bridge purposes, and to levy a tax to pay the same; also to validate bonds heretofore issued for bridge purposes,' passed at the called session of the Eighteenth Legislature," was taken up on its second reading.

On motion of Senator Jones,

The bill was postponed and made special order for Wednesday next after morning call, and to continue from day to day until disposed of.

Senator Randolph moved to adjourn until to-morrow morning at 10 o'clock.

Lost.

House bill No. 136, "An act to amend chapter 79 of the acts of 1883, entitled 'an act to amend section 46 of an act to encourage stockraising and to protect stockraisers,' approved April 22, 1879, and amended April 4, 1881, and April 12, 1883," was taken up, and first and second committee amendments adopted.

Senator Woods offered the following amendment:

Amend by adding Lavaca to the list of exempted counties.

Adopted.

Senator Houston of Wheeler offered the following amendment:

Amend by adding the county of Young to the list of exempted counties.

Adopted.

Bill passed to third reading.

On motion of Senator Kleberg,

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

YEAS—24.

Bell,	Glasscock,	Knittel,
Calhoun,	Hall,	Peacock,
Davis,	Houston of Bexar,	Pfeuffer,
Evans,	Houston of Wheeler,	Pope,
Farrar,	Jerdone,	Randolph,
Fowler,	Jones,	Shannon,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Harrison.

Bill read third time and passed by the following vote:

YEAS—24.

Bell,	Hall,	Knittel,
Calhoun,	Harrison,	Peacock,
Davis,	Houston of Bexar,	Pfeuffer,
Evans,	Houston of Wheeler,	Pope,
Farrar,	Jerdone,	Randolph,
Fowler,	Jones,	Shannon,
Getzendaner,	Kilgore,	Terrell,
Glasscock,	Kleberg,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Garrison.

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

THIRTY-EIGHTH DAY.

SENATE CHAMBER,
AUSTIN, February 26, 1885. }

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

REPORTS OF STANDING COMMITTEES.

By Senator Getzendaner:

COMMITTEE ROOM,
AUSTIN, February 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred Senate bill No. 202, entitled "An act to be entitled a special act for the relief of and better administration of and employment of the lands and properties dedicated to the use of the State Agricultural and Mechanical College in the county of Brazos, by abolishing and discontinuing certain public roads established, lain off and running through the lands of said college," have had the same under consideration and instruct me to report it back with the recommendation that it be considered in the committee of the whole.

And that 100 copies be printed for the use of the Senate.

All of which is respectfully submitted.

GETZENDANER, for Committee.

Bill read first time.

By Senator Harrison:

COMMITTEE ROOM,
AUSTIN, February 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 210, entitled "An act to amend section 8 of 'an act establishing and prescribing the manner of ascertaining the boundaries of counties,'" have had the same under consideration, and instruct me to report it back with the recommendation that it do pass, and we would suggest that it be considered in conjunction with Senate bill No. 152, which is upon the same subject.

All of which is respectfully submitted.

HARRISON, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 105, entitled "An act to create the county of Val Verde and to provide for its organization," have had the same under consideration, and instruct me to report it back with the recommendation that it be considered in a committee of the whole Senate.

All of which is respectfully submitted.

HARRISON, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 116, entitled "An act to create and organize the county of Val Verde," have had the same under consideration, and instruct me to report it back with the recommendation that it lie on the table, as another bill upon the same subject has been reported.

All of which is respectfully submitted.

HARRISON, Chairman.

Bill read first time.

By Senator Shannon:

COMMITTEE ROOM,
AUSTIN, February 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 245, entitled "An act to define the duties of telegraph companies in the transmission of messages, and to provide adequate penalties for the enforcement thereof," and also Senate bill No. 117, entitled "An act to regulate telegraph companies within the State," have had the same under consideration, and unanimously instruct me to report Senate bill No. 245 favorable, and that Senate bill No. 117 be reported back to the Senate, to be considered in connection with Senate bill No. 245.

All of which is respectfully submitted.

SHANNON, Chairman.

Bill read first time.
By Senator Houston of Bexar:

COMMITTEE ROOM,
AUSTIN, February 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 227, entitled "An act to repeal article 2384 of the Revised Statutes," have carefully examined the same, and a majority of your committee instruct me to report the same back with the recommendation that it do not pass.
All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 225, entitled "An act to enable servants and employees to maintain actions for damages for personal injuries sustained at the hands of a co-employee or fellow servant," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do not pass.
All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred House bill No. 174, entitled "An act for the relief of Virginia E. Littlepage, and to authorize the county court of Travis County to issue to her letters of administration on the estate of Caleb V. Littlepage," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 25, 1885.

Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred substitute House bill No. 126, entitled "An act to amend article 353, of chapter 3, title 11 of the Penal Code of the State of Texas, have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it be referred to Judiciary Committee No. 2.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, February 25, 1885.

Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 36, entitled "An act to amend article 625 of the Code of Criminal Procedure, relating to challenges to the article" have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 25, 1885.

Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred the Memorial of citizens of Live Oak county, asking that civil and criminal jurisdiction of the county court of Live Oak county be restored," have carefully examined the same, and instruct me to report the same back to the Senate with the recommendation that it lie on the table, the Senate having already taken action upon the subject.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

BILLS AND RESOLUTIONS.

By Senator Randolph:

"An act to authorize the Comptroller of Public Accounts to extend the time for a forced collection of taxes, by seizure and sale of personal property, till July 1, 1885."

Referred to Finance Committee.

Senator Randolph offered the following resolution:

Resolved, That the Senate allow Gen. Walker, the superintendent of the Capitol building, the use of the chairs in the Senate chamber on next Monday, to be used at the laying of the corner stone of the new Capitol.

Adopted by the following vote:

YEAS—15.

Bell,	Harrison,	Pope,
Calhoun,	Houston of Bexar,	Randolph,
Camp,	Jones,	Shannon,
Fowler,	Knittel,	Stinson,
Glasscock,	Peacock,	Terrell.

NAYS—10.

Evans,	Hall,	Kilgore,
Farrar,	Houston of Wheeler,	Pfeuffer,
Garrison,	Jerdone,	Woods.
Getzendaner,		

ABSENT, NOT VOTING.

Davis, Kleberg.

Senator Harrison moved to reconsider the vote by which the resolution was adopted.

Lost.

By Senator Stinson:

"An act to amend article 182 of the Revised Civil Statutes," etc.

Referred to Judiciary Committee No. 2.

By Senator Evans:

"An act to amend articles 2725 and 2726 of the Revised Statutes."

Referred to Committee on State Affairs.

Senator Jones moved to postpone the regular and special orders and take up Senate bill No. 236, "An act amendatory of 'an act relating to the commission of arbitration and award, defining the powers and duties thereof, and to make appropriations to pay the salaries of the judges thereof,' approved March 20, 1883, and which was amendatory of an act relating to the same subject, approved February 9, 1881."

Withdrawn.

Senate bill No. 142, "An act to amend sections 2, 9, 12, 22, 23, 29, 30, 33, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 51, 53, 54, 56, 57, 59, 60, 61, 62, 63, 64, 68, 73, 75, 77, 78, 79, 79d, 83, 84, 85 and 87, of an act entitled 'an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, title 78 of the Revised Civil Statutes of Texas as refer to public free schools outside of incorporated cities and towns, assuming, or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act,' the same being chapter 25, general laws of the special session of the Eighteenth Legislature, 1884, and to add thereto as new sections, sections 12a, 12b, 12c, 12a, 12e, and sections 58a, 58b, 58c, and repealing all laws and parts of laws in conflict with the provisions of this act and the original act of which it is amendatory," was laid before the Senate as first special order.

On motion of Senator Pfeuffer,
The Senate went into the committee of the whole
on the consideration of the pending bill.

IN COMMITTEE OF THE WHOLE.

(Senator Kleberg in the chair.)

IN THE SENATE.

(Senator Shannon, President pro tem., in the chair.)

Senator Kleberg, chairman of the committee of the whole, reported progress, and asked leave to sit again.

Adopted.

By leave the following bills were introduced:

By Senator Jones:

"An act to provide for the safe keeping and preservation of the Texas exhibit at the New Orleans World's Fair."

Referred to Committee on State Affairs.

By Senator Jerdone:

"An act to restrict the employment of sailors and crews of foreign vessels from rolling cotton, handling cargo or laboring on the wharves or levees of ports in the State of Texas beyond the end of the ship's tackle."

Referred to Committee on State Affairs.

The President pro tem. gave notice of signing substitute House bill No. 338, "An act to re-enact section 28 of an act entitled 'an act to redistrict the State into judicial districts, and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883,' and to amend said section 28 of said act."

By Senator Jerdone:

"An act to amend article 1066 of the Code of Criminal Procedure," etc.

Referred to Judiciary Committee No. 2.

By leave, the following reports were sent up:

By Senator Peacock:

COMMITTEE ROOM,
AUSTIN, February 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 215, entitled "An act to amend title 17, chapter 9 of the Revised Civil Statutes, by adding thereto article 474a," have had the same under consideration, and a majority of said committee instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

PEACOCK, for Committee.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 10, entitled "An act to amend articles 1204 and 1389, in title 29 of the Revised Civil Statutes of the State of Texas," have had the same under consideration, and a majority of your committee instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

PEACOCK, for Committee.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 22, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 9, entitled "An act to amend articles 3201, 3223 and 3225 of the Revised Civil Statutes of the State of Texas, adopted by the regular session of the Sixteenth Legislature," have had the same under consideration, and a majority of your committee instruct me to report it back with amendment and recommend that it do not pass.

All of which is respectfully submitted.

PEACOCK, for Committee.

COMMITTEE AMENDMENT.

Strike out section 3 of the bill.

Bill read first time.

Senator Stinson sent up the following privileged reports:

COMMITTEE ROOM,
AUSTIN, February 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 217, being "An act to repeal an act granting land certificates of 1280 acres to the surviving soldiers of the Texas Revolution, and to repeal an act approved April 26, 1879," etc., and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 100, being "An act to repeal an act approved March 28, 1883, entitled 'an act to provide annual pensions for the surviving soldiers or volunteers of the Texas Revolution, and the surviving signers of the Declaration of Independence of Texas, and the surviving widows of such soldiers, volunteers and signers,'" and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 187, being "An act confirming patents and surveys by virtue of headright, donation, military and bounty warrants issued under special laws enacted after March 31, 1870, and prior to April 18, 1876," and find the same correctly engrossed.

BELL, Chairman.

Senator Jones renewed the motion to suspend the order of business and take up Senate bill No. 236, "An act relating to the commission of arbitration and awards," etc.

Adopted.

The bill was read the second time and ordered engrossed.

On motion of Senator Jones,

The constitutional rule was suspended, and

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

YEAS—26.

Bell,	Hall,	Peacock,
Calhoun,	Harrison,	Pfeuffer,
Camp,	Houston of Bexar,	Pope,
Evans,	Houston of Wheeler,	Randolph,
Farrar,	Jerdone,	Shannon,
Fowler,	Jones,	Stinson,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Woods,
Glasscock,	Knittel,	

NAYS—none.

ABSENT, NOT VOTING.

Davis.

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

YEAS—26.

Bell,	Hall,	Peacock,
Calhoun,	Harrison,	Pfeuffer,
Camp,	Houston of Bexar,	Pope,
Evans,	Houston of Wheeler,	Randolph,
Farrar,	Jerdone,	Shannon,
Fowler,	Jones,	Stinson,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Woods.
Glasscock,	Knittel,	

NAYS.—none.

ABSENT, NOT VOTING.

Davis.

On motion of Senator Kleberg, Senate bill No. 221, "An act to amend article 4257 of the Revised Civil Statutes of the State of Texas," was referred back to the Committee on Internal Improvements.

Senator Jones moved to excuse Senator Davis indefinitely.

Senator Pope seconded the motion.

Adopted.

On motion of Senator Terrell, Senate bill No. 238, "An act to create the Webb land district," was taken up out of its regular order.

Read second time and ordered engrossed.

On motion of Senator Terrell,

The constitutional rule was suspended, and

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

YEAS—14.

Bell,	Hall,	Peacock,
Calhoun,	Harrison,	Pfeuffer,
Camp,	Houston of Bexar,	Pope,
Evans,	Jerdone,	Randolph,
Farrar,	Jones,	Shannon,
Fowler,	Kilgore,	Stinson,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Woods.
Glasscock,		

NAYS.—none.

ABSENT, NOT VOTING.

Houston of Wheeler.

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

YEAS—25.

Bell,	Hall,	Peacock,
Calhoun,	Harrison,	Pfeuffer,
Camp,	Houston of Bexar,	Pope,
Evans,	Jerdone,	Randolph,
Farrar,	Jones,	Shannon,
Fowler,	Kilgore,	Stinson,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Woods.
Glasscock,		

NAYS.—none.

ABSENT, NOT VOTING.

Houston of Wheeler.

On motion of Senator Fowler, Senate joint resolution No. 10, "Delivering the property known as the Alamo to the city of San

Antonio," was taken up out of the regular order and made special order for to-morrow, the first thing after morning call.

On motion of Senator Farrar,

Senate bill No. 138, "An act to amend chapter 3, title 53 of the Revised Statutes of Texas, by adding thereto article 2971a," was taken up out of its regular order and read the second time.

Senator Farrar offered the following amendment:

Amend in line 8 by inserting after the word "Texas" the words "or which are organized under the laws of any other State."

Adopted.

Senator Farrar offered the following amendment:

Sec. 2. Whereas, the press of business in both houses of the Legislature, and the fact that this Legislature is soon to adjourn, renders it doubtful whether this act can be read on three several days, and an imperative public necessity and emergency exists for the passage of this act; therefore, the rule requiring this act to be read on three several days be and the same is hereby suspended, and this act shall take effect and be in force from and after its passage.

Adopted.

The bill was ordered engrossed.

On motion of Senator Farrar

The constitutional rule was suspended, and the bill was placed on its third reading by the following vote:

YEAS—24.

Bell,	Glasscock,	Knittel,
Calhoun,	Hall,	Peacock,
Camp,	Harrison,	Pfeuffer,
Evans,	Houston of Wheeler,	Pope,
Farrar,	Jerdone,	Shannon,
Fowler,	Jones,	Stinson,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Woods.

NAYS—1.

Randolph.

ABSENT, NOT VOTING.

Houston of Bexar.

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

YEAS—23.

Bell,	Glasscock,	Peacock,
Calhoun,	Hall,	Pfeuffer,
Camp,	Harrison,	Pope,
Evans,	Houston of Wheeler,	Shannon,
Farrar,	Jerdone,	Stinson,
Fowler,	Jones,	Terrell,
Garrison,	Kilgore,	Woods.
Getzendaner,	Kleberg,	

NAYS—1.

Randolph.

ABSENT, NOT VOTING.

Houston of Bexar, Knittel.

On motion of Senator Getzendaner, Senate bill No. 44, "An act to provide for the investment of the permanent free school fund," was taken up and made the special order for Saturday, after the special orders after morning call.

On motion of Senator Terrell,

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

THIRTY-NINTH DAY.

SENATE CHAMBER, }
AUSTIN, February 27, 1885. }

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

REPORTS OF STANDING COMMITTEES.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 236, being "An act amendatory of an act relating to the commission of arbitration and award, defining the powers and duties thereof, and to make appropriations to pay the salaries of the judges thereof," approved March 20, 1883, and which was amendatory of an act relating to the same subject, approved July 9, 1881," and find the same correctly engrossed.

BELL, Chairman.

By Senator Getzendanner:

COMMITTEE ROOM,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred Senate bill No. 243, entitled "An act to authorize the county commissioners' court to set aside from year to year not exceeding one-half of the road and bridge tax to establish free bridges across streams having an average width of sixty feet," have had the same under consideration, and a majority of your committee instruct me to report the same back to the Senate with the accompanying amendments, with the recommendation that it do pass as amended.

All of which is respectfully submitted.

GETZENDANNER, acting Chairman.

COMMITTEE AMENDMENTS TO SENATE BILL NO. 243.

1. Amend the caption and the bill by inserting after the words "sixty feet" the words "or more."
2. Amend section 1 by inserting the word "tax-paying" after the word "qualified."
3. Amend section 1 by inserting after the word "court" in eighth line, the words "in the event it is necessary to contract a debt for that purpose."

Bill read first time.

By Senator Randolph:

COMMITTEE ROOM,
AUSTIN, February 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 249, entitled "An act to provide for the safe keeping and preservation of the Texas exhibit at the New Orleans World's Fair," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 247, entitled "An act to restrict the employment of sailors and crews of foreign vessels from rolling cotton, handling cargo or laboring on the wharves or levees of ports in the State of Texas, beyond the end of the ship's tackle," have had the same under consideration, and instruct me to re-

port it back with the recommendation that it do pass, with the following amendment: Amend section 2 by adding the words "in the county jail" after the word "imprisonment."

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 246, entitled "An act to muster into the service of the State minute men, for the protection of the frontier and for the suppression of lawlessness and crime," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 234, entitled "An act for the relief of J. W. Dickey, of Wilson county," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

RANDOLPH Chairman.

Bill read a first time.

COMMITTEE ROOM,
AUSTIN, February 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 248, entitled "An act to amend articles 2725 and 2726 of the Revised Statutes," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

By leave Senator Pfeuffer introduced memorial of Lanigoe, asking for restitution of losses sustained by fire at the Lunatic Asylum while engaged in saving the lives of its inmates and the property of the institution.

Referred to Committee on Claims and Accounts.

Senator Farrar, for special committee on visiting educational institutions, sent up the following report:

COMMITTEE ROOM,
AUSTIN, February 25, 1885.

Hon. Barnett Gibbs, President of the Senate, and Hon. L. L. Foster, Speaker of the House of Representatives:

In compliance with a concurrent resolution of both Houses, the joint committee appointed to investigate the condition of the Agricultural and Mechanical College at Bryan, the Prairie View school and the Sam Houston Normal school at Huntsville, have performed the duty assigned them and beg leave to report:

That on the sixteenth of February, 1885, the committee reached Bryan, and organized by electing L. J. Farrar chairman, and W. H. Lockett, secretary.

The committee inspected the various departments of the college and found them in a very satisfactory condition. After the inspection the students were paraded by Lieut. Mallory, the officer in charge of the military department, who is detailed by the United States government from the army, and the committee were favored with a battalion drill by the cadets, which was highly creditable to them and Lieut. Mallory.

The committee were informed that the military feature of the college was not permitted to interfere with the literary or technical pursuits of the students, and was wholly subordinate to them. The students are drilled twice a week. This is found by actual experience to be a healthful exercise, and in many ways beneficial to the students. As a means of enforcing discipline, obedience and promptness, it is found indispen-

table. The college is situated about six miles from Bryan, and by the maintenance of military discipline the faculty are enabled more effectually to control the student who might be disposed to violate the rules and regulations of the college, and visit places where he would be exposed to the demoralizing influences of dissipation. As a moral agency and as a means of enforcing discipline, the committee commend the military feature of the A. and M. College.

The committee cannot forbear calling attention to the fact that Congress, by an act approved July 2, 1862, endowed this college, and that by the language of said act "the fund appropriated by Congress for this purpose must be used for the support and maintenance of at least one college, where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life."

Under this act of Congress the interest annually paid for the support of the Agricultural and Mechanical College is \$14,280, which is applied to the payment of professors and officers of the college, the law forbidding "the purchase, erection, preservation or repair of any building or buildings out of this fund."

The Legislature of the State has accepted the provisions of the act of Congress of 1862, and cannot in good faith, if there were any disposition to do so, dispense with the military and agricultural features of this institution, and in the opinion of this committee, it would not be advisable to do so. The Agricultural department in the last fiscal year was at an expense of \$667.73, that is to say, the expenditures were in excess of the receipts this amount.

Only eighty-two acres of land were in actual cultivation during the last year, but it is the purpose of General Harde- man to put in cultivation thirty acres more of land the present year and endeavor, as far as possible, to make this department self-sustaining.

The present capacity of this college will accommodate 150 students, and 133 have matriculated this year. Under the present management it costs each student annually \$150, for board, lights, fuel, washing, rooms, physician's fee and matriculation fee. It is very desirable that this expense should be reduced to such an amount as to put it in the power of persons of limited means to educate their sons at an institution endowed by Congress for the purpose of imparting a military and agricultural training.

It is estimated that if the capacity of the college to accommodate students was doubled the expense to the students might be diminished one-half, or \$75 per annum.

Under existing financial conditions, this committee have no recommendations to make upon this subject, further than to say it would be a wise policy on the part of the State, as soon as it can be done, to so reduce the expenses of the student as to make it to the pecuniary interest and advantage of those wishing to educate their sons, and who are poor, to send them to this college.

If it is the purpose of the State to establish institutions of learning where the student can pursue such courses of study suits him, it would be well to make it possible for the poor, who are now virtually excluded by the amount of expense, to receive a benefit from the State's bounty. It is estimated that it will cost \$25,000 to erect additional buildings sufficient to accommodate 300 students.

We learned from the faculty that three scholarships have been offered by them as a reward for good conduct and proficiency in study. One student in this way has a full scholarship, one a three-fourths scholarship, and one a half scholarship. Every student in the college has an opportunity of securing these scholarships as a reward for merit.

We learned that there is no insurance upon any of the buildings of this college, buildings that have cost the State more than \$150,000, and we further find that no adequate provision is made for extinguishing fire; the college has no fire engine, but it has a few Babcock fire extinguishers which would be utterly useless, except in the early stages of a fire. It is certainly unwise to leave these buildings uninsured, and the committee are of the opinion that an appropriation should be made for their insurance, and that the board of directors should be required to procure insurance on such buildings at least as are most exposed to the casualties of fire. As a part of our report we respectfully refer to the accompanying exhibits marked A and B, furnished by the faculty for the pur-

pose of showing how the appropriation made by the Eighteenth Legislature has been in part expended.

On the seventeenth of February, 1885, the committee reached Prairie View, and inspected the school located at that place, and found it in very satisfactory condition. The capacity of this school will accommodate seventy students. The number of State students at this school is forty-four. The average daily attendance in 1883-4 was fifty-nine. The estimated daily attendance for 1884-5 is fifty. Three professors are employed in this school. The cost of maintaining each student, including all expenses of every kind, is ten dollars per month.

We found that this school had on hand about fifty head of cattle, four mules, two horses, five hogs, one hundred and nineteen sheep, ten cows and calves, one wagon and one cart, and the celebrated bull referred to in the Governor's message, bought in 1884 and sent from the A. and M. College to the Prairie View school for recuperation.

At this place there are four houses and one barn. The professors in this school seem to take a lively interest in its prosperity, and are fully alive to the importance of educating the colored race. The committee are of the opinion that this school is well conducted, and is fully answering the expectations of its founders.

SAM HOUSTON NORMAL INSTITUTE.

On the nineteenth of February the committee reached Huntsville and visited the Sam Houston Normal Institute, and spent the day in hearing recitations in the different departments.

There is an average daily attendance at this school of one hundred and seventy-five; there are one hundred and fifty State students in attendance, and fifty students who pay board.

Board is readily obtained in Huntsville for thirteen dollars per month.

During the last term the Institute received from the Peabody fund the sum of \$4000, which, with the appropriation of \$18,000 made by the Eighteenth Legislature, supported the school in a high degree of efficiency.

The faculty do not ask or seek for any appropriation for repairs, thinking the financial condition of the State would forbid it. The committee found one of the recitation rooms without chairs or seats of any kind. Some of the stairways leading from the lower to the upper story are sadly in need of repairs. The committee recommend a small appropriation of \$500 to supply one of the recitation rooms with chairs, and to make repairs.

This school is one of which every Texan should be proud. It is a faithful ally to the common school system and has done as much as any other institution of the State to bring about a general diffusion of knowledge, "which is essential to the preservation of the liberties and rights of the people."

- | | |
|------------------|---------------------------|
| A. E. WATSON, | L. J. FARRAR, |
| B. M. CAMP, | Chairman Joint Committee. |
| W. H. LOCKETT, | C. J. GARRISON, |
| G. CHRISTIAN, | R. H. HARRISON, |
| J. H. STEWART, | Senate Committee. |
| House Committee. | |

As a supplement to the foregoing report the committee beg leave to state that the available fund of the Agricultural and Mechanical College will be on the first of March, 1885:

Six per cent State bonds.....	\$35,000 00
Cash.....	3,745 00
Total.....	\$38,745 00

The item of \$35,000 in bonds is accrued interest from the permanent endowment fund created by the act of Congress of 1862, and can be used only for the payment of the salaries of professors and employees, and perhaps the purchase of libraries, laboratories, etc., but this amount, since an act of the Legislature in 1876, has been treated as a part of the permanent fund.

It is estimated that an appropriation of \$9780 is necessary to supply the annual needs of the college. This is exclusive of the amount necessary to pay six professors, one professor and chairman of faculty, agent of the board, foreman of the shops, and an overseer of farm, which requires \$14,590, which is paid out of the interest on the endowment fund, or a total of \$24,370 for all purposes.

The Eighteenth Legislature appropriated \$10,000 out of the

university fund and \$30,000 out of the general revenue for the "support and maintenance of the A. and M. College."

It will be seen by reference to Exhibit "B," that an amount between \$10,000 and \$20,000 of this appropriation has been used for permanent improvements. Whether "support and maintenance" includes the erection of permanent improvements it is not for this committee to determine,—nor to express any opinion upon the question whether any part of the \$30,000 appropriation from the general revenue could, in view of sections 13 and 14 of article 7 of the Constitution, be applied to the purpose of erecting permanent improvements, but they recommend the passage of a law requiring vouchers to be filed in the Comptroller's office in all cases before any warrant is drawn upon the Treasurer by the Comptroller. It will then devolve upon the Comptroller to determine whether any appropriation made by the Legislature is sought to be used for purposes not designed or authorized by the Legislature, and such a law will be a salutary check upon any board of directors, however honest and conscientious, who might unintentionally seek to apply an appropriation to uses not contemplated by the Legislature.

The committee further suggest that in future reports the board of directors might greatly facilitate an examination of the expenditures of different appropriations, if they would itemize the amounts constituting any particular voucher. While this course would entail labor upon the officer charged with the duty of preparing the report and increase the size of the report, it would certainly be more satisfactory. It affords no information to say that voucher 100 was on account of "farm" in favor of A or B.

The committee would further suggest if there are a larger number of common cows on hand than are absolutely necessary to furnish milk and butter to the students at the college, they should be disposed of, as the expense of keeping and feeding them is by no means inconsiderable.

Respectfully submitted.

L. J. FARRAR, Ch'n Joint Com.,
C. J. GARRISON,
R. H. HARRISON,
Senate Committee.

A. E. WATSON,
B. M. CAMP,
W. H. LOCKETT,
G. CHRISTIAN,
J. H. STEWART,
House Committee.

INVENTORY OF STOCK OF AGRICULTURAL AND MECHANICAL COLLEGE OF TEXAS.

	Cost or appraised value.
I. Mules owned prior to 1883:	
Mollie.....	\$150 00
Sue	100 00
Kit (old).....	75 00
Beck (old).....	50 00— \$375 00
Purchased with appropriation of Eighteenth Legislature:—	
General	\$100 00
Subie	160 00
Lady	160 00
Sallie.....	150 00
Jenny.....	150 00— \$720 00
II. Cattle:	
1 bull (Short Horn, old)	\$50 00
1 Duck or Creole cow (presented)	50 00— \$100 00
Purchased with appropriation of Eighteenth Legislature:	
26 grade or common cows (\$35).....	\$910 00
14 yearling (part) heifers (\$12).....	168 00
6 yearling (part) steers (\$11).....	66 00
3 yearling heifers (\$10).....	30 00
3 yearling bulls (\$9).....	27 00
1 common cow (\$16).....	16 00
14 calves (\$5).....	70 00— \$1287 00

III. Fine cattle, all bought with appropriation of Eighteenth Legislature—

- 1: Dutch Fresian cattle recorded:
- One bull "Roab."
- One heifer, "Jessico."
- One heifer, "Yentje."
- One heifer, "Metje."

2. Galloway cattle recorded:

- One bull, "Admiral Good."
- One heifer, "Almul."
- One heifer, "Admiration."

Cost (actual) delivered at college.....	\$1,766
Appraised value \$30 each.....	\$2,100 00
One Jersey bull, thoroughbred.....	125

IV. Hogs, common and grade, on hand prior to 1883—

2 sows.....	\$12 00
12 shoats.....	36 00
15 shoats.....	45 00
5 shoats.....	60 00
7 pigs.....	3 50— 156

Hogs, thoroughbred, purchased with appropriation of Eighteenth Legislature—

1 Essex boar.....	\$25 00
1 Essex sow.....	25 00
5 Essex shoats, \$10.....	50 00
1 Berkshire boar.....	20 00
2 Berkshire sows.....	30 00— 150

SUMMARY.

Total stock on hand—	
9 mules.....	\$1,095
69 head common and grade cattle.....	1,387
8 head fine cattle (thoroughbred).....	2,225
42 head common and grade hogs.....	156
10 head thoroughbred hogs.....	150
Total value of stock.....	\$5,013

Purchased with appropriations of Eighteenth Legislature:

5 mules, value or cost.....	\$ 720
67 head common and grade cattle.....	1287
10 head thoroughbred hogs.....	150
9 head thoroughbred cattle.....	2225

Value of stock purchased with appropriations of Eighteenth Legislature..... \$4332 00

Respectfully,

LOUIS L. MCINNIS,
Secretary and Treasurer

SUMMARY OF PROPERTY PURCHASED AND REPAIRED WITH APPROPRIATION OF EIGHTEENTH LEGISLATURE, NOW ON HAND AT THE A. AND M. COLLEGE.

Stock, as per exhibit.....	4,383
Farm implements, etc., estimated	1,000
Permanent improvements, agricultural department	6,740
Agricultural department.....	\$12,123
Shop and equipments for mechanical department..	8,346
Chemical and physical apparatus, etc.....	2,266
Mathematics, engineering instruments	656
Repairs and improvements, buildings, etc.....	9,437
	\$32,868
Contingencies, board of laborers, etc.....	2,374
	\$35,243

Balance of appropriation was expended in labor, sundry repairs, etc., as shown by vouchers. The above shows next increase of value of property.
See report, pages 22, 50 to 53.

BILLS AND RESOLUTIONS.

By Senator Hall:

"An act to amend article 542 of the Revised Civil Statutes."

Referred to Committee on State Affairs.
Senator Houston of Wheeler introduced the following resolution:

Be it resolved by the Legislature of the State of Texas That the chaplains of the Senate and House of Representa-

tives be respectfully invited to officiate at the ceremony of laying the corner stone of the new Capitol on the second of March, 1885."

Adopted.

The House concurrent resolution, requesting a survey and report on the navigable condition of West Galveston and San Louis bays by the United States government, was,

On motion of Senator Jerdone,

Taken up and adopted.

By leave, Senator Randolph sent up the following report:

COMMITTEE ROOM,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 253, entitled "An act to amend article 542 of the Revised Civil Statutes," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body of the passage of House bill No. 543, "An act to prescribe the time of holding the district courts in the twenty-first judicial district."

Respectfully,

A. D. SADLER, Chief Clerk.

The President referred House bill No. 543, to Committee on Judicial Districts.

On motion of Senator Shannon,

The Assistant Sergeant-at-Arms, Mr. Stewart, was excused till Friday.

The President gave notice of signing the following bills:

House bill No. 250, "An act to amend section 34 of act entitled 'an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys at the next general election, to be held on the first Tuesday after the first Monday of November, 1884,' approved April 9, 1883."

House bill No. 278, "An act to create the Nolan judicial district."

Substitute House bill No. 237, "An act to alter the corporate limits of the city of Waco."

House bill No. 137, "An act to repeal sections 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 25, 28, 30, 31, 83, 198, 199 and 200, and to amend sections 2, 4, 5, 6, 29, 33, 43, 45, 70, 74, 78, 103, 120, 197, 201, and 203, of an act entitled 'an act to incorporate the city of San Antonio, and grant a new charter to said city,' approved August 13, 1870; and to repeal the act to incorporate the city of San Antonio,' approved July 17, 1856; and an act to amend 'an act to incorporate the city of San Antonio,' approved February 11, 1860; also an act to amend an act entitled 'an act to incorporate the city of San Antonio and grant a new charter to said city,' approved April 9, 1879."

The following message was received from the

HOUSE OF REPRESENTATIVES,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to inform the Senate that the House has concurred in Senate amendments to the following bills:

Substitute House bill No. 27, "An act to authorize the transfer of occupation licenses."

House bill No. 136, "An act to amend chapter 79 of the acts of 1883," etc.

House bill No. 232, "An act to authorize county commissioners' courts to assume control of the streets and alleys of any city or incorporated town," etc.

A. D. SADLER, Chief Clerk.

The hour having arrived,

The Senate went into the committee of the whole on the consideration of Senate bill No. 142, "An act to amend sections 2, 9, 12, 22, 23, 29, 30, 33, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 51, 53, 54, 56, 57, 59, 60, 61, 62, 63, 64, 68, 73, 75, 77, 78, 79, 83, 84, 85 and 87 of an act entitled 'an act to establish and maintain a system of public free schools for the State of Texas,' and to repeal so much of chapter 3, title 78 of the Revised Civil Statutes of Texas as refer to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act,' the same being chapter 25 general laws of the special session of the Eighteenth Legislature, 1844; and to add thereto as new sections, sections 12a, 12b, 12c, 12d, 12e, and sections 58a, 58b and 58c, and repealing all laws and parts of laws in conflict with the provisions of this act and the original act of which it is amendatory."

(Senator Evans in the chair.)

IN THE SENATE.

(The President in the chair.)

Senator Evans, chairman of the committee of the whole, reported the bill back to the Senate unfavorably.

Senator Terrell moved to adopt the report.

Lost by the following vote:

YEAS—12.

Calhoun,	Houston of Bexar,	Pope,
Camp,	Houston of Wheeler,	Randolph,
Fowler,	Jerdone,	Terrell,
Glascock,	Peacock,	Woods.

NAYS—13.

Bell,	Hall,	Kuittel,
Evans,	Harrison,	Pfeuffer,
Farrar,	Jones,	Shannon,
Garrison,	Kleberg,	Stinson.
Getzender,		

ABSENT, NOT VOTING.

Kilgore.

The following report was sent up by Senator Fowler, by leave:

COMMITTEE ROOM,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred House bill No. 543, entitled "An act to prescribe the time of holding the district courts in the twenty-first judicial district," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

FOWLER, Chairman.

Bill read first time.

On motion of Senator Fowler,
The bill—House bill No. 543—was taken up out of its regular order, and

The bill was placed on its second reading under a suspension of the constitutional rule by the following vote:

YEAS—26.

Bell,	Hall,	Peacock,
Calhoun,	Harrison,	Pfeuffer,
Camp,	Houston of Bexar,	Pope,
Evans,	Houston of Wheeler,	Randolph,
Farrar,	Jerdone,	Shannon,
Fowler,	Jones,	Stinson,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Woods.
Glasscock,	Knittel,	

NAYS—none.

The bill was read third time and ordered engrossed.

On motion of Senator Fowler,

The constitutional rule was suspended, and
The bill was placed on its third reading by the following vote:

YEAS—23.

Bell,	Glasscock,	Peacock,
Calhoun,	Hall,	Pfeuffer,
Camp,	Harrison,	Randolph,
Evans,	Jerdone,	Shannon,
Farrar,	Jones,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Woods.
Getzendaner,	Knittel,	

NAYS—none.

ABSENT, NOT VOTING.

Houston of Bexar, Houston of Wheeler, Pope.

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

YEAS—26.

Bell,	Hall,	Peacock,
Calhoun,	Harrison,	Pfeuffer,
Camp,	Houston of Bexar,	Pope,
Evans,	Houston of Wheeler,	Randolph,
Farrar,	Jerdone,	Shannon,
Fowler,	Jones,	Stinson,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Woods.
Glasscock,	Knittel,	

NAYS—none.

By leave, Senator Shannon sent up the following report:

COMMITTEE ROOM,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 221, to be entitled "An act to amend article 4257 of the Revised Statutes of the State of Texas," have carefully considered the same and the committee are of opinion that the bill should not become a law, and a majority thereof instruct me to report it back to the Senate with the recommendation that it be indefinitely postponed.

Respectfully submitted,

SHANNON, Chairman.

Bill read first time.

Senator Jones sent up the following minority report:

COMMITTEE ROOM,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

A minority of your Committee on Internal Improvements,

to whom was referred Senate bill No. 221, entitled "An act to amend article 4257 of the Revised Civil Code of the State of Texas," etc., being unable to agree with the majority of said committee in an adverse report of said bill, beg leave to submit the following minority report as their reasons why said bill should pass, to-wit:

1. Because, under the present law, the railroad companies of Texas are forced to discriminate unjustly against points in Texas and in favor of points without the State.

2. Because freight charges are so high between points within the State as compared with charges for hauls without the State, as to practically destroy the business and commerce of Texas cities and towns.

3. The merchants of Texas cannot compete with foreign buyers for one of our chief productions, to-wit, cotton, because the rate charged for carrying the same between given points within the State is more than twice as high as the proportionate charge for the same articles for a like distance within the State when the shipment is made to points without the State, thus giving the foreign buyer a great advantage over the home merchant.

4. Because the proposed bill, if it becomes a law, will place home merchants upon an equal footing as to rates of transportation with buyers of our products for shipment to points outside the State, and will thus enable the merchant and the farmer in Texas to mutually aid and benefit each other in a commercial and business way.

5. The proposed bill will enable the Texas merchant to compete with outsiders for the products of our farmers, for the reason that it will give to the home merchant an equal freight rate with that which is given to the non-resident.

6. If a railroad company can carry an article a certain distance for a specified sum, as a pro rate share of a haul en route through a place in Texas to points without the State, it is but simple justice that Texas merchants should have the benefit of a similar rate over the same roads for the same article and for the same distance.

All of which is respectfully submitted.

J. W. JONES,
HOUSTON of Bexar.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body that the House has adopted

Senate concurrent resolution No. 6, inviting chaplains of the Senate and House of Representatives of the Texas Legislature to officiate at the laying of the corner stone of the new Capitol, on Monday, March 2, 1885.

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

On motion of Senator Evans,
House bill No. 335, "An act to create and provide for the organization of the county of Midland," was taken up out of its regular order and read the second time.

(Senator Shannon, President pro tem., in the chair.)

Senator Calhoun offered the following amendment:

Amend by adding to section 5, "except indebtedness incurred in building a court house and jail for Tom Green county; and said county of Midland, after its organization, shall in no wise be held liable for any debt incurred or to be incurred in erecting a court house and jail for said Tom Green county."

Lost.

Senator Stinson moved the previous question on the engrossment of the bill.

Previous question seconded, and

Main question ordered.

Senator Pope moved to reconsider the vote by which the main question was ordered.

Adopted by the following vote:

YEAS—17.

Bell,	Harrison,	Knittel,
Camp,	Houston of Bexar,	Peacock,
Evans,	Houston of Wheeler,	Pope,
Fowler,	Jerdone,	Randolph,
Garrison,	Jones,	Terrell,
Hall,	Kilgore,	

NAYS—7.

Calhoun,	Kleberg,	Stinson,
Farrar,	Shannon,	Woods,
Getzendaner,		

ABSENT, NOT VOTING.
Pfeuffer.

By leave, the following bill was introduced by Senator Pope:

"An act requiring the Attorney-General to institute legal proceedings against corporations within this State in violation of section 5, article 10 of the Constitution."

Referred to Committee on Internal Improvements. Senator Fowler sent up the following privileged report:

COMMITTEE ROOM,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 137, being "An act to repeal sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 25, 27, 28, 30, 31, 83, 193, 199 and 200, and to amend sections 3, 4, 5, 6, 29, 33, 43, 45, 70, 74, 78, 103, 120, 197, 201, 202 and 203 of an act entitled 'an act to incorporate the city of San Antonio and grant a new charter to said city,' approved August 13, 1878, and to repeal 'an act to incorporate the city of San Antonio,' approved July 17, 1856, and 'an act to amend the act to incorporate the city of San Antonio,' approved February 11, 1860; also an act to amend an act entitled 'an act to incorporate the city of San Antonio and grant a new charter to said city,' approved April 18, 1879," and find the same correctly enrolled, and have this day, at 10:30 o'clock a. m., presented the same to the Governor for his approval.

FOWLER, Chairman.

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

FORTIETH DAY.

SENATE CHAMBER,
AUSTIN, February 28, 1885. }

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

PETITIONS AND MEMORIALS.

By Senator Houston of Wheeler:
Petition of citizens of Wilbarger county against the leasing of the school lands.
Referred to Committee on Public Lands.

REPORTS OF STANDING COMMITTEES.

By Senator Stinson:

COMMITTEE ROOM,
AUSTIN, February 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Private Land Claims, to whom was referred Senate bill No. 222, entitled "An act for the relief of Anna B. Smith, assignee and heir of Rufus R. Smith," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

STINSON, Chairman.

Bill read first time.
By Senator Bell:

COMMITTEE ROOM,
AUSTIN, February 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 238, being "An act to create the Webb county land district," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

By Senator Getzendaner:

COMMITTEE ROOM,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 207, entitled "An act to provide and make an appropriation for the payment of fees in felony cases, due by the State of Texas to John E. McMullen, district clerk, and A. W. Murray, late sheriff of Wilson county, Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

Under the law now in force, the fees of sheriffs and clerks become due upon a final judgment of the court, which does not appear to have been had in these cases; and, at all events, the records could be substituted, and applicants' fees obtained by this means.

All of which is respectfully submitted.

GETZENDANER, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 241, entitled "An act making appropriations for certain deficiencies," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

GETZENDANER, Chairman.

Bill was read first time.
Senator Terrell made the following report for the special free conference committee:

COMMITTEE ROOM,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate, and Hon. L. L. Foster, Speaker of the House of Representatives:

Your free conference committee to whom was referred the differences between the two houses on substitute House bills Nos. 13, 61, 64, 104 and 161, have had the same under consideration and respectfully recommend the adoption of the following as a substitute for the first section of the bill, to-wit:

Section 1. Be it enacted by the Legislature of the State of Texas, That section 71 of the above entitled act shall be so amended as to read as follows:

Sec. 71. The following counties shall be and the same are exempted from the district system provided for in this act, to-wit: Anderson, Angelina, Aransas, Bastrop, Bosque, Bowie, Brazoria, Burleson, Calhoun, Caldwell, Cameron, Camp, Cass, Chambers, Concho, Delta, De Witt, Duval, El Paso, Erath, Falls, Fannin, Fayette, Fort Bend, Franklin, Freestone, Frio, Gillespie, Goliad, Gonzales, Gregg, Grimes, Guadalupe, Hardin, Harrison, Hays, Henderson, Hidalgo, Hopkins, Houston, Jackson, Jasper, Jefferson, Karnes, Lamar, La Salle, Lee, Liberty, Limestone, Marion, Mason, Matagorda, McMullen,

Menard, Milam, Montgomery, Morris, Nacogdoches, Newton, Orange, Panola, Pecos, Polk, Presido, Rains, Reeves, Red River, Refugio, Robertson, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Somervell, Starr, Stephens, Titus, Tom Green, Trinity, Tyler, Upshur, Van Zandt, Victoria, Waller, Washington, Webb, Wharton and Zapata.

J. O. TERRELL,
J. P. FOWLER,
M. Y. RANDOLPH,
FOSTER of Grayson,
W. O. HAMILTON.

On motion of Senator Kleberg,
The report of the free conference committee was adopted.

Senator Farrar sent up the following report of special committee:

A SUPPLEMENTARY REPORT OF PRAIRIE VIEW NORMAL SCHOOL.

While the many efforts are being made by the faculty of this school to amply carry out the designs and contemplations of the law pertaining to this school in the way of instructing the many teachers who have chance to attend, it is impossible for them to do so, however anxious the students may be to apply themselves, from the simple fact the capacity of the buildings is insufficient to accommodate even the present attendance of the school. The faculty state they have twenty-seven female students in seven small rooms, making three in some rooms and four in the others, besides their beds, trunks, tables and chairs. This is evidently very uncomfortable for students to do well in studying. We noticed, too, the chapel, in which the entire school often meets, has two and three students to the desk.

We think an appropriation made in this direction will add much to the advancement of this school, in which hundreds of teachers are to be instructed, that they may infuse knowledge throughout this State among the colored race, and by educating them make them true, honest and good citizens.

J. H. STEWART.

By leave Senator Getzendaner sent up the following report.

COMMITTEE ROOM.
AUSTIN, February 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 252, entitled "An act to authorize the Comptroller of Public Accounts to extend the time for a forced collection of taxes by seizure and sale of personal property till the first of July, 1885," have had the same under consideration and instruct me to report it back with the recommendation that it do not pass.

To defer the time for seizure and sale of personal property for collection of taxes would in effect defer the time for collection of taxes on real estate by seizure, for the reason that personal property must be exhausted before real estate can be seized and sold for taxes.

All of which is respectfully submitted.

GETZENDANER, for Committee.

Bill read first time.

Senator Shannon, chairman of special committee to report programme on the part of the Senate and the House of Representatives in the ceremonies of laying the corner stone of the new State Capitol, on March 2, reported:

That the members of the Legislature, or so many thereof as see fit, are invited to join in the procession in front of the Temporary Capitol.

Senator Peacock offered the following resolution:

BILLS AND RESOLUTIONS.

Resolved, That all ex-Senators of the State of Texas who may be present in the city of Austin on March 2 proximo, are

invited to join the Senate in procession, at the laying of the corner stone of the new State Capitol.

Adopted.

Senator Glasscock offered the following resolution:

Resolved, That the Senate hold two sessions per day on and after Tuesday, March 3, 1885.

Lays over under the rules.

By Senator Jones:

"An act for the more efficient management of the charitable and penal institutions of the State of Texas.

Referred to Committee on Penitentiaries.

By Senator Kleberg:

"An act for the relief of certain railroads."

Referred to Committee on Internal Improvements.

On motion of Senator Kleberg,

House bill No. 335, "An act to create and provide for the organization of the county of Midland," was taken up as unfinished business, and passed to third reading.

Read third time and passed by the following vote:

YEAS—22.

Bell,	Harrison,	Pfeuffer,
Calhoun,	Houston of Wheeler,	Pope,
Camp,	Jerdone,	Randolph,
Evans,	Jones,	Shannon,
Garrison,	Kilgore,	Stinson,
Getzendaner,	Kleberg,	Terrell,
Glasscock,	Knittel,	Woods.
Hall,		

NAYS—1.

Peacock.

ABSENT, NOT VOTING.

Farrar,

Fowler,

Houston of Bexar.

Senator Houston of Wheeler moved to reconsider the vote just taken, and to lay that motion on the table.

Adopted.

Senator Shannon moved to postpone the special orders and take up bills on third reading.

Adopted.

Senate bill No. 100, "An act to repeal an act entitled 'an act to provide annual pensions for the surviving soldiers or volunteers of the Texas Revolution, and the surviving signers of the Declaration of Independence of Texas, and the surviving widows of such soldiers, volunteers and signers,' approved March 28, 1883," was laid before the Senate, read third time and passed.

Senator Getzendaner moved to reconsider the vote passing the bill and to lay that motion on the table.

Adopted.

House bill No. 144, "An act to amend article 4227, title 84, chapter 10 of the Revised Civil Statutes of the State of Texas," was laid before the Senate and read second time, with majority (unfavorable) and minority (favorable) reports.

Senator Randolph moved to substitute the minority for the majority report.

Lost by the following vote:

YEAS—2.

Garrison,

Randolph.

NAYS—20.

Bell,	Harrison,	Pfeuffer,
Calhoun,	Jerdone,	Pope,
Camp,	Jones,	Shannon,
Evans,	Kilgore,	Stinson,
Getzendaner,	Kleberg,	Terrell,
Glasscock,	Knittel,	Woods.
Hall,	Peacock,	

ABSENT, NOT VOTING.

Farrar, Houston of Bexar, Houston of Wheeler.
Fowler,

Senator Shannon moved that the majority report, which kills the bill, be adopted.

Adopted.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body that the House has moved a reconsideration of its action upon Senate concurrent resolution No. 6, on the twenty-seventh instant, and request the return of said resolution to the House, in order that it may conclude consideration of and action upon the same.

A. D. SADLER, Chief Clerk.

On motion of Senator Houston of Wheeler,
The request was granted.

The President gave notice of signing House bill No. 543, "An act to prescribe the time of holding the district courts in the twenty-first judicial district."

(Senator Peacock in the chair.)

House bill No. 428, "An act to amend article 4786 of the Revised Civil Statutes of the State of Texas," was laid before the Senate on its second reading, and read second time.

On motion of Senator Terrell,

The bill was postponed and made special order for Wednesday, after morning call, and from day to day till disposed of, and 100 copies of the bill ordered printed.

On motion of Senator Stinson,

Senate bill No. 210, "An act to amend section 8 of an act establishing and prescribing the manner of ascertaining the boundaries of counties," approved April 22, 1879," was taken up out of its regular order and read second time.

On motion of Senator Kleberg,

The report of the committee was adopted, the present bill being considered.

Senator Bell offered the following amendment:

Amend line 14, page 1, by striking out the words "district in which such counties or either of them may be situated," and inserting in lieu thereof "the other county."

Senator Terrell offered the following substitute for the amendment:

Provided further, that said suit shall not be brought in the district court of any county interested in the subject matter involved, but may be brought in the district court of any adjoining county.

Withdrawn.

Senator Fowler offered the following substitute for the amendment:

Amend so as to authorize suit in either county interested.

Adopted.

The amendment as substituted was adopted.

Senator Glasscock moved to amend by adding, after the word "by," the words "both or either of." Adopted.

Senator Terrell offered the following amendment:

Amend by striking out all after the word "boundary;" in line 17, to the word "provided," in line 1 of page 2, and inserting "Provided, that in said trial the only question to be determined shall be the true locality of the boundary line as defined by the statutes of this State."

Senator Houston of Bexar moved the previous question.

Seconded, and main question ordered.

The amendment of Senator Terrell was adopted by the following vote:

YEAS—19.

Calhoun,	Houston of Bexar,	Peacock,
Camp,	Houston of Wheeler,	Pope,
Fowler,	Jerdone,	Randolph,
Garrison,	Kilgore,	Shannon,
Glasscock,	Kleberg,	Terrell,
Hall,	Knittel,	Woods.
Harrison,		

NAYS—5.

Bell,	Getzendaner,	Stinson.
Farrar,	Pfeuffer,	

ABSENT, NOT VOTING.

Evans, Jones.

The bill was ordered engrossed.

On motion of Senator Farrar,

Senate bill No. 188, "An act to amend section 13 of an act entitled 'an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883," was taken up out of its regular order and read the second time.

Senator Farrar offered the following amendment:

Amend by adding sections 2 and 3, as follows:

Sec. 2. That all writs and process returnable to said courts shall be returnable to the terms of said courts as herein defined; and all such writs and process as have been issued, executed and returned, shall be as valid as if no change had been made in said courts by the passage of this act.

Sec. 3. The early day when the Legislature will adjourn creates an imperative public necessity for the suspension of the constitutional rule requiring this bill to be read on those several days, and it is so suspended.

Adopted, and the bill was ordered engrossed.

On motion of Senator Farrar,

The constitutional rule was suspended, and

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

YEAS—23.

Bell,	Glasscock,	Peacock,
Calhoun,	Harrison,	Pfeuffer,
Camp,	Houston of Bexar,	Randolph,
Evans,	Jerdone,	Shannon,
Farrar,	Jones,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Woods.
Getzendaner,	Knittel,	

NAYS—none.

ABSENT, NOT VOTING.

Hall, Houston of Wheeler, Pope.

The bill was read third time and passed.

On motion of Senator Houston of Bexar,

Senate bill No. 163, "An act to provide for the appointment of official stenographers for the district courts of the State of Texas," was taken up and made the special order for Tuesday after morning call, and one hundred copies of the bill were ordered printed.

On motion of Senator Houston of Bexar, Senate bill No. 128, "An act to establish a State board of medical examiners, and to regulate the practice of medicine and surgery in the State of Texas; also, defining the duties of such board," was taken up and made special order for Tuesday after the first special order after morning call.

On motion of Senator Jones, Senate bill No. 245, "An act to define the duties of telegraph companies in the transmission of messages, and to prescribe penalties for the enforcement thereof," was taken up and made special order for Thursday, after morning call, and from day to day till disposed of.

On motion of Senator Jones, Senate bill No. 221, "An act to amend article 4257 of the Revised Civil Statutes," etc., was made special order for Thursday after morning call, and from day to day till disposed of.

On motion of Senator Houston of Bexar, Senate bill No. 175, "An act regulating insurance, and the rights and liabilities of the insurer and insured, and to amend article 2953 of the Revised Civil Statutes," was taken up and made the special order for Friday, after morning call, and from day to day till disposed of.

On motion of Senator Fowler, Senate joint resolution No. 10, delivering the property known as the Alamo to the city of San Antonio, was taken up, read second time and ordered engrossed.

On motion of Senator Houston of Wheeler, Senate bill No. 244, "An act to create the Harde-man land district," was taken up read the second time.

Senator Houston of Wheeler, offered to amend by striking out the word "Childress" wherever it occurs.

Adopted. The bill was ordered engrossed.

On motion of Senator Houston of Wheeler, The constitutional rule was suspended, and the bill placed on its third reading by the following vote:

YEAS—24.

Bell,	Hall,	Knittel,
Calhoun,	Harrison,	Peacock,
Camp,	Houston of Bexar,	Pope,
Farrar,	Houston of Wheeler,	Randolph,
Fowler,	Jerdone,	Shannon,
Garrison,	Jones,	Stinson,
Getzendaner,	Kilgore,	Terrell,
Glasscock,	Kleberg,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Evans, Pfeuffer.

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

YEAS—24.

Bell,	Camp,	Farrar,
Calhoun,	Evans,	Fowler,

Glasscock,	Houston of Wheeler,	Peacock,
Hall,	Jerdone,	Pope,
Garrison,	Jones,	Randolph,
Getzendaner,	Kilgore,	Stinson,
Harrison,	Kleberg,	Terrell,
Houston of Bexar,	Knittel,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Pfeuffer, Shannon.

The following message was received from the Governor and read:

EXECUTIVE OFFICE, STATE OF TEXAS
AUSTIN, February 28, 1885

To the Senate:

I ask your consent to the following appointments:
A. W. Moursand, to be judge in the thirty-third district.

J. H. Burts to be Assistant Attorney General.

R. M. Swearingen to be State Health Officer.

T. J. Goree to be Superintendent of Penitentiaries.

JOHN IRELAND, GOVERNOR

On motion of Senator Kilgore, Senate bill No. 162, "An act to amend article 4489, title 90 of the Revised Statutes," was taken out of its regular order and read second time.

Senator Kilgore offered the following amendment

Amend by adding section 2:

Sec. 2. The fact that there is now no law in force authorizing the service of non-resident defendants in suit to land, or to remove cloud from such title, creates an imperative public necessity which justifies the suspension of the constitutional rule requiring bills to be read on three several readings, and it is so suspended, and that this act take effect and force from and after its passage.

Adopted, and

The bill was ordered engrossed.

On motion of Senator Kilgore,

The constitutional rule was suspended and the bill placed on its third reading by the following vote:

YEAS—26.

Bell,	Hall,	Peacock,
Calhoun,	Harrison,	Pfeuffer,
Camp,	Houston of Bexar,	Pope,
Evans,	Houston of Wheeler,	Randolph,
Farrar,	Jerdone,	Shannon,
Fowler,	Jones,	Stinson,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Woods.
Glasscock,	Knittel,	

NAYS—none.

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

YEAS—25.

Bell,	Hall,	Knittel,
Calhoun,	Harrison,	Peacock,
Camp,	Houston of Bexar,	Pope,
Evans,	Houston of Wheeler,	Randolph,
Farrar,	Jerdone,	Shannon,
Fowler,	Jones,	Stinson,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Kleburg,	Woods.
Glasscock,		

NAYS—none.

ABSENT, NOT VOTING.

Pfeuffer.

On motion of Senator Getzendaner, Senate bill No. 44, "An act to provide for the

vestment of the public free school fund," the second special order. was laid before the Senate, and read second time with committee amendments.

The amendments were adopted, and

The bill was ordered engrossed.

Senator Pope introduced the following concurrent resolution:

Resolved by the Senate and House of Representatives of Texas, That the use of the hall of the Capitol be tendered Mr. John O'Brien, sculptor, for the purpose of placing on exhibition the marble bust of General Sam Houston.

Adopted.

Senator Randolph moved to adjourn till ten o'clock Tuesday morning.

Senator Woods moved to amend by striking out "Tuesday" and inserting in lieu thereof "Monday."

Accepted, and

The motion as amended was adopted, and

The Senate adjourned till ten o'clock Monday morning.

FORTY-FIRST DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 2, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Shannon,

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

FORTY-SECOND DAY.

SENATE CHAMBER,
AUSTIN, March 3, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Traylor, the reading of the journal of Saturday was disposed with.

BILLS AND RESOLUTIONS.

Senator Evans:

An act to amend article 3994, of title 80 of the Revised Civil Statutes, approved April 4, 1881."

Referred to Committee on Public Printing.

By Senator Kilgore:

An act to regulate railroads in the State of Texas and their charges for freight and passengers, and to prevent discrimination between any such railways in the rates of charges for freight, passengers and baggage, and in the time and manner of transporting the same, and to prevent any discrimination and delay by any such railway companies

in respect to business of any kind with competing or connecting lines, and to provide a penalty therefor."

Referred to Committee on Internal Improvements.

By Senator Jerdone:

"An act to amend chapter 20, title 37 of the Revised Civil Statutes of the State of Texas, by adding thereto three additional articles to be known as articles 2041a, 2041b and 2041c."

Referred to Judiciary Committee No. 1.

On motion of Senator Getzendaner, Senator Farrar was excused for the week.

On motion of Senator Kleberg, Senator Knittel was excused for the day.

On motion of Senator Calhoun, Senator Houston of Wheeler was excused for the day.

On motion of Senator Bell, Mr. Finley, Engrossing Clerk, was excused from Saturday till Wednesday.

Senator Kleberg moved to suspend the special orders and take up Senate bill No. 64, "An act to provide for the management and control of the lands set aside for the benefit of the University of Texas."

Adopted.

The ayes and nays were called for.

Senator Woods raised the point of order that the decision had been announced and the call for the ayes and nays was out of order.

The point of order was sustained.

Senator Terrell moved to reconsider the vote just taken.

Adopted by the following vote:

YEAS—17.

Bell,	Getzendaner,	Shannon,
Calhoun,	Houston of Bexar,	Stinson,
Camp,	Jerdone,	Terrell,
Davis,	Jones,	Traylor,
Fowler,	Pfeuffer,	Mr. President.
Garrison,	Randolph,	

NAYS—10.

Evans,	Kilgore,	Perry,
Glasscock,	Kleberg,	Pope,
Hall,	Peacock,	Woods.
Harrison,		

The motion of Senator Kleberg to suspend the regular order was lost by the following vote:

YEAS—13.

Calhoun,	Jones,	Perry,
Camp,	Kilgore,	Pope,
Evans,	Kleberg,	Terrell,
Hall,	Peacock,	Woods.
Jerdone,		

NAYS—13.

Bell,	Glasscock,	Randolph,
Davis,	Harrison,	Shannon,
Fowler,	Houston of Bexar,	Stinson,
Garrison,	Pfeuffer,	Traylor.
Getzendaner,		

Senate bill No. 142, "An act to amend sections 2, 9, 12, 22, 23, 29, 30, 33, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 51, 53, 54, 56, 57, 59, 60, 61, 62, 63, 64, 68, 73, 75, 77, 78, 79, 79d, 83, 84, 85 and 87, of an act entitled 'an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, title 78 of the Revised Civil Statutes of Texas as refer to public free schools out-

side of incorporated cities and towns, assuming, or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act,' the same being chapter 25, general laws of the special session of the Eighteenth Legislature, 1884, and to add thereto as new sections, sections 12a, 12b, 12c, 12a, 12e, and sections 58a, 58b, 58c, and repealing all laws and parts of laws in conflict with the provisions of this act and the original act of which it is amendatory," was laid before the Senate as first special order.

Senator Stinson moved to commit the bill and committee amendments to a special committee of three.

Senator Fowler moved to amend by adding Senate bill No. 119 (the Glasscock educational bill).

Accepted.

Senator Getzendaner moved to substitute the motion by referring the two bills back to the Committee on Education.

The ayes and noes were called for, and resulted as follows:

YEAS—13.

Bell,	Houston of Bexar,	Pfeuffer,
Calhoun,	Jerdone,	Shannon,
Davis,	Kleberg,	Traylor,
Getzendaner,	Peacock,	Woods.
Hall,		

NAYS—13.

Camp,	Harrison.	Pope,
Evans,	Jones,	Randolph,
Fowler,	Kilgore,	Stinson,
Garrison,	Perry,	Terrell.
Glasscock,		

The President voted aye, and declared the two bills recommitted to the Committee on Education.

Senator Shannon raised the point of order that another vote was required to fully recommit the bill.

The point was not sustained.

Senator Stinson appealed from the decision of the President overruling the point of order raised by Senator Shannon.

Senator Shannon stated that he declined to appeal.

The vote was ordered on the appeal, and the president was not sustained by the following vote:

YEAS—11.

Bell,	Getzendaner,	Kleberg,
Camp,	Hall,	Pfeuffer,
Evans,	Harrison,	Woods.
Garrison,	Jerdone,	

NAYS—12.

Davis,	Jones,	Randolph,
Fowler,	Kilgore,	Shannon,
Glasscock,	Perry,	Stinson,
Houston of Bexar,	Pope,	Terrell.

ABSENT, NOT VOTING.

Calhoun,	Peacock,	Traylor.
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The substitute of Senator Getzendaner for the motion of Senator Stinson as amended by Senator Fowler, was put and lost by the following vote:

YEAS—7.

Bell,	Hall,	Kleberg,
Davis,	Jerdone,	Woods.
Getzendaner,		

NAYS—17.

Camp,	Houston of Bexar,	Randolph,
Evans,	Jones,	Shannon,
Fowler,	Kilgore,	Stinson,
Garrison,	Perry,	Terrell,
Glasscock,	Pfeuffer,	Traylor.
Harrison,	Pope,	

ABSENT, NOT VOTING.

Calhoun,	Peacock.
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The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body of the passage by the House of the following bills:

House bill No. 139, "An act to amend section 29 of 'an act to redistrict the State into judicial districts, and fix the time for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883."

House bill No. 248, "An act making an appropriation to pay the mileage and per diem of the presidential electors of the State of Texas for the year 1884."

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

House bill No. 139 was referred to the Committee on Judicial Districts.

House bill No. 248 was referred to Committee on Finance.

Senator Randolph moved to postpone the consideration of the bill indefinitely.

Senator Harrison moved to substitute by having the bill recommitted to a special committee of five Senators.

The substitute was lost.

The motion to postpone indefinitely was lost by the following vote:

YEAS—5.

Camp,	Perry,	Terrell.
Fowler,	Randolph,	

NAYS—19.

Bell,	Harrison,	Pfeuffer,
Davis,	Houston of Bexar,	Pope,
Evans,	Jerdone,	Shannon,
Garrison,	Jones,	Stinson,
Getzendaner,	Kilgore,	Traylor,
Glasscock,	Kleberg,	Woods.
Hall,		

ABSENT NOT VOTING.

Calhoun,	Peacock.
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Senator Davis moved the previous question on the committee amendments.

Previous question was seconded, and

Main question ordered.

The committee amendments were acted upon separately, and were all adopted.

Senator Bell moved to consider the portions of the bill which refer to county superintendents, to-wit, sections 12a, 12b and 12c.

Senator Stinson moved to substitute the motion by substituting Senate bill No. 119, "An act to create the office of county superintendent and to define their duties and powers, and to repeal all laws in conflict with this act."

Senator Davis moved the previous question on the substitute.

Previous question seconded, and Main question ordered. The substitute was lost by the following vote:

YEAS—9.

Camp,	Kilgore,	Perry,
Davis,	Kleberg,	Stinson,
Evans,	Peacock,	Terrell.

NAYS—15.

Bell,	Hall,	Pfeuffer,
Davis,	Harrison,	Pope,
Evans,	Houston of Bexar,	Shannon,
Garrison,	Jerdone,	Traylor,
Getzendaner,	Jones,	Woods.

ABSENT, NOT VOTING.

Calhoun, Randolph.

The motion of Senator Bell to consider sections 11, 12b and 12c was lost.

Senator Davis moved to amend by striking out the last clause.

Lost (the President voting nay) by the following vote:

YEAS—12.

Camp,	Kilgore,	Pope,
Davis,	Kleberg,	Stinson,
Evans,	Peacock,	Terrell,
Dawler,	Perry,	Woods.

NAYS—12.

Bell,	Hall,	Jones,
Garrison,	Harrison,	Pfeuffer,
Getzendaner,	Houston of Bexar,	Shannon,
Glasscock,	Jerdone,	Traylor.

ABSENT, NOT VOTING.

Calhoun, Randolph.

Senator Terrell moved to postpone consideration of the bill indefinitely.

Senator Davis moved as a substitute that the bill be postponed till the thirty-first of March.

Senator Terrell moved a call of the Senate.

Call sustained.

Senator Calhoun was found absent without excuse.

Senator Jones moved that Senator Calhoun be excused for the week.

Adopted by the following vote:

YEAS—25.

Bell,	Harrison,	Pfeuffer,
Camp,	Houston of Bexar,	Pope,
Davis,	Jerdone,	Randolph,
Evans,	Jones,	Shannon,
Dawler,	Kilgore,	Stinson,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Peacock,	Traylor,
Glasscock,	Perry,	Woods.

NAYS—none.

The Senate was declared full.

Senator Shannon raised the point of order that one objection to kill the bill having been voted down today, the motion and the substitute were out of order.

The point of order was sustained.

Senator Davis moved the previous question on the bill.

The previous question was not seconded.

Senator Getzendaner offered the following amendment:

Amend by striking out all that part of bill authorizing female suffrage.

Lost by the following vote:

YEAS—10.

Bell,	Harrison,	Pfeuffer,
Garrison,	Jerdone,	Shannon,
Getzendaner,	Jones,	Woods.
Hall,		

[NAYS—15.

Camp,	Houston of Bexar,	Pope,
Davis,	Kilgore,	Randolph,
Evans,	Kleberg,	Stinson,
Fowler,	Peacock,	Terrell,
Glasscock,	Perry,	Traylor,

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage of substitute House bill No. 109. "An act to require railroad companies to place and keep that portion of their road-bed and right of way over and across which public county roads may run, in proper condition for the use of the traveling public."

A. D. SADLER, Chief Clerk.

House bill No. 109 was referred to Committee on Internal Improvements.

Senator Davis moved to lay the bill on the table subject to call.

Withdrawn.

Senator Bell offered the following amendment:

Amend section 12a, page 26, line 10, by inserting, after the word "held," "and the commissioners' courts of which have not provided that there shall be no county superintendent for such county."

Senator Terrell moved the previous question on the amendment and the bill.

Previous question seconded and

Main question ordered.

The amendment was adopted by the following vote:

YEAS—16.

Bell,	Harrison,	Pfeuffer,
Evans,	Houston of Bexar,	Pope,
Garrison,	Jerdone,	Shannon,
Getzendaner,	Jones,	Traylor,
Glasscock,	Perry,	Woods.
Hall,		

NAYS—9.

Camp,	Kilgore,	Randolph,
Davis,	Kleberg,	Stinson,
Fowler,	Peacock,	Terrell.

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

YEAS—11.

Bell,	Harrison,	Pfeuffer,
Garrison,	Houston of Bexar,	Shannon,
Getzendaner,	Jerdone,	Traylor.
Hall,	Jones,	

NAYS—14.

Camp,	Kilgore,	Randolph,
Davis,	Kleberg,	Stinson,
Evans,	Peacock,	Terrell,
Fowler,	Perry,	Woods.
Glasscock,	Pope,	

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

Lost by the following vote:

YEAS—12.

Camp, Davis, Fowler, Kilgore,	Kleberg, Peacock, Perry, Pope,	Randolph, Stinson, Terrell, Woods.
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NAYS—13.

Bell, Evans, Garrison, Getzendaner, Glasscock,	Hall, Harrison, Houston of Bexar, Jerdone,	Jones, Pfeuffer, Shannon, Traylor.
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The motion to reconsider was lost by the following vote:

YEAS—12.

Bell, Evans, Garrison, Getzendaner,	Hall, Harrison, Houston of Bexar, Jerdone,	Jones, Pfeuffer, Shannon, Traylor.
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NAYS—13.

Camp, Davis, Fowler, Glasscock, Kilgore,	Kleberg, Peacock, Perry, Pope,	Randolph, Stinson, Terrell, Woods.
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The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body of the passage of the following bills by the House:

Senate bill No. 25, "An act to abolish the office of Fish Commissioner and dispose of all fish ponds and other property connected with or belonging to the Fish department," with House amendment.

Senate bill No. 173, "An act to repeal article 4112 of the Revised Civil Statutes."

Substitute House bill No. 22, "An act to levy an occupation tax on all dealers in pistols and bowie knives, dirks, daggers and other deadly weapons manufactured for the purpose of offense or defense, and capable of being concealed on or about the person.

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

Substitute House bill No. 22, was referred to Finance Committee.

Senate bill No. 128, "An act to establish a State board of medical examiners, and to regulate the practice of medicine and surgery in the State of Texas; also, defining the duties of such board," was laid before the Senate as second special order, and Read the second time, with committee amendments.

(Senator Shannon, President pro tem., in the chair.)

The first committee amendment was adopted.

The other committee amendments, to-wit: the second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth, were lost.

Senator Stinson offered to amend by striking out the enacting clause.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am directed to report to the honorable Senate the passage by the House of the following bills:

Substitute House bill No. 181, "An act to make telegraph and telephone companies and persons or corporations owning or operating telegraph or telephone lines in the State of Texas common carriers."

House bill No. 195, "An act to amend article 1458 of the Revised Civil Statutes of the State of Texas."

Substitute House bill No. 214, "An act to compel railroad companies to provide double-decked cars for shipment of goats, sheep, hogs and calves, and to prevent discrimination against shippers thereof, and to provide penalties therefor."

House bill No. 252, "An act to amend article 636, chapter 3, title 8 of section 2 of an act entitled 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas.'

Respectfully,

A. D. SADLER, Chief Clerk.

Substitute House bill No. 181 was referred to Committee on Internal Improvements.

House bill No. 195 was referred to Judiciary Committee No. 1.

Substitute House bill No. 214 was referred to Committee on Internal Improvements.

House bill No. 252 was referred to Judiciary Committee No. 2.

Senator Pope moved to adjourn till 10 o'clock to-morrow morning.

Lost by the following vote:

YEAS—12.

Bell, Camp, Garrison, Houston of Bexar,	Jerdone, Kleberg, Perry,	Pope, Traylor, Woods.
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NAYS—13.

Davis, Fowler, Getzendaner, Glasscock, Hall,	Harrison, Jones, Peacock, Pfeuffer,	Randolph, Shannon, Stinson, Terrell,
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ABSENT, NOT VOTING.

Evans,
Kilgore.

Senator Shannon moved the previous question on the amendment of Senator Stinson.

Previous question seconded and main question ordered.

The amendment of Senator Stinson was adopted. On motion of Senator Kleberg,

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

FORTY-THIRD DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, March 4, 1885. }

The Senate met pursuant to adjournment.
Lieutenant-Governor Gibbs in the chair.
Roll called.
Quorum present.
Prayer by Rabbi Silverman, of Dallas.
On motion of Senator Shannon,
The reading of the journal of yesterday was dispensed with.
On motion of Senator Shannon,
Senator Evans was excused for the week.

PETITIONS AND MEMORIALS.

By Senator Davis:
Memorial of the citizens of Denison, Texas, urging the passage of the Armistead telegraph bill.
Referred to Committee on Internal Improvements.

REPORTS OF STANDING COMMITTEES.

By Senator Davis:

COMMITTEE ROOM,
AUSTIN, March 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 126, entitled "An act to amend article 353 of chapter 3, title 11 of the Penal Code of the State of Texas," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

The bill seeks to make it a felony for any one to keep or exhibit any gaming table or bank, Jenny Lind, or pigeon hole table, or ten pin alley.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

Senator Stinson gave notice of intention of filing a minority report on the bill.

COMMITTEE ROOM,
AUSTIN, March 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred House bill No. 252, entitled "An act to amend article 636, chapter 3, title 8, of section 2 of an act entitled 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas,'" have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

The bill seeks to make some changes in the jury law in reference to challenges for cause in criminal cases.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

Senator Bell gave notice of intention of filing a minority report on the bill.

By Senator Getzendaner:

COMMITTEE ROOM,
AUSTIN, March 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred Senate bill No. 240, entitled "An act for the relief of clerks and sheriffs who may have performed services under the provisions of 'an act providing for the condemnation and sale of lands for delinquent taxes,' approved June 2, 1873, by providing a mode for auditing their accounts, and making an

appropriation for the payment of the same," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

GETZENDANER, Chairman.

Bill read first time.

BILLS AND RESOLUTIONS.

By Senator Perry:

"An act to amend articles 1006, 1007 and 1008 of 'an act to amend articles 1006, 1007 and 1008 of the Revised Civil Statutes of the State of Texas,' approved February 21, 1879, passed by the regular session of the Eighteenth Legislature, approved April 9, 1883."

Referred to Committee on State Affairs.

By Senator Hall:

"An act to amend article 2219 of the Revised Civil Statutes."

Referred to Judiciary Committee No. 1.

Senator Terrell entered a motion to reconsider the vote by which the Senate refused to sustain the decision of the chair on yesterday.

Senator Woods moved to postpone the regular and special orders, and to take up Senate bill No. 64, "An act to provide for the management and control of the lands set aside for the benefit of the University of Texas."

Adopted by the following vote:

YEAS—18.

Bell,	Jerdone,	Pope,
Fowler,	Jones,	Shannon,
Getzendaner,	Kilgore,	Stinson,
Glascock,	Kleberg,	Terrell,
Harrison,	Knittel,	Traylor,
Houston of Bexar,	Perry,	Woods.

NAYS—5.

Camp,	Garrison,	Pfeuffer.
Davis,	Hall,	

ABSENT, NOT VOTING.

Houston of Wheeler, Peacock, Randolph.

The bill was taken up and read second time, with committee amendment.

The committee amendment was adopted by the following vote:

YEAS—15.

Bell,	Jerdone,	Perry,
Fowler,	Jones,	Pope,
Glascock,	Kilgore,	Terrell,
Harrison,	Kleberg,	Traylor,
Houston of Bexar,	Knittel,	Woods.

NAYS—9.

Camp,	Getzendaner,	Randolph,
Davis,	Hall,	Shannon,
Garrison,	Pfeuffer,	Stinson.

ABSENT, NOT VOTING.

Houston of Wheeler, Peacock.

Senator Getzendaner offered to amend by striking out all in line 6 after the word "board," and all in line 7, to and including the word "years," and insert in lieu thereof, as follows:

To sell and lease the said lands under such terms and conditions as are now or may hereafter be prescribed for selling and leasing the common school and asylum lands of the State.

(Senator Houston of Bexar in the chair.)

Senator Shannon, President pro tem., gave notice from the President's stand, of signing the following bills and resolutions:

House concurrent resolution requesting Texas Senators and Representatives in Congress to secure a survey and report of the condition of the channel through West Galveston bay and San Louis bay, forty miles westward from Galveston, to the canal connecting said bays with the Brazos river near its mouth.

Substitute House bill No. 27, "An act to authorize the transfer of occupation licenses."

House bill No. 136, "An act to amend chapter 79 of the acts of 1883, entitled 'an act to amend section 46 of an act to encourage stockraising and to protect stockraisers,' approved April 22, 1879, and amended April 4, 1881, and April 12, 1883."

House bill No. 335, "An act to create and to provide for the organization of the county of Midland."

House bill No. 232, "An act to authorize county commissioners' courts to assume control of the streets and alleys of any city or incorporated town within their jurisdiction in which there is no defacto municipal government, and to have the same worked as public roads."

Senate bill No. 173, "An act to repeal article 4112 of the Revised Civil Statutes of the State of Texas."

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body of the passage of the following bills by the House:

House bill No. 118, "An act to amend chapter 6 of title 29 of the Revised Civil Statutes of Texas, by adding thereto, after article 1241, another article to be called article 1241a."

House bill No. 314, "An act relating to the investment of the permanent public free school funds, and to provide against any loss of such funds in making investments thereof."

House bill No. 331, "An act to establish and define the boundaries of the county of Webb, and legalize certain acts of the officers of said county."

House bill No. 458, "An act to amend sections 14 and 15 of the city charter of Houston, of an act entitled 'an act to amend section 15 of an act incorporating the city of Houston, in Harris county, approved April 21, 1879,' and section 14 of said act as amended by an act of the Legislature of the State of Texas, approved March 13, 1883, and substituting therefor the following."

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

House bill No. 118 was referred to Judiciary Committee No. 1.

House bill No. 314 was referred to Committee on Finance.

House bill No. 331 was referred to Committee on Counties and County Boundaries.

House bill No. 458 was referred to Committee on State Affairs.

Senator Stinson sent up the following minority report on substitute House bill No. 126, for Judiciary Committee No. 2:

COMMITTEE ROOM,
AUSTIN, March 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

We, a minority of Judiciary Committee No. 2, to whom was referred substitute House bill No. 126, beg leave to submit the following minority report, and ask that the same be adopted in lieu of the majority report:

We believe the passage of this bill will effectually suppress the pernicious and growing evil of gaming throughout the entire State. We believe no man can afford to take the risk of

obtaining a term in the penitentiary by running a banking game or gaming table, and therefore recommend that this bill do pass.

All of which is respectfully submitted.

STINSON,
EVANS,
RANDOLPH.

Pending discussion on the amendment of Senator Getzendaner,

Senator Pope, by leave, sent to the Secretary's desk the following telegram, and had it read in full, to-wit:

WASHINGTON, D. C., March 4, 1885.

To N. A. Cravens, House of Representatives, Austin, Texas:

Cleveland just taken the oath of office. Congratulations to the Democracy of Texas and Nineteenth Legislature.
TEXAS DELEGATION.

In honor of the distinguished event,

On motion of Senator Shannon,

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

FORTY-FOURTH DAY.

SENATE CHAMBER,
AUSTIN, March 5, 1885. }

The Senate met pursuant to adjournment. Senator Shannon, President pro tem., in the chair. Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Kleberg,

The reading of the journal of yesterday was dispensed with.

On motion of Senator Harrison,

Senator Houston of Wheeler was excused for yesterday.

PETITIONS AND MEMORIALS.

By Senator Perry:

Application to Legislature to transfer Brazos county to Galveston branch of Appellate Court.

Referred to Committee on State Affairs.

By Senator Davis:

Memorial of sundry citizens of Cooke county, urging a change in the present road law.

Referred to Committee on Roads and Bridges.

REPORTS OF STANDING COMMITTEES.

By Senator Getzendaner:

COMMITTEE ROOM,
AUSTIN, March 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred Senate bill No. 186, entitled "An act for the relief of Gideon Purl, and to reimburse him for money expended by him in arresting Jeff Ake, a refugee from justice from the State of Texas, and conveying him from Ozark, in the State of Arkansas, to Georgetown, Texas, under a requisition from the Governor of the State of Texas," have had the same under consideration, and a majority of your committee instruct me to report it back with the recommendation that it do pass, with the following amendments:

Strike out the word "three" in line 3, section 1, and insert "one" in lieu thereof.

Strike out all of line 4 in said section 1, and the words "thirty cents" in line 5 of said section.

In line 11, section 1, strike out "1876" and insert in lieu thereof "1877."

All of which is respectfully submitted.

GETZENDANER, Chairman.

Bill read first time.

By Senator Jones:

COMMITTEE ROOM,
AUSTIN, March 3, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Penitentiaries, to whom was referred Senate bill No. 255, entitled "An act for the more efficient management of the charitable and penal institutions of the State of Texas," have had the same under consideration, and instruct me to report it back with the accompanying amendment, and recommend that it do pass as amended.

All of which is respectfully submitted.

JONES, Chairman.

Committee amendment to Senate bill No. 255:

Amend section 1 by inserting, after the word "board," in line 11, the words "shall be selected from different portions of the State, and."

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 2, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Penitentiaries, to whom was referred Senate bill No. 239, entitled "An act to provide for the purchase and improvement of ten thousand or more acres of land for the use of the penitentiary system of Texas," have had the same under consideration, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

JONES, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 2, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Penitentiaries, to whom was referred Senate bill No. 135, entitled "An act to provide for the selection and purchase of a site for, and the building thereon of a new State penitentiary, and to make an appropriation therefor," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

JONES, Chairman.

Bill read first time.

By Senator Randolph:

COMMITTEE ROOM,
AUSTIN, March 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred House bill No. 453, entitled "An act to amend sections 14 and 15 of the city charter of Houston of an act entitled 'an act to amend section 15 of an act incorporating the city of Houston, in Harris county,' approved April 21, 1879, and section 14 of said act as amended by an act of the Legislature of the State of Texas, approved March 13, 1883, and substituting therefor the following," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

By Senator Traylor:

COMMITTEE ROOM,
AUSTIN, March 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred House bill No. 248, entitled "An act making an appropriation to pay the mileage and per diem of the presidential electors of the State of Texas for the year 1884," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

TRAYLOR, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred House bill No. 314, entitled "An act relating to investments of the

permanent public free school funds, and to provide against any loss of such funds in making investments thereof," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

TRAYLOR, Chairman.

Bill read first time.

By Senator Jones:

COMMITTEE ROOM,
AUSTIN, March 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 258, entitled "An act to regulate railroads in the State of Texas, and their charges for freight and passengers, and to prevent discrimination between any such railroads in the rates of charges for freight, passengers and baggage, and in the time and manner of transporting the same, and to prevent any discrimination and delay by any such railroad companies in respect to business of any kind with competing or connecting lines, and to provide a penalty therefor," instruct me to request that 100 copies be printed for the use of the committee.

All of which is respectfully submitted.

SHANNON, Chairman.

COMMITTEE ROOM,
AUSTIN, March 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred substitute House Bill No. 181, entitled "An act to make telegraph and telephone companies and persons or corporations, owning or operating telegraph or telephone lines in the State of Texas, common carriers," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

SHANNON, Chairman.

Bill read first time.

The following minority report was read:

COMMITTEE ROOM,
AUSTIN, March 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

A minority of your Committee on Internal Improvements, to whom was submitted substitute House bill No. 181, entitled "An act to make telegraph and telephone companies, and persons or corporations owning or operating telegraph or telephone lines in the State of Texas common carriers," beg leave to offer the following report:

Our Supreme Court, in the case of the Western Union Telegraph Company v. Neil (57 Texas, page 288), declares that "the great weight of authority, and which, from the nature of the employment of telegraph companies, seems founded upon reason, is that though in some essential particulars they partake of the character of common carriers, they are not strictly such, and should not be held to the same degree of strict responsibility."

This doctrine, enunciated by our court, is supported by a number of authorities and decisions, from one of which only we deem it necessary to quote, viz:

In Leonard vs. the New York, Albany, etc., Telegraph Company (42 N. Y., 544), Hunt, J., says:

"I can find no authority and can discover no principle upon which to charge such a company with the absolute liability of a common carrier." Again, after referring to the principles applicable to common carriers, the justice says: "Whether his liability is based upon the contract he makes, or upon his public duty, the telegrapher does not come within any of these principles. He has no property entrusted to his care; he has nothing which he can steal, or which can be taken from him. There is no subject of concealment or conspiracy; he has in his possession nothing which, in its nature and of itself, is valuable. It is an idea, a thought, a sentiment, impalpable, invisible, not the subject of theft or sale, and, as property, quite destitute of value. He cannot himself see, hear or feel the subject of his charge. He submits an idea to a mysterious agency, which carries it to its destination and delivers it to one there at hand to receive it. He is bound to conduct the business appertaining to the pursuit with skill, with care and with attention."

We, a minority of your committee, are therefore unwilling, in face of precedent and authority, to recommend a bill which, in its application, would prove oppressive and unjust to the

interest proposed to be regulated, and from the very nature and character of the employment of the telegrapher, the rule sought to be invoked for his regulation would prove oppressive in its adaptation to his business and destructive to his interests.

All of which is respectfully submitted.

GRTZENDANER,
HOUSTON of Bexar,
FOWLER.

The following minority report on Senate Bill No. 9 was sent to the Secretary's desk:

COMMITTEE ROOM,
AUSTIN, February 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

The undersigned members of Judiciary Committee No. 1, to whom was referred House bill No. 9, by which the statute of limitations is proposed to be extended to causes of action in favor of married women, have had the same under consideration, and respectfully dissent from the report of the majority of the committee on said bill. Statutes of limitation are intended to supply the want of evidence extinguished by the lapse of time, and the preservation and protection of evidence of title is as important in suits by or against married women as in any other, and as the vast amount of property in the State held by them is constantly increasing, much of it being so conveyed for the very purpose of placing it beyond the operation of the limitation laws, the undersigned deem it unwise to continue the exemption of this class of property from the operation of such laws. We believe it to be against sound public policy to allow questions affecting the title of so much property to be kept open and undetermined, as is done by reason of the defect in the law of limitation proposed to be caused by the bill referred to, and which we believe has no other claim to a continuance in force than its long standing upon the statute books. From the strictness of the law regulating conveyances by married women, their privy examination and separate acknowledgement, and the formalities required in the certificates thereof, and from various other causes, questions of title constantly arise that ought always to be adjudicated during the lifetime of the parties to the transaction, and while the evidence can be had, and yet it is a notorious fact that such questions have in most cases kept alive by the exemption in the statute of limitations in favor of married women, not for their benefit, but as a fruitful source of litigation by their heirs against the heirs of innocent purchasers; such suits by heirs being generally founded upon questions which their ancestors, the immediate parties to the transaction would have scorned to raise, and the recovery therein being generally had upon grounds purely technical, and at the expense of every principle of right and justice. By the passage of the bill under consideration such questions will generally be adjudicated, as they ought always to be, during the lifetime of the parties to the transaction out of which they arise, and when all the evidence bearing upon the case can be had unobscured by the lapse of time. Thus believing, and further believing that the married women of the State ought not any longer to be classed, as they are in the statutes of limitation, with idiots and convicts, we recommend that the bill do pass.

All of which is respectfully submitted.

JOHN WOODS,
HOUSTON of Bexar,
TERRELL.

By Senator Jones:

COMMITTEE ROOM,
AUSTIN, March 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 256, entitled "An act for the relief of certain railroads," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

SHANNON, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred substitute House bill No. 103, entitled "An act to require railroad companies to place and keep that portion of

their road-bed and right of way, over or across which public county roads may run, in proper condition for the use of the traveling public," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

SHANNON, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred substitute House bill No. 214, entitled "An act to compel railroad companies to provide double decked cars for shipment of goats, sheep, hogs, and calves, and to prevent discrimination against shippers thereof, and to provide penalties therefor," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

SHANNON, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred House bill No. 49, entitled "An act to amend article 4636, title 95, chapter 2 of the Revised Civil Statutes," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

SHANNON, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 251, entitled "An act requiring the Attorney-General to institute legal proceedings against corporations within this State, in violation of section 5, article 10 of the Constitution," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass with the accompanying amendment.

All of which is respectfully submitted.

SHANNON, Chairman.

COMMITTEE AMENDMENT.

Sec. 4. If it shall be determined by the court or jury trying any cause instituted under the provisions of this act that the said section and article of the Constitution is being violated, then the court shall enter such decree as will perpetually enjoin such violation, and to the end of carrying into effect such constitutional provision, may appoint a receiver to take charge of the affairs of the defendant corporation until such time as the said corporation shall be reorganized and in condition to be operated within said provision of the Constitution.

Bill read first time.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, March 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 173, being "An act to repeal article 4112 of the Revised Civil Statutes of Texas," and find the same correctly enrolled, and have this day, at 10:50 o'clock a. m., presented the same to the Governor for his approval.

FOWLER, Chairman.

Senator Bell sent up the following minority report on House bill No. 252:

COMMITTEE ROOM,
AUSTIN, March 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

A minority of your Judiciary Committee No. 2, to whom was referred House bill No. 252, entitled "An act to amend article 636 of the Code of Criminal Procedure of the State of Texas," dissent from the majority in reporting the bill unfavorably, for the following reasons:

The important change in the law is that it provides that an opinion as to the guilt or innocence of a defendant shall not disqualify a juror when the juror swears that such opinion will not influence his action in finding a verdict, and we think this change should be made.

At the time the statute prescribing the qualification for jurors was adopted, the condition of affairs was very different from those of the present day. Metropolitan journals and weekly papers containing accounts of all notorious crimes are now read in every community, and the most intelligent men, and those who would make the best jurors, become disqualified for jury service in the important cases.

The law has been amended in most of the other States to meet this changed condition of affairs, and we have yet to hear of the first instance in which it has failed to give satisfaction or to improve the administration of the criminal law.

We therefore dissent from the report of the majority of your committee, and recommend that this minority report be adopted in lieu thereof, and that the bill do pass.

All of which is respectfully submitted.

BELL, for minority.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, March 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 210, being "An act to amend section 8 of 'an act establishing and prescribing the manner of ascertaining the boundaries of counties,' approved April 23, 1879," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

BILLS AND RESOLUTIONS.

By Senator Houston of Wheeler:

Joint resolution amending section 10, article 3 of the Constitution of the State of Texas, under the title of "Taxation and Revenue."

Referred to Committee on Constitutional Amendments.

By Senator Jones:

"An act to license and regulate gamblers and gaming, and to provide appropriate penalties for failing to comply with the terms and conditions thereof, and to repeal articles Nos. 358, 359, 360, 361, 362, 363, 364, 365, 366 and 367 of chapter 3 of the Criminal Code, and to repeal all laws in conflict herewith."

Referred to Judiciary Committee No. 2.

By Senator Pope:

"An act to authorize the removal of inmates from one lunatic asylum to another."

Referred to Committee on Asylums.

By Senator Traylor:

"An act to restore the jurisdiction of the county court of Bosque county, and repeal all laws in conflict herewith."

Referred to Committee on Judicial Districts.

By Senator Getzendaner:

"An act to authorize married women to appoint the husband agent and attorney in fact to sell the separate property of the wife, and to validate deeds heretofore made by the husband acting under power of attorney from the wife."

Referred to Judiciary Committee No. 1.

On motion of Senator Jones,

The regular order of business was suspended and the committee report on House bill No. 455, amending the city charter of Houston, was adopted, which kills the bill.

The Senate resumed consideration of Senate bill No. 64, "An act to provide for the management and control of the lands set aside for the benefit of the University of Texas."

The following message was received from the Governor, and

On motion of Senator Houston of Bexar, was, together with the appointments, ordered published in the journal:

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, March 5, 1885.

To the Senate:

I ask your consent to the appointment of notaries public named in the papers herewith transmitted.

Also, to the appointment of T. P. O'Brien, to be assistant superintendent of Rusk penitentiary, and Ben E. McCulloch, assistant superintendent of Huntsville penitentiary.

C. C. Linn, of Victoria county, to be cattle and hide inspector for that county.

Alonzo Autrey, to be cattle and hide inspector for Harris county.

Thomas Carson, Sam P. Golston, Robert Dalzell, Fred Forto, Frank Waite, to be commissioners of pilots for Brazos Santiago.

John Hall, R. D. Simpson, for Aransas Pass.

James Baker, Guillermo Mir, for branch pilots at Brazos Santiago.

Peter Benson, James Vaughan, to be wreck masters at Aransas Pass.

W. H. King, to be Adjutant-General.

Frank Milwee, to be cattle and hide inspector for Greer county.

JOHN IRELAND, Governor.

NOTARIES PUBLIC.

Austin county—Frank Klukan, Wesley; C. S. Miller, James H. Shelburne, W. I. Glenn, S. B. Pier, Bellville; Wm. Weunenwaser, Nelsonville; Charles Korff, Shelby; Fritz Peters, Cat Springs; G. T. Ross, San Felipe; John Harvey, Keennyville; E. L. Day, Cochran; Max Meisner, Industry; J. H. Krancher, Bellville.

Anderson county—T. S. Short, Palestine.

Atascosa county—W. J. Miller.

Aransas county—C. F. Bailey, Rockport.

Bastrop county—L. Heiligbrodt, R. P. Jones, J. W. Kennedy, F. A. Orgain, H. J. Wamel, S. W. Briggs, W. A. Highsmith, M. A. Hill, J. E. B. Laird, D. M. Scott, T. C. Baird.

Blanco county—John K. Brown, Johnson city.

Bosque county—G. W. Leaverton, Clifton; R. E. Coinne, Cayote.

Burnet county—Wm. Spittler, Burnet; W. H. Hotchkiss.

Burleson county—C. S. Adams, Mearle; J. L. Hill, Caldwell; J. W. Page; J. W. Ragsdale, Tunis; C. S. Williams, Caldwell; C. C. Harvey, Hookerville; J. M. Jackson, A. W. McIver, T. R. Batte, Caldwell; E. L. Flanagan, Tunis; N. M. Thornton, Caldwell.

Brown county—H. S. Thomas, Williams' Ranch; W. J. Evans, Brownwood; John Y. Rankin, W. H. Scott, E. B. Durham, W. H. Maples, W. C. Morgan, J. C. Tannehill, John M. Goodwin, Thomas Maples; Charles Rogan, Brownwood; W. H. Mayes; R. L. Russell, Brownwood.

Brazoria county—W. F. Swain, Geo. W. Meacham, F. J. Duff, John Adriaunce, Columbia; John A. Ballowe, W. F. Smith, A. Metcalf, Brazoria; S. N. Richardson, Alvin.

Brazos county—C. C. Rollo, Robert S. Gould, jr., Jeff P. Mitchell, John G. Anderson, A. J. Planter, J. W. Doremus, J. A. Buckholts, W. G. Taliaferro, Sam. R. Henderson, Luther W. Clark, R. S. Motley, W. V. Waldorf, Bryan; A. G. Steele, R. M. McCoy, Millican; Geo. A. Hunt, Macy; James Mawhinney, Bryan; H. R. Smith, Steele's Store.

Bandersa county—L. C. Harmon, Bandera; B. F. Bellows, Medina City; J. A. Anglin, W. J. Hamilton.

Comanche county—E. L. Shropshire, Comanche; M. V. Robertson; R. B. Key, DeLeon; James Terry, DeLeon; T. W. Evans, Fleming; W. W. Loyd, Sipe Springs; W. D. Sumner, Whittville; Geo. W. Conway, D. P. Lester, Hazeldell; J. G. Carmichael, Lankin; C. B. Ma-on, Comanche.

Comal county—John D. Guinn, Julius Bose, Fritz Hampe, Aug. Klingerman, New Braunfels; Herman Fischer.

Cerokee county—J. W. Smith, Ghent; F. W. Bonner, E. L. Gregg, Rusk.

Bexar county—W. R. Driar, San Antonio; C. S. Robinson, Edward Miles, D. Sullivan, John Rosenheimer, Henry Laager, L. G. Denman, J. E. Groshou, E. B. Johnson, John Withers, W. R. Orear, A. S. Chevalier, Charles Denssen, John H. Copeland, Juan E. Barrera, James Muir, jr., W. W. Herron, Reagan

Houston, W. H. Young, R. B. Minor, Geo. C. Altgelt, J. H. French, A. G. Newton, J. A. Fraser, John Eckford, J. E. Ochse, J. J. Stevens, Frank Fredrick, J. A. Green, jr., James P. Earle, E. P. Carolan, Jose E. Garcia, C. S. Robinson, H. P. Draught, E. G. Graves, C. L. Lowday, P. H. Ward, A. E. Cotton, M. Freeborn, John Withers, jr., Elias Edmonds, J. F. Cassiano, Thos. Haynes, A. Hansl.

Bell county—F. M. Chandler, D. L. Russell, H. E. Bradford, W. K. Sanders, George W. Tyler, J. Z. Miller, J. H. Scales, W. J. Crabb, A. M. Monteith, J. C. Roberts, J. L. Gray, Hezekiah Williams, A. Moss, W. J. Caskey, A. Lewy, W. L. Jones, W. T. Shannon, W. S. Banks, W. E. Roseborough, Ed. T. Rucker, W. Y. McFarland, John L. Lee, H. C. Surghnor, L. K. Tarver, J. W. Pierce, D. R. Pendleton, J. W. Zimmerman, W. T. Brooker, B. F. Fields, John T. Bartlett, M. T. Bostick, J. W. Calloway, Frederick E. Sanford, S. W. Lawrence, E. B. Ments and J. T. Hunt.

Bowie county—J. J. Peters, Boston; J. C. Wright, H. M. Burrows, A. D. Putnam, Dalby Springs; D. D. Gupton, W. W. Dillard, A. C. Ward, J. B. Lassiter, DeKalb; Sam H. Smelser, J. E. Anderson, Thos. L. Lynch, New Boston; A. J. Purcell, J. H. Smelser, M. A. Bassett, H. N. Saunstag, C. A. Hooks, L. C. DeMorse, Jas. A. Marx, W. T. Hudgins, W. L. Whitaker, Texarkana.

Cass county—Joda Snipes, Douglassville; W. Q. Henderson, E. A. Allday, Atlanta; J. C. Hutchinson, Queen City; Ed. Rand, Kildare; J. S. Lunday, Wayne; James Petty, Bryan's Mill; Clay Fulcher, Cus-eita Mill; Frank Hall, Gibson's Mill; C. Palmore, Daiton Mill; Mack Fletcher, Hughes Springs; T. J. Everett, Avinger Springs; J. R. Glaze, Galloway's Store; D. J. Blackwell, Red Hill; Thomas Wood, Forest; W. F. Ford, Queen City; M. R. Pilkinton, Sardis; J. J. Fowler, Coke's Store; I. S. Lacy, Culberson; T. C. Taylor, J. P. Wood, Linden.

Caldwell county—S. S. McDowell, jr., Lockhart; C. B. Collins, Luling; George Meyers, Lockhart; Sam McDowell, sr., Lockhart; Arthur B. Storey, Lockhart; J. C. Lamb, Ophelia; S. L. McCulloch, Martindale; F. C. Cross, Luling.

Collin county—Geo. Hardin, Farmerville; J. W. Franklin, Allen.

Callahan county—A. G. Wills, Baird; W. R. Lotz, Baird; A. G. Webb, F. S. Bell.

Colorado county—E. J. Sandmeyer, Columbus; Edwin A. Malsch, Frelsburgh.

Crockett county—Jno. C. Perry.

Coleman county—E. A. Lindsey.

Coryell county—C. G. Bennett, Copperas Cove; J. W. Dunn, W. L. Jones, R. E. Gaston, J. L. Price, R. Muirhead, W. J. Graham, M. S. Duffie, L. Little, J. C. Chrisman, J. E. Walker, J. C. Gouldy, W. J. Cole, J. S. Clower, R. A. Culp, Jno. T. Meek, H. N. Atkinson, Owens Miller.

Concho county—Jno. I. Guion, C. C. F. Blanchard, Perry Barthalow.

Calhoun county—J. M. Beckford, Lavaca; C. W. Hartup, Indianola.

Cameron county—Benj. Kowalski, B. O. Hicks, J. A. Browne, C. F. Tighman, M. B. Kingsbury, R. B. Rentfro, John Champion, Brownville; A. C. Howell, Point Isabel; L. J. Hynes, Santa Maria; John Scott, Wilbur F. Dennett, Thos. Kennedy, E. H. Goodrich, Jos. Webb, Brownville.

Chambers county—Hugh Jackson, James Armstrong, Wallisville; R. D. White, William Gordon, Turtle Bayou; James Jackson, Double Bayou.

Clay county—D. F. Bowmar, W. B. Stickney, W. A. Squires, W. D. Slayton, J. C. Chestnutt, R. D. Wellborne, E. B. Monday, Henrietta; Wm. Wantland, Belleville; George A. Watts, J. M. Jones, Vincent Stine, M. C. Ivie, A. K. Swan, W. G. Eustis, Henrietta; F. G. Braasford, New Port.

Cooke county—J. W. Hughes, Wm. Windsor, D. E. Barrett, J. T. Whaley, S. W. Bellah, P. H. Lanus, A. E. Dodson, J. C. Roberts, H. E. Eldridge, E. A. Blanton, A. Eddleman, R. B. Howett, W. S. Thomas, P. M. Tucker, J. C. Ford, John T. Walker, W. B. Johnson, C. L. Jones, J. M. Wright, W. L. Blanton, N. C. Snider, W. A. Ledbetter, M. M. Hawkins, R. Sarlls.

Dallas county—John Booknault, J. E. Wolf, Z. T. White, C. B. Wellborn, Joseph W. Moore, H. L. Obenehain, Henry Lathrop, R. M. Cooke, Chas. F. Tucker, Jas. B. Simpson, Paul Furst, Harry P. Lawther, Mercer L. Robertson, Wendel Spence, Frank Field, J. G. Stevens, Dallas; L. H. McBride, East Dallas; T. J. A. Brown, Edward Gray, Thos. K. Ferguson, S. P. Morris, C. W. Helm, D. A. Williams, C. G. Payne, J. B. Kunz, C. F. Bolanz, G. M. Israel, I. J. Adair, George B. Plowman, Lafayette Fitzhugh, F. M. Crutcher, J.

J. R. Blewett, R. E. Burke, M. M. Alexander, J. E. Aikin, C. W. Gano, S. S. Long, J. S. Alderhoff, Dallas; W. T. McCahey, Carrollton; R. A. Roberts, Cedar Hill; A. B. Lanier, Haught's Store; J. S. Strother, Duck Creek; S. A. Grantham, Geo. Robertson, Grand Prairie; T. J. Swim, T. J. McLain, Pleasant Valley; C. H. Patrick, Prairie Valley; R. E. Bumpass, East Dallas; J. M. Knox, Housely; R. N. Daniel, Duncanville; J. L. Floyd, Richardson; Jas. H. Skiles, Jno. Bookhaut, Dallas; J. L. Fly, Seagoville; Wm. C. Young, East Dallas; W. T. Strange, Peter Aunspaugh, Edward Tennison, Jno. A. Harington, Dallas; R. L. Guy, Lancaster; Chas. Woodson, Seagoville; A. B. Rawlins, Hutchins; A. H. Benmers, Dallas; Henry Ball, R. M. Cook, Oak Lawn; F. D. Crosby, M. W. Edwards, Jno. W. Lane, Dallas; J. Pink Thomas, East Dallas; T. L. Ferguson, Sevene; G. W. Neely, Juntown; W. S. Adair, Dallas; J. H. Cox, Rylie.

Duval county—John Hender-oa, Concepcion; E. S. Atkinson, Louis P. Bryant, James O. Luby, San Diego; E. A. Glover, Benavidas.

Denton county—E. S. Smith, John Bain, J. R. McCormick, Denton.

DeWitt county—Ernest Bruunlen, Cuero; J. W. Schwab, Hobheim; O. L. Threlkeld, C. G. Hartman, Moritz Reidel, T. J. Brownson, T. C. Eberhart, Gustave Schleicher, T. M. Dodd, Otto Starker.

Delta county—B. B. Taylor, Mount Joy; R. B. Redfern, Ben Franklin, Johnathau Bills, Cooper; J. B. Simpson, Charleston; James M. Brown, Ben Franklin.

Dimmitt county—F. Vandervoort, A. W. Hazelrig, Carizzo Springs.

Encinal county—Wm. R. Jones, Encinal.

Erath county—L. E. Gillette, Dublin.

Eastland county—W. H. Walker, C. U. Connellee, L. E. Brannin, J. E. Luse, Geo. W. Dakin, Cisco; Frank Kynette, R. R. Wells, B. R. Robinson, W. M. Freeman, Eastland.

Ellis county—T. L. McCarty, Eunis; F. P. Powell, Waxahachie.

Falls county—J. T. Somerville, Marlin.

El Paso county—C. R. Morehead, Wm. H. Austin, Wyndham Kemp, A. G. Foster, C. Q. Stanton, Frank E. Hunter, J. B. Catrian, T. H. Conklin, J. W. Zallars, Zeno B. Clardy, W. N. McChandler, El Paso; Wm. Hamilton, Martin Kelly, San Elizario; A. E. Boulet, G. W. Wahl, Manuel E. Flores, G. F. Neil, Yleta; F. B. Wightman, Camp Rice; W. E. Kneeland, El Paso; G. N. Garcia, sr., San Elizario; W. B. McLachlin, Millard Patterson, El Paso.

Fannin county—John A. Barnard, Bonham; Young Berger, Honey Grove, G. W. Wells, Honey Grove; James Gooch, Gober; J. P. Holmes, John E. Pope, Joseph C. Evans, W. H. Cobb, Thomas P. Baker, James W. Groves, George Squires, W. C. Wilbire, G. G. Lindsay, F. J. Abernathy, P. C. Thurmond, J. E. Dupree, Samuel J. Galtbraith, W. J. Jones, Newton Rogers, Eli Wilson, M. Keithley, E. L. Agnew, S. L. Erwin, W. A. Bramlette, J. R. Young; Q. J. Moore, Trenton; W. F. Felty, Hickory Creek; Lindsay Thomas, Gober; B. S. Johnson, Ladonia.

Frio county—John B. McMahon, Moore Station; C. W. Grubbell, Dau T. Price, R. W. Hudson, John T. Bevens, Pearsall.

Fort Bend county—J. C. Williams, T. E. Mitchell, West John, Richmond; W. C. Sims, Pittsville; J. A. Gibson, Foster; W. L. Dunlap, Stafford's Point; Durke Susee (Duke), Arcola.

Freestone county—W. R. Anderson, Bonner; J. T. Storey, Cotton Gin; W. L. Edwards, jr., Butler; C. E. Grayson, Luna; J. T. Steward, Steward's Mill; J. B. A. Falk, Avaut; T. S. Thomas, Brewer.

Gonzales county—A. G. Brooke, Waelder; W. V. Collins, W. J. Bright, T. B. Littell, Enoch Steen, Gonzales.

Fayette county—N. L. McKinnon, Schulenberg; A. D. Paulus, High Hill; Chas. Luck, Black Jack Springs; A. Windmeyer, Aumonville; G. G. Moore, I. T. Lane, Flatonio; H. Zavisch, Cistern; E. C. Phelps, J. C. Stiehl, La Grange; E. Henkel, F. A. Schlick, Round Top; G. W. Radford, Ledbetter; C. W. Moore, West Point; C. J. von Rosenberg, Ellinger; A. C. Lenert, Warrenton; A. E. Falke, Warda; A. Nerestra, New Pargue; Thomas Ivy, Flatonia; W. S. Chunn, Cistern; A. Giles, Winchester.

Galveston county—J. P. Kindred, W. N. Cooke, John Hanna, Gerhard Fredrik Salicath, E. F. Salicett, Jno. M. Claiborne, B. R. A. Scott, John Adreanca, R. T. Byrne, D. M. Baker, I. Lovenberg, Thos. L. Cross, Samuel Bowyer Davis, John Friery, C. B. Gardiner, S. S. Hanscom, J. W. Jockusch, Wm. R. Johnson, C. M. Mason, James Sorley, W. B. Wallis, Hugo Brosig, N. B. Bandy, H. P. Angell, James Spillam, J. Whar-

ton Terry, Forster Rose, Wm. B. Lockhart, F. Ward, E. D. Cavin.

Grayson county—S. W. Porter, R. P. Jones, E. C. McLean, J. T. Cunningham, Nat. Gunter, H. M. Patty, M. Luper, Sherman; A. H. Coffin, H. Tone, S. S. Fears, A. B. Person, L. L. Maughs, Denison; H. B. Lindsey, Whiteright; J. W. Pattie, Vanalstyne; B. F. Barrett, Pilot Grove; W. P. Dugan, Bells; G. W. Diamond, J. K. Jamison, Whitesboro; W. M. Williams, Tioga; H. B. Wright, Sherman; J. T. Munson, A. B. White, S. A. Gilbert, Ed. Zintgraff, W. F. Stromberger, N. H. L. Decker, J. E. Matthews, J. C. Maples, H. H. Hays, A. R. Collins, W. H. Robert, jr., J. K. Daughters, W. M. Peck, Silas Hare, jr., C. H. Smith, E. E. Miller, S. B. Sivals, W. J. Brooks, John E. Parker, E. O. Thomas, C. M. Cook.

Grimes county—John H. Wilson, Navasota; Lock McDaniel, Frank Brigrance, W. L. Campbell, Anderson; W. W. Dodds, Iola; L. J. A. Hall, Bedi; Walter Leigh, Prairie Plains; Ira S. Camp, Pankey; T. D. Cobbs, Jas. M. Shaw, Navasota, A. C. Callaway, Courtney; Lewis G. Blackburn, White Hall; Edwards Parks, F. L. Wasson, Plantersville; C. C. Neely, Iola; R. H. Garvin, Roans' Prairie; Jas. H. Freeman, Navasota; Alex. T. Brigrance, J. G. McDonald, jr., Anderson; J. A. L. Kelton, Keith.

Guadalupe county—J. C. Wilson, Seguin; R. McNutt, Kingsberry; W. Vandenbaumer, Cibolo; R. Hellmann, sr., New Berlin; E. H. Howell, A. M. Erskin, Seguin.

Goliad county—F. W. Miller; J. A. Burke, J. M. Burke, Goliad.

Gillespie county—J. T. Estell, Fredericksburg; John W. Speer, J. O. Roundtree, Blanco; Julius Schuchard, C. C. Callan, Fredericksburg.

Haskell county—Arthur C. Foster, Haskell.

Hardin county—S. B. Turner, Hardin; J. P. Work, Kountze; John Davis, Concord; T. J. Hooks, R. N. B. Tompkins, Village Mills.

Hamilton county—W. E. Cox, Hico; T. H. Snider, J. A. Edison, W. J. Carroll, W. T. Walton, R. F. McKeoge, M. S. Brunk, N. C. Howard.

Harris county—E. B. Schneider; J. E. McAshan, H. M. Cur-tain, Jas. A. Breeding, Charles Culmore, Henry F. Gillette, Garrett Hardecastle, Alfred Wisbey, John Kennedy, Henry H. Falk, T. W. Archer, W. S. Oldham, Houston; J. T. Ferguson; W. N. Shaw, Houston; W. E. Hertferd, A. P. Tompkins, A. L. Steele, J. J. Gillespie, R. A. Girard, J. C. Sellers, Peter Christian, F. M. Poland, J. C. Kidd, J. B. Cochran, S. Talliaferro, J. C. Landers, Paul Georgie, G. M. Beauchamp, Wm. Schultz, John Cameron, M. Kiricks.

Harrison county—H. C. Gray, Scotsville; C. D. Kretz, Chas. F. Chevalier, John B. Carter, B. W. Long, M. Hagger, Marshall; Geo. E. Toullerton, R. P. Littlejohn, H. M. Matthis, L. W. Loyd.

Hays county.—P. M. Riley, Dupree; B. G. Neighbors, Kyle; Judge S. Fisher, I. H. Julian, C. L. McCay, San Marcos; W. M. Wyatt, Wimberly Mill; J. R. Wuthrich, Manchaca; W. F. Barbee, Kyie.

Hood county.—J. A. Clark, Thorp Springs.

Hidalgo county.—Max Stein, W. M. P. Daugherty, Jas. B. McAllen, Jesse Dennett, Henry F. Hord, S. M. Walsh, Hidalgo.

Hill county—C. T. Booth, Hillsboro; T. C. Morgan, A. M. Craig, Hubbard City; B. J. McLellan, Mount Calm; J. J. Scrivner, Osceola; J. N. Johnson, Clifford Moorman, J. C. Killough, J. H. Harrison, O. Holland, J. G. Abney, A. P. McKinnon, G. I. Jordan, Hillsboro; G. D. Tareleton; G. A. Sawyers, Woodbury; T. B. Love, Peoria; S. A. Reeves, Hillsboro; Sterling McMillan, Massey.

Houston county—E. F. Duran, J. E. Downs, Crockett; R. M. Garrett, Grapeland; R. H. Hutchius, Weldon; John Murchison, Porter's Spring; Z. B. John, Caltharp; John Kennedy, Augusta; R. T. Payne, Lovelady; E. Winfrey, Crockett.

Howard county—T. G. Andrews, G. W. Walhall.

Jack county—Geo. Spiller, J. M. Hughes, T. D. Sporer, F. R. Aston, E. W. Nicholson, W. L. Garvin, J. W. Stark, Jacksboro; J. P. Kirk, Post Oak.

Jackson county—L. M. Lowe, H. L. White, Geo. A. Staples, J. W. Allen, J. D. Owen, W. Moore, Edna.

Jasper county—Lipscomb Norvill, Henry C. Howell, T. W. Ford, K. B. Seale, Jasper; T. H. Owens, Bevelport; J. H. Saunders, Weiss Bluff.

Jones county—J. M. Polk, J. K. Little, Ed F. Nicolds.

Johnson county—S. F. Ray, Cleburne; J. H. Owens, Pleasant Point; S. B. Killough, I. A. Patton, J. M. Campbell, W. H. Skelton, Alvarado, W. M. Scurlock, B. W. Bryan, John R. Ransom, J. M. Odell, W. L. Williams, J. J. Ramsey, Cleburne; J. E. Hollingsworth, Grand View; R. T. Miller, Egan; W. F.

Beard, J. H. House, Cleburne; J. W. Wade, Grand View; Andrew King, W. E. Knox, Alvarado; Jo. Hall, Cleburne; Andrew King, Alvarado.

Jefferson county—A. S. John, W. M. Campbell, R. H. Leonard, George W. O'Brien, Mark Weiss, T. J. Russell, J. F. Lanier, J. W. Dorman, Beaumont; T. C. McReynolds, Jos. Broussard, T. W. Paine, Sabine Pass.

Kimble county—W. A. Williams, Junction City.

Kerr county—W. G. Garrett, W. D. Downs, R. H. Burney, jr., Ed. Smith, Kerrville.

Kendall county—Fried Hofheinz, Guadalupe; Theo. Weidenfield, Comfort.

Karnes county—S. N. Hedges, Pana Maria.

Kaufman county—F. M. Keach, Terrell; W. L. Upton, Scurry; W. P. Williams, Terrell; W. H. Barnes, Kaufman; J. L. Terrell, Terrell; Nestor Morrow, H. W. Keyser, R. A. Hindman, John L. Davis, L. Murphy, J. D. Cunningham, Kaufman; Alfred M. Scott, W. M. Lindsay, H. K. Hart, C. A. G. Payne, W. M. Par-due, Geo. W. Evatt, Elmo; T. H. Dailey, J. R. Dougherty, Chas. Campbell, William Brooks, Forney; G. A. Buckhanan, Peeds Mill; John Deen, Peeds Mill; Michael Ware, Tolosa; Henry Hubert, Kemp; Gallagher Chelcoat, Egypt; B. F. Morris, Egypt; Edmonia Dawson, Poetry; W. H. Allen, C. A. Gailbreth, Benjamin Gill, T. F. Stanfield, S. F. Leake, Frank Harrold, Alex. Lacy, Terrell; R. S. Rich, Kaufman; M. W. Raley, Terrell.

Kinney county—C. C. Clamp, Brackett; Robt. Wulfling, W. K. Jones, A. T. Dignowity, W. B. Eastman, Fred Quickenstedt; Solon Stewart, Joseph Jones, Brackett; Archibald Bogle, Del Rio.

Lee county—W. M. Burns, Lexington; F. S. Wade, Blue Branch; R. H. Flanniken, Tanglewood; E. C. Harrel, H. Goldstein, J. L. Rousseau, Giddings; A. F. Rainwater, Ledbetter, Washington county; Otto J. E. Urban, Fedor.

LaSalle county—Thos. Prandy, F. E. Thompson, M. H. Williams, Cotulla; Geo. H. Knaggs, Twohig; G. H. Hodges, Encinal; P. D. Hickey, W. L. Rudy, Cotulla; N. R. Miller, Waugh's Ranche; Geo. Houston Pfeuffer, Cotulla.

Lamar county—Charles S. Neothery, D. K. Fashee, jr., B. J. Baldwin, jr., John B. Stephens, R. L. Wilkins, G. C. Ratliffe, F. T. Hudson, Paris; George B. Whipple; Benjamin F. Fuller, Paris; W. L. Burdette, J. R. G. Lang, Wood M. Jones, Ed Collins, R. P. Mayo, B. H. Denton, Ed Skidmore, T. C. Hancock, G. J. Terrell; L. A. Cunningham, Paris; P. W. Harrison, Geo. A. Crutchfield; R. W. Draper, Chicota; S. C. Bryson, Bairdstown; R. J. Patton, Pallouville; W. G. Tyler, Timmins; J. L. Bray, Blossom Prairie; Louis Clark, Dowling; Burney Bywaters, Roxton; Wm. Huddle, Hopewell; John W. Jones, Parkers; C. F. Parks, J. F. McNemer, S. C. Conner, Paris.

Limestone county—Wm. Kahler, A. J. Burleson, Jno. B. Prendergast, James Armour, S. G. McLendon, N. L. Waller, R. W. Priest, T. J. Gibson, J. A. Wright, C. B. Sheard, Wm. Kennedy, A. Barry, Henry L. Hall, G. A. Oglevie, J. P. Brown, Jas. R. Johnston, A. A. Jayne, I. N. Roark, J. H. Park, W. E. Doyle, W. D. Donaldson, J. B. Reilly, G. W. Read.

Lampasas county—Lewis Wood, R. P. Lyon, E. M. Lang-cope, J. A. Abney, James Deering, W. H. Cain, J. C. Russell, Chas. L. Lauderdale, W. B. Abney, Alex. McFarland, Henry Exall, A. G. Walker, Mathew Roach, William Oliver, J. M. Reagan, E. G. Pendl-ton, Geo. L. Franklin, M. L. Woods, M. J. Carpenter, Lampasas.

Llano county—W. L. Carlton, W. L. Armstrong, R. F. Round-tree, Wm. Kyle, J. W. Davis, S. H. Oatman, H. J. Reynolds, John McLeod, Knight Steth, James Flack, E. H. Wilkes, M. B. Clenderman.

Leon county—B. D. Dashiell, W. R. Ellis, Jewett; Horatio Durst, Tom G. Nixon, Leona; S. G. Ward, Marquez; F. B. Looney, Oakwoods; H. P. Morrow, J. F. Leathers; F. M. Amos, Marquez; Wm. H. Simms, Centerville; Norman G. Kittrell, Jewett; Thomas L. Bryan, Hardin's Store.

Liberty county—George Ricks, J. G. Minter, Sam R. Perryman, Liberty; L. C. Chambers; Alfred Isaacs, J. D. Lum, Tarkington's Prairie; J. W. Davis, Dayton; T. B. Smith, Iron-ton; Frank Abshier, H. H. Dever, Liberty; Gustave Lacour, Moss Bluff.

McCulloch county—M. Clements, Walter Anderson, J. T. Williams, J. L. Tarver, Charles E. Williams.

Montague county—Jos. W. Kerr, C. J. Hale, J. M. Tindall, Bowie; Wm. Robertson, Dye; J. H. Bogness, St. Jo; E. W. Giles, Duxbury; C. C. Johnson, E. L. Janot, Bowie; R. D. Rugeley, Montague; M. W. Ross, St. Jo; J. T. Bellows, Sun Set; M. J. Davis, Montague; L. R. Willets, Bowie; E. S. Cass, Illinois Bend; E. L. Herboth, W. A. Morris, W. S. Jamison,

Montague; John S. Love, Red River Station; L. C. McNutt, Burlington; L. B. Roberson, Hardy; J. W. Kerr, B. E. Green, Bowie.

Maverick county—T. V. Blesse, Eagle Pass.

Mason county—Franz Bernhard, Mason; Calvin Thaxton, August Keller, J. E. Autrey, A. D. McCullum, R. McMillan, Chas. Bierschwall, J. O. Meusebach, S. L. Fleming.

Matagorda county—William C. Braman, Matagorda; P. M. Bowie, Caney; John L. Croom, jr., Matagorda; Francis Jones, Pledger; John Matthews, Caney; William Moore, Deming's Bridge.

Mitchell county—J. W. Warren, Colorado; C. W. Merrill, Miley Hazzard, Robert A. Jeffress, C. W. Croft, J. S. Simmons, Ivey H. Burney, H. R. Solomon, James L. Shepherd.

McLennan county—Jas. P. Anderson, Orlando Wheat, M. C. H. Park, Eugene Williams, Jno. T. Walton, Wm. L. Prather, T. A. Blair, John F. Flint, Waco.

Medina county—Chas. Scheidemantel, Castroville; W. A. Taylor, Devine; Leslie Thompson, G. M. Brown.

Menard county—A. G. Nason, Menardville; Sam Wallick.

Marion county—D. B. Hale, Lasater.

Montgomery county—W. H. Harlan, Willis; B. H. Powell, J. E. McComb, Montgomery; O. W. Arnold, Hockley; John N. Scott, Longstreet.

Madison county—J. T. Randolph, Madisonville; S. T. Daniels, A. J. Searey, Willow Hole Prairie.

Nueces county—Stanley Welch, T. P. Rivere, Peyton Smyth, W. J. Robertson, Cornelius Cahill, G. R. Scott, E. A. McCampbell, Jno. Hall, Delmas Givens, Royall Givens, J. H. C. White, Corpus Christi.

Navarro county—Sam R. Frost, S. D. Curtis, J. L. Burgess, Corsicana; D. B. Smith, Cross Roads; Robt. E. L. Barry, T. A. Harris, W. J. McKie, Corsicana; D. B. Hartzell; R. B. Malloy, Corsicana; R. A. Greer, Jas. L. Autry; L. B. Haynie, Rio.

Nolan county—R. A. Ragland; W. H. Cowan, Sweetwater; J. B. Scarborough.

Newton county—E. A. Cheatham, John T. Sutton, Thomas H. Good, John S. Keaghey, Burkville; C. H. Nemit, L. B. Clark, Newton; James R. Lee, Livonia.

Nacogdoches county—W. S. Patton, Tom K. Jennings, Geo. H. Matthews, Anthony B. Patton, John N. Gilbert, Wm. Martin, Nacogdoches; J. H. Miller, Wonders; J. H. Garrison, Nacogdoches; J. V. Birdwell, Martin City; O. P. Fears, Wonders; R. A. Wooten, E. J. Spinks, "Cherview;" D. C. Most, Melrose; J. H. Thomas, Douglass.

Orange county—J. T. Hart, W. W. D. Wingate, George W. Mitchell, John Starks, J. Swinford, R. H. Smith, Orange.

Presidio county—C. F. Trafton, Haymond; C. S. Hughes; A. E. Shepard, Marathon; Jno. D. Davis; Wm. Russell, Presidio del Norte; Robt. G. Hudson; John B. Shields, Ferris W. Colby, Howard M. Patterson, James Stuart, Fort Davis; J. M. Gaddis, Murphyville; S. W. Catlier, Marfa; R. R. Stringfellow, Chenatie Mines; W. W. Bogel, Alamito; E. M. Herferford, Haymond.

Paola county—Thos. H. Hull, N. C. Williams, Carthage; J. J. Langley, Beckville; T. G. Allison, Fair Play; J. W. Cariker, T. A. Lawrence, Clayton; B. D. Holland, Centennial; W. H. Brettle, Bethany; J. B. Mells, Deadwood; T. A. Cadenhead, De Barry; M. W. Donaldson, J. A. Leslie, J. L. Harris.

Palo Pinto county—H. M. Berry, Palo Pinto; W. W. Reid, Christian; J. I. Cunningham, Palo Pinto.

Parker county—Marion Roderick, A. Y. Hutchinson, R. J. McKenzie, E. P. Nickleson, J. M. Richards, Weatherford; J. C. Thompson, Whitt; George A. McCall, J. P. McKinney, J. B. Price, Henry P. Du Beller, Weatherford; T. F. Overmeyer, Alledo; J. W. McCracken, Springtown; W. D. Fielding, Aneta; R. C. McConnell, Weatherford; J. A. Graves, Springtown.

Polk county—R. E. Correy, Livingston.

Pecos county—O. W. Williams, Charles Wilson; R. G. Hudson, Langtry.

Rockwall county—W. B. Wade, D. F. Goss, Rockwall; J. R. Terrell, G. H. White, Tate; J. O. Heath, Rockwall; R. J. Lowery, Blackland; Chas. Jordan, McLendon; A. R. Hartman, Rockwall; J. K. P. Kyser, Willow Springs; H. D. Howell, McLendon; Benman King, Blackland; W. B. Dowd, Willow Springs; J. A. Peck, Rockwall; Thomas Crayton, Blackland.

Reeves county—P. J. Norwood, Thomas R. Hill.

Rains county—John McMahon, Lone Oak, Hunt county; Horace W. Martin, Thomas M. Allred, Walter Calvert, Emory, Rains county.

Runnels county—H. C. Jordan, C. H. Ernest, H. A. Thompson, H. H. Luckett, H. D. Pearce, J. C. Switt.

Robertson county—Geo. Burke, J. A. Foster, G. R. Dunn,

Calvert; T. J. Simmons, A. J. Thomas, C. Carter, W. T. Grant, Franklin; W. P. Brown, W. A. Rumpel, W. H. Wilson, Bremond; F. H. Bailey, W. P. Ferguson, J. C. Farley, Hearne; Knox A. McCounel, Wheelock; W. D. Henson, Mnuiford; J. G. Meyer, New Baden.

Rusk county—D. M. Deason, Pine Hill; W. P. Deverux, Glenfawn; G. H. Gould, John H. Young, J. G. Garrison, J. T. Maddox, J. S. McAnulty, G. R. Lacy, Henderson; T. H. Still, T. A. Whitstone, J. K. Martin, Overton; J. L. Findlay, Harmony Hill; J. P. Ross, Mt. Enterprise; Dallas Foreman, New Salem; L. D. Stephens, Stephens; H. Carter, Caledonia.

Red River county—J. J. Perdue, P. W. McCain, Fulbright; F. M. Smith, Rosalie; E. A. Mandlin, Garvensville; J. Joplin, Bennetts; Wm. Somerville, Bagwell; H. B. Holloway, Woodland; J. C. Perot, Manchester; J. H. Johnston, Kiomatia; D. A. Baker, N. B. Doak, John A. Mosely, Annona; J. B. Pope, D. A. Chambers, C. A. Taylor, C. A. Worley, Clarksville; C. A. Denison, Harris Ferry; W. W. Lawson, Annona; J. E. Horner, Bogota; D. B. Moore, Woodland; Jo. H. Britton, Clarksville.

Refugio county—Lyman B. Russell, Refugio.

Stephens county—John W. Veale, W. P. Sebastian, John D. Rhea, Wayland; Wm. Veale, J. T. Crawford, Crystal Falls; C. Veale, Breckenridge.

Starr county—Jas. I. Nix, Dan W. Nicholson, Rio Grande City; Camillio Saens, Roma; Rafael Aldrete, La Guilla; Gullerino Muguerza, Roma.

Scurry county—R. T. Powell, Snyder.

San Saba county—Chas. Wilson, Milburn; Sidon Harris, J. Frazier Brown, San Saba.

San Augustine county—W. H. Crouch, W. W. Hungerford, Chas. Flourney, San Augustine.

San Patricio county—T. H. O'Callaghan, San Patricio; L. D. Camp.

San Jacinto county—C. M. Woods, Shepard.

Shackelford county—S. Webb, Albany; A. A. Clarke, C. H. Philbuck, C. K. Stribling, George Wilhelm, George T. Reynolds, Peter Hart, L. W. Campbell, T. M. Dilworth, L. H. Hill, D. C. Campbell, J. L. Fisher, S. O. Larche.

Sabine county—James P. Payne, Sexton; E. N. Beall, Geneva.

Smith county—J. G. Jones, Troupe; Jeff. D. Burns, Tyler.

Shelby county—J. M. Hairgrove, Buena Vista; Tom C. Davis, Center; Dan Brittain, Sam A. Owens, John H. Truitt, A. M. Neathery, Wm. H. Stanley, M. H. Cooper, E. M. Hughes, J. M. Bell, J. T. Mosley, P. H. McLaughlan, J. M. Truitt.

Trinity county—C. B. Wood, E. B. Bond, W. G. Sterling, Pennington; T. D. Standford, J. P. Stevenson, Groveton; D. H. Hamilton, Centralia; W. M. Freeman, Pennington; W. F. Lister, J. C. Leggett, Trinity; J. G. W. Pierson, Groveton.

Titus county—Willie Ligon, J. F. Wilkinson, B. F. Wood, Mt. Pleasant; W. A. Keith, Cookville; W. R. Edwards, Mt. Pleasant.

Tyler county—Jerry Grimes, Grimes' Bluff; W. M. Rice, Geo. Woolly, Hyatt; Robt. M. Shivers, Town Bluff; B. B. Barlow, R. A. Stewart, Billum's Creek; Patrick Haynes, Edward Simmons, Leamon's Prairie; John H. Kirby, Thos. D. Scott, G. C. Stovall, Woodville.

Tom Green county—Louis M. Minnis, San Angelo; John M. Moody, Midland; W. S. Cunningham, San Angelo; J. I. Westfall; L. H. Hopkins, San Angelo; J. W. Echols, Norman C. Lull, A. B. Sherwood, A. McGregor, Chas. A. Dailey, J. B. Williamson, Milton Mays, J. H. Meard, Jos. Spence, jr., R. W. Landrum, Cassius Carter, F. B. Gray.

Travis county—A. H. Delhard, Manchaca; Danl. Gettins, Jno. K. Donnan, Osceola Archer, M. S. Dunn, H. B. Barnhart, R. C. Shelley, H. E. Shelley, D. B. Gracy, Austin; A. H. Dechard, Manchaca; E. E. Rose, Cedar Valley; Jno. W. Cloud, Del Valle; Flavius Everett, N. S. Walton, Edw. W. Shands, A. J. Peeler, jr., Irving Eggleston, A. B. Langermann, W. D. Williams, P. DeCordova, Thos. H. Wheelless, S. G. Sneed, Dennis Corwin, A. H. Graham, Austin; H. L. Hensel, Travis Peak; A. Stanford, Anderson Mills; A. F. Boyce, Gregg; J. C. Bowman, Hornsby's Bend; A. E. Duty, Duty's Store; Wm. Whitehead, Creedmore; Wm. T. Hart, Bluff Springs; J. M. Thornton, J. W. Hewlett, T. A. Thomas, T. F. Taylor, R. C. Walker, Jno. R. Lawrence, W. C. Denny, Will Lambert, J. S. Myrick, Fritz Tegener, Wm. Von Rosenberg, Jno. S. McClintock, J. D. Sheeks, C. A. Newning, Austin; J. W. Bitting, Manor.

Tarrant county—O. M. Kern, Thos. Slack, Fort Worth; J. T. Morehead, Grapevine; R. F. Moore, Keller; B. F. Latimer, White Settlement District; A. S. Hayter, Mansfield; E. B. Rankin, Arlington; A. E. Valentine, Bedford; W. H. H. Moore, Dido; J. S. Morris, Oak Grove; G. W. Joplin, Johnson Station; C. M. Crane, T. P. Martin, Geo. Mulkey, Z. Cetti, C. C. Cum

ings. G. W. Alexander, J. L. Hill, J. F. Saunders, Robert Johnson, John O. Ford, J. W. Johnson, C. W. Lamborn, Fort Worth.

Taylor county—M. C. Lambeth, Abilene; T. M. Kelsey, R. H. Parker, K. K. Legett, C. W. Holt, H. A. Tillett, E. E. Hartsock, John Bowyer, T. J. Finnie, George W. Jalonick, P. G. Peters.

Uvalde county—John H. Clark, R. E. Jones, Uvalde; George A. Barker, Waresville; L. M. Peters, Uvalde.

Victoria county—Charles LeSage, N. A. Thomson, Victoria; William Schmidt, J. E. Carpenter, Frank Pridham, A. B. Peticolas, J. S. Munn; M. M. Goodwin, Mission Valley.

Walker county—G. A. Wynne, Huntsville; S. T. Burns, Dodge.

Waller county—J. D. Montgomery, Morris Fisher, A. J. Harvey, J. M. Pinkney, S. S. Reese, D. N. Harris, Hempstead; M. L. Moore, Field's Store; Wm. Tompkins, Gladish Store; W. P. Downman, Pattison; W. F. Andress, Hempstead; N. B. Farr; A. C. Tompkins, Hempstead.

Washington county—Hugh L. McLung; R. King, Burton; T. J. Newman, Wm. Penn P. O.; J. C. Broesche, Burton; Geo. B. Roberson, Thomas B. Botts, A. Jeffries, E. B. Randle, Brenham; J. M. Calloway, Jud. W. H. Vinson.

Williamson county—J. B. Wright; L. M. Mays, Round Rock; Sidney Seymour, Georgetown.

Webb county—J. L. Bartlett, C. A. McLane, J. O. Nicholson, S. M. Jarvis, John H. Calais, A. Winslow, C. C. Pierce, Miles T. Cogley, Thomas W. Dodd, S. S. Foster, E. A. Atlee, Laredo; T. J. Lee, Cactus.

Wise county—A. L. Boyd, Bridgport; J. P. Graham, Ben F. Allen, Decatur; L. L. Ward, Aurora; J. O. Alexander, Crafton; L. J. Randall, L. W. Tyler, Aurora; T. A. Fuller, Decatur; B. F. Banks, Cottdale; J. W. Greenfield, Willow Point; J. W. Tyler, Boonville; W. D. Gose, C. C. Wells, Decatur; J. M. Brown, Bridgeport; T. J. McMurray, Charles Verne, Decatur; T. Merriman, Chico; L. J. McGee, Decatur; W. J. L. Wellborn, Cottdale; D. A. Holman, Decatur; R. A. Dorsey, Pella; Wm. Netherland, Crafton; J. T. Brown, Chico; S. T. Rhodes, Paradise; A. Devereux, J. W. Patterson, John H. Cobb, J. W. Hale, Sam Hodges, John A. Gordon, J. W. Trenchard, Decatur; J. W. Cleveland, Rhome; James A. Hodges, Audubon.

Wilson county—A. McClung, S. P. Wiseman, La Vernia; J. B. Polley, J. W. Dickey, A. G. Pickett, Floresville.

Wharton county—Henry J. Schley, sr., Wharton.

Wichita county—T. C. Thomson, Sebastian Armstrong, Wichita Falls.

Young county—W. C. Blakey, Farmer; S. N. McConnell, Murray.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body of the passage by the House of the following bill:

House bill No. 241, "An act to amend section 40 of an act entitled an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, of title 78 of the Revised Civil Statutes of Texas as refer to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act" passed February 4, 1884."

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

(The President in the chair.)

House bill No. 241 was referred to Committee on Education.

Senator Woods offered to amend the amendment of Senator Getzendaner to Senate bill No. 64 as follows:

Strike out, in first line, the word "sell," and in second line also strike out "selling and," and insert, after the word "prescribed," in second line, the words "by law."

Accepted.

Senator Jones moved the previous question on the amendment and the bill.

Seconded and main question ordered.

The amendment was adopted by the following vote:

YEAS—16.

Bell,	Houston of Wheeler,	Peacock,
Fowler,	Jones,	Pope,
Getzendaner,	Kilgore,	Terrell,
Glasscock,	Kleberg,	Traylor,
Harrison,	Knittel,	Woods.
Houston of Bexar,		

NAYS—10.

Camp,	Jerdone,	Randolph,
Davis,	Perry,	Shannon,
Garrison,	Pfeuffer,	Stinson,
Hall,		

The bill was ordered engrossed by the following vote:

YEAS—15.

Bell,	Houston of Bexar,	Peacock,
Fowler,	Jones,	Pope,
Getzendaner,	Kilgore,	Terrell,
Glasscock,	Kleberg,	Traylor,
Harrison,	Knittel,	Woods.

NAYS—10.

Camp,	Jerdone,	Randolph,
Davis,	Perry,	Shannon,
Garrison,	Pfeuffer,	Stinson.
Hall,		

ABSENT, NOT VOTING.

Houston of Wheeler.

Senate bill No. 25, "An act to abolish the office of Fish Commissioner, and dispose of all fish ponds and other property connected with or belonging to the fish department," was laid before the Senate with House amendment.

On motion of Senator Terrell,

The Senate refused to concur in the House amendment by the following vote:

YEAS—14.

Bell,	Hall,	Randolph,
Camp,	Harrison,	Shannon,
Davis,	Houston of Wheeler,	Terrell,
Garrison,	Jerdone,	Woods.
Getzendaner,	Peacock,	

NAYS—12.

Fowler,	Kilgore,	Pfeuffer,
Glasscock,	Kleberg,	Pope,
Houston of Bexar,	Knittel,	Stinson,
Jones,	Perry,	Traylor.

Senator Stinson moved to adjourn till 10 o'clock to-morrow morning.

Senator Jones moved to adjourn till 3 o'clock this evening.

The motion of Senator Stinson was adopted, and The Senate adjourned till 10 o'clock to-morrow.

FORTY-FIFTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 6, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Houston of Wheeler,

The reading of the journal of yesterday was dispensed with.

REPORTS OF STANDING COMMITTEES.

By Senator Kilgore:

COMMITTEE ROOM,
AUSTIN, March 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 7, entitled "An act proposing an amendment of section 20, article 16 of the Constitution of the State of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it lay on the table, to be considered in connection with the House resolution on the same subject.

All of which is respectfully submitted.

KILGORE, Chairman.

Read first time.

COMMITTEE ROOM,
AUSTIN, March 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 8, to repeal section 16 of the Constitution of the State of Texas, have had the same under consideration and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

KILGORE, Chairman.

Read first time.

By Senator Woods:

COMMITTEE ROOM,
AUSTIN, March 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Printing, to whom was referred Senate bill No. 257, entitled "An act to be entitled an act to amend article 3994 of title 80 of the Revised Civil Statutes, approved April 4, 1881," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

WOODS, acting Chairman.

Bill read first time.

By Senator Traylor:

COMMITTEE ROOM,
AUSTIN, March 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred substitute House bill No. 22, entitled "An act to levy an occupation tax on all dealers in pistols and bowie-knives, dirks, daggers, and other deadly weapons manufactured for the purpose of offense or defense, and capable of being concealed on or about the person," have had the same under consideration, and a majority of your committee instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

TRAYLOR, Chairman.

Bill read first time.

The following minority report was sent up and read:

COMMITTEE ROOM,
AUSTIN, March 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

The undersigned, representing the minority of Finance Committee, to whom was referred substitute House bill No. 22, the same being entitled "An act to levy an occupation tax on all dealers in pistols, bowie-knives," etc., respectfully dissent on a majority of the committee, and assign the following reasons:

1. The bill seems to have for its object the suppression of the carrying of concealed deadly weapons, and attempts to reach this object by levying an occupation tax of \$250 on retail dealers in such weapons, and an occupation tax of \$500 on wholesale dealers in same kind of weapons. We do not see how this burdensome tax upon merchants in this State will tend in any great degree to lessen the crime of bearing concealed weapons, for it is an easy matter for any person who desires to purchase a pistol, or other weapon, to send beyond the limits of the State and secure one per express, or by some other simple process.

2. If taxing a merchant who offers a weapon for sale will tend to suppress the unlawful bearing of arms, why not include in this category the individual who bears the same?

Why not compel him who bears the weapon to take out an occupation license, paying for same \$250, and if he wants to carry two pistols, or a pistol and bowie-knife, make him pay \$500 for the luxury.

We regard this bill as but a feeble effort to prohibit the carrying of deadly weapons, and would utterly fail to accomplish any good in this direction.

KLEBERG,
KNITTEL,
POPE.

For minority.

By Senator Davis:

COMMITTEE ROOM,
AUSTIN, March 6, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 262, entitled "An act to license and regulate gamblers and gaming, and to provide appropriate penalties for failing to comply with the terms and conditions thereof, and to punish persons for gaming, and to repeal articles Nos. 358, 359, 360, 361, 362, 363, 364, 365, 366 and 367, of chapter 3, of the Criminal Code, and to repeal all laws in conflict herewith," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass. It is the opinion of the committee that gambling should be suppressed instead of being legalized or licensed.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

On motion of Senator Jones,

House bill No. 249, "An act to repeal 'an act to authorize counties to issue bonds for bridge purposes, and to levy a tax to pay the same, also to validate bonds heretofore issued for bridge purposes,' passed at the called session of the Eighteenth Legislature," the first special order, was postponed and made the special order for Tuesday, after morning call.

On motion of Senator Stinson,

The special order was postponed and Senate bill No. 210, "An act to amend section 8 of 'an act establishing and prescribing the manner of ascertaining the boundaries of counties,'" was taken up, read third time and passed.

Senate bill No. 221, "An act to amend article 4257 of the Revised Civil Statutes of the State of Texas," was laid before the Senate as a special order and read second time, with majority (unfavorable) and minority (favorable) committee reports.

Senator Jones moved to adopt the minority report.

Senator Shannon moved as a substitute that the majority report be adopted.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 6, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body that the House has passed Senate bill No. 196. "An act for the relief of Z. C. Collier, Thomas Collier and Wm. Ramer."

A. D. SADLER, Chief Clerk.

On motion of Senator Davis,

Senator Pfeuffer was excused for the day, on account of sickness.

Senator Houston of Bexar moved to adjourn till 10 o'clock to-morrow morning.

Senator Glasscock moved to adjourn till 3 o'clock this evening.

The motion of Senator Houston of Bexar was adopted, and

Pending discussion on Senate bill No. 221,

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

FORTY-SIXTH DAY.

SENATE CHAMBER,
AUSTIN, March 7, 1885. }

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

REPORTS OF STANDING COMMITTEES.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, March 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 162, being "An act to amend article 4489, title 90 of the Revised Statutes," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 6, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 64, being "An act to provide for the management and control of the lands set aside for the benefit of the University of Texas," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 6, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 138, being "An act to amend chapter 3, title 53 of the Revised Statutes, by adding thereto article 2971a," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate joint resolution No. 10, delivering the property known as the Alamo to the city of San Antonio, and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 188, being "An act to amend section 13 of an act to redistrict the State into judicial districts, and fix the time for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills, have carefully examined and compared Senate bill No. 44, being "An act to provide for the investment of the permanent free school fund," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined

and compared Senate bill No. 244, being "An act to create the Hardeman land district," and find the same correctly engrossed.

BELL, Chairman.

By Senator Houston of Bexar:

COMMITTEE ROOM,
AUSTIN, March 5, 1885

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred the "Memorial of the New York, Texas and Mexican railway company, asking the privilege of bringing suit in the district court of Travis county against the State of Texas for the value of certain land certificates," etc., have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it lie on the table, for the reason that the Senate Committee on Internal Improvements has taken action upon the subject matter contained in the memorial.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, March 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 155, entitled "An act regulating the manner of taking testimony in civil cases," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the accompanying amendment, with the recommendation that it do pass as amended, and that 100 copies be printed for the use of the Senate.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE AMENDMENT TO HOUSE BILL NO. 155.

Amend by striking out engrossed rider.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 195, entitled "An act to amend article 1458 of the Revised Civil Statutes of the State of Texas," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 226, entitled "An act to amend article 2396, chapter 3, title 42 of the Revised Statutes," have carefully examined the same and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 259, entitled "An act to amend chapter 20, title 37 of the Revised Civil Statutes of the State of Texas, by adding thereto three additional articles to be known as articles 2041a, 2041b and 2041c," have carefully examined the same, and a majority of your committee instruct me to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 261, entitled "An act to amend article 2219 of the Revised Civil Statutes," have carefully examined the same, and a majority of your committee instruct me to report the same back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 118, entitled "An act to amend chapter 6 of title 29 of the Revised Civil Statutes of Texas, by adding thereto, after article 1241, another article to be called article 1241a," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with accompanying amendments, with recommendation that it do pass as amended, and that 100 copies be printed for the use of the Senate.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE AMENDMENTS.

1. Strike out the words "of debt," after the words "in any action," in section 1.
2. Strike out all after the words "suit brought," in section 1.

Bill read first time.

By Senator Randolph:

COMMITTEE ROOM,
AUSTIN, March 7, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 260, entitled "An act to amend articles 1006, 1007 and 1008 of an act entitled 'an act to amend articles 1006, 1007 and 1008 of the Revised Civil Statutes of the State of Texas, approved February 21, 1879, passed by the Eighteenth Legislature at its regular session, approved the ninth day of April, 1883.'" have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

BILLS AND RESOLUTIONS.

By Senator Houston of Wheeler:

"An act to authorize the redemption of lands sold under execution or orders of sale and powers of sale in mortgages or deeds of trust, and to prescribe the mode of proceeding therein."

Referred to Judiciary Committee No. 2.

By leave, Senator Houston of Wheeler sent up the following petitions:

Petition of the citizens of Randall county praying to be attached to Oldham for judicial purposes.

Referred to Committee on Judicial Districts.

Petition of the citizens of Collingsworth county, asking repeal of the lease law.

Referred to Committee on Public Lands.

The President gave notice of signing Senate bill No. 196, "An act for the relief of Z. C. Collier, Thos. Collier and Wm. Ramer."

The Senate resumed consideration of Senate bill No. 221—the Jones railroad bill.

(Senator Peacock in the chair.)

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 7, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body of the passage of House bill No. 324, "An act to compel railroads and other corporations to establish and maintain public offices in the State of Texas, and providing what books shall be kept there at and what said books shall contain, and requiring them to keep said books open for inspection, and to compel them to report to the Comptroller or Governor the true status of said corporations, and such other matters as may be required by said Governor or Comptroller, and providing appropriate penalties for a failure to comply herewith."

A. D. SADLER, Chief Clerk.

House bill No. 324 was referred to Committee on Internal Improvements.

Senator Houston of Bexar moved the previous question.

Seconded, and

Main question ordered.

The majority report, killing the bill, was adopted by the following vote:

YEAS—13.

Camp,	Kilgore,	Shannon,
Davis,	Perry,	Stinson,
Getzender,	Pfeuffer,	Traylor,
Harrison,	Randolph,	Woods.
Jones,		

NAYS—10.

Bell,	Houston of Wheeler,	Peacock,
Fowler,	Jerdone,	Pope,
Garrison,	Kleberg,	Terrell.
Houston of Bexar,		

ABSENT NOT VOTING.

Glasscock,	Hall,	Knittel.
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On motion of Senator Getzender,

Senator Glasscock was excused for the day.

On motion of Senator Shannon,

The Assistant Sergeant-at-Arms, Mr. Stewart, was excused from yesterday till Monday.

By leave, Senator Shannon introduced a bill to be entitled "An act to authorize the State Capitol Board to contract for the substitution of granite for limestone in the construction of the exterior walls of the superstructure of the new State Capitol, and to conform all laws thereto, and to make an appropriation for the contingent expenses connected therewith, and to authorize the payment for such change to be made to the contractor in convict labor."

Referred to Committee on Public Buildings and Grounds.

Senator Shannon, by leave, introduced the following special committee report:

COMMITTEE ROOM,
AUSTIN, March 6, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your committee appointed to confer with a like committee on the part of the House of Representatives as to the practicability of substituting granite for limestone in the exterior walls of the superstructure of the new State Capitol, have had the matter under consideration, and as a result of their joint labors, instruct me to report back the accompanying bill.

All of which is respectfully submitted.

W. R. SHANNON,
Chairman Senate committee.
J. A. RAMSDELL,
Chairman House committee.

On motion of Senator Harrison,

Senate bill No. 189, "An act to annul and cancel all locations and surveys made thereunder and patents issued upon any land situate in the county of

Greer, and to restore said lands to the respective funds to which they belong," was taken up and made the special order for Monday after morning call, and from day to day until disposed of.

On motion of Senator Fowler, Senate joint resolution No. 10, "Delivering the property known as the Alamo to the city of San Antonio," was taken up out of its regular order, read the third time and passed.

Senator Kleberg moved that the Senate go into executive session on the Governor's appointments, on Tuesday after morning call.

Adopted.
Senator Fowler submitted the following privileged report:

COMMITTEE ROOM,
AUSTIN, March 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 196, being "An act for the relief of Z. C. Collier, Thomas Collier and Wm. Rauer," and find the same correctly enrolled, and have this day, at 10:30 o'clock a. m. presented the same to the Governor for his approval.

FOWLER, Chairman.

On motion of Senator Terrell,
The Senate adjourned till 11 o'clock Monday morning.

FORTY-SEVENTH DAY.

SENATE CHAMBER,
AUSTIN, March 9, 1885. }

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

PETITIONS AND MEMORIALS.

By Senator Peacock:
Petition of R. M. Leaton, of Blanco county, and forty-five others, praying for the passage of a law prohibiting the running of trains on Sunday.
Referred to Committee on State Affairs.

REPORTS OF STANDING COMMITTEES.

By Senator Getzendaner:

COMMITTEE ROOM,
AUSTIN, March 7, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred memorial of J. A. Rhomberg, receiver and president of the Austin and Northwestern Railway Company, asking that this company be allowed the land certificates alleged to be due said road, before the repeal of the law, April 22, 1882, have had the same under consideration, and instruct me to report it back with the recommendation that it lie upon the table, as a bill embracing the same subject matter has been acted on by Senate Committee on Internal Improvements.

All of which is respectfully submitted.
GETZENDANER, Chairman.

COMMITTEE ROOM,
AUSTIN, March 7, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred memorial of John Zanigae, asking for restitution of losses sustained by fire at the Lunatic Asylum while engaged in saving the lives of its inmates and the property of the institution, have had the same under consideration, and instruct me to report it back with the recommendation that it lie on the table, the claim for compensation being of such a character as the State is under no obligation, either legal or moral, to make good.

All of which is respectfully submitted.

GETZENDANER, Chairman.

BILLS AND RESOLUTIONS.

By Senator Randolph:

"An act to regulate the duties of public ginners, or persons ginning cotton for toll, and prescribing penalties for a violation of same."

Referred to Judiciary Committee No. 2.

On motion of Senator Terrell,

Senators Houston of Wheeler and Jones were excused indefinitely on account of important business.

Senate bill No. 245, "An act to define the duties of telegraph companies in the transmission of messages, and to prescribe penalties for the enforcement thereof," was laid before the Senate as the first special order, and,

On motion of Senator Peacock,

Was postponed till Friday after morning call, and from day to day till disposed of.

Senate bill No. 175, "An act to regulate insurance and the rights and liabilities of the insurer and insured, and to amend article 2953 of the Revised Civil Statutes," was laid before the Senate as the second special order, and

Read the second time.

Senator Davis moved to postpone the bill indefinitely.

(Senator Terrell in the chair.)

(The President in the chair.)

Senator Kilgore entered a motion to reconsider the vote by which the majority report on Senate bill No. 221—the Jones railroad bill—was adopted on Saturday.

On motion of Senator Kleberg,

Senator Knittel was excused for the day.

On motion of Senator Shannon,

Senators Evans and Pope were excused for the day.

On motion of Senator Fowler,

The Senate adjourned till ten o'clock to-morrow morning by the following vote:

YEAS—16.

Bell,
Calhoun,
Camp,
Farrar,
Fowler,
Garrison,

Getzendaner,
Harrison,
Houston of Bexar,
Jerdone,
Kilgore,

Kleberg,
Peacock,
Randolph,
Shannon,
Woods.

NAYS—8.

Davis,
Glasscock,
Hall,

Perry,
Pfeuffer,
Stinson,

Terrell,
Traylor.

FORTY-EIGHTH DAY.

SENATE CHAMBER,
AUSTIN, March 10, 1885. }

The Senate met pursuant to adjournment.
Lieutenant-Governor Gibbs in the chair.
Roll called.

Quorum present.
Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Randolph,
The reading of the journal of yesterday was dispensed with.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 10, 1885.

Hon. Barnett Gibbs, President of the Senate :

I am instructed to report to your honorable body the passage of House bill No. 549, "An act to amend section 17 of an act entitled 'an act to redistrict the State into judicial districts, and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts, at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883."

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

House bill No. 549 was referred to Committee on Judicial Districts:

REPORTS OF STANDING COMMITTEES.

By Senator Farrar:

COMMITTEE ROOM,
AUSTIN, March 10, 1885.

Hon. Barnett Gibbs, President of the Senate :

Your Committee on State Asylums, to whom was referred Senate bill No. 263, entitled "An act to authorize the removal of inmates from one lunatic asylum to another," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.
FARRAR, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 7, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Education, to whom was referred House bill No. 241, entitled "An act to amend section 40 of an act entitled 'an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3 of title 78 of the Revised Civil Statutes of Texas as refer to public free schools outside of incorporated cities and towns, assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act,' passed February 4, 1884," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.
FARRAR, for Committee.

Bill read first time.
By Senator Glasscock:

COMMITTEE ROOM,
AUSTIN, March 10, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Buildings and Grounds, to whom was referred Senate bill No. 267, entitled "An act to authorize the State Capitol Board to contract for the substitution of granite for limestone in the construction of the exterior walls of the superstructure of the new State Capitol, and for other changes therein, and to conform all laws thereto, and to make an appropriation for the contingent expenses connected therewith, and to authorize the payment for such change to be made to the contractor in convict labor," have had the same

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

All of which is respectfully submitted.
GLASSCOCK, Chairman.

Bill read first time.
By Senator Shannon:

COMMITTEE ROOM,
AUSTIN, March 9, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 258, entitled "An act to regulate railroads in the State of Texas, and their charges for freight and passengers, and to prevent discrimination between any such railways in the rates of charges for freight, passengers and baggage, and in the time and manner of transporting the same, and to prevent any discrimination and delay by any such railway companies in respect to business of any kind with competing or connecting lines, and to provide a penalty therefor," have had the same under consideration, and a majority of the committee instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.
SHANNON, Chairman.

Bill read first time.
By Senator Stinson:

COMMITTEE ROOM,
AUSTIN, March 9, 1885.

Hon. Barnett Gibbs, President of the Senate :

Your Committee on Private Land Claims, to whom was referred House bill No. 236, entitled "An act to authorize and require the Commissioner of the General Office to issue a certificate for 1280 acres of land to J. B. Robertson, for military service," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.
STINSON, Chairman.

Bill read first time.
By Senator Kilgore:

COMMITTEE ROOM,
AUSTIN, March 9, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 11, amending section 10, article 8, of the Constitution of the State of Texas, under the title of "taxation and revenue," have had the same under consideration, and a majority of the committee instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.
KILGORE, Chairman.

Bill read first time.
By Senator Harrison:

COMMITTEE ROOM,
AUSTIN, March 9, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 231, entitled "An act to establish and define the boundaries of the county of Webb, and legalize certain acts of the officers of said county," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.
HARRISON, Chairman.

Bill read first time.
By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, March 10, 1885.

Hon. Barnett Gibbs, President of the Senate :

Your Committee on Judicial Districts, to whom was referred Senate bill No. 264, entitled "An act to restore the jurisdiction of the county court of Bosque county, and to repeal all laws in conflict therewith," have had the same under consideration, and instruct me to report it back with the recommendation that the accompanying substitute be adopted in lieu of the original bill, and that the bill as substituted do pass.

All of which is respectfully submitted.
FOWLER, Chairman.

Bill read first time, with committee substitut

BILLS AND RESOLUTIONS.

By Senator Shannon:
 "An act to amend section 16 of 'an act to redistrict the State into judicial districts, and fix the times of holding court therein, and to provide for the election of judges and district attorneys at the next general,'" etc.

Referred to Committee on Judicial Districts.

By Senator Shannon:
 "An act to protect persons in the employment of railway companies and those who may wish to become employees thereof."

Referred to Committee on Internal Improvements.

By Senator Kilgore:
 Joint resolution to amend section 4, article 6 of the Constitution of the State of Texas.

Referred to Committee on Constitutional amendments.

On motion of Senator Kleberg,
 Senator Pope was excused for the week.
 The hour having arrived for the Senate to go into executive session,

The Senate went into executive session on the appointments of the Governor.

Senator Houston of Bexar moved that the names of the persons to whose appointment by the Governor the Senate advises and consents be printed in the journals, and that the Governor be notified of the same.

They are as follows:

- W. H. King, to be Adjutant-General.
- T. J. Goree, to be Superintendent of Penitentiaries.
- R. M. Swearingen, to be State Health Officer.
- J. H. Burts, to be Assistant Attorney-General.
- A. W. Moursand, to be judge of the thirty-third judicial district.
- C. C. Linn, of Victoria county, to be cattle and hide inspector of that county.
- Frank Milwee, to be cattle and hide inspector for Greer county.
- T. P. O'Brien, to be assistant superintendent of Rusk penitentiary.
- Ben E. McCulloch, assistant superintendent of Huntsville penitentiary.
- Thomas Carson, Sam P. Golston, Robert Dalzell, Fred Forto, Frank Waite, to be commissioners of pilots for Brazos Santiago.
- James Baker, Guillermo Mir, to be branch pilots at Brazos Santiago.
- John Hall and R. D. Simpson, to be commissioners of pilots for Aransas Pass.
- E. T. Mercer, Frank Stephenson and J. F. Mercer, to be branch pilots at Aransas Pass.
- Peter Benson, James Vaughan, to be wreck masters at Aransas Pass.

NOTARIES PUBLIC.

- Anderson county—T. S. Short, Palestine.
- Atascosa county—W. J. Miller.
- Aransas county—C. F. Bailey, Rockport.
- Blanco county—John R. Brown, Johnson city.
- Burnet county—Wm. Spittler, Burnet; W. H. Hotchkiss.
- Brown county—H. S. Thomas, Williams' Ranch; W. J. Evans, Brownwood; John Y. Rankin, W. H. Scott, E. B. Durham, W. H. Maples, W. C. Morgan, C. J. Tannehill, John W. Goodwin, Thomas Maples; Charles Rogan, Brownwood; W. H. Mayes; R. L. Russell, Brownwood.
- Brazoria county—W. F. Swain, Geo. W. Meacham, F. J. Duff, John Adriance, Columbia; John A. Ballowe, W. F. Smith, A. Metcalf, Brazoria; S. N. Richardson, Alvin.
- Brazos county—C. C. Rollo, Robert S. Gould, jr., Jeff P. Mitchell, John G. Anderson, A. J. Planter, J. W. Doremus, J. A. Buckholts, W. G. Taliaferro, Sam. R. Henderson, Luther

W. Clark, R. S. Motley, W. V. Waldrop, Bryan; A. G. Steele, R. M. McCoy, Millican; Geo. A. Hunt, Macy; James Mawhinney, Bryan; H. R. Smith, Steele's Store.
 Bandera county—L. C. Harmon, Bandera; B. F. Bellows, Medina City; J. A. Anglin, W. J. Hamilton.

Bexar county—C. S. Robinson, Edward Miles, John Rosenheimer, Henry Laager, L. G. Denman, E. B. Johnson, W. R. Orear, A. S. Chevalier, Charles Deussen, John H. Copeland, Juan E. Barrera, Joseph Muir, jr., W. W. Herron, Reagan Houston, W. H. Young, R. B. Minor, Geo. C. Altgelt, J. H. French, S. G. Newton, J. A. Fraser, John Eckford, J. E. Ochse, J. J. Stevens, Frank Fredrick, J. A. Green, jr., James P. Earle, E. P. Carolan, Jose E. Garcia, C. S. Robinson, H. P. Drought, E. G. Graves, C. L. Lowday, P. H. Ward, A. E. Cotton, M. Freeborn, John Withers, jr., Elias Edmonds, J. F. Cassiano, Thos. Haynes, A. Hansl, W. G. M. Samuel.

Bell county—F. M. Chandler, D. L. Russell, H. E. Bradford, W. K. Sanders, George W. Tyler, J. Z. Miller, jr., J. H. Scales, W. J. Crabb, A. M. Monteith, J. C. Roberts, J. L. Gray, Hezekiah Williams, A. Moss, W. J. Caskey, A. Lewy, W. L. Jones, W. T. Shannon, W. S. Banks, W. E. Roseborough, Ed. T. Rucker, W. Y. McFarland, John L. Lee, H. C. Surghnor, L. K. Tarver, J. W. Pierce, D. R. Pendleton, J. W. Zimmerman, W. T. Brooker, B. F. Fields, John T. Bartlett, M. T. Bostick, J. W. Calloway, Frederick E. Sanford, S. W. Lawrence, E. B. Ments and J. T. Hunt.

Caldwell county—S. S. McDowell, jr., Lockhart; C. B. Collins, Luling; George Meyers, Lockhart; Sam McDowell, sr., Lockhart; Arthur B. Storey, Lockhart; J. C. Lamb, Ophelia; S. L. McCulloch, Martindale; F. C. Cross, Luling.

Callahan county—A. G. Wills, Baird; W. R. Lotz, Baird; A. G. Webb, F. S. Bell.

Colorado county—E. J. Sandmeyer, Columbus; Edwin A. Malsch, Frelsburgh.

Crockett county—Jno. C. Perry.

Coleman county—E. A. Lindsey.

Coryell county—C. G. Bennett, Copperas Cove; J. W. Dunn, W. L. Jones, R. E. Gaston, J. L. Price, R. Muirhead, W. J. Graham, M. S. Duffie, L. Little, J. C. Chrisman, J. E. Walker, J. C. Gouddy, W. J. Cole, J. S. Clower, R. A. Culp, Jno. T. Meek, H. N. Atkinson, Owens Miller.

Concho county—Jno. I. Guion, C. C. F. Blanchard, Perry Barthalow.

Calhoun county—J. M. Bickford, Lavaca; C. W. Hartup, Indianola.

Cameron county—Benj. Kowalski, B. O. Hicks, J. A. Browne, C. F. Tilghman, M. B. Kingsbury, R. B. Rentfro, Geo. Champion, Brownsville; A. C. Howell, Point Isabel; L. J. Hynes, Santa Maria; John Scott, Wilbur F. Dennett, Thos. Kennedy, E. H. Goodrich, Jos. Webb, Brownsville.

Comanche county—E. L. Shropshire, Comanche; M. V. Robertson; R. B. Key, DeLeon; James Terry, DeLeon; T. W. Evans, Fleming; W. W. Loyd, Sipe Springs; W. D. Sumner, Whittville; Geo. W. Conway, D. P. Lester, Hazeldell; J. G. Carmichael, Lamkin; C. B. Mason, Comanche.

Comal county—John D. Guinn, Julius Bose, Fritz Hampe, Aug. Klingerman, New Braunfels; Herman Fischer.

Cherokee county—J. W. Smith, Ghent; F. W. Bonner, E. L. Gregg, Rusk.

Cooke county—J. W. Hughes, Wm. Windsor, D. E. Barrett, J. T. Whaley, S. W. Bellah, P. H. Lanius, A. E. Dodson, J. C. Roberts, H. E. Eldridge, E. A. Blanton, A. Eddleman, R. B. Howeth, W. S. Thomas, P. M. Tucker, J. C. Ford, John T. Walker, W. B. Johnson, C. L. Jones, J. M. Wright, W. L. Blanton, N. C. Snider, W. A. Ledbetter, M. M. Hawkins, R. Sarlls.

Dallas county.—J. E. Wolf, Z. T. White, C. B. Wellborn, Joseph W. Moore, H. L. Obenchain, Henry Lathrop, R. M. Cooke, Chas. F. Tucker, Jas. B. Simpson, Paul Furst, Harry P. Lawther, Mercer L. Robertson, Wendel Spence, Frank Field, J. G. Stevens, Dallas; L. H. McBride, East Dallas; T. J. A. Brown, Edward Gray, Thos. K. Ferguson, S. P. Morris, C. W. Helm, D. A. Williams, C. G. Payne, J. B. Kunz, C. F. Bolanz, G. M. Israel, I. J. Adair, George H. Plowman, Lafayette Fitzhugh, F. M. Crutcher, J. R. Blewett, R. E. Burke, M. M. Alexander, J. E. Aikin, C. W. Gano, S. S. Long, J. S. Alderhoff, Dallas; W. T. McCahey, Carrollton; R. A. Roberts, Cedar Hill; A. B. Lanier, Haught's Store; J. S. Strother, Duck Creek; S. H. Grantham, Geo. Robertson, Grand Prairie; T. J. Swim, T. J. McLain, Pleasant Valley; C. H. Patrick, Praittie Valley; R. E. Bumpass, East Dallas; J. M. Knox, Housely; R. N. Daniel, Duncanville; J. L. Floyd, Richardson; Jas. H. Skiles, Jno. Bookhant, Dallas; J. L. Fly, Seagoville; Wm. C. Young, East Dallas; W.

T. Strange, Peter Aunspaugh, Edward Tennison, Jno. A. Harrington, Dallas; R. L. Guy, Lancaster; Chas. Woodson, Seagoville; A. B. Rawlins, Hutchins; A. H. Benners, Dallas; Henry Ball, R. M. Cook, Oak Lawn; F. D. Crosby, M. W. Edwards, Jno. W. Lane, Dallas; J. Pink Thomas, East Dallas; T. F. Ferguson, Scyene; G. W. Neely, Jimtown; W. S. Adair, Dallas; J. H. Cox, Rylie; J. G. Stevens to fill unexpired term of E. G. Bowen resigned; E. A. Gracey to fill unexpired term of J. P. Goodnight, Deer; E. A. Gracey for Dallas county; L. F. Harris, for Dallas county.

DeWitt county—Ernest Brumlen, J. W. Schwab, O. L. Threlkeld, C. G. Hartmann, Moritz Riedel, T. J. Brownson, T. C. Eberhardt, Gustave Schleicher, T. M. Dodd, Otto Starker.

Dimmitt county—F. Vandervoort, A. W. Hazelrig, Carizzo Springs.

Encinal county—Wm. R. Jones, Encinal.

Duval county—John Henderson, Concepcion; E. S. Atkinson, Louis P. Bryant, James O. Luby, San Diego; E. A. Glover, Benavidas.

Eastland county—H. W. Walker, Cisco; C. U. Connellee, Eastland; L. E. Brannin, J. E. Luse, Geo. W. Dakan, Frank Kynette, Eastland; R. R. Wells, B. R. Robinson, W. M. Freeman.

El Paso county—C. R. Morehead, Wm. H. Austin, Wyndham Kemp, A. G. Foster, C. Q. Stanton, Frank E. Hunter, J. B. Catron, T. H. Conklin, J. W. Zollars, Zeno B. Clardy, W. M. McChandler, El Paso; Wm. Hamilton, Martin Kelly, San Elizario; A. E. Boulet, G. W. Wahl, Manuel E. Flores, G. F. Neil, Ysleta; F. B. Wightman, Camp Rice; W. E. Kneeland, El Paso; G. N. Garcia, sr., San Elizario; W. B. McLachlen, Millard Patterson, El Paso.

Fannin county—John A. Barnard, Bonham; Young Berger, Honey Grove; G. W. Wells, Honey Grove; James Gooch, Gober; J. P. Holmes, John E. Pope, Jas. C. Evans, W. H. Cobb, Thomas P. Baker, James W. Groves, George Squires, W. C. Wilhite, G. G. Lindsay, F. J. Abernathy, P. C. Thurmond, J. E. Dupree, Samuel J. Galbraith, W. J. Jones, Newton Rogers, Eli Wilson, M. Keithley, E. L. Agnew, S. L. Erwin, W. A. Bramlette, J. R. Young; Q. J. Moore, Trenton; W. F. Felty, Hickory Creek; Lindsay Thomas, Gober; B. S. Johnson, Ladonia.

Frio county—John B. McMahon, Moore Station; C. W. Gribbell, Dan T. Price, R. W. Hudson, John T. Bivens, Pearsall.

Freestone county—W. R. Anderson, Bonner; J. T. Storey, Cotton Gin; W. L. Edwards, jr., Butler; C. E. Grayson, Luna; J. T. Steward, Steward's Mill; J. B. A. Folke, Avant; T. S. Thomas, Brewer.

Galveston county—J. P. Kindred, W. N. Cooke, John Hanna, Jno. M. Claiborne, B. R. A. Scott, John Adrianee, R. T. Byrne, D. M. Baker, I. Lovenberg, Thos. L. Cross, Samuel Boyer Davis, John Friery, C. B. Gardiner, J. S. Hanscom, J. W. Jockusch, Wm. R. Johnson, C. M. Mason, James Sorley, W. B. Wallis, Hugo Brosig, N. B. Bendy, H. P. Angell, James Spillane, J. Wharton Terry, Forster Rose, Wm. B. Lockhart, F. Ward, E. D. Cavin, Thos. L. Lyon.

Grayson county—S. W. Porter, R. P. Jones, E. C. McLean, J. T. Cunningham, Nat Gunter, H. M. Patty, M. Leeper, Sherman; A. H. Coffin, H. Tone, S. S. Fears, A. B. Person, L. L. Maughs, Denison; H. B. Lindsey, Whiteright; Jas. S. Pattie, Vanalstyne; B. F. Barrett, Pilot Grove; W. P. Dugan, Bells; G. W. Diamond, J. K. Jamison, Whitesboro; W. M. Williams, Tioga; H. B. Wright, Sherman; J. T. Munson, A. B. White, S. A. Gilbert, Ed. Zintgraff, W. F. Stromberger, N. H. L. Decker, J. E. Matthews, J. C. Maples, H. H. Hayes, A. R. Collins, W. H. Robert, jr., J. K. Daughters, W. M. Peck, Silas Hare, jr., C. H. Smith, E. E. Miller, S. B. Sivills, W. J. Brooks, John E. Parker, E. O. Thomas, C. W. Cook, A. P. Finley.

Goliad county—F. W. Miller; J. A. Burke, J. M. Boyd, Goliad.

Gillespie county—J. T. Estell, Fredericksburg; John W. Speer, J. O. Roundtree, Blanco; Julius Schuchard, C. C. Callan, Fredericksburg.

Grimes county—John H. Wilson, Navasota; Lock McDaniel, Frank Brigrance, W. L. Campbell, Anderson; W. W. Dodds, Iola; L. J. A. Hall, Bedi; Walter Leigh, Prairie Plains; Ira S. Camp, Pankey; T. D. Cobbs, Jas. M. Shaw, Navasota, A. C. Callaway, Courtney; Lewis G. Blackburn, White Hall; Edwards Parks, F. L. Wasson, Plantersville; C. C. Neely, Iola; R. H. Garvin, Roans' Prairie; Jas. H. Freeman, Navasota; Alex. T. Brigrance, J. G. McDonald, jr., Anderson; J. A. L. Kelton, Keith.

Guadalupe county—J. C. Wilson, Seguin; R. McNutt, Kings

berry; W. Vordenbaumen, Cibolo; R. Hellmann, sr., New Berlin; E. H. Howell, A. M. Erskin, Seguin.

Hays county.—P. M. Riley, Dupree; B. G. Neighbors, Kyle Judge S. Fisher, I. H. Julian, C. L. McCay, San Marcos; W. M. Weyett, Wimberly Mill; J. R. Wutrich, Manchaca; W. F. Barbee, Kyle.

Hidalgo county.—Max Stein, Wm. P. Daugherty, Jas. B. McAllen, Jesse Dennett, Henry F. Hord, S. M. Walsh, Hidalgo Hamilton county—W. E. Cox, F. H. Snider, Hico; J. A. Eidson, W. J. Carroll, Hamilton; W. T. Walton, Pottsville; R. F. McKeage, Carlton; M. S. Brunk, N. C. Howard, Hamilton.

Harris county—E. B. H. Schneider; J. E. McAshan, H. M. Curtin, Jas. A. Breeding; Charles Culmore, Henry F. Gillette Garrett Hardcastle, Alfred Wisby, John Kennedy, Henry H. Falk, T. W. Archer, W. S. Oldham, Houston; J. T. Ferguson, W. N. Shaw, Houston; W. E. Hertford, A. P. Tompkins, A. L. Steele, J. J. Gillespie, R. A. Giraud, J. C. Sellers, Peter Christien, F. M. Poland, J. C. Kidd, J. B. Cochran, S. Taliaferro, J. C. Landers, Paul Georgie, G. M. Beauchamp, Wm. Schultz, John A. Cameron, M. Kirlicks, C. E. Dwyer.

Hill county—C. T. Booth, Hillsboro; T. C. Morgan, A. M. Craig, Hubbard City; B. J. McLellan, Mount Calm; J. J. Scrivner, Osceola; J. M. Johnson, Clifford Moorman, J. C. Killough, J. H. Harrison, O. Holland, J. G. Abney, A. P. McKinnon, G. I. Jordan, Hillsboro; G. D. Tarlton; D. J. Sawyer Woodbury; T. B. Love, Peoria; S. A. Reavis, Hillsboro; Sterling McMillan, Massey.

Houston county—E. F. Duran, J. E. Downs, Crockett; R. M. Garrett, Grapeland; R. H. Hutchins, Weldon; John Murchison, Porter's Spring; Z. B. John, Colthorpe; John Kennedy, Augusta; R. T. Payne, Lovelady; E. Winfrey, Crockett.

Howard county—T. G. Andrews, G. W. Walthall.

Jack county—Geo. Spiller, J. M. Hughes, T. D. Sporer, Jacksboro; J. P. Kirk, Post Oak; F. R. Aston, E. W. Nicholson, W. L. Garvin, J. W. Stark, Jacksboro.

Jackson county—L. M. Lowe, H. L. White, Geo. A. Staples, J. W. Allen, J. D. Owen, W. A. Moore, Edna.

Johnson county—S. F. Ray, Cleburne; J. H. Owens, Pleasant Point; S. B. Killough, I. A. Patton, J. M. Campbell, W. H. Skelton, Alvarado; W. M. Scurlock, B. W. Bryan, John R. Ransone, J. M. Odell, W. L. Williams, J. J. Ramsey, Cleburne; J. E. Hollingsworth, Grand View; R. T. Miller, Egan; W. F. Beard, J. H. House, Cleburne; J. T. Wade, Grand View; Andrew King, W. E. Knox, Alvarado; Jo. Hall, Cleburne; Andrew King, Alvarado.

Jones county—J. M. Polk, J. K. Little, Ed F. Nicolds.

Kaufman county—F. M. Keach, Terrell; W. L. Upton, Scurry; W. P. Williams, Terrell; W. H. Barnes, Kaufman; J. L. Terrell, Terrell; Nestor Morrow, H. W. Keyser, R. A. Hindman, John L. Davis, L. Murphy, J. D. Cunningham, Kaufman; Alfred M. Scott, W. M. Lindsay, H. K. Hart, C. A. G. Payne, W. M. Pardue, Geo. W. Evatt, Elmo; T. H. Dailey, J. R. Dougherty, Chas Campbell, William Brooks, Forney; G. A. Buchanan, Peeds Mill; John Deen, Peeds Mill; Michael Ware, Tolosa; Henry Hubert, Kemp; Gallagher Chelcoat, Egypt; B. F. Morris, Egypt; Edmonia Dawson, Poetry; W. H. Allen, C. A. Gaillbreth, Benjamin Gill, T. L. Stanfield, S. F. Leake, Frank Harrold, Alex. Lacy, Terrell; R. S. Rich, Kaufman; M. W. Raley, Terrell.

Karnes county—S. N. Hedges, Pana Maria.

Kimble county—W. A. Williams, Junction City.

Kerr county—W. G. Garrett, Kerrville; W. D. Downs, R. H. Burney, jr., Ed. Smith.

Kinney county—C. C. Clamp, Brackett; Robt. Wulfin, W. K. Jones, A. F. Dignowity, W. B. Eastman, Fred Quickenstedt; Solon Stewart, Joseph Jones, Brackett; Archibald Bogle, Del Rio.

Lamar county—Charles S. Neothery, D. K. Forshee, jr., B. J. Baldwin, jr., John B. Stephens, R. L. Wilkins, G. C. Ratliffe, F. T. Hudson, Paris; George B. Whipple; Benjamin F. Fuller, Paris; W. L. Burdette, J. R. G. Lang, Wood M. Jones, Ed Collins, R. P. Mayo, B. H. Denton, Ed Skidmore, T. C. Hancock, G. J. Terrell; L. A. Cunningham, Paris; P. W. Harrison, Geo. A. Crutchfield; R. W. Draper, Chicota; S. C. Bryson, Bairdstown; R. J. Patton, Pallonville; W. G. Tyler, Timmins; J. L. Bray, Blossom Prairie; Louis Clark, Dowling; Burney Bywaters, Roxton; Wm. Huddle, Hopenell; John W. Jones, Parkers; C. F. Parks, J. F. McNemer, S. C. Conner, Paris.

Lampasas county—Lewis Wood, R. P. Lyon, E. M. Longcope, J. A. Abney, James Deering, Lampasas; W. H. Cain, J. C. Russell, Chas. L. Lauderdale, W. B. Abney, Alex. McFarland, Henry Exall, A. G. Walker, Matthew Roach, William Oliver, J. M. Reagan, E. G. Pendleton, Geo. L. Franklin, M. L. Woods, M. J. Carpenter.

LaSalle county—Thos. Prandy, F. E. Thompson, M. H. Williams, Cotulla; Geo. H. Knaggs, Twohig; G. H. Hodges, Encinal; P. D. Hickey, Jacob Rudy, Cotulla; N. R. Miller, Waugh's Ranche; Geo. Houston Pfeuffer, F. R. Earnest, Cotulla.

Leon county—B. D. Dashiell, W. R. Ellis, Jewett; Horatio Durst, Tom G. Nixon, Leona; S. G. Ward, Marquez; F. B. Looney, Oakwoods; H. P. Morrow, J. F. Leathers; F. M. Amos, Marquez; Wm. H. Simms, Centerville; Norman G. Kittrell, Jewett; Thomas L. Bryan, Hardin's Store.

Limestone county—Wm. Kahler, A. J. Burleson, Jno. B. Prendergast, James Armour, S. G. McLendon, N. L. Waller, R. W. Priest, T. J. Gibson, J. A. Wright, C. B. Shead, Wm. Kennedy, A. Barry, Henry L. Hall, G. A. Ogilvie, J. P. Brown, Jas. R. Johnston, A. A. Jayne, I. N. Roark, J. H. Park, W. E. Doyle, W. D. Donaldson, J. B. Reily, G. W. Read.

Maverick county—T. V. Blesse, Eagle Pass.

Mason county—Franz Bernhard, Mason; Calvin Thaxton, August Keller, J. E. Autrey, A. D. McCullum, R. McMillan, Chas. Bierschwale, J. O. Meusebach, S. L. Fleining.

Matagorda county—William C. Braman, Matagorda; P. M. Bowie, Caney; John L. Croom, jr., Matagorda; Francis Jones, Pledger; John Matthews, Caney; William Moore, Deming's Bridge.

Mitchell county—J. W. Warren, Colorado; C. W. Merrill, Wiley Hazzard, Robert A. Jeffress, C. W. Croft, J. S. Simmons, Wey H. Burney, H. R. Solomon, James L. Shepherd.

McLennan county—Jas. P. Anderson, Orlando Wheat, M. J. H. Park, Eugene Williams, Jno. T. Walton, Wm. L. Prather, T. A. Blair, John F. Flint, Waco.

Medina county—Chas. Scheidmantel, Castroville; W. A. Taylor, Devine; Leslie Thompson, G. M. Brown.

Menard county—A. G. Nason, Menardville; Sam Wallick.

Montgomery county—W. H. Harlan, Willis; B. H. Powell, E. McComb, Montgomery; O. W. Arnold, Hockley; John N. Scott, Longstreet.

Madison county—J. F. Randolph, Madisonville; S. T. Daniels, A. J. Searcy, Willow Hole Prairie.

Nueces county—T. P. Rivere, Peyton Smythe, W. J. Robertson, Cornelius Cahill, G. R. Scott, E. A. McCampbell, Jno. Hall, Delmas Givens, Royall Givens, J. H. C. White, M. T. Gaffney, Corpus Christi.

Navarro county—Sam R. Frost, S. D. Curtis, J. L. Burgess, Corsicana; D. B. Smith, Cross Roads; Robt. E. L. Barry, T. A. Harris, W. J. McKie, Corsicana; D. B. Hartzell; R. B. Malloy, Corsicana; R. A. Greer, Jas. L. Autry; L. B. Haynie, Rio.

Nolan county—R. A. Ragland; W. H. Cowan, Sweetwater; B. Scarborough.

Parker county—Marion Roderick, A. Y. Hutchinson, R. J. McKenzie, E. P. Nickleson, J. M. Richards, Weatherford; W. C. Thompson, Whitt; George A. McCall, J. P. McKinney, J. B. Price, Henry P. Du Bellet, Weatherford; T. F. Overmeyer, Alledo; J. W. McCracken, Springtown; W. D. Fielding, Aneta; R. C. McConnell, Weatherford; J. A. Graves, Springtown; Henry Miller, Weatherford.

Pecos county—O. W. Williams, Charles Wilson; R. G. Hudson, Langtry.

Presidio county—C. F. Trafton, Haymond; A. E. Shepherd, Marathon; Jno. D. Davis; Wm. Russell, Presidio del Norte; John B. Shields, Ferris W. Colby, Howard M. Patterson, James Stewart, Fort Davis; J. M. Gaddis, Murphyville; S. W. Catlin, Marfa; R. R. Stringfellow, Chenatie Mines; W. Bogel, Alamito; E. M. Herreford, Haymond.

Reeves county—P. J. Norwood, Thomas R. Hill.

Rockwall county—W. B. Wade, D. F. Goss, Rockwall; J. R. Arrell, G. H. White, Tate; J. O. Heath, Rockwall; R. J. Lowery, Blackland; Chas. Jordan, McLendon; A. R. Hartman, Rockwall; J. K. P. Kyser, Willow Springs; H. D. Howell, McLendon; Bunyan King, Blackland; W. B. Dowd, Willow Springs; J. A. Peck, Rockwall; Thomas Crayton, Blackland.

Red River county—J. J. Perdue, P. W. McCain, Fulbright; M. Smith, Rosalie; E. A. Maudlin, Garvensville; J. Joplin, Bennettts; Wm. Somerville, Bagwell; H. B. Halloway, Woodland; J. C. Perot, Manchester; J. H. Johnston, Kiomatia; D. A. Baker, N. B. Doak, John A. Mosely, Annona; J. B. Pope, D. A. Chambers, C. A. Taylor, C. A. Worley, Clarksville; C. A. Denton, Harris Ferry; W. W. Lawson, Annona; J. E. Horner, Bosta; D. B. Moore, Woodland.

Runnels county—H. C. Jordan, C. H. Ernest, H. A. Thompson, H. H. Luckett, H. D. Pearce, J. C. Swift.

Refugio county—Lyman B. Russell, Refugio.

Robertson county—Geo. Burcke, J. A. Foster, G. R. Dunn, Alvert; T. J. Simmons, A. J. Thomas, C. Carter, W. T. Grant, Franklin; W. P. Brown, W. A. Rumpel, W. H. Wilson,

Bremont; F. H. Bailey, W. P. Ferguson, J. C. Farley, Hearne; Knox A. McConnell, Wheelock; W. D. Henson, Mumford; J. G. Meyer, New Baden.

Stephens county—John W. Veale; W. P. Sebastian, John D. Rhea, Wayland; Wm. Veale; J. T. Crawford, Crystal Falls; C. Veale, Breckenridge.

Starr county—Jas. I. Nix, Dan W. Nicholson, Rio Grande City; Camillio Saens, Roma; Rafael Aldrete, La Guilla; Guillermo Muguerza, Roma.

Scurry county—R. T. Powell, Snyder.

San Saba county—Chas. Wilson, Milburn; Sidon Harris, San Saba; J. Frazier Brown.

San Patricio county—T. H. O'Callaghan, San Patricio; L. D. Camp.

Shackelford county—S. Webb, Albany; A. A. Clarke, C. H. Philbrick, C. K. Stribling, George Wilhelm, George T. Reynolds, Peter Hart, L. W. Campbell, T. M. Dilworth, L. H. Hill, D. C. Campbell, J. L. Fisher, S. O. Larche.

Tom Green county—Louis M. Minnis, San Angelo; John M. Moody, Midland; W. S. Cunningham, San Angelo; J. I. Westfall; L. H. Hopkins, San Angelo; J. W. Echols, Norman C. Lull, A. B. Sherwood, A. McGregor, Chas. A. Dailey, J. B. Williamson, Milton Mays, J. H. Meara, Jos. Spence, jr., R. W. Landrum, Cassius Carter, F. B. Gray; W. H. Lessing, San Angelo.

Travis county—Danl. Gettings, Jno. K. Donnan, Osceola Archer, M. S. Dunn, H. B. Barnhart, R. C. Shelley, H. E. Shelley, D. B. Gracy, Austin; A. H. Dechard, Manchaca; E. E. Rose, Cedar Valley; Jno. W. Cloud, Del Valle; Flavius Everett, N. S. Walton, Edw. W. Shands, A. J. Peeler, jr., Irving Eggleston, A. B. Langermann, W. D. Williams, P. DeCordova, Thos. H. Wheelless, S. G. Sneed, Dennis Corwin, A. H. Graham, Austin; H. L. Hensel, Travis Peak; A. Stanford, Anderson Mills; A. F. Boyce, Gregg; J. C. Bowman, Hornsby's Bend; A. E. Duty, Duty's Store; Wm. Whitehand, Creedmore; Wm. T. Hart, Bluff Springs; J. M. Thornton, J. W. Hewlett, T. A. Thomas, T. F. Taylor, R. C. Walker, Jno. R. Lawrence, W. C. Denny, Will Lambert, J. S. Myrick, Fritz Tegener, Wm. Von Rosenberg, Jno. S. McClintock, J. D. Sheeks, C. A. Newning, Austin; J. W. Biting, Manor.

Tarrant county—O. M. Kern, Thos. Slack, Fort Worth; J. T. Morehead, Grapevine; R. F. Moore, Keller; B. F. Latimer, White Settlement District; A. S. Hayter, Mansfield; E. E. Rankin, Arlington; A. E. Valentine, Bedford; W. H. H. Moore, Dido; J. S. Morris, Oak Grove; G. W. Joplin, Johnson Station; C. M. Crane, T. P. Martin, Geo. Mulkey, Z. Cetti, C. C. Cummings, G. W. Alexander, J. L. Hill, J. F. Saunders, Fort Worth; Robert Johnson, John O. Ford, C. W. Lamborn.

Taylor county—M. C. Lambeth, Abilene; T. M. Kelsey, R. H. Parker, K. K. Leggett, C. W. Holt, H. A. Tillett, E. E. Hartsook, John Bowyer, T. J. Finnie, George W. Jalonick, P. G. Peters.

Uvalde county—John H. Clark, R. E. Jones, Uvalde; George A. Barker, Waresville; L. M. Peters, Uvalde.

Victoria county—Charles LeSage, N. A. Thomson, Victoria; William Schmidt, J. E. Carpenter, Frank Pridham, A. B. Peticolas, J. S. Munn; M. M. Goodwin, Mission Valley.

Walker county—G. A. Wynne, Huntsville; S. T. Burns, Dodge.

Webb county—J. L. Bartlett, C. A. McLane, J. O. Nicholson, S. M. Jarvis, John H. Calais, A. Winslow, C. C. Pierce, Miles T. Cogley, Thomas W. Dodd, S. T. Foster, E. A. Atlee, Laredo; T. J. Lee, Cactus.

Williamson county—J. B. Wright; L. M. Mays, Round Rock; Sidney Seymour, Georgetown.

Wilson county—A. McClung, S. P. Wiseman, La Vernia; J. B. Polley, J. W. Dickey, A. G. Pickett, sr., Floresville.

Wharton county—Henry J. Schley, sr., Wharton.

Wise county—A. L. Boyd, Bridgeport; J. P. Graham, Ben F. Allen, Decatur; L. L. Ward, Aurora; J. O. Alexander, Crafton; L. J. Randall, L. W. Tyler, Aurora; T. A. Fuller, Decatur; B. F. Banks, Cottondale; J. W. Greenfield, Willow Point; J. W. Tyler, Boonville; W. D. Gose, C. C. Wells, Decatur; J. M. Brown, Bridgeport; T. J. McMurray, Charles Verne, Decatur; T. Merriman, Chico; L. J. McGee, Decatur; W. J. N. Wellborn, Cottondale; D. A. Holman, Decatur; R. A. Dorsey, Pella; Wm. Netherland, Crafton; J. T. Brown, Chico; S. T. Rhodes, Paradise; A. Devereux, J. W. Patterson, John H. Cobb, J. W. Hale, Sam Hodges, John A. Gordon, J. W. Trenchard, Decatur; J. W. Cleveland, Rhome; James A. Hodges, Audubon.

Senate bill No. 175—the Houston of Bexar insurance bill—was laid before the Senate as unfinished business.

The motion of Senator Davis to postpone the bill indefinitely was lost by the following vote:

YEAS—8.

Bell,	Evans,	Peacock,
Calhoun,	Garrison,	Terrell.
Davis,	Getzendaner,	

NAYS—16.

Camp,	Jerdone,	Pfeuffer,
Farrar,	Jones,	Randolph,
Fowler,	Kilgore,	Stinson,
Glasscock,	Kleberg,	Traylor,
Harrison,	Perry,	Woods.
Houston of Bexar.		

ABSENT, NOT VOTING.

Hall,	Knittel,	Shannon.
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The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 10, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to inform your honorable body of the passage of the following bills:

Substitute House bill No. 33, "An act to amend articles 318 and 320, of chapter 4, title 9 of the Penal Code of the State of Texas."

Substitute House bill No. 41, "An act to amend chapter 1, title 10 of the Code of Criminal Procedure of the State of Texas."

Respectfully,

A. D. SADLER,
Chief Clerk House Representatives.

Substitute House bill No. 33 was referred to Judiciary Committee No. 2.

Substitute House bill No. 41 was referred to Judiciary Committee No. 2.

Senator Stinson offered the following amendment to Senate bill No. 175:

Amend by striking out section 4 and inserting the following:

Sec. 4. In case of total or partial loss or destruction by fire of any personal property insured, the amount of such loss and the value of such property shall be established by the insured first making out a proof of his or her loss, and presenting the same to the local agent or any other agent of said insurance company, showing fully the amount of loss sustained by said party.

Senator Davis offered to substitute the amendment by striking out "prima facie," and add at end of the section "which cannot be contradicted by proof."

Senator Houston of Bexar moved to lay the substitute on the table.

Adopted by the following vote:

YEAS—17.

Bell,	Harrison,	Perry.
Evans,	Houston of Bexar,	Pfeuffer,
Farrar,	Jerdone,	Shannon.
Fowler,	Jones,	Stinson,
Garrison,	Kilgore,	Woods.
Glasscock,	Kleberg,	

NAYS—8.

Calhoun,	Getzendaner,	Terrell,
Camp,	Hall,	Traylor.
Davis,	Randolph,	

ABSENT, NOT VOTING.

Peacock.

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

YEAS—9.

Camp,	Glasscock,	Perry,
Evans,	Houston of Bexar,	Rardolph.
Getzendaner,	Kilgore,	Stinson.

NAYS—17.

Bell,	Hall,	Pfeuffer,
Calhoun,	Harrison,	Shannon,
Davis,	Jerdone,	Terrell,
Farrar,	Jones,	Traylor,
Fowler,	Kleberg,	Woods.
Garrison,	Peacock,	

Senator Jones offered the following amendment

Amend section 4 by adding at end thereof as follows: **Pro-**vided that in case of a sale of a portion or all of said prop-erty by the insured, he shall notify the insurer of such sale.

Lost.

Senator Kilgore offered the following amendment

Amend by striking out, in line 11, section 5, the word "thirty" and insert "sixty" wherever it occurs.

Adopted.

Senator Glasscock offered the following amend-ment:

Add to section 4: Provided, that nothing herein contained shall prevent the company or companies insuring such prop-erty rebutting said prima facie establishment of loss, either by the examination under oath of the insured, or by any other legal manner; and if the policy-holder shall fail or refuse to submit to such examination, the company or companies inter-ested shall not be liable o pay such loss so long as said policy holder shall fail or refuse to submit to such examination.

Lost by the following vote:

YEAS—9.

Evans.	Getzendaner,	Jerdone,
Farrar,	Glasscock,	Jones,
Garrison,	Harrison,	Terrell.

NAYS—17.

Bell,	Houston of Bexar,	Randolph,
Calhoun,	Kilgore,	Shannon,
Camp,	Kleberg,	Stinson,
Davis,	Peacock,	Traylor,
Fowler,	Perry,	Woods.
Hall,	Pfeuffer,	

Senator Calhoun offered to amend by striking out all of sections 2, 3, 4, 5 and 6.

Lost by the following vote:

YEAS—7.

Calhoun,	Getzendaner,	Peacock.
Davis,	Hall,	Terrell.
Evans,		

NAYS—19.

Bell,	Houston of Bexar,	Pfeuffer,
Camp,	Jerdone,	Randolph,
Farrar,	Jones,	Shannon,
Fowler,	Kilgore,	Stinson,
Garrison,	Kleberg,	Traylor,
Glasscock,	Perry,	Woods.
Harrison,		

Senator Kleberg moved to

Strike out all after the word "paid," in line 16, section 5.

Senator Davis offered the following substitute for the amendment:

Add at the end of section 5: "And should this decision be in favor of the insurance company, the insured shall pay to the company 12 per cent of the amount sued for, as attorneys fees; and should the insured receive less than the amount sued for, the company shall recover of the insured, as attorneys' fees, 12 per cent on the differences between the amount sued for and the judgment."

Lost.

The amendment of Senator Kleberg was lost. Senator Jones offered the following amendment:

Amend section 2 of printed bill, in line 9, by striking out all after "unless," and insert "printed in plain and legible type."

Adopted.

Senator Houston of Bexar moved to amend section 2 by adding the following:

"And unless such limitation is authorized by law."

Adopted.

Senator Harrison moved to reconsider the vote by which the amendment of Senator Kleberg was lost.

Adopted by the following vote:

YEAS—22.

Bell,	Harrison,	Perry,
Calhoun,	Houston of Bexar,	Pfeuffer,
Camp,	Jerdone,	Randolph,
Farrar,	Jones,	Shannon,
Fowler,	Kilgore,	Stinson,
Harrison,	Kleberg,	Traylor,
Getzendaner,	Peacock,	Woods.
Glasscock,		

NAYS—4.

Davis,	Hall,	Terrell.
Evans,		

The amendment was adopted by the following vote:

YEAS—22.

Bell,	Glasscock,	Perry,
Calhoun,	Hall,	Pfeuffer,
Camp,	Harrison,	Randolph,
Evans,	Houston of Bexar,	Shannon,
Farrar,	Jerdone,	Stinson,
Fowler,	Jones,	Traylor,
Harrison,	Kleberg,	Woods.
Getzendaner,		

NAYS—4.

Davis,	Peacock,	Terrell.
Kilgore,		

Senator Stinson moved to amend by striking out section 4.

Senator Houston of Bexar moved the previous question on the amendments and the bill.

Seconded, and main question ordered.

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

YEAS—10.

Calhoun,	Glasscock,	Kilgore,
Camp,	Hall,	Shannon,
Evans,	Houston of Bexar,	Stinson.
Harrison,		

NAYS—16.

Bell,	Jerdone,	Pfeuffer,
Davis,	Jones,	Randolph,
Farrar,	Kleberg,	Terrell,
Fowler,	Peacock,	Traylor,
Getzendaner,	Perry,	Woods.
Harrison,		

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

YEAS—10.

Fowler,	Jones,	Pfeuffer,
Houston of Bexar,	Kleberg,	Traylor,
Jones,	Perry,	Woods.

NAYS—15.

Calhoun,	Garrison,	Peacock,
Camp,	Getzendaner,	Randolph,
Davis,	Glasscock,	Shannon,
Evans,	Hall,	Stinson,
Farrar,	Kilgore,	Terrell.

ABSENT, NOT VOTING.

Harrison.

By leave, the following reports were sent up. By Senator Shannon:

COMMITTEE ROOM, AUSTIN, March 10, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 270, entitled "An act to protect persons in the employment of railway companies, and those who may wish to become employees thereof," have considered the same, and a majority of the committee instruct me to report it back to the Senate and recommend its passage.

All of which is respectfully submitted.

SHANNON, Chairman.

Bill read first time.

By Senator Peacock:

COMMITTEE ROOM, AUSTIN, March 10, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Lands, to whom was referred Senate bill No. 145, entitled "An act to provide for reservation, classification, disposition and working of minerals and mines in the State of Texas, and to repeal all laws and parts of laws in conflict therewith," have had the same under consideration, and instruct me to report it back with the recommendation that it lie on the table, because your committee believe it is too late in the session to secure legislation contemplated by the bill.

All of which is respectfully submitted.

PEACOCK, Chairman.

Bill read first time.

COMMITTEE ROOM, AUSTIN, March 10, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Lands, to whom was referred Senate bill No. 229, entitled "An act to provide for the sale and lease of the lands that have been heretofore or may be hereafter surveyed and set apart for the benefit of the common school, University, Lunatic, Blind, Deaf and Dumb, and Orphan Asylum funds," have had the same under consideration, and instruct me to report it back with the recommendation that it lie on the table, for the reason that other bills upon the same subject have been heretofore reported by this committee.

All of which is respectfully submitted.

PEACOCK, Chairman.

Bill read first time.

Senator Traylor moved to adjourn till half past seven o'clock to-night.

Senator Houston of Bexar moved to adjourn till ten o'clock to-morrow.

Adopted, and

The Senate adjourned till ten o'clock to-morrow morning by the following vote:

YEAS—14.

Bell,	Hall,	Pfeuffer,
Calhoun,	Houston of Bexar,	Randolph,
Camp,	Jerdone,	Shannon,
Farrar,	Kleberg,	Woods.
Fowler,	Peacock,	

NAYS—12.

Davis,	Glasscock,	Perry,
Evans,	Harrison,	Stinson,
Garrison,	Jones,	Terrell,
Getzendaner,	Kilgore,	Traylor.

FORTY-NINTH DAY.

SENATE CHAMBER. }
AUSTIN, March 11, 1885. }

Senate met pursuant to adjournment.
Lieutenant-Governor Gibbs in the chair.
Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Jones,

The reading of the journal of yesterday was dispensed with.

On motion of Senator Jones.

Senators Jerdone and Kleberg was excused till Friday.

On motion of Senator Randolph,

Senator Pope was excused for yesterday.

The President gave notice of signing substitute for House bills Nos. 13, 61, 64, 104 and 161, "An act to amend section 71 of an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, title 78 of the Revised Civil Statutes of Texas as refer to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools," and all laws and parts of laws in conflict with this act." passed at the called session of the Eighteenth Legislature."

BILLS AND RESOLUTIONS.

By Senator Calhoun:

"An act to amend an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys," etc.

Referred to Committee on Judicial Districts.

By Senator Houston of Wheeler:

"An act to amend article 3192 of the Revised Civil Statutes."

Referred to Judiciary Committee No. 1.

By Senator Calhoun:

"An act to validate the sale of town lots and blocks situated in the town of Coleman, in Coleman county, Texas, made by J. F. Miles and by W. O. Reed, commissioners for Coleman county, Texas."

Referred to Judiciary Committee No. 2.

By leave the following reports were sent up:

By Senator Davis:

COMMITTEE ROOM,
AUSTIN, March 10, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred substitute House bill No. 33, entitled "An act to amend articles 318 and 320, of chapter 4, title 9 of the Penal Code of the State of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it be considered in connection with substitute Senate bills Nos. 29, 58 and 80 upon the same subject.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 10, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred substitute House bill No. 41, entitled "An act to amend chapter 1, title 10 of the Code of Criminal Procedure of the State of Texas," have had the same under consideration, and in-

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

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

Senator Calhoun gave notice of intention of filing minority report.

COMMITTEE ROOM,
AUSTIN, March 10, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 200, entitled "An act to amend an act entitled 'an act to amend title 32, chapter 17 of the Revised Statutes of the State of Texas, by adding thereto articles 1639a and 1639b,' approved April 14, 1883," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 10, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 250, entitled "An act to amend article 1066 of the Code of Criminal Procedure of the State of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 10, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 268, entitled "An act to regulate the duties of public ginners or persons ginning cotton for toll, and prescribing penalties for all violation of the same," have had the same under consideration, and instruct me to report it back with the recommendation that it be referred to the Committee on Agriculture.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, March 10, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 266, entitled "An act to authorize the redemption of lands sold under execution or orders of sale and powers of sale in mortgages or deeds of trust, and to prescribe the mode of proceeding therein," have had the same under consideration, and instruct me to report it back with the request that fifty copies be printed for the use of the committee.

All of which is respectfully submitted.

DAVIS, Chairman.

COMMITTEE ROOM,
AUSTIN, March 10, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 251, entitled "An act to amend article 182 of the Revised Civil Statutes of the State of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, March 11, 1885

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred Senate bill No. 269, entitled "An act to amend an act entitled 'an act to amend section 16 of an act entitled 'an act to redistrict the State into judicial districts, and fix the times of holding court therein, and to provide for the election of judges and district attorneys at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' ap-

approved April 9, 1883," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

FOWLER, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 11, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred House bill No. 549, entitled "An act to amend section 17 of an act entitled 'an act to redistrict the State into judicial districts, and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Monday in November, 1884,' approved April 9, 1883," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass with the following amendment: Strike out the word "emergency" in section 3, and insert in lieu thereof the words "imperative public necessity."

All of which is respectfully submitted.

FOWLER, Chairman.

Bill read first time.

On motion of Senator Davis,

The special orders were postponed and House bill No. 118, "An act to amend chapter 6 of title 29 of the Revised Civil Statutes of Texas, by adding thereto, after article 1241, another article, to be called article 1241a," was taken up and read second time.

The first and second committee amendments were adopted.

Senator Davis offered the following amendment:

Strike out the caption and insert "An act to further regulate the waiver of service and the confession of judgment in civil suits by adding, after article 1347 of the Revised Statutes, an additional article, to be known as 1347a."

In section 1, strike out all from "Texas" down to and including 241a," and insert "that."

Article 1347a. In section 1, strike out "of this chapter," and insert "or the confession of judgment as provided for in article 1347."

Adopted, and bill passed to third reading.

On motion of Senator Glasscock,

Senate bill No. 267, "An act to authorize the State Capitol Board to contract for the substitution of granite for limestone in the construction of the exterior walls of the superstructure of the new State Capitol, and for other changes therein, and to extend the time for the completion thereof, and to conform all laws thereto, and to make an appropriation for the contingent expenses connected therewith, and to authorize the payment for such change to be made to the contractor in convict labor," was taken up and made the special order for to-morrow after morning call, and from day to day till disposed of.

On motion of Senator Jones,

The regular order of business was suspended and substitute House bill No. 126, "An act amend article 358 of chapter 3, title 11 of the Penal Code of the State of Texas," was taken up and read the second time, with majority (unfavorable) and minority (favorable) reports.

Senator Houston of Bexar moved to adopt the majority report, and moved the previous question on the motion.

Previous question seconded, and

The Senate refused to order the main question — the President voting nay — by the following vote:

YEAS—14.		
Davis,	Hall,	Knittel,
Farrar,	Houston of Bexar,	Pfeuffer,
Fowler,	Houston of Wheeler,	Pope,
Garrison,	Jerdone,	Traylor.
Glasscock,	Jones,	

NAYS—15.		
Bell,	Harrison,	Shannon,
Calhoun,	Kilgore,	Stinson,
Camp,	Peacock,	Terrell,
Evans,	Perry,	Woods,
Getzendaner,	Randolph,	Mr. President.

Senator Stinson moved to substitute the minority for the majority report.

Senator Harrison moved the previous question on the adoption of Senator Stinson's motion to substitute the minority for the majority report.

Seconded, and

Main question ordered by the following vote:

YEAS—18.		
Bell,	Getzendaner,	Jones,
Camp,	Hall,	Knittel,
Davis,	Harrison,	Perry,
Farrar,	Houston of Bexar,	Pope,
Fowler,	Houston of Wheeler,	Randolph,
Garrison,	Jerdone,	Shannon.

NAYS—10.		
Calhoun,	Peacock,	Terrell,
Evans,	Pfeuffer,	Traylor,
Glasscock,	Stinson,	Woods.
Kilgore,		

The minority report was adopted by the following vote:

YEAS—17.		
Bell,	Harrison,	Randolph,
Calhoun,	Jerdone,	Shannon,
Camp,	Kilgore,	Stinson,
Evans,	Peacock,	Terrell,
Garrison,	Perry,	Traylor.
Getzendaner,	Pfeuffer,	

NAYS—11.		
Davis,	Hall,	Knittel,
Farrar,	Houston of Bexar,	Pope,
Fowler,	Houston of Wheeler,	Woods.
Glasscock,	Jones,	

Senator Bell moved to postpone consideration of the bill till to-morrow, and fifty copies of the bill be ordered printed for the use of the Senate.

Withdrawn.

Senator Davis offered the following amendment:

Strike out all after "punished," and insert "by fine of not less than twenty-five nor more than one hundred dollars, and imprisonment in the county jail for not less than ten nor more than ninety days."

Adopted by the following vote:

YEAS—16.		
Bell,	Garrison,	Perry,
Calhoun,	Getzendaner,	Pfeuffer,
Camp,	Harrison,	Shannon,
Davis,	Jones,	Stinson,
Evans,	Peacock,	Traylor.
Farrar,		

NAYS—12.		
Fowler,	Houston of Wheeler,	Pope,
Glasscock,	Jerdone,	Randolph,
Hall,	Kilgore,	Terrell,
Houston of Bexar,	Knittel,	Woods.

Senator Bell offered the following amendment:

Amend by adding after the word "place," "and which table, bank or game is not licensed by law."

Adopted.

Senator Pope offered the following amendment:

Amend by adding a section so as to include persons who bet at gaming tables in same way as the exhibitors, and amend caption to correspond.

Senator Davis moved the previous question on the amendment, and the engrossment of the bill.

Seconded, and main question ordered.

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

YEAS—11.

Farrar,	Hall,	Knittel,
Fowler,	Houston of Bexar,	Pope,
Garrison,	Houston of Wheeler,	Woods.
Glasscock,	Jerdone,	

NAYS—17.

Bell,	Harrison,	Randolph,
Calhoun,	Jones,	Shannon,
Camp,	Kilgore,	Stinson,
Davis,	Peacock,	Terrell,
Evans,	Perry,	Traylor.
Getzendaner,	Pfeuffer,	

The bill passed to third reading by the following vote:

YEAS—19.

Bell,	Getzendaner,	Pfeuffer,
Calhoun,	Harrison,	Randolph,
Camp,	Jones,	Shannon,
Davis,	Kilgore,	Stinson,
Evans,	Peacock,	Terrell,
Farrar,	Perry,	Traylor.
Garrison,		

NAYS—9.

Fowler,	Houston of Bexar,	Knittel,
Glasscock,	Houston of Wheeler,	Pope,
Hall,	Jerdone,	Woods.

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

Adopted by the following vote:

YEAS—19.

Bell,	Getzendaner,	Pfeuffer,
Calhoun,	Harrison,	Randolph,
Camp,	Jones,	Shannon,
Davis,	Kilgore,	Stinson,
Evans,	Peacock,	Terrell,
Farrar,	Perry,	Traylor,
Garrison,		

NAYS—8.

Fowler,	Houston of Bexar,	Pope,
Glasscock,	Houston of Wheeler,	Woods.
Hall,	Knittel,	

Senator Jones asked to have the journal of yesterday corrected to show that the Senate in executive session had confirmed the appointment of notaries public in Trinity county as follows:

Trinity county—C. B. Wood, E. B. Bond, W. G. Sterling, Pennington; T. D. Standford, J. P. Stevenson, Groveton; D. H. Hamilton, Centralia; W. M. Freeman, Pennington; W. F. Lister, J. C. Leggett, Trinity; J. G. W. Pierson, Groveton.

Senator Stinson moved to reconsider the vote by which the Senate, on yesterday, refused to engross Senate bill No. 175—the Houston of Bexar insurance bill.

Senator Harrison moved the previous question on the motion.

Seconded, and

Main question ordered by the following vote:

YEAS—24.

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

NAYS—none.

ABSENT, NOT VOTING.

Farrar,	Pope,	Randolph.
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Senator Stinson's motion to reconsider was adopted by the following vote:

YEAS—14.

Bell,	Houston of Bexar,	Pope,
Fowler,	Houston of Wheeler,	Shannon,
Garrison,	Jones,	Stinson,
Glasscock,	Perry,	Woods.
Harrison,	Pfeuffer,	

NAYS—10.

Galhoun,	Getzendaner,	Peacock,
Camp,	Kilgore,	Terrell,
Davis,	Knittel,	Traylor.
Evans,		

ABSENT, NOT VOTING.

Farrar,	Hall,	Randolph.
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Senator Stinson moved to refer the bill to a special committee of three to prepare a suitable bill on insurance.

Adopted.

Senator Traylor called up the motion of Senator Houston of Bexar to reconsider the vote by which the Senate refused on February 5 to engross Senate bill No. 122, "An act to regulate the collection of taxes, and to provide for prompt settlement by collectors."

The motion to reconsider was adopted by the following vote:

YEAS—17.

Bell,	Jones,	Shannon,
Camp,	Kilgore,	Stinson,
Fowler,	Knittel,	Terrell,
Getzendaner,	Perry,	Traylor,
Glasscock,	Pfeuffer,	Woods.
Houston of Bexar,	Pope,	

NAYS—5.

Calhoun,	Evans,	Hall.
Davis,	Garrison,	

ABSENT, NOT VOTING.

Farrar,	Houston of Wheeler,	Randolph.
Harrison,	Peacock,	

The bill was ordered engrossed by the following vote:

YEAS—14.

Bell,	Harrison,	Shannon,
Camp,	Kilgore,	Stinson,
Fowler,	Knittel,	Traylor,
Getzendaner,	Perry,	Woods.
Glasscock,	Pfeuffer,	

NAYS—8.

Calhoun,	Garrison,	Peacock,
Davis,	Hall,	Terrell.
Evans,	Houston of Bexar,	

ABSENT, NOT VOTING.

Farrar, Jones, Randolph,
Houston of Wheeler, Pope,

House bill No. 249, "An act to repeal an act to authorize counties to issue bonds for bridge purposes, and to levy a tax to pay the same; also to validate bonds heretofore issued for bridge purposes, passed at the called session of the Eighteenth Legislature," was laid before the Senate as the first special order, and read the second time.

Senator Jones moved to postpone action on the bill indefinitely.

Withdrawn.

(Senator Fowler in the chair.)

Senator Jones moved to substitute Senate bill No. 78 for the pending bill.

Withdrawn.

Senator Jones moved that the bill be postponed and made the special order for Saturday after morning call, to be considered in connection with Senate bill No. 78.

Withdrawn.

Senator Woods offered the following substitute for the bill:

"An act to authorize the county commissioners' court to set aside from year to year not exceeding one-half of the road and bridge tax to purchase and establish free bridges across streams having an average width of sixty feet; also to validate bonds heretofore issued for bridge purposes."

Adopted by the following vote:

YEAS—20.

Bell,	Hall,	Pope,
Calhoun,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Fowler,	Houston of Wheeler,	Terrell,
Garrison,	Jones,	Traylor,
Getzendaner,	Knittel,	Woods.
Glasscock,	Pfeuffer,	

NAYS—6.

Camp,	Kilgore,	Perry,
Davis,	Peacock,	Randolph.

ABSENT, NOT VOTING.

Farrar.

Senator Davis offered the following amendment:

Strike out that part of the bill submitting the proposition to vote of the people.

Lost by the following vote:

YEAS—11.

Bell,	Jones,	Randolph,
Davis,	Kilgore,	Shannon,
Evans,	Knittel,	Terrell.
Garrison,	Peacock,	

NAYS—16.

Calhoun,	Hall,	Pfeuffer,
Camp,	Harrison,	Pope,
Farrar,	Houston of Bexar,	Stinson,
Fowler,	Houston of Wheeler,	Traylor,
Getzendaner,	Perry,	Woods.
Glasscock,		

(The President in the chair.)

Senator Fowler moved to adjourn till 7:30 o'clock this evening.

Withdrawn.

Senator Stinson offered the following amendment:

Amend by adding to section 2 the following: "Provided, the parties who petition for said election shall deposit with the county clerk of the county a sufficient amount of money to pay the expenses of said election before the commission court shall order any election to be held."

Adopted by the following vote:

YEAS—13.

Davis,	Kilgore,	Randolph,
Evans,	Peacock,	Shannon,
Garrison,	Perry,	Stinson,
Glasscock,	Pfeuffer,	Woods.
Jones,		

NAYS—11.

Bell,	Fowler,	Houston of Wheeler,
Calhoun,	Getzendaner,	Pope,
Camp,	Harrison,	Traylor.
Farrar,	Houston of Bexar,	

ABSENT, NOT VOTING.

Hall,	Knittel,	Terrell.
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Senator Bell offered the following amendment:

Amend by striking out the words "having an average width of sixty feet."

Adopted.

The bill was ordered engrossed by the following vote:

YEAS—16.

Bell,	Hall,	Perry,
Calhoun,	Harrison,	Pfeuffer,
Farrar,	Houston of Bexar,	Pope,
Fowler,	Houston of Wheeler,	Stinson,
Getzendaner,	Jones,	Woods.
Glasscock,		

NAYS—10.

Camp,	Kilgore,	Randolph,
Davis,	Knittel,	Shannon,
Evans,	Peacock,	Traylor.
Garrison,		

ABSENT, NOT VOTING.

Terrell.

Senator Bell sent up the following privileged report:

COMMITTEE ROOM,
AUSTIN, March 11, 1885.

Hon. Barnett Gibbs, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 122, being "An act to regulate the collection of taxes and to provide for prompt settlement by collectors," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 11, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body of the passage of House bill No. 85, "An act to amend articles 3164, 3165, 3166, 3171, 3173, 3176, 3177, 3178 and 3179 of title 61, chapter 2 of the Revised Civil Statutes of the State of Texas, relating to mechanics', contractors', builders' and material men's liens, and to add thereto articles 3179a and 3179b."

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

Referred to Judiciary Committee No. 1.

On motion of Senator Houston of Wheeler, House bill No. 105, "An act to create the county of Val Verde, and to provide for its organization," was taken up and made the special order for tomorrow after morning call, and from day to day till disposed of.

On motion of Senator Jones,

The Senate adjourned until 7:30 o'clock this evening by the following vote:

YEAS—16.

Bell,	Hall,	Randolph,
Calhoun,	Harrison,	Stinson,
Camp,	Jones,	Terrell,
Evans,	Kilgore,	Traylor,
Fowler,	Knittel,	Woods.
Garrison,		

NAYS—10.

Davis,	Houston of Wheeler,	Pfeuffer,
Farrar,	Peacock,	Pope,
Glasscock,	Perry,	Shannon.
Houston of Bexar,		

ABSENT, NOT VOTING.

Getzendaner.

EVENING SESSION.

Senate met pursuant to adjournment.
Lieutenant-Governor Gibbs in the chair.
Roll called.

Quorum present.

Senator Shannon moved to postpone the special order of business and take up Senate bill No. 270, "An act to protect persons in the employment of railway companies, and those who may wish to become employees thereof."

Adopted by the following vote:

YEAS—20.

Bell,	Getzendaner,	Peacock,
Calhoun,	Hall,	Perry,
Camp,	Harrison,	Pfeuffer,
Davis,	Houston of Wheeler,	Shannon,
Evans,	Jones,	Terrell,
Farrar,	Kilgore,	Woods
Fowler,	Knittel,	

NAYS—2.

Randolph,	Stinson.
Garrison,	Houston of Bexar, Traylor.
Glasscock,	Pope,

The bill was read the second time.

Senator Houston of Bexar offered the following substitute for section 2:

Section 2. Any person or persons who, without authority of law, shall molest or obstruct, hinder or delay the movements of any train, engine or car, on any railway track in this State, or by words, or by act or acts, by intimidation or otherwise, prevent any person from engaging or remaining in the service of any railway company, or in performing the duties of his or their employment, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding five hundred dollars, and may be imprisoned in the county jail not exceeding six months. But this act shall not prevent any railway company from discharging from its service any person it may wish to discharge at any time.

Senator Terrell in the chair.

The President in the chair.

Senator Evans offered the following amendment to the substitute of Senator Houston of Bexar:

Amend by adding to section 2 the following proviso: "Provided no employee shall be discharged for the purpose of evading the requirements of section 1 of this act."

Accepted.

Senator Kilgore offered the following amendment: Strike out the words "or otherwise."

Accepted.

Senator Peacock offered the following amendment:

Amend by inserting after the word "intimidation," in line 3, the following: "Or by any other means."

Accepted.

Senator Shannon offered the following amendment to the amendment:

Amend section 2 by striking out all after the word "months" in line 8.

Senator Shannon moved the previous question on the amendment.

Seconded, and main question ordered.

The substitute of Senator Shannon was adopted. The amendment of Senator Houston of Bexar was adopted as amended.

Senator Davis offered the following amendment:

Add to the caption the words: "And to better protect the property of railway companies."

Adopted.

Senator Pope offered the following amendment:

Amend by adding:

Sec. — The thirty days notice referred to in this act is declared to mean thirty full days prior to the day upon which the employees receive their wages from the railroad corporation.

Adopted.

Senator Pope offered the following amendment:

Sec. — Whereas, the railroad corporations of this State have recently, by frequent reduction of the wages of employes without notice to the employees, caused them to abandon the service of the railroad corporations, thus producing what are commonly known as "strikes," and thereby destroying the commercial traffic in this State, creates an emergency and imperative public necessity that this bill take effect immediately, and the rule requiring bills to be read on three several days be suspended, and it is so enacted.

Senator Houston of Bexar offered the following substitute for the amendment:

The near approach of the close of the session, and the fact that the property and employees of the railway companies of this State are now being unlawfully interfered with, to the detriment of the commerce of the country, create an emergency and imperative public necessity for the suspension of the rules and the immediate passage of this act, and that it take effect from and after its passage, and it is therefore so enacted.

Accepted and adopted.

Senator Woods moved to adjourn till ten o'clock to-morrow morning.

Lost.

Senator Harrison offered the following substitute for section 2:

Strike out all of section 2 and insert the following:

Sec. 2. Any person or persons who, without authority of law, shall molest or obstruct or in any way interfere with the movements of any train, engine, or cars on any railway track in this State, or by threatening words or acts of violence, or by intimidation, prevent any person from engaging or remaining in the service of any railway company, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not exceeding five hundred dollars, and may be imprisoned in the county jail not exceeding six months. Provided, no employee of any railway company shall be discharged until he has received thirty days' notice of the time his discharge is to take effect.

Senator Jones moved the previous question on the substitute, and the engrossment of the bill.

Seconded, and main question ordered.

The substitute of Senator Harrison was lost.

The bill was ordered engrossed by the following vote:

YEAS—23.

Bell,	Getzendaner,	Perry,
Calhoun,	Glasscock,	Pfeuffer,
Camp,	Hall,	Pope,
Davis,	Houston of Bexar,	Shannon,
Evans,	Jones,	Terrell,
Farrar,	Kilgore,	Traylor,
Fowler,	Knittel,	Woods.
Harrison,	Peacock,	

NAYS—4.

Harrison,	Randolph,	Stinson.
Houston of Wheeler,		

Senator Shannon moved to suspend the constitutional rule, and place the bill in its third reading. Adopted by the following vote:

YEAS—22.

Bell,	Getzendaner,	Peacock,
Calhoun,	Glasscock,	Perry,
Camp,	Hall,	Pfeuffer,
Davis,	Houston of Bexar,	Pope,
Evans,	Jones,	Shannon,
Farrar,	Kilgore,	Terrell,
Fowler,	Knittel,	Traylor.
Harrison,		

NAYS—5.

Harrison,	Randolph,	Woods.
Houston of Wheeler,	Stinson,	

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

YEAS—23.

Bell,	Getzendaner,	Perry,
Calhoun,	Glasscock,	Pfeuffer,
Camp,	Hall,	Pope,
Davis,	Houston of Bexar,	Shannon,
Evans,	Jones,	Terrell,
Farrar,	Kilgore,	Traylor,
Fowler,	Knittel,	Woods.
Harrison,	Peacock,	

NAYS—4.

Harrison,	Randolph,	Stinson.
Houston of Wheeler,		

Senator Stinson submitted the following minority report:

COMMITTEE ROOM,
AUSTIN, March 10, 1885.

Hon. Barnett Gibbs, President of the Senate:
A minority of your Judiciary Committee No. 2, to whom was referred substitute House bill No. 41, entitled "An act to amend chapter 1, title 10 of the Code of Criminal Procedure of the State of Texas," and upon which a majority of your committee have reported unfavorably, have carefully examined said bill and recommend that it do pass. The bill does not tend to deprive the defendant, in a criminal case, of any material right, but in the main only provides for a judgment and conviction, in all respects regular, shall not be reversed on account of clerical errors or omissions in the judgment of conviction, statements of facts and transcripts, and would, if it became a law, tend to establish justice.

All of which is respectfully submitted.

STINSON,
BELL,
CALHOUN,
for minority.

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

FIFTIETH DAY.

SENATE CHAMBER,
AUSTIN, March 12, 1885. }

The Senate met pursuant to adjournment. Lieutenant-Governor Gibbs in the chair. Roll called.

Quorum present.
Prayer by the Chaplain, Dr. Smoot.
On motion of Senator Getzendaner,
The reading of the journal of yesterday was dispensed with.

Senate bill No. 189, "An act to annul and cancel all locations and surveys made thereunder and patents issued upon any land situate in the county of Greer, and to restore said land to the respective funds to which they belong," was laid before the Senate as the first special order and read the second time.

By leave, Senator Peacock sent up the following report:

COMMITTEE ROOM,
AUSTIN, March 10, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Lands, to whom was referred Senate bill No. 184, entitled "An act to donate all the public domain in the State of Texas to the public free school fund," have had the same under consideration, and instruct me to report the accompanying substitute therefor, and to recommend that such substitute do pass.

All of which is respectfully submitted.

PEACOCK, Chairman.

Bill read first time with substitute, "An act to dispose of the vacant lands of the State."
(Senator Shannon, President pro tem., in the chair.)

By leave, Senator Traylor sent up the following special committee report:

COMMITTEE ROOM,
AUSTIN, March 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your committee to whom was referred the resolution of the Senate looking to the purchase of the granite quarries in Burnett county, from which the granite is furnished in the construction of the new Capitol, had a conference with the owners of said granite, who at first talked as if they were willing to dispose of them to the State on fair terms and at a fair price; but upon being requested by your committee to make a proposition in writing, they seemed to have reconsidered their first conclusions, and so far have made no proposition for sale to the State of the property named.

Your committee are under the impression the owners of said granite concluded after taking in the situation, that the material for the construction of the new Capitol would be changed from limestone to granite, in which event it would be an unwise business transaction on their part to part with the title to the property referred to.

All of which is respectfully submitted.

TRAYLOR,
PFEUFFER.

Senator Harrison offered the following substitute for the bill, entitled:

"An act to require the Attorney-General to bring suit to recover all lands and cancel all patents illegally issued for any and all lands belonging to the State, the free school fund, or any other special fund of the State, and to fix venue for such suits."

On motion of Senator Bell,
The Senate took a ten minutes recess.

SENATE CONVENED.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body of the passage of:

Substitute House bills Nos. 8, 34 and 70, "An act to provide for the leasing and sale of the lands heretofore or that may hereafter be surveyed and set apart for the benefit of the common school, the University, the Lunatic, Blind, Deaf and Dumb, and Orphan Asylum funds."

Substitute House bill No. 188, "An act to incorporate the Grand Royal Arch Chapter of Texas."

House bill No. 343, "An act to amend the Revised Civil Statutes of the State of Texas, title 17, by adding thereto article 340a. and to amend article 375 thereof"

Respectfully,

A. D. SADLER,
Chief Clerk House Representatives.

On motion of Senator Terrell,

One hundred copies of the land bill just reported were ordered printed for the use of the Senate.

House bill No. 188 was referred to Committee on State Affairs.

House bill No. 343 was referred to Judiciary Committee No. 1.

Substitute House bills Nos. 8, 34 and 70 was referred to Committee on Public Lands.

Senator Bell sent up the following privileged report:

COMMITTEE ROOM,
AUSTIN, March 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 270, being "An act to protect persons in the employment of railway companies, and those who may wish to become employees thereof, and to better protect the property of railway companies," and find the same correctly engrossed.

BELL, Chairman.

Senator Harrison offered to amend by adding:

'Provided, the operation of this law shall apply only to the territorial limits of Greer county.'

Adopted.

The substitute was adopted by the following vote:

YEAS—12.

Bell,	Garrison,	Perry,
Camp,	Getzendaner,	Shannon,
Farrar,	Hall,	Stinson,
Fowler,	Harrison,	Traylor.

NAYS—11.

Calhoun,	Kilgore,	Pope,
Davis,	Knittel,	Terrell,
Evans,	Peacock,	Woods.
Glasscock,	Pfeuffer,	

ABSENT, NOT VOTING.

Houston of Bexar, Jones, Randolph.

Senator Houston of Wheeler was excused by the Senate, on account of connection with the lands treated in the bill, as attorney, from voting.

Senator Davis offered to amend the caption so as to confine the law to Greer county.

Adopted.

The bill, as substituted, was ordered engrossed by the following vote:

YEAS—19.

Bell,	Garrison,	Randolph,
Calhoun,	Getzendaner,	Shannon,
Camp,	Hall,	Stinson,
Davis,	Harrison,	Terrell,
Evans,	Jones,	Traylor,
Farrar,	Perry,	Woods.
Fowler,		

NAYS—7.

Glasscock,	Knittel,	Pfeuffer,
Houston of Bexar,	Peacock,	Pope.
Kilgore,		

(Senator Terrell in the chair.)

House bill No. 428, "An act to amend article 4687 of the Revised Civil Statutes of the State of Texas, the second special order, was laid before the Senate and read the second time.

Senator Woods moved to strike out the engrossed rider.

Withdrawn.

The bill was passed to third reading.

On motion of Senator Davis,

The constitutional rule was suspended, and

The bill was placed on its final passage by the following vote:

YEAS—25.

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

NAYS—none.

ABSENT, NOT VOTING.

Harrison, Knittel.

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

YEAS—24.

Bell,	Hall,	Pfeuffer,
Calhoun,	Houston of Bexar,	Pope,
Camp,	Houston of Wheeler,	Randolph,
Evans,	Jones,	Shannon,
Farrar,	Kilgore,	Stinson,
Garrison,	Knittel,	Terrell,
Getzendaner,	Peacock,	Traylor,
Glasscock,	Perry,	Woods.

NAYS—1.

Davis.
ABSENT, NOT VOTING.
Fowler, Harrison.

On motion of Senator Perry,

Senate bill No. 260, "An act to amend articles 1006, 1007 and 1008 of an act entitled 'an act to amend articles 1006, 1007 and 1008 of the Revised Civil Statutes of the State of Texas,' approved February 21, 1879, passed by the Eighteenth Legislature and approved April 9, 1883," was taken up out of its regular order and read the second time.

Senator Pope entered a motion to reconsider the vote by which House bill No. 428 (the railroad bill) had just been passed with emergency clause.

Senate bill No. 260 was ordered engrossed.

On motion of Senator Perry,

The constitutional rule was suspended, and

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

YEAS—25.

Glassecock,	Pfeuffer,
Hall,	Pope,
Houston of Bexar,	Randolph,
Houston of Wheeler,	Shannon,
Jones,	Stinson,
Kilgore,	Terrell,
Peacock,	Traylor,
Perry,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Kleberg.

The bill was read third time and passed.
 On motion of Senator Davis,
 the special orders were postponed and House
 bill No. 118, "An act to amend chapter 6 of
 article 29 of the Revised Civil Statutes of Texas, by
 adding thereto, after article 1241, another article to
 be called 1241a," was laid before the Senate, read
 third time and passed.
 Substitute House bill No. 126, "An act to amend
 article 358 of chapter 3, title 11 of the Penal Code of
 the State of Texas," was laid before the Senate and
 read third time.

Senator Davis offered the following amendment:

Strike out the second Senate amendment."

Senator Hall moved to postpone action on the bill
to-morrow at eleven o'clock.

Senator Fowler moved to postpone the bill in-
definitely.

Senator Stinson moved to table the motion to
postpone indefinitely.

Adopted by the following vote:

YEAS—17.

Garrison,	Randolph,
Getzendaner,	Shannon,
Harrison,	Stinson,
Kilgore,	Terrell,
Peacock,	Traylor.
Perry,	

NAYS—10.

Houston of Wheeler,	Pfeuffer,
Jones,	Pope,
Knittel,	Woods.

Senator Stinson moved to table the motion to post-
pone till to-morrow:
Adopted.

Senator Bell offered to substitute the amendment
of Senator Davis as follows:

Amend the second Senate amendment by adding thereto
"when only the table or alley fees are bet thereon."

Lost by the following vote:

YEAS—9.

Farrar,	Stinson,
Glasscock,	Traylor,
Randolph,	Woods.

NAYS—18.

Harrison,	Peacock,
Houston of Bexar,	Perry,
Houston of Wheeler,	Pfeuffer,
Jones,	Pope,
Kilgore,	Shannon,
Knittel,	Mr. President.

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

YEAS—13.

Calhoun,	Garrison,	Perry,
Camp,	Getzendaner,	Shannon,
Davis,	Kilgore,	Stinson,
Evans,	Peacock,	Terrell.
Farrar,		

NAYS—14.

Bell,	Houston of Bexar,	Pope,
Fowler,	Houston of Wheeler,	Randolph,
Glasscock,	Jones,	Traylor,
Hall,	Knittel,	Woods.
Harrison,	Pfeuffer,	

Senator Houston of Wheeler offered the following
amendment:

Amend by adding, after the word "and," "any person, firm
or association who shall keep or be concerned in keeping any
business known as a 'bucket shop.'"

Senator Davis moved the previous question on the
amendment and passage of the bill.

Previous question seconded.

The Senate refused to order the main question by
the following vote:

YEAS—12.

Calhoun,	Garrison,	Perry,
Davis,	Getzendaner,	Randolph,
Evans,	Harrison,	Shannon,
Farrar,	Kilgore,	Traylor.

NAYS—15.

Bell,	Houston of Bexar,	Pfeuffer,
Camp,	Houston of Wheeler,	Pope,
Fowler,	Jones,	Stinson,
Glasscock,	Knittel,	Terrell,
Hall,	Peacock,	Woods.

Senator Jones offered to amend the amendment
by adding "or who shall keep any table on which is
commonly played the game of poker.

On motion of Senator Terrell,

The Senate adjourned till eight o'clock this even-
ing by the following vote:

YEAS—15.

Calhoun,	Hall,	Perry,
Camp,	Houston of Bexar,	Pfeuffer,
Fowler,	Houston of Wheeler,	Randolph,
Garrison,	Jones,	Shannon,
Glasscock,	Knittel,	Terrell.

NAYS—10.

Bell,	Getzendaner,	Peacock,
Davis,	Harrison,	Stinson,
Evans,	Kilgore,	Woods.
Farrar,		

ABSENT, NOT VOTING.

Pope,

Traylor.

EVENING SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

The Senate resumed consideration of substitute
House bill No. 126.

Senator Houston of Wheeler withdrew his amend-
ment.

Senator Jones withdrew his amendment.

Senator Houston of Wheeler offered the following amendment:

If any person shall, directly or through an agent or agents, manage or superintend for himself, or as agent or representative of any other person, conduct, carry on or transact any business which is commonly known as a dealer in futures, cotton, grain, any kind of meats or stocks, or keep any house commonly known as a produce or stock exchange, or bucket shop, where future contracts are bought and sold, with no intention of an actual delivery of the article so bought or sold, or any house appertaining thereto, such person, whether acting for himself or for others as aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction in any court of competent jurisdiction, shall be fined in any sum, for the first offense, not less than twenty-five dollars and not more than one hundred dollars, and for the second and each subsequent violation, may, in addition to said fine, be imprisoned in the county jail not less than ten days nor more than ninety days; provided, that each day shall constitute a separate offense.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to inform your honorable body of the passage of the following bills:

Senate bill No. 46, "An act for the relief of Wm. S. Booth, S. F. Grimes and the heirs of Henry Leftridge, deceased."

Senate bill No. 65, "An act to amend article 690, chapter 90 of the Penal Code, as amended April 4, 1881."

House bill No. 152, "An act to amend articles 2812, 2813, 2814, 2815, 2816, 2817, 2819 and 2823 of chapter 6, title 48 of the Revised Civil Statutes of the State of Texas."

House bill No. 354, "An act to restore to and confer upon the county courts of Atascosa, Young, Leon, Dimmitt, Montgomery and Burnet counties the civil and criminal jurisdiction heretofore belonging to said courts under the Constitution and general statutes of the State, to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with the provisions of this act."

House bill No. 398, "An act to authorize cities and towns to levy and collect taxes for the erection, construction or purchase of public buildings, streets, sewers and other permanent improvements."

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

House bill No. 152, was referred to Committee on Insurances, Statistics and History.

House bill No. 354, was referred to Judiciary Committee No. 1.

House bill No. 398 was referred to Committee on State Affairs.

Senator Bell sent up the following privileged reports:

COMMITTEE ROOM,
AUSTIN, March 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared substitute for Senate bill No. 189, being "An act to require the Attorney-General to bring suit to recover all lands and cancel all patents illegally issued for any and all lands situated within the territorial limits of Greer county, belonging to the State, the free school fund, or any other special fund of the State, and so fix the venue for such suits," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 260, being "An act to amend articles 1006, 1007 and 1008 of an act entitled 'an act to amend articles 1006, 1007 and 1008 of the Revised Civil Statutes of the State of Texas,' approved February 21, 1879, passed by the Eighteenth Legislature, and approved April 9, 1883," and find the same and find it correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate substitute for House bill No. 240 being "An act to authorize the county commissioners' court to set aside from year to year not exceeding one-half of the road and bridge tax to purchase and establish free bridges; also to validate bonds heretofore issued for bridge purposes," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

(Senator Randolph in the chair.)

Senator Shannon (President pro tem.) in the chair

Pending discussion on the gambling bill, to-wit Substitute House bill No. 126, reference was made to the pending of certain measures in the House of Representatives.

Senator Houston of Bexar raised the point of order that the allusions to the House proceedings were out of order.

The point of order was sustained.

Senator Stinson moved the previous question on the amendment and the passage of the bill.

Seconded, and the Senate, by the following vote refused to order the main question:

	YEAS—9.	
Calhoun,	Garrison,	Shannon,
Davis,	Getzendaner,	Stinson,
Evans,	Kilgore,	Traylor.

	NAYS—17.	
Bell,	Houston of Bexar,	Pfeuffer,
Camp,	Houston of Wheeler,	Pope,
Jerdone,	Jerdone,	Randolph,
Glasscock,	Jones,	Terrell,
Hall,	Knittel,	Woods.
Harrison,	Perry,	

	ABSENT, NOT VOTING.
Farrar,	Peacock.

(The President in the chair.)

Pending the further discussion of the bill allusions were made to a member of the House of Representatives, and

Senator Terrell made the point of order that allusions to members of the House were out of order.

The point of order was sustained.

Senator Davis moved the previous question on the amendment and the passage of the bill.

Seconded, and
Main question ordered.

The amendment was lost by the following vote:

	YEAS—10.	
Fowler,	Houston of Wheeler,	Pfeuffer,
Glasscock,	Jones,	Pope,
Hall,	Knittel,	Woods.
Houston of Bexar,		

	NAYS—16.	
Bell,	Harrison,	Randolph,
Calhoun,	Jerdone,	Shannon,
Camp,	Kilgore,	Stinson,
Davis,	Peacock,	Terrell,
Evans,	Perry,	Traylor.
Garrison,		

	ABSENT, NOT VOTING.
Farrar,	Getzendaner.

The bill was passed by the following vote:

	YEAS—17.	
Bell,	Harrison,	Randolph,
Calhoun,	Jones,	Shannon,
Camp,	Kilgore,	Stinson,
Davis,	Peacock,	Terrell,
Evans,	Perry,	Traylor.
Garrison,	Pope,	

NAYS—9.

Fowler, Glasscock, Hall,	Houston of Bexar, Houston of Wheeler, Jerdone,	Knittel, Pfeuffer, Woods.
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ABSENT, NOT VOTING.

Farrar, Getzendaner.

Senator Pope moved to reconsider the vote by which the bill was passed, and moved a call of the Senate.

Call sustained.

Senators Farrar and Getzendaner were found absent without excuse.

Senator Peacock moved to excuse the absent Senators.

Lost by the following vote:

YEAS—14.

Bell, Calhoun, Davis, Evans, Garrison,	Harrison, Kilgore, Peacock, Perry, Randolph,	Shannon, Stinson, Terrell, Traylor.
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NAYS—12.

Camp, Fowler, Glasscock, Hall,	Houston of Bexar, Houston of Wheeler, Jerdone, Jones,	Knittel, Pfeuffer, Pope, Woods.
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Senator Pope sent up the following resolution:

Resolved, That it is the sense of a majority of this Senate that from present surroundings it is not feasible to hold any more nocturnal sessions.

Lost.

Senator Calhoun moved to adjourn till 10 o'clock to-morrow morning.

Withdrawn.

Senator Woods renewed the motion to adjourn till 10 o'clock to-morrow morning.

Lost by the following vote:

YEAS—10.

Fowler, Glasscock, Hall, Houston of Bexar,	Houston of Wheeler, Jerdone, Knittel,	Pfeuffer, Pope, Woods.
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NAYS—16.

Bell, Calhoun, Camp, Davis, Evans, Garrison,	Harrison, Jones, Kilgore, Peacock, Perry,	Randolph, Shannon, Stinson, Terrell, Traylor.
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ABSENT, NOT VOTING.

Farrar, Getzendaner.

The Sergeant-at-Arms was dispatched to bring the absent Senators into the Senate chamber.

Senator Jones moved to take up Senate bill No. 249, "An act to provide for the safe keeping and preservation of the Texas exhibits at the New Orleans World's Fair."

Senator Davis moved a call of the Senate.

Call sustained.

Senators Farrar and Getzendaner were found absent without excuse.

Senator Davis moved to excuse the absent Senators.

Lost by the following vote:

YEAS—14.

Bell, Calhoun,	Davis, Evans,	Garrison, Houston of Wheeler,
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Kilgore, Peacock, Perry,	Randolph, Shannon, Stinson,	Terrell, Traylor.
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NAYS—12.

Camp, Fowler, Glasscock, Hall,	Harrison, Houston of Bexar, Jerdone, Jones,	Knittel, Pfeuffer, Pope, Woods.
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Senator Pope moved to adjourn till 9 o'clock to-morrow morning.

Lost by the following vote:

YEAS—11.

Fowler, Glasscock, Hall, Houston of Bexar,	Houston of Wheeler, Jerdone, Jones, Knittel,	Pfeuffer, Pope, Woods.
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NAYS—15.

Bell, Calhoun, Camp, Davis, Evans,	Garrison, Harrison, Kilgore, Peacock, Perry,	Randolph, Shannon, Stinson, Terrell, Traylor.
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ABSENT, NOT VOTING.

Farrar, Getzendaner.

Senator Davis moved to excuse absentees.

Lost by the following vote:

YEAS—15.

Bell, Calhoun, Camp, Davis, Evans,	Garrison, Harrison, Kilgore, Peacock, Perry,	Randolph, Shannon, Stinson, Terrell, Traylor.
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NAYS—10.

Fowler, Glasscock, Hall, Houston of Bexar,	Houston of Wheeler, Jones, Knittel,	Pfeuffer, Pope, Woods.
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Senate bill No. 64, "An act to provide for the management and control of the lands set aside for the benefit of the University of Texas," was laid before the Senate in its regular order.

Senator Pope moved a call of the Senate.

Call sustained.

Senators Farrar, Getzendaner and Jerdone were found absent without excuse.

Senator Fowler moved to adjourn till 2:30 o'clock to-morrow morning.

Lost by the following vote:

YEAS—18.

Fowler, Getzendaner, Hall,	Houston of Bexar, Jones, Perry,	Pfeuffer, Pope.
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NAYS—18.

Bell, Calhoun, Camp, Davis, Evans, Garrison,	Glasscock, Harrison, Houston of Wheeler, Kilgore, Knittel, Peacock,	Randolph, Shannon, Stinson, Terrell, Traylor, Woods.
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ABSENT, NOT VOTING.

Farrar, Jerdone,

Senator Jones moved to take a recess of fifteen minutes.

Lost by the following vote:

YEAS—9.

Fowler, Hall, Houston of Bexar,	Houston of Wheeler, Jones, Knittel,	Pfeuffer, Pope, Woods.
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NAYS—17.

Bell,	Getzendaner,	Randolph,
Calhoun,	Glasscock,	Shannon,
Camp,	Harrison,	Stinson,
Davis,	Kilgore,	Terrell,
Evans,	Peacock,	Traylor.
Garrison,	Perry,	

ABSENT, NOT VOTING.

Farrar, Jerdone.

Senators Farrar and Getzendaner were announced in the bar of the Senate Chamber.

Senator Davis raised the point of order that Senator Jerdone was present when the call of the Senate was taken, and therefore the Senate was full.

The point of order was sustained.

Senator Davis moved to table the motion of Senator Pope to reconsider.

Senator Houston of Bexar moved a call of the Senate.

Call sustained.

Senator Jerdone was found absent without excuse.

Senator Stinson moved to excuse Senator Jerdone.

Lost by the following vote:

YEAS—17.

Bell,	Garrison,	Randolph,
Calhoun,	Getzendaner,	Shannon.
Camp,	Harrison,	Stinson,
Davis,	Kilgore,	Terrell.
Evans,	Peacock,	Traylor.
Farrar,	Perry,	

NAYS—10.

Fowler,	Houston of Wheeler,	Pfeuffer,
Glasscock,	Jones,	Pope,
Hall,	Knittel,	Woods.
Houston of Bexar,		

Senator Pope moved to excuse Senator Farrar on account of sickness.

Senator Houston of Bexar moved to adjourn till 10 o'clock to-morrow morning.

Lost by the following vote:

YEAS—12.

Farrar,	Harrison,	Knittel,
Fowler,	Houston of Bexar,	Pfeuffer,
Glasscock,	Houston of Wheeler,	Pope,
Hall,	Jones,	Woods.

NAYS—15.

Bell,	Garrison,	Randolph,
Calhoun,	Getzendaner,	Shannon,
Camp,	Kilgore,	Stinson,
Davis,	Peacock,	Terrell,
Evans,	Perry,	Traylor.

On motion of Senator Davis,

The absent Senator was excused by the following vote:

YEAS—18.

Bell,	Garrison,	Perry,
Calhoun,	Getzendaner,	Randolph,
Camp,	Harrison,	Shannon,
Davis,	Kilgore,	Stinson,
Evans,	Knittel,	Terrell,
Farrar,	Peacock,	Traylor.

NAYS—9.

Fowler,	Houston of Bexar,	Pfeuffer,
Glasscock,	Houston of Wheeler,	Pope,
Hall,	Jones,	Woods.

The motion of Senator Davis to lay the motion to reconsider on the table was put, but No quorum voted.

Senator Jerdone was announced present, and the the Senate was declared full.

Senator Davis moved to excuse Senator Peacock indefinitely.

Adopted by the following vote:

YEAS—27.

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

NAYS—none.

Senator Woods moved to excuse Senator Jerdone.

The motion received the following vote:

YEAS—14.

Bell,	Hall,	Pfeuffer,
Camp,	Houston of Bexar,	Pope,
Farrar,	Houston of Wheeler,	Randolph,
Fowler,	Knittel,	Woods.
Glasscock,	Perry,	

NAYS—11.

Calhoun,	Getzendaner,	Stinson,
Davis,	Jones,	Terrell,
Evans,	Kilgore,	Traylor.
Garrison,	Shannon,	

The Senate was declared full and the call suspended, and Senator Jerdone was declared excused by a majority vote:

The motion to table the motion to reconsider was again put, and

No quorum voted on the motion.

Senator Randolph moved a call of the Senate.

Call sustained.

The Senate was declared full.

The motion to lay the motion to reconsider on the table was again put, and

No quorum voted.

Senator Jones moved to adjourn till 10 o'clock to-morrow morning.

Lost by the following vote:

YEAS—10.

Farrar,	Houston of Bexar,	Knittel,
Fowler,	Houston of Wheeler,	Pfeuffer,
Glasscock,	Jones,	Woods.
Hall,		

NAYS—15.

Bell,	Garrison,	Randolph,
Calhoun,	Getzendaner,	Shannon,
Camp,	Harrison,	Stinson,
Davis,	Kilgore,	Terrell,
Evans,	Perry,	Traylor.

NOT VOTING.

Pope.

The motion to lay the motion to reconsider on the table was again put, and

No quorum present.

Senator Davis moved a call of the Senate.

Call sustained, and

Senate declared full.

The motion to table the motion to reconsider was adopted by the following vote:

YEAS—16.

Bell,	Garrison,	Randolph,
Calhoun,	Getzendaner,	Shannon,
Camp,	Harrison,	Stinson,
Davis,	Kilgore,	Terrell,
Evans,	Perry,	Traylor.
Farrar,		

NAYS—5.

Classcock,	Houston of Wheeler,	Woods.
Houston of Bexar,	Jones,	

NOT VOTING.

Fowler,	Knittel,	Pope.
Hall,	Pfeuffer,	

On motion of Senator Terrell,
The Senate adjourned till 10:30 o'clock to-morrow morning.

FIFTY-FIRST DAY.

SENATE CHAMBER,
AUSTIN, March 13, 1885. }

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

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Calhoun,

The reading of the journal of yesterday was dispensed with.

The President appointed Senators Stinson, Getzendaner and Fowler the special committee to whom Senate bill No. 175 (the Houston of Bexar Insurance bill), was referred, for the purpose of having a suitable insurance bill prepared and substituted therefor.

BILLS AND RESOLUTIONS.

Senator Woods introduced the following resolution:

CONCURRENT RESOLUTION.

Whereas, a communication was addressed to the Capitol Commissioners of the State of Texas in the following words:

AUSTIN, TEXAS, November 6, 1884.

We, the undersigned, owners of survey No. 18, in Burnet county, Texas, and known as the William Slaughter east half league, upon which is the granite deposit whence the material for the water table of the new State Capitol was recently taken, hereby tender to the people of the State of Texas, free of all or any charge, all the granite stone required to complete the entire superstructure of the building.

G. W. LACEY,
W. H. WESTFALL,
N. L. NORTON.

Witness:

JOHN HANCOCK,
O. M. ROBERTS.

And, whereas, we regard the proposition contained in the above communication as indicative of a generous spirit and prompted by feelings of high patriotism; therefore be it

Resolved by the Senate, the House of Representatives concurring, That we, the representatives of the people in Legislature assembled, do thankfully accept the gift thus nobly tendered, and hereby express our high appreciation of the liberal donation, in behalf of the people of the State of Texas.

Adopted.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to inform your honorable body of the passage of the following bills:

Senate bill No. 121, "An act to amend section 35 of an act entitled 'an act to redistrict the State into judicial districts and to fix the time for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883."

House bill No. 23, "An act to prevent the employing, retaining or harboring of minors against the consent of parents and guardians."

House bill No. 133, "An act to amend chapter 3, article 4405, relating to service on public roads."

House bill No. 483, "An act to amend article 1533 of the Revised Statutes."

House bill No. 526, "An act to define the duties of telegraph companies in the transfer of messages, and to provide adequate penalties for the enforcement thereof."

House bill No. 430, "An act to restrict the employment of sailors and crews of foreign vessels from rolling cotton, handling cargo, or laboring on the wharves or levees of ports in the State of Texas, beyond the end of the ships tackle."

House bill No. 570, "An act to validate all acts done, and all ordinances passed by the city council of Mexia, prior to February 3, 1885."

House bill No. 437, "An act to protect mechanics, operatives, book-keepers, clerks and laborers, who perform labor in any mill, factory, shop, store, office or farm, against the failure of owners, sub-owners, contractors or agents to pay their wages, and to provide a lien for such wages."

House bill No. 538, "An act to amend section 25 of 'an act to redistrict the State into judicial districts, and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts, at the next general election, to be held on the first Tuesday after the first Monday in November, 1884.'"

Respectfully,

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

House bills Nos. 430, 437 and 570 were referred to Committee on State Affairs.

House bill No. 23 was referred to Judiciary Committee No. 2.

House bill No. 133 was referred to Committee on Roads and Bridges.

House bill No. 483 was referred to Judiciary Committee No. 1.

House bill No. 526 was referred to Committee on Internal Improvements.

House bill No. 538 was referred to Committee on Judicial Districts.

The President gave notice of signing the following bills:

Substitute Senate bill No. 46, "An act for the relief of William S. Boothe, S. F. Grimes, and the heirs of Henry Leftridge, deceased."

Substitute Senate bill No. 65, "An act to amend article 690, chapter 90 of the Penal Code of the State of Texas, as amended April 4, 1881."

(Senator Shannon, President pro tem., in the chair.)

On motion of Senator Houston of Wheeler,
The first special order was postponed, and House bill No. 105, "An act to create the county of Val Verde, and to provide for its organization," the second special order, was taken up and read the second time.

On motion of Senator Houston of Wheeler,

The bill was considered in the Senate and not in the committee of the whole, as per the committee report.

Senator Bell offered the following amendment:

Amend by inserting in section 5, "and to the eleventh congressional."

Adopted.

Senator Houston of Bexar moved to amend by striking out "thirty-eighth judicial district," and insert "thirty-fourth judicial district."

Adopted.

The bill passed to third reading by the following vote:

YEAS—12.

Bell,	Getzendaner,	Pope,
Calhoun,	Glasscock,	Randolph,
Davis,	Houston of Wheeler,	Terrell,
Evans,	Knittel,	Woods,

NAYS—11.

Camp,	Hall,	Perry,
Farrar,	Harrison,	Stinson,
Fowler,	Houston of Bexar,	Traylor,
Garrison,	Kilgore,	

ABSENT, NOT VOTING.

Jerdone,	Kleberg,	Pfeuffer.
Jones,		

Senator Fowler sent up the following privileged reports:

COMMITTEE ROOM,
AUSTIN, March 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared substitute Senate bill No. 65, being "An act to amend article 690, chapter 90 of the Penal Code, as amended April 4, 1881," and find the same correctly enrolled, and have this day, at 10:50 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

COMMITTEE ROOM,
AUSTIN, March 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared substitute Senate bill No. 46, being "An act for the relief of William S. Boothe, S. F. Grimes and the heirs of Henry Leftridge, deceased," and find the same correctly enrolled, and have this day, at 10:50 o'clock a. m., presented the same to the Governor for his approval.

FOWLER, Chairman.

On motion of Senator Stinson,

The special order was postponed temporarily and Senate bill No. 169, "An act to provide for the separation of partition or adjoining fences," was taken up and read the second time.

Senator Kilgore offered to amend by adding section 3 to the bill:

That any person who shall wilfully continue to join his fence to that of another whose fence has been withdrawn under the provisions of this act, shall be fined not less than five nor more than twenty-five dollars.

Adopted.

Senator Stinson moved to amend by adding to line 12 the words "in writing."

Adopted.

Senator Stinson moved to amend the caption to conform to section 3.

Adopted.

Senator Woods moved to add to section 2, "ten feet from the line."

Senator Kilgore moved to amend the amendment by striking out "ten" and inserting "six."

The amendments were withdrawn, and

The bill was ordered engrossed.

Senate bill No. 121 was laid before the Senate, with House amendment.

On motion of Senator Shannon,

The Senate concurred in the House amendment.

Senate bill No. 267, "An act to authorize the State Capitol Board to contract for the substitution of granite for limestone in the construction of the exterior walls of the superstructure of the new State Capitol, and for other changes therein, and to conform all laws thereto, and to make an appropriation for the contingent expenses connected therewith, and to authorize the payment for such change to be made to the contractor in convict labor," was laid before the Senate as the special order, and read the second time.

On motion of Senator Davis,

The bill was postponed and made special order for Monday, and from day to day till disposed of.

Substitute Senate bill No. 189, "An act to require the Attorney-General to bring suit to recover all lands and cancel all patents illegally issued for any and all lands situated within the territorial limits of Greer county, belonging to the State, the free school fund, or any other special fund of the State, and to fix the venue of such suits," was laid before the Senate in its regular order, and read the third time.

Senator Houston of Bexar offered to amend the emergency clause so that this act shall not take effect or be in force until two years after its passage.

Senator Pope withdrew his motion entered to reconsider the vote by which House bill No. 428 (a railroad bill) was passed.

Senator Shannon asked leave to enter a motion to reconsider the vote by which the Val Verde county House bill (No. 105) was passed to third reading.

Senator Pope raised the point of order that Senator Shannon had not voted on the bill and could not move a reconsideration.

The point of order was sustained.

Senator Terrell entered the motion to reconsider the vote.

On motion of Senator Bell,

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

FIFTY-SECOND DAY.

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

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Hall,

The reading of the journal of yesterday was dispensed with.

On motion of Senator Jones,