

Senator Kleberg was excused until Wednesday. On motion of Senator Bell, Mr. Boynton was excused, on account of sickness.

REPORTS OF STANDING COMMITTEES.

By Senator Traylor:

COMMITTEE ROOM,
AUSTIN, March 14, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Agriculture, to whom was referred Senate bill No. 268, entitled "An act to regulate the duties of public ginners, or persons ginning cotton for toll, and prescribing penalties for a violation of the same," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

Your committee think there is no demand for the passage of the bill, and if there was, there is too much machinery for its successful and satisfactory operation.

All of which is respectfully submitted.

TRAYLOR, Acting Chairman.

Bill read first time.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, March 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills, have carefully examined and compared Senate bill No. 169, being "An act to provide for the separation of partition or adjoining fences, and to provide a penalty for violation of the provisions of this act," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

Senate bill No. 139, the Greer county land bill, was laid before the Senate as unfinished business.

The amendment of Senator Houston of Bexar, which was pending on adjournment, was lost by the following vote:

YEAS—5.

Getzendaner, Glasscock,	Houston of Bexar, Kilgore,	Knittel.
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NAYS—18.

Bell, Calhoun, Camp, Davis, Evans, Farrar, Fowler,	Fowler, Garrison, Hall, Harrison, Perry, Pope,	Randolph, Shannon, Stinson, Terrell, Traylor, Woods.
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ABSENT, NOT VOTING.

Jerdone,	Jones,	Pfeuffer.
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The bill passed by the following vote:

YEAS—20.

Bell, Calhoun, Camp, Davis, Evans, Farrar, Fowler,	Garrison, Getzendaner, Hall, Harrison, Jones, Perry, Pope,	Randolph, Shannon, Stinson, Terrell, Traylor, Woods.
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NAYS—5.

Glasscock, Houston of Bexar,	Kilgore, Knittel,	Pfeuffer.
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ABSENT, NOT VOTING.

Jerdone.

House bill No. 105 (the Val Verde county bill), was taken up on motion of Senator Terrell entered to reconsider the vote by which the bill was passed to third reading.

Senator Terrell withdrew the motion to reconsider. The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 14, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body of the passage of House bill No. 79, "An act to amend chapter 9 and section 10 of an act of the regular session of the Seventeenth Legislature, entitled 'an act authorizing the commissioners' court of the several counties of the State to issue bonds for the erection of a court house and to levy a tax to pay the same,' approved February 11, 1861, so as to include the issue of jail bonds, denominated as chapter 17 of the acts of the special session of the Legislature held in 1884, and to validate bonds issued under an act to amend an act entitled 'an act to amend chapter 9, section 10 of an act of the regular session of the Seventeenth Legislature, entitled an act authorizing the commissioners' court of the several counties of this State to issue bonds for the erection of a court house and to levy a tax to pay the same,' approved February 11, 1881, so as to include the issue of jail bonds."

House bill No. 489, "An act to amend chapter 6, title 8 of the Penal Code, by adding article 259a."

Senate bill No. 223, "An act to provide for the publication and binding of one thousand copies of the Revised Civil Statutes of the State of Texas."

The House insists on its amendment to Senate bill No. 25, and asks for a conference committee, and appoints on the part of the House Messrs. Steele, Foster of Grayson and McKinney of Milam.

A. D. SADLER,

Chief Clerk House Representatives.

Senator Shannon moved to appoint the special conference committee on Senate bill No. 25—the Fish Commissioner's bill—asked for.

Adopted.

The President appointed Senators Shannon, Evans and Getzendaner.

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

The bill on Ual Verde county was lost by the following vote:

YEAS—12.

Bell, Calhoun, Evans, Getzendaner,	Harrison, Houston of Wheeler, Knittel, Pfeuffer,	Pope, Randolph, Terrell, Woods.
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NAYS—12.

Camp, Davis, Fowler, Garrison,	Hall, Houston of Bexar, Jones, Kilgore,	Perry, Shannon, Stinson, Traylor.
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Paired: Senators Farrar and Jerdone; the former would have voted "nay" the latter "aye."

(The President in the chair.)

Senator Houston of Bexar called up the the motion to reconsider the vote by which Senate bill No. 221 (the Jones railroad bill) was lost, on engrossment.

The motion to reconsider was lost by the following vote:

YEAS—12.

Bell, Fowler, Garrison, Glasscock,	Hall, Houston of Bexar, Houston of Wheeler, Jerdone,	Jones, Knittel, Perry, Terrell.
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NAYS—14.

Calhoun, Camp, Davis, Evans, Getzendaner,	Harrison, Kilgore, Pfeuffer, Pope, Randolph,	Shannon, Stinson, Traylor, Woods.
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Paired: Senators Peacock and Farrar. The former would have voted "yea," the latter "nay."

Senate bill No. 122, "An act to regulate the collection of taxes and to provide for prompt settlement by collectors," was laid before the Senate in its regular order, and read the third time and passed by the following vote:

YEAS—17.

Bell,	Harrison,	Pfeuffer,
Camp,	Jerdone,	Shannon,
Farrar,	Jones,	Stinson,
Fowler,	Kilgore,	Traylor,
Getzendaner,	Knittel,	Woods.
Glasscock,	Perry,	

NAYS—8.

Calhoun,	Garrison,	Randolph,
Davis,	Houston of Bexar,	Terrell.
Evans,	Houston of Wheeler,	

ABSENT, NOT VOTING.

Pope.

Senate bill No. 64, "An act to provide for the management and control of the lands set aside for the benefit of the University of Texas." was laid before the Senate in its regular order, read the third time and passed by the following vote:

YEAS—13.

Bell,	Harrison,	Pope,
Calhoun,	Houston of Bexar,	Terrell,
Farrar,	Jones,	Traylor,
Fowler,	Kilgore,	Woods.
Glasscock,		

NAYS—10.

Camp,	Getzendaner,	Randolph,
Davis,	Perry,	Shannon,
Evans,	Pfeuffer,	Stinson.
Garrison,		

ABSENT, NOT VOTING.

Hall,	Jerdone,	Knittel.
Houston of Wheeler,		

By leave Senator Perry sent up the following report:

COMMITTEE ROOM,
AUSTIN, March 14, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred House bill No. 133, entitled "An act to amend chapter 3, article 4405, relating to service on public roads," have carefully examined the same, and a majority of said committee instruct me to report the same back to the Senate with the recommendation that it do pass, with the following amendment:

Strike out the word "fifty," in the seventh line, and insert the word "forty."

All of which is respectfully submitted.

PERRY, Chairman.

Bill read first time.

On motion of Senator Davis,

Senate bill No. 269, "An act to amend an act to amend section 16 of an act entitled 'an act to re-district the State into judicial districts and fix the times of holding court therein, and to provide for the election of judges and district attorneys,' etc. approved April 9, 1883," was taken up out of its regular order and read the second time.

Senator Davis offered to amend by adding to the caption the words "approved January 30, 1884."

Adopted and bill ordered engrossed.

On motion of Senator Davis,

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

YEAS—24.

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

NAYS—none.

ABSENT, NOT VOTING.

Jerdone,	Knittel,	Perry.
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The bill was read third time and passed.

On motion of Senator Houston of Bexar,

Senate bill No. 163, "An act to provide for the appointment of official stenographers for the district courts of the State of Texas" was taken up out of its regular order and read the second time, with committee amendments.

Senator Houston of Bexar moved the adoption of the committee amendments.

Senator Davis moved to adopt the committee majority (unfavorable) report.

The majority report was adopted, killing the bill.

On motion of Senator Terrell,

Senate bill No. 209, "An act to preserve the charters of railroad companies that by reason of the financial condition of the country have not constructed the number of miles of road annually required by law, and to prevent the forfeiture thereof," was taken up out of its regular order and read the second time.

Senator Terrell offered the following amendment:

Amend by adding:

Whereas, The near approach of the close of the session may endanger the passage of this bill, therefore an emergency and imperative public necessity exists for the suspension of the constitutional rule which requires bills to be read on three several days, and the same is suspended, and this act shall take effect and be in force from and after its passage.

Adopted, and

The bill was ordered engrossed.

The President gave notice of signing Senate bill No. 223, "An act to provide for the publication and binding of one thousand copies of the Revised Statutes, and to make appropriation therefor."

On motion of Senator Woods,

Senate bill No. 47, "An act to repeal articles 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822 and 2823 of the Revised Civil Statutes of Texas, and to provide for the performance of the duties required by law of the Commissioner of Insurance, Statistics and History." was taken up and read second time, with majority (unfavorable) and minority (favorable) committee reports.

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

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

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 14, 1885.

Hon. Barnett Gibbs, President of the Senate:

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

Substitute House bill No. 392, "An act to restore to and confer upon the county court of Camp county the criminal jurisdiction heretofore belonging to it under the Constitution and general statutes of the State of Texas, to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with the provisions of this act."

House bill No. 525, "An act to amend section 11 of an act entitled 'an act to redistrict the State into judicial districts and to fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883."

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

(The President in the chair.)

Senator Kilgore entered a motion to reconsider the vote by which the Senate refused to pass House bill No. 105 (the Val Verde county bill.)

The minority (favorable) report was adopted by the following vote:

YEAS—14.

Bell,	Garrison,	Shannon,
Calhoun,	Hall,	Terrell,
Davis,	Knittel,	Traylor,
Evans,	Perry,	Woods.
Fowler,	Randolph,	

NAYS—12.

Farrar,	Houston of Bexar,	Kilgore,
Getzendaner,	Houston of Wheeler,	Pfeuffer,
Glasscock,	Jerdone,	Pope,
Harrison,	Jones,	Stinson.

ABSENT, NOT VOTING.

Camp.

The bill was ordered engrossed by the following vote:

YEAS—14.

Bell,	Garrison,	Shannon,
Calhoun,	Harrison,	Terrell,
Davis,	Knittel,	Traylor,
Evans,	Perry,	Woods.
Fowler,	Randolph,	

NAYS—12.

Farrar,	Houston of Bexar,	Kilgore,
Getzendaner,	Houston of Wheeler,	Pfeuffer,
Glasscock	Jerdone,	Pope,
Hall,	Jones,	Stinson.

ABSENT, NOT VOTING.

Camp.

On motion of Senator Traylor, Senate bill No. 264, "An act to restore the jurisdiction of the county court of Bosque county, and repeal all laws in conflict therewith," was taken up out of its regular order and read the second time with committee substitute.

On motion of Senator Traylor, The committee substitute was adopted. Senator Pfeuffer moved to amend by adding after "Bosque," "Llano county," and amend the caption of the bill to conform.

Adopted, and The bill was ordered engrossed. The following House bills were referred: Substitute House bill No. 392 was referred to Judiciary Committee No. 1.

House bill No. 525 was referred to Committee on Judicial Districts.

House bill No. 79 was referred to Committee on State Affairs.

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

FIFTY-THIRD DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 16, 1885. }

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

Quorum present. Prayer by the Chaplain, Dr. Smoot. On motion of Senator Stinson, The reading of the journal of Saturday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Hall: Petition protesting against the use of convict labor in the completion of the new State Capitol. Referred to Committee on Public Buildings and Grounds.

REPORTS OF STANDING COMMITTEES.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, March 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 47, being "An act to repeal articles 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822 and 2823 of the Revised Statutes, and to provide for the performance of the duties required by law of the Commissioner of Insurance, Statistics and History," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared committee substitute for Senate bill No. 264, being "An act to restore the jurisdiction of the county courts of Bosque and Llano counties, and to repeal all laws and parts of laws in conflict therewith," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, March 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred House bill No. 538, entitled "An act to amend section 25 of 'an act to redistrict the State into judicial districts and fix the times for holding the courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,'" have had the same under consideration, and instruct me to report it back with the recommendation that it do pass, with the following amendments:

1. After the words "imperative public necessity," in section 2, insert the words "and emergency."
2. Add to section 2 the words, "and it is so enacted."

All of which is respectfully submitted.

FOWLER, Chairman.

Bill read first time.

BILLS AND RESOLUTIONS.

By Senator Houston of Wheeler: "An act reorganizing the thirtieth and thirty-first judicial districts, and to create the thirty-ninth judi-

cial district; to fix the times for holding courts therein, and to provide for the appointment and election of judges and district attorneys in said districts."

Referred to Committee on Judicial Districts.

On motion of Senator Terrell, Senator Camp was excused indefinitely, on account of sickness.

On motion of Senator Shannon, Senator Perry was excused for the day.

On motion of Senator Hall, Senator Jones was excused indefinitely.

On motion of Senator Pope,

The special order was postponed and Senate bill No. 254, "An act requiring the Attorney-General to institute legal proceedings against corporations within this State in violation of section 5, article 10 of the Constitution," was taken up out of its regular order and read the second time.

The committee amendment was adopted.

Senator Pope offered to amend the caption and bill so as to add section 6 of article 10 of the Constitution.

Adopted.

Senator Pope offered the following amendment:

Whereas, There are corporations in this State violating said sections of said article, and there being no law instructing the Attorney-General to institute proceedings against them, and no appropriation to employ assistant counsel and collect evidence in the prosecutions herein provided for, therefore an imperative public necessity and emergency exists that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect from and after its passage, and it is so enacted.

Adopted, and the bill was ordered engrossed.

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

Lost by the following vote:

YEAS—18.

Bell,	Glasscock,	Knittel,
Davis,	Harrison,	Pope,
Evans,	Houston of Bexar,	Randolph,
Farrar,	Houston of Wheeler,	Stinson,
Fowler,	Jerdone,	Traylor,
Garrison,	Kilgore,	Woods.

NAYS—6.

Calhoun,	Hall,	Shannon,
Getzendaner,	Pfeuffer,	Terrell.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage of House bill No. 501, "An act to amend section 9 of an act to re-district the State into judicial districts, and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884," passed at the regular session of the Eighteenth Legislature.

Respectfully,

A. D. SADLER,
Chief Clerk House Representatives.

House bill No. 501 was referred to Committee on Judicial Districts.

Senator Harrison entered a motion to reconsider the vote by which Senate bill No. 163, "An act to provide for the appointment of official stenographers for the district courts of the State of Texas," was lost, by the adoption of the unfavorable majority committee report.

Senate bill No. 267, "An act to authorize the State Capitol Board to contract for the substitution of granite for limestone in the construction of the exterior walls of the superstructure of the new State Capitol, and for other changes therein, and to conform all laws thereto, and to make an appropriation for the contingent expenses connected therewith, and to authorize the payment for such change to be made to the contractor in convict labor," was laid before the Senate as the first special order, and

Read the second time.

Senator Stinson offered the following amendment:

Amend by striking out sections 2, 3, 4 and 5.

Lost.

Senator Traylor offered the following amendment:

Add section 2, and conform the numbers of the other sections thereto.

Sec. 2. No changes shall be made in any provisions of the present contract for building the Capitol, nor shall any extension of time for its construction be allowed under the provisions of this bill, nor shall any change in the contract made by the agents of the State be legal until the securities on the bond of the contractors shall file with the Governor of the State, duly authenticated and signed, an agreement that such change or extension of time shall not operate to release or affect the obligation of the securities for the faithful performance and completion of the work by the contractors.

Adopted.

Senator Fowler offered the following amendment:

Amend section 1 by inserting between the words "empowered" and "to," in line 5, the words "in their discretion," and amend caption to correspond.

Adopted.

Senator Pfeuffer offered the following amendment:

Add after section 2, in line 2, page 2:

Provided, the cost of such change shall not exceed six hundred thousand dollars, and said convict labor be furnished at no less rate than the same has been furnished railroad companies; and provided further, that said convict labor shall not be used outside the quarries, except for the construction of a railroad and transporting of the granite to the capitol grounds.

Senator Glasscock moved to amend the amendment by striking out all of the amendment limiting the cost of the change to six hundred thousand dollars.

The amendment to the amendment was adopted by the following vote:

YEAS—14.

Bell,	Hall,	Shannon,
Calhoun,	Houston of Bexar,	Terrell,
Fowler,	Houston of Wheeler,	Traylor,
Getzendaner,	Jerdone,	Woods.
Glasscock,	Knittel,	

NAYS—10.

Davis,	Harrison,	Pope,
Evans,	Kilgore,	Randolph,
Farrar,	Pfeuffer,	Stinson.
Garrison,		

Senator Getzendaner called for a division of the amendment of Senator Pfeuffer.

The first division—that relating to rate of convict labor—was lost, the President voting "nay," by the following vote:

YEAS—12.

Calhoun,	Garrison,	Pfeuffer,
Davis,	Hall,	Pope,
Evans,	Harrison,	Randolph,
Farrar,	Kilgore,	Stinson.

NAYS—12.

Bell,	Houston of Bexar,	Shannon,
Fowler,	Houston of Wheeler,	Terrell,
Getzendaner,	Jerdone,	Traylor,
Glasscock,	Knittel,	Woods.

The second division was lost by the following vote:

YEAS—10.

Davis,	Harrison,	Pope,
Garrison,	Jerdone,	Randolph,
Getzendaner,	Pfeuffer,	Stinson.
Hall,		

NAYS—14.

Bell,	Glasscock,	Shannon,
Calhoun,	Houston of Bexar,	Terrell,
Evans,	Houston of Wheeler,	Traylor,
Farrar,	Kilgore,	Woods.
Fowler,	Knittel,	

Senator Garrison offered the following amendment:

Amend by adding at the end of section 1 the following:

Provided, that no such substitution or change shall be made at any additional cost to the State either in money or convict labor, but only for a further extension of time for the completion thereof.

Lost by the following vote:

YEAS—8.

Davis,	Garrison,	Randolph,
Evans,	Harrison,	Stinson.
Farrar,	Kilgore,	

NAYS—14.

Bell,	Houston of Bexar,	Shannon,
Calhoun,	Houston of Wheeler,	Terrell,
Fowler,	Jerdone,	Traylor,
Getzendaner,	Knittel,	Woods.
Glasscock,	Pfeuffer,	

ABSENT, NOT VOTING.

Hall, Pope.

Senator Harrison moved to reconsider the vote by which the amendment of Senator Stinson was lost.

Lost by the following vote:

YEAS—6.

Davis,	Garrison,	Pfeuffer,
Evans,	Harrison,	Stinson,

NAYS—15.

Bell,	Glasscock,	Knittel,
Calhoun,	Houston of Bexar,	Shannon,
Farrar,	Houston of Wheeler,	Terrell,
Fowler,	Jerdone,	Traylor,
Getzendaner,	Kilgore,	Woods,

ABSENT, NOT VOTING.

Hall, Pope.

Paired—Senators Jones and Randolph. The former would have voted "nay," the latter "yea."

Senator Stinson moved a call of the Senate.

Call sustained.

Senate roll called.

Senators Hall and Pope were found absent without excuse.

The Sergeant-at-Arms was dispatched to bring in the absent Senators, and

The pending business went to the table

On motion of Senator Calhoun,

The Senate adjourned till 3 o'clock this afternoon, the President voting "aye," by the following vote:

YEAS—11.

Calhoun,	Garrison,	Randolph.
Davis,	Getzendaner,	Stinson.
Evans,	Harrison,	Traylor.
Farrar,	Pfeuffer,	

NAYS—11

Bell,	Houston of Wheeler,	Shannon,
Fowler,	Jerdone,	Terrell,
Glasscock,	Kilgore,	Woods.
Houston of Bexar,	Knittel,	

ABSENT, NOT VOTING.

Hall, Pope.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

The Senate resumed consideration of Senate bill No. 267, the pending business on adjournment.

Senator Getzendaner offered the following amendment:

Amend by adding to section 3 as follows: "Provided, the convict labor shall not be used or employed within or about the Capitol grounds, in the city of Austin."

Adopted by the following vote:

YEAS—15.

Bell,	Hall,	Pope.
Calhoun,	Houston of Bexar,	Shannon,
Farrar,	Houston of Wheeler,	Terrell,
Getzendaner,	Jerdone,	Traylor,
Glasscock,	Knittel,	Woods.

NAYS—9.

Davis,	Garrison,	Pfeuffer,
Evans,	Harrison,	Randolph,
Fowler,	Kilgore,	Stinson.

Senator Calhoun offered the following amendment:

Amend section 1 by adding thereto the following: "Provided, the time for the completion thereof shall in no wise be extended to a later date than January 1, 1890."

Senator Terrell moved to amend the amendment by striking out "1890" and inserting "1888."

Withdrawn.

Senator Shannon moved to amend by inserting "1889," in lieu of "1890."

Accepted.

Senator Stinson offered the following substitute for the amendment:

Add to section 1: "Provided, said time shall not be extended beyond the first of January, 1888."

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

Previous question seconded and main question ordered.

The substitute of Senator Stinson was lost by the following vote:

YEAS—11.

Davis,	Harrison,	Pope.
Evans,	Kilgore,	Randolph,
Garrison,	Knittel,	Stinson.
Hall,	Pfeuffer,	

NAYS—12.

Bell,	Getzendaner,	Shannon,
Calhoun,	Glasscock,	Terrell,
Farrar,	Houston of Bexar,	Traylor,
Fowler,	Houston of Wheeler,	Woods.

ABSENT, NOT VOTING.

Jerdone.

Senator Calhoun withdrew his amendment.

The bill was ordered engrossed by the following vote:

YEAS—12.

Bell,	Getzendaner,	Knittel,
Calhoun,	Glasscock,	Shannon,
Farrar,	Houston of Bexar,	Terrell,
Fowler,	Houston of Wheeler,	Traylor.

NAYS—10.

Davis,	Harrison,	Pope,
Evans,	Kilgore,	Stinson,
Garrison,	Pfeuffer,	Woods.
Hall,		

ABSENT, NOT VOTING.

Jerdone.

Paired—Senators Jones and Randolph. The former would have voted "yea," the latter "nay."

Senator Shannon sent up the following privileged report:

COMMITTEE ROOM,
AUSTIN, March 16, 1885.

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

The conference committee appointed by the two houses to consider the difference between the Senate and House of Representatives on Senate bill No. 25, entitled "An act to abolish the office of Fish Commissioner, and dispose of all fish ponds and all other property connected with or belonging to the fish department," which difference being the House amendment providing that said act shall not take effect until two years after its passage, have considered the same, and recommend that the House recede from its amendment.

All of which is respectfully submitted.

SHANNON,
GETZENDANER,
EVANS,
For the Senate,
STEELE,
MCKINNEY of Milam,
For the House.

On motion of Senator Shannon,
The committee report was adopted.

Senator Bell sent up the following privileged reports:

COMMITTEE ROOM,
AUSTIN, March 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 269, being "An act to amend an act entitled 'an act to amend section 16 of an act entitled an act to redistrict the State into judicial districts and fix the times of holding court therein, and to provide for the election of judges and district attorneys at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883,' approved January 30, 1884," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills, have carefully examined and compared Senate bill No. 209, being "An act for the relief of the railway companies," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

Senate bill No. 44, "An act to provide for the investment of the permanent school fund," was laid before the Senate in its regular order.

Read the third time and passed.

Senate bill No. 47, "An act to repeal articles 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822 and 2823 of the Revised Statutes, and to provide for the performance of the duties required by law of the Commissioner of Insurance Statistics and History," was laid before the Senate in its regular order, and

Passed by the following vote, the President voting "yea."

YEAS—12.

Bell,	Fowler,	Terrell,
Calhoun,	Garrison,	Traylor,
Davis,	Randolph,	Woods,
Evans,	Shannon,	Mr. President.

NAYS—11.

Farrar,	Harrison,	Pfeuffer,
Getzendaner,	Houston of Bexar,	Pope,
Glasscock,	Kilgore,	Stinson.
Hall,	Knittel,	

ABSENT, NOT VOTING.

Houston of Wheeler, Jerdone.

Senate bill No. 169, "An act to provide for the separation of partition or adjoining fences, and to prescribe a penalty for a violation of the provisions of this act," was laid before the Senate in its regular order,

Read the third time and passed.

Senate bill No. 209, "An act to preserve the charters of railroad companies that by reason of the financial condition of the country have not constructed the number of miles of road annually required by law, and to prevent the forfeiture thereof," was laid before the Senate in its regular order

Read the third time and passed by the following vote:

YEAS—21.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Hall,	Pope,
Evans,	Harrison,	Randolph,
Farrar,	Houston of Bexar,	Shannon,
Fowler,	Houston of Wheeler,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzendaner,	Knittle,	Woods.

NAYS—1.

Stinson.

ABSENT, NOT VOTING.

Davis.

Jerdone.

Senate bill No. 264, "An act to restore the jurisdiction of the county courts of Bosque and Llano counties, and repeal all laws in conflict therewith," was laid before the Senate in its regular order,

Read third time and passed.

On motion of Senator Getzendaner,

Senate bill No. 241, "An act making appropriations for certain deficiencies, was taken up out of its regular order and read the second time.

Senator Getzendaner offered the following amendment:

Add section 2:

Sec. 2. The near approach of the end of the session, and the volume of business to be considered, and the fact that the money due these veterans should be paid, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended.

dopted, and
 The bill was ordered engrossed.
 On motion of Senator Getzendaner,
 The constitutional rule was suspended, and
 The bill was placed on its third reading by the following vote:

YEAS—21.

Bell,	Glasscock,	Pope,
Calhoun,	Hall,	Randolph,
Davis,	Houston of Bexar,	Shannon,
Farrar,	Houston of Wheeler,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Knittel,	Traylor,
Getzendaner,	Pfeuffer,	Woods.

NAYS—none.

ABSENT NOT VOTING.

Jerdone.

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

YEAS—21.

Bell,	Glasscock,	Pope,
Calhoun,	Hall,	Randolph,
Davis,	Houston of Bexar,	Shannon,
Farrar,	Houston of Wheeler,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Knittel,	Traylor,
Getzendaner,	Pfeuffer,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Jerdone.

On motion of Senator Bell,
 Senator Harrison was excused from voting on the bill, he having relations interested in the appropriation.

On motion of Senator Garrison,
 Senate bill No. 184, "An act to dispose of the vacant lands of the State," was taken up out of its regular order and read the second time, with committee substitute.

(Senator Kilgore in the chair.)

The committee substitute was lost by the following vote:

YEAS—11.

Bell,	Houston of Bexar,	Shannon,
Calhoun,	Kilgore,	Terrell,
Glasscock,	Knittel,	Traylor.
Hall,	Pope,	

NAYS—12.

Davis,	Garrison,	Pfeuffer,
Evans,	Getzendaner,	Randolph,
Farrar,	Harrison,	Stinson,
Fowler,	Houston of Wheeler,	Woods.

ABSENT, NOT VOTING.

Jerdone.

Senator Harrison offered the following amendment:

Amend the bill by adding the following proviso: "Provided, nothing herein shall prevent any valid and unsatisfied veteran and confederate land certificate from being located and patented upon any land that was vacant and unappropriated at the date of their issuance."

Senator Davis moved to amend the amendment by adding, after the word "unappropriated," the words "and not reserved."

Senator Traylor offered the following substitute for the amendments:

Provided, all unsatisfied veteran and confederate certificates may be located on any of the unlocated reserved lands in the Texas and Pacific Railroad reserve, or on any unlocated land set aside by act of July 14, 1879, to pay the public debt, provided the location is made within the next six months.

The substitute was adopted by the following vote:

YEAS—13.

Bell,	Hall,	Stinson,
Calhoun,	Knittel,	Terrell,
Farrar,	Pope,	Traylor,
Garrison,	Shannon,	Woods.
Glasscock,		

NAYS—11.

Davis,	Harrison,	Kilgore,
Evans,	Houston of Bexar,	Pfeuffer,
Fowler,	Houston of Wheeler,	Randolph.
Getzendaner,	Jerdone,	

The amendment as substituted was adopted was by the following vote:

YEAS—14.

Bell,	Hall,	Stinson,
Calhoun,	Kilgore,	Terrell,
Farrar,	Knittel,	Traylor,
Garrison,	Pope,	Woods.
Glasscock,	Shannon,	

NAYS—10.

Davis,	Harrison,	Jerdone,
Evans,	Houston of Bexar,	Pfeuffer,
Fowler,	Houston of Wheeler,	Randolph.
Getzendaner,		

Senator Stinson offered the following amendment:

Amend by adding after the words "unlocated or unsatisfied veteran land certificates," the words "now owned and held by the original grantee, and which has never been at any time transferred to any other person."

Adopted by the following vote:

YEAS—15.

Davis,	Getzendaner,	Randolph,
Evans,	Hall,	Shannon,
Farrar,	Houston of Bexar,	Stinson,
Fowler,	Houston of Wheeler,	Terrell,
Garrison,	Pfeuffer,	Traylor.

NAYS—8.

Bell,	Jerdone,	Pope,
Calhoun,	Kilgore,	Woods.
Glasscock,	Knittel,	

Senator Harrison was excused from voting.
 Senator Houston of Wheeler offered the following amendment:

"And any transfer of such certificate, or agreement that the same shall be transferred entered into prior to the location and patenting of the same, shall vitiate it."

Adopted.

Senator Terrell moved the previous question.

Previous question seconded and

Main question ordered.

The bill was ordered engrossed by the following vote:

YEAS—15.

Bell,	Garrison,	Randolph,
Davis,	Getzendaner,	Shannon,
Evans,	Glasscock,	Stinson,
Farrar,	Houston of Bexar,	Traylor,
Fowler,	Houston of Wheeler,	Woods.

NAYS—6.

Calhoun, Hall,	Kilgore, Pfeuffer,	Pope, Terrell.
ABSENT, NOT VOTING.		
Jerdone,	Knittel,	

Senator Harrison was excused from voting.

On motion of Senator Fowler,
Senate bill No. 9, "An act to amend an act entitled 'an act regulating the removal of the disabilities of minors, approved March 2, 1881,'" was taken up out of its regular order and read the second time, with unfavorable committee report.

Senator Fowler offered the following substitute, entitled "An act to amend an act regulating the removal of the disabilities of minors."

On motion of Senator Fowler,
The substitute was adopted.

By leave, Senator Houston of Wheeler sent up the following bill:

"An act to establish a uniform series of text books for the public schools of the State of Texas."
Referred to Committee on Education.

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

Lost by the following vote:

YEAS—6.

Davis, Farrar,	Garrison, Getzenderer,	Pfeuffer, Traylor.
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NAYS—14.

Bell, Calhoun, Evans, Fowler, Glasscock,	Hall, Houston of Bexar, Houston of Wheeler, Pope, Randolph,	Shannon, Stinson, Terrell, Woods.
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ABSENT, NOT VOTING,

Harrison, Jerdone,	Kilgore,	Knittel,
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On motion of Senator Houston of Bexar,
The Senate adjourned till 10:05 o'clock to-morrow morning.

FIFTY-FOURTH DAY.

SENATE CHAMBER, }
AUSTIN, March 17, 1885. }

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

Quorum present.
Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Randolph,
The reading of the journal of yesterday was dispensed with.

REPORTS OF STANDING COMMITTEES.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred House bill No. 501, entitled "An act to amend section 9 of 'an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after

the first Monday in November, 1884,' passed at the regular session of the Eighteenth Legislature," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

FOWLER, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred House bill No. 525, entitled "An act to amend section 11 of an act entitled 'an act to redistrict the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

FOWLER, Chairman.

Bill read first time.

By Senator Evans:

COMMITTEE ROOM,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Lands, to whom was referred substitute House bills Nos. 8, 34 and 70, entitled "An act to provide for the leasing and sale of the lands heretofore or that may hereafter be surveyed and set apart for the benefit of the common schools, University, the Lunatic, Blind, Deaf and Dumb and Orphan Asylum funds," have had the same under consideration, and a majority of said committee instruct me to report it back to the Senate, with accompanying amendments, with the recommendation that it do pass as amended.

All of which is respectfully submitted.

EVANS, Acting Chairman.

AMENDMENTS.

1. Amend section 2 by striking out lines 25 to 28 inclusive
 2. Amend section 4 by striking out the word "by" in line 10 and insert the word "to" instead.
 3. Amend section 5 by striking out all of said section after the word "act," in line 11.
 4. Amend section 10 by striking out the word "for," in line 16, and insert the word "to" instead, and strike out all from the words "any person," in line 27, down to the words "other other applicants," in line 42 inclusive.
 5. Amend section 13 by striking out all from the word "it," in line 31, to end of section.
 6. Amend section 14 by striking out the words "field notes," in line 10, and insert the word "description" instead.
 7. Amend section 16 by striking out all after the word "land," in line 12, down to and including the word "note," in line 16, and insert the words, "after he has actually occupied and improved the same for a period of three years."
 8. Amend section 19 by inserting after the word "vendee," in line 11, the words, "shall immediately settle upon the land and," and insert after the word "obligations" to word "conditions."
 9. Amend section 22 by striking out the words "or sold," in line 2.
 10. Strike all of section 25 and number following sections accordingly.
 11. Amend section 26 by inserting after the word "clerks," where it first occurs in line 4, the words "not exceeding three," and after the word "grade," in line 6, insert "to be paid out of the funds to which said lands belong, and to be equitably apportioned between the same."
 12. Strike out "engrossed rider."
- Add to the bill another section, as follows:
Section —. In case land belonging to the school, university or asylum fund has upon it pine or cypress timber suitable for lumber or shingles, the timber upon said land may be sold at \$5.00 per acre, cash, and the purchaser shall have ten years from the date of his purchase in which to remove the timber from such land, but no one shall be permitted to purchase the timber on less than the entire survey or section owned by said

fund. In order to purchase timber under this act the applicants shall file with the surveyor of the county in which the land is situated, his written application, designating and describing the survey or surveys upon which the timber proposed to be purchased is situated, and it shall be the duty of the surveyor to immediately record such application and deliver the same to the applicant upon the payment of a fee of one dollar therefor. The applicant, within three months thereafter, shall forward such application and the purchase money for such timber, to the Commissioner of the General Land Office, whereupon it shall be the duty of the said commissioner to deposit said money in the State Treasury, and to issue to the applicant a certificate, under his hand and seal of office, showing that the applicant has purchased the timber on the survey or surveys mentioned in his application, and describing the same so they can be identified.

Strike out "ipso facto" wherever it is found in the bill. Add to the caption the words, "and for the sale of vacant tracts of land of less than 640 acres, in organized counties," and add another section to the bill as follows:

Sec. — In organized counties vacant tracts of land of less than 640 acres, surrounded by valid surveys, may be sold at \$ per acre cash. In order to purchase such land the applicant shall file with the surveyor of the county in which the land is situated a written application, which shall be recorded by the surveyor, and within six weeks thereafter the said surveyor shall survey the land applied for and make out and deliver to the applicant the field notes, upon the payment of the usual fees. Within six months after filing the application the applicant shall forward to the Commissioner of the General Land Office the field notes and purchase money for said land. Whereupon, it shall be the duty of the Commissioner to deposit said money in the State Treasury and issue to the applicant a patent for said land, upon payment of the usual fees. A person owning the surrounding land, or living upon or occupying said vacant land, shall have a prior right to purchase said vacant land for a period of three months after this act takes effect.

Bill read first time.

On motion of Senator Stinson, Substitute House bill Nos. 8, 34 and 70 was made the special order for to-morrow after morning call, and from day to day till disposed of.

By Senator Randolph:

COMMITTEE ROOM,
AUSTIN, March 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred House bill No. 570, entitled "An act to validate all acts done and all ordinances passed by the city council of Mexia prior to February 3, 1885," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred substitute House bill No. 188, entitled "An act to incorporate the Grand Royal Arch Chapter of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred House bill No. 79, entitled "An act to amend chapter 9 and section 10 of an act of the regular session of the Seventeenth Legislature, entitled 'an act authorizing the commissioners' courts of the several counties of the State to issue bonds for the erection of a court house, and to levy a tax to pay the same, approved February 11, A. D. 1881,' so as to include the issue of jail bonds, denominated as chapter 17 of the acts of the special session of the Legislature held in 1884; and to vali-

date bonds issued under an act entitled 'an act to amend chapter 9, section 10 of an act of the regular session of the Seventeenth Legislature, entitled an act authorizing the county commissioners' court of the several counties of this State to issue bonds for the erection of a court house, and to levy a tax to pay the same, approved February 11, 1881,' so as to include the issue of jail bonds," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred House bill No. 398, entitled "An act to authorize cities and towns to levy and collect taxes for the erection, construction or purchase of public buildings, streets, sewers and other permanent improvements," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass, with the following amendment:

Strike out all that part of section 1 which requires the holding of an election to levy a tax.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred House bill No. 430, entitled "An act to restrict the employment of sailors and crews of foreign vessels from rolling cotton, handling cargo or laboring on the wharves or levees of ports in the State of Texas beyond the end of the ship's tackle," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

Senator Getzendaner sent up the following minority report:

COMMITTEE ROOM,
AUSTIN, March 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

The undersigned, a minority of your Committee on State Affairs, to whom was referred House bill No. 430, entitled "An act to restrict the employment of sailors and crews of foreign vessels from rolling cotton, handling cargo, or laboring on the wharves or levees of ports in the State of Texas, beyond the end of the ship's tackle," have had the same under consideration, and recommend that it do not pass, because

1. The bill proposes to make honest labor a crime.
2. The bill will, to a certain extent, prevent crews from loading and unloading their cargoes, though they may have shipped under such contract.
3. It strikes at one class of labor to favor another class, hence, it is class legislation.
4. It will make port charges that much heavier, and so far, be injurious to the shipping interests of the State.
5. If the captain has the right, by contract or otherwise, to order the crew to load and unload the vessels, they must either obey or disobey such orders. If they obey, they would commit an offense against our law; if they disobey, they would commit an offense against maritime law—an awkward position in which to place any one.

Respectfully submitted,

GETZENDANER,
KILGORE,
EVANS,

For minority.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

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

House bill No. 118: The House has concurred in Senate amendments.

House bill No. 126: The House has concurred in the first Senate amendment, and non-concurs in second amendment to same.

Senate concurrent resolution No. 5, fixing date of adjournment, amended and passed.

Substitute Senate bill No. 131, to amend article 3916 of the Revised Civil Statutes, passed.

Senate bill No. 210, relating to county boundaries, amended and passed.

Substitute House bill No. 238, in relation to public free schools, passed.

House bill No. 124, "An act to amend article 1512, chapter 1, title 31 of the Revised Civil Statutes of the State of Texas," passed.

House bill No. 87, "An act to amend article 4574, and to repeal article 4576 of the Revised Statutes of the State of Texas," passed.

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

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

Substitute House bill No. 238 to the Committee on Education.

House bill No. 124 to the Committee on State Affairs.

House bill No. 87 to the Committee on Stock and Stock Raising.

Senator Evans sent up the following communication from penitentiary officers:

AUSTIN, TEXAS, March 17, 1885.

Hon. J. W. Jones, chairman Penitentiary Committee:

We respectfully ask through you that the Penitentiary Committee recommend and urge the Legislature to make appropriations for the State penitentiaries for the ensuing two years, as follows:

1. The proceeds of all the convict labor.
2. In addition thereto, for the purpose of making up deficiency in actual monthly expenses, each year. . . \$50,000
3. To purchase material to properly carry on the industries of the two penitentiaries, each year. 50,000
4. To purchase machinery and necessary outfit to develop the iron industry at the Rusk Penitentiary, each year. 50,000
5. To replenish prison libraries, each year. 250

Total money appropriation over and above proceeds of labor for two years. \$300,500

This may seem like a large sum to ask for, especially when we take into consideration the depleted condition of the State Treasury; but we have made low estimates, and believe that we have not asked for one dollar more than is necessary to operate successfully the two penitentiaries.

Our estimates are made on a basis of 2700 convicts, less than the number now on hand, but according to present ratio of increase, the number of convicts by the end of the year will reach 3000.

COST OF MAINTENANCE.

The monthly expense for the support and maintenance of the present number of convicts—which expense includes the salaries of all officers and guards, provisions, clothing, shoes, bedding, medical bills, discharge money, etc.—will approximate per month \$30,000.

The expense per annum will aggregate \$360,000.

RESOURCES.

Our present available cash resources will approximate monthly as follows, viz.:

- For hire of 950 convicts on five year contracts \$14,000
- For hire of 175 convicts on railroad trains 3,750
- Miscellaneous labor in and about prisons. 2,500

Total monthly receipts. \$20,250
Or, total annual certain receipts. \$243,000

It will be seen that our actual expenses will exceed our cash receipts \$7950 per month, or \$117,000 per year.

The estimate of \$3750 per month from railroads cannot certainly be depended upon, because these railroad forces are not contracted for any definite time, and are liable at any time to be turned back upon us, and thus become an expense instead of a profit. A little more than twelve months ago we had about 700 convicts on railroads, yielding a monthly revenue of at least \$15,000; now only 175, and a revenue of \$3750.

OTHER PROBABLE RESOURCES DURING THE YEAR.

1. The State has an interest in crops worked by about 650 convicts, and, with a fair crop year, we may from these crops expect a revenue of \$110,000, which will at least pay expenses. With a good crop, more may be expected, and in event of a failure in crops, much less.

2. From one contract with the K. & G. S. L. R. R. we will receive within the next six months about \$35,000, of which \$20,000 may be appropriated to maintenance of convicts, and the balance to pay for material, etc., used in construction of road. During next year we may expect from said road about \$30,000, the same being deferred payments.

3. From the contractors at the Huntsville penitentiary, if they keep present number of convicts, and make payments as they are now obligated, we may expect by end of the present year about \$19,000, but it is proper to state that one firm of these contractors are urgently asking to be temporarily relieved of two-thirds of the convicts they have hired, claiming that if such relief is not given they may be forced to surrender their contract.

4. From the industries carried on, or to be carried on at the two penitentiaries, we can only expect to receive a revenue in proportion to the amount of work done, which will depend largely on the amount of material used up. The more material furnished the more convicts can be profitably employed, and the more work done. We can certainly expect to get back the cost of material, and a fair valuation of the labor and work put upon it.

From the above statements it will be seen that the appropriations asked for in the second item will be necessary to meet the deficiency during the present year, between the monthly expenses and the monthly receipts, or at least until we can realize from the crops in which the State has an interest. And it may also be needed in case of a failure in crops.

The appropriations in the third item are needed to carry out, as far as possible, the law requiring convicts to be profitably employed within the walls. We have good prison shops and machinery, but these do not avail unless we have material to work up.

It should be borne in mind that we have several hundred men at the two penitentiaries, who must either be kept at great expense in idleness or provision made for their profitable employment. There is no chance to hire these men out at remunerative wages, and even if they could be so hired, or worked outside the walls, it should not be done, because of their long terms, or physical incapacity for outside labor. Our prison industries are yet in their infancy, and they cannot be developed without the necessary appropriations to start them.

We earnestly urge the appropriation asked for in the fourth item, of \$100,000 during the two years, to be used for purchase of machinery, and for developing the iron industry at the Rusk penitentiary. As stated in our report, the material for the production of pig iron is convenient. The penitentiary was located at Rusk in order to utilize the convicts at this industry. Much money has already been spent for buildings, machinery, etc., but not more than necessary. We believe that the amount now asked for will be sufficient to make the iron industry a success. This, too, is the opinion of practical iron men. It is too late to turn back, and it is sincerely hoped that the amount necessary will not be withheld.

The aggregate of the appropriations asked for may seem very large, but is small when compared with the expenses of penitentiary management in other States. The superintendent of the New York State prisons, with about 2800 convicts asks for \$1,200,000 per annum. We ask for about \$500,000, including proceeds of convict labor.

Very respectfully,

THOS. J. GOREE,
Superintendent Penitentiaries.
HAYWOOD BRAHAM,
Financial Agent Texas Penitentiaries.

Referred to Committee on Penitentiaries.
The Senate resumed consideration of Senate bill

No 9. "An act to amend an act entitled 'an act regulating the removal of the disabilities of minors,' approved March 2, 1881."

The bill was ordered engrossed.

Senator Davis called up House bill No. 126—the gambling bill—and moved that the Senate recede from its second amendment.

Adopted by the following vote:

YEAS—11.

Calhoun,	Garrison,	Shannon,
Davis,	Getzendaner,	Stinson,
Evans,	Harrison,	Terrell.
Farrar,	Kilgore,	

NAYS—10.

Bell,	Houston of Bexar,	Randolph,
Fowler,	Houston of Wheeler,	Traylor,
Glasscock,	Pope,	Woods.
Hall,		

ABSENT, NOT VOTING.

Jerdone,	Knittel,	Pfeuffer.
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On motion of Senator Traylor,

House bill No. 501, "An act to amend section 9 of an act entitled 'an act to redistrict the State into judicial districts,' " etc., was taken up out of its regular order.

On motion of Senator Traylor,

The constitutional rule was suspended, and

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

YEAS—21.

Bell,	Getzendaner,	Pfeuffer,
Calhoun,	Glasscock,	Pope,
Davis,	Hall,	Shannon,
Evans,	Harrison,	Stinson,
Farrar,	Houston of Bexar,	Terrell,
Fowler,	Houston of Wheeler,	Traylor
Garrison,	Kilgore,	Woods

NAYS—none.

ABSENT, NOT VOTING.

Jerdone,	Knittel,	Randolph.
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The bill was read second time, and passed to third reading.

On motion of Senator Farrar,

House bill No. 570. "An act to validate all acts done and all ordinances passed by the city council of Mexia, prior to February 3, 1885," was taken up out of its regular order.

On motion of Senator Farrar,

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

YEAS—22.

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

NAYS—none.

ABSENT, NOT VOTING.

Jerdone,	Knittel.
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The bill was read the second time and passed to third reading.

On motion of Senator Farrar,

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

YEAS—22.

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

NAYS—none.

ABSENT, NOT VOTING.

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

YEAS—22.

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

NAYS—none.

ABSENT, NOT VOTING.

Jerdone,	Knittel.
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Senate bill No. 210, "An act to amend section 8 of 'an act establishing and prescribing the manner of ascertaining the boundaries of counties,' approved April 22, 1879," was laid before the Senate with House amendments.

Division of the amendments was called for.

Senator Woods moved to concur in the first House amendment.

Senator Houston of Wheeler moved the previous question on all the House amendments.

Previous question seconded and main question ordered.

The first House amendment was concurred in by the following vote:

YEAS—16.

Bell,	Getzendaner,	Randolph,
Davis,	Hall,	Shannon,
Evans,	Houston of Wheeler,	Stinson,
Farrar,	Pfeuffer,	Traylor,
Fowler,	Pope,	Woods.
Garrison,		

NAYS—5.

Calhoun,	Harrison,	Terrell.
Glasscock,	Houston of Bexar,	

ABSENT, NOT VOTING.

Jerdone,	Kilgore,	Knittel.
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On motion of Senator Wood,

The second House amendment was concurred in.

On motion of Senator Houston of Wheeler,

The third House amendment was concurred in.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to report to the Senate that the House has adopted the report of the conference committee on Senate bill No. 25.

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

Senate concurrent resolution No. 5, regarding adjournment sine die, with House amendment, was laid before the Senate.

On motion of Senator Pope,

Action on the bill was postponed till Friday.

By leave Senator Stinson sent up a petition of citizens of Camp county, protesting against the unwarranted attacks against the county judge of Camp county, made by a member of the House, on the bill restoring the criminal jurisdiction of Camp county.

Referred to Judiciary Committee No. 1.

Senator Fowler sent up the following privileged report:

COMMITTEE ROOM,
AUSTIN, March 14, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 223, being "An act to provide for the publication and binding of one thousand copies of the Revised Statutes, and to make appropriation therefor," and find the same correctly enrolled, and have this day, at 11:45 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

Senator Harrison called up his motion to reconsider the vote by which the unfavorable committee report on Senate bill No. 163, the stenographer bill, was adopted.

The motion to reconsider was adopted by the following vote:

YEAS—12.

Bell,	Hall,	Pfeuffer,
Farrar,	Harrison,	Pope,
Fowler,	Houston of Bexar,	Randolph,
Glasscock	Houston of Wheeler,	Terrell.

NAYS—9.

Calhoun,	Garrison,	Stinson,
Davis,	Getzendaner,	Traylor,
Evans,	Shannon,	Woods.

ABSENT, NOT VOTING.

Jerdone,	Kilgore,	Knittel.
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Senator Harrison offered a substitute for the bill, entitled "An act to provide for the appointment of official stenographers for the district courts of the State of Texas."

The substitute was adopted.

Senator Houston of Bexar offered the following amendment:

Add to section providing for payment: "And the salary of the stenographer shall be apportioned between the counties, and paid in proportion to the length of terms of court held in each."

Adopted.

Senator Hall offered the following amendment:

Amend section 1 by striking out the word "five" and insert the word "four."

Adopted by the following vote:

YEAS—11.

Bell,	Getzendaner,	Pope.
Calhoun,	Hall,	Terrell.
Farrar,	Houston of Bexar,	Traylor.
Fowler,	Pfeuffer,	

NAYS—10.

Davis,	Harrison,	Shannon,
Evans,	Houston of Wheeler,	Stinson,
Garrison,	Randolph,	Woods.

ABSENT, NOT VOTING.

Jerdone,	Kilgore,	Knittel.
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Senator Shannon offered the following amendment:

Provided, that no stenographer shall be appointed in any county until it has first been ordered by the county commissioners' court of said county.

Adopted.

Senator Glasscock offered the following amendment:

Amend by adding after the words "not more than two hundred dollars," in the penalty clause, and insert, "shall be imprisoned in the county jail not less than thirty days nor more than six months."

Adopted, and

The bill was ordered engrossed by the following vote:

YEAS—14.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Hall,	Pope,
Farrar,	Harrison,	Shannon,
Fowler,	Houston of Bexar,	Terrell.
Getzendaner,	Houston of Wheeler,	

NAYS—7.

Davis,	Randolph,	Traylor,
Evans,	Stinson.	Woods.
Garrison,		

ABSENT, NOT VOTING.

Jerdone,	Kilgore,	Knittel.
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On motion of Senator Houston of Wheeler, Senator Kilgore was excused for the day.

On motion of Senator Farrar,

Senator Jerdone was excused for the day.

On motion of Senator Glasscock,

Senator Knittel was excused for the day.

Substitute House bill No. 109. "An act to require railroad companies to place and keep that portion of their road-bed and right of way over or across which public county roads may run, in proper condition for the use of the traveling public," was laid before the Senate in its regular order,

Read the second time and passed to third reading.

On motion of Senator Shannon,

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

YEAS—21.

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

NAYS—none.

The bill was read third time and passed.

House bill No. 133, "An act to amend chapter 3, article 4405, relating to service on public roads," was laid before the Senate in its regular order, and read second time and passed to its third reading.

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

House bill No. 174, "An act for the relief of Virginia E. Littlepage, and to authorize the county court of Travis county to issue to her letters of administration on the estate of her father, Caleb V. Littlepage," was laid before the Senate in its regular order, read second time and passed to third reading.

House bill No. 155. "An act regulating the manner of taking testimony in civil cases," was laid before the Senate in its regular order, and read the second time.

On motion of Senator Fowler,
The bill was postponed indefinitely by the following vote:

YEAS—13.		
Davis,	Hall,	Pope,
Farrar,	Houston of Bexar,	Randolph,
Fowler,	Houston of Wheeler,	Shannon,
Garrison,	Pfeuffer,	Traylor.
Glasscock,		
NAYS—8.		
Bell,	Getzendaner,	Terrell,
Calhoun,	Harrison,	Woods.
Evans,	Stinson,	

On motion of Senator Harrison,
Senate bill No. 253, "An act to regulate railroads in the State of Texas and the charges for freight and passengers, and to prevent discrimination between any such railways in the rates of charges for freight, passengers and baggage, and in the time and manner of transporting the same, and to prevent any discrimination and delay by any such railway companies in respect to business of any kind with competing or connecting lines, and to provide a penalty therefor," was taken up and made the special order for Thursday after morning call, and from day to day till disposed of.

On motion of Senator Glasscock,
Senate bill No. 205, "An act defining who are entitled to be buried in the State cemetery, and defining the duties and powers of the superintendent of public grounds in relation thereto," was taken up and made the special order for Friday morning, after morning call, and from day to day, till disposed of.

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

FIFTY-FIFTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, March 18, 1885. }

The Senate met pursuant to adjournment
Lieutenant-Governor Gibbs in the chair.
Roll called.
No quorum present.
The Sergeant-at-Arms was dispatched to bring in the absent Senators.
On motion of Senator Shannon,
The Senate took a recess of ten minutes.
Senate called to order.
Roll called.
No quorum present.
Senator Houston of Wheeler moved to adjourn till 3 o'clock.
Withdrawn.
The Sergeant-at-Arms was dispatched to bring in the absent Senators.
Roll called.
Quorum present.
Prayer by the Chaplain, Dr. Smoot.
On motion of Senator Houston of Wheeler,

The reading of the journal of yesterday was dispensed with.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

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

Senate bill No. 8, "An act to amend chapter 2, article 566 of the Revised Civil Statutes."

House bill No. 391, "An act amendatory of and supplementary to the several acts incorporating the city of Dallas."

Substitute House bill No. 301, "An act to regulate the banking system of Texas."

House bill No. 560, "An act to place upon the market and regulate the sale of the lands heretofore or that may hereafter be surveyed and set apart for the benefit of the common schools, the Lunatic, Blind, Deaf and Dumb and Orphan asylum funds, which may have timber thereon suitable for lumber and shingles, and to prevent trespass upon the same, and prescribe a penalty therefor."

A. D. SADLER,
Chief Clerk House Representatives.

REPORTS OF STANDING COMMITTEES.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills, have carefully examined and compared Senate bill No. 267, being "An act to authorize the State Capitol Board to contract for the substitution of granite for limestone in the construction of the exterior walls of the superstructure of the new State Capitol, and for other changes therein, and to extend the time for completion thereof, and to conform all laws thereto, and to make an appropriation for the contingent expenses connected therewith, and to authorize the payment for such change to be made to the contractor in convict labor," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared substitute for Senate bill No. 9, being "An act to amend an act entitled 'an act regulating the disabilities of minors,' approved March 2, 1881," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 241, being "An act making appropriations for deficiencies in the appropriations heretofore made for the payment of expenses in support of the government from March 1, 1883, to February 23, 1885, and for outstanding claims not registered, and other deficiencies," and find it correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 254, being "An act requiring the Attorney-General to institute legal proceedings against corporations doing business within this State in violation of sections 5 and 6, article 10 of the Constitution of Texas," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 184, being "An act to donate all the public domain in the State of Texas to the public free school fund," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

By Senator Davis:

COMMITTEE ROOM,
AUSTIN, March 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 273, entitled "An act to validate the sale of town lots and blocks situated in the town of Coleman, in Coleman county, Texas made by J. F. Miles and by W. O. Reed, commissioners for Coleman county, Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass; the bill, in the opinion of the committee, would be unconstitutional.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred House bill No. 23, entitled "An act to prevent the employment, retaining or harboring of minors against the consent of parents or guardians," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

By Senator Houston of Bexar:

COMMITTEE ROOM,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 85, entitled "An act to amend articles 3164, 3165, 3166, 3171, 3173, 3176, 3177, 3178 and 3179 of title 61, chapter 2 of the Revised Civil Statutes of the State of Texas, relating to mechanics', contractors', builders' and material men's liens, and to add thereto articles 3179a and 3179b," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do pass, and that 100 copies be printed for the use of the Senate.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred substitute House bill No. 392, entitled "An act to restore to and confer upon the county court of Camp county the criminal jurisdiction heretofore belonging to it under the Constitution and general statutes of the State of Texas, to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with the provisions of this act," have carefully considered the same, and a majority of the committee instruct me to report the same back with accompanying amendment, with the recommendation that it do pass as amended.

Respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE AMENDMENT.

Amend by including Bexar county in the provisions of the bill, and conform caption thereto.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 343, entitled "An act to amend the Revised Civil Statutes of the State of Texas, title 17, by adding thereto article 340a, and to amend article 375 thereof," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do not pass.

Article 340a was passed by the Seventeenth Legislature, and approved March 26, 1881.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 489, entitled "An act to amend chapter 6, title 8 of the Penal Code, by adding article 259a," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 483, entitled "An act to amend article 1533 of the Revised Statutes," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the accompanying amendment, with the recommendation that it do pass as amended.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE AMENDMENT.

Add to the article as follows: "This law shall apply to all justices of the peace appointed by the county commissioners court."

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 354, entitled "An act to restore to and confer upon the county courts of Atascosa, Young, Leon, Dimmitt, Montgomery and Burnet counties the civil and criminal jurisdiction heretofore belonging to said courts under the Constitution and general statutes of the State, to conform the jurisdiction of the district courts to such change, and to repeal all laws in conflict with the provisions of this act," have carefully examined the same, and a majority of your committee instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 265, entitled "An act to authorize married women to appoint the husband agent and attorney in fact to sell the separate property of the wife, and to validate deeds heretofore made by the husband acting under power of attorney from the wife," have carefully considered the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 233, entitled "An act to provide for a more efficient manner of assessing bankers, brokers, dealers in exchange, and stock jobbers," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 17, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 212, entitled "An act to amend article 3176 of the Revised Civil Statutes of the State of Texas, concerning mechanics' and other liens," have carefully examined the same, and instruct me to report the same back to the Senate with the recommendation that it lie on the table, for the reason that a House bill relating to the same subject has been reported to the Senate.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

The President gave notice of signing Senate bill No. 25, "An act to abolish the office of fish commissioner, and dispose of all fish ponds and all other property connected with or belonging to the fish department;" and

Senate bill No. 121, "An act entitled an act to redistrict the State into judicial districts, and fix the time for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883;" and

Senate bill No. 131, "An act to give effect to section 2, article 14 of the Constitution;" and

Senate bill No. 210, "An act to amend section 8, of 'an act establishing and prescribing the manner of ascertaining the boundaries of counties,' approved April 22, 1879."

Substitute House bill No. 301 was referred to Judiciary Committee No. 1.

House bill No. 391 was referred to Committee on State Affairs.

House bill No. 560 was referred to Committee on Public Lands.

Senator Garrison moved that the indefinite excuses for the absence of Senators be cancelled after Saturday next, excepting Senator Douglass, and that the Sergeant-at-Arms be instructed to notify the Senators so excused of such cancellation.

Adopted.

On motion of Senator Bell,

Senator Johnson was excused indefinitely, on account of sickness.

Senator Glasscock moved to excuse Senator Farrar until Monday.

Lost.

Senator Davis moved to excuse Senator Farrar for the day.

Senator Terrell moved to substitute Saturday.

Adopted.

Senator Fowler sent up the following privileged report:

COMMITTEE ROOM,
AUSTIN, March 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined

and compared substitute Senate bill No. 101, being "An act to amend article 3116 of the Revised Civil Statutes," and find the same correctly enrolled, and have this day, at 11:50 o'clock a. m., presented the same to the Governor for his approval
All of which is respectfully submitted.

FOWLER, Chairman.

COMMITTEE ROOM,
AUSTIN, March 14, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 121, being "An act to amend section 35 of an act entitled 'an act to redistrict the State into judicial districts, and to fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883," and find the same correctly enrolled, and have this day, at 11:50 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

COMMITTEE ROOM,
AUSTIN, March 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 210, being "An act to amend section 8 of 'an act establishing the manner of ascertaining the boundaries of counties,' approved April 22, 1879," and find the same correctly enrolled, and have this day, at 11:50 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

COMMITTEE ROOM,
AUSTIN, March 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 25, being "An act to abolish the office of Fish Commissioner, and to dispose of all fish ponds and other property connected with or belonging to the Fish Department," and find the same correctly enrolled, and have this day, at 10:50 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

Senator Randolph sent up the following report:

COMMITTEE ROOM,
AUSTIN, March 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 183, entitled "An act to amend section 1, chapter 38 of the general laws of the State of Texas, passed at the regular session of the Eighteenth Legislature," have had the same under consideration, and instruct me to report the following substitute for the bill, and recommend that said substitute do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

The President gave notice of signing House bill No. 118, "An act to amend chapter 6 of title 29 of the Revised Civil Statutes of Texas, by adding thereto, after article 1241, another article to be called article 1241a."

BILLS AND RESOLUTIONS.

By Senator Glasscock:

"An act to authorize the dismissal of certain suits."

Referred to Judiciary Committee No. 1.

Senator Woods moved that the special and regular orders be postponed, and Senate bills on third reading and House bills on second and third reading be acted upon.

Adopted.

The President laid before the Senate the following privileged communication:

GENERAL LAND OFFICE.
AUSTIN, March 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

I learn through the public print that on a recent occasion serious charges were made against me as Commissioner of the General Land Office, by a member of your honorable body. If these charges, as reported, are true, I am unfit for the position I hold; if they are false, it is due to the people of Texas, who have so often honored me, and to myself, that their falsity be shown. As I cannot refute these charges where they were made, I have the honor to request that you appoint at once a special committee, charged with full powers to make a thorough and public investigation of these matters.

I have the honor to be, sir, yours respectfully.

W. C. WALSH,
Commissioner General Land Office.

Senator Davis moved that the committee asked for be appointed, consisting of three Senators, Senator Davis declining to act upon the committee.

Adopted.

The President appointed Senators Traylor, Bell and Garrison on the committee.

The President laid Senate bill No. 8, "An act to amend chapter 2, article 566 of the Revised Civil Statutes" before the Senate, with House amendments.

Senator Shannon moved that the Senate do not concur in the House amendments.

Senator Bell called for a division of the amendments.

Senator Calhoun moved to postpone consideration of amendments until to-morrow.

Adopted.

Senator Houston of Wheeler called up the motion to reconsider the vote by which the Senate refused to pass House bill No. 105 (the Val Verde county bill.)

Withdrawn.

The President laid substitute Senate bill No. 9, "An act to amend an act regulating the removal of the disabilities of minors," before the Senate.

Read third time and passed by the following vote:

YEAS—14.

Bell,	Hall,	Pope,
Calhoun,	Harrison,	Randolph,
Evans,	Houston of Wheeler,	Shannon,
Fowler,	Kilgore,	Woods.
Glasscock,	Pfeuffer,	

NAYS—7.

Davis,	Houston of Bexar,	Terrell,
Garrison,	Stinson,	Traylor.
Getzendaner,		

ABSENT, NOT VOTING.

Jerdone,	Kleberg,	Knittel.
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Senate bill No. 184, "An act to donate all the public domain in the State of Texas to the public free school fund," was laid before the Senate in its regular order, and was read the third time.

Senator Traylor offered the following amendment:

Amend the caption by adding thereto, "and to provide for the location of outstanding veteran and Confederate land certificates held by the original grantee."

Adopted by the following vote:

YEAS—14.

Bell,	Houston of Bexar,	Randolph,
Fowler,	Houston of Wheeler,	Shannon,
Garrison,	Kilgore,	Stinson,
Glasscock,	Pfeuffer,	Traylor.
Harrison,	Pope,	

NAYS—7.

Calhoun,	Getzendaner,	Terrell,
Davis,	Hall,	Woods.
Evans,		

ABSENT, NOT VOTING.

Jerdone,	Kleberg,	Knittel.
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Senator Harrison was excused from voting, and The bill went to the table for want of a quorum. Senator Hall moved to adjourn till ten o'clock to-morrow morning.

Lost by the following vote:

YEAS—1.

Hall.

NAYS—20.

Bell,	Glasscock,	Randolph,
Calhoun,	Harrison,	Shannon,
Davis,	Houston of Bexar,	Stinson,
Evans,	Houston of Wheeler,	Terrell,
Fowler,	Kilgore,	Traylor,
Garrison,	Pfeuffer,	Woods.
Getzendaner,	Pope,	

ABSENT, NOT VOTING.

Jerdone,	Kleberg,	Knittel.
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Senate bill No. 254, "An act requiring the Attorney-General to institute legal proceedings against corporations doing business within this State in violation of sections 5 and 6, article 10 of the Constitution of Texas," was laid before the Senate, and

Passed by the following vote:

YEAS—21.

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

NAYS—none.

ABSENT, NOT VOTING.

Jerdone,	Kleberg,	Knittel.
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Senate bill No. 267, "An act to authorize the State Capitol Board to contract for the substitution of granite for limestone in the construction of the exterior walls of the superstructure of the new State Capitol, and for other changes therein, and to conform all laws thereto, and to make an appropriation for the contingent expenses connected therewith and to authorize the payment for such change to be made to the contractor in convict labor," was laid before the Senate in its regular order and read third time, and

On motion of Senator Davis, was postponed till Monday.

Senate bill No. 184 was again laid before the Senate and passed.

House bill No. 133, "An act to amend chapter 3, article 4405, relating to service on public roads," was taken up, read third time and passed.

House bill No. 501, "An act to amend section 9 of an act to redistrict the State into judicial districts," etc., was laid before the Senate, read the third time and passed.

House bill No. 248, "An act making an appropriation to pay the mileage and per diem of the presidential electors of the State of Texas for the year 1884," was laid before the Senate and read the second time and passed to third reading.

On motion of Senator Shannon,

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

YEAS—21.		
Bell,	Glasscock,	Pope,
Calhoun,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Fowler,	Houston of Wheeler,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzendaner,	Pfeuffer,	Woods.

NAYS—none.
ABSENT, NOT VOTING.

Jerdone. Knittel, Kleberg.

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

YEAS—21.		
Bell,	Glasscock,	Pope,
Calhoun,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Fowler,	Houston of Wheeler,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzendaner,	Pfeuffer,	Woods.

NAYS—none.
ABSENT, NOT VOTING.

Jerdone. Kleberg, Knittel.

House bill No. 314, "An act relating to investment of the permanent public free school funds, and to provide against any loss of such funds in making investments thereof," was laid before the Senate and read the second time.

Senator Traylor offered the following amendment:

Amend section 2, by adding thereto the following: "And if default be made in the payment of interest when due upon any such bond, the Board of Education may, at any time prior to the payment of such over-due interest, elect to treat the principal as also due, and the same shall thereupon, at the option of the Board of Education, become due and payable, and the payment of both such principal and interest shall in all cases be enforced in such manner as is or may be provided by law, and the right to enforce such collection shall never be barred by any law or limitation whatever."

Adopted, and

The bill was passed to third reading.

House bill No. 331, "An act to establish and define the boundaries of the county of Webb, and legalize certain acts of the officers of said county," was laid before the Senate, read the second time and passed to third reading.

House bill No. 538, "An act to amend section 25 of an act to redistrict the State into judicial districts," etc., was laid before the Senate and read the second time.

The first and second committee amendments were adopted, and

The bill passed to third reading.

On motion of Senator Woods,

The constitutional rule was suspended, and

The bill was placed on its final passage by the following vote:

YEAS—21.		
Bell,	Glasscock,	Pope,
Calhoun,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Fowler,	Houston of Wheeler,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzendaner,	Pfeuffer,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Jerdone. Kleberg, Knittel.

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

YEAS—21.		
Bell,	Glasscock,	Pope,
Calhoun,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Fowler,	Houston of Wheeler,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzendaner,	Pfeuffer,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Jerdone. Kleberg, Knittel.

On motion of Senator Houston of Wheeler,

The regular order of business was suspended and House bill No. 354, "An act to restore to and confer upon the county courts of Atascosa, Young, Leon, Dimmitt, Montgomery and Burnet counties the civil and criminal jurisdiction heretofore belonging to said courts under the Constitution and general statutes of the State, to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with this act," was taken up, and

On motion of Senator Houston of Wheeler,

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

YEAS—21.		
Bell,	Glasscock,	Pope,
Calhoun,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Fowler,	Houston of Wheeler,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzendaner,	Pfeuffer,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Jerdone. Kleberg, Knittel.

The bill was read second time and passed to third reading.

On motion of Senator Houston of Wheeler,

The constitutional rule was suspended, and

And the bill was placed on its final passage by the following vote:

YEAS—21.		
Bell,	Glasscock,	Pope,
Calhoun,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Fowler,	Houston of Wheeler,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzendaner,	Pfeuffer,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Jerdone. Kleberg, Knittel.

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

YEAS—21.		
Bell,	Glasscock,	Pope,
Calhoun,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Fowler,	Houston of Wheeler,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzendaner,	Pfeuffer,	Woods.

NAYS—none.
 ABSENT, NOT VOTING.
 Kleberg, Knittel.

Jerdone,
 (Senator Woods in the chair.)
 On motion of Senator Terrell,
 The Senate adjourned till 3 o'clock this afternoon.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.
 Lieutenant-Governor Gibbs in the chair.
 Roll called.
 No quorum present.
 Senator Houston of Wheeler moved to adjourn till ten o'clock to-morrow morning.

Lost.
 Roll called.
 Quorum present.
 On motion of Senator Woods,
 Senator Kleberg was excused for to-day.
 On motion of Senator Shannon,
 Senator Perry was excused for the day.
 On motion of Senator Harrison,
 House bill No. 23, "An act to prevent the employment, retaining or harboring of minors against the consent of parents and guardians," was taken up out of its regular order.

Senator Harrison moved that the constitutional rule requiring bills to be read on three several days be suspended and that the bill be placed on its second reading.

Adopted by the following vote:

YEAS—21.
 Bell, Glasscock, Pope,
 Calhoun, Hall, Randolph,
 Davis, Harrison, Shannon,
 Evans, Houston of Bexar, Stinson,
 Fowler, Houston of Wheeler, Terrell,
 Garrison, Kilgore, Traylor,
 Getzendaner, Pfeuffer, Woods.

NAYS—none.
 ABSENT, NOT VOTING.
 Jerdone, Knittel.

The bill was read the second time.
 Senator Kilgore moved the adoption of the majority report, killing the bill.

Adopted by the following vote:

YEAS—14.
 Calhoun, Hall, Randolph,
 Davis, Houston of Bexar, Shannon,
 Evans, Kilgore, Stinson,
 Getzendaner, Pfeuffer, Traylor,
 Glasscock, Pope.

NAYS—7.
 Bell, Harrison, Terrell,
 Fowler, Houston of Wheeler, Woods,
 Garrison.

ABSENT, NOT VOTING.
 Jerdone, Knittel.

Substitute House bill No. 22, "An act to levy an occupation tax on all dealers in pistols and bowie knives, dirks, daggers and other deadly weapons, manufactured for the purpose of offense or defense, and capable of being concealed on or about the per-

son," was laid before the Senate, and read the second time, with majority (favorable) and minority (unfavorable) reports.

Senator Pope moved that the minority report be substituted for the majority report.

Senator Davis moved the previous question on the motion to adopt the minority report.

Previous question seconded, and

Main question ordered by the following vote:

YEAS—11.
 Bell, Hall, Randolph,
 Davis, Houston of Bexar, Shannon,
 Getzendaner, Kilgore, Traylor,
 Glasscock, Pfeuffer.

NAYS—10.
 Calhoun, Harrison, Stinson,
 Evans, Houston of Wheeler, Terrell,
 Fowler, Pope, Woods,
 Garrison.

ABSENT NOT VOTING.
 Jerdone, Knittel.

The minority report was adopted by the following vote:

YEAS—13.
 Bell, Harrison, Pfeuffer,
 Davis, Houston of Bexar, Pope,
 Evans, Houston of Wheeler, Shannon,
 Fowler, Kilgore, Terrell,
 Hall.

NAYS—8.
 Calhoun, Glasscock, Traylor,
 Garrison, Randolph, Woods,
 Getzendaner, Stinson.

ABSENT, NOT VOTING.
 Jerdone, Knittel.

Substitute House bill No. 33, "An act to amend articles 318 and 320 of chapter 4, title 9 of the Penal Code of the State of Texas," was laid before the Senate and read the second time.

On motion of Senator Davis,
 Substitute Senate bills Nos. 29, 58 and 80 were taken up out of their regular order for the purpose of being considered in connection with substitute House bill No. 33, and was read the second time.

Senator Stinson offered the following substitute for the pending bills, entitled:

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

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

Senator Davis moved to postpone the pending bills indefinitely.

Senator Houston of Bexar moved the previous question on the motion to postpone indefinitely.

Seconded, and

Main question ordered.

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

YEAS—12.
 Bell, Hall, Kilgore,
 Davis, Harrison, Pfeuffer,
 Garrison, Houston of Bexar, Pope,
 Glasscock, Houston of Wheeler, Randolph.

NAYS—9.
 Calhoun, Getzendaner, Terrell,
 Evans, Shannon, Traylor,
 Fowler, Stinson, Woods.

ABSENT, NOT VOTING.
 Jerdone, Knittel.

House bill No. 49, "An act to amend article 4636, title 95, chapter 2, of the Revised Civil Statutes," was laid before the Senate and read the second time.

On motion of Senator Houston of Bexar,

The bill was postponed and made the special order for Saturday, after morning call, and one hundred copies were ordered printed for the use of the Senate.

The President laid substitute House bill No. 181,

An act to make telegraph and telephone companies and persons or corporations owning or operating telegraph or telephone lines in the State of Texas common carriers" before the Senate.

Read second time with majority (favorable) and minority (unfavorable) reports.

On motion of Senator Davis,

The minority report was adopted, killing the bill.

House bill No. 236, "An act to authorize and require the Commissioner of the General Land Office to issue a certificate for 1280 acres of land to J. B. Robertson, for military service," was laid before the Senate and read the second time.

On motion of Senator Bell,

The bill was tabled subject to call.

House bill No. 241, "An act to amend section 40 of an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3 of title 78 of the Revised Civil Statutes of Texas as refer to public free schools outside of incorporated cities and towns, assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act," passed February 4, 1884," was laid before the Senate, and

Read the second time, and passed to third read-

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

Adopted by the following vote:

YEAS—22.

Bell,	Hall,	Pope,
Calhoun,	Harrison,	Randolph,
Davis,	Houston of Bexar,	Shannon,
Evans,	Houston of Wheeler,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Perry,	Traylor,
Getzandaner,	Pfeuffer,	Woods.
Glasscock,		

NAYS—none.

ABSENT, NOT VOTING.

Jerdone, Knittel.

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

YEAS—21.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Fowler,	Houston of Wheeler,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzandaner,	Perry,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Jerdone, Knittel.

Substitute House bill No. 188, "An act to incorporate the Grand Royal Arch Chapter of Texas," was

laid before the Senate and read the second time, and passed to third reading.

On motion of Senator Houston of Bexar,

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

YEAS—21.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Fowler,	Houston of Wheeler,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzandaner,	Perry,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Jerdone, Knittel, Pope.

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

NAYS—21.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Fowler,	Houston of Wheeler,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzandaner,	Perry,	Woods.

YEAS—none.

ABSENT, NOT VOTING.

Jerdone, Knittel, Pope.

On motion of Senator Stinson,

Senate bill No. 251, "An act to amend article 182 of the Revised Civil Statutes of the State of Texas," was taken up out of the regular order,

Read the second time and ordered engrossed.

Senator Houston of Bexar called up the motion to reconsider the vote by which the Senate refused to pass House bill No. 105, "An act to create the county of Val Verde, and to provide for its organization."

The motion to reconsider was adopted by the following vote:

YEAS—14.

Bell,	Harrison,	Randolph,
Calhoun,	Houston of Bexar,	Terrell,
Evans,	Houston of Wheeler,	Traylor,
Getzandaner,	Perry,	Woods.
Glasscock,	Pfeuffer,	

NAYS—7.

Davis,	Hall,	Shannon,
Fowler,	Pope,	Stinson.
Garrison,		

ABSENT, NOT VOTING.

Jerdone, Kilgore, Knittel.

Senator Pope sent to Secretary's desk the following reasons for voting "nay":

I vote "no" because I am forced to vote by the President. I am paired with Senator Camp, who would have voted "no." I vote, being compelled, as the Senator with whom I am paired would have voted were he present.

POPE.

Senator Hall moved a call of the Senate.

Call sustained.

Roll called.

Senators Jerdone, Kilgore and Knittel were found to be absent without excuse.

The Sergeant-at-arms was dispatched to bring in the absent Senators, and

The pending business went to the table.

Senator Harrison called up, from the President's desk, House bill No. 236, "An act to authorize and require the Commissioner of the General Land Office to issue a certificate for 1280 acres of land to J. B. Robertson, for military service."

Senator Traylor offered the following amendment:

Strike out "unlocated" and insert "unreserved" in the first section.

Adopted.

Senator Fowler offered the following amendment:

Amend by adding the following to section 1: "Provided, that if a sufficient quantity of the public domain for the location of said certificate cannot be found, the owner thereof shall have no further claim upon the State by reason of anything contained in this act."

Adopted.

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

Lost by the following vote:

YEAS—7.

Davis,	Garrison,	Perry,
Evans,	Hall,	Terrell.
Fowler,		

NAYS—14.

Bell,	Houston of Bexar,	Shannon,
Calhoun,	Houston of Wheeler,	Stinson,
Getzendaner,	Pfeuffer,	Traylor,
Glasscock,	Pope,	Woods.
Harrison,	Randolph,	

ABSENT, NOT VOTING.

Jerdone,	Kilgore,	Knittel.
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Senator Calhoun moved the previous question on the engrossment of the bill.

Seconded, and

Main question ordered.

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

YEAS—12.

Bell,	Harrison,	Pope,
Calhoun,	Houston of Bexar,	Randolph,
Getzendaner,	Houston of Wheeler,	Stinson,
Glasscock,	Perry,	Traylor.

NAYS—9.

Davis,	Garrison,	Shannon,
Evans,	Hall,	Terrell,
Fowler,	Pfeuffer,	Woods.

ABSENT, NOT VOTING.

Jerdone,	Kilgore,	Knittel.
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On motion of Senator Pope,

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

FIFTY-SIXTH DAY.

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

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

No quorum present.

On motion of Senator Terrell,

The Senate took a recess till 10:45 o'clock.

Senate called to order.

Roll called.

No quorum present.

On motion of Senator Calhoun,

The Senate took a recess till 11 o'clock.

Senate called to order.

No quorum present.

On motion of Senator Stinson,

The Senate adjourned till 3 o'clock this afternoon.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

No quorum present.

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

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

Withdrawn.

Senator Terrell renewed the motion to adjourn till 10 o'clock to-morrow morning.

Lost by the following vote:

YEAS—5.

Fowler,	Houston of Wheeler,	Terrell.
Houston of Bexar,	Kilgore,	

NAYS—14.

Bell,	Glasscock,	Shannon,
Calhoun,	Harrison,	Stinson,
Evans,	Perry,	Traylor,
Garrison,	Pfeuffer,	Woods.
Getzendaner,	Pope,	

ABSENT, NOT VOTING.

Davis,	Jerdone,	Knittel,
Hall,	Kleberg,	Randolph.

Senator Terrell moved to adjourn till 9:45 o'clock to-morrow morning.

Lost by the following vote:

YEAS—9.

Davis,	Houston of Bexar,	Pope,
Fowler,	Houston of Wheeler,	Shannon,
Garrison,	Kilgore,	Terrell.

NAYS—11.

Bell,	Glasscock,	Stinson,
Calhoun,	Harrison,	Traylor,
Evans,	Perry,	Woods.
Getzendaner,	Pfeuffer,	

ABSENT, NOT VOTING.

Hall,	Kleberg,	Randolph.
Jerdone,	Knittel,	

Senator Pope moved to take a recess till 4 o'clock. Withdrawn.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Houston of Wheeler, The reading of the journal of yesterday was dispensed with.

On motion of Senator Terrell,

Senator Randolph was excused till Monday, on account of sickness.

On motion of Senator Terrell,

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

On motion of Senator Pope,

Senator Jerdone was excused for yesterday.

On motion of Senator Glasscock,

Senator Knittel was excused till to-morrow.

On motion of Senator Garrison,

The Secretary of the Senate, Mr. Ramey, was excused for the day.

On motion of Senator Woods,

Senator Kleberg was excused for the day.

PETITIONS AND MEMORIALS.

By Senator Bell:

Petition of citizens of Coryell and Hamilton counties praying for the submission of a constitutional amendment on the prohibition of intoxicating liquors.

Referred to Committee on Constitutional amendments.

REPORTS OF STANDING COMMITTEES.

Senator Shannon:

COMMITTEE ROOM,
AUSTIN, March 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred House bill No. 526, entitled "An act to define the duties of telegraph companies in the transmission of messages, and to provide adequate penalties for the enforcement thereof," have had the same under consideration, and instruct me to report it back with accompanying amendment with the recommendation that it do pass as amended.

All of which is respectfully submitted.

SHANNON, Chairman.

COMMITTEE AMENDMENT.

Amended by striking out all of section 1 after the enacting words and conform the remainder of the bill thereto.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred House bill No. 324, entitled "An act to compel railroads and other corporations to establish and maintain public offices in the State of Texas, and providing what books shall be kept thereat, and what said books shall contain, and requiring them to keep said books open for inspection, and to compel them to report to the Comptroller or Governor the true status of said corporations, and such other matters as may be required by said Governor or Comptroller, and providing appropriate penalties for a failure to comply herewith," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass, the same having taken action upon another bill which embraces the same sought to be enacted by this.

All of which is respectfully submitted.

SHANNON, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your undersigned minority of your Committee on Internal Improvements, to which was referred House bill No. 324, entitled "An act to compel railroads and other corporations to establish and maintain public offices in the State of Texas, and providing what books shall be kept thereat, and what books shall contain, and requiring them to keep said books open for inspection, and to compel them to report to

the Comptroller or Governor the true status of said corporations, and such other matters as may be required by said Governor or Comptroller, and providing appropriate penalties for a failure to comply herewith," differing from the majority of the committee, submit that this bill seeks to enforce section 3 of article 10 of the Constitution; and that it is the duty of the Legislature to observe and enforce what the organic law plainly requires no one can deny.

It may be said that times are hard, that we have just passed through a financial crisis, and that no legislation calculated to embarrass railroads should be passed. If there is any argument in this, then we must conclude that the time has come when corporations are above the reach of the arm of the law.

Are there any corporations violating this section of the Constitution? If yea, should they be shielded from punishment? Should hard times protect violators of the law? If this provision of the Constitution is not being violated, then corporations which it is intended to affect cannot be harmed; we therefore recommend that the said bill do pass.

All of which is respectfully submitted.

RANDOLPH.

By Senator Evans:

COMMITTEE ROOM,
AUSTIN, March 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Lands, to whom was referred House bill No. 560, entitled "An act to place upon the market and regulate the sale of the lands heretofore or that may hereafter be surveyed and set apart for the benefit of the common schools; Lunatic, Blind, Deaf and Dumb and Orphan Asylum funds, which may have timber thereon suitable for lumber and shingles, and to prevent trespass upon the same, and prescribe a penalty therefor," have carefully examined the same, and instruct me to report the same back with the recommendation that it lie on the table until after action has been taken upon substitute House bills Nos. 8, 34 and 70, as the subject matter of this bill is embraced in said substitute House bill and the amendments recommended thereto.

All of which is respectfully submitted.

EVANS, for Committee.

Bill read first time.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, March 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills, have carefully examined and compared Senate bill No. 251, being "An act to amend article 132 of the Revised Statutes," and find it correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared substitute for Senate No. 163, being "An act to provide for the appointment of official stenographers for the district courts of the State of Texas," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, March 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred House bill No. 124, entitled "An act to amend article 1512, chapter 1, title 31 of the Revised Civil Statutes of the State of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass with the following amendment: Strike out two thousand and insert one thousand in line 3, page 2.

All of which is respectfully submitted.

FOWLER, acting Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

The undersigned, a minority of your Committee on State Affairs, to whom was referred House bill No. 124, "An act to amend article 1512, chapter 1, title 31 of the Revised Civil Statutes of the State of Texas," begs leave to dissent from the report of the majority of your committee, and recommends that the bill do not pass, for the following reasons: The bill, if it becomes a law, will require the county commissioners to give a bond for the faithful performance of their duties. As the duties of such officers are administrative and legislative, involving only the exercise of their best judgment on such matters as may be brought before them, and do not involve the handling of public funds, I see no good to be accomplished by a bond. A proof of any facts authorizing a recovery on the bond would make the officer amenable to punishment under our Penal Code.

The latter is a far more potent agency to prevent wrong than the former.

The commissioners' court is the legislature of the county. There is but little pay attached to the office of county commissioner, and most parties accept the office only after solicitation to that effect, and as a matter of patriotic duty, not as one of profit. Such men should not have the stamp of suspicion placed upon them by a legislative enactment. They should, as they do, feel honored by the trust imposed, and the public should likewise feel that their actions are prompted by an honest desire to discharge a duty, and not by reason of a pecuniary obligation behind them.

All of which is respectfully submitted.

GETZENDAUER, for Minority.

COMMITTEE ROOM,
AUSTIN, March 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was re-referred House bill No. 437, entitled "An act to protect mechanics, operatives, bookkeepers, clerks and laborers who perform labor in any mill, factory, shop, store, office or farm against the failure of owners, sub-owners, contractors or agents to pay their wages, and to provide a lien for such wages," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass, with the accompanying amendments.

All of which is respectfully submitted.

FOWLER, acting Chairman.

COMMITTEE AMENDMENTS.

1. Amend section 2 by inserting between the words "for" and "twelve," in line 4, the words "services rendered or labor performed within," and strike out all after the word "the" in line 5, section 2, and insert in lieu thereof "termination of such employment."

2. Amend section 4, by inserting between the words "is" and "due," in line 13, the words "just and."

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred a memorial of the citizens of Van Zandt county, have had the same under consideration, and instruct me to report it back with the recommendation that it be considered in connection with Senate bill No. 237, as both refer to the same subject.

All of which is respectfully submitted.

FOWLER, acting Chairman.

COMMITTEE ROOM,
AUSTIN, March 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 237, entitled "An act for the relief of A. C. Graham, Joshua Hallman, E. J. Sides, D. L. Riley, M. W. Ellis and G. W. Tull," have carefully considered the same, and instruct me to report it back to the Senate with the recommendation that it do not pass.

The object of this bill is to secure a release from the State for the parties whose names are mentioned from all liability on a judgment rendered against them by the Supreme Court at its Austin term, 1884, for \$2361.13, as sureties for one R.

Wells, tax collector of Van Zandt county. In the opinion of the committee, the Legislature is clearly prohibited by section 55 of article 3 of the Constitution from granting the relief prayed for.

The Supreme Court holds that there is a "liability" existing against these parties in favor of the State, and the Constitution expressly prohibits the release, by act of the Legislature of any liability to the State from any individual," etc. As for the claim made in behalf of the parties seeking the relief that the Supreme Court is wrong in holding that they are legally liable, we are of the opinion that the judgment itself, whether correct or not, creates a liability such as is contemplated by the Constitution.

All of which is respectfully submitted.

FOWLER, acting Chairman

Bill read first time.

BILLS AND RESOLUTIONS.

By Senator Glasscock:

"An act to amend chapter 18 of the Revised Civil Statutes by adding article 1379a."

Referred to Judiciary Committee No. 1.

Senator Woods moved that the Senate go into executive session next Monday after morning call, to consider the appointments of the Governor.

Adopted.

The following message was received from the House:

HOUSE OF REPRESENTATIVE
AUSTIN, March 19, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage of House bill No. 373, "An act to authorize the collector of a newly organized county to collect the unpaid taxes found to be due in his county by the assessor's roll of the county or counties from which such county has been taken, or to which it has been attached for judicial purposes, and to provide for making transcripts from such rolls for the use of the collector in the new county."

Respectfully,

A. D. SADLER,
Chief Clerk House Representatives.

House bill No. 373 was referred to Finance Committee.

Senator Traylor moved to postpone the special order and take up bills on third reading.

Adopted.

House bill No. 236, "An act to authorize and require the Commissioner of the General Land Office to issue a certificate for 1280 acres to J. B. Robertson for military service," was laid before the Senate and read third time.

Senator Woods moved a call of the Senate.

Call sustained.

Senators Fowler and Houston of Wheeler were found to be absent without excuse.

Senator Shannon moved to adjourn till 9:30 o'clock to-morrow morning.

Withdrawn.

Senator Terrell renewed the motion to adjourn.
Lost by the following vote:

YEAS—9.

Davis,	Houston of Wheeler,	Shannon,
Garrison,	Jerdone,	Terrell.
Houston of Bexar,	Kilgore,	

NAYS—12.

Bell,	Glasscock,	Pope,
Calhoun,	Harrison,	Stinson,
Evans,	Perry,	Traylor,
Getzendauer,	Pfeuffer,	Woods.

ABSENT, NOT VOTING.

Fowler.

Senators Fowler and Houston of Wheeler were announced, and the Senate was declared full. The bill (House bill No. 236) was passed by the following vote:

YEAS—11.		
Bell,	Houston of Bexar,	Shannon,
Calhoun,	Houston of Wheeler,	Stinson,
Glasscock,	Perry,	Traylor.
Harrison,	Pope,	
NAYS—10.		
Davis,	Getzendaner,	Pfeuffer,
Evans,	Jerdone,	Terrell,
Fowler,	Kilgore,	Woods.
Garrison,		

House bill No. 331, "An act to establish and define the boundaries of the county of Webb, and legalize certain acts of the officers of said county," was laid before the Senate.

Read third time and passed.

House bill No. 314, "An act relating to investments of the permanent public free school funds, and to provide against any loss of such funds in making investments," was laid before the Senate.

Read third time and passed.

Senate substitute for House bill No. 249, "An act to authorize the county commissioners' court to set aside from year to year not exceeding one-half of the road and bridge tax to purchase and establish free bridges; also to validate bonds heretofore issued for bridge purposes," was laid before the Senate and read the third time.

Senator Woods offered the following amendment:

Amend last section by adding the following words: "Chapter 18 of the Seventeenth Legislature, authorizing the issuance of bonds for building bridges, be and the same is hereby repealed," and amend the caption to conform to this amendment.

Adopted by the following vote:

YEAS—21.		
Bell,	Glasscock,	Pfeuffer,
Calhoun,	Harrison,	Pope,
Davis,	Houston of Bexar,	Shannon,
Evans,	Houston of Wheeler,	Stinson,
Fowler,	Jerdone,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzendaner,	Perry,	Woods.
NAYS—none.		

Senator Stinson offered the following amendment:

Amend by adding the following: "Provided, the parties who petition for any bridge shall first deposit with the clerk of the county court a sufficient amount of money to pay the expenses of said election before the commissioners' court shall be authorized to order said election."

Withdrawn.

Senator Harrison offered the following amendment:

Amend by adding the following proviso: "Provided, if at any such an election the vote shall be in favor of erecting or purchasing such bridge, then the county shall pay the expenses of such election, and the parties making the deposit herein required shall be allowed to withdraw the same, but not otherwise."

Adopted by the following vote:

YEAS—18.		
Bell,	Glasscock,	Pfeuffer,
Calhoun,	Harrison,	Pope,
Davis,	Houston of Bexar,	Shannon,
Evans,	Jerdone,	Terrell,
Fowler,	Kilgore,	Traylor,
Garrison,	Perry,	Woods.
NAYS—3.		
Getzendaner,	Houston of Wheeler,	Stinson.

Senator Getzendaner offered the following amendment:

Amend by limiting the amount of road and bridge tax to be used to an amount not to exceed six cents on the one hundred dollars' valuation.

Senator Davis moved to adjourn till 10 o'clock tomorrow morning.

Lost by the following vote:

YEAS—9.		
Davis,	Houston of Bexar,	Kilgore,
Fowler,	Houston of Wheeler,	Shannon,
Garrison,	Jerdone,	Terrell.

NAYS—11.		
Bell,	Glasscock,	Stinson,
Calhoun,	Harrison,	Traylor,
Evans,	Perry,	Woods.
Getzendaner,	Pfeuffer,	

ABSENT, NOT VOTING.

Pope.

Senator Traylor in the chair.

Senator Terrell moved to adjourn till 9:30 o'clock to-morrow morning.

Adopted by the following vote:

YEAS—11.		
Bell,	Houston of Bexar,	Perry,
Fowler,	Houston of Wheeler,	Shannon,
Garrison,	Jerdone,	Terrell.
Harrison,	Kilgore,	

NAYS—8.		
Calhoun,	Glasscock,	Traylor,
Evans,	Pfeuffer,	Woods.
Getzendaner,	Stinson,	

ABSENT NOT VOTING.

Davis,

Pope.

FIFTY-SEVENTH DAY.

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

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

No quorum present.

On motion of Senator Fowler,

The Senate adjourned till ten o'clock.

Senate called to order.

Roll called.

Quorum present.

Prayer by the Rev. Dr. Cocke, of Lexington, Va.

On motion of Senator Traylor,

The reading of the journal of yesterday was dispensed with.

REPORTS OF STANDING COMMITTEES.

By Senator Calhoun:

COMMITTEE ROOM.
AUSTIN, March 18, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Printing, to whom was referred Senate bill No. 242, entitled "An act to amend an act entitled 'an act to amend articles 1026, 1027, 1028, 1029, 1030, 1031 and 1032 of chapter 5, title 26, and articles 1077, 1078, 1079, 1080, 1081 and 1082, of chapter 15, title 26 of the Revised Civil Statutes of the State of Texas,' approved May 3, 1883," have had the same under consideration, and instruct me to report it back

with the recommendation that it do not pass. This bill proceeds upon the hypothesis that there is a State printing office, and that the State can employ printers and binders and purchase machinery without competition or limit to do the printing and binding of the State, and this we think is not in keeping with the spirit of our Constitution. Our reports are now well reported and bound, and sold at reasonable price. The State can sell them now at three dollars, if proper to do so. We think our reports are of too much value to be reported, printed and bound in an inferior manner.

All of which is respectfully submitted.

CALHOUN, for Committee.

Bill read first time.

Senator Evans sent up the following minority report:

COMMITTEE ROOM,
AUSTIN, March 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

The undersigned, as one of the Committee on Public Printing, to whom was referred Senate bill No. 242, entitled "An act to amend an act to amend articles 1026, 1027, 1028, 1029, 1030, 1031 and 1032 of chapter 5, title 26, and articles 1077, 1078, 1079, 1080, 1081 and 1082 of chapter 15, title 26 of the Revised Civil Statutes of the State of Texas," approved May 3, 1882," to which bill a majority have decided to report unfavorably, would beg leave to file a minority report, and ask that said bill do pass the Senate.

The object of the bill is to change the manner of having the reports of the Supreme Court and Appellate Court published. The present law permits the reports—in fact, requires the reporters to have the same published, and to furnish the State one thousand copies each, for which the reporters receive, as compensation, the sum of five dollars and fifty cents per page for as many pages as are in the volume published. Supposing these volumes to average eight hundred pages each it would cost the State \$400 for each 1000 copies, or \$1.40 per copy. The Secretary of State is authorized and required to sell 500 copies; provided sale is found for them, at four dollars per copy, thereby creating a loss to the State on each copy of reports of forty cents.

For the last two years past, as will be seen by reference to warrants issued from the Comptroller's office, there has been paid out the sum of \$21,895 for Supreme Court Reports, and \$17,437 for Court of Appeals Reports, amounting in the aggregate to \$39,332. Nine thousand volumes all told have been furnished. Of this number, up to first of December, as will appear by reference to report of the Secretary of State, there had been sold 1600 volumes. The remainder are on hand, and not in much demand, and yet under the present law the full amount have to be received and paid for.

It is believed by the State Printing Board that these books can be published at the Deaf and Dumb Asylum at a much less expense than at the present rate. In their report of December 31 we find the following statement, in which they say: "In our judgment the cost to the State of the publication of these reports is entirely too much. We respectfully submit that if these reports were printed at the State printing office, it would enable the board to utilize the labor of deaf mutes, and by giving these unfortunate persons continued employment they will have a chance to, at least, become partially self-sustaining; to prepare themselves for future independence and usefulness, and at the same time save much of the expense heretofore attending the publication of these reports."

We see no reason to question this statement. While it may be true that there would for the first year be some necessary outlay in getting proper machinery for binding, yet the cost could not be very great; and it would probably require the employment of good printers to aid in the work, yet still much of the work, such as folding and stitching, could be done by even unskilled workmen, and much of the type setting could be done by ordinary printers. It would give constant employment to a large number of the deaf mutes who should be learning a trade by which they can be enabled in the future to make a support for themselves.

The present system has one very objectionable feature in it. It pays \$5.50 per page. It may not always be the case that we can procure the services of such men as we now have, but the time may come when we will have reporters who will be able to stretch out cases so as to make three reports per annum instead of two—who will be able to lengthen from 1800 to 2400 pages of each set of reports every year. But if we employ a reporter at a fixed salary, he cannot possibly have any

interest in extending the reports to a greater length or greater number of pages than is actually necessary.

Again, we think the present price of the reports is too great. By comparison with other States, whose reports are equally well gotten up, in a mechanical point of view as ours, will be seen that we are extravagant in price. Our reports certainly can be published at \$3 per volume, including pay of reporter. North Carolina, by act of February 19, 1884, has her reports furnished at \$2 per volume. Ohio reports only worth \$2.50 per volume. Michigan furnishes her reports at \$2 per volume, pays her reporter \$1800 per year and hire \$900 and expenses while attending court. Wisconsin pays her reporter \$3000 per annum, and furnishes her reports at \$2 per volume. Mississippi pays her reporter \$4 per page for copies, and sells reports at \$5. Alabama pays her reporter \$2000 per annum, and sells reports at \$5. Rhode Island pays her reporter \$500 per year. Connecticut pays her reporter \$2500. West Virginia pays her reporter \$1000. California pays her reporter \$6000. Louisiana pays her reporter \$2500.

Indiana gets 500 volumes for \$3.50, and requires the reporter to sell reports at \$3.50. Iowa furnishes reports at \$2 per volume. Arkansas sells her reports at \$5; pays a reporter \$400 per annum. South Carolina reports \$3.50 per volume; retains copyright; pays reporter \$1500. Virginia pays her reporter \$1500. We cite these instances to show that the majority of other States, including the Southern States, furnish their Supreme Court reports at much less than our own State. It is contended that no man who is qualified for the position of reporter would accept it at the sum of \$2500 per annum.

We do not know how that would be, but presume that there are several men in the State of Texas to-day who would make good reporters that are now working for less than that sum. This sum is in accordance with the salaries paid the heads of the departments of the State and district judges.

If we are not mistaken there is a district judge now in the judicial district whose salary is only \$2500, and who was a one time a Supreme Court reporter. With the exception of California and Wisconsin, we have not been able in our examination of this question to find a single State that pays over \$2500; most of them much less.

What other States have done and are now doing, Texas with her present large population and increased demand for these books, certainly can do. The Governor, in his message to the Nineteenth Legislature, calls our attention especially to this matter. We here quote his language:

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

We would respectfully submit that with all the facts before us, there would certainly be a great saving to the State to have the reports published at the Deaf and Dumb Asylum. It would enable the profession to obtain the books at \$3 per volume, and the State could then make a profit on the work as well as give instruction to its wards in learning a useful occupation.

All of which is respectfully submitted.

EVANS.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

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

House bill No. 579, "An act to divide the western portion of Tom Green county into six new counties, namely: Ector, Winkler, Loving, Upton, Crane and Hunter, and defining the boundaries thereof."

Respectfully,

A. D. SADLER,
Chief Clerk House Representatives.

House bill No. 579 was referred to Committee on Counties and County Boundaries.

On motion of Senator Shannon,

House bill No. 549, "An act to amend section 17 of 'an act to redistrict the State into judicial districts,' etc., was taken up out of its regular order and read second time.

The committee amendments were adopted.

Senator Shannon offered the following amendment:

Amend section 17 so as to read as follows:

"Sec. 17. The seventeenth judicial district shall be composed of the counties of Parker and Tarrant, and the district courts therein shall be held as follows: In the county of Parker on the first Mondays in February and August, and may continue in session six weeks; in the county of Tarrant on the sixth Monday after the first Monday in February, on the third Monday in May, on sixth Monday after the first Monday in August, and on third Monday in November, and may continue in session until business is disposed of."

Adopted, and the bill passed to third reading.

On motion of Senator Shannon,

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

YEAS—22.

Bell,	Harrison,	Perry,
Calhoun,	Houston of Bexar,	Pfeuffer,
Davis,	Houston of Wheeler,	Pope,
Evans,	Jerdone,	Shannon,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.
Glasscock,		

NAYS—none.

ABSENT, NOT VOTING.

Hall, Stinson.

The bill was read third time and passed.

On motion of Senator Houston of Bexar,

The special orders were postponed for the purpose of taking up and disposing of bills on third reading.

Senate substitute for House bill No. 249, "An act to authorize the county commissioners' court to set aside from year to year not exceeding one-half of the road and bridge tax to purchase and establish free bridges; also to validate bonds heretofore issued for bridge purposes," was laid before the Senate as the pending bill on adjournment yesterday.

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

YEAS—12.

Davis,	Getzendaner,	Knittel,
Evans,	Glasscock,	Perry,
Fowler,	Harrison,	Terrell,
Garrison,	Jerdone,	Traylor.

NAYS—10.

Bell,	Kilgore,	Pope,
Calhoun,	Kleberg,	Shannon,
Houston of Bexar,	Pfeuffer,	Woods.
Houston of Wheeler,		

ABSENT, NOT VOTING.

Hall, Stinson.

The bill was passed by the following vote:

YEAS—18.

Bell,	Fowler,	Harrison,
Calhoun,	Getzendaner,	Houston of Bexar,
Evans,	Glasscock,	Houston of Wheeler,

Jerdone,	Knittel,	Pope,
Kilgore,	Perry,	Terrell,
Kleberg,	Pfeuffer,	Woods.

NAYS—4.

Davis,	Shannon,	Traylor.
Garrison,		

ABSENT, NOT VOTING.

Hall, Stinson.

House bill No. 105, "An act to create the county of Val Verde, and to provide for its organization," was laid before the Senate and passed by the following vote:

YEAS—18.

Bell,	Harrison,	Perry,
Calhoun,	Houston of Bexar,	Pfeuffer,
Evans,	Houston of Wheeler,	Shannon,
Fowler,	Jerdone,	Terrell,
Getzendaner,	Kleberg,	Traylor,
Glasscock,	Knittel,	Woods.

NAYS—3.

Davis,	Garrison,	Kilgore.
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ABSENT, NOT VOTING.

Hall, Stinson.

Paired: Senators Camp and Pope. The former would have voted nay, the latter yea.

Senate bill No. 251, "An act to amend article 182 of the Revised Civil Statutes of the State of Texas," was taken up in its regular order, read the third time and passed.

Substitute Senate bill No. 163, "An act to provide for the appointment of official stenographers for the district courts of the State of Texas," was laid before the Senate, read the third time and passed.

Senate bill No. 8, "An act to amend chapter 2, article 566 of the Revised Civil Statutes," was laid before the Senate with House amendments.

Senator Houston of Bexar moved that the Senate do not concur in the first House amendment.

Adopted.

Senator Woods moved that the Senate do concur in the second House amendment.

Lost.

Senator Bell moved that the Senate do concur in the third House amendment.

Lost.

On motion of Senator Fowler,

One hundred copies of House bill No. 437, "An act to protect mechanics, operatives, bookkeepers, clerks and laborers who perform labor in any mill, factory, shop, store, office or farm against the failure of owners, sub-owners, contractors or agents to pay their wages, and to provide a lien for such wages," were ordered printed for the use of the Senate.

On motion of Senator Houston of Wheeler,

The vote by which House bill No. 105, the Val Verde county bill was passed, was reconsidered.

The bill was passed by the following vote:

YEAS—22.

Bell,	Harrison,	Perry,
Calhoun,	Houston of Bexar,	Pfeuffer,
Davis,	Houston of Wheeler,	Pope,
Evans,	Jerdone,	Shannon,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.
Glasscock,		

NAYS—none.

ABSENT, NOT VOTING.

Hall,

Stinson.

We vote "yea," since it is evident that a majority of the Senate desire the passage of the bill, and for the purpose of allowing the measure to become a law at once.

GARRISON,
KILGORE.
DAVIS.

Substitute Huse bill Nos. 8, 34 and 70, "An act to provide for the leasing and sale of the lands heretofore or hereafter to be surveyed and set apart for the benefit of the common schools, University, the Lunatic, Blind, Deaf and Dumb and Orphan Asylum funds." was laid before the Senate as the first special order, and

Read second time, with committee amendments. (Senator Terrell in the chair.)

Senator Houston of Wheeler moved that the committee amendments be considered separately.

Adopted.

Senator Shannon offered the following substitute for the first committee amendment:

After the word "leased," in line 26, insert the words "to the original lessee or lessees, or their assignee or assignees."

Senator Houston of Bexar moved a call of the Senate on the business of the morning session.

Call sustained.

Senators Hall, Pope and Stinson were found to be absent without excuse.

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

Senator Traylor moved that the call be suspended.

The Senate refused to suspend the call.

Senator Glasscock moved that Senator Hall be excused for the day, on account of sickness.

Adopted by the following vote:

YEAS—21.

Bell,	Glasscock,	Knittel,
Calhoun,	Harrison,	Perry,
Davis,	Houston of Bexar,	Pfeuffer,
Evans,	Houston of Wheeler,	Shannon,
Fowler,	Jerdone,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzendaner,	Kleberg,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Pope.

Stinson.

On motion of Senator Bell,

Senator Stinson was excused for the day, on account of sickness, by the following vote:

YEAS—20.

Bell,	Harrison,	Perry,
Calhoun,	Houston of Bexar,	Pfeuffer,
Davis,	Houston of Wheeler,	Shannon,
Fowler,	Jerdone,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzendaner,	Kleberg,	Woods.
Glasscock,	Knittel,	

NAYS—1.

Evans.

ABSENT, NOT VOTING.

Pope.

On motion of Senator Traylor, Senator Pope was excused for one hour, by the following vote:

YEAS—21.

Bell,	Glasscock,	Knittle,
Calhoun,	Harrison,	Perry,
Davis,	Houston of Bexar,	Pfeuffer,
Evans,	Houston of Wheeler,	Shannon,
Fowler,	Jerdone,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzendaner,	Kleberg,	Woods.

NAYS—none.

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

YEAS—12.

Evans,	Harrison,	Perry,
Fowler,	Houston of Bexar,	Pfeuffer,
Getzendaner,	Kleberg,	Shannon,
Glasscock,	Knittel,	Terrell.

NAYS—10.

Bell,	Houston of Wheeler,	Pope,
Calhoun,	Jerdone,	Traylor,
Davis,	Kilgore,	Woods.
Garrison,		

During the vote Senator Pope was announced.

Senator Houston of Wheeler offered the following amendment to the substitute, as adopted:

Provided that all persons, firms or corporations who lease lands at the rate of 8 and 20 cents, subsequent to having offered less for the same and made tender thereof, having had the same rejected, shall be entitled to avail themselves of the reduction provided for in this act.

Lost.

The substitute was adopted as a part of the bill.

The second committee amendment was adopted.

Senator Shannon offered the following substitute for the third committee amendment:

Add to end of section 5: "Until the expiration of the term for which said lease was made."

Adopted.

Senator Houston of Wheeler offered the following amendment to the substitute:

Provided, that this shall not apply to those who have offered four or more cents per acre per annum for the leased land, and have tendered the amount of such rental, and had had the same rejected.

Lost.

The third committee amendment, as substitute was adopted.

Senator Shannon called for a division of the fourth committee amendment.

The first part of the fourth committee amendment was adopted.

The second part of the fourth committee amendment was adopted by the following vote:

YEAS—17.

Bell,	Harrison,	Perry,
Davis,	Houston of Bexar,	Pfeuffer,
Evans,	Jerdone,	Shannon,
Fowler,	Kilgore,	Traylor,
Garrison,	Kleberg,	Woods.
Getzendaner,	Knittel,	

NAYS—5.

Calhoun,	Houston of Wheeler,	Terrell.
Glasscock,	Pope,	

The following message was received from the House:

HOUSE OF REPRESENTATIVES.
AUSTIN, March 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

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

Substitute House bill No. 72, "An act to amend article 4367 of the Revised Statutes."

House bill No. 96, "An act to amend an act entitled 'an act to amend article 4411 of the Revised Civil Statutes,' approved March 5, 1883."

House bill No. 164, "An act to amend article 4245, title 84, chapter 10 of the Revised Statutes of Texas."

Substitute House bills Nos. 171 and 208, "An act to amend article 425 of the Penal Code of the State of Texas."

A. D. SADLER,

Chief Clerk House of Representatives.

Substitute House bill No. 72, and House bill No. 96 and House bill No. 114 were referred to Judiciary Committee No. 1.

Substitute House bills Nos. 171 and 208 was referred to Judiciary Committee No. 2.

On motion of Senator Calhoun,

The Senate adjourned till 3 o'clock this afternoon.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

No quorum present.

Senator Getzendaner moved a call of the Senate in the evening session.

Call sustained.

Senators Houston of Wheeler, Jerdone, Kilgore and Pope were found to be absent without excuse.

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

Senator Jerdone was announced.

Senator Kilgore was announced.

Senator Pope was announced.

Senator Houston of Wheeler was announced, and

The Senate was declared full.

The Senate resumed consideration of the land bill, ending on adjournment.

The fifth committee amendment was adopted.

The sixth committee amendment was adopted.

The seventh committee amendment was adopted.

The eighth committee amendment was adopted.

The ninth committee amendment was adopted.

The tenth committee amendment was adopted.

Senator Houston of Wheeler called for a division of the eleventh committee amendment.

Senator Traylor offered the following substitute for the first part of the eleventh amendment:

Strike out "not exceeding three" and insert "not exceeding five."

Adopted by the following vote:

YEAS—15.

Calhoun,	Glasscock,	Kleberg,
Davis,	Houston of Bexar,	Knittel,
Evans,	Houston of Wheeler,	Pfeuffer,
Fowler,	Jerdone,	Terrell,
Harrison,	Kilgore,	Traylor.

NAYS—7.

Bell,	Perry,	Stinson,
Getzendaner,	Shannon,	Woods
Harrison,		

ABSENT, NOT VOTING.

Pope.

The substitute was adopted as a part of the bill.

The second part of the eleventh amendment was adopted.

Senator Shannon offered the following substitute for the twelfth committee amendment:

Strike out the words "in the district court in Travis county," and strike out all after the word "rents," in line 12, to the end of line 16.

Lost by the following vote:

YEAS—9.

Bell,	Garrison,	Kilgore,
Evans,	Getzendaner,	Shannon,
Fowler,	Harrison,	Terrell.

NAYS—13.

Calhoun,	Jerdone,	Pfeuffer,
Davis,	Kleberg,	Stinson,
Glasscock,	Knittel,	Traylor,
Houston of Bexar,	Perry,	Woods
Houston of Wheeler,		

ABSENT, NOT VOTING.

Pope.

The committee amendment was lost by the following vote:

YEAS—5.

Calhoun,	Garrison,	Houston of Wheeler.
Evans,	Houston of Bexar,	

NAYS—16

Bell,	Kilgore,	Shannon,
Davis,	Kleberg,	Stinson,
Fowler,	Peacock,	Terrell,
Getzendaner,	Perry,	Traylor,
Glasscock,	Pfeuffer,	Woods.
Jerdone,		

ABSENT, NOT VOTING.

Pope.

Senator Davis moved to reconsider the vote by which the amendment was lost.

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

The motion to reconsider was adopted by the following vote:

YEAS—15.

Bell,	Garrison,	Kilgore,
Calhoun,	Getzendaner,	Peacock,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Terrell,
Fowler,	Houston of Wheeler,	Traylor.

NAYS—8.

Glasscock,	Knittel,	Stinson,
Jerdone,	Perry,	Woods.
Kleberg,	Pfeuffer,	

ABSENT, NOT VOTING.

Pope.

Senator Houston of Bexar moved to reconsider the vote defeating Senator Shannon's substitute.

Adopted.

The substitute was withdrawn.

Senator Houston of Bexar offered the following:

Strike out of engrossed rider, in line 1, "in the district court of Travis county," and also all after the word "act," in line 9, down to and including line 16.

Adopted by the following vote:

YEAS—14.

Bell,	Garrison,	Shannon,
Calhoun,	Getzendaner,	Stinson,
Davis,	Harrison,	Terrill,
Evans,	Houston of Bexar,	Traylor.
Fowler,	Houston of Wheeler,	

NAYS—8.

Jerdone,	Knittel,	Pfeuffer,
Kilgore,	Peacock,	Woods.
Kleberg,	Perry,	

ABSENT, NOT VOTING.

Glasscock,	Pope.
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The amendment as amended was adopted.

Senator Houston of Wheeler offered the following amendment to the thirteenth committee amendment:

Amend by adding after the word "pine" the word "cedar."

Adopted.

Senator Shannon moved to reconsider the vote adopting the amendment.

Withdrawn.

Senator Davis moved to amend by striking out cypress, pine and cedar.

Adopted.

Senator Terrell moved to amend by adding after the word "shingles" the words "cross-ties or telegraph or telephone poles."

Adopted.

Senator Woods offered the following amendment:

Add to section —, (which section provides for sale of pine or cypress timber) the following: "Provided, no timber shall be cut, destroyed or removed from said land until the full amount of purchase money has been paid into the State treasury."

Adopted.

The committee amendment, as amended, was adopted.

Senator Terrell offered the following amendment to the fourteenth committee amendment:

Amend by adding "and insert the word 'thereby' in its stead."

Lost.

The fourteenth committee amendment was adopted.

Senator Glasscock moved to amend the fifteenth committee amendment by inserting the words "not less than" before the words "two dollars," in third line.

Lost.

The fifteenth committee amendment was adopted.

Senator Houston of Bexar, offered the following amendment:

Amend by adding to section 12:

"Provided, that any one person may be permitted to purchase as much as seven sections of dry and one of watered land, which are suitable for grazing purposes only."

Senator Glasscock offered the following amendment:

Amend, by adding to section 26, the following:

"The Commissioner of the General Land Office is further authorized to appoint one person to act as State rent agent, whose duty it shall be to go in person, under the direction of said Commissioner, and examine all the lands belonging to the State that are being used by any person, firm or corporation without paying rent thereon, and should said agent find any such lands being used without being rented, he shall demand rent from such person, firm or corporation, to be paid into the State treasury under the provisions of this act."

The Commissioner of the General Land Office shall furnish said State rent agent with a map of each county containing any of the State lands, with an estimate of the number of acres belonging to the State in each county subject to rent under this act, and if said agent, after examining any of said lands, finds that they are being used without being rented under the provisions of this act, may employ a surveyor to aid him in making measurement of such lands, and said surveyor shall not receive more than four dollars per day for time actually employed, and his fees shall be paid by the person, firm or corporation leasing said lands.

In each and every case, said State rent agent shall make full report of every person, firm or corporation raising cash or other stock in any of the unorganized counties in this State to the Commissioner of the General Land Office, giving the name and the place where located, the number of acres of land being used and the number of head of stock being grazed on said land, as near as he can ascertain, and the estimated value thereof; and said agent shall make a duplicate of said report and file the same in the office of the assessor in the organized county to which such unorganized county is attached for such purposes, for the purpose of enabling said assessor to make an assessment of the value of the property belonging to any such person, firm or corporation; and said agent shall have authority to examine witnesses to ascertain the facts necessary to be contained in his report.

The annual salary of said State rent agent shall be \$1200 and a commission of twenty-five cents for each section of land rented, and said commission shall be collected from the person, firm or corporation leasing said land, by the Commissioner of the General Land Office for the use of said State rent agent, which shall be paid to him; but his salary shall not exceed \$3600 per annum, and any commissions that may be collected in excess of this amount shall be paid into the State treasury in the same manner as other Land Office fees.

If it should be necessary for the protection of said agent while traveling in the discharge of his duties, the Adjutant General of the State shall furnish him with sufficient number of State troops for his protection.

Said State rent agent shall pay all his traveling and other expenses, and shall be required to give a bond of five thousand dollars for the faithful performance of his duties under this act.

Also amend the caption to conform to this amendment.

On motion of Senator Houston of Wheeler,

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

FIFTY-EIGHTH DAY.

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

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Kleberg,

The reading of the journal of yesterday was dispensed with.

REPORTS OF STANDING COMMITTEES.

By Senator Traylor:

COMMITTEE ROOM,
AUSTIN, March 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred House bill No. 373, entitled "An act to authorize the collector of a newly organized county to collect the unpaid taxes found to be due in his county by the assessor's rolls of the county or counties from which such county has been taken or to which it has been attached for judicial purposes, and to provide for making transcripts from such rolls for the use of the collector in the new

county." have had the same under consideration, and instruct me to report it back with the recommendation that it do pass. All of which is respectfully submitted.

TRAYLOR, Chairman.

Bill read first time.
By Senator Davis:

COMMITTEE ROOM,
AUSTIN, March 21, 1885.

Rep. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred substitute House bills Nos 171 and 208, entitled "An act to amend article 425 of the Penal Code of the State of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass, with the following amendment:
Strike out "or by muddying the water."
All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

Senator Terrell called up Senate concurrent resolution No. 5, regarding adjournment sine die, and moved that the Senate concur in the House amendment.

Adopted by the following vote:

YEAS—13.

Davis,	Kilgore,	Shannon,
Fowler,	Kleberg,	Stinson,
Getzendanar,	Knittle,	Terrell,
Hall,	Perry,	Woods.
Houston of Bexar,		

NAYS—8.

Hall,	Houston of Wheeler,	Pfeuffer,
Calhoun,	Jerdone,	Traylor.
Garrison,	Peacock,	

ABSENT, NOT VOTING.

Evans,	Harrison,	Pope.
Glasscock,		

Senator Shannon entered a motion to reconsider the vote by which the Senate concurred in the House amendment.

Senator Terrell called up the motion to reconsider and moved to table it.

Lost by the following vote:

YEAS—9.

Davis,	Houston of Bexar,	Stinson,
Evans,	Kilgore,	Terrell,
Getzendanar,	Kleberg,	Woods.

NAYS—14.

Hall,	Harrison,	Pfeuffer,
Calhoun,	Jerdone,	Pope,
Fowler,	Garrison,	Shannon,
Garrison,	Peacock,	Traylor.
Hall,	Perry,	

ABSENT, NOT VOTING.

Houston of Wheeler.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 21, 1885.

Rep. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage of Senate bill No. 260, "An act to amend articles 1006, and 1008 of an act entitled 'an act to amend articles 1006, and 1008 of the Revised Civil Statutes of the State of Texas,' approved February 21, 1879, passed by the Eighteenth Legislature, and approved April 9 1883," with House amendments.

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

The Senate resumed consideration of substitute House bills Nos. 8, 34 and 70, "An act to provide for

the leasing and sale of the lands heretofore or hereafter to be surveyed and set apart for the benefit of the common schools, University, the Lunatic, Blind, Deaf and Dumb and Orphan Asylum funds."

The amendment of Senator Houston of Bexar was lost by the following vote:

YEAS—9.

Hall,	Kleberg,	Pope,
Houston of Bexar,	Knittel,	Shannon,
Jerdone,	Perry,	Terrell.

NAYS—14.

Bell,	Getzendanar,	Pfeuffer,
Calhoun,	Harrison,	Stinson,
Evans,	Houston of Wheeler,	Traylor,
Fowler,	Kilgore,	Woods.
Garrison,	Peacock,	

ABSENT, NOT VOTING.

Davis, Glasscock.

Senator Davis offered to amend the amendment of Senator Glasscock as follows:

Strike out "State rent agent" and insert "State grass commissioner."

Lost.

Senator Harrison offered the following substitute for the Senator Glasscock amendment:

Amend by adding to section 26 the following:

One of the clerks provided for in this section shall be known as "State rent agent," whose duty it shall be, under the direction of the Commissioner of the Land Office, to go in person and examine all lands embraced in this act that are being used by any person, firm or corporation, and make a full and complete report in each and every case where such lands are being used in a manner contrary to the provisions of this act, giving the name of the person, firm or corporation, the location, and the amount of lands claimed or used by them as a stock range for grazing purposes, and the number of cattle or other stock being grazed on said land, and the value thereof, as near as can be ascertained; and he shall forward said report, together with such other information as he may have, to the General Land Office, which shall be filed among the archives of said office to be used for the purpose of carrying out the provisions of this act.

It shall be the duty of said rent agent to demand rent from every person, firm or corporation for any lands being used by them in a manner unauthorized by this act, which rent shall be paid into the State treasury by such person, firm or corporation as provided for the payment of rents in this act. Said State rent agent shall receive for his services, in addition to the salary herein prescribed, the sum of twenty-five cents for each section leased, or upon which rent is collected, to be paid annually by the lessee to the Commissioner of the Land Office at the time the rent is due and payable; provided, his salary and fees shall in no one year exceed thirty-six hundred dollars, and if there be an excess it shall be paid into the State treasury in like manner as other Land Office fees; provided further, that said State rent agent shall pay all his traveling and other expenses.

Adopted by the following vote:

YEAS—18.

Bell,	Harrison,	Perry,
Evans,	Jerdone,	Pfeuffer,
Fowler,	Kilgore,	Shannon,
Garrison,	Kleberg,	Terrell,
Getzendanar,	Knittel,	Traylor,
Hall,	Peacock,	Woods.

NAYS—6.

Calhoun,	Houston of Bexar,	Pope,
Davis,	Houston of Wheeler,	Stinson,

ABSENT, NOT VOTING.

Glasscock

The amendment, as substituted, was adopted by the following vote:

YEAS—17.

Bell,	Harrison,	Perry,
Evans,	Jerdone,	Pfeuffer,
Fowler,	Kilgore,	Shannon,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Woods.
Hall,	Peacock,	

NAYS—7.

Calhoun,	Houston of Wheeler,	Stinson,
Davis,	Pope,	Traylor.
Houston of Bexar,		

ABSENT NOT VOTING.

Glasscock.

Senator Houston of Wheeler offered the following amendment:

In line 24, section 2, after the word "used," add "provided further, all leases executed under this act shall, during the term thereof, remain subject to the right of the State at any time to alter, amend, reform or cancel the same, and it shall be so recited in all leases."

Senator Harrison offered the following substitute for the amendment:

"The State reserves the right by legislative enactment to alter, change or amend any contract of lease made under this act."

Accepted.

Lost by the following vote:

YEAS—3.

Harrison,	Houston of Wheeler,	Pope.
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NAYS—20.

Bell,	Houston of Bexar,	Pfeuffer,
Davis,	Jerdone,	Shannon,
Evans,	Kilgore,	Stinson,
Fowler,	Kleberg,	Terrell,
Garrison,	Knittel,	Traylor,
Getzendaner,	Peacock,	Woods.
Hall,	Perry,	

ABSENT, NOT VOTING.

Calhoun, Glasscock.

Senator Getzendaner moved to amend by inserting "ten," instead of "six," in section 2, line 3.

Lost.

Senator Peacock offered the following amendment:

Amend section 2 by striking out all down to and including the word "years," in line 3, and insert the following: "Said lands may be leased to any person, firm or corporation for any period not longer than six years."

Adopted by the following vote:

YEAS—15.

Davis,	Kilgore,	Pfeuffer,
Fowler,	Kleberg,	Shannon,
Hall,	Knittel,	Terrell,
Harrison,	Peacock,	Traylor,
Jerdone,	Perry,	Woods.

NAYS—9.

Bell,	Garrison,	Houston of Wheeler,
Calhoun,	Getzendaner,	Pope,
Evans,	Houston of Bexar,	Stinson.

ABSENT, NOT VOTING.

Glasscock.

Senator Traylor offered the following amendment to section 2:

Strike out the provision from line 14 to line 24 inclusive, which gives the preference right to lease to the person or corporation using the school land to the extent of the range claimed.

Adopted by the following vote:

YEAS—20.

Davis,	Jerdone,	Pope,
Evans,	Kilgore,	Shannon,
Fowler,	Kleberg,	Stinson,
Garrison,	Knittel,	Terrell,
Getzendaner,	Peacock,	Traylor,
Hall,	Perry,	Woods.
Harrison,	Pfeuffer,	

NAYS—4.

Bell,	Houston of Bexar,	Houston of Wheeler,
Calhoun,		

ABSENT, NOT VOTING.

Glasscock.

Senator Davis offered the following amendment to section 2:

Strike out all after "application," in line 11, to "and," in line 14.

(Senator Getzendaner in the chair.)

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

YEAS—16.

Davis,	Harrison,	Peacock,
Evans,	Jerdone,	Pfeuffer,
Fowler,	Kilgore,	Shannon,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Woods.
Hall,		

NAYS—7.

Bell,	Houston of Wheeler,	Stinson,
Calhoun,	Perry,	Traylor.
Houston of Bexar,		

ABSENT, NOT VOTING.

Glasscock, Pope.

Senator Fowler offered the following amendment:

Add another section to the bill as follows:

Section —. Land having upon it timber suitable for lumber or shingles may be sold to actual settlers only, at five dollars per acre cash, and in quantities not less than one-fourth section, or more than one-half section, unless the survey is a fraction of a section. In order to purchase land under this section the applicant shall file with the surveyor his written application, verified by affidavit designating the quarter or half section which he desires to purchase, and stating that he intends to settle upon the same in good faith and occupy and improve it. The surveyor shall immediately record and deliver the application to the applicant upon the payment of a fee of one dollar. Within six months thereafter the applicant shall forward the application and purchase money to the General Land Office, whereupon it shall be the duty of the Commissioner to deposit said money in the State treasury and issue a patent to said applicant for the land described in his application; provided, the purchaser shall not be permitted to destroy or use the timber upon such land until he deposits the purchase money for the same in the Land Office as above set forth.

Adopted.

Senator Traylor offered the following amendment to section 12:

Prefix "dry" before lands, in line 1, and add after "acre," in line 2, "and all lands with permanent water on them, or bordering on them, shall be sold at \$3 per acre."

Adopted.

Senator Shannon moved to amend section 13, by striking out, after the words "on it," in line 20, down to and including the word "thereon," in line 21.

Adopted.

Senator Bell offered the following amendment:

Amend section 19 by adding thereto: "Provided, that where any railroad company constructs its line of road across any lands belonging to the several funds hereinbefore mentioned"

shall have laid off a town site thereon, the purchase money for said section or sections on which a town site is laid off be paid to the Treasurer of the State in full by the original purchaser or his assigns at any time subsequent to the completion of the railroad and the laying out of the town site, the Commissioner of the General Land Office shall at once issue patent for such land to the owner thereof upon the payment of said purchase money, and when it is made to appear by the affidavit of two credible citizens that the railroad has been constructed across said land, and the said town site laid off."

Adopted by the following vote:

YEAS—20.

Houston of Wheeler, Pfeuffer,
Jerdone, Pope,
Kilgore, Shannon,
Kleberg, Terrell,
Knittel, Traylor,
Peacock, Woods,
Perry,

NAYS—4.

Garrison, Stinson.

ABSENT, NOT VOTING.

Glasscock.

Senator Harrison offered the following amendment:

Amend engrossed rider by striking out, in line 4, the following words, "use said lands," and insert, "herd, loose herd or pasture his stock for the purpose of grazing upon any of such lands by line-riding, fencing or otherwise."

Adopted by the following vote:

YEAS—19.

Harrison, Perry,
Houston of Bexar, Shannon,
Jerdone, Stinson,
Kilgore, Terrell,
Knittel, Traylor,
Peacock, Woods,

NAYS—4.

Houston of Wheeler, Kleberg, Pfeuffer.

ABSENT, NOT VOTING.

Glasscock,

Pope.

The bill was passed to third reading.

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

Adopted by the following vote:

YEAS—21.

Hall, Perry,
Calhoun, Harrison, Pfeuffer,
Davis, Houston of Bexar, Pope,
Evans, Jerdone, Shannon,
Fowler, Kilgore, Terrell,
Harrison, Kleberg, Traylor,
Getzandaner, Knittel, Woods,

NAYS—2.

Peacock, Stinson.

ABSENT, NOT VOTING.

Glasscock, Houston of Wheeler.

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

YEAS—19.

Harrison, Pfeuffer,
Jerdone, Shannon,
Kilgore, Stinson,
Kleberg, Terrell,
Knittel, Traylor,
Perry, Woods,

NAYS—4.

Calhoun, Peacock, Pope,
Houston of Wheeler,

Glasscock,

ABSENT, NOT VOTING,
Houston of Bexar.

(The President in the chair.)

The President laid Senate bill No. 260, "An act to amend articles 1006, 1007 and 1008 of the Revised Civil Statutes of the State of Texas, approved February 21, 1879, passed by the Eighteenth Legislature, and approved April 9, 1883," before the Senate, with House amendments.

On motion of Senator Perry,

The Senate concurred in the House amendments.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

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

Senate bill No. 157, "An act to amend articles 1770, 1771, 1772, 1773, 1777 and 1780 of the Revised Statutes, so as to better regulate the law of escheats."

House bill No. 349, "An act to amend article 797, chapter 17, title 17 of the Penal Code of the State of Texas."

A. D. SADLER,

Chief Clerk House of Representatives.

House bill No. 349 was referred to Judiciary Committee No. 1.

On motion of Senator Houston of Bexar,

House bill No. 437, "An act to protect mechanics, operatives, book-keepers, clerks and laborers, who perform labor in any mill factory, shop, store, office or farm, against the failure of owners, sub-owners, contractors or agents to pay their wages, and to provide a lien for such wages," was taken up out of its regular order, and,

On motion of Senator Davis,

Was made the special order for Monday after morning call, and from day to day till disposed of.

On motion of Senator Pope,

House bill No. 324, entitled "An act to compel railroads and other corporations to establish and maintain public offices in the State of Texas, and providing what books shall be kept thereat, and what said books shall contain, and requiring them to keep said books open for inspection, and to compel them to report to the Comptroller or Governor the true status of said corporations, and such other matters as may be required by said Governor or Comptroller, and providing appropriate penalties for a failure to comply herewith," was taken up and made the special order for Monday after the first special order after morning call, and from day to day till disposed of.

On motion of Senator Davis,

House bill No. 489, "An act to amend chapter 6, title 8 of the Penal Code, by adding article 259a," was taken up out of its regular order and read the second time, and was passed to third reading.

On motion of Senator Davis,

The constitutional rule was suspended and

The bill was placed on its final passage by the following vote:

YEAS—20.

Bell, Getzandaner,
Calhoun, Evans,
Davis, Fowler,
Garrison, Houston of Bexar,

Houston of Wheeler, Jerdone, Kilgore, Kleberg,	Peacock, Perry, Pfeuffer, Pope,	Stinson, Traylor, Woods.
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NAYS—2.

Harrison,	Terrell.	
Glasscock,	Knittel,	Shannon.

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

YEAS—18.

Bell, Calhoun, Davis, Evans, Fowler, Garrison,	Getzendaner, Hall, Houston of Bexar, Houston of Wheeler, Jerdone, Kilgore,	Kleberg, Peacock, Pfeuffer, Pope, Traylor, Woods.
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NAYS—4.

Harrison, Perry,	Stinson,	Terrell.
Glasscock,	Knittel,	Shannon.

Senator Bell moved to postpone the special orders and take up House bills on second and third reading.

Adopted.

House bill No. 79, entitled "An act to amend chapter 9 and section 10 of an act of the regular session of the Seventeenth Legislature, entitled 'an act authorizing the commissioners' courts of the several counties of the State to issue bonds for the erection of a court house, and to levy a tax to pay the same,' approved February 11, A. D. 1881, so as to include the issue of jail bonds, denominated as chapter 17 of the acts of the special session of the Legislature held in 1884, and to validate bonds issued under an act entitled 'an act to amend chapter 9, section 10 of an act of the regular session of the Seventeenth Legislature, entitled 'an act authorizing the county commissioners' courts of the several counties of this State to issue bonds for the erection of a court house, and to levy a tax to pay the same,' approved February 11, 1881, so as to include the issue of jail bonds," was laid before the Senate and read the second time.

Senator Getzendaner offered the following amendment:

Amend by adding to section 1 as follows:
Provided counties having an area greater than 2000 square miles shall not be permitted to create a bonded debt under the provisions of this act.

Lost.

The bill was passed to third reading.
House bill No. 9, "An act to amend articles 3201, 3222 and 3225 of the Revised Civil Statutes of the State of Texas, adopted at the regular session of the Sixteenth Legislature," was laid before the Senate, and

Read the second time with majority (unfavorable) and minority (favorable) reports.

Senator Peacock moved the adoption of the majority report.

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

Lost by the following vote:

YEAS—9.

Calhoun, Evans, Getzendaner,	Harrison, Houston of Bexar, Perry,	Terrell, Traylor, Woods.
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NAYS—14.

Bell, Davis, Fowler, Garrison, Houston of Wheeler,	Jerdone, Kilgore, Kleberg, Knittel, Peacock,	Pfeuffer, Pope, Shannon, Stinson.
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ABSENT, NOT VOTING.

Glasscock,	Hall.
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The majority (unfavorable) report was adopted.
House bill No. 10, "An act to amend articles 120 and 1389 in title 29 of the Revised Civil Statutes of the State of Texas," was laid before the Senate, and read the second time with unfavorable committee report.

On motion of Senator Peacock,

The report (killing the bill) was adopted.

House bill No. 36, "An act to amend article 625 of the Code of Criminal Procedure, relating to challenges to the array," was laid before the Senate, and read second time, with unfavorable committee report.

On motion of Senator Davis,

The report was adopted, killing the bill.

On motion of Senator Pope,

One hundred copies of House bill No. 324 (railroad bill) were ordered printed for the use of the Senate.

Substitute House bill No. 41, "An act to amend chapter 1, title 10 of the Code of Criminal Procedure of the State of Texas," was laid before the Senate and read the second time, with unfavorable (majority) and favorable (minority) committee reports.

Senator Bell moved to substitute the minority for the majority report.

(Senator Terrell in the chair.)

Senator Pope moved the previous question on the motion to substitute the minority for the majority report.

Seconded, and main question ordered.

The motion to substitute was lost by the following vote:

YEAS—11.

Bell, Calhoun, Getzendaner, Kleberg,	Knittel, Perry, Pfeuffer, Stinson,	Terrell, Traylor, Woods.
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NAYS—13.

Davis, Evans, Fowler, Garrison, Hall,	Harrison, Houston of Bexar, Houston of Wheeler, Jerdone,	Kilgore, Peacock, Pope, Shannon.
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ABSENT, NOT VOTING.

Glasscock.

The majority report, defeating the bill, was adopted.

On motion of Senator Houston of Bexar,

The Senate adjourned till eleven o'clock Monday morning.

FIFTY-NINTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, March 23, 1885. }

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

REPORTS OF STANDING COMMITTEES.

By Senator Harrison:

COMMITTEE ROOM,
AUSTIN, March 23, 1885.

Barnett Gibbs, President of the Senate:
Your Committee on Counties and County Boundaries, to whom was referred House bill No. 579, entitled "An act to divide the western portion of Tom Green county into six new counties, namely: Ector, Winkler, Loving, Upton, Crane and Carter, and defining the boundaries thereof," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.
All of which is respectfully submitted.

HARRISON, Chairman.

Bill read first time.
By Senator Randolph:

COMMITTEE ROOM,
AUSTIN, March 23, 1885.

Barnett Gibbs, President of the Senate:
Your Committee on State Affairs, to whom was referred the bill No. 391, entitled "An act amendatory of and supplementary to the several acts incorporating the city of Dallas," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.
All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.
By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, March 23, 1885.

Barnett Gibbs, President of the Senate:
Your Committee on Judicial Districts, to whom was referred the bill No. 271, entitled "An act to amend section 32 and section 33 of an act to redistrict the State into judicial districts to fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts, to be held on the next general election, to be held on the first Tuesday after the first Monday in November, 1884," and Senate bill No. 271, entitled "An act reorganizing the thirtieth and thirty-first judicial districts, and to create the thirty-ninth judicial district to fix the times for holding courts therein, and to provide for the appointment and election of judges and district attorneys in said districts," have had both of said bills under consideration and have instructed me to report the accompanying substitute back for the said bills, with the recommendation that the said substitute be adopted in lieu of the said bills, and that the said substitute do pass.
All of which is respectfully submitted.

FOWLER, Chairman.

Bill read first time.

BILLS AND RESOLUTIONS.

Senator Garrison:

An act to confer upon certain county courts the civil jurisdiction has been heretofore, or may hereafter be diminished, jurisdiction in all matters of eminent domain."
Referred to Judiciary Committee No. 2.

On motion of Senator Kleberg,
Senator Jones was excused indefinitely, on account of sickness.

On motion of Senator Terrell,
Senator Peacock was excused indefinitely.
On motion of Senator Houston of Wheeler,
Senator Glasscock was excused for Saturday.

On motion of Senator Stinson,
Senator Camp was excused indefinitely, on account of sickness.

Senator Terrell moved a call of the Senate on the morning session.

Call sustained.

Senators Jerdone and Perry were found to be absent without excuse, and

The Sergeant-at-Arms was ordered to bring in the absent Senators.

Senator Harrison, by leave, introduced the following concurrent resolution:

Resolved by the Senate, the House concurring, that the Governor of the State be, and is hereby authorized, to request, in the name of the State, the Mexican authorities to permit the removing of the remains of the late Col. Frank Johnson, who was buried in their territory.

Adopted.

On motion of Senator Pope,
The special orders were temporarily postponed and

House bill No. 85, "An act to amend articles 3164, 3165, 3166, 3171, 3176, 3177, 3178 and 3179, of title 61, chapter 2 of the Revised Civil Statutes of the State of Texas, relating to mechanics', contractors', builders' and material men's liens, and to add thereto, articles 3179a and 3179b," was taken up and read the second time.

Senator Davis moved to strike out articles 3179a and 3179b.

Adopted.

Senator Houston of Bexar moved to strike out all after the word "repairs," at the end of line 17, article 3179, down to and including line 28, article 3179.

Adopted.

Senator Evans offered to amend article 3173 by striking out all of said article after the word "property," in line 4.

Lost.

Senator Davis moved to strike out article 3177.

Adopted.

Senator Getzendaner moved to strike out 3177 and all after word "liens," in line 4 of caption.

Adopted.

Senator Terrell moved to amend by striking out the words "two months," in line 17, article 3165, and insert in lieu thereof the words "thirty days."

Adopted.

Senator Kilgore moved to amend by striking out 3177 in the enacting clause.

Adopted.

The bill was passed to third reading.

Senator Houston of Bexar moved to suspend the constitutional rule and place the bill on its final reading.

Adopted by the following vote:

YEAS—23.

Bell,
Calhoun,
Davis,
Farrar,

Fowler,
Garrison,
Getzendaner,
Glasscock,

Hall,
Harrison,
Houston of Bexar,
Houston of Wheeler,

Kilgore, Kleberg, Knittel, Pfeuffer,	Pope, Randolph, Shannon, Stinson,	Terrell, Traylor, Woods.
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NAYS—1.

Evans.

ABSENT, NOT VOTING.

Jerdone, Perry.

The bill was read third time and passed.
The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

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

Senate bill No. 238, "An act to create the Webb county land district."

Senate bill No. 244, "An act to create the Hardeman land district."

House bill No. 148, "An act to amend section 14, chapter 67 of an act entitled 'an act to redistrict the State into judicial districts, and fix the time for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1884."

House bill No. 151, "An act to prevent the gift, sale or loaning of pistols or other deadly weapons to minors, and fixing penalties therefore."

House bill No. 229, "An act to amend article 4360 of the Revised Civil Statutes of the State of Texas, as amended by an act approved February 2, 1884, and an act approved February 5, 1884, chapters 11 and 13 of the general laws passed at the special session of the Eighteenth Legislature, relating to the changing of public roads."

House bill No. 533, "An act to authorize the Secretary of State to purchase for the use of the State the Texas Court of Appeals Reports, volumes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, and to contract for the relinquishment of the copyright of said reports with the persons owning the same, and to prevent the copyrighting of future volumes of said reports to the exclusion of the State, and to make an appropriation therefor."

Senate bill No. 8, "An act to amend chapter 2, article 566 of the Revised Civil Statutes." The House insists upon its amendments to said bill and asks for a conference committee, and appoints the following committee on the part of the House: Messrs. Browning, Steele and Pendleton of Bell.

Respectfully,

A. D. SADLER,
Chief Clerk House Representatives.

Senator Davis moved that the conference committee asked for be appointed.

Adopted.

The President appointed Senators Davis, Terrell and Woods on the committee.

House bill No. 148 was referred to Committee on Judicial Districts.

House bill No. 151 was referred to Judiciary Committee No. 2.

House bill No. 229 was referred to Committee on Roads and Bridges.

House bill No. 533 to Committee on Public Printing.

On motion of Senator Pope,

Senator Jerdone was excused for the day.

Senator Terrell moved to excuse Senator Perry for the day.

Adopted by the following vote:

YEAS—17.

Bell, Calhoun, Evans, Farrar, Fowler, Getzendaner,	Glasscock, Hall, Houston of Bexar, Houston of Wheeler, Kleberg, Knittel,	Pfeuffer, Pope, Shannon, Terrell, Traylor.
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NAYS—7.		
Davis, Garrison, Harrison,	Kilgore, Randolph,	Stinson, Woods.

Senate bill No. 258 (the Kilgore railroad bill) was laid before the Senate as the special order, and on motion of Senator Kilgore was postponed till Senate bills on third reading and House bills on second reading are disposed of.

Senator Houston of Wheeler entered a motion to reconsider the vote by which the bill was postponed.

Senate bill No. 205, "An act defining who are to be buried in the State cemetery, and defining the powers and duties of the Superintendent of Public Grounds in relation thereto," was laid before the Senate as a special order, and was read the second time with committee amendments.

The committee amendments were adopted, and The bill was ordered engrossed.

House bill No. 49, "An act to amend article 4636 title 95, chapter 2 of the Revised Civil Statutes, was laid before the Senate, and

Read the second time and passed to third reading

House bill No. 437, "An act to protect mechanic operatives, book-keepers, clerks and laborers who perform labor in any mill, factory, shop, store office or farm, against the failure of owners, sub-owners, contractors or agents to pay their wages, and to provide a lien for such wages," was laid before the Senate, and read the second time with committee amendments.

The committee amendments were adopted and bill passed to third reading.

On motion of Senator Terrell,

The special orders were further postponed, and House bill No. 391, "An act amendatory of and supplementary to the several acts incorporation the city of Dallas," taken up.

On motion of Senator Houston of Bexar,

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

YEAS—23.

Bell, Calhoun, Davis, Evans, Farrar, Fowler, Garrison, Getzendaner,	Glasscock, Hall, Harrison, Houston of Bexar, Houston of Wheeler, Kilgore, Knittel, Pfeuffer,	Pope, Randolph, Shannon, Stinson, Terrell, Traylor, Woods.
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NAYS—none.

The bill was read second time, and passed to third reading.

On motion of Senator Terrell,

The constitutional rule was suspended, and

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

YEAS—23.

Bell, Calhoun, Davis, Evans, Farrar, Fowler, Garrison, Getzendaner,	Glasscock, Harrison, Houston of Bexar, Houston of Wheeler, Kilgore, Kleberg, Knittel, Pfeuffer,	Pope, Randolph, Shannon, Stinson, Terrell, Traylor, Woods.
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NAYS—none.

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

YEAS—23.

Bell,	Glasscock,	Pope,
Calhoun,	Harrison,	Randolph.
Davis,	Houston of Bexar,	Shannon,
Evans,	Houston of Wheeler,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Harrison,	Knittel,	Woods.
Getzendaner,	Pfeuffer,	

NAYS—none.

Senator Traylor moved to postpone the executive session till Wednesday morning.

Adopted.

The following message was received from the Governor, and

On motion of Senator Calhoun, was ordered printed in the journal, and consideration of same was postponed till Wednesday:

To the Senate and House of Representatives:

GENTLEMEN—I again call your attention to the inequality of taxation now prevalent in this State. It has become a notorious fact that in certain sections of this State there are large interests that yield no revenue, comparatively, to the support of the government. It not only yields but a paltry sum compared to its vast amount, but this very interest is sustained and grows upon the property of the schools, asylums and University, free, while all the other sections are taxed to support these various institutions. So notorious have these facts become, that in a circular recently issued, the boast is made that these lands are being used free of charge and in defiance of law. The timber on these lands is being cut and hauled off and sold, and no prosecutions can be had, or the property protected, because of the sparse population, unorganized territory and other reasons.

In my message to the extra session of the Eighteenth Legislature I suggested the necessity for the organization of some tribunal not known to the present system, for the purpose of enforcing the laws in certain sections of the State.

The present Legislature has attached two organized counties to another for judicial purposes, for the reason that a sufficient number of law-abiding people cannot be found in them to enforce the law.

How much more, then, is it necessary to have some tribunal in the territory spoken of for the adjudication of these matters. This must be done, and the State must take litigation, criminal and civil, to distant parts of the State, or decline to attempt to enforce the law, either to collect taxes, correct crime or settle civil disputes.

Under the provision of the Constitution, which says, speaking of the judiciary, "and in such other courts as may be organized by the Legislature," ample authority is found to place courts in the midst of the territory alluded to that will administer the law.

I herewith transmit a communication from the Comptroller of Public Accounts, to which I invite the careful consideration of the two Houses.

JOHN IRELAND, Governor.

OFFICE OF COMPTROLLER,
AUSTIN, March 20, 1885.

His Excellency John Ireland, Governor:

DEAR SIR—Having been called upon by the Committee on Revenue and Taxation at an early day in this session of the Legislature for estimates based upon certain rates of revenue taxation, to-wit, 17½, 20, 22½ and 25 cents on the one hundred dollars worth of property, I forwarded the following estimates, which, doubtless, you have seen, viz.: Probable receipts for two years at 17½ cents would be \$3,332,812.

The probable receipts during the next two years, with the rate of taxation at 20 cents, assuming the taxable values to be the same as last year, will be, say, \$3,442,000.

The probable receipts during the next two years, with the rate of taxation increased to twenty-two and one-half cents, taxable values being the same, will produce, say \$3,562,000.

The probable receipts during the next two years, with the rate of taxation increased to twenty-five cents, will be, say \$3,682,000.

Assuming the probable expenses of the State government for the next two years to be as given in the last report from this office, less the item of deficiency provided for by recent

act of the Nineteenth Legislature, we have the probable expenses for the next two years \$3,400,368.

This, added to the increased items presented by the Legislature, which for extra session of the Nineteenth and regular session of the Twentieth Legislatures, will be in amount say \$250,000.

At the present rate of taxation we could well calculate on a deficiency at the end of two years of \$335,556.

The deficiency for the same time with the rate of taxation increased to twenty cents will be, say \$210,368.

The deficiency for the same time with the rate of taxation twenty-two and one-half cents will be, say \$96,000.

And with the rate of taxation at twenty-five cents we estimate a revenue surplus of \$23,632.

In this statement I have not considered any increase of taxable values over that of 1884, nor have I considered any probable increase in losses to the State from increased insolvent lists, and increased lists of sales of lands for the non-payment of taxes, which the stringency of the times indicate.

These estimates having been given out at the request of one of the most important committees of the Legislature, I think perhaps it is not improper for me, as the financial officer of the State, even at this late date, to present the subject to you, with some additional suggestions which you, at your discretion, may or may not present to the Legislature.

The relief sought to be effected by this communication is not intended to affect the amount to be levied for general revenue purposes, but a relief to the general school fund, which may be augmented from other sources, so as to no longer require increased taxation.

The total number of acres of land belonging to the common school fund, as ascertained from the report of the Hon. W. C. Walsh, Commissioner of the General Land Office, is 24,678,279, after deducting the sales made under the several acts of 1874, 1879 and 1881.

If the lands should all be leased at an average price of four cents per acre, it would produce.....	\$987,131 88
The receipts from land notes in the State Treasurer's office.....	476,606 86
Amount of interest on land sales by the State Land Board.....	189,974 45
Interest on county bonds held by the permanent school fund.....	104,622 00
Interest on State bonds held by the permanent school fund.....	117,900 00
Interest on railroad debt to the permanent school fund.....	95,000 00
One-fourth of the occupation taxes.....	211,000 00
Educational poll tax.....	215,000 00

Total amount..... \$2,397,245 19

The above sum (\$2,397,245.19) is \$364,000 more than was distributed to the several counties, derived from the 12 1-2 cents school tax and all other sources.

As may readily be seen, if the school lands can be leased at four (4) cents per acre, the people are relieved from the direct tax of 12 1-2 cents to support the schools.

The ad valorem school tax of 12 1-2 cents will produce \$603,826.00, and as above shown, 4 cents an acre rent for school lands will yield \$987,131.88.

But in this connection I trust I will be excused for calling your attention to the fact that the financial officers of the State will never be enabled to collect taxes to support the government, whether derived from direct tax or a tax in the shape of a lease law for school lands, unless adequate means are provided to enforce the law.

Nearly all the unleased school lands are located in the unorganized counties, in which no tax collector or any other officer of the law lives, and these lands are now occupied by corporations and individuals rent free, and who pay but a small sum on their immense personal profits.

This department has been and will continue to be powerless to enforce proper collections in the unorganized counties, unless new tribunals are created to inspect that extensive territory, to classify and value the lands, and to enforce the provisions of the law.

No tax of any character is ever paid when no means are provided to enforce its collection.

The representatives of the stock interest of the State, in their last State convention, in January last, unanimously adopted the following resolutions:

"1. That a majority of the members desire that the school lands be made to yield a revenue to the school fund under a just system of laws."

* * * * *
 "4. That if the Legislature will provide some means of enforcing respect for the law of April 12, 1883, or enact any other fair law, the school lands of Texas may be made to pay a vast sum annually."

Thus you have before you the declaration of the stock interest of Texas, that you must have means for enforcing respect for any lease law, if revenue is derived from free school lands.

The foregoing figures demonstrate that if the Legislature will adapt some mode whereby a lease law will be operative, and not oppressive to any interest in the immense territory embraced in the unorganized counties, the direct school tax of 12½ cents may be entirely dispensed with after the present year, and the State administered without a deficiency on an aggregate tax of 25 cents on the one hundred dollars valuation, thus diminishing instead of increasing taxation.

Unless some means of this character is adopted, it will require an ad valorem tax of 25 cents and a school tax of 12½ cents, amounting in the aggregate to 37½ cents, to avoid deficiency.

Very respectfully.

WM. J. SWAIN, Comptroller.

By leave, Senator Fowler sent up the following report:

COMMITTEE ROOM,
 AUSTIN, March 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred substitute House bill No. 148, entitled "A bill to be entitled an act to amend articles 8 and 14 of an act entitled 'an act to redistrict the State into judicial districts, and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883, to create the thirty-ninth judicial district of the State of Texas, fix the times for holding court therein, and provide for the appointment of a district judge for said district," have had the same under consideration and instruct me to report it back with the recommendation that it do pass with the following amendment:

Strike out the word "thirty-ninth" in the caption, and the same word in sections 2 and 3, and insert in lieu thereof the word "fortieth."

All of which is respectfully submitted.

FOWLER, Chairman.

Bill read first time.

(Senator Houston of Bexar in the chair.)

Senate bill No. 267 (the bill substituting granite for limestone, etc.) was laid before the Senate and read the third time.

Senator Pope moved to postpone consideration of the bill till Wednesday.

Lost by the following vote:

YEAS—12.

Davis,	Hall,	Pfeuffer,
Evans,	Harrison,	Pope,
Fowler,	Kilgore,	Randolph,
Garrison,	Kleberg,	Stinson.

NAYS—12.

Bell,	Glasscock,	Shannon,
Calhoun,	Houston of Bexar,	Terrell,
Farrar,	Houston of Wheeler,	Traylor,
Getzendaner,	Knittel,	Woods.

On motion of Senator Kleberg,
 The Senate adjourned till 3 o'clock this afternoon.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Senator Kleberg called up the motion of Senator Shannon to reconsider the vote by which the con-

current resolution regarding adjournment sine die was adopted.

Senator Pope moved to postpone consideration of the motion to reconsider till Thursday.

Senator Houston of Wheeler moved the previous question.

Seconded, and

Main question ordered.

The motion of Senator Pope to postpone was lost by the following vote:

YEAS—8.

Bell,	Glasscock,	Randolph,
Calhoun,	Houston of Wheeler,	Shannon.
Garrison,	Pope,	

NAYS—16.

Davis,	Harrison,	Pfeuffer,
Evans,	Houston of Bexar,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.
Hall,		

The motion to reconsider was lost by the following vote:

YEAS—8.

Bell,	Glasscock,	Randolph,
Calhoun,	Houston of Wheeler,	Shannon.
Garrison,	Pope,	

NAYS—16.

Davis,	Harrison,	Pfeuffer,
Evans,	Houston of Bexar,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.
Hall,		

On motion of Senator Houston of Wheeler,

The regular order of business was suspended and Senate bill No. 271, "An act to amend sections 22 and 33 of 'an act to redistrict the State into judicial districts, and to fix the time for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Monday of November, 1884,'" and

Senate bill No. 274, "An act reorganizing the thirtieth and thirty-first judicial districts, and to create the thirty-ninth judicial district, and to fix the times for holding court therein, etc., were taken up.

On motion of Senator Houston of Wheeler,

The constitutional rule was suspended and

The bills were placed on the second reading: the following vote:

YEAS—22.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Hall,	Pope,
Davis,	Houston of Bexar,	Shannon,
Evans,	Houston of Wheeler,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Garrison,	Knittel,	Woods.
Getzendaner,		

NAYS—none.

ABSENT, NOT VOTING.

Harrison, Randolph.

The bills were read the second time with committee substitute, and the committee substitute was adopted and was ordered engrossed.

On motion of Senator Houston of Wheeler,

The constitutional rule was suspended, and

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

YEAS—24.

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

NAYS—none.

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

YEAS—23.

Bell,	Hall,	Pope,
Calhoun,	Harrison,	Randolph,
Evans,	Houston of Bexar,	Shannon,
Farrar,	Houston of Wheeler,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.
Glasscock,	Pfeuffer,	

NAYS—none.

ABSENT, NOT VOTING.

Davis.

On motion of Senator Hall, The regular order of business was suspended, and Senate bill No. 253, "An act to amend article 542 of the Revised Civil Statutes," was taken up, and

Read the second time and was ordered engrossed.

On motion of Senator Hall,

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

YEAS—24.

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

NAYS—none.

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

YEAS—23.

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

NAYS—none.

ABSENT, NOT VOTING.

Glasscock.

On motion of Senator Kleberg,

The regular order of business was postponed, and House bill No. 430, "An act to restrict the employment of sailors and crews of foreign vessels from rolling cotton, handling cargo or laboring on the wharves or levees of ports in the State of Texas, beyond the end of the ship tackle," was taken up, and

On motion of Senator Davis was made the special order for Tuesday after morning call, and from day to day till disposed of, by the following vote:

YEAS—14.

Bell,	Evans,	Getzendaner,
Calhoun,	Farrar,	Houston of Bexar,
Davis,	Garrison,	Houston of Wheeler,

Kilgore,	Pope,	Woods.
Pfeuffer,	Randolph,	

NAYS—10.

Fowler,	Knittel,	Stinson,
Hall,	Perry,	Terrell,
Harrison,	Shannon,	Traylor.

ABSENT, NOT VOTING.

Glasscock.

House bill No. 79, entitled "An act to amend chapter 9 and section 10 of an act of the regular session of the Seventeenth Legislature, entitled 'an act authorizing the commissioners' courts of the several counties of the State to issue bonds for the erection of a court house, and to levy a tax to pay the same,' approved February 11, A. D. 1881, so as to include the issue of jail bonds, denominated as chapter 17 of the acts of the special session of the Legislature held in 1884; and to validate bonds issued under an act entitled 'an act to amend chapter 9, section 10 of an act of the regular session of the Seventeenth Legislature, entitled an act authorizing the county commissioners' court of the several counties of this State to issue bonds for the erection of a court house, and to levy a tax to pay the same,' approved February 11, 1881, so as to include the issue of jail bonds," was laid before the Senate, and

Read the third time and passed by the following vote:

YEAS—21.

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

NAYS—3.

Harrison,	Perry,	Traylor.
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ABSENT, NOT VOTING.

Glasscock.

The President laid House bill No. 195, "An act to amend article 1458 of the Revised Civil Statutes," before the Senate.

The bill was read second time, with unfavorable committee report.

Senator Davis moved the adoption of the committee report.

Senator Fowler moved to recommit the bill to Judiciary Committee No. 1

Lost.

The adoption of the report of the committee was lost by the following vote:

YEAS—12.

Davis,	Getzendaner,	Knittel,
Evans,	Houston of Bexar,	Perry,
Farrar,	Kilgore,	Pfeuffer,
Garrison,	Kleberg,	Terrell.

NAYS—13.

Mr. President,	Hall,	Randolph,
Bell,	Harrison,	Shannon,
Calhoun,	Houston of Wheeler,	Stinson,
Fowler,	Pope,	Woods.
Glasscock,		

Senator Fowler offered amendment:

Amend so as to allow the clerk a reasonable compensation, to be fixed by the court as a part of the costs.

Senator Davis offered to amend the amendment as follows:

Provided, the clerk, is not related to the judge, in which case the sheriff shall fix the compensation.

Adopted.

Senator Pope moved to reconsider the vote adopting the amendment of Senator Davis.

Adopted by the following vote:

YEAS—14.		
Bell,	Hall,	Shannon,
Calhoun,	Harrison,	Stinson,
Fowler,	Houston of Wheeler,	Traylor,
Getzendaner,	Pope,	Woods.
Glasscock,	Randolph,	

NAYS—11.		
Davis,	Houston of Bexar,	Perry,
Evans,	Kleberg,	Pfeuffer,
Farrar,	Kilgore,	Terrell.
Garrison,	Knittel,	

The amendment of Senator Davis was lost.

Senator Woods moved to amend by adding "not to exceed one per cent."

Accepted.

Senator Terrell moved to postpone the bill indefinitely.

Lost by the following vote:

YEAS—12.		
Davis,	Getzendaner,	Kleberg,
Evans,	Hall,	Perry,
Farrar,	Houston of Bexar,	Pfeuffer,
Garrison,	Kilgore,	Terrell.

NAYS—13.		
Bell,	Houston of Wheeler,	Shannon,
Calhoun,	Knittel,	Stinson,
Fowler,	Pope,	Traylor,
Glasscock,	Randolph,	Woods.
Harrison,		

The amendment as amended was adopted by the following vote:

YEAS—17.		
Bell,	Hall,	Randolph,
Calhoun,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Fowler,	Houston of Wheeler,	Traylor,
Getzendaner,	Kilgore,	Woods.
Glasscock,	Pope,	

NAYS—8.		
Davis,	Kleberg,	Pfeuffer,
Farrar,	Knittel,	Terrell.
Garrison,	Perry,	

Senator Kilgore offered the following amendment:

Amend so as to strike out county clerks in the bill, and make it apply only to district clerks.

Adopted.

Senator Houston of Wheeler offered the following amendment:

Amend line 1, section 1, by striking out the words, "Be it enacted by the Legislature of the State of Texas."

Lost by the following vote:

YEAS—11.		
Davis,	Houston of Wheeler,	Perry,
Farrar,	Kilgore,	Pfeuffer,
Garrison,	Kleberg,	Terrell.
Houston of Bexar,	Knittel,	

NAYS—14.		
Bell,	Glasscock,	Shannon,
Calhoun,	Hall,	Stinson,
Evans,	Harrison,	Traylor,
Fowler,	Pope,	Woods.
Getzendaner,	Randolph,	

Senator Davis moved the previous question on the engrossment of the bill.

Seconded and main question ordered.

The bill passed to third reading by the following vote:

YEAS—13.		
Bell,	Glasscock,	Shannon,
Calhoun,	Hall,	Stinson,
Evans,	Pope,	Traylor,
Fowler,	Randolph,	Woods.
Getzendaner,		

NAYS—12.		
Davis,	Houston of Bexar,	Knittel,
Farrar,	Houston of Wheeler,	Perry,
Garrison,	Kilgore,	Pfeuffer,
Harrison,	Kleberg,	Terrell.

House bill No. 252, "An act to amend article 636 chapter 3, title 8 of section 2 of an act entitled 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas,' was laid before the Senate and read the second time and,

On motion of Senator Bell,

The bill was postponed and made the special order for Wednesday after morning call, and from day to day till disposed of, and

One hundred copies were ordered printed for the use of the Senate:

(Senator Bell in the chair.)

House bill No. 214, "An act to compel railroad companies to provide double-decked cars for shipment of goats, sheep, hogs and calves, and to prevent discrimination against shippers thereof, and to provide penalties therefor, was laid before the Senate and read the second time, and,

On motion of Senator Shannon, was recommitted to Committee on Internal Improvements.

On motion of Senator Pope,

Senate bill No. 183, entitled "An act to amend section 1, chapter 38 of the general laws of the State of Texas, passed at the regular session of the Eighteenth Legislature," was taken up and read the second time with committee substitute, and Committee substitute adopted.

Senator Houston of Bexar moved to strike out "Tom Green" from list of exempted counties.

Adopted.

Senator Houston of Wheeler moved to amend by exempting all organized and unorganized counties in the nineteenth senatorial district.

Adopted.

Senator Calhoun moved to amend by adding the counties of Concho, McCulloch, San Saba (mentioned in article 430), to exempted list.

Adopted.

Senator Kleberg moved to amend by exempting McMullen county from the operations of this act and articles 425, 426, 426½, 427, 428 and 429.

Adopted.

Senator Hall offered the following amendment:

Strike out Dimmitt, Frio, Maverick and Zavalla from the list of exempted counties.

Adopted.

Senator Knittel moved to amend by striking out "Austin," in line 19, page 2.

Adopted.

Senator Garrison moved to strike out Panola county from the list of exempted counties, except as to article 429.

Adopted.

The bill was ordered engrossed.

On motion of Senator Davis,

Substitute House bills Nos. 171 and 208, "An act to amend article 425 of the Penal Code of the State of Texas," was taken up and read the second time, with committee amendment.

Senator Kleberg offered the following substitute for the amendment:

Amend by adding the following: "Provided, that the owner of the water shall not be subject to the penalties of this act."

Adopted by the following vote:

YEAS—16.

Bell,	Houston of Wheeler,	Pope,
Farrar,	Kilgore,	Shannon,
Fowler,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Traylor,
Glasscock,	Pfeuffer,	Woods.
Houston of Bexar,		

NAYS—9.

Calhoun,	Garrison,	Perry,
Davis,	Hall,	Randolph,
Evans,	Harrison	Stinson.

The amendment, as substituted, was adopted.

Senator Stinson offered the following amendment:

Amend by exempting the counties of the fifth and twenty-third Senatorial districts.

Senator Davis moved to exempt Cooke and Grayson counties.

Accepted.

Senator Evans moved to exempt the counties of Fannin, Lamar and Red River.

Accepted.

Senator Calhoun moved to exempt all the counties in the twenty-ninth senatorial district.

Accepted.

Senator Randolph moved to exempt the counties of Angelina, Grimes, Houston, Leon and Madison.

Accepted.

Senator Hall moved to exempt all the counties of the twenty-seventh Senatorial district.

Accepted.

Senator Perry moved to amend by exempting Brazos, Milam and Robertson counties.

Accepted.

Senator Calhoun moved to exempt Galveston county.

Accepted.

Senator Traylor offered the following amendment:

Exempt counties of the thirtieth senatorial district.

Accepted.

Senator Garrison offered the following amendment:

Amend by exempting the counties of Rusk, Panola, Shelby, San Augustine, Sabine and Nacogdoches, from the provisions of the bill.

Accepted.

Senator Houston of Bexar moved that the bill be recommitted to Judiciary Committee No. 2.

Senator Pope moved the previous question on the motion to recommit.

Seconded, and

Main question ordered.

The motion was adopted by the following vote:

YEAS—15.

Calhoun,	Farrar,	Glasscock,
Davis,	Garrison,	Hall,
Evans,	Getzendaner,	Houston of Bexar,

Kilgore,
Perry,

Pfeuffer,
Randolph,
NAYS—10.

Shannon,
Traylor,

Bell,
Fowler,
Harrison,
Houston of Wheeler,

Kleberg,
Knittel,
Pope,

Stinson,
Terrell,
Woods.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage of the following joint resolutions amending the Constitution of the State of Texas, to-wit:

Substitute House joint resolutions Nos. 1 and 2, to amend sections 3 and 6 of article 5 of the Constitution of the State of Texas.

House joint resolution No. 25, proposing an amendment to section 20, article 16 of the Constitution of the State of Texas.

House joint resolution No. 27, "To amend section 8, article 5 of the Constitution of the State of Texas."

House concurrent resolution granting the use of the Hall of Representatives for certain purposes.

Respectfully,

A. D. SADLER,

Chief Clerk House of Representatives.

The President referred the House joint resolutions just reported to Committee on Constitutional Amendments.

On motion of Senator Pfeuffer,

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

SIXTIETH DAY.

SENATE CHAMBER,
AUSTIN, March 24, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Garrison,

The reading of the journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Houston of Bexar:

Memorial of Knights of Labor, protesting against the employment of convicts outside the walls of the State prison.

Referred to Committee on State Affairs.

REPORTS OF STANDING COMMITTEES.

By Senator Kilgore:

COMMITTEE ROOM,
AUSTIN, March 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred House joint resolution No. 25, proposing an amendment to section 20, article 16, of the Constitution of the State of Texas, prohibiting the manufacture, sale, barter and exchange of intoxicating liquors, have had the same under consideration, and a majority of said committee instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted,

KILGORE, Chairman.

Read first time.

By Senator Davis:

COMMITTEE ROOM,
AUSTIN, March 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 278, entitled "An act to confer upon certain county courts whose civil jurisdiction has been heretofore (or may be hereafter) diminished, jurisdiction in all matters of eminent domain," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

By Senator Shannon:

COMMITTEE ROOM,
AUSTIN, March 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was recommended substitute House bill No. 214, entitled "An act to compel railroad companies to provide double-decked cars for shipment of goats, sheep, hogs and calves, and to prevent discrimination against shippers thereof, and to provide penalties therefor," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

SHANNON, Chairman.

Bill read first time.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, March 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 205, being "An act defining who are entitled to be buried in the State cemetery, and defining the duties and powers of the superintendent of public building and grounds in relation thereto," and find the same correctly engrossed.

BELL, Chairman.

By Senator Pfeuffer:

COMMITTEE ROOM,
AUSTIN, March 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Education, to whom was referred substitute House bill No. 238, entitled "An act to amend sections 42, 56, 62, 76, 78, 79 and 86 of an act entitled 'an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, title 78 of the Revised Civil Statutes of Texas as refer to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act,' and to add 43a thereto," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass, with the following amendments:

Amend section 2, introducing section 43a; at the close of it, after the words "Superintendent of Public Instruction," "provided, the county judge shall be paid quarterly in vouchers covering the amount due him according to the compensation allowed by this act for disbursements made for salaries of teachers and other expenditures of the school fund."

Amend section 3 of this bill, amending section 56, by striking out the word "proficiency" and inserting "affirming his or her good standing."

Amend section 5, amending section 76; add after the word "school," near the close of said section, the word "community," in both lines.

All of which is respectfully submitted.

PFEUFFER, Chairman.

Bill read first time.

On motion of Senator Pfeuffer,

One hundred copies of the bill, with committee amendments, were ordered printed for the use of the Senate.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, March 23, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 253, being "An act to amend ar-

ticle 542 of the Revised Statutes," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman,
COMMITTEE ROOM,
AUSTIN, March 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared substitute for Senate bills Nos. 251 and 274, being "An act to reorganize the thirtieth, thirty-first, thirty-second and thirty-third judicial districts, to create the thirty-ninth judicial district and fix the times for holding court therein and to provide for the appointment and election of judges and district attorneys in said thirty-ninth judicial district, and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman

The President gave notice of signing Senate bill No. 238, "An act creating the Webb land district;" and

Senate bill No. 244, "An act creating the Harde-man land district;" and

Senate bill No. 157, "An act to amend articles 1770, 1771, 1772, 1773, 1777 and 1780 of the Revised Civil Statutes, so as to better regulate the law of escheats;" and

House bill No. 105, "An act to create and provide for the organization of the county of Val Verde;" and

House bill No. 248, "An act making an appropriation to pay the mileage and per diem of the presidential electors of the State of Texas for the year 1884;" and

House bill No. 538, "An act to amend section 25 of an act to redistrict the State into judicial districts and fix the times for holding courts therein," etc. and

House bill No. 549, "An act to amend section 17 of an act entitled 'an act to redistrict the State into judicial districts,'" etc.; and

House bill No. 133, "An act to amend chapter 3, article 4405, relating to service on public roads;" and

House bill No. 331, "An act to establish and define the boundaries of the county of Webb, and legalize certain acts of the officers of said county;" and

House bill No. 501, "An act to amend section 9 of an act entitled 'an act to redistrict the State into judicial districts, and fix the times,'" etc.; and

House bill No. 241, "An act to amend section 40 of an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, of title 78 of the Revised Civil Statutes of Texas, as refer to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with the provisions of this act," passed February 4, 1884;" and

House bill No. 314, "An act relating to investments of the permanent public free school funds, and to provide against any loss of any such funds in making investments thereof;" and

House bill No. 570, "An act to validate all acts done and all ordinances passed by the city council of Mexia;" and

Substitute House bill No. 109, "An act to require railroad companies to place and keep that portion of their road bed and right of way over or across which public county roads may run, in proper condition for the use of the traveling public."

The following message was received from the House:

HOUSE OF REPRESENTATIVES.
AUSTIN, March 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage of House joint resolution No. 14, to amend section 2, article 6 of the Constitution of the State of Texas.

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

House joint resolution No. 14 was referred to committee on Constitutional Amendments.

The President laid before the Senate as the first special order House bill No. 324, "An act to compel railroads and other corporations to establish and maintain public offices in the State of Texas, and providing what books shall be kept thereat, and what said books shall contain, and requiring them to keep said books open for inspection, and to compel them to report to the Comptroller or Governor the true status of said corporations, and such other matters as may be required by said Governor or Comptroller, and providing appropriate penalties for a failure to comply herewith."

The bill was read the second time with majority (unfavorable) and minority (favorable) committee reports.

Senator Pope moved to substitute the minority for the majority report.

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

The motion to substitute the minority for the majority report was adopted by the following vote:

YEAS—20.

Bell,	Harrison,	Perry,
Thoun,	Houston of Bexar,	Pope,
Evans,	Houston of Wheeler,	Randolph,
Farrar,	Jerdone,	Shannon,
Harrison,	Kilgore,	Stinson,
Getzendaner,	Kleberg,	Woods.
Glasscock,	Knittel,	

NAYS—6

Davis,	Hall,	Terrell,
Fowler,	Pfeuffer,	Traylor.

By leave the following special report was sent up Senator Davis:

COMMITTEE ROOM.
AUSTIN, March 24, 1885.

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

Your conference committee, to whom was referred the differences between the two houses concerning Senate bill No. 8, titled "An act to amend chapter 2, article 566 of the Revised Civil Statutes," respectfully recommend that the House recede from House amendment No. 1, which seeks to add a subdivision to be known as subdivision No. 26; and that the Senate concur in House amendment No. 2, which seeks to amend subdivision No. 4 of the bill; and that the House recede from House amendment No. 3, which seeks to add clause No. 25 to the bill, so as to authorize the formation of corporations for the purchase and sale of merchandise, with capital stock not to exceed \$50,000.

Upon the first two recommendations there was no division in the committee, but concerning the third recommendation four of your committee are in favor of the recommendation and two opposed to it.

DAVIS,
WOODS,
TERRELL,
Senate committee.
BROWNING,
STEELE,
PENDLETON of Bell,
House committee.

COMMITTEE ROOM.
AUSTIN, March 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

The undersigned, a minority of your joint committee on the disagreements between the two houses on Senate bill No. 8, concur with the majority in recommending that the House recede from its first amendment, designated as subdivision No. 26; that the Senate concur in second House amendment to fourth subdivision. And we disagree with the majority in their recommendation that the House recede from the third House amendment, designated as subdivision No. 25. This is the amendment which authorizes corporations to be formed for the purchase and sale of merchandise, with capital stock not to exceed \$50,000. We recommend that the Senate concur in this amendment.

STERLE,
PENDLETON of Bell,
For Minority.

On motion of Senator Davis,

The majority report was adopted.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to the honorable Senate that the House adopted the minority report of the conference committee on Senate bill No. 8, relating to corporations.

Respectfully,

A. D. SADLER,
Chief Clerk House Representatives.

The President pro tem. gave notice of signing Substitute House bill No. 188, "An act to incorporate the Grand Royal Arch Chapter of Texas;" and

House bill No. 354, "An act to restore to and confer upon the county courts of Atascosa, Young, Leon, Dimmitt, Montgomery and Burnet counties the civil and criminal jurisdiction heretofore belonging to said courts under the Constitution and general statutes of the State, to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with this act."

Senator Houston of Bexar offered the following amendment to House bill No. 324:

Add to section 6 the following: Provided, that an honest mistake made in the entries in its books shall not subject a railroad company to the penalties of this section, if the office of said company shall be kept in this State in compliance with this act.

Adopted.

Senator Houston of Bexar moved to amend the penalty so as to make the penalty one thousand dollars per month.

Adopted by the following vote:

YEAS—19.

Bell,	Glasscock,	Perry,
Calhoun,	Hall,	Pfeuffer,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Terrell,
Farrar,	Jerdone,	Traylor,
Fowler,	Knittel,	Woods.
Getzendaner,		

NAYS—7.

Garrison,	Kleberg,	Randolph,
Houston of Wheeler,	Pope,	Stinson.
Kilgore,		

Senator Davis moved to strike out all of section 1 after the enacting clause, and to strike out section 2, and amend section 6 so as to make the penalty attach to any violation of section 3, article 10, of

the Constitution, or any of the provisions of this act.

Lost by the following vote:

YEAS—9.

Davis,	Getzendaner,	Pfeuffer,
Evans,	Hall,	Shannon,
Fowler,	Knittel,	Terrell.

NAYS—17.

Bell,	Houston of Bexar,	Pope,
Calhoun,	Houston of Wheeler,	Randolph,
Farrar,	Jerdone,	Stinson,
Garrison,	Kilgore,	Traylor,
Glasscock,	Kleberg,	Woods.
Harrison,	Perry,	

Senator Woods offered the following amendment:

Amend section 1, on page 2, in lines 2 and 3, by striking out "at some place upon the line of some railroad," and insert "in the locality where its principal business is carried on."

Senator Kleberg moved the previous question on amendment and the passage of the bill to its third reading.

Seconded, and

Main question ordered.

The amendment of Senator Woods was adopted, and

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

YEAS—21.

Bell,	Glasscock,	Perry,
Calhoun,	Harrison,	Pope,
Davis,	Houston of Bexar,	Randolph,
Evans,	Houston of Wheeler,	Shannon,
Farrar,	Jerdone,	Stinson,
Garrison,	Kilgore,	Traylor,
Getzendaner,	Kleberg,	Woods.

NAYS—3.

Hall,	Pfeuffer,	Terrell.
Fowler,	Knittel.	

I vote "no," because the legislation proposed by this bill is not, in my judgment, demanded or desired by the people. Of all the petitions presented during the present session not one has requested additional railway legislation of this character. On the contrary, remonstrances against such legislation have been made by many people. Besides it is unnecessary.

J. O. TERRELL

House bill No. 430, "An act to restrict the employment of sailors and crews of foreign vessels from rolling cotton, handling cargo or laboring on the wharves or levees of ports in the State of Texas, beyond the end of the ship's tackle," was laid before the Senate as the second special order, and

Read the second time with majority (favorable) and minority (unfavorable) committee reports.

Senator Kleberg moved the adoption of the majority report.

Senator Getzendaner moved to substitute the minority for the majority report.

(The President in the chair.)

Senator Fowler moved to adjourn till 3:30 o'clock this afternoon.

Lost by the following vote:

YEAS—6.

Bell,	Farrar,	Harrison,
Calhoun,	Fowler,	Pfeuffer.

NAYS—19.

Davis,	Getzendaner,	Houston of Bexar,
Evans,	Glasscock,	Houston of Wheeler,
Garrison,	Hall,	Jerdone,

Kilgore,	Pope,	Terrell,
Kleberg,	Randolph,	Traylor,
Knittel,	Stinson,	Woods.
Perry,		

ABSENT, NOT VOTING.

Shannon.

Senator Fowler sent up the following privileged report:

COMMITTEE ROOM,
AUSTIN, March 24, 1885

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 157, being "An act to amend articles 1770, 1771, 1772, 1773, 1777 and 1780 of the Revised Statutes, so as to better regulate the law of escheats," and find the same correctly enrolled, and have this day, at 10:30 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman,

COMMITTEE ROOM,
AUSTIN, March 24, 1885

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 233, being "An act to create the Webb land district," and find the same correctly enrolled, and have this day, at 10:30 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman,

COMMITTEE ROOM,
AUSTIN, March 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 244, being "An act to create the Hardeman land district," and find the same correctly enrolled and have this day, at 10:30 o'clock a. m., presented the same to the Governor for his approval.

FOWLER, Chairman,

On motion of Senator Bell,
The Senate adjourned till 3 o'clock this afternoon.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

The Senate resumed consideration of House bill No. 430, "An act to restrict the employment of sailors and crews of foreign vessels from rolling cotton, handling cargo, or laboring on the wharves or levees of ports in the State of Texas, beyond the end of the ship tackle."

Senator Perry moved the previous question on the motion to substitute the minority for the majority report.

Seconded; and

The main question was ordered by the following vote:

YEAS—14.

Bell,	Glasscock,	Knittel,
Farrar,	Hall,	Perry,
Fowler,	Houston of Bexar,	Traylor,
Garrison,	Jerdone,	Woods.
Getzendaner,	Kleberg,	

NAYS—12.

Calhoun,	Houston of Wheeler,	Randolph,
Davis,	Kilgore,	Shannon,
Evans,	Pfeuffer,	Stinson,
Harrison,	Pope,	Terrell.

The minority report was lost by the following vote:

YEAS—10.		
Calhoun, Davis, Evans, Farrar,	Getzendaner, Houston of Bexar, Kilgore,	Perry, Pfeuffer, Shannon.

NAYS—16.		
Bell, Fowler, Garrison, Glasscock, Hall, Harrison,	Houston of Wheeler, Jerdone, Kleberg, Knittel, Pope,	Randolph, Stinson, Terrell, Traylor, Woods.

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

YEAS—16.		
Bell, Fowler, Garrison, Glasscock, Hall, Harrison,	Houston of Wheeler, Jerdone, Kleberg, Knittel, Pope,	Randolph, Stinson, Terrell, Traylor, Woods.

NAYS—10.		
Calhoun, Davis, Evans, Farrar,	Getzendaner, Houston of Bexar, Kilgore,	Perry, Pfeuffer, Shannon.

By leave, Senator Davis sent up the following report:

COMMITTEE ROOM,
AUSTIN, March 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was recommended substitute House bills Nos. 171 and 208, entitled "An act to amend article 425 of the Penal Code of the State of Texas," have had the same under consideration, and instruct me to report the same back with the recommendation that in do pass, with an amendment striking out the words "or by muddying the water."

All of which is respectfully submitted.

DAVIS, Chairman.

Read first time.

The President laid before the Senate House concurrent resolution, granting use of the Hall of Representatives for certain purposes, and same was adopted.

The following message was received from the Governor, and

On motion of Senator Harrison,

Was, together with the accompanying appointments, ordered printed in the journal:

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, March 23, 1885.

To the Senate:

I request your consent to the appointment of the notaries public named in the paper herewith communicated.

JOHN IRELAND, Governor.

Anderson county—E. F. Arthur, Theodore Ash, J. F. Watts, A. W. Gregg, M. Glenn, Theodore D. Jones, J. H. Mead, J. J. Word, J. Conaway, Palestine; W. L. Darden, Bethel; R. M. Jackson, Tennessee Colony; P. L. Bradford, Bradford; W. A. Miller, Kickapoo; J. M. Emerson, Fosterville; W. H. Gill, Palestine; Benjamin Parker, J. W. Bryan, Elkhart; D. M. Butler, R. J. Royal, Palestine.

Archer county—A. Abercombie, F. E. Dycus, L. W. Heath, Archer.

Armstrong county—Charles Goodnight.

Austin county—W. C. Cliett, San Felipe; J. W. Lott, Sealy; E. D. Rawls, Buckhorn.

Angelina county—Homer McMickles, John K. Matthews, James McKnight, Lufkin; John Y. Foster, Eli Gilleland,

Homer; T. C. Moore, Lufkin; E. J. Mantooth, Joseph Chestnut, J. R. Gilleland, W. J. Townsend, Homer.

Atascosa county—J. L. McCaleb, Benton; J. H. Cavender, T. M. Peeler, Pleasanton.

Burnet county—T. E. Hammond, J. G. Cook, R. W. Cates, Burnet; Norton Moses, Strickland; R. H. Ward, Burnet; N. E. Morgan, J. D. Riley, Bertram; Albert Gieseke, A. G. Wilcox, Dick Yett; John Linn, Lacy; G. R. Berry; B. H. Stewart, Mohamet; R. L. Turberville; T. A. Chamberlain, Burnet; Miles Cook, George Gillum, G. A. Brandon, Charles Rise, Robert Rise, D. Williams, N. W. Tobey, W. W. Bebout.

Bosque county—James M. Robertson, N. R. Morgan, Meridian; A. R. Barry, Kopperl; W. D. Thomas, Morgan; J. L. Scott, Meridian; J. P. Grace, Walnut; James A. Gillette, John H. Gouldy, Meridian; N. A. Evans, Valley Mills; Peter Pearson, Norise; John H. Moses.

Brazoria county—G. C. Leonard, Brazoria.

Bastrop county—B. Sass, Smithville; R. A. Brooks, Alum Creek; J. S. Woodruff, Caldwell's store; E. Hagaman, Paige; W. R. McDuff, Weberville.

Bell county—F. D. Smith.

Baylor county—H. S. Melvin, J. T. Montgomery, W. H. Browning, W. R. Bonner, J. R. McLain.

Bee county—Sidney Howard, Beeville.

Brazos county—J. B. Thomas, Bryan.

Bexar county—W. G. M. Samuel; L. L. Lacy, Sam. M. Johnson, E. C. Reed, Frank E. Corbett, Gen. H. P. Bee, L. D. Dibble, San Antonio.

Bowie county—O. P. Taylor, Texarkana; K. Yarbrough, New Boston; J. C. Ellis, J. H. Henderson, W. L. Whitaker, Boston.

Brown county—F. M. Henderson, F. W. Henderson, Brownwood.

Burleson county—E. G. Banks, Caldwell.

Blanco county—W. Wedekind, Round Mountain.

Cameron county—E. C. Forto.

Cass county—W. E. Duncan, J. F. Christian, Atlanta.

Coleman county—John C. Randolph, H. T. Sims, Coleman.

Comanche county—T. R. Hill, Comanche; A. J. Sanderford, De Leon.

Collin county—J. L. Doggett, T. B. Wilson, M. H. Byrne, M. H. Garnett, J. L. White, Thos. H. Emerson, M. W. Johnson, S. H. Cole, J. H. Jenkins, Jno. Church, Jno. D. Page, K. R. Craig, McKinney; R. T. Shelton, L. Butler, F. J. Vance, H. C. Overaker, J. P. Coffey, Plano; Jno. C. White, Jno. Walden, St. Paul; B. B. Fowler, Nickleville; Howard Pickett, P. W. Baldwin, Maxwell; C. Snider, Tevis Bickley, Henry Caver, J. S. Rike, Farmersville; A. J. Caudler, Merritt; Jno. T. Buchanan, Geo. M. Carruth, Celina; James Kuykendall, Thomas Hardison, Foy; W. G. Matthews, Beth; E. Nelson, Jno. Reasor, Lebanon; Jas. Smith, Wm. Moyers, R. R. T. Mitchell, Blue Ridge; T. E. Shirley, I. T. Largent, Jesse Coffey, L. A. Scott, Melissa; W. J. Booth, Millwood; W. H. Bowie, F. M. Bounds, Jesse Hubbard, Weston; J. L. McKaney, Frankfort; Rowland Gooch, G. J. Davie, W. H. Brummitt, Nevada; James L. Greer, Anna; J. C. Rhea, Rhea's Mill; Chas. Blackwood, Jno. Pace, Gray Bill; J. J. Thompson, Rock Hill; J. D. Naylor, Millwood.

Cottle county—Jno. T. Stovall.

Childress county—D. C. Curtis.

Collingsworth county—H. F. Holstien.

Coryell county—H. N. Rather, Copperas Cove; E. E. Clark.

Caldwell county—Henry Rice, D. M. Crosswait, Lockhart; J. N. Stagner, J. W. Campbell, Luling; A. J. Rife, Alledo; W. B. Walker, Prairie Lea; Wm. Alexander, Dale; D. C. Chamberlin, Elm Grove; J. P. Reed, Delhi.

Clay county—W. M. Waddington, R. T. Ricketts, J. M. Willis.

Colorado county—T. W. Hunter, W. B. McCornick, Weimar; Jno. H. Mullen, Oakland; Carey Shaw, French Simpson, Columbus; Walter C. Jones, Vox Populi; Jno. R. Newsom, Eagle Lake; D. C. Gregory, Alleyton.

Camp county—Jno. W. Hooper, Jno. P. Ofiel, Jno. B. Edkins, L. G. Davis, W. R. Heath, J. A. Derrick, E. H. Hopson, C. G. Davis, Jno. A. Thompson, Pittsburg.

Calhoun county—W. H. Woodward.

Callahan county—W. H. Cliett, Baird; J. H. Smith, Putnam; D. Richardson; B. F. Walker, Cottonwood; A. W. Oliver, Baird; J. W. Power, Bell Plain.

Cherokee county—E. C. Dickinson, M. Jernigan, J. P. Gibson, Rusk; D. McCall, Forest; W. C. Boiton, G. W. Middleton, T. H. Collier, Jacksonville; R. H. Childers, Rial Smith, Griffin; A. Harrison, C. A. Miller, Alto; W. C. Frederick, John Dalby, Lone Star; Finess Brailey, O. C. Taylor, Larissa; C. M.

Wade, Geut; R. S. Finlay, Rusk; A. J. Cuessher, Jacksonville.

Denton county—T. M. Smith, Lewisville; J. H. Degau, Waketon; John Collier, Pilot Point; J. N. Rucker, Little Elm; Benj. Moss, Aubery; A. J. Nance, Bolivar; James Eads, Roanoke; J. C. Wright, Garza; J. M. Copley, D. N. Dodson, Denton; W. H. Bush, Navo; E. T. Bates, Lloyd; R. W. Terrell, A. C. Owsley, W. J. Austin, H. C. Furgerson, Denton; G. T. Walton, Stoney; James Hicks, Little Elm; C. T. Morris, J. C. Smith, Argyle; Chas. Everett, T. A. Collins, O. P. Poe, John L. Ruddell, Denton; T. D. Fouts, Trinity Mills; Isaac N. Allen, C. R. Buddy, Denton; W. H. McNeil, Little Elm; J. M. Rook, Lloyd; J. M. Reasor, Mustang; J. E. Buster, Stewart's Creek; N. F. Wakefield, Waketon.

Dallas county—S. C. McCormick, J. M. Hays, W. H. Barksdale, Dallas; E. D. Sowers, Sowers; J. T. Timberlake, Trinity Mills; John M. McCoy, Frank J. Smith, J. M. Wheatly, Dallas.

Donley county—W. D. Kimball, J. B. McLellan, J. H. Parks, J. G. Murdock.

Dickens county—W. C. Dockam.

Duval county—T. C. Hannelly.

DeWitt county—J. H. Moore, Thomaston.

Ellis county—Anson Rainey, J. D. Templeton, R. M. Clark, R. G. Phillips, R. M. Wyatt, Ed. Oldham, Thos. P. Whipple, N. G. Davis, J. M. Phillips, J. P. H. Nelson, H. M. Rhodus, Waxahachie; C. T. Hoggau, W. H. Fears, J. H. Albritton, D. F. Singleton, Ennis; Alex. Mosely, Bristol; R. P. Mackey, Ferris; Geo. Wylie, Auburn; G. W. Hamlett, T. L. Henderson, Italy; J. C. McKiuney, Ennis; J. W. Couch, I. P. Jeffers, Red Oak; Geo. H. Alderman, Avalon; J. N. Padgett, W. T. M. Dickson, H. N. C. Davis, Milford; T. L. McCarty, Ennis; F. P. Powell, Waxahachie; C. L. Edwards, J. S. McDuffie, Ennis; J. A. Moore, Mt. Peak.

Erath county—C. J. Shapard, Stephenville; J. D. St. Clair, Alexander; T. B. King, Stephenville; T. J. Belcher, Rock Falls; A. B. McClure; S. T. Morris, Dublin; J. L. Durham.

Eastland county—W. L. Calhoun, Eastland; T. D. Jordan, Carbon; D. G. Hunt, Rising Star.

Falls county—Frank B. Chilton, R. S. Hunnicutt, T. B. White, Marlin; J. F. Knox, J. V. Wright, Leonard Magee, George A. Hodges, M. H. Curry, W. A. Patrick, J. M. Stuart, Samuel Brewer, J. R. McDonald, Ed. M. McCollough, Matt Jones, W. J. Finks, W. J. Yates, S. A. Elam, Wm. Hander.

Fayette county—A. F. Dornwell, Waldeck; Paul Meer-scheidt, LaGrange.

Fannin county—A. F. McRea, W. E. Dailey, sr., E. G. Rogers, W. G. Nunn, Ladonia; M. L. Taylor, Savoy; John A. Russell, Bouhan.

Frio county—L. B. C. Gallaway, John Hays, San Miguel; Gilbert Williams, Dilly.

Franklin county—T. W. Templeton, Winnesboro; H. G. Stokely, J. Q. Nunn, J. S. Davis, J. P. Huskey, W. H. Baldwin, Mt. Vernon; J. C. Terrell, Winnesboro, Wood county.

Gonzales county—W. S. Fly, T. F. Harwood, Gonzales; L. N. West, Leesville; Wilbur F. King, Wrightsboro.

Gregg county—T. M. Campbell, J. W. Boring, T. A. Flewellen, C. W. Henderson, Longview; J. C. Barnett, Kilgore; Stephen May, Longview; J. R. Clemmens; E. S. Terry, Longview.

Gray county—A. S. Williams.

Guadalupe county—T. M. Humphreys, Seguin; S. M. Holmes, Staples store; Fritz Kraft, Clear Springs.

Grayson county—A. P. Finlay; J. R. McElroy, Southmayd; Robert E. Smith, Sherman.

Galveston county—W. H. Lisbony, Joseph A. Labatt, Galveston.

Grimes county—Samuel E. Blake, Plantersville; Isaac R. Lindley, Roans Prairie.

Greer county—H. C. Sweet, Lanham.

Hamilton county—R. D. Love.

Howard county—D. A. Walker, Big Springs.

Hill county—W. H. Marsh, Hubbard City; B. F. Vinson, D. J. McClellan, F. M. Bush.

Harrison county—C. H. McGill, J. G. McCown, Marshall; R. W. McGimpsey, Elysian Fields; T. S. Buchanan, Hallville; W. L. Thomas, Marshall.

Harris county—J. H. Dunks, Crosby.

Hood county—W. A. Duke, B. M. Estes, John P. Estes, T. T. Ewell, T. J. Duke, J. R. Morris, J. M. Chadwick, Granbury.

Haskell county—E. P. Morgan, P. B. Ward, Walter Scott, Oscar Martin, John W. Arledge, Haskell.

Hopkins county—W. A. Green, H. C. Barker, Black Jack Grove; T. C. Crain, A. A. Henderson, F. M. Rogers, S. L. Rogers, R. S. Blythe, W. B. James, Guss Garrison, Joseph Brashear, B. T. Stephens, Sulphur Springs; W. D. Byrd, H. C. Wood, E. L. Askew, C. E. Williams, Carroll's Prairie; W. J. Clute, Cornersville; Will T. Holderness, Fairyland; G. B. Christian, White Oak; Joseph Gist, Pictou; R. E. Bertram, Beiley

Spring; T. A. St. Clair, Sulphur Springs; Harvey Anderson, Miller Grove; J. Barker, Sulphur Springs.

Hunt county—D. M. Yeager, Kingston; A. S. Marshall, Greenville; L. F. Phelps, Payne's Store; J. H. Jackson, Commerce; Jas. H. Patterson, Campbell; A. Cameron, Greenville; A. D. Jackson, Wolf City; H. H. Wood, South Sulphur; C. L. Eldon, Greenville; W. R. Lane, Jordin; J. D. Hurst, Payne's Store; G. P. Mitchell, Oliverton; J. M. McCamant, Campbell; E. B. Lewis, John O. Wilkinson, Greenville; W. P. Wynn, Payne's Store; W. P. McBride, Humphrey; Z. E. Gandy, Lone Oak; J. F. Pickett, Kingston; S. R. Eitter, A. B. Cushman, Greenville; E. J. Mock, Kingston; E. K. Patrick, Lone Oak; P. A. Norris, Greenville; W. H. Key, Roberts; B. L. Porter, Greenville, W. C. Vallandigham, Donelton; A. G. Titus, Whiterock.

Hardeman county—D. G. Smith, J. H. Meyers, Chillicothe; J. C. Roberts, Margaretta. J. H. Drury, F. C. Ratcliff, J. A. Nabors, G. W. Darby.

Houston county—J. F. Stokes, Grapeland; G. M. Dabson, Pennington, Trinity county.

Hemphill county—Ed. Fletcher.

Hutchinson county—H. T. Groom.

Henderson county—J. M. Warren, Goshen; W. J. Evans, Malakoff; S. M. Bradford, Willow Springs; John S. Jones, J. B. Bishop, Athens; R. W. Wiley, Chandler; John H. Reynolds, New York; H. C. Turner, Fincastle; W. L. McNeil, Brownsboro; J. M. Murchison; H. M. Gossett, J. T. Meredith, Athens.

Jefferson county—W. D. Ivey, Beaumont.

Jack county—Mort. H. Stark, J. T. Jones.

Johnson county—G. H. Maxey, D. W. Adams, C. Y. Kouns, Cleburne.

Jones county—C. D. Davis, C. P. Woodruff, Dan M. Jones, Anson.

Jackson county—Henry T. Chivers, Edna.

Kinney county—W. W. Lamberts, Geo. A. Doogan, Del Rio.

Knox county—R. D. Goree.

Kimble county—Wallace Blair, London.

Kaufman county—E. A. Thompson.

Kendall county—D. W. Grady, F. W. Schweppe, Boerne.

Lampasas county—J. C. Hubert, Lampasas.

Lee county—N. B. May.

Limestone county—A. E. Fermin, Mexia; J. J. Swame, Kosse.

Llano county—W. T. Dalrymple, Llano.

Lavaca county—C. B. Patton, Sweet Home; E. T. Paeggli, Baur; Jesse Green, Hallettsville; R. J. Putney, H. T. Kuhne, Hope; W. G. Chapman, Hackberry; Ira Ezell, Ezell's Store; H. C. Youngkin, Autioch; S. Sewell, Hackberry; Wm. H. Striebeck, Breslan; J. A. Whitfield, Hallettsville; J. H. Anderson, Moulton; Isaac E. Clark.

Lamar county—W. G. Baird.

Lipscomb county—E. K. Polley.

Marion county—J. H. Parsons, W. E. Estes, John Fenman, Lee Sherrill, Jefferson Geo. R. Beard, J. A. Lindsey, T. N. Lockett, A. J. B. Garrett, W. A. Walker, J. M. Harper, C. G. Graham; J. H. Rowell, P. H. Rowell, R. A. Loomis.

Morris county—H. E. Henderson, Dangerfield; J. H. Mathews, W. G. Callaway, Bolden; W. M. Cason, Cason; John Speerman, Dangerfield; J. H. Hart, Cavetti.

Milam county—Leonard Isaacs, Frank Clemment, J. E. Langmorr, B. T. Middleton, J. H. Sparkman, J. L. Lockett, Rockdale; H. N. Roberts, W. T. Hefey, W. M. McGregor, B. I. McCalla, Cameron; F. M. Adams, Gause; J. H. Graves, Lilack; A. S. Russell, Milano; B. I. Arnold, Cameron; E. Y. Terrell, Jones Prairie; A. G. Wilcox, Rockdale; W. A. H. Asken, Baileyville; John A. Smith, Branchville; James Peeler, Cameron.

McLennan county—G. W. Kinchloe, Mastersville; J. W. Speight, Waco; W. O'Brien, McGregor; Thos. A. Blair, Jas. I. Moore, Waco; W. C. Barnett, Valley Mills; Alfred Battle, W. L. Baker, R. G. Pidcocke, T. D. Penry, E. A. McKenney, Waco; J. R. Robinson, Robinsonville; B. H. Rogers, W. M. Sleeper, L. W. Bagby, A. M. Harris, T. M. Makeig, W. S. Kinchloe, Waco; H. C. Williams, Lorena; J. B. Vesey, Axtell; C. J. Monroe, West; Hiram Morgan, Moody; John B. Nichols, Crawford; T. J. Womack, Patrick; T. J. Prim, Boesqueville; T. J. Talliaferro, Ross; T. A. Tucker, Harrison; J. H. Dunn, Mart; A. C. Prendergast, Waco; Seth Mills, Speigerville; Allen L. West, D. H. Hardy, J. R. Davis, E. A. Marshall, Waco; John W. Ridgill, Eddy; W. G. Mobley; J. H. Davenport, Jr., Waco.

Midland county—A. A. Bell.

Montague county—Wm. Garborough, J. E. Wille's, W. H. Wilson, R. B. Davis, J. M. Grigsby, G. F. Thomas, J. H. Howard, M. B. Hoskins.

Mitchell county—R. L. Boren, J. Good, T. Q. Mullin, Xavier Ryan, W. J. Hatch, J. H. Morrison, R. H. Looney, A. Maclean, Colorado City.

McMullen county—E. S. Atkinson.

Madison county—John Vernon, Willow Hole.

Martin county—Peter Smith, Adam Koriz, John Markel, Marienfeld; John Souer, Peter Glouden.

McCulloch county—J. L. Spiller, Brady City.

Maverick county—E. L. Watkins, Eagle Pass.

Medina county—Marshall Burney, Devine.

Nueces county—James W. Ward, Stanley Welch, Corpus Cristi; Chas. L. Lege.

Newton county—H. F. Wilson, Belgrade.

Nacogdoches county—H. V. Fall, Cherino.

Nolan county—J. F. Edison, J. W. Posey, Jos. Boone, Sweetwater.

Navarro county—J. D. Curtis, R. E. Prince, Corsicana; P. P. Powell, Angus; Geo. H. Sherrard, Birdston; L. L. Jester, Corsicana; Richard Gowan, A. B. Lee, H. C. Talbot, J. G. Way, Cross Roads.

Oldham county—J. P. Bagland, H. H. Wallace, W. S. Mabry, H. M. Kimball, John W. Cone, J. E. McAllister, A. D. Tomb.

Panola county—Frank Lawson.

Polk county—S. B. Tackaberry, Moscow; B. W. Maury, J. C. Feagin, T. B. Dunman, J. R. Oats, J. L. Henderson.

Palo Pinto county—J. C. Haynes, Mineral Wells; J. S. Straughan, Palo Pinto; W. P. Gibbs, Hampton; S. B. Garrett, J. E. Laverty, Palo Pinto; C. W. Massie; Jas. T. Daniel, Straun; H. M. Montgomery, Palo Pinto; M. L. Garrett; M. B. Fryar, Christian.

Potter county—Warren Witzel.

Parker county—H. Smythe, Mack B. Roach, Weatherford.

Robertson county—J. A. Carson, Wootan Wells.

Rock county—W. J. Graham, Henderson; Chas. C. Leverett, Overton; James M. Crane, Minden.

Rains county—S. J. Stuart, John Mills, A. D. Braziel, Emory.

Bunnels county—G. W. Perryman.

San Saba county—Leigh Burleson, San Saba.

Shackelford county—G. M. Rutledge, J. B. Gildart, John M. Moore, Albany; T. J. Grounds, Hulttown.

Smith county—M. Scott, John H. Bonner, Tyler; L. Loving, Bullard; H. H. Moore, Tyler; J. O. Collier, Troupe; H. C. Huggins, Starrville; W. H. Marsh, Winona; John A. Mathias, Browning; L. Jarvis, Troupe; W. G. Human, Tyler; P. G. Bradshaw, Mt. Sylvania; Jo Carlton, Red Springs; J. A. Hill, White House; Jas. M. Edwards, J. T. White, H. B. Urquhart, Tyler.

Starr county—E. Downey Dav's, John P. Kelsey.

Sabine county—W. W. Weatherred, Hemphill; J. T. Polley.

Shelby county—W. V. Caraway.

Throckmorton county—B. F. Reynolds, sr., Ft. Griffin; C. K. Stribling.

Travis county—T. A. Thomson; C. F. Hill, Austin.

Taylor county—Ed. Curd, Abilene; W. C. Cheatham, Buffalo Gap; J. E. Cockrell, G. A. Kirkland, M. W. Northington, F. B. Huston, C. C. Parker, D. B. Corley, Abilene.

Trinity county—W. B. Young, Primmington; S. A. Robb, Trinity.

Tyler county—E. C. Parsons, Woodville.

Tarrant county—Frank W. Norris, Francis Granger, T. J. Powell, C. M. Templeton, A. W. Hutchins, D. D. Wall, James Harrison, E. C. McPhail, W. B. Tucker, Fort Worth; J. B. Alexander, Mansfield; David Farnsworth, Handy; George Finger, Johnson's Store; Elihu Newton, Padin's Store; Levy Walker, Azle; D. S. Brown, J. T. Sanders, Fort Worth H. E. Valentine, Bedford.

Upshur county—J. M. Hamilton, H. L. Sowell, Lafayette; S. C. Hart, Gilmer; H. C. Cauliffe, Coffeeville; J. D. Hart, Simpsonville; T. H. Chandler.

Uvalde county—Jesse K. Floyd.

Van Zandt county—W. J. Greer, T. R. Yantis, John S. Spinks, Canton; W. B. Wynn, S. B. Kilgore, J. G. Kearby, R. E. Yantis, J. C. Wright, Wills Point; Addison Clark, David Cade, Owllet Green; J. C. Austin, Grand Saline; J. A. Bailey, J. N. Pollard, Walton; S. W. Murphy, R. S. Jones, Edom; E. S. Raines; J. T. Gill, Edgewood; G. D. Staten, Canton.

Williamson county—C. Morelle, L. C. Clark, T. W. Stratton, R. H. Price, Georgetown; J. P. Davis, Hutto; J. G. Gordon, H. Dickson, John Threadgill, Danl. Moody, John W. Parker, Wm. Elliott, Geo. E. Scott, Taylor; J. P. Magill, Leander; J. B. J. Oliver, Duval; Sam C. Taylor, Jollyville; J. G. Ward, Liberty Hill; S. P. Williams, R. C. Hart, Round Rock; H. A. Christie, Old Round Rock; Edward E. Diggs, J. W. Robertson, Round Rock; A. G. Ganaway, Florence; A. P. Johnson, J. A. Rumsey, J. W. Waymond, Corn Hill; S. M. Slaughter, S. J. Barber, Beakiss; E. F. Kelley, W. N. Hardeman, Bartlett; T. S. Reed, Gabriel Mills; J. W. Posey, J. R. Kuler; Levi Pennington, Georgetown.

Wood county—M. D. Carlock, T. J. Russell, R. C. Campbell, Winsboro; Geo. A. Cage, S. R. Bruce, Mineola; C. R. Gorman, Winsboro; J. H. Mayo, L. H. Burch; John B. Phillips, Pine Mills; John H. Newsom, Mineola; J. M. Lanford, Winsboro.

Waller county—James W. Renfro, Howths Station.

Wharton county—B. D. King, Wharton.

Wichita county—E. F. Bunch, Lewis C. Grant, W. W. Flood, R. E. Huff, W. B. Houston, N. Henderson, M. M. Templeton, S. B. McBride, J. H. Barwise, L. T. Miller, J. P. Boyd, T. C. Wilson, J. J. Van Dyke, T. C. Thomson, Wichita Falls.

Wheeler county—J. O. B. Street, E. J. Rising, W. L. E. Dickson, Mark Huselby, W. H. Grigaby, M. P. Williamson, Mobeetie.

Wilson county—H. S. Hastings, Nockenut; Jack Sutherland, Sutherland Springs.

Webb county—G. W. Broadwater, Juan V. Benavides, E. S. Remington, W. H. Mowry, Geo. W. Woodman.

Washington county—O. H. P. Garrett, Brenham; Dr. J. B. Moore, Graball; C. L. Spencer, Washington; Oscar Samuel, Prairie Hill; G. W. Booker, Independence; Henry Muller, Brenham.

Wise county—W. A. Bonner, S. E. Hatchett, Alvord; John Brown, Bridgeport; B. B. Bell, Greenwood; G. M. McSpadden, Stoney; W. R. Marral, Keters.

Wilbarger county—B. W. Edgell, R. P. Elliott, C. Wheeler, D. R. Britt, C. F. Doan, H. C. Thompson.

Young county—A. B. Gant, B. Holman, O. E. Finlay, H. W. Williams; W. B. Pope Belknap; W. C. Blakly, Farmer; S. M. McConnell, C. W. Johnson, B. F. Arnold, Graham.

Zapata county—James Downing

On motion of Senator Bell,
The regular order of business was suspended, and Senate bill No. 214, "An act to compel railroad companies to provide double-decked cars for shipment of goats, sheep, hogs and calves, and to pre-

vent discrimination against shippers thereof, and to provide penalties therefor," was taken up and Read the second time, with unfavorable committee report.

Senator Houston of Bexar moved the adoption of the committee report.

Adopted by the following vote:

YEAS—17.		
Davis,	Houston of Bexar,	Pfeuffer,
Evans,	Jerdone,	Randolph,
Fowler,	Kilgore,	Shannon,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Traylor.
Glasscock,	Perry,	
NAYS—7.		
Bell,	Houston of Wheeler,	Stinson,
Calhoun,	Pope,	Woods.
Farrar,		
ABSENT, NOT VOTING.		
Hall,	Harrison.	

(Senator Terrell in the chair.)
Senator Houston of Wheeler withdrew the motion to reconsider the vote by which the Senate yesterday postponed Senate bill No. 253 (the Kilgore railroad bill.)

On motion of Senator Stinson,
The regular order of business was suspended and substitute House bill No. 148, "An act to amend sections 8 and 14 of 'an act to redistrict the State into judicial districts,'" etc., was taken up and

Read the second time, with committee amendment.

On motion of Senator Stinson,
The committee amendment was adopted.
Senator Stinson offered the following amendment:

Amend section 8 so as to read as follows:
Section 8. The eighth judicial district shall be composed of the counties of the counties of Hunt, Hopkins, Delta and Rains, and the district court shall be held therein as follows: In the county of Hunt on the first Mondays in January and July, and may continue in session eight weeks. In the county of Delta on the on the eighth Mondays after the first Mondays in January and July, and may continue in session four weeks. In the county of Hopkins on the twelfth Monday after the first Mondays in January and July, and may continue in session seven weeks. In the county of Rains on the nineteenth Monday after the first Mondays in January and July, and may continue in session three weeks.

Adopted.
Senator Stinson offered the following amendment:

Section 6. The near approach of the close of the session of the present Legislature, and the great need for the immediate changes in the terms of the courts mentioned in this act, and for the changes therein made in the judicial districts mentioned, creates an imperative public necessity and emergency that requires that the constitutional rule requiring bills to be read on three several days be suspended, and that this bill be placed upon its immediate passage, and that this act take effect and be in force from its passage, and it is so enacted.

Adopted.
The bill was passed to third reading.
On motion of Senator Stinson,
The constitutional rule was suspended and the bill was placed on its final reading by the following vote:

YEAS—25.		
Bell,	Evans,	Garrison,
Calhoun,	Farrar,	Getzendaner,
Davis,	Fowler,	Glasscock,

Hall, Harrison, Houston of Bexar, Houston of Wheeler, Jerdone, Kilgore,	Kleberg, Knittel, Perry, Pope, Randolph,	Shannon, Stinson, Terrell, Traylor, Woods.
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NAYS—1.

Pfeuffer.

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

YEAS—25.

Bell, Calhoun, Davis, Evans, Farrar, Fowler, Garrison, Getzendaner, Glasscock,	Hall, Harrison, Houston of Bexar, Houston of Wheeler, Jerdone, Kilgore, Kleberg, Knittel,	Perry, Pope, Randolph, Shannon, Stinson, Terrell, Traylor, Woods.
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NAYS—1.

Pfeuffer.

On motion of Senator Kleberg, Senate bill No. 216, "An act to regulate proceedings in suits and prosecutions for libel," was taken up and

Read the second time, with majority (unfavorable) and minority (favorable) committee reports.

Senator Kleberg moved to substitute the minority for the majority report.

Lost by the following vote:

YEAS—11.

Evans, Fowler, Harrison, Houston of Wheeler,	Jerdone, Kleberg, Knittel, Pfeuffer,	Pope, Randolph, Traylor.
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NAYS—14.

Bell, Calhoun, Davis, Farrar, Garrison,	Getzendaner, Glasscock, Houston of Bexar, Kilgore, Perry,	Shannon, Stinson, Terrell, Woods.
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On motion of Senator Houston of Bexar, Senator Hall was excused from voting on the bill. The majority report, killing the bill was adopted. (The President in the chair.)

Senate bill No. 267, "An act authorizing the State Capitol Board to contract for the substitution of granite for limestone, in the construction of the exterior walls of the superstructure of the new State Capitol, and for other changes thereof, and to extend the time for the completion thereof, and to conform all laws thereto, and to make an appropriation for the contingent expenses connected therewith, and to authorize the payment for such change to be made to the contractors in convict labor," was laid before the Senate, and

Passed by the following vote:

YEAS—15.

Bell, Calhoun, Farrar, Fowler, Getzendaner,	Glasscock, Hall, Houston of Bexar, Houston of Wheeler, Jerdone,	Knittel, Shannon, Terrell, Traylor, Woods.
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NAYS—10.

Davis, Evans, Garrison, Harrison,	Kilgore, Kleberg, Perry,	Pfeuffer, Pope, Stinson,
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Paired: Senators Jones and Randolph. The former would have voted "yea," and the latter "nay."

On motion of Senator Getzendaner,

The regular order was suspended and House bill No. 443, "An act to amend the Revised Civil Statutes of the State of Texas, title 17, by adding therein article 340a, and to amend article 375 thereof," was taken up and read the second time.

Senator Houston of Bexar offered the following amendment:

Amend by striking out "340a" wherever it occurs and insert in lieu thereof "340b."

Adopted.

The bill was passed to third reading.

On motion of Senator Houston of Bexar, The constitutional rule was suspended and

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

YEAS—25.

Bell, Calhoun, Davis, Evans, Farrar, Fowler, Garrison, Getzendaner, Glasscock,	Hall, Harrison, Houston of Bexar, Jerdone, Kilgore, Kleberg, Knittel, Perry,	Pfeuffer, Pope, Randolph, Shannon, Stinson, Terrell, Traylor, Woods.
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NAYS—none.

ABSENT, NOT VOTING.

Houston of Wheeler.

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

YEAS—22.

Bell, Calhoun, Davis, Evans, Fowler,	Harrison, Houston of Bexar, Jerdone, Kilgore, Kleberg,	Pfeuffer, Pope, Randolph, Shannon, Stinson,
Getzendaner, Glasscock, Hall,	Knittel, Perry,	Traylor, Woods.

NAYS—3.

Farrar, Garrison, Terrell.

ABSENT, NOT VOTING.

Houston of Wheeler.

Senator Bell submitted the following privileged report:

COMMITTEE ROOM,
AUSTIN, March 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared committee substitute for Senate bill No. 185 being "An act to amend article 428 of chapter 38 of 'an act to amend articles 423, 424, 425, 426, 427, 428, 429 and 430a, and to create article 426½, and to repeal article 430 of chapter 5 of the Penal Code of the Revised Statutes, for the protection of fish and game,' approved March 15, 1881, and article 430 of chapter 113 of an act to amend article 430 of section 1, and to repeal section — of an act entitled 'an act to amend articles 424, 425, 426, 427, 428, 429 and 430a, and to create article 426½, and to repeal article 430 of chapter 5, title 13 of the Penal Code of the Revised Statutes, for the protection of fish and game' approved March 15, 1881," and find the same correctly engrossed.

BELL, Chairman.

On motion of Senator Pope, The Senate, by the following vote, adjourned at ten o'clock to-morrow morning:

YEAS—29.

Bell,	Getzendaner,	Knittel,
Calhoun,	Glasscock,	Perry,
Davis,	Harrison,	Pfeuffer,
Evans,	Houston of Bexar,	Pope,
Farrar,	Jerdone,	Shannon,
Fowler,	Kilgore,	Traylor.
Garrison,	Kleberg,	

NAYS—5.

Hall,	Stinson,	Woods.
Randolph,	Terrell,	

ABSENT, NOT VOTING.

Houston of Wheeler.

SIXTY-FIRST DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 25, 1885.

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

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Traylor,

The reading of the journal of yesterday was dispensed with.

The morning call having been concluded, and the hour having arrived,

The Senate went into executive session on the appointments of the Governor.

IN THE SENATE.

Senate bill No. 205, "An act defining who are entitled to be buried in the State cemetery, and defining the duties and powers of the Superintendent of Public Grounds in relation thereto," was laid before the Senate and read the third time.

Senator Glasscock offered the following amendment:

Whereas, The near approach of the adjournment of the Legislature, owing to amount of unfinished business on hand, bill not admit of this bill being read on three several days, and there being no law regulating the burial of the dead in the State cemetery, therefore an imperative public necessity exists that there should be such a law, the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended, and it is so enacted.

Adopted by the following vote:

YEAS—24.

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

NAYS—none.

ABSENT NOT VOTING.

Houston of Wheeler, Shannon.

The bill was passed by the following vote:

YEAS—24.

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

NAYS—none.

ABSENT, NOT VOTING.

Houston of Wheeler, Shannon.

By leave, the following reports were filed:
By Senator Kleberg:

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Stock and Stockraising, to whom was referred House bill No. 87, entitled "An act to amend article 4574, and to repeal article 4576 of the Revised Statutes of the State of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass, with the following amendment:

Strike out section 2 of the bill.

All of which is respectfully submitted.

KLEBERG, Chairman.

Bill read first time.

By Senator Pope:

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred House bill No. 229, "An act entitled an act to amend article 4860 of the Revised Civil Statutes of the State of Texas, as amended by an act approved February 2, 1884, and an act approved February 5, 1884, chapters 11 and 13 of the general laws passed at the special session of the Eighteenth Legislature, relating to the changing of public roads," have carefully examined the same. The provisions of this bill being substantially the same as those of Senate bill No. 153, which was rejected by the Senate, the majority of said committee therefore instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

PERRY, Chairman.

Bill read first time.

By Senator Evans:

COMMITTEE ROOM,
AUSTIN, March 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Printing, to whom was referred House bill No. 533, entitled "An act to authorize the Secretary of State to purchase for the use of the State the Texas Court of Appeals reports, volumes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, and to contract for the relinquishment of the copyright of said reports with the persons owning the same, and to prevent the copyrighting of future volumes of said reports to the exclusion of the State, and to make an appropriation therefor," have had the same under consideration, and instruct me to report the same back with the recommendation that it do pass with the following amendments.

All of which is respectfully submitted.

EVANS, Chairman.

COMMITTEE AMENDMENTS.

1. Amend by striking out in line 11, page 2, the words "three years."
2. Strike out, page 2, all of lines 15 and 16, and line 17 to and inclusive of the word "all."
3. Lines 10 and 11, page 3, strike out "four dollars," and insert "three dollars."

Bill read first time.

The President gave notice of signing Senate bill No. 260, "An act to amend articles 1006, 1007 and 1008 of 'an act to amend articles 1006, 1007 and 1008 of the Revised Civil Statutes of the State of Texas,' approved February 21, 1879, passed by the Eighteenth Legislature at its regular session, approved the ninth day of April, 1883."

The President laid before the Senate

Substitute Senate bill No. 183, "An act to amend article 428 of chapter 38 of 'an act to amend articles 423, 424, 425, 426, 427, 428, 429 and 430a, and to create article 426½, and to repeal article 430 of chapter 5 of the Penal Code of the Revised Statutes, for the protection of fish and game,' approved March 15, 1881, and article 430 of chapter 113 of an act to amend article 430 of section 1, and to repeal section — of an act entitled 'an act to amend articles 423, 424, 425, 426, 427, 428, 429 and 430a, and to create article 426½, and to repeal article 430 of chapter 5, title 13 of the Penal Code of the Revised Statutes, for the protection of fish and game,' approved March 15, 1881."

The bill was read the third time and passed.

(The following should have gone in the journal of yesterday.)

I do here enter my solemn protest against the passage of the bill changing the Capitol contract, by substituting granite for limestone. If the substitution of granite for limestone was the only change, the bill would not be so odious, but the bill also extends the time for the completion of the Capitol, by placing it in the power of the Capitol Board to not only extend the time for years, but fixes no limit on the amount they are to pledge the State to pay for this change. The Capitol syndicate contracted with their eyes open, to build and complete this structure by the first day of January, 1888. They gave the State a good and solvent bond to secure a performance of that contract. They agreed to build it for one million and a half dollars, and received from the State in payment of this sum 3,000,000 acres of fine land. The State has complied with its contract, but they have made no effort to complete the building within the time agreed upon, and in consequence half of the time has expired, and the foundation not yet finished. I consider this granite bill nothing short of a subterfuge to relieve this syndicate of its liability to the State on its bond, which ought not to be done. An extension of time must be of some material advantage to them, or they would not desire it. It certainly cost the State something to grant it; and the State should not be made to concede away all of its rights, when no corresponding concession is being made to it.

Another serious objection: The bill authorizes a change in the style of architecture, and empowers the Capitol Board to do away with all or a greater portion of the ornamental work on the inner and outside of the building, which destroys its beauty, and for which the State has already paid a handsome price.

In this measure the State has all to lose and nothing to gain, while the contractors have all to gain and nothing to lose. I predict that it will be a long time before the State gets its new Capitol, and I fear it will be a much inferior building to that contemplated in the original contract, and the original cost price will pale into utter insignificance when compared with the final cost under the proposed changes. Such has been the experience of every State which has undertaken to change or modify its capitol building contract after the construction of the building had commenced.

We concur in what Senator Harrison says.

HARRISON.

KLEBERG,
RANDOLPH,
GARRISON,
PFEUFFER,
DAVIS,
STINSON.

I concur in all the reasons given above by Senator Harrison for opposing this bill, and will state further that it is *unwise* to undertake, as this bill does, to place granite walls upon limestone foundations. And besides, three million acres of *land* is as much as the State ought to expend in the construction of our Capitol building. I believe the true policy to be pursued in this matter is for the State to comply strictly with the present contract, and require the contractors to do the same.

PERRY.

The President laid before the Senate House bill No. 324, "An act to compel railroads and other corporations to establish and maintain public offices in the State of Texas, and providing what books shall be kept thereat, and what said books shall contain, and requiring them to keep said books open for inspection, and to compel them to report to the Comptroller or Governor the true status of said corporations, and such other matters as may be required by said Governor or Comptroller and providing appropriate penalties for a failure to comply herewith."

The bill was read the third time.

Senator Traylor offered the following amendment

Section 7. All railroads within this State shall have ~~an~~ months after this act goes into effect, within which time to comply with the provisions hereof.

Adopted by the following vote:

YEAS—24.

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

NAYS—none.

ABSENT, NOT VOTING.

Farrar, Houston of Wheeler.

The bill was passed.

The President laid before the Senate House bill No. 437, "An act to protect mechanics, operatives book-keepers, clerks and laborers, who perform labor in any mill, factory, shop, store, office or farm against the failure of owners, sub-owners, contractors or agents to pay their wages, and to provide a lien for such wages."

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

YEAS—4.

Bell,	Perry,	Pope.
Getzendaner,		

NAYS—20.

Calhoun,	Harrison,	Randolph,
Davis,	Houston of Bexar,	Shannon,
Evans,	Jerdone,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Glasscock,	Knittel,	Woods.
Hall,	Pfeuffer,	

ABSENT, NOT VOTING.

Farrar, Houston of Wheeler.

House bill No. 430, "An act to restrict the employment of sailors and crews of foreign vessels from rolling cotton, handling cargo or laboring on the wharves or levees of ports in the State of Texas beyond the end of the ship's tackle," was laid before the Senate, and read the third time and passed by the following vote:

YEAS—15.

Bell,	Harrison,	Randolph,
Fowler,	Jerdone,	Stinson,
Garrison,	Kleberg,	Terrell,
Glasscock,	Knittel,	Traylor,
Hall,	Pope,	Woods

NAYS—9.

Calhoun,	Getzendaner,	Perry,
Davis,	Houston of Bexar,	Pfeuffer,
Evans,	Kilgore,	Shannon.

Paired—Senators Farrar and Houston of Wheeler. The former would have voted "yea," the latter "nay."

On motion of Senator Pope, Senator Houston of Wheeler was excused for to-day and to-morrow.

The President laid before the Senate, House bill No. 49, "An act to amend article 4636, title 95, chapter 2 of the Revised Civil Statutes."

The bill was read third time and passed.

On motion of Senator Randolph, Senator Pope was excused for the day, on account of sickness.

House bill No. 195, "An act to amend article 458 of the Revised Civil Statutes of the State of Texas," was laid before the Senate.

Read third time and lost by the following vote:

YEAS—10.

Bell,	Glasscock,	Stinson,
Calhoun,	Hall,	Traylor,
Evans,	Randolph,	Woods.
Fowler,		

NAYS—14.

Davis,	Houston of Bexar,	Perry,
Farrar,	Jerdone,	Pfeuffer,
Garrison,	Kilgore,	Shannon,
Getzendaner,	Kleberg,	Terrell.
Harrison,	Knittel,	

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 25, 1885.

Hon. Barnett Gible, President of the Senate :

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

Senate bill No. 165, "An act to amend articles 4132 and 4190 of the Revised Civil Statutes of the State of Texas."

Senate bill No. 180, "An act to amend section 4 of an act to redistrict the State into judicial districts," etc.

Senate bill No. 209, "An act to preserve the charters of railway companies that, by reason of the financial condition of the country, have not constructed the number of miles of road annually required by law, and to prevent the forfeiture thereof."

Senate bill No. 235, "An act to authorize the several county commissioners' courts of the State of Texas to provide for more than four terms of the county court annually," etc.

House bill No. 162, "An act to amend article 2411, chapter 4, title 42 of the Revised Civil Statutes of the State of Texas."

House bill No. 218, "An act authorizing the sheriffs, constables or their deputies of this State to make persons who are principals or sureties on indemnifying bonds parties to suits," etc.

Substitute House bill No. 265, "An act to provide for the proper control, management and direction of the institutions respectively known as Blind Asylum and Deaf and Dumb Asylum."

Substitute House bill No. 270, "An act to amend article 3856 of the Revised Statutes."

House bill No. 287, "An act to amend article 3969, title 79, Revised Civil Statutes."

Substitute House bill No. 290, "An act to amend articles 378 and 379, chapter 6, title 11 of the Penal Code of the State of Texas, and to add to said chapter and title article 379a."

House bill No. 341, "An act to authorize the Governor to grant leave of absence from the State to district judges of the State of Texas."

Substitute House bill No. 360, "An act to amend article 4390a of chapter 1, title 87, of the acts of the called session of the Eighteenth Legislature, approved April 5, 1884."

House bill No. 409, "An act to amend article 4518, of chapter 1, title 91 of the Revised Civil Statutes of the State of Texas."

House bill No. 422, "An act to amend article 341, title 10, chapter 4 of the Revised Penal Code."

House bill No. 490, "An act to amend sections 4, 9 and 16 of an act entitled 'an act to incorporate the city of Calvert, in Robertson county.'"

Senate bill No. 48, "An act to punish fishing and hunting on the enclosed lands of another."

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

The President referred House bills Nos. 290, 422, and 409, and substitute House bill No. 218 to Judiciary Committee No. 2, and

House bills Nos. 162 and 490 to Committee on State Affairs; and

Substitute House bill No. 270 and House bill No. 287 to Committee on General Land Office; and

House bill No. 265 to Committee on Asylums; and

House bill No. 341 to Committee on Judicial Districts; and

Substitute House bill No. 360 to Committee on Roads and Bridges.

The President laid before the Senate,

Substitute Senate bill No. 48, "An act to punish fishing and hunting on the enclosed lands of another," with House amendments.

The Senate concurred in the first House amendment, and refused to concur in other House amendments.

Senate bill No. 165, "An act to amend articles 4182 and 4190 of the Revised Civil Statutes of the State of Texas," was laid before the Senate with House amendments, and.

On motion of Senator Houston of Bexar,

The Senate concurred in the House amendments.

Senate bill No. 235, "An act to authorize the several county commissioners' courts of the State of Texas to provide for more than four terms of the county court annually for the transaction of civil, criminal and probate business, and fix the times at which all the terms of said county courts may be held," was laid before the Senate with House amendment, and

On motion of Senator Calhoun,

The House amendment was concurred in.

Senate bill No. 180, "An act to amend section 4 of an act to redistrict the State into judicial districts, and to fix the times for holding courts therein," etc., was laid before the Senate, with House amendments, and

On motion of Senator Bell, was postponed until to-morrow.

House bill No. 252, "An act to amend article 636, chapter 3, title 8 of section 2 of an act entitled 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas,' was laid before the Senate, and:

Read the second time, with majority (unfavorable) and minority (favorable) committee reports.

Senator Bell moved to adopt the minority report.

Adopted by the following vote:

YEAS—15.

Bell,	Harrison,	Pfeuffer,
Calhoun,	Jerdone,	Stinson,
Fowler,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Traylor,
Glasscock,	Perry,	Woods.

NAYS—9.

Davis,	Garrison,	Kilgore,
Evans,	Hall,	Randolph,
Farrar,	Houston of Bexar,	Shannon.

(Senator Kleberg in the chair.)

Senator Davis moved to amend by striking out all after the word "defendant," in line 19, page 2.

Adopted.

Senator Bell offered the following amendment:

Amend section 1, subdivision 13, page 3, by striking out all after the word "action," in line 6, and adding in lieu thereof: "And if it appears to have been formed from reading newspaper accounts, communications, statements or reports, or from mere rumor or hearsay, and the juror states on oath that he feels able, notwithstanding such opinion, to render an impartial verdict upon the law and the evidence, the court, if satisfied that he is impartial and will render such verdict, may, in its discretion, admit him as competent to serve in such case; but if the court, in its discretion, is not satisfied that he is impartial, the juror shall be discharged."

Senator Houston of Bexar offered the following substitute for the amendment:

Strike out all after the word "discharge," line 8, page 3, down to and including the word "opinion," in line 12.

Lost by the following vote:

YEAS—11.

Davis,	Hall,	Kilgore,
Evans,	Harrison,	Randolph,
Farrar,	Houston of Bexar,	Shannon.
Garrison,	Jerdone,	

NAYS—13.

Bell,	Kleberg,	Stinson,
Calhoun,	Knittel,	Terrell,
Fowler,	Perry,	Traylor,
Getzendaner,	Pfeuffer,	Woods.
Glasscock,		

Senator Harrison offered the following substitute for the amendment:

Amend section 13 by striking out all in line 31 after the word "verdict."

Lost by the following vote:

YEAS—12.

Davis,	Getzendaner,	Jerdone,
Evans,	Hall,	Kilgore,
Farrar,	Harrison,	Randolph,
Garrison,	Houston of Bexar,	Shannon.

NAYS—12.

Bell,	Kleberg,	Stinson,
Calhoun,	Knittel,	Terrell,
Fowler,	Perry,	Traylor,
Glasscock,	Pfeuffer,	Woods.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage by the House of substitute House bill No. 370, known as the appropriation bill.

Respectfully,

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

Substitute House bill No. 370 was referred to Committee on Finance.

On motion of Senator Traylor,

One hundred copies of the bill were ordered printed for the use of Senate, and

The bill was made special order for to-morrow after morning call, and from day to day till disposed of.

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

YEAS—17.

Bell,	Getzendaner,	Pfeuffer,
Calhoun,	Glasscock,	Stinson,
Davis,	Jerdone,	Terrell,
Evans,	Kleberg,	Traylor,
Fowler,	Knittel,	Woods.
Garrison,	Perry,	

NAYS—8.

Farrar,	Houston of Bexar,	Randolph,
Hall,	Kilgore,	Shannon.
Harrison,		

Senator Kilgore moved to strike out subdivision 15, page 3.

The following message was received from the House:

HOUSE OF REPRESENTATIVES
AUSTIN, March 25, 1885

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to report to the Senate the passage of the following bills:

Substitute House bill No. 502, "An act to postpone the sale of real and personal property for taxes assessed for 1885 until the first Monday in July, 1885."

Substitute House No. 551, "An act to establish and organize the county of Mills."

Respectfully,

A. D. SADLER,
Chief Clerk House Representatives

On motion of Senator Randolph,

The Senate adjourned till 3 o'clock this afternoon by the following vote:

YEAS—15.

Calhoun,	Hall,	Knittel,
Davis,	Harrison,	Perry,
Farrar,	Houston of Bexar,	Pfeuffer,
Garrison,	Jerdone,	Randolph,
Glasscock,	Kilgore,	Shannon.

NAYS—9.

Bell,	Getzendaner,	Terrell,
Evans,	Kleberg,	Traylor,
Fowler,	Stinson,	Woods.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Senator Shannon, President pro tem., in the chair. Roll called.

Quorum present.

The Senate resumed consideration of House No. 252.

Senator Kleberg moved the previous question on the amendment of Senator Kilgore, pending on adjournment, and the engrossment of the bill.

Seconded, and main question ordered.

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

YEAS—12.

Davis,	Harrison,	Knittel,
Evans,	Houston of Bexar,	Pfeuffer,
Farrar,	Jerdone,	Randolph,
Garrison,	Kilgore,	Shannon.

NAYS—11.

Bell,	Glasscock,	Terrell,
Calhoun,	Kleberg,	Traylor.
Fowler,	Perry,	Woods.
Getzendaner,	Stinson,	

ABSENT, NOT VOTING.

Hall.

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

YEAS—12.

Bell,	Glasscock,	Stinson,
Calhoun,	Kleberg,	Terrell,
Fowler,	Knittel,	Traylor,
Getzendaner,	Perry,	Woods.

NAYS—11.

Davis,	Harrison,	Pfeuffer,
Evans,	Houston of Bexar,	Randolph,
Farrar,	Jerdone,	Shannon.
Garrison,	Kilgore,	

ABSENT, NOT VOTING.

Hall.

Substitute House bill No. 502 was referred to Finance Committee.

Substitute House bill No. 551 was referred to Committee on Counties and County Boundaries.

Senator Glasscock entered a motion to reconsider the vote by which the Senate refused to pass to third reading House bill No. 214, "An act to compel railroad companies to provide double-decked cars for shipment of goats, sheep, hogs and calves, and to prevent discrimination against shippers thereof, and to provide penalties therefor."

On motion of Senator Garrison, The regular order of business was suspended, and,

Senate bill No. 278, "An act to confer upon certain county courts, whose civil jurisdiction has been heretofore or may hereafter be diminished, jurisdiction in all matters of eminent domain," was taken up and read the second time and ordered engrossed.

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

YEAS—21.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Harrison,	Randolph,
Davis,	Houston of Bexar,	Shannon,
Evans,	Jerdone,	Stinson,
Farrar,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Fowler,	Hall,	Perry.
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The bill was read third time and passed by the following vote:

YEAS—21.

Bell,	Glasscock,	Perry,
Calhoun,	Harrison,	Pfeuffer,
Davis,	Houston of Bexar,	Randolph,
Evans,	Jerdone,	Shannon,
Farrar,	Kilgore,	Stinson,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Fowler,	Hall,	Traylor.
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Senator Fowler sent up the following privileged report:

COMMITTEE ROOM,
AUSTIN, March 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 260, being "An act to amend articles 1006, 1007 and 1008 of an act entitled 'an act to amend articles 1006, 1007 and 1008 of the Revised Civil Statutes of the State of Texas, approved February 21, 1879,' passed by the Eighteenth Legislature, and approved April 9, 1883," and find the same correctly enrolled, and have this day, at 11 o'clock a. m., presented the same to the Governor for his approval. All of which is respectfully submitted.

FOWLER, Chairman.

By leave, Senator Bell sent up the following reports:

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on General Land Office, to whom was referred substitute House bill No. 270, entitled "An act to amend article 3858 of the Revised Statutes," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

BELL, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on General Land Office, to whom was referred House bill No. 287, entitled "An act to amend article 396, title 79, Revised Civil Statutes," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

BELL, Chairman.

Bill read first time.

On motion of Senator Terrell,

Senator Hall was excused for to-day and to-morrow.

House bill No. 398, "An act to authorize cities and towns to levy and collect taxes for the erection, construction or purchase of public buildings, streets, sewers and other permanent improvements," was laid before the Senate, and

Read the second time with committee amendment, and

Committee amendment adopted and bill passed to third reading.

On motion of Senator Getzendaner,

The constitutional rule was suspended, and

The bill was placed on its final passage by the following vote:

YEAS—22.

Bell,	Glasscock,	Perry,
Calhoun,	Harrison,	Pfeuffer,
Davis,	Houston of Bexar,	Shannon,
Evans,	Jerdone,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Garrison,	Knittel,	Woods.
Getzendaner,		

NAYS—none.

ABSENT, NOT VOTING.

Randolph.

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

YEAS—22.

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

Harrison,
Houston of Bexar,
Jerdone,
Kilgore,
Kleberg,
Knittel,
Perry,

Pfeuffer,
Randolph,
Shannon,
Stinson,
Terrell,
Traylor,
Woods.

NAYS—none.

ABSENT, NOT VOTING,

Evans.

Substitute House bill No. 392, "An act to restore to and confer upon the county court of Camp county the criminal jurisdiction heretofore belonging to it under the Constitution and general statutes of the State of Texas, to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with the provisions of this act," was laid before the Senate, and

Read the second time, with committee amendment.

Senator Houston of Bexar offered the following amendment to the committee amendment:

Strike out "Bexar" and insert "Zapata."

Adopted.

The committee amendment as amended was adopted.

Senator Terrell sent up the following amendment:

Amend bill by striking out "Camp" in caption and in bill wherever it occurs.

Adopted.

The bill was passed to third reading.

On motion of Senator Houston of Bexar, The constitutional rule was suspended, and

The bill was placed on its final passage by the following vote:

YEAS—23.

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

Glasscock,
Harrison,
Houston of Bexar,
Jerdone,
Kilgore,
Kleberg,
Knittel,
Perry,

Pfeuffer,
Randolph,
Shannon,
Stinson,
Terrell,
Traylor,
Woods.

NAYS—none.

The bill was read third time and passed.

On motion of Senator Davis,

Senate bill No. 248, "An act to amend articles 2725 and 2726 of the Revised Statutes," was taken up and read the second time.

Senator Harrison offered the following amendment:

Strike out "district attorney" wherever it appears in the bill.

Adopted, and

The bill was ordered engrossed.

On motion of Senator Evans,

The constitutional rule was suspended, and

The bill was placed on its final passage by the following vote:

YEAS—23.

Bell,
Calhoun,
Davis,
Evans,
Farrar,

Fowler,
Garrison,
Getzendaner,
Glasscock,
Harrison,

Houston of Bexar,
Jerdone,
Kilgore,
Kleberg,
Knittel,

Perry,
Pfeuffer,
Randolph,

Shannon,
Stinson,
Terrell,

Traylor,
Woods.

NAYS—none.

The bill was read a third time and passed.

On motion of Senator Glasscock,

The regular order of business was suspended and Senate bill No. 179, "An act prescribing a penalty to those who bring cattle into this State infected with the disease of pleuro-pneumonia, rhinderpest, or any other contagious disease," was taken up and

Read the second time.

Senator Glasscock offered the following amendment:

Whereas, There is no law prescribing a penalty against those who bring cattle into this State affected with a contagious disease, and the present session of the Legislature being so near to a close will not admit of this bill being read on three several days, therefore an emergency and imperative public necessity exists requiring suspension of the constitutional rules, and the same be and are hereby suspended, and it is so enacted.

Adopted.

Senator Fowler offered the following amendment

Amend by striking out the word "rhinderpest" wherever occurs.

Adopted.

Senator Terrell moved to postpone the bill indefinitely.

Lost by the following vote:

YEAS—8.

Davis,
Kilgore,
Kleberg,

Knittel,
Randolph,
Stinson,

Terrell,
Traylor.

NAYS—15.

Bell,
Calhoun,
Evans,
Farrar,
Fowler,

Garrison,
Getzendaner,
Glasscock,
Harrison,
Houston of Bexar,

Jerdone,
Perry,
Pfeuffer,
Shannon,
Woods.

Senator Davis offered the following amendment:

Where "rhinderpest" is stricken out insert "hollow-tail."

Adopted.

Senator Kilgore moved to strike out "pleuro-pneumonia."

Lost by the following vote:

YEAS—7.

Davis,
Garrison,
Kilgore,

Kleberg,
Knittel,

Stinson,
Terrell.

NAYS—16.

Bell,
Calhoun,
Evans,
Farrar,
Fowler,
Getzendaner,

Glasscock,
Harrison,
Houston of Bexar,
Jerdone,
Perry,

Pfeuffer,
Randolph,
Shannon,
Traylor,
Woods.

Senator Kleberg moved to postpone action on the bill till the first day of April.

Adopted by the following vote:

YEAS—15.

Davis,
Evans,
Garrison,
Getzendaner,
Glasscock,

Jerdone,
Kilgore,
Kleberg,
Knittel,
Pfeuffer,

Randolph,
Shannon,
Stinson,
Terrell,
Traylor.

NAYS—8.

Bell,
Calhoun,
Farrar,

Fowler,
Harrison,
Houston of Bexar,

Perry,
Woods.

The President pro tem. gave notice of signing the following bills, to-wit:

House bill No. 79, entitled "An act to amend chapter 9 and section 10 of an act of the regular session of the Seventeenth Legislature, entitled 'an act authorizing the commissioners' courts of the several counties of the State to issue bonds for the erection of a court house, and to levy a tax to pay the same,' approved February 11, A. D. 1881, so as to include the issue of jail bonds, denominated as chapter 17 of the acts of the special session of the Legislature held in 1884; and to validate bonds issued under an act entitled 'an act to amend chapter 9, section 10 of an act of the regular session of the Seventeenth Legislature, entitled an act authorizing the county commissioners' court of the several counties of this state to issue bonds for the erection of a court house, and to levy a tax to pay the same,' approved February 11, 1881, so as to include the issue of jail bonds."

House bill No. 430, "An act to restrict the employment of sailors and crews of foreign vessels from rolling cotton, handling cargoes or laboring on wharves or levees of ports in the State of Texas, beyond the end of the ship's tackle;" and

House bill No. 489, "An act to amend chapter 6, title 8 of the Penal Code, by adding article 259a."

By leave the following reports were sent up:
By Senator Houston of Bexar:

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred substitute House bill No. 301, entitled "An act to regulate the banking system of Texas," have carefully examined the same, and a majority of the committee instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Barnett Gibbs, President of the Senate:

The undersigned, a minority of your Judiciary Committee No. 1, to whom was referred substitute House bill No. 301, entitled "An act to regulate the banking system of Texas," dissenting from the views expressed in the majority report, beg leave to recommend that the bill do pass.

All of which is respectfully submitted.

HARRISON, for minority.

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 349, entitled "An act to amend article 797, chapter 17, title 17 of the Penal Code of the State of Texas," have carefully examined the same, and a majority of the committee instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 164, entitled "An act to amend article 4245, Sec 84, chapter 10, of the Revised Statutes of Texas," have

carefully examined the same, and a majority of the committee instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 96, entitled "An act to amend an act entitled 'an act to amend article 4411 of the Revised Civil Statutes,' approved March 5, 1883," have carefully examined the same, and a majority of the committee instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 372, entitled "An act to amend article 3193 of the Revised Civil Statutes," have carefully examined the same, and a majority of the committee instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred substitute House bill No. 72, entitled "An act to amend article 4367 of the Revised Statutes," have carefully examined the same, and a majority of the committee instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 277, entitled "An act to amend chapter 13 of the Revised Civil Statutes by adding article 1379a," have carefully considered the same, and a majority of the committee instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 276, entitled "An act to authorize the dismissal of certain suits," have carefully examined the same, and a majority of the committee instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

By Senator Harrison:

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 551, entitled "An act to establish and organize the county of Mills," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

HARRISON, Chairman.

Bill read first time.

On motion of Senator Jerdone,

Senate bill No. 259, "An act to amend chapter 20, title 37 of the Revised Civil Statutes of the State of Texas, by adding thereto three additional articles, to be known as articles 2041a, 2041b and 2041c," was taken up, and

Read the second time and ordered engrossed.

On motion of Senator Jerdone,

The constitutional rule was suspended, and

The bill was placed on its final passage by the following vote:

YEAS—22.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Houston of Bexar,	Randolph,
Davis,	Jerdone,	Shannon,
Evans,	Kilgore,	Stinson,
Farrar,	Kleberg,	Terrell,
Fowler,	Knittel,	Traylor,
Garrison,	Perry,	Woods.
Getzendaner,		

NAYS—1.

Harrison.

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

YEAS—16.

Davis,	Houston of Bexar,	Pfeuffer,
Evans,	Jerdone,	Randolph,
Farrar,	Kilgore,	Shannon,
Fowler,	Knittel,	Traylor,
Getzendaner,	Perry,	Woods.
Glasscock,		

NAYS—7.

Bell,	Harrison,	Stinson,
Calhoun,	Kleberg,	Terrell.
Garrison,		

The following message was received from the Governor:

To the Senate and House of Representatives:

GENTLEMEN—I learn from the public prints that the two houses have adopted a resolution to adjourn on the thirty-first instant.

By virtue of an act of the Eighteenth Legislature, the board created thereby has been auditing the claims against the federal government for moneys expended in defending the Texas frontier. We have now audited, in accordance with the rules adopted by the Treasury department, about one million, and will soon complete the work. The whole sum will probably be about fourteen hundred thousand.

When they are presented to the auditorial board at the Treasury department, they are taken up item by item, and the State is required to satisfy that board:

1. That the money was actually expended.
2. That there was a necessity for the expenditure. It was supposed at one time that our board had authority to employ a man and send him to Washington, to remain there to represent the State in securing the payment of our claims.

But the opinion of the board now is, that it is lacking in authority to make a contract for that purpose. It will require a first class business man, and he will have to be on the spot all the time.

It has been supposed by some that our Senators and members in Congress could perform this duty. I am informed by them that it is impossible for them to do so, and that it is the duty of the State to send a man to look after these claims who can give his whole time to it.

I am not fully advised of the import of the bill pending in the House of Representatives, but learn that the committee to whom it was referred has reported adversely to it.

If the measure fails entirely, it will prove disastrous to the State.

This is a large claim. I of course can form no idea of the amount that will be realized on it.

I trust the measure will be taken up, and the board invested with such authority as will enable the State to collect its money.

JOHN IRELAND.

The President laid before the Senate House bill No. 526, "An act to define the duties of telegraph companies in the transfer of messages, and to provide adequate penalties for the enforcement thereof."

The bill was read the second time with committee amendment.

On motion of Senator Houston of Bexar,

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

SIXTY-SECOND DAY.

SENATE CHAMBER,
AUSTIN, March 26, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Calhoun,

The reading of the journal of yesterday was dispensed with.

REPORTS OF STANDING COMMITTEES.

By Senator Kilgore:

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred substitute House joint resolutions Nos. 1 and 2 entitled "Joint resolution to amend sections 3 and 6 of article 5 of the Constitution of the State of Texas," have had the same under consideration, and a majority of your committee instruct me to report it back with the recommendation that it do not pass.

Substitute House joint resolution Nos. 1 and 2 seek to take from the Court of Appeals jurisdiction of all civil business and place it in the Supreme Court. The effect of the proposed change would be to overload the docket of the Supreme Court to such an extent as to greatly obstruct the administration of justice.

All of which is respectfully submitted.

KILGORE, Chairman.

Read first time.

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred House joint resolution No. 27, entitled "Joint resolution to amend section 8, article 5, of the Constitution of the State of Texas," have had the same under consideration and instruct me to report it back with the recommendation that it do pass.

The object of this joint resolution is to confer general jurisdiction on the district courts, and to give them such general supervisory control over county commissioners' courts as may be provided by law.

All of which is respectfully submitted.

KILGORE, Chairman.

Read first time.

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred House joint resolution No. 14, entitled "Joint resolution to amend section 2, article 6 of the Constitution of

State of Texas," have had the same under consideration. And instruct me to report it back with the recommendation that it do pass.

The purpose of this joint resolution is to require foreign born persons to declare their intention to become a citizen of United States twelve months prior to any election before they can vote, and to authorize persons to vote in organized counties having an election precinct therein.

All of which is respectfully submitted.

KILGORE, Chairman.

Read first time.

By Senator Traylor:

COMMITTEE ROOM,
AUSTIN, March 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred substitute House bill No. 502, entitled "An act to postpone the sale of real and personal property for taxes assessed for 1884 until the first Monday in July, 1885," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

A majority of the committee think it will establish a bad precedent, without being of material advantage to taxpayers. It is believed that money will be as scarce on July 1 as now, and is it thought collectors will be so indifferent to their own political interests as to hastily and arbitrarily enforce such collections. Furthermore, several collectors have already advertised sales of real estate of non-residents, and it is believed the extension herein provided will bring about many complications without corresponding good.

All of which is respectfully submitted.

TRAYLOR, Chairman.

Bill read first time.

By Senator Davis:

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred House bill No. 422, entitled "An act to amend article 341, title 10, chapter 4, of the Revised Penal Code," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred substitute House bill No. 290, entitled "An act to amend articles 378 and 379, chapter 6, title 11 of the Penal Code of the State of Texas, and to add to said chapter and title article 379a," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred House bill No. 409, entitled "An act to amend article 4518, of chapter 1, title 91, of the Revised Civil Statutes of the State of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred sub-

stitute House bill No. 218, entitled "An act authorizing the sheriffs, constables, or their deputies of this State to make persons who are principals or sureties on indemnifying bonds parties to suits, and giving such sheriffs, constables or their deputies time to secure service on such principals and sureties," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass, with the following amendment:

Strike out the words "with the consent of the plaintiff in such damage suit," in section 1 of the bill.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred House bill No. 151, entitled "An act to prevent the gift, sale or loaning of pistols or other deadly weapons to minors, and fixing penalties therefor," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 266, entitled "An act to authorize the redemption of lands sold under execution, or orders of sale and powers of sale in mortgages or deeds of trust, and to prescribe the mode of proceeding therein," have had the same under consideration, and instruct me to report it back with the recommendation that it do lie on the table, as the near approach of the close of the session renders its passage exceedingly doubtful.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

By Senator Randolph:

COMMITTEE ROOM,
AUSTIN, March 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred House bill No. 490, entitled "An act to amend sections 4, 9 and 16 of an act entitled 'an act to incorporate the city of Calvert, in Robertson county,'" have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

In the opinion of the committee, the bill, if passed, would be unconstitutional.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred House bill No. 162, entitled "An act to amend article 2411, chapter 4, title 42, of the Revised Civil Statutes of the State of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred

House bill No. 341, entitled "An act to authorize the Governor to grant leave of absence from the State to district judges of the State of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass. The district judges, under existing laws, have the right to leave the State at any time they choose, provided they do not thereby neglect the duties of their office, and we not think that they should be permitted to leave during a session of their court, or at any time when the duties of their office would be materially affected thereby.

All of which is respectfully submitted.

FOWLER, Chairman.

Bill read first time.
By Senator Bell:

COMMITTEE ROOM,
AUSTIN, March 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 259, being "An act to amend chapter 20, title 37 of the Revised Statutes, by adding thereto three additional articles, to be known as articles 2041a, 2041b and 2041c," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 248, being "An act to amend articles 2225 and 2226 of the Revised Statutes," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 278, being "An act to confer upon certain county courts whose jurisdiction has been heretofore, or may hereafter be diminished, jurisdiction in all matters of eminent domain," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

Senator Traylor sent up the following special committee report:

COMMITTEE ROOM,
AUSTIN, March 24, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your special committee, appointed at the request of Hon. W. C. Walsh, Commissioner of the General Land Office, in accordance with his communication to yourself, dated March 16, 1885, requesting that a special committee be appointed to investigate charges made against him on the floor of the Senate Chamber, in reference, as we understand it, to correspondence between himself and A. E. Dodson, of Cooke county, concerning the location of the John C. White veteran certificate, and also in reference to the locating and patenting veteran certificates in Greer county. We have ascertained that an extensive correspondence, covering a period of a year, has been carried on between Mr. A. E. Dodson and Hon. W. C. Walsh, in reference to various and sundry locations as might occur with any person doing a general land agency business and the Commissioner of the General Land Office. But the committee only had occasion to make investigation in reference to the correspondence relative to the John C. White certificate before alluded to, which correspondence consists of four or five letters written by Mr. Dodson, and answers thereto by the Commissioner of the General Land Office, hence it is this correspondence only we have investigated and to which we refer.

Mr. Dodson located sixty-nine and one-half acres of land in Cooke county, by virtue of veteran certificate No. 1690, issued under act of March 15, 1881. The land was surveyed in August, 1883, and filed in the Land Office August 24, 1883. Taking the course of all claims, it was registered, indexed, and referred to the calculator. He discovered errors in the field notes, viz.:

that they did not close, and this fact was reported before examination on the map, or as to legality was made. The object (Capt. Walsh says) was to get the claim in such condition as to patent immediately if declared legal.

Previous to this date, however, on July 3, 1883, Mr. Dodson had written a letter to the Commissioner enquiring whether or not veteran certificates issued under act of March 15, 1881, and veteran certificates issued under act of 1879, and Confederate certificates, locatable on vacancies of less than 640 acres in organized counties, would be patented. In response to which the Commissioner gave no opinion in reference to veterans issued under act of 1881, of which the John C. White location, but merely quoted the language of the act of March 15, 1881, granting these certificates, but stating plainly that veteran certificates under act of 1879 and Confederate certificates were not locatable on vacancies of less than 640 acres in organized counties.

On September 27, 1883, Mr. Dodson asks information as to the validity of his J. C. White location, and further asks whether there any case now in court awaiting action to settle this question. He was answered October 2, 1883, that the Commissioner knew of no case in court involving the question. On December 17, 1883, in answer to his letter of November 20, 1883, he was again advised of error in the field notes. The legal question involved, and about which correspondence had passed, was supposed to be understood, and was not repeated. On May 23, 1884, in answer to Mr. Dodson's letter of May 21, 1884, inquiring about seventeen claims, he was furnished a statement by the Commissioner as far as the claims had been examined, those which had not been endorsed by the draftsmen and examining clerk were reported as having been passed for examination, and if found correct would be patented when ready in their order. This, we learn, is the usual formula in reporting unexamined claims, and simply means that if no objection legal or technical, is found, the claims would be patented. It would probably have been better had the Commissioner repeated the legal doubts as to this claim, but it was not done.

August 12, 1884, the claim was endorsed by the chief draftsman "Illegal—being made on reserved land—otherwise correct on map;" and October 8, 1884, Mr. Dodson was written quoting the above endorsement. This meant nothing more, less, says Capt. Walsh, than that the Commissioner would not pass on the question of the validity of the location. Mr. Dodson must have known that the question was held open by the department for judicial or legislative action before the location was made, in evidence of which we refer to the letter addressed him by the Commissioner, before referred to, bearing date July 3, 1883. He was treated, it appears, in the same manner as others. His survey was filed, registered and mapped, the endorsement of the draftsman was made as in all such cases, to prevent the claim passing to patent through any oversight.

The committee are of the opinion a misconception arose in reference to Capt. Walsh's letter of July 3, 1883, to Mr. A. E. Dodson, in answer to Mr. Dodson's inquiry as to whether veteran certificates of 1881, veteran certificates of 1879, and Confederate certificates, were locatable on vacant land of less than 640 acres in organized counties; in reply to which Capt. Walsh said positively the two latter class of certificates were not, but merely quoted the law authorizing the issuance of the first named class, he being in doubt about the latter class himself and preferring to leave it to the courts or to the Legislature to determine. Also, in reporting upon the John C. White location, in connection with others, he said "they had been passed for examination, and if found correct would be patented," he meaning thereby if correct technically and legally, while it may have been construed by others as having reference alone to the field notes. The reasons above given, and the additional one that Mr. Dodson wrote Senator Davis that Capt. Walsh had, in conversation with him, agreed to recognize the validity of the John C. White location, we think led to the misunderstanding.

We will add, we have heard of no instance where persons were allowed patents on tracts of less than 640 acres in organized counties since the act of March 11, 1881, reserving land from location, nor have we any knowledge of any person being denied the right to locate veteran certificates of 1881 in Greer county.

The act of March 15, 1881, granting veteran certificates 1280 acres, made them locatable as headright certificates "any of the public domain of the State," and repealed the act of 1879, granting certificates of 640 acres each to veterans, specifically reciting its caption and "all other laws conflicting with the provisions of this act." The provisions of this act were: 1, the issuance of certificates for 1280 acres; 2, that the

were locatable as headrights, and, as such, divisible until exhausted; and 3, upon any public domain. The Commissioner, regarding "public domain" as embracing such of the territory of the State as she had not granted to individuals or dedication to some trust, it was held by that officer that these certificates were locatable upon any land not located or not surveyed for educational purposes. In applying this construction, he was met with the preceding act of March 11, 1881, which prohibited the location of any certificates on the lands therein named, and while ordinarily the later act would repeal the earlier, the fact remained that the two acts of March 11, 1881, and March 15, 1881, neither received the requisite vote, and consequently came into existence ninety days after adjournment, namely, July 1, 1881. The act of February 25, 1879, which had appropriated one-half of the territory of Greer county to public schools and one-half for the payment of the public debt, was not repealed in the act of March 11, 1881, and was held to be repealed so far as it conflicted with the provisions of the act of March 15, 1881, to the extent, at least, of one-half its territory.

That is, the Commissioner ruled that the act of March 11, 1881, granting veteran certificates, although passed three days before the act of July 14, 1879, reserving from location lands in unorganized counties and all tracts of less than 640 acres in organized counties, which would include the tract upon which the John C. White certificate was located in Cook county, that both acts going into effect simultaneously, he would recognize the surveys thus made, but would not patent, but await legislative or judicial action. He also ruled that veteran certificates issued under act of 1879 could not be located in Greer county, because there was no repealing clause in the bill granting the certificates, but that veteran certificates issued under act of 1881 could be located in Greer county, because it was subsequent to the act of 1879, setting aside Greer county for a specific purpose, and repealed all laws in conflict therewith.

We are informed by Capt. Walsh this ruling was communicated by him in conversation in the office to Col. John M. Swisher, a Texas veteran, who had one of the certificates affected thereby. Col. Swisher investigated the matter, and after consultation with lawyers, concluded the ruling was correct, and had circular letters printed and sent to veterans who had obtained or were entitled to certificates under the act of 1881.

These printed letters were distributed over the State, and the fact of the ruling was commented on by the newspapers and known to the public generally.

Many of the veterans accepted the proposition of Col. Swisher, and made contracts with him for location of their certificates in Greer county. He located and returned about one hundred surveys before anyone else took any steps in the matter.

When the first patents were issued, they were sent to the Governor for his signature, unaccompanied by any others, with a letter calling his attention to their character and where located. When the cattle firm, which afterwards located there, became satisfied that the ruling of the Land Office was correct, and that the title of Texas was indisputable, they bought and located also.

There was no limitation in the law or the certificates as to sale, and whatever legal right the State granted to the veteran, he could convey and vest in his assignee.

Having held that the veteran certificates, under act of 1881, were locatable in Greer county, there was no authority to rule that they were good only to the original grantee.

The ruling by the Commissioner, so far as we can ascertain, have been uniform, viz:

1. That the Land Office would not determine the question of conflict between the acts of March 11, 1881, and March 15, 1881.
2. That veteran certificates of 1881 were locatable in Greer county.
3. That veteran certificates under act of 1879, which contained no repealing clause, and Confederate certificates, were not locatable therein.

Nothing contrary to the above has been ruled, so far as we can learn. While we have had to rely almost exclusively on data and information furnished by the Land Office, or persons connected therewith, yet we have reached the conclusion that there was nothing in the conduct of the Hon. W. C. Walsh in reference to the location of the John C. White certificate, or the correspondence relating thereto, or in reference to the locating and patenting lands in Greer county, that would justify a

suspicion that he was actuated by other than the purest motives in the intelligent discharge of a conscientious official duty.

All of which is respectfully submitted.

JNO. H. TRAYLOR,
C. K. BELL,
C. J. GARRISON.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body that the House has passed the following bills:

Senate bill No. 141, "An act to amend articles 29 and 30 of the Penal Code of Criminal Procedure for the State of Texas."
Substitute House joint resolution No. 30, "Joint resolution to amend section 2, of article 5 of the Constitution of the State of Texas."

House bill No. 562, "An act to amend sections 12 and 4 of an act entitled 'an act to provide for the more efficient management of the the Texas State Penitentiaries and to make an appropriation therefor,' approved April 18, 1883."

Substitute House bill No. 170, "An act to provide annual pensions for the surviving indigent soldiers or indigent volunteers of the Texas Revolution, and the indigent surviving signers of the Declaration of Independence, and the indigent surviving widows of such soldiers, volunteers or signers, and to repeal all laws and parts of laws in conflict therewith."

House bill No. 529, "An act to amend an act to redistrict the State into judicial districts," etc.

Respectfully,

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

HOUSE OF REPRESENTATIVES,
AUSTIN, March 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body that the House has reconsidered its action in adopting the minority report of the conference committee on Senate bill No. 8, and has adopted the majority report of said committee.

Respectfully,

A. D. SADLER,
Chief Clerk House Representatives.

BILLS AND RESOLUTIONS.

By Senator Glasscock:

"An act to authorize the Governor to appoint three assessors and collectors of taxes in the unorganized counties of the State, and to define their powers and duties and fix their compensation."

Referred to Finance Committee.

Substitute House bill No. 370, "An act making appropriations for the support of the State government for the years beginning March 1, 1885, and ending February 28, 1887, and for other purposes," was laid before the Senate and read the second time.

On motion of Senator Traylor,

The bill was acted upon by sections.

Senator Glasscock offered the following amendment:

Amend by adding to the appropriation of the executive office the following: For balance of salary due Edwin Rust as executive clerk from November 15, 1883 to March 1, 1885, \$775.

Lost.

(Senator Terrell in the chair.)

Senator Kleberg offered the following amendment:

Amend item in line 15, page 3: "Salary of inside watchman \$900, and two other additional watchmen for the treasury and Comptroller's department, at \$600 each; total, \$2100."

Senator Shannon offered the following substitute for the amendment:

In line 17, strike out the words "at \$700 each."

Accepted, and

Adopted by the following vote:

YEAS—15.

Calhoun,	Hall,	Perry,
Davis,	Houston of Bexar,	Shannon,
Evans,	Kilgore,	Stinson,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Traylor.

NAYS—9.

Bell,	Glasscock,	Pfeuffer,
Farrar,	Harrison,	Randolph,
Fowler,	Jerdone,	Woods.

ABSENT, NOT VOTING.

Pope.

Senator Evans moved to amend line 6, page 4 of printed bill, in Comptroller's department, by inserting \$1350 in lieu of \$1200.

Adopted by the following vote:

YEAS—16.

Bell,	Houston of Bexar,	Randolph,
Calhoun,	Jerdone,	Shannon,
Evans,	Kilgore,	Stinson,
Garrison,	Kleberg,	Terrell,
Glasscock,	Pfeuffer,	Traylor.
Hall,		

NAYS—8.

Davis,	Getzendaner,	Perry,
Farrar,	Harrison,	Woods.
Fowler,	Knittel,	

Senator Davis offered the following amendment:

Change all the \$1200 salaries in Comptroller's department to \$1350.

Adopted by the following vote:

YEAS—17.

Calhoun,	Harrison,	Randolph,
Davis,	Houston of Bexar,	Shannon,
Fowler,	Jerdone,	Stinson,
Garrison,	Kilgore,	Terrell,
Glasscock,	Knittel,	Traylor.
Hall,	Pfeuffer,	

NAYS—7.

Bell,	Getzendaner,	Perry,
Evans,	Kleberg,	Woods.
Farrar,		

ABSENT NOT VOTING.

Pope.

Senator Harrison moved to reconsider the vote adopting the amendment of Senator Davis.

Senator Davis moved to lay that motion on the table.

Adopted.

Senator Garrison offered the following amendment to the Land Office department:

Amend in line 11 by striking out "\$12,960," in both columns and insert "\$14,400" in lieu thereof.

Lost.

Senator Houston of Bexar moved to amend so as to make all \$1200 salaries in Land Office \$1350.

Withdrawn.

Senator Glasscock moved to amend line 6, page 5, by striking out "\$1350," and inserting "\$1500."

Lost.

Senator Evans moved to strike out "\$1600," in line 3, page 5, and insert "\$1800."

Senator Traylor moved to substitute the amendment by striking out "\$1600" and inserting "\$1500."

Adopted.

The amendment as substituted was lost.

Senator Kilgore moved to amend by striking out \$14,400, in line 14, page 5, and insert \$15,200 in lieu thereof.

Senator Evans moved to substitute the amendment by striking out "twelve," after the word "of," in line 14, page 5, printed bill, and insert in lieu thereof the word "ten."

Accepted, and

Amendment lost.

Senator Calhoun offered the following amendment:

Amend lines 7, 14, 16 and 18, page 5, General Land Office, strike out \$1200 wherever it occurs and insert \$1350.

Lost.

Senator Shannon moved the following amendment:

In line 15 strike out all after the word "one" and insert "school, university and asylum land draftsman, to be paid out of the respective funds."

Adopted.

Senator Davis moved to strike out the word "chief" in line 23, page 6.

Adopted.

Senator Shannon moved to make the Court of Appeals' porter hire \$300.

Adopted.

Senator Calhoun moved to amend line 23, page 8, by striking out "\$95,000," where it appears, and insert "\$100,000."

Adopted.

Senator Calhoun offered to amend line 24, page 8, for \$12,000 insert \$12,500.

Adopted.

Senator Davis moved to amend by striking out line 24.

Withdrawn.

(The President in the chair.)

Senator Traylor offered to amend lines 13 and 14, page 9, by striking out \$5000 and inserting \$8000.

Adopted.

Senator Davis offered the following amendment:

After penitentiaries, in line 19, page 9, add "and capitol," and make "board" read "boards."

Adopted.

Senator Glasscock moved to amend line 1, page 10, so as to make salary of Superintendent of Public Grounds and Buildings \$1000 per year instead of \$500.

Adopted by the following vote:

YEAS—13.

Calhoun,	Houston of Bexar,	Shannon,
Fowler,	Jerdone,	Stinson,
Getzendaner,	Kilgore,	Terrell,
Glasscock,	Kleberg,	Traylor.
Hall,		

NAYS—11.

Bell,	Garrison,	Pfeuffer,
Davis,	Harrison,	Randolph,
Evans,	Knittel,	Woods.
Farrar,	Perry,	

ABSENT NOT VOTING.

Pope.

Senator Davis moved to stike out from line 10, page 10, to line 14, inclusive.

Adopted.

Senator Glasscock moved to amend page 10, line 6, by striking out "\$350" and inserting "\$1000." Also strike out "\$100" and insert "\$1000."

Lost.

Senator Woods moved to strike out all in line 6, page 11.

Lost by the following vote:

YEAS—11.

Davis,
Farrar,
Garrison,
Getzendaner,

Hall,
Kilgore,
Kleberg,
Knittel,

Perry,
Pfeuffef,
Woods.

NAYS—13.

Bell,
Calhoun,
Evans,
Fowler,
Glasscock,

Harrison,
Houston of Bexar,
Jerdone,
Randolph,

Shannon,
Stinson,
Terrell,
Traylor.

ABSENT, NOT VOTING.

Pope.

I vote "no." because I do not think that the appropriation should be stricken out while the law granting pensions is unrepealed.

TERRELL.

Senator Pfeuffer moved to substitute "\$60,000" for "\$70,000," in line 7, page 12.

Withdrawn.

Senator Terrell moved to strike out "\$640," in line 26, page 12, and insert "salary of engineer and two firemen, \$900."

Adopted.

On motion of Senator Davis,

Senato: Knittel was excused for the day.

Senator Terrell moved to strike out "\$20,000" and insert "\$25,000."

Adopted.

Senator Stinson moved to strike "\$900," in line 1, under 1887.

Adopted.

Senator Terrell moved to strike out "\$1200," in line 27, page 15, and insert "\$900."

Adopted.

Senator Stinson moved to add the following: "For support of summer normal schools, to be paid out of school fund for the years ending February 28, 1886, \$6000; 1887, \$6000."

Senator Kilgore offered the following substitute for the amendment:

Amend by adding after the word "purpose," in line 7, page 14, the following words: "For the payment of salaries of summer normal institute principals, to be appointed by the Superintendent of Public Instruction, one in each senatorial district for whites, and one in each congressional district for colored teachers, \$6000 each year."

Accepted.

Senator Davis moved to amend the amendment as substituted as follows:

Strike out "Superintendent of Public Instruction" and insert "Board of Education."

Lost.

The amendment as substituted was adopted.

Senator Getzendaner moved to strike out line 26, on page 7.

Lost.

Senator Traylor moved to amend page 17, lines 28 and 29, by striking out "to be paid out of general

revenue." and inserting "to be paid out of available school fund."

The President referred the following House bills, to-wit:

No. 529 to Committee on Judicial Districts.

No. 562 to Committee on Penitentiaries.

Substitute House bill No. 170 to Committee on State Affairs:

Substitute House joint resolution to Committee on Constitutional Amendments.

On motion of Senator Houston of Bexar,

The Senate adjourned till 3 o'clock this afternoon.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

The President gave notice of signing the following bills:

Senate bill No. 165, "An act to amend articles 4182 and 4190 of the Revised Civil Statutes of the State of Texas"

Senate bill No. 235, "An act to authorize the several commissioners' courts of the State of Texas to provide for more than four terms of the county courts annually, for the transaction of civil, criminal and probate business, and to fix the times at which all the terms of the county courts may be held."

Senate bill No. 180, "An act to amend section 4 of of 'an act to redistrict the State into judicial districts,' etc., was laid before the Senate with House amendments.

On motion of Senator Traylor,

The Senate concurred in the first House amendment.

On motion of Senator Garrison,

The Senate refused to concur in the second House amendment.

On motion of Senator Terrell,

Senator Pope was excused for to-day, on account of sickness.

Senate bill No. 141, "An act to amend articles 29 and 30 of the Code of Criminal Procedure for the State of Texas," was laid before the Senate, with House amendment.

On motion of Senator Davis,

The Senate concurred in the House amendment.

The Senate resumed consideration of substitute House bill No. 370 (the appropriation bill).

The amendment of Senator Traylor, pending on adjournment, was adopted.

Senator Terrell moved to reconsider the vote just taken.

Adopted.

The amendment was then adopted by the following vote:

YEAS—15.

Bell,
Calhoun,
Farrar,
Fowler,
Getzendaner,

Glasscock,
Houston of Bexar,
Jerdone,
Kleberg,
Knittel,

Perry,
Pfeuffer,
Randolph,
Traylor,
Woods.

NAYS—9.

Davis,	Hall,	Shannon,
Evans,	Harrison,	Stinson,
Garrison,	Kilgore,	Terrell.

Senator Harrison offered the following amendment:

Amend line 2, page 19, by adding "subject, however, to the appropriation herein made for the A. and M. College."

Adopted.

Senator Davis offered the following amendment:

Amendment to the appropriation bill: To refund to purchasers of public domain and other public lands the money paid by them into the State Treasury as the purchase money on lands for which they have been unable to acquire title for the reasons mentioned in the act of April 14, 1833, page 113 of the general laws of the Eighteenth Legislature, \$5000. One-half to be paid out of the general revenue, and the other out of the fund to which said money belongs.

Adopted.

Senator Kleberg offered the following amendment:

Under head of "miscellaneous," add "to pay John O'Brien for Sam Houston bust, \$1500."

Lost.

Senator Fowler moved to strike out "\$1000," in both places in line 12, page 11, and insert instead in each place "\$1400."

Lost.

Senator Houston of Bexar offered the following amendment:

Amend by inserting after 'General Land Office, the following:

DEPARTMENT OF INSURANCE, STATISTICS AND HISTORY:

For salary of Commissioner.....	\$2,000	\$2,000
Salary of chief clerk.....	1,500	1,500
One temporary clerk.....	500	500
Porter hire.....	300	300
Stationery, postage, fuel, lights, expressage, and binding books for public library.....	500	500
Purchasing books for public library.....	500	500
Subscriptions for newspapers for public library and binding the same.....	200	200
Contingent expenses.....	100	100
Deficiency in appropriation for payment of sets of Southern Historical Society papers distributed to the several counties in the State, (10 sets of 10 vols. each \$31).....	310	

Senator Shannon moved to amend the amendment as follows:

Strike out all but the salary of Commissioner and one clerk.

Adopted.

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

YEAS—15.

Bell,	Hall,	Pfeuffer,
Farrar,	Houston of Bexar,	Randolph,
Garrison,	Jerdone,	Stinson,
Getzendaner,	Kilgore,	Terrell,
Glasscock,	Kleberg,	Taylor.

NAYS—9.

Calhoun,	Fowler,	Perry,
Davis,	Harrison,	Shannon,
Evans,	Knittel,	Woods.

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

Senator Getzendaner moved to strike out lines 10, 11, 12, 13, 14, 15, 16 and 17, on page 20.

Adopted.

Senator Traylor offered the following amendment:

For salary of Commissioner of Fish, pay of help at the ponds, water supply, shipping fish, incidental expenses, etc. to date when the law abolishing the Commissioner takes effect, say July 1, 1885, the sum of \$1035.

Adopted.

Senator Traylor offered the following amendment:

To pay D. F. Garrett amount paid into the Land Office as purchase money and patent fees on two settler's claims in name of W. W. Hanks and Robert Johnson, on which claims patents could not issue, \$162.

Lost.

Senator Traylor moved to amend by adding:

To pay the widow of Peter Tomlinson for military services performed by Joseph A. Bottoro, in 1860, \$258.60.

Lost.

Senator Traylor offered the following amendment:

For payment of J. S. Montgomery for services of M. S. Boatner as school inspector for three months, in 1873, \$375.

Lost.

Senator Kleberg offered the following amendment:

To pay the State Railroad Engineer and his assistant for the unexpired term of their respective offices, say \$1500, or as much thereof as may be necessary out of said sum.

Adopted.

Senator Evans moved to amend as follows:

Amend by adding after line 3, page 22, the following: "Two per cent of whatever may be collected on claims of the State of Texas against the United States, together with the sum of \$5000, or so much thereof as may be necessary, to pay the expenses and for the services of such agent as the Governor may appoint for the purpose of prosecuting and attending to the collection of said claims at Washington City"

Senator Terrell offered the following substitute for the bill:

For salary and expenses of an agent of the State of Texas to be appointed by the Governor, for the purpose of presenting and urging the claims of the State of Texas against the United States for money expended for frontier protection, of per cent of all claims allowed by the United States in favor of the State of Texas, and the further sum (to be paid upon the warrant of the Governor) of \$3000.

Adopted.

Senator Glasscock offered the following amendment to the substituted amendment:

And for defending Texas against invasions and marauding bands from Mexico.

Lost.

The amendment as substituted was adopted.

Senator Harrison offered the following amendment:

Amend by striking out the items for porter hire in the Department of State, Treasury, department, executive office, Attorney General's office, Comptroller's office and Department of Insurance, Statistics and History, and appropriate \$1600 a year for 1886 and 1887 ending February 23, for porter hire for these departments.

Senator Kleberg moved the previous question on the amendment and the bill.

Seconded and main question ordered.

The amendment of Senator Harrison was lost, and the bill was passed to third reading. On motion of Senator Davis, the vote by which the bill was passed to third reading was reconsidered. Senator Traylor offered the following amendment:

Add section —. The near approach of the close of the present session of the Legislature, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

Adopted, and the bill was passed to third reading. On motion of Senator Kleberg, the constitutional rule was suspended, and the bill was placed on its final reading by the following vote:

YEAS—22.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Hall,	Randolph,
Davis,	Houston of Bexar,	Shannon,
Evans,	Jerdone,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Harrison,	Knittel,	Woods.
Getzendaner,		

NAYS—1.

Harrison.

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

YEAS—16.

Bell,	Houston of Bexar,	Randolph,
Calhoun,	Kilgore,	Shannon,
Evans,	Kleberg,	Stinson,
Getzendaner,	Knittel,	Terrell,
Glasscock,	Pfeuffer,	Traylor.
Hall,		

NAYS—8.

Davis,	Garrison,	Perry,
Farrar,	Harrison,	Woods.
Fowler,	Jerdone,	

I vote "no" on the appropriation bill for the following reasons, among others:

1. The appropriations out of the available public free school fund for the maintenance of the Sam Houston and Prairie View Normal schools is in violation of section 5, article 7 of the Constitution.
2. The appropriation of \$50,000 to develop the iron industries at the Rusk penitentiary will be a useless waste of public money, and result in no benefit to the State.

DAVIS.

House bill No. 526, "An act to define the duties of telegraph companies in the transfer of messages, and to provide adequate penalties for the enforcement thereof," was laid before the Senate.

On motion of Senator Davis, the bill was postponed and made the special order for to-morrow after morning call, and from day to day until disposed of.

On motion of Senator Woods, the regular order of business was suspended, and Senate bill No. 257, "An act to amend article 3994, article 80 of the Revised Civil Statutes, approved April 4, 1881," was taken up.

Read the second time, and ordered engrossed.

House bill No. 252, "An act to amend article 636, chapter 3, title 8, of section 2 of 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas,'" was laid before the Senate and read third time.

Senator Traylor moved the previous question on the passage of the bill.

Seconded, and

Main question ordered.

No quorum voted on the bill.

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

Lost by the following vote:

YEAS—9.

Davis,	Hall,	Kilgore,
Farrar,	Houston of Bexar,	Pfeuffer,
Garrison,	Jerdone,	Randolph.

NAYS—15.

Bell,	Glasscock,	Shannon,
Calhoun,	Harrison,	Stinson,
Evans,	Kleberg,	Terrell,
Fowler,	Knittel,	Traylor,
Getzendaner,	Perry,	Woods.

Senator Harrison moved to adjourn till 8 o'clock to-night.

Lost by the following vote:

YEAS—9.

Davis,	Garrison,	Kilgore,
Evans,	Harrison,	Randolph,
Farrar,	Jerdone,	Shannon.

NAYS—15.

Bell,	Hall,	Pfeuffer,
Calhoun,	Houston of Bexar,	Stinson,
Fowler,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Traylor,
Glasscock,	Perry,	Woods.

Senator Jerdone moved to adjourn till to-morrow morning.

Lost by the following vote:

YEAS—11.

Davis,	Hall,	Pfeuffer,
Evans,	Houston of Bexar,	Randolph,
Farrar,	Jerdone,	Shannon.
Garrison,	Kilgore,	

NAYS—15.

Bell,	Harrison,	Stinson,
Calhoun,	Kleberg,	Terrell,
Fowler,	Knittel,	Traylor,
Getzendaner,	Perry,	Woods.
Glasscock,		

Senator Getzendaner moved a call of the Senate on the bill.

Call sustained.

Roll called.

Absent—Senator Kilgore.

The Sergeant-at-Arms was ordered to bring in the absentee, and

The pending bill went to the table.

Senator Glasscock moved to take up Senate bill No. 186.

Lost.

House joint resolution No. 25, "Proposing an amendment to section 20, article 16 of the Constitution of the State of Texas," was laid before the Senate and read the second time.

Senator Terrell moved a call of the Senate.

Call sustained.

Roll called.

Absent—Senator Kilgore.

The pending business went to the table.

House bill No. 525 (judicial district bill) was laid before the Senate.

Senator Stinson moved a call of the Senate.

Call sustained.

Roll called.

Absent—Senator Kilgore.

The pending business went to the table.

Senator Kleberg moved to adjourn till 8 o'clock to-night.

Lost.

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

Adopted.

SIXTY-THIRD DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 27, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Kleberg,

The reading of the journal of yesterday was dispensed with.

The President gave notice of signing the following bills:

House bill No. 236, "An act to authorize and require the Commissioner of the General Land Office to issue a certificate for 1280 acres of land to J. B. Robertson for military service;" and

House bill No. 343, "An act to amend the Revised Civil Statutes of the State of Texas, title 17, by adding thereto article 340a, and to amend article 375 thereof;" and

Substitute House bill No. 148, "An act to amend article 14, chapter 67 of an act to redistrict the State into judicial districts," etc.; and

Senate bill No. 8, "An act to amend chapter 2, article 566 of the Revised Civil Statutes, and to prohibit the formation and chartering of corporations for the purpose of purchasing lots or subdividing lands, and the sale and conveyance of the same;" and

Senate bill No. 209, "An act to preserve the charters of certain railway companies that by reason of the financial condition of the country, have not constructed the number of miles of road annually required by law, and to prevent the forfeiture thereof."

REPORTS OF STANDING COMMITTEES.

By Senator Farrar:

COMMITTEE ROOM,
AUSTIN, March 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Asylums, to whom was referred substitute House bill No. 265, entitled "An act to provide for the proper control, management and direction of the institutions respectively known as Blind Asylum and Deaf and Dumb Asylum," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

The committee are of the opinion that the laws now in force are sufficient for the proper regulation and government of these institutions.

All of which is respectfully submitted.

FARRAR, Chairman.

Bill read first time.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, March 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined Senate bill No. 235, being "An act to authorize the several county commissioners' courts of the State of Texas to provide for more than four terms of the county court annually, for the transaction of civil, criminal and probate business, and fix the times at which all the terms of said county courts may be held," and find the same correctly enrolled, and have this day, at 11 o'clock a. m., presented the same to the Governor for his approval.

FOWLER, Chairman.

COMMITTEE ROOM,
AUSTIN, March 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 165, being "An act to amend articles 4128 and 4190 of the Revised Civil Statutes of the State of Texas," and find the same correctly enrolled, and have this day, at 11 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, March 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 257, being "An act to amend the act entitled 'an act to amend article 3994 of title 80 of the Revised Statutes, approved April 4, 1881,'" and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

By Senator Garrison:

COMMITTEE ROOM,
AUSTIN, March 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Insurance, Statistics and History to whom was referred House bill No. 152, entitled to "An act to amend articles 2812, 2813, 2814, 2815, 2816, 2817, 2819 and 2823 of chapter 6, title 48 of the Revised Civil Statutes of the State of Texas," have had the same under consideration, and a majority of the committee instruct me to report it back with the recommendation that it lie upon the table, for the reason that they see no necessity for the legislation contemplated in the bill.

All of which is respectfully submitted

GARRISON, Chairman

Bill read first time.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, March 27, 1885

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred House bill No. 139, entitled "An act to amend section 29 of the act to redistrict the State into judicial districts, and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts, at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883," have had the same under consideration, and instruct me to report it back with the recommendation that it remain on the table subject to the call of the Senate.

All of which is respectfully submitted.

FOWLER, Chairman

Bill read first time.

By Senator Traylor:

COMMITTEE ROOM,
AUSTIN, March 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 279, to be entitled "An act to authorize the Governor to appoint three assessors and collectors of taxes in unorganized counties of the State, and to define their powers and duties and fix their compensation," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted,

TRAYLOR, Chairman.

Bill read first time.

By Senator Kilgore:

COMMITTEE ROOM,
AUSTIN, March 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred substitute House joint resolution No. 30, to amend section 2, article 5 of the Constitution of Texas, have had the same under consideration, and a majority of the committee instruct me to report it back with the recommendation that it do pass.

Joint resolution No. 30 proposes to increase the number of the judges of the Supreme Court to five.

All of which is respectfully submitted.

KILGORE, Chairman.

Read first time.

By Senator Terrell:

COMMITTEE ROOM,
AUSTIN, March 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Penitentiaries, to whom was referred House bill No. 562, entitled "An act to amend sections 12 and 4 of an act entitled 'an act to provide for the more efficient management of the Texas State penitentiaries, and to make an appropriation therefor,' approved April 18, 1883," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

TERRELL for Committee.

Bill read first time.

BILLS AND RESOLUTIONS.

By Senator Calhoun:

"An act to reorganize the thirty-fifth judicial district of the State of Texas, and to fix the times and terms of courts therein, and to repeal all laws in conflict with the same."

Referred to Committee on Judicial Districts.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

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

House bill No. 439, sections 1 and 2 of "An act to amend an act entitled 'an act to amend article 4662, chapter 1, title 95 of the Revised Statutes, as amended and approved May 4, A. D. 1883, and to amend articles 4666 and 4668, chapter 1, title 95 of the Revised Civil Statutes, to reduce taxation for general revenue purposes, to conform the tax laws to the amended condition, and to provide for the levy and collection of a tax to maintain a system of free schools under the amended Constitution"

House bill No. 456, "An act to amend chapter 2 of title 48 of the Revised Civil Statutes, so as to add thereto article 2745a." Senate bill No. 122, "An act to regulate the collection of taxes, and to provide for prompt settlement by collectors." read second time and enacting clause stricken out.

Senate bill No. 138, "An act to amend chapter 3, title 53 of the Revised Statutes, by adding thereto article 2971a." Substitute House bills Nos. 8, 34 and 70, "An act to provide for the leasing and sale of the lands heretofore or that may

hereafter be surveyed and set apart for the benefit of the common schools, University, the Lunatic, Blind, Deaf and Dumb, and Orphan Asylum funds."

The House has concurred in Senate amendments Nos. 1, 2, 3, 7, 8, 11, 12, 14 and 16; and has refused to concur in Nos. 4, 5, 6, 9, 10, 13, 15, 17, 18, 19, 20, 21, 22, 23, 24 and 25 of same.

Respectfully,

A. D. SADLER,

Chief Clerk House of Representatives.

On motion of Senator Davis,

The Senate refused to recede from its amendments to substitute to House bills Nos. 8, 34 and 70 (the land bill), and a conference committee was asked for.

The President appointed Senators Davis, Shannon and Calhoun.

The President referred House bill No. 436 to Judiciary Committee No. 1, and

House bill No. 439 to Finance Committee.

House bill No. 252, "An act to amend article 636, chapter 3, title 8, of section 2 of 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas,'" was laid before the Senate, and passed by the following vote:

YEAS—13.

Bell,	Kleberg,	Stinson,
Calhoun,	Knittle,	Terrell,
Fowler,	Perry,	Traylor,
Getzandaner,	Pfeuffer,	Woods.
Glasscock,		

NAYS—10.

Davis,	Hall,	Kilgore,
Evans,	Harrison,	Randolph
Farrar,	Houston of Bexar,	Shannon,
Garrison,		

ABSENT, NOT VOTING.

Houston of Wheeler, Pope.

House bill No. 526, "An act to define the duties of telegraph companies in the transfer of messages, and to provide adequate penalties for the enforcement thereof," was laid before the Senate.

On motion of Senator Davis,

The bill was postponed and made the special order for to-morrow after morning call, and from day to day until disposed of.

On motion of Senator Davis,

Senators Houston of Wheeler and Pope were excused for the day, on account of sickness.

Senate bill No. 122, "An act to regulate the collection of taxes, and to provide for prompt settlement by collectors," was laid before the Senate with House amendment, and,

On motion, was postponed indefinitely.

Senate bill No. 138, "An act to amend chapter 3, title 53 of the Revised Statutes, by adding thereto article 2971a," was laid before the Senate, with House amendments.

Senator Farrar moved to concur in the first House amendment, and moved the previous question on the amendments of the House.

Previous question seconded, and

Main question ordered.

The first House amendment was concurred in by the following vote:

YEAS—23.

Bell,	Fowler,	Houston of Bexar,
Calhoun,	Garrison,	Jerdone,
Davis,	Getzandaner,	Kilgore,
Evans,	Glasscock,	Kleberg,
Farrar,	Hall,	Knittle,

Perry,
Pfeuffer,
Randolph,

Shannon,
Stinson,
Terrell,

Traylor,
Woods.

NAYS—1.

Harrison.

The second House amendment was concurred in.

Senator Fowler moved to reconsider the vote by which the Senate, on yesterday, concurred in the House amendment to Senate bill No. 141, "An act to amend articles 29 and 30 of the Code of Criminal Procedure for the State of Texas."

Adopted.

Senator Fowler moved to concur in the House amendment.

Adopted by the following vote:

YEAS—24.

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

Glasscock,
Hall,
Harrison,
Houston of Bexar,
Jerdone,
Kilgore,
Kleberg,
Knittel,

Perry,
Pfeuffer,
Randolph,
Shannon,
Stinson,
Terrell,
Traylor,
Woods.

NAYS—none.

Senator Davis moved to take up House bills with favorable committee reports and act upon such bills first.

Adopted.

House bill No. 525, "An act to amend section 11 of 'an act to redistrict the State into judicial districts,'" etc., was laid before the Senate, and

Read the second time and passed to third reading.

On motion of Senator Fowler,

The constitutional rule was suspended, and

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

YEAS—22.

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

Glasscock,
Hall,
Harrison,
Houston of Bexar,
Jerdone,
Kleberg,
Knittel,

Perry,
Pfeuffer,
Randolph,
Shannon,
Stinson,
Traylor,
Woods.

NAYS—none.

ABSENT, NOT VOTING.

Kilgore,

Terrell.

The bill was read third time and passed.

By leave, the following committee reports were sent up:

By Senator Perry:

COMMITTEE ROOM,
AUSTIN, March 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred substitute House bill No. 360, entitled "An act to amend article 4390a of chapter 87 of the acts of the called session of the Eighteenth Legislature, approved April 5, 1884," have carefully examined the same, and said committee instruct me to report the same back with the accompanying substitute, and recommend that said substitute do pass.

All of which is respectfully submitted.

PERRY, Chairman.

Bill read first time.

By Senator Traylor:

COMMITTEE ROOM
AUSTIN, March 27, 1885

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred House bill No. 439, entitled "An act amendatory of sections 1 and 2 of an act entitled 'an act to amend article 4662, chapter 1, title 1 of the Revised Statutes, as amended and approved May 4, 1882, and to amend article 4666 and 4668, chapter 1, title 1 of the Revised Civil Statutes, to reduce taxation for general revenue purposes, to conform the tax laws to the amended constitution, and to provide for the levy and collection of a tax to maintain a system of free schools under the amended constitution,'" have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

TRAYLOR, Chairman.

Bill read first time.

On motion of Senator Traylor,

One hundred copies of the bill were ordered printed for the use of the Senate.

By Senator Fowler:

COMMITTEE ROOM
AUSTIN, March 27, 1885

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred Senate bill No. 280, entitled "An act to reorganize the fifth judicial District of the State of Texas, to fix the terms and terms of courts therein, and to repeal all laws in conflict with the same," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

FOWLER, Chairman.

Bill read first time.

Senator Terrell offered the following resolution:

Resolved, That each of the committee clerks of the Senate, when not in the actual service of the committee, be required to assist the enrolling clerk in the performance of his duty for the remainder of the present session.

Adopted.

House bill No. 124, "An act to amend article 31 of chapter 1, title 31 of the Revised Civil Statutes of the State of Texas," was laid before the Senate.

Read second time, with majority (favorable) and minority (unfavorable) committee reports.

On motion of Senator Glasscock,

The minority report was adopted.

House bill No. 483, "An act to amend article 4662 of the Revised Statutes, was laid before the Senate with committee amendment, and read second time.

On motion of Senator Bell,

The committee amendment was adopted, and

The bill was passed to third reading.

(Senator Terrell in the chair.)

House bill No. 373, "An act to authorize the collector of a newly organized county to collect the unpaid taxes found to be due in his county by the assessors' rolls of the county or counties from which such county has been taken, or to which it has been attached for judicial purposes, and to provide for making transcripts from such rolls for the use of the collector in the new county," was laid before the Senate, and

Read the second time and passed to third reading.

On motion of Senator Davis,

The constitutional rule was suspended, and

The bill was placed on its final passage by the following vote:

YEAS—23.

Bell,	Hall,	Pfeuffer,
Calhoun,	Harrison,	Randolph,
Davis,	Houston of Bexar,	Shannon,
Evans,	Jerdone,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.
Glasscock,	Perry,	

NAYS—none.

ABSENT, NOT VOTING.

Farrar.

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

YEAS—22.

Bell,	Hall,	Pfeuffer,
Calhoun,	Harrison,	Randolph,
Davis,	Jerdone,	Shannon,
Evans,	Kilgore,	Stinson,
Fowler,	Kleberg,	Terrell,
Garrison,	Knittel,	Traylor,
Getzendaner,	Perry,	Woods.
Glasscock,		

NAYS—none.

ABSENT, NOT VOTING.

Farrar,

Houston of Bexar.

House bill No. 579, "An act to divide the eastern portion of Tom Green county into six new counties, namely: Ector, Winkler, Loving, Upton, Crane and Hunter, and defining the boundaries thereof," was laid before the Senate and

Read the second time, and

The Senate refused to pass the bill to its third reading.

On motion of Senator Davis,

The vote by which the bill was lost was reconsidered.

The bill was then lost by the following vote:

YEAS—10.

Bell,	Kilgore,	Shannon,
Calhoun,	Knittel,	Stinson,
Davis,	Perry,	Terrell.
Getzendaner,		

NAYS—12.

Farrar,	Harrison,	Pfeuffer,
Fowler,	Houston of Bexar,	Randolph,
Glasscock,	Jerdone,	Traylor,
Hall,	Kleberg,	Woods.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to report to your honorable body that the House insists on its second, third and fourth amendments to Senate bill No. 48, and asks for a conference committee on same, and appoints Messrs. Jones of McLennan, Pendleton of Bell and Henderson on the part of the House.

That the House insists upon its second amendment to Senate bill No. 180, "An act to amend section 4 of 'an act to re-district the State into judicial districts,'" etc., and asks for a conference committee on same, and appoints on such committee, on the part of the House, Messrs. Blount of San Augustine, Caven and Ingraham.

Respectfully,

A. D. SADLER,
Chief Clerk House Representatives.

Senator Getzendaner moved to appoint the conference committee asked for on Senate bill No. 48.

Adopted.

Senators Getzendaner, Davis and Calhoun were appointed on the committee.

Senator Garrison moved to grant the conference committee asked for on Senate bill No. 180.

Adopted.

Senators Garrison, Kilgore and Hall were appointed on the committee.

Senator Fowler sent up the following privileged reports:

COMMITTEE ROOM,
AUSTIN, March 25, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills, have carefully examined and compared Senate bill No. 209, being "An act for the relief of railway companies," and find the same correctly enrolled, and have this day at 10:50 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

COMMITTEE ROOM,
AUSTIN, March 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 8, being "An act to amend chapter 2, article 566 of the Revised Statutes," and find the same correctly enrolled, and have this day, at 10:50 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

On motion of Senator Shannon, Senate bill No. 280, "An act to reorganize the thirty-fifth judicial district of the State of Texas, to fix the times and terms of courts therein, and to repeal all laws in conflict with the same," was taken up.

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

YEAS—24.

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

NAYS—none.

The bill was read second time and ordered engrossed.

On motion of Senator Shannon,

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

YEAS—22.

Bell,	Glasscock,	Knittel,
Calhoun,	Hall,	Pfeuffer,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Farrar,	Jerdone,	Terrell,
Fowler,	Kilgore,	Traylor,
Garrison,	Kleberg,	Woods.
Getzendaner,		

NAYS—none.

ABSENT, NOT VOTING.

Perry,
Randolph.

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

YEAS—23.

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

NAYS—none.

ABSENT, NOT VOTING.

Perry.

House bill No. 349, "An act to amend article 797, chapter 17, title 17 of the Penal Code of the State of Texas," was laid before the Senate, and Passed to third reading by the following vote:

YEAS—17.

Bell,	Houston of Bexar,	Pfeuffer,
Calhoun,	Jerdone,	Randolph,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Garrison,	Knittel,	Woods.
Glasscock,	Perry,	

NAYS—6.

Davis,	Getzendaner,	Shannon,
Evans,	Harrison,	Stinson.

ABSENT, NOT VOTING.

Hall.

(The President in the chair.)

Substitute House bills Nos. 171 and 208, "An act to amend article 425 of the Penal Code of the State of Texas," was laid before the Senate, and

Read second time with committee amendment.

The committee amendment was adopted, and

The bill was passed to third reading.

On motion of Senator Kleberg,

The Senate adjourned till 3 o'clock this afternoon.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

On motion of Senator Evans,

House joint resolution No. 25, proposing an amendment to section 20, article 16 of the Constitution of the State of Texas, was laid before the Senate, and

Passed to third reading by the following vote:

YEAS—14.

Bell,	Getzendaner,	Shannon,
Calhoun,	Harrison,	Stinson,
Davis,	Kilgore,	Terrell,
Evans,	Perry,	Traylor.
Farrar,	Randolph,	

NAYS—7.

Hall,	Kleberg,	Pfeuffer,
Houston of Bexar,	Knittel,	Woods.
Jerdone,		

ABSENT, NOT VOTING.

Garrison, Glasscock.

Paired: Senators Fowler and Houston of Wheeler. The former would have voted "nay," the latter "yea."

House bill No. 409, "An act to amend article 4518

of chapter 1, title 91 of the Revised Civil Statutes of the State of Texas," was laid before Senate,

Read the second time, and passed to third reading.

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

House bill No. 162, "An act to amend article 2411 chapter 4, title 42 of the Revised Civil Statutes of the State of Texas," was laid before the Senate, and

Read the second time.

Senator Woods moved to strike out "stationery," Lost.

The bill was passed to third reading.

By leave, the following reports were sent up.

By Senator Traylor:

COMMITTEE ROOM,
AUSTIN, March 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred House bill No. 456, entitled "An act to amend chapter 2 of title 48 of the Revised Civil Statutes, so as to add thereto article 2745a," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

TRAYLOR, Chairman.

Bill read first time.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, March 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred House bill No. 529, entitled "An act to amend 'an act to reorganize the State into judicial districts and fix the times of holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883, in so far as the same relates to the second and fourth judicial districts, and to repeal all laws in conflict herewith," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

FOWLER, Chairman.

Bill read first time.

Senate bill No. 257, "An act to amend an act to amend article 3994, of title 80, of the Revised Statutes," approved April 4, 1881," was laid before the Senate.

Read third time and passed.

Substitute House bill No. 238 was laid before the Senate, and

On motion of Senator Pfeuffer was postponed and made the special order for to-morrow.

(The President in the chair.)

House bill No. 96, "An act to amend 'an act to amend article 4411 of the Revised Civil Statutes,' approved March 5, 1883," was laid before the Senate and read the second time.

Senator Kleberg moved to strike out "ten days" and insert "eight days."

Senator Davis moved the previous question on the amendment and the bill.

Seconded.

Main question ordered.

The amendment was lost.

The Senate refused to pass the bill to third reading by the following vote:

YEAS—9.

Bell,	Houston of Bexar,	Kleberg,
Evans,	Jerdone,	Randolph,
Farrar,	Kilgore,	Woods.

NAYS—12.

Calhoun,	Harrison,	Shannon,
Davis,	Knittel,	Stinson,
Fowler,	Perry,	Terrell,
Getzendaner,	Pfeuffer,	Traylor.

ABSENT, NOT VOTING.

Garrison, Hall.

Senator Bell sent up the following privileged report:

COMMITTEE ROOM,
AUSTIN, March 27, 1885.

Hon. Barn bba, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 280, being "An act to reorganize the thirty-fifth judicial district of the State of Texas, and to fix the times and terms of courts therein, and to repeal all laws in conflict with the same," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

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

Senate bill No. 254, "An act requiring the Attorney-General to institute legal proceedings against corporations doing business within this State in violation of sections 5 and 6, article 10 of the Constitution of Texas."

And of substitute Senate bill No. 264, "An act to restore the jurisdiction of the county courts of Bosque and Llano counties, and to repeal all laws in conflict therewith."

Substitute House bill No. 91, "An act to amend title 10, chapter 1, article 849 of the Code of Criminal Procedure of the State of Texas."

House bill No. 586, "An act to protect persons in the settlement of the common school, University, the Lunatic, Blind, Deaf and Dumb and Orphan Asylum lands, and to prescribe penalties for an interference of their legal rights."

A. D. SADLER,

Chief Clerk House of Representatives.

On motion of Senator Kleberg,

House bill No. 586, "An act to protect persons in the settlement of the common school, University, the Lunatic, Blind, Deaf and Dumb, and Orphan Asylum lands, and to prescribe penalties for an interference with their legal rights," was taken up, and read first time, and

On motion the constitutional rule was suspended, and

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

YEAS—23.

Bell,	Hall,	Pfeuffer,
Calhoun,	Harrison,	Randolph,
Davis,	Houston of Bexar,	Shannon,
Evans,	Jerdone,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.
Glasscock,	Perry,	

NAYS—none.

ABSENT, NOT VOTING.

Garrison.

The bill was read second time and passed to third reading.

On motion of Senator Kleberg,

The constitutional rule was suspended, and

The bill was placed on its final passage by the following vote:

YEAS—22.

Bell,	Hall,	Perry,
Calhoun,	Harrison,	Pfeuffer,
Davis,	Houston of Bexar,	Randolph,
Evans,	Jerdone,	Shannon,
Farrar,	Kilgore,	Stinson,
Fowler,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Woods.
Glasscock,		

NAYS—none.

ABSENT, NOT VOTING.

Garrison,

Traylor.

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

YEAS—23.

Bell,	Hall,	Pfeuffer,
Calhoun,	Harrison,	Randolph,
Davis,	Houston of Bexar,	Shannon,
Evans,	Jerdone,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.
Glasscock,	Perry,	

NAYS—none.

ABSENT, NOT VOTING.

Garrison.

Substitute Senate bill No. 264, "An act to restore the jurisdiction of the county courts of Bosque and Llano counties, and to repeal all laws in conflict therewith," was laid before the Senate with House amendments.

On motion of Senator Pfeuffer,

The first House amendment was concurred in.

On motion of Senator Traylor,

The second House amendment was concurred in.

On motion of Senator Davis,

House bill No. 91, "An act to amend title 10, chapter 1, article 849 of the Code of Criminal Procedure of the State of Texas," was taken up out of its regular order and read the first time.

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

Adopted by the following vote:

YEAS—23.

Bell,	Hall,	Pfeuffer,
Calhoun,	Harrison,	Randolph,
Davis,	Houston of Bexar,	Shannon,
Evans,	Jerdone,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.
Glasscock,	Perry,	

NAYS—none.

ABSENT, NOT VOTING.

Garrison.

The bill was read second time and passed to third reading.

On motion of Senator Davis,

The rule was further suspended, and

The bill was placed on its final passage by the following vote:

YEAS—22.

Bell,	Hall,	Pfeuffer,
Calhoun,	Harrison,	Randolph,
Davis,	Jerdone,	Shannon,
Evans,	Kilgore,	Stinson,
Farrar,	Kleberg,	Terrell,
Fowler,	Knittel,	Traylor,
Getzendaner,	Perry,	Woods.
Glasscock,		

NAYS—none.

ABSENT NOT VOTING.

Houston of Bexar.

Garrison.

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

YEAS—22.

Bell,	Harrison,	Pfeuffer,
Calhoun,	Houston of Bexar,	Randolph,
Davis,	Jerdone,	Shannon,
Farrar,	Kilgore,	Stinson,
Fowler,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Traylor,
Glasscock,	Perry,	Woods.
Hall,		

NAYS—none.

ABSENT, NOT VOTING.

Garrison.

Evans,

On motion of Senator Terrell,
House bill No. 562, "An act to amend sections 1, 2 and 4 of 'an act to provide for the more efficient management of the Texas State penitentiaries, and to make an appropriation therefor,' approved April 18, 1883," was taken up out of its regular order, and

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

YEAS—22.

Bell,	Harrison,	Pfeuffer,
Calhoun,	Houston of Bexar,	Randolph,
Evans,	Jerdone,	Shannon,
Farrar,	Kilgore,	Stinson,
Fowler,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Traylor,
Glasscock,	Perry,	Woods.
Hall,		

ABSENT NOT VOTING.

Garrison.

Davis,

The bill was read second time and passed to third reading.

On motion of Senator Terrell,
The rule was further suspended, and the bill was placed on its final passage by the following vote:

YEAS—21.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Houston of Bexar,	Randolph,
Evans,	Jerdone,	Shannon,
Farrar,	Kilgore,	Stinson,
Fowler,	Kleberg,	Terrell,
Garrison,	Knittel,	Traylor,
Getzendaner,	Perry,	Woods.

NAYS—1.

Harrison.

ABSENT, NOT VOTING.

Hall.

Davis,

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

YEAS—21.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Houston of Bexar,	Randolph,
Evans,	Jerdone,	Shannon,
Farrar,	Kilgore,	Stinson,
Fowler,	Kleberg,	Terrell,
Garrison,	Knittel,	Traylor,
Getzendaner,	Perry,	Woods.

NAYS—1.

Harrison.

ABSENT, NOT VOTING.

Hall.

Davis,

Senator Davis entered a motion to reconsider the vote by which House bill No. 96, relative to road law, failed to pass to third reading.

On motion of Senator Woods,

Substitute House bill No. 360, "An act to amend article 4390a, of chapter 1, title 87 of the acts of the called session of the Eighteenth Legislature, approved April 5, 1884," was taken up out of its regular order.

Senator Woods moved to suspend the rule and place the bill on its second reading.

Adopted by the following vote:

YEAS—22.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Harrison,	Randolph,
Davis,	Jerdone,	Shannon,
Evans,	Kilgore,	Stinson,
Farrar,	Kleberg,	Terrell,
Fowler,	Knittel,	Traylor,
Garrison,	Perry,	Woods.
Getzendaner,		

NAYS—none.

ABSENT, NOT VOTING.

Hall,

Houston of Bexar.

The bill was read second time with substitute.
Senator Davis moved to postpone the bill and the substitute indefinitely.

Lost by the following vote:

YEAS—6.

Davis,	Hall,	Kleberg,
Farrar,	Jerdone,	Randolph.

NAYS—17.

Bell,	Glasscock,	Shannon,
Calhoun,	Harrison,	Stinson,
Evans,	Houston of Bexar,	Terrell,
Fowler,	Knittel,	Traylor,
Garrison,	Perry,	Woods.
Getzendaner,	Pfeuffer,	

ABSENT, NOT VOTING.

Kilgore.

The Senate refused, by the following vote, to adopt the substitute:

YEAS—9.

Bell,	Harrison,	Perry,
Evans,	Jerdone,	Stinson,
Getzendaner,	Knittel,	Woods.

NAYS—14.

Calhoun,	Glasscock,	Randolph,
Davis,	Hall,	Shannon,
Farrar,	Houston of Bexar,	Terrell,
Fowler,	Kleberg,	Traylor.
Garrison,	Pfeuffer,	

ABSENT, NOT VOTING.

Kilgore.

Senator Terrell moved to amend caption so as to read:

"An act to amend article 4390a of chapter 1, title 87 of the acts of the called session of the Eighteenth Legislature, and to add 4390a $\frac{1}{2}$."

Senator Kleberg moved to lay the bill on the table subject to call.

Adopted by the following vote:

YEAS—14.

Bell,	Harrison,	Pfeuffer,
Davis,	Jerdone,	Randolph,
Fowler,	Kleberg,	Shannon,
Getzendaner,	Knittel,	Woods.
Hall,	Perry,	

NAYS—7.

Calhoun, Garrison, Houston of Bexar,	Kilgore, Stinson,	Terrell, Traylor.
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ABSENT, NOT VOTING.

Evans,	Farrar,	Glasscock.
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The President gave notice of signing the following bills:

House bill No. 85, entitled "An act to amend articles 3164, 3165, 3166, 3171, 3173, 3176, 3177, 3178 and 3179 of title 61, chapter 2 of the Revised Civil Statutes of the State of Texas, relating to mechanics, contractors, builders' and material men's liens, and to add thereto articles 3179a and 3179b," and

House bill No. 391, "An act amendatory of and supplementary to the several acts incorporating the city of Dallas."

House bill No. 290, "An act to amend articles 378 and 379, chapter 6, title 11 of the Penal Code of the State of Texas, and to add to said chapter and title article 379a," was laid before the Senate, and read the second time.

Senator Pfeuffer offered the following amendment:

Add to exceptions as follows: "Or wine that has been manufactured from grapes grown in the county."

Lost.

The bill was passed to third reading.

(Senator Terrell in the chair.)

Substitute House bill No. 72, "An act to amend article 4367 of the Revised Statutes," was laid before the Senate, and

Read the second time, and

Passed to third reading.

Substitute House bill No. 270, "An act to amend article 3856 of the Revised Statutes," was laid before the Senate.

Read the second time and passed to third reading.

House bill No. 287, "An act to amend article 3969, title 79, Revised Civil Statutes," was laid before the Senate.

Read second time and passed to third reading.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 27, 1885.

Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body that Senate bill No. 236, "An act amendatory of an act relating to the commission of award, defining the powers and duties thereof, and to make appropriations to pay the salaries of the judges thereof, approved March 20, 1883, and which was amendatory of an act relating to the same subject, approved July 0, 1881," was lost in the House.

Respectfully,

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

Senator Harrison moved to reconsider the vote just taken.

Lost.

House bill No. 87, "An act to amend article 4574 and to repeal article 4576, of the Revised Statutes of the State of Texas," was laid before the Senate, and

Read second time, with committee amendment.

The committee amendment was adopted, and

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

YEAS—12.

Farrar, Getzendaner, Glasscock, Hall,	Harrison, Houston of Bexar, Jerdone, Kleberg,	Knittel, Pfeuffer, Traylor, Woods.
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NAYS—11.

Bell, Calhoun, Davis, Evans,	Garrison, Kilgore, Perry, Randolph,	Shannon, Stinson, Terrell.
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ABSENT, NOT VOTING.

Fowler.

Substitute House bill No. 218, "An act authorizing the sheriffs, constables, or their deputies, of this State to make persons who are principals or sureties on indemnifying bonds parties to suits, and giving to such sheriffs, constables, or their deputies, time to secure service on such principals and sureties," was laid before the Senate, and

Read the second time with committee amendments.

Committee amendments adopted.

Senator Hall moved to insert, after the word "right," the words "at the return term of the court."

Adopted, and

Bill passed to third reading.

House bill No. 533, "An act to authorize the Secretary of State to purchase for the use of the State the Texas Court of Appeals reports, volumes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, and to contract for the relinquishment of the copyright of said reports with the persons owning the same, and to prevent the copyrighting of future volumes of said reports to the exclusion of the State, and to make an appropriation therefor," was laid before the Senate, and

Read second time with committee amendments.

The committee amendments were adopted, and

The bill was passed to third reading.

On motion of Senator Evans,

The constitutional rule was suspended, and

The bill was placed on its final passage by the following vote:

YEAS—24.

Bell, Calhoun, Davis, Evans, Farrar, Fowler, Garrison, Getzendaner,	Glasscock, Hall, Harrison, Houston of Bexar, Jerdone, Kilgore, Kleberg, Knittel,	Perry, Pfeuffer, Randolph, Shannon, Stinson, Terrell, Traylor, Woods.
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NAYS—none

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

YEAS—24.

Bell, Calhoun, Davis, Evans, Farrar, Fowler, Garrison, Getzendaner,	Glasscock, Hall, Harrison, Houston of Bexar, Jerdone, Kilgore, Kleberg, Knittel,	Perry, Pfeuffer, Randolph, Shannon, Stinson, Terrell, Traylor, Woods.
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NAYS—none.

House bill No. 151, "An act to prevent the gift, sale or loaning of pistols, or other deadly weapons to minors, and fixing penalties therefor," was laid before the Senate, and

Read second time with unfavorable committee report.

On motion of Senator Houston of Bexar, The committee report was adopted.

On motion of Senator Kleberg.

House bill No. 502, "An act to postpone the sale of real and personal property for taxes assessed for 1884 until the first Monday in July, 1885," was taken up out of its regular order, and

Read the second time and passed to third reading by the following vote:

YEAS—20.

Bell,	Hall,	Perry,
Calhoun,	Harrison,	Pfeuffer,
Davis,	Houston of Bexar,	Randolph,
Farrar,	Jerdone,	Shannon,
Fowler,	Kilgore,	Stinson,
Garrison,	Kleberg,	Terrell.
Glasscock,	Knittel,	

NAYS—3.

Getzendaner, Traylor, Woods.

ABSENT, NOT VOTING.

Evans.

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

Adopted by the following vote:

YEAS—22.

Bell,	Hall,	Perry,
Calhoun,	Harrison,	Pfeuffer,
Davis,	Houston of Bexar,	Randolph,
Farrar,	Jerdone,	Shannon,
Fowler,	Kilgore,	Stinson,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Traylor.
Glasscock,		

NAYS—1.

Woods.

ABSENT NOT VOTING.

Evans.

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

YEAS—22.

Bell,	Glasscock,	Knittel,
Calhoun,	Hall,	Perry,
Davis,	Harrison,	Pfeuffer,
Evans,	Houston of Bexar,	Randolph,
Farrar,	Jerdone,	Shannon,
Fowler,	Kilgore,	Stinson,
Garrison,	Kleberg,	Terrell,
Getzendaner,		

NAYS—2.

Traylor, Woods.

On motion of Senator Traylor,

House bill No. 456, "An act to amend chapter 2, of title 48 of the Revised Civil Statutes, so as to add thereto article 2745a," was taken up and on motion,

The constitutional rule was suspended, and

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

YEAS—23.

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

NAYS—none.

ABSENT, NOT VOTING.

Stinson.

The bill was read the second time and passed to third reading.

On motion of Senator Traylor,

The constitutional rule was further suspended and

The bill was placed on the final reading by the following vote:

YEAS—23.

Bell,	Glasscock,	Perry,
Calhoun,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Farrar,	Jerdone,	Terrell,
Fowler,	Kilgore,	Traylor,
Garrison,	Kleberg,	Woods.
Getzendaner,	Knittel,	

NAYS—none.

ABSENT, NOT VOTING.

Pfeuffer.

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

YEAS—24.

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

NAYS—none.

On motion of Senator Garrison,

House bill No. 529, "An act to amend 'an act to redistrict the State into judicial districts, and fix the times of holding court therein, and to provide for the election of judges and district attorneys on said districts at the next general election,' etc., on so far as the same relates to the second and fourth judicial districts," etc., was taken up, and on motion of Senator Kleberg, was postponed indefinitely

On motion of Senator Getzendaner,

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

SIXTY-FOURTH DAY.

SENATE CHAMBER, }
AUSTIN, March 28, 1885. }

The Senate met pursuant to adjournment. (Senator Shannon, President pro tem., in the chair.)

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Traylor,

The reading of the journal of yesterday was dispensed with.

The President pro tem. gave notice of signing the following bills, to-wit:

House bill No. 49, "An act to amend article 4686 title 95, chapter 2 of the Revised Civil Statutes."

Substitute House bill No. 392, "An act to restore to and confer upon the county court of Zapata county the criminal jurisdiction heretofore belonging to it under the Constitution and general statutes of the State of Texas, and conform the jurisdiction of the district court to such change, and repeal all laws in conflict with the provisions of this act."

REPORTS OF STANDING COMMITTEES.

By Senator Randolph:

COMMITTEE ROOM.
AUSTIN, March 27, 1885:

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred substitute House bill No. 170, entitled "An act to provide annual pensions for the surviving indigent soldiers or indigent volunteers of the Texas Revolution, and the indigent surviving signers of the Declaration of Independence, and the indigent surviving widows of such soldiers, volunteers and signers, and to repeal all laws and parts of laws in conflict thereof," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

Senator Fowler offered the following resolution:

Resolved, That the Secretary of the Senate furnish the printers with a list of all the bills passed both Houses at this session of the Legislature up to and including the thirtieth instant, showing date of approval, if approved, and number of each bill and caption of each bill, and that he cause said list to be printed in the Senate Legislative Record of the thirty-first instant.

Adopted.

On motion of Senator Kleberg,

Senator Houston of Wheeler was excused indefinitely.

On motion of Senator Traylor,

House bill No. 439, sections 1 and 2 of "An act to amend an act entitled 'an act to amend article 4662, chapter 1, title 95 of the Revised Statutes, as amended and approved May 4, A. D. 1882, and to amend articles 4666 and 4668, chapter 1, title 95 of the Revised Civil Statutes, to reduce taxation for general revenue purposes, to conform the tax laws to the amended Constitution, and to provide for the levy and collection of a tax to maintain a system of free schools under the amended Constitution,'" was taken up out of its regular order and

Read the second time.

Senator Randolph offered the following amendment:

Strike out "twenty-five" and insert "twenty-two and a half," in line 3, page 2; and strike out "twelve and a half," in line 4, page 2, and insert "ten."

Senator Perry called for a division of the amendment.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body that the House has passed the following bills:

Senate bill No. 88, "An act to further regulate attachments in county and justices' courts."

Senate bill No. 184, "An act to donate all the public domain in the State of Texas to the public free school fund."

Senate bill No. 203, "An act to amend article 122 of the Penal Code."

Senate bill No. 248, "An act to amend articles 2725 and 2726 of the Revised Statutes."

House bill No. 239, "An act to authorize the commissioners' courts of the organized counties of the State of Texas, to which unorganized counties are attached for judicial purposes, to lay off and designate justices' precincts in such unorganized counties," etc.

House bill No. 425, "An act to define the northern and other boundary lines of the town of Goliad."

House bill No. 567, "An act to restore the jurisdiction of the county courts of Jefferson, Tyler and Concho counties, and to repeal all laws in conflict therewith."

House joint resolution No. 1, "Joint resolution to permit the Governor, Comptroller and Adjutant-General to withdraw from the Comptroller's and Adjutant-General's offices such original vouchers as may be necessary to enable them under authority of an act of the Legislature, approved March 28, 1883, to properly present the claims of the State of Texas for payment by the United States, under an act of Congress, approved June 27, 1882."

Substitute House bill No. 370, the general appropriation bill.

The House has concurred in the following Senate amendments to same: Nos. 2, 4, 5, 6, 7, 8, 9, 10, 12, 13, 15, 16, 19, 20, 23, 24 and 26, and refused to concur in Nos. 1, 3, 11, 14, 17, 18, 21, 22 and 25.

A. D. SADLER,
Chief Clerk House Representatives.

Senator Kilgore moved that the Senate do not recede from its amendments to the appropriation bill, and that the Senate ask for a conference committee.

Adopted.

Senator Davis moved to reconsider the vote just taken.

Lost.

Senators Kilgore, Traylor and Getzendaner were appointed on the part of the Senate on said committee.

House joint resolution No. 1 was referred to Committee on State Affairs.

House bill No. 567 was referred to Committee on Judicial Districts.

House bill No. 239, and House bill No. 425 were referred to Committee on Counties and County Boundaries.

The first division of the amendment of Senator Randolph was lost by the following vote:

YEAS—10.

Davis,	Glasscock,	Pfeuffer,
Evans,	Hall,	Randolph,
Farrar,	Knittel,	Shannon.
Garrison,		

NAYS—14.

Bell,	Houston of Bexar,	Stinson,
Calhoun,	Jerdone,	Terrell,
Fowler,	Kilgore,	Traylor,
Getzendaner,	Kleberg,	Woods
Harrison,	Perry,	

ABSENT, NOT VOTING.

Pope.

The second division of Senator Randolph's amendment was lost by the following vote:

YEAS—11.

Evans,	Glasscock,	Pfeuffer,
Farrar,	Harrison,	Randolph,
Garrison,	Knittel,	Traylor.
Getzendaner,	Perry,	

NAYS—12.

Bell,	Houston of Bexar,	Shannon,
Calhoun,	Jerdone,	Stinson,
Davis,	Kilgore,	Terrell,
Fowler,	Kleberg,	Woods.

ABSENT, NOT VOTING.

Hall.

Senator Davis offered the following amendment:

Add to the caption "and to better regulate the taxation of banking corporations, State or national, and the shares therein, by adding another section, to be known as section 2a."

Add section 2a as follows:

Sec. 2a. Every banking corporation, State or national, doing business in this State shall, in the city or town in which it is located, render its real estate to the assessor of taxes at the time and in the manner required of individuals. At the time of making such rendition the president or some other officer of said bank shall file with said assessor a sworn statement showing the number and amount of the shares of said bank, the name and residence of each shareholder, and the number and amount of shares owned by him. Every shareholder of said bank shall, in the city or town where said bank is located, render at their actual value to the assessor of taxes all shares owned by him in such bank; and in case of his failure so to do, the assessor shall assess such unrendered shares as other unrendered property. Each share in any such bank shall be taxed only for the difference between its actual cash value and the proportionate amount per share at which its real estate is assessed. The taxes due upon the shares of banking corporations shall be a lien thereon, and no banking corporation shall pay any dividend to any shareholder who is in default in the payment of the taxes due on his shares; nor shall any banking corporation permit the transfer upon its books of any share, the owner of which is in default in the payment of his taxes upon the same.

Nothing herein shall be so construed as to tax national or State banks, or the share-holders thereof, at a greater rate than is assessed against other moneyed capital in the hands of individuals.

Adopted.

Senator Traylor offered the following amendment:

Add section 2, that article 4665 be so amended as hereafter to read as follows:

Article 4665. That there shall be levied on and collected from every person, firm, company or association of persons pursuing any of the following named occupations, an annual tax, except when herein otherwise provided, on every such occupation or separate establishment as follows:

From every merchant whose purchases amount to one hundred thousand dollars annually, one hundred and twenty-five dollars; from every merchant whose annual purchases amount to fifty thousand dollars, sixty dollars; from every merchant whose annual purchases amount to twenty-five thousand dollars, twenty-five dollars; from every merchant whose annual purchases amount to fifteen thousand dollars, twenty dollars; from every merchant whose annual purchases amount to ten thousand dollars, twelve dollars; from every merchant whose annual purchases amount to five thousand dollars, six dollars; from every merchant whose annual purchases amount to two thousand dollars or less, three dollars; from every commercial traveler, drummer, salesman or solicitor of trade by sample or otherwise, an annual occupation tax of thirty-five dollars, payable in advance; provided, that the tax herein required to be paid by such commercial traveler, drummer, salesman or solicitor, shall be paid to the Comptroller of Public Accounts, whose receipts, under seal, shall be evidence of the payment of such tax; and provided further, that no county, city or town shall levy or collect any occupation tax upon such commercial traveler, drummer, salesman or solicitor; provided, that nothing herein contained shall apply to any one soliciting subscriptions for religious, literary or historical books or maps, or to persons soliciting for nurseries, newspapers and gravestones; provided further, that every commercial traveler, drummer, salesman or solicitor of trade shall, on demand of the tax collector of any county of the State, or of any peace officer of said county, exhibit to such officer the Comptroller's receipt above mentioned; and every commercial traveler, drummer, salesman, or solicitor of trade who shall fail or refuse to exhibit said receipt to such officer on demand by him, shall be deemed guilty of a misdemeanor and fined in a sum not less than twenty-five nor more than one hundred dollars. A merchant, in the meaning of this act, is any person, firm or association of persons engaged in buying and selling goods, wares and merchandise of any kind whatever.

From every traveling person selling patent or other medicines, one hundred and seventy-five dollars; and no traveling person shall so sell until said tax is paid; provided, that this

tax shall not apply to commercial travelers, drummers or salesmen making sales or soliciting trade for merchants engaged in selling drugs or medicines, who shall be taxed as other commercial drummers.

From every fortune teller, one hundred and seventy-five dollars. From every clairvoyant or mesmerist who plies his or her occupation for money, five dollars for each and every county in which such vocation is carried on.

From every person, firm or association of persons engaged in discounting and shaving paper, or engaged in business as money brokers, or bankers, or dealers in stocks, securities or bills of exchange, or in buying and selling bonds, State or county warrants or other claims against the State, an annual tax of sixteen dollars in a city or town of not more than two thousand inhabitants; in a city or town of five thousand and not less than two thousand inhabitants, an annual tax of forty dollars; in a city or town of ten thousand, and not less than five thousand inhabitants, an annual tax of eighty dollars; in a city or town of twenty thousand and not less than ten thousand inhabitants, an annual tax of one hundred and twenty dollars; in a city or town of more than twenty thousand inhabitants, an annual tax of one hundred and sixty dollars.

From every operator or owner of any daguerrean, photograph, or other such like gallery, by whatever name called, if in any incorporated city or town of less than five thousand inhabitants, six dollars; if more than five thousand inhabitants, fourteen dollars, and if elsewhere, four dollars; and from every person soliciting work for any daguerrean, photograph, or such like gallery, or for persons engaged in the business of copying or enlarging pictures or photographs of any character, where such gallery is not situated in, or such business is not in the county in which he solicits such work, seven dollars.

From any auctioneer doing business in a city of ten thousand inhabitants or more, an annual tax of forty-five dollars from every auctioneer in a city or town of five thousand and not more than ten thousand inhabitants, thirty dollars; from every auctioneer in a city or town of two thousand inhabitants and not more than five thousand, eighteen dollars; from auctioneers in all other towns or villages, twelve dollars.

From every person, firm or association of persons following the occupation of ship brokers, or ship agents, if in a city or town of ten thousand inhabitants, or more, twenty dollars; if in a city or town of less than ten thousand inhabitants, seven dollars.

From every keeper of a toll bridge an annual tax of seven dollars.

From every person, firm or association of persons selling upon commission, an annual tax of seven dollars.

From every land agent there shall be collected an annual tax of five dollars.

The term "land agent" shall be construed to mean any person, firm or association of persons, performing for compensation, and of the following services: Purchasing or selling real estate for others; purchasing or selling land certificates for others. But this term "land agent" shall not be so construed as to levy tax upon attorneys in addition to the one hereinafter levied.

From every person practicing law, and from every conveyancer, five dollars; provided, that attorneys at law shall only pay county occupation tax in the county of his or their residence.

From every physician, surgeon, oculist or medical specialist of any kind, traveling from place to place in the practice of his profession, an annual tax of forty dollars in each county where he may practice his profession. From every dentist five dollars.

From every other person, firm or association of persons pursuing the occupation of posting up advertising bills or notices, tacking up advertising cards or notices of tin-wood or other material, printing or lettering words or pictures on fences or other places as a means of advertising, the sum of twenty dollars per annum for the State, and in each county in which the occupation may be pursued, an annual tax of four dollars; provided, that this clause shall not be so construed as to tax persons advertising their own business.

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

For every billiard, bagatelle, pigeon hole, devil-among-the-tailors, or Jenny Lind table, or anything of the kind used for profit, twenty dollars; and any such table used in connection with any drinking saloon, or other place of business where intoxicating liquors are sold or given away, or upon which any

money or other thing of value is paid, shall be regarded as used for profit.

From every person, firm or association of persons selling or offering for sale the Illustrated Police News, Police Gazette, and other illustrated publications of like character, the sum of five hundred dollars in each county in which such sale may be made, or offered to be made.

For any person or persons who shall sell pools on horse races, five dollars for each and every day they may so sell said pools.

For every nine or ten pin alley, or any other alley used for profit, by whatever name called, constructed or operated upon the principle of a bowling alley, and upon which balls are rolled, without regard to the number of pins used, or whether pins are used or not, or whether the balls are rolled by hand or with a cue, one thousand dollars. Any such alley used in connection with any drinking saloon or any drug store, or with any drug store where intoxicating liquors are sold or given away, or upon which any money or thing of value is paid, shall be regarded as used for profit.

From all persons keeping or using for profit any hobby horse, or flying jenny, or device of that character, with or without name, sixteen dollars for each county wherein the same are kept or used.

From every foot peddler, five dollars in each county where he peddles.

For every peddler with one horse or one pair of oxen, the sum of fifteen dollars in each county where he peddles.

For every peddler with two horses or two pairs of oxen, thirty dollars in each county in which he may pursue such occupation; provided, nothing herein contained shall be so construed as to include traveling vendors of tin or earthen ware; provided further, that nothing herein contained shall be so construed as to include traveling vendors of literature exclusively religious in character, or traveling vendors of fruit and fruit trees exclusively.

For every theatre or dramatic representation from which pay for admission is demanded or received, two dollars for each day they may perform, or fifty dollars per quarter; provided, that theatrical or dramatic representations given by performers for instruction only, or entirely for charitable purposes, shall not be herein included.

For every circus, where equestrian or acrobatic feats and performances are exhibited, for which pay for admission is demanded or received, for each performance thereof, fifty dollars, notwithstanding more than one such performance may take place daily.

For every exhibition where acrobatic (feats) are performed for profit, not connected with the circus, ten dollars for each performance.

For every sleight-of-hand performance or exhibition of leger demain, ten dollars.

For every fight between men and bulls, or between dogs and bulls, or between bears and dogs, or between bulls and any other animals, five hundred dollars for each performance per year.

For every cock pit, when kept for profit, or upon which any money or thing of value is bet or paid, twenty-five dollars.

For every menagerie, wax work, or exhibition of any kind, where a separate fee for admission is demanded or received, ten dollars for every day on which fees for such admission are received; provided, that exhibitions by associations organized for promotion of art, science, charity or benevolence shall be exempt from taxation.

For every concert, where a fee for admission is demanded or received, two dollars; provided, that entertainments when given by the citizens for charitable purposes, or for the support or aid of literary or cemetery associations, are excepted.

For every livery or feed stable, thirty cents for each stall and thirty cents for each hack, buggy or other vehicle; for every hack, buggy or other vehicle let for hire not connected with a livery stable, two dollars; for every wagon yard used for profit, not connected with a livery, feed or sale stable, five dollars.

From every life insurance company doing business in this State, an annual tax of three hundred dollars; and in every county in which they may do business, seven dollars as county tax.

From every fire, marine, or guarantee insurance company doing business in this State, an annual tax of two hundred dollars, and in every county in which they may do business seven dollars as county tax.

The State tax due from insurance companies shall be paid

by such companies to the Comptroller of Public Accounts, whose receipt, under seal, shall be evidence of payment of State tax; and the county collectors receipt shall be authority to work in any county of this State for which such company has a receipt.

From every person, firm or association of persons dealing in lightning rods, an annual tax of thirty-six dollars to the State, and eighteen dollars as county tax to the county in which such business is carried on; upon every person canvassing for the sale of lightning rods, an annual tax of thirty-six dollars, and eighteen dollars as county tax to each county in which such canvassing is done.

From every person, firm or association of persons following the occupation of cotton broker, cotton factor, or commission merchant, in a city of more than five thousand inhabitants, an annual tax of thirty-five dollars, and in all other cases an annual tax of eighteen dollars; provided, that a merchant who pays an occupation tax as under section 3 of this act, shall not be considered as a "cotton broker."

From every pawnbroker an annual tax of seventy-five dollars.

From every person pursuing the occupation of a cotton buyer, five dollars; provided, that a merchant who pays an occupation tax as herein prescribed shall not be considered as a cotton buyer.

From every person, firm, agency or association of persons dealing in sewing machines, an annual tax of fifteen dollars to the State, and seven dollars as county tax in every county where such business may be carried on; and upon every person canvassing for the sale of sewing machines, an annual tax of fifteen dollars to the State, and seven dollars as county tax in every county where such business may be carried on; provided, that a merchant who pays an occupation tax, as required by this section, shall not be required to pay this special tax for selling sewing machines.

From any person, firm or association of persons doing an express business in this State, an annual tax of five hundred dollars shall be levied and collected, this tax to be paid by such person, firm or association of persons doing an express business to the Comptroller of Public Accounts, whose receipt, under seal, shall be issued to the company or companies, certified copies of which shall be evidence of the payment of the State, county and municipal occupation tax.

From every person, firm or association of persons owning or running any palace sleeping or dining room cars, on any railroad in this State, there shall be collected an annual tax of fifty cents per mile for each and every mile of any and all railroads in this State over which such cars may run. The tax herein due shall be paid by such person, firm or association of persons to the Comptroller of Public Accounts, whose receipt, under seal, shall be issued to the person, company or firm, certified copies of which shall be evidence of the payment of State tax; provided, that nothing herein contained shall authorize the levy of any county or municipal tax upon such person, firm or association of persons.

From every person, firm or association of persons owning or running any railroad cars, steamboats or stage coaches in this State, there shall be collected quarterly, on the first days of January, April, July and October of each year, a tax of three-fourths of one per centum on steamboats and stage coaches, and one-half of one per centum on railroads upon their gross receipts from all passenger travel within this State, the said gross receipts to be returned under oath by said owner, agent or manager to the Comptroller, and said tax to be collected by the Comptroller under such regulations as he may prescribe; provided, that nothing herein contained shall authorize the levy of any county or municipal tax upon such person, firm or association of persons.

From every chartered telegraph company doing business within this State, there shall be collected one cent for every full rate message sent by any person within this State to any person within this State, and one-half that for any message less than a full rate message so sent. This tax to be paid quarterly to the Comptroller, on the sworn statement of the chief manager of said company or companies, or any other officer authorized by said company to make such statement, who shall keep a record of such messages; and the receipts of the Comptroller, under seal, shall be issued to said company or companies, certified copies of which shall be evidence of the payment of the State tax; provided, railroad messages for running their trains and for company use shall not be taxed; provided further, that nothing herein contained shall authorize the levy or collection of any county or municipal tax upon

such chartered companies for messages sent, and messages sent on official business by officers of the United States.

All telephone companies doing business in this State shall be divided into three classes, viz: Those doing business in a city or cities of ten thousand inhabitants and over shall be of the first class; those doing business in a city or cities of five thousand and less than ten thousand inhabitants, shall be of the second class; and all other telephone companies shall be of the third class.

Telephone companies of the first class shall pay an annual occupation State tax of one hundred dollars, and an annual county tax to each county in which they may do business of twenty dollars.

Telephone companies of second class shall pay an annual State occupation tax of fifty dollars, and an annual occupation county tax in each county in which they may do business of ten dollars.

Telephone companies of the third class shall pay an annual occupation State tax of ten dollars, and an annual county tax to each county in which they may do business of five dollars.

From each gas company manufacturing gas in towns and cities of ten thousand inhabitants or more, thirty-five dollars; in towns and cities having less than ten thousand inhabitants, twenty dollars.

For each electric light company, in cities or towns of ten thousand inhabitants or less, fifty dollars; and in cities of more than ten thousand inhabitants, one hundred dollars; provided, that this act shall not be construed to prevent persons or firms of persons who pay an occupation tax under this act for pursuing the occupation of a merchant in a city or town from soliciting trade within the corporation limits of said city or town where they may reside.

(The President in the chair.)

Senator Bell called for division of the amendment.

The first division was adopted by the following vote:

YEAS—14.

Bell,	Kilgore,	Stinson,
Calhoun,	Knittel,	Terrell,
Farrar,	Perry,	Traylor,
Fowler,	Pfeuffer,	Woods.
Harrison,	Shannon,	

NAYS—9.

Davis,	Getzendaner,	Houston of Bexar,
Evans,	Glasscock,	Jerdone,
Garrison,	Hall,	Kleberg.

ABSENT, NOT VOTING.

Randolph.

The second division was adopted.

Senator Kleberg moved the previous question on the amendment, and the passage to third reading of the bill.

Seconded, and

Main question ordered.

The third division of the amendment was lost by the following vote:

YEAS—10.

Bell,	Houston of Bexar,	Randolph,
Farrar,	Perry,	Traylor,
Glasscock,	Pfeuffer,	Woods.
Hall,		

NAYS—14.

Calhoun,	Getzendaner,	Knittel,
Davis,	Harrison,	Shannon,
Evans,	Jerdone,	Stinson,
Fowler,	Kilgore,	Terrell.
Garrison,	Kleberg,	

The Senate refused by the following vote to make the amendment a part of the bill:

YEAS—9.

Bell,	Kilgore,	Stinson,
Calhoun,	Perry,	Traylor,
Harrison,	Randolph,	Woods.

NAYS—15.

Davis,	Getzendaner,	Kleberg,
Evans,	Glasscock,	Knittel,
Farrar,	Hall,	Pfeuffer,
Fowler,	Houston of Bexar,	Shaannon,
Garrison,	Jerdone,	Terrell.

Senator Harrison (by leave) sent up the following reports:

COMMITTEE ROOM,
AUSTIN, March 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 425, entitled "An act to define the northern and other boundary lines of the town of Goliad," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

HARRISON, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 29, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 239, entitled "An act to authorize the commissioners' courts of the organized counties of the State of Texas, to which unorganized counties are attached for judicial purposes, to lay off and designate justices' precincts in such unorganized counties, and to constitute such precincts election precincts, and to provide for voting in such unorganized counties for county commissioners of the counties to which they are so attached," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

HARRISON, Chairman.

Bill read first time.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

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

Senate bill No. 126, "An act prescribing and fixing the venue of suits against foreign corporations, joint stock companies or associations," etc.

House bill No. 589, "An act to provide for the identification and permanent marking of surveys heretofore made for the benefit of the common school fund by virtue of alternate certificates."

House bill No. 533, returned to the House with Senate amendments. The House has concurred in said Senate amendments.

Substitute House bills Nos. 8, 34 and 70, the land bills. Messrs. Robinson of Jack, Jones of McLennan, Browning Crane and Faubion are appointed as conference committee.

And Messrs. Upton, Henderson, Pendleton of Bell, Gunter and Loving are appointed on free conference committee on substitute House bill No. 370, the general appropriation bill.

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

A. D. SADLER,
Chief Clerk House Representatives.

The President gave notice of signing the following bills:

Senate bill No. 131, "An act to give effect to section 21, article 14 of the Constitution."

Senate bill No. 141, "An act to amend articles 29 and 30 of the Code of Criminal Procedure of the State of Texas."

Senate bill No. 254, "An act requiring the Attorney-General to institute legal proceedings against corporations within this State in violation of section 5, article 4 of the Constitution."

House bill No. 439, was passed to third reading. By leave Senator Davis sent up the following report:

COMMITTEE ROOM,
AUSTIN, March 27, 1885.

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

Your conference committee, to whom was referred the differences between the two houses respecting Senate substitute bill No. 48, entitled "An act to punish fishing and hunting on the enclosed lands of another," respectfully recommend that the Senate concur in the second and fourth House amendments, and that the House recede from its third amendment. All of which is respectfully submitted.

DAVIS,
TRAYLOR,
CALHOUN,
Senate committee.
JONES of McLennan,
PENDLETON of Bell,
HENDERSON,
House committee.

On motion of Senator Davis,
The report was adopted.
Senator Traylor moved to suspend the constitutional rule, and to place the bill on its final passage. Adopted by the following vote:

YEAS—21.

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

NAYS—1.

Harrison.

ABSENT, NOT VOTING.

Perry, Pfeuffer.

Senator Kilgore moved to amend by inserting after the 'oath,' line 14, page 12, the following words: "To be actually administered by the assessor or his deputy."

Senator Houston of Bexar moved to amend by adding, "or by some other officer authorized to administer oaths."

Lost.

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

YEAS—9.

Evans,	Jerdone,	Shannon,
Hall,	Kilgore,	Stinson,
Harrison,	Randolph,	Woods.

NAYS—13.

Bell,	Garrison,	Kleberg,
Calhoun,	Getzendaner,	Knittel,
Davis,	Glasscock,	Terrell,
Farrar,	Houston of Bexar,	Traylor.
Fowler,		

ABSENT, NOT VOTING.

Perry, Pfeuffer.

Senator Traylor moved to strike out chapter 1, title 95 when it occurs in the body of the bill.

Adopted by the following vote:

YEAS—19.

Bell,	Getzendaner,	Kilgore,
Calhoun,	Glasscock,	Kleberg,
Davis,	Hall,	Knittel,
Evans,	Harrison,	Randolph,
Farrar,	Houston of Bexar,	Traylor,
Fowler,	Jerdone,	Woods.
Garrison,		

NAYS—3.

Shannon,	Stinson,	Terrell.
	ABSENT, NOT VOTING.	
Perry,	Pfeuffer.	

The bill was passed by the following vote:

YEAS—20.

Bell,	Glasscock,	Perry,
Calhoun,	Hall,	Shannon.
Davis,	Houston of Bexar.	Stinson,
Evans,	Jerdone,	Terrell,
Farrar,	Kilgore,	Traylor,
Fowler,	Kleberg,	Woods.
Getzendaner,	Knittel,	

NAYS—3.

Garrison,	Harrison,	Randolph.
	ABSENT, NOT VOTING.	
Pfeuffer.		

Senator Terrell rose to a point of personal privilege, and stated that charges of a very grave nature were afloat concerning Alexander Sampson, Calendar Clerk of the Senate, and read a letter and telegram purporting to be from Mr. Sampson, which demanded prompt and thorough investigation on the part of the Senate, as the charges reflected upon the Senate as well as upon Mr. Sampson. He said Mr. Sampson acknowledged having written the letter and telegram.

Senator Fowler offered the following resolution:

Resolved, That Alexander Sampson, Calendar Clerk of the Senate, be and he is hereby dismissed from said office; and that Tom B. Jones, one of the committee clerks of the Senate, be required to perform the duties of said office until the close of this session.

On motion of Senator Terrell,

The resolution was referred to a committee of three, to investigate the matter and report to the Senate at its afternoon session concerning the charges.

The President appointed Senators Terrell, Harrison and Randolph on the committee.

On motion of Senator Shannon,

The Senate appointed two additional Senators on the conference (land bill) committee.

Senators Woods and Kleberg were appointed on the committee.

Senator Shannon moved to appoint two more Senators on the conference (appropriation bill) committee.

Adopted.

Senators Bell and Pfeuffer were appointed on the committee.

Senate bill No. 126, "An act prescribing and fixing venue of suits against foreign corporations, joint stock companies or associations, or acting corporations or associations doing business in this State, and to provide the mode of serving process on such corporations or associations," was laid before the Senate with House amendment, and

On motion of Senator Kleberg,

The House amendment was concurred in.

Senate bill No. 184, "An act to donate all the public domain in the State of Texas to the public free school fund," was laid before the Senate with House amendments.

Senator Davis moved that the Senate do not concur in the first House amendment.

Senator Bell moved to concur in first House amendment.

The Senate refused to concur in the first amendment by the following vote:

YEAS—9.

Bell, (Garrison, Glasscock,	Houston of Bexar, Jerdone, Kilgore,	Knittel, Terrell, Traylor.
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NAYS—15.

Calhoun, Davis, Evans, Farrar, Fowler,	Getzendaner, Hall, Harrison, Kleberg, Perry,	Pfeuffer, Randolph, Shannon, Stinson, Woods.
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Senator Davis moved that the Senate do not concur in the second House amendment.

Adopted.

Senator Houston of Bexar moved to postpone the special order and take up House joint resolutions.

Adopted.

House joint resolution No. 25, "Proposing an amendment to section 20, article 16 of the Constitution of the State of Texas."

Senator Calhoun moved to postpone the resolution till Monday.

Adopted by the following vote:

YEAS—15.

Bell, Calhoun, Davis, Evans, Farrar,	Garrison, Harrison, Kilgore, Perry, Rancolph,	Shannon, Stinson, Terrell, Traylor, Woods.
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NAYS—9.

Fowler, Getzendaner, Glasscock,	Hall, Houston of Bexar, Jerdone,	Kleberg, Knittel, Pfeuffer.
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Senator Terrell moved to reconsider the vote by which the Senate yesterday passed House bill No. 562, "An act to amend sections 1, 2 and 4 of 'an act to provide for the more efficient management of the Texas State penitentiaries, and to make an appropriation therefor,' approved April 18, 1883."

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

YEAS—22.

Bell, Calhoun, Davis, Evans, Farrar, Fowler, Garrison, Getzendaner,	Glasscock, Hall, Harrison, Houston of Bexar, Kilgore, Kleberg, Knittel,	Perry, Pfeuffer, Randolph, Shannon, Stinson, Terrell, Woods.
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NAYS—none.

ABSENT, NOT VOTING.

Jerdone, Traylor.

Substitute House joint resolutions Nos. 1 and 2, to "Amend sections 3 and 6 of article 5 of the Constitution of the State of Texas," was laid before the Senate and read the second time.

Senator Davis offered the following amendment:

After seat of government strike out "and not exceeding two other places," and after the capitol of the State, strike out "and at not exceeding two other places."

Senator Terrell offered the following substitute for the amendment:

Strike out the word "two" wherever it occurs, and insert "three," so as to make it read "meet at capital and at not more than three other places."

Senator Kleberg moved the previous question on the amendments.

Seconded, and

Main question ordered.

The substitute was lost by the following vote:

YEAS—8.

Garrison, Getzendaner, Hall,	Jerdone, Kilgore, Randolph,	Stinson, Terrell.
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NAYS—15.

Bell, Calhoun, Davis, Evans, Farrar,	Fowler, Glasscock, Harrison, Houston of Bexar, Kleberg,	Knittel, Pfeuffer, Shannon, Traylor, Woods.
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ABSENT, NOT VOTING.

Perry.

The amendment was adopted by the following vote:

YEAS—12.

Davis, Evans, Farrar, Fowler,	Getzendaner, Glasscock, Kleberg, Pfeuffer,	Shannon, Traylor, Woods, Mr. President.
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NAYS—11.

Bell, Calhoun, Garrison, Hall,	Harrison, Houston of Bexar, Jerdone, Kilgore,	Randolph, Stinson, Terrell.
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ABSENT, NOT VOTING.

Knittel,

Perry.

I vote "no" because to adopt the amendment would defeat the resolution.

HOUSTON of Bexar.

I concur in the above, because it is too late in the session to get the resolution through if amended.

HARRISON.

The resolution was passed to third reading.

House joint resolution No. 30, "To amend section 2 of article 5 the Constitution of the State of Texas," was laid before the Senate, and

Read the second time.

Senator Kleberg moved to strike out "\$3000" and insert "\$5000" in section 1.

Lost, and

The resolution was passed to third reading.

On motion of Senator Fowler,

The Senate adjourned till 3 o'clock this afternoon.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

No quorum present.

On motion of Senator Shannon,

The Senate took a recess for thirty minutes.

Senate called to order.

Roll called.

No quorum present.

On motion of Senator Shannon,

The Senate took a recess till four o'clock.

Senate called to order.

Roll called.

Quorum present.

Senator Terrell sent up the following report from the special committee appointed this morning:

COMMITTEE ROOM,
AUSTIN, March 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your special committee appointed to investigate the resolution in regard to the dismissal of Mr. A Sampson, Calendar Clerk of the Senate, respectfully recommend that the resolution be adopted.

TERRELL,
RANDOLPH,
HARRISON.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to report to your honorable body that the House has concurred in Senate amendments to House bill No. 324, "An act to compel railroads and other corporations to establish and maintain public offices in the State of Texas, and providing what books shall be kept thereat, and what said books shall contain, and requiring them to keep said books open for inspection, and to compel them to report to the Comptroller, or Governor, the true status of said corporations," etc.

A. D. SADLER,
Chief Clerk House Representatives.

HOUSE OF REPRESENTATIVES,
AUSTIN, March 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body that the House has passed

Substitute House bill No. 408, "An act to amend chapter 2, title 2 of the Penal Code of the State of Texas, by adding thereto article 354a."

Senate bill No. 188, "An act to amend section 13 of an act to redistrict the State into judicial districts," etc.

Also, to report that the House has concurred in Senate amendment to House bill No. 252.

Senate bill No. 269, "An act to amend an act entitled 'an act to redistrict the State into judicial districts,'" etc.

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

Substitute House bill No. 408 was referred to Judiciary Committee No. 1.

Senator Terrell moved that the report of the committee be adopted.

The report was adopted by the following vote:

YEAS—21.

Bell,	Getzendaner,	Perry,
Calhoun,	Glasscock,	Pfeuffer,
Davis,	Hall,	Randolph,
Evans,	Harrison,	Shannon,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Garrison,	Knittel,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Houston of Bexar, Stinson.

On motion of Senator Kilgore,

Senator Jerdone was excused from voting on the resolution.

House joint resolution No. 1, to permit the Governor, Comptroller and Adjutant-General to withdraw from the Comptroller's and Adjutant-General's offices such original vouchers as may be necessary to enable them, under authority of an act of the Legislature, approved March 28, 1883, to properly present the claims of the State of Texas for payment by the United States under act of Congress, approved June 27, 1881."

On motion of Senator Garrison,

The constitutional rule was suspended, and

The resolution was placed on its second reading by the following vote:

YEAS—24.

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

NAYS—none.

The resolution was read second time and passed to third reading.

Senator Kilgore moved to suspend the constitutional rule and place the resolution on its third reading.

Adopted by the following vote:

YEAS—23.

Bell,	Hall,	Pfeuffer,
Davis,	Harrison,	Randolph,
Evans,	Houston of Bexar,	Shannon,
Farrar,	Jerdone,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Traylor,
Getzendaner,	Knittel,	Woods.
Glasscock,	Perry,	

NAYS—none.

ABSENT, NOT VOTING.

Calhoun.

The resolution was read the third time.

Senator Farrar offered the following amendment:

Provided, certified copies of the vouchers be left in the Comptroller's office.

Adopted by the following vote:

YEAS—17.

Bell,	Glasscock,	Knittel,
Calhoun,	Hall,	Pfeuffer,
Davis,	Harrison,	Randolph,
Farrar,	Houston of Bexar,	Stinson,
Fowler,	Jerdone,	Woods.
Getzendaner,	Kleberg,	

NAYS—7.

Evans,	Perry,	Terrell,
Garrison,	Shannon,	Traylor.
Kilgore,		

The resolution was passed by the following vote:

YEAS—22.

Bell,	Glasscock,	Perry,
Calhoun,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Farrar,	Jerdone,	Terrell,
Fowler,	Kilgore,	Traylor,
Garrison,	Kleberg,	Woods.
Getzendaner,		

NAYS—2.

Knittel, Pfeuffer.

By leave, Senator Houston of Bexar sent up the following report:

SENATE CHAMBER,
AUSTIN, March 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

SIR: I ask leave to report House bill No. 408, entitled "An act to amend chapter 2, title 2 of the Revised Code of the State of Texas, by adding thereto article 354a," which was referred to Judiciary Committee No. 1, with the recommendation that the same be considered and passed by the Senate. It is impracticable to have a meeting of the committee at this late hour of the session, and hence this report.

Respectfully,

HOUSTON of Bexar, Chairman.

Bill read first time.

On motion of Senator Houston of Bexar.

The bill (reported by him) was taken up, and made special order for Monday.

Senate bill No. 188, "An act to amend section 13 of an act to redistrict the State into judicial districts," etc. was laid before the Senate with House amendment.

On motion of Senator Farrar,

The House amendment was concurred in.

Oh motion of Senator Shannon,

House bill No. 408, "An act to amend chapter 2, title 2 of the Penal Code of the State of Texas by adding thereto article 354a," was taken up, and

On motion of Senator Jerdone,

Was postponed and made the special order for Monday after morning call.

Senator Bell moved to take up and act upon House bills on third reading.

Adopted.

House bill No. 87, "An act to amend article 4574, and to repeal article 4576 of the Revised Statutes of the State of Texas," was laid before the Senate, read the third time, and

Failed to pass by the following vote:

YEAS—11.

Farrar,	Kleberg,	Shannon,
Harrison.	Knittel,	Traylor,
Houston of Bexar,	Perry,	Woods.
Kilgore,	Pfeuffer,	

NAYS—13.

Bell,	Garrison,	Jerdone,
Calhoun,	Getzendaner,	Randolph,
Davis,	Glasscock,	Stinson,
Evans,	Hall,	Terrell.
Fowler,		

House bill No. 162, "An act to amend article 2411, chapter 4, title 42 of the Revised Civil Statutes of the State of Texas," was laid before the Senate,

Read third time and passed.

House bill No. 349, "An act to amend article 797, chapter 17, title 17 of the Penal Code of the State of Texas," was taken up,

Read third time and passed.

Substitute House bills Nos. 171 and 208, "An act to amend article 425 of the Penal Code of the State of Texas," was taken up,

Read third time and passed.

House bill No. 483, "An act to amend article 1533 of the Revised Statutes," was laid before the Senate,

Read third time and passed.

House bill No. 72, "An act to amend article 4367 of the Revised Statutes," was taken up,

Read third time and passed.

House bill No. 409, "An act to amend article 4518 of chapter 1, title 91 of the Revised Civil Statutes of the State of Texas," was taken up,

Read third time and passed.

Substitute House bill No. 218, "An act authorizing the sheriffs, constables or their deputies of this State to make persons who are principals or sureties on indemnifying bonds, parties to suits, and giving such sheriffs, constables or their deputies time to secure service on such principals and sureties," was taken up.

Read third time and passed.

House bill No. 287, "An act to amend article 3969,

title 79, Revised Civil Statutes, was laid before the Senate.

Read third time and passed.

Substitute House bill No. 290, "An act to amend articles 378 and 379, chapter 6, title 11 of the Penal Code of the State of Texas, and to add to said chapter and title article 379a," was taken up,

Read third time and passed.

Substitute House bill No. 270, "An act to amend article 3856 of the Revised Statutes," was taken up.

Read third time and passed.

House joint resolution No. 27, "to amend section 8, article 5 of the Constitution of the State of Texas," was taken up.

Read second time and passed to third reading.

Senator Davis called up his motion to reconsider the vote by which the Senate refused to pass to third reading, yesterday, House bill No. 96, "An act to amend 'an act to amend article 4111 of the Revised Civil Statutes,' approved March 5, 1883."

The motion to reconsider was adopted.

(Senator Kilgore in the chair.)

Senator Stinson offered the following amendment

Amend by striking out "five or more resident citizens subject to road duty," and insert in lieu thereof "a majority of the hands subject to road duty in any road precinct."

Lost by the following vote:

YEAS—12.

Calhoun,	Getzendaner,	Pfeuffer,
Evans,	Harrison,	Shannon,
Farrar,	Houston of Bexar,	Stinson,
Fowler,	Perry,	Woods.

NAYS—12.

Bell,	Hall,	Knittel,
Davis,	Jerdone,	Randolph,
Garrison,	Kilgore,	Terrell,
Glasscock,	Kleberg,	Traylor.

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

YEAS—14.

Bell,	Hall,	Knittel,
Calhoun,	Harrison,	Perry,
Davis,	Houston of Bexar,	Randolph,
Garrison,	Kilgore,	Woods.
Glasscock,	Kleberg,	

NAYS—9.

Evans,	Getzendaner,	Stinson,
Farrar,	Pfeuffer,	Terrell,
Fowler,	Shannon,	Traylor.

ABSENT, NOT VOTING.

Jerdone.

Substitute Senate bills Nos. 271 and 274, "An act to reorganize the thirtieth, thirty-first, thirty-second and thirty-third judicial districts, to create the thirty-ninth judicial district, and fix the times for holding court therein, and to provide for the appointment and election of judges and district attorneys in said thirty-ninth judicial district," was taken up with House amendment, and

On motion of Senator Shannon,

The Senate concurred in the House amendment. On motion of Senator Hall, House bill No. 281, "An act to authorize the commissioners' courts of the organized counties of the State of Texas to which unorganized counties are attached for judicial purposes, to lay off and designate justices' precincts in such unorganized counties, and to consti-

tate such precincts election precincts, and to provide for voting in such unorganized counties for county commissioners of the counties to which they are attached," was taken up, and

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

YEAS—22.

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

NAYS—none.

ABSENT, NOT VOTING.

Jerdone, Knittel.

The bill was read second time and passed to third reading.

On motion of Senator Kleberg,

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

YEAS—22.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Hall,	Randolph,
Davis,	Harrison,	Shannon,
Evans,	Houston of Bexar,	Stinson,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Garrison,	Knittel,	Woods.
Getzendaner,		

ABSENT NOT VOTING.

Jerdone, Perry.

The bill was read third time and passed.

On motion of Senator Glasscock,

House bill No. 589, "An act to provide for the identification and permanent marking of surveys heretofore made for the benefit of the common school fund by virtue of alternate certificates," was taken up.

Senator Glasscock moved to suspend constitution al rule to place bill on second reading.

Senator Traylor moved to refer the bill to Committee on Public Lands.

Adopted.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage

Senate bill No. 280, "An act to reorganize the thirty-fifth judicial district, and

Substitute Senate bills Nos. 271 and 274, "An act to reorganize the thirtieth, thirty-first, and thirty-second and thirty-third judicial districts," etc.

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

Senator Garrison sent up the following report:

COMMITTEE ROOM,
AUSTIN, March 28, 1885.

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

Your conference committee appointed upon House amendment to Senate bill No. 180, have carefully considered the same, and recommend that the House recede from its amendment to said bill, because, if the bill should be passed with

said amendment, Shelby county would be deprived of any court, on account of the failure of House bill No. 529 to pass the Senate.

BLOUNT of San Augustine,
INGRAHAM,
CRANE,
For House.

GARRISON,
HALL,
KILGORE,
For Senate.

On motion of Senator Garrison,
The report was adopted.

Senator Stinson moved to adjourn till 9:30 Monday morning.

Lost.

On motion of Senator Terrell,
Senator Houston of Bexar was excused for Monday next.

On motion of Senator Terrell,

Mr. Monroe Drew, the Postmaster, was excused for the past six days on account of sickness.

On motion of Senator Davis,

The Senate adjourned till 9:30 o'clock Monday morning.

CORRECTED LIST OF NOTARIES.

Anderson county—E. F. Arthur, Theodore Ash, J. F. Watts, A. W. Gregg, M. Glenn, Theodore D. Jones, J. H. Mead, J. J. Word, J. Conaway, Palestine; W. L. Darden, Bethel; R. M. Jackson, Tennessee Colony; P. L. Bradford, Bradford; W. A. Miller, Kickapoo; J. M. Emerson, Fosterville; W. H. Gill, Palestine; Benjamin Parker, J. W. Bryan, Elkhart; D. M. Butler, R. J. Royal, Palestine.

Archer county—S. Abercombie, F. E. Dycus, L. W. Hart, Archer.

Armstrong county—Charles Goodnight.

Austin county—C. S. Miller, James H. Shelburne, W. I. Glenn, S. B. Pier, Bellville; Wm. Wenneneser, Nelsonville; Charles Korff, Shelby; Fritz Peters, Cat Springs; G. T. Ross, San Felipe; John Harvey, Kenneyville; E. L. Day, Cochran; Max Meisner, Industry; J. H. Krancher, Bellville; W. C. Cliett, San Felipe; J. W. Lott, Sealy; E. D. Rawls, Buckhorn.

Angelina county—Homer McMickles, John K. Matthews, James McKnight, Lufkin; John Y. Foster, Eli Gilleland, Homer; T. C. Moore, Lufkin; E. J. Mantooth, Joseph Chestnut, J. R. Gilleland, W. J. Townsend, Homer.

Atascosa county—J. L. McCaleb, Benton; J. H. Cavender, T. M. Peeler, Pleasanton.

Bastrop county—B. Sass, Smithville; R. A. Brooks, Alum Creek; J. S. Woodruff, Caldwell's store; E. Hagaman, Paige; W. R. McDuff, Weberville; L. Heiligbrodt, R. P. Jones, J. W. Kennedy, F. A. Orgain, H. J. Wamel, S. W. Briggs, W. A. Highsmith, M. H. Hill, J. E. B. Laird, D. M. Scott, T. C. Baird.

Bell county—F. D. Smith.

Baylor county—H. S. Melvin, J. T. Montgomery, R. J. Browning, W. R. Bonner, J. R. McLain.

Bee county—Sidney Howard, Beeville.

Bexar county—W. G. M. Samuel; L. L. Lacy, Sam. M. Johnson, E. C. Reed, Frank E. Corbett, Gen. H. P. Bee, L. D. Dibble, San Antonio.

Bowie county—O. P. Taylor, Texarkana; K. Yarbrough, New Boston; J. C. Ellis, J. H. Henderson, W. L. Whitaker, Boston; J. J. Peters, Boston; J. C. Wright, H. M. Burrows, A. D. Putnam, Dalby Springs; D. D. Gupton, W. W. Dillard, A. C. Ward, J. B. Lassiter, DeKalb; Sam H. Smelser, J. E. Anderson, Thos. L. Lynch, New Boston; A. J. Purcell, J. H. Smelser, M. A. Bassett, H. N. Samstag, C. A. Hooks, L. C. DeMorse, Jas. A. Marx, W. T. Hudgins, W. L. Whitaker, Texarkana.

Burnet county—T. E. Hammond, J. G. Cook, R. W. Cates, Burnet; Norton Moses, Strickland; R. H. Ward, Burnet; U. E. Morgan, J. D. Riley, Bertram; Albert Gieseke, A. G. Wilcox, W. D. Yett; John Linn, Lacy; G. R. Berry; B. H. Stewart, Mohamet; R. L. Turberville; T. A. Chamberlain, Burnet;

Miles Cook, George Gillum, G. A. Brandon, Charles Rise, Robert Rise, D. Williams, N. W. Tobey, W. W. Bebout.

Blanco county—W. Wedekind, Round Mountain.

Brown county—F. M. Henderson, F. W. Henderson, Brownwood.

Burleson county—E. G. Banks, Caldwell; C. S. Adams, Mearle; J. L. Hill, Caldwell; J. W. Page; J. W. Ragsdale, Tunis; C. S. Williams, Caldwell; C. C. Harvey, Hookerville; J. M. Jackson, A. W. McIver, T. R. Batte, Caldwell; E. L. Flanagan, Tunis; N. M. Thornton, Ike Bingham, Caldwell.

Bosque county—James M. Robertson, N. R. Morgan, Meridian; A. R. Barry, Kopperl; W. D. Thomas, Morgan; J. L. Scott, Meridian; J. P. Grace, Walnut; James A. Gillette, John H. Gouley, Meridian; N. A. Evans, Valley Mills; Peter Pearson, Norse; John H. Moses; G. W. Leaverton, Clifton; R. E. Conine, Cayote.

Brazoria county—G. C. Leonard, Brazoria; Wm. Fort Smith.

Cass county—Joda Snipes, Douglassville; W. Q. Henderson, E. A. Allday, Atlanta; J. C. Hutchinson, Queen City; Ed. Rand, Kildare; J. S. Lunday, Wayne; James Petty, Bryan's Mill; Clay Fulcher, Cussetta Mill; Frank Hall, Gibson's Mill; C. Palmore, Dalton Mill; Mack Fletcher, Hughes Springs; T. J. Everett, Avinger Springs; J. R. Glaze, Galloway's Store; D. J. Blackwell, Red Hill; Thomas Wood, Forest; W. F. Ford, Queen City; M. R. Pilkinton, Sardis; J. J. Fowler, Coke's Store; I. S. Lacy, Culberson; T. C. Taylor, J. P. Wood, Linden.

Caldwell county—Henry Rice, D. M. Crosswait, Lockhart; J. N. Stagner, J. W. Campbell, Luling; A. J. Rife, Alledo; W. B. Walker, Prairie Lea; Wm. Alexander, Dale; D. C. Chamberlin, Elm Grove; J. P. Reed, Delhi.

Clay county—W. M. Waddington, R. T. Ricketts, J. M. Willis.

Cameron county—E. C. Forto.

Chambers county—Hugh Jackson, James Armstrong, Wallisville; R. D. White, William Gordon, Turtle Bayou; James Jackson, Double Bayou.

Clay county—T. C. Bowmar, W. B. Stickney, W. A. Squires, W. D. Slayton, J. C. Chestnutt, R. D. Wellborne, E. B. Monday, Henrietta; Wm. Wantland, Belleville; George A. Watts, J. M. Jones, Vincent Stine, M. C. Ivie, A. K. Swan, W. G. Eustis, Henrietta; F. G. Bransford, New Port.

Calhoun county—W. H. Woodward.

Callahan county—W. H. Cliett, Baird; J. H. Smith, Putnam; D. Richardson; B. F. Walker, Cottonwood; A. W. Oliver, Baird; J. W. Power, Bell Plain.

Cherokee county—E. C. Dickinson, M. Jernigan, J. P. Gibson, Rusk; D. McCall, Forest; W. C. Bolton, G. W. Middleton, T. H. Collier, Jacksonville; R. H. Childers, Rial Smith, Griffin; A. Harrison, C. A. Miller, Alto; W. C. Frederick, John Dalby, Lone Star; Finess Braley, O. C. Taylor, Larissa; C. M. Wade, Gent; R. S. Finlay, Rusk; A. J. Cnessher, Jacksonville.

Collin county—J. L. Doggett, T. B. Wilson, M. H. Byrne, M. H. Garnett, J. L. White, Thos. H. Emerson, M. W. Johnson, S. H. Cole, J. H. Jenkins, Jno. Church, Jno. D. Page, K. R. Craig, McKinney; R. T. Shelton, L. Butler, F. J. Vance, H. C. Overaker, J. P. Coffey, Plano; Jno. Walden, St. Paul; B. B. Fowler, Nickleville; Howard Pickett; P. W. Baldwin, Maxwell; C. L. Snider, Tevis Bickley, Henry Caver, J. S. Rike, Farmersville; A. J. Caudler, Merritt; Jno. T. Buchanan, Geo. M. Carruth, Celina; James Kuykendall, Thomas Hardison, Foy; W. G. Matthews, Beth; E. Nelson, Jno. Reasor, Lebanon; Jas. Smith, Wm. Moyers, R. T. Mitchell, Blue Ridge; T. E. Shirley, I. T. Largent, Jesse Coffey, L. A. Scott, Melissa; W. J. Booth, Millwood; W. H. Bowie, F. M. Bounds, Jesse Hubbard, Weston; J. L. McKamy, Frankfort; Rowland Gooch, G. J. Davie, W. H. Brummitt, Nevada; James L. Greer, Anna; J. C. Rhea, Rhea's Mill; Chas. Blackwood, Jno. Pace, Gray Bill; J. J. Thompson, Rock Hill; J. D. Naylor, Millwood; Geo. Hardin, Farmerville; J. W. Franklin, Allen.

Coleman county—John C. Randolph, H. T. Sims, Coleman.

Comanche county—T. R. Hill, Comanche; A. J. Sanderford, De Leon.

Cottle county—Jno. T. Stovall.

Childress county—D. C. Curtis.

Collingsworth county—H. F. Holstien.

Coryell county—H. N. Rafter, Copperas Cove; E. E. Clark.

Colorado county—T. W. Hunter, W. B. McCormick, Weimar; Jno. H. Mullin, Oakland; Carey Shaw, French Simpson, Columbus; Walter C. Jones, Vox Populi; Jno. R. Newsom, Eagle Lake; D. C. Gregory, Alleyton.

Camp county—Jno. W. Hooper, Jno. J. Ofiel, Jno. B. Ed-

dins, W. R. Heath, J. A. Derrick, E. H. Hopson, C. G. Davis, Jno. A. Thompson, Pittsburg.

Dallas county—S. C. McCormick, J. M. Hays, W. H. Barkdale, Dallas; E. D. Sowers, Sowers; J. T. Timberlake, Trinity Mills; John M. McCoy, Frank J. Smith, J. M. Wheatly, Dallas. Donley county—W. D. Kimball, J. H. Parks, J. G. Murdock, J. B. McClelland.

Dickens county—W. C. Dockam.

Denton county—T. M. Smith, Lewisville; J. H. Degan, Waketol; John Collier, Pilot Point; J. N. Rucker, Little Elm; Benj. Moss, Aubery; A. J. Nance, Bolivar; James Eads, Roanoke; J. C. Wright, Garza; J. M. Copley, D. N. Dodson, Denton; W. H. Bush, Nava; E. F. Bates, Lloyd; R. W. Terrell, A. C. Owsley, W. J. Austin, H. C. Furgerson, Denton; G. T. Walton, Stoney; James Hicks, Little Elm; C. T. Morris, J. C. Smith, Argyle; Chas. Everett, T. A. Collins, O. P. Poe, John L. Ruddell, Denton; T. D. Fouts, Trinity Mills; Isaac N. Allen, C. R. Buddy, Denton; W. H. McNeil, Little Elm; J. M. Rook, Lloyd; J. N. Rayzor, Mustang; J. E. Buster, Stewart's Creek, N. F. Wakefield, E. S. Smith, John Bain, J. R. McCormick, Waketon.

Duval county—T. C. Hannelly.

DeWitt county—J. H. Moore, Thomaston.

Delta county—B. B. Taylor, Mount Joy; R. B. Redfern, Ben Franklin; Johnathan Bills, Cooper; J. B. Simpson, Charleston; James M. Brown, Ben Franklin.

Erath county—C. J. Shapard, Stephenville; J. D. St. Clair, Alexander; T. B. King, Stephenville; T. J. Belcher, Rock Falls; A. B. McClure; S. T. Morris, Dublin; J. L. Durham; L. E. Gillette, Dublin.

Eastland county—W. L. Calhoun, Eastland; D. T. Jordan, Carbon; D. G. Hunt, Rising Star.

Ellis county—Anson Rainey, J. D. Templeton, R. M. Clark, R. G. Phillips, R. M. Wyatt, Ed. Oldham, Thos. P. Whipple, N. G. Davis, J. M. Phillips, J. P. H. Nelson, H. M. Rhodus, Waxahachie; C. T. Hogan, W. H. Fears, J. H. Albritton, D. F. Singleton, Ennis; Alex. Mosely, Bristol; R. P. Mackey, Ferris; Jno. Wylie, Auburn; G. W. Hamlett, T. L. Henderson, Italy; J. C. McKinney, Ennis; J. W. Couch, Red Oak; I. P. Jeffers, Palmer; Geo. H. Alderman, Avalon; J. N. Padgett; W. T. M. Dickson, H. N. C. Davis, Milford; T. L. McCarty, Ennis; F. P. Powell, Waxahachie; C. L. Edwards, J. S. McDuffie, Ennis; J. A. Moore, Mt. Peak.

Falls county—Frank B. Chilton, R. S. Hunnicutt, T. B. White, Marlin; J. F. Knox, J. V. Wright, Leonard Magee, George A. Hodges, M. H. Curry, W. A. Patrick, J. M. Stuart, Samuel Brewer, J. R. McDonald, Ed. M. McCollough, Matt Jones, W. J. Finks, W. J. Yates, S. A. Elam, Wm. Hauder; J. T. Somerville, Marlin.

Franklin county—T. W. Templeton, Winnesboro; H. G. Stokely, J. Q. Nunn, J. S. Davis, J. P. Huskey, W. H. Baldwin, Mt. Vernon; J. C. Terrell, Winnesboro, Wood county.

Fort Bend county—J. C. Williams, T. E. Mitchell, West John, Richmond; W. C. Sims, Pittsville; J. A. Gibson, Foster, W. L. Duulap, Stafford's Point; Durke Susee (Duke), Arcola.

Fannin county—A. F. McRea, W. E. Dailey, sr., E. G. Rogers, W. G. Nunn, Ladonia; M. L. Taylor, Savoy; John A. Russell, Bouham.

Frio county—L. B. C. Gallaway, John Hays, San Miguel; Gilbert Williams, Dilly.

Fayette county—N. L. McKinnon, Schulenberg; A. D. Paulus, High Hill; Chas. Luck, Black Jack Springs; A. Windmeyer, Aumonville; G. G. Moore, I. T. Lane, Flatonia; H. Zavisch, Cistern; E. C. Phelps, J. C. Stiehl, La Grange; E. Henkel, F. A. Schliek, Round Top; G. W. Radford, Ledbetter; C. W. Moore, West Point; C. J. von Rosenberg, Ellinger; A. C. Lenert, Warrenton; A. E. Falke, Warda; A. Nerestra, New Pargue; J. Ivy, Flatonia; W. S. Chunn, Cistern; A. Giles, Winchester; A. F. Dornwell, Waldeck; Paul Meerscheidt, LaGrange; Wm. Muenzler.

Galveston county—W. H. Lisbony, Joseph A. Labatt, Galveston; Henry C. Mayer, Frank H. McMahan.

Grimes county—Samuel E. Blake, Plantersville; Isaac R. Lindley, Roans Prairie.

Greer county—H. C. Sweet, Lanham.

Guadalupe county—T. M. Humphreys, Seguin; S. M. Holmes, Staples' store; Fritz Kraft, Clear Springs.

Grayson county—A. P. Finlay; J. R. McElroy, Southmayd; Robert E. Smith, Sherman.

Gonzales county—W. S. Fly, T. F. Harwood, Gonzales; L. N. West, Leesville; Wilbur F. King, Wrightsboro; W. V. Collins, Gonzales; W. J. Bright, T. B. Littell, Enoch Steen.

Gregg county—T. M. Campbell, J. W. Boring, T. A. Flewel-

led, C. N. Henderson, Longview; J. C. Barnett, Kilgore; Stephen May, Longview; E. S. Terry, Longview.
 Gray county—A. S. Williams.
 Hamilton county—R. D. Love.
 Haskell county—Arthur C. Foster, Haskell.
 Hardin county—S. B. Turner, Hardin; J. P. Work, Kountze; John Davis, Concord; T. J. Hooks, R. N. B. Tompkins, Village Mills.
 Harrison county.—H. C. Gray, Scotsville; C. D. Kretz, Chas. F. Chevaillier, John B. Carter, B. W. Long, M. Haggar, Marshall; Geo. E. Toullerton, R. P. Littlejohn, H. M. Matthis, L. W. Loyd, C. H. McGill, J. G. McCown, Marshall; Geo. D. McGimpsey, Elysian Fields; T. S. Buchanan, Hallville; W. L. Thomas, Marshall.
 Harris county—J. H. Dunks, Crosby.
 Hood county—W. A. Duke, B. M. Estes, John P. Estes, T. T. Ewell, T. J. Duke, J. R. Morris, J. M. Chadwick, Granbury.
 Haskell county—F. P. Morgan, P. B. Ward, Walter Scott, Oscar Martin, John W. Arledge, Haskell.
 Howard county—D. A. Walker, Big Springs.
 Hill county—W. H. Marsh, Hubbard City; B. F. Vinson, D. J. McClellan, F. M. Bush.
 Harlan county—D. G. Smith, J. H. Meyers, Chillicothe; J. C. Roberts, Margerette; J. H. Drury, F. C. Ratcliff, J. A. Nabors, G. W. Darby.
 Houston county—J. F. Stokes, Grapeland; G. M. Dolson, Pennington, Trinity county.
 Hemphill county—Ed. Fletcher.
 Hutchinson county—H. T. Groom.
 Henderson county—J. M. Warren, Goshen; W. J. Evans, Malakoff; S. M. Bradford, Willow Springs; John S. Jones, J. B. Bishop, Atheus; R. W. Wiley, Chandler; John H. Reynolds, New York; H. C. Turner, Fincaeste; W. L. McNeil, Brownsboro; J. M. Murchison, Murchison; H. M. Gossett, J. T. Meredith, Athens.
 Hopkins county—W. A. Green, H. C. Barker, Black Jack Grove; T. C. Crain, A. A. Henderson, F. M. Rogers, S. L. Rogers, R. S. Blythe, W. B. James, Guss Garrison, Joseph Brashear, B. T. Stephens, Sulphur Springs; W. D. Byrd, H. C. Wood, R. L. Askew, C. B. Williams, Carroll's Prairie; W. J. Cline, Cornersville; Will T. Holderness, Fairlyland; G. B. Christian, White Oak; Joseph Gist, Picton; R. E. Bertram, Reiley Springs; T. A. St. Clair, Sulphur Springs; Harvey Anderson, Miller Grove; J. W. Barker, Sulphur Springs.
 Hunt county—D. W. Yeager, Kingston; A. S. Marshall, Greenville; L. F. Phelps, Payne's Store; J. H. Jackson, Commerce; Jas. H. Patterson, Campbell; A. Cameron, Greenville; A. D. Jackson, Wolf City; H. H. Wood, South Sulphur; C. L. Elder, Greenville; W. R. Lane, Jordin; J. D. Hurst, Payne's Store; M. T. Mitchell, Olivera; J. M. McCamant, Campbell; E. B. Lewis, John O. Wilkinson, Greenville; W. P. West, Payne's Store; W. P. McBride, Humphrey; Z. E. Gandy, Lone Oak; J. F. Pnckett, Kingston; S. R. Etter, A. R. Cushman, Greenville; E. J. Mock, Kingston; E. K. Patrick, Lone Oak; P. A. Norris, Greenville; W. H. Key, Roberts; K. L. Porter, Greenville; W. C. Vanlandingham, Donelson; A. G. Titus, Whitesock.
 Jefferson county—W. D. Irely, A. S. John, W. M. Campbell, R. H. Leonard, Geo. W. O'Brien, Mark Weiss, T. J. Russell, J. F. Lanier, J. W. Dorman, Beaumont; T. C. McReynolds, Jos. Broussard, T. W. Paine, Sabine Pass.
 Jack county—Mort. H. Stark, J. F. Jones.
 Johnson county—G. H. Maxey, D. W. Adams, C. Y. Kouns, Cleburne.
 Jones county—C. D. Davis, C. P. Woodruff, Dan M. Jones, Anson.
 Jackson county—Henry T. Chivers, Edna.
 Jasper county—Lipscob Norvill, Henry C. Howell, T. W. Ford, K. B. Seal, Jasper; T. H. Owens, Bevelport; J. H. Sanders, Weiss Bluff.
 Kinney county—W. W. Lamberts, Geo. A. Doogan, Del Rio.
 Knox county—R. D. Goree.
 Kaufman county—E. A. Thompson, S. M. Cannon.
 Kendall county—D. W. Grady, F. W. Schweppe, Boerne; Fred. Hofheuz, Guadalupe Theo. Weidenfeld, Comfort.
 Kimble county—Wallace Blain.
 Lampasas county—J. C. Hubert, Lampasas.
 Lee county—N. R. May; W. M. Buras, Lexington; F. S. Wade, Blue Branch; R. H. Flanniken, Tanglewood; E. C. Harrell, H. Goldstein, J. L. Rou-seau, Giddings; A. F. Rainwater, Ledbetter, Washington county; Otto J. E. Urban, Fedor.
 Lavaca county—C. B. Patton, Sweet Home; R. T. Jaeggli, Baur; Jesse Green, Hallettsville; R. J. Putney; H. T. Kuhne, Hope; W. G. Chapman, Hac berry; Ira Ezell, Ezell's Store; H. C. Youngkin, Antioch; S. Sewell, Hackberry; Wm. H. Striebeck, Broslau; J. A. Whitfield, Hallettsville; J. H. Anderson, Moulton; Isaac E. Clark.
 Lamar county—W. G. Baird.
 Lipscomb county—E. E. Polley.
 Limestone county—A. E. Fernin, Mexia; J. J. Swame, Kesse.
 Liberty county—Geo. Ricks, J. G. Miuter, Sam R. Perryman, Liberty; L. C. Chambers, Alfred Isaacs, J. D. Lum, Tarkington's Prairie; J. W. Davis, Dayton; T. B. Smith, Ironton; Frank Abahier, H. H. Devo; Liberty; Gustavo Lacour, Moss Bluff.
 Llano county—W. T. Dalrymple, Llano; W. L. Carleton, W. L. Armstrong, R. F. Roundtree, Wm. Kyle, J. W. Davis, S. H. Oatman, H. J. Reynolds, John McLeod, Knight Stith, James Flack, E. H. Wilkes, M. B. Clendennan.
 Marion county—J. H. Parsons, W. E. Estes, John Penman, Lee Sherrill, Jefferson; Geo. R. Beard, J. A. Lindsay, T. N. Lockett, A. J. B. Garrett, W. A. Walker, J. M. Harper, C. G. Graham, J. H. Rowell, P. H. Rowell, R. A. Loomis; D. B. Hale, Lassater,

Morris county—H. E. Henderson, Dangerfield; J. H. Mathews, W. G. Callaway, B. A. den; W. M. Cason, Cason; John Speorman, Dangerfield; J. H. Hart, Gavett.
 Maverick county—E. L. Watkins, Eagle Pass.
 Medina county—Marshall Burney, Devine.
 Milam county—Leonard Isaacs, Frank Clement, J. E. Longmoor, B. T. Middleton, J. H. Sparkman, J. L. Lockett, Rockdale; H. N. Roberts, W. T. Helley, W. M. McGregor, R. I. McCalla, Cameron; F. M. Adams, Gause; J. H. Graves, Lilack; A. S. Russell, Milano; B. L. Arnold, Cameron; E. Y. Terrell, Jones Prairie; A. G. Wilcox, Rockdale; W. A. H. Askaw, Baileyville; John A. Smith, Branchville; James Peeler, Cameron.
 Martin county—Peter Smith, Adam Koriz, John Markel, Marienfield; John Souer, Peter Glouden.
 McCulloch county—J. L. Spiller, Brady City; M. Clements, Walter Anderson, J. T. Williams, J. L. Tarver, Chas. E. Williams.
 Montague county—Wm. Garborough, J. E. Willets, W. H. Wilson, R. B. Davis, J. M. Grigsby, G. F. Thomas, J. H. Howard, M. B. Hoskins, E. S. Eades, Jos. W. Kerr; C. J. Haile, J. M. Tindall, Bowie; Wm. Robertson, Dye; I. H. Baggess, St. Jo; E. W. Giles, Duxbury; C. C. Johnson, E. L. Jarrot, Bowie; R. D. Rugeley, Montague; M. W. Ross, St. Jo; J. T. Bellows, Sunset; M. J. Davis, Montague; L. R. Willets, Bowie; E. S. Eads, Illinois Bend; C. L. Herbert, W. A. Morris, W. S. Jamison, Montague; John S. Love, Red River station; L. C. McNatt, Burlington; L. B. Roberson, Hardy; J. W. Kerr, B. E. Green, Bowie.
 Motley coun ty—J. M. Campbell, H. H. Campbell.
 Mitchell county—R. L. Boren, Jay Good, T. Q. Mullin, Xavier Ryan, W. J. Hatch, J. H. Morrison, R. H. Looney, A. Maclean, Colorado City.
 McLennan county—G. W. Kinchloe, Mastersville; J. W. Speight, Waco; W. C. O'Bryan, McGregor; Thos. A. Blair, Jas. I. Moore, Waco; W. C. Barnett, Valley Mills; Alfred Battle, W. S. Baker, R. G. Pidcocke, T. D. Peury, E. A. McKenney, Waco; F. R. Robinson, Robinsonville; R. H. Rogers, W. M. Sleeper, L. W. Bagby, A. M. Harris, F. M. Makeig, W. S. Kinchloe, Waco; H. C. Williams, Lorena; J. B. Vesey, Axtell; C. J. Monroe, West; Hir-m Morgau, Moody; John B. Nichols, Crawford; T. J. Womack, Patrick; T. J. Prim, Besqueville; T. J. Talliaferro, Ross; F. A. Tucker, Harrison; J. K. Dunn, Mart; A. C. Prendergast, Waco; Seth P. Mills, Speigleville; Allen L. West, D. H. Hardy, J. R. Downs, E. A. Marshall, Waco; John W. Ridgill, Eddy; W. G. Mobley; J. H. Davenport, Jr., Waco; L. P. Field, Mastersville; Frank Richardson, Eddy; C. F. Schaefer, Lorena.
 Midland county—A. A. Bell.
 McMullen county—E. S. Atkinson.
 Madison county—John Vernon, Willow Hole.
 Navarro county—J. D. Curtis, R. E. Prince, Corsicana; P. P. Powell, Angus; Geo. B. Sherrard, Birdston; L. L. Jester, Corsicana; Richard Gowan, A. B. Lee, H. C. Talbott; J. G. Way, Cross Roads; W. J. Gibbs, H. K. Farrar, A. S. Henry, J. M. Blanding, T. J. Meredith, R. H. Mathews, H. T. McCallen.
 Nueces county—James W. Ward, Stanley Welch, Corpus Cristi; Chas. L. Lege.
 Nolan county—J. F. Edison, J. W. Posey, Jos. Boone, Sweetwater.
 Newton county—E. A. Cheatham, John T. Sutton, Thos. H. Good, John T. Keaghey, Burkville; C. H. Nemit, L. B. Clark, Newton; James R. Lee, Livonia; H. F. Wilson, Belgrade.
 Nacogdoches county—W. S. Patton, Tom R. Jennings, Geo. H. Matthews, Anthony B. Patton, John N. Gilbert, Wm. Martin, Nacogdoches; J. H. Miller, Wonders; J. H. Garrison, Nacogdoches; J. V. Birdwell, Martin City; O. P. Fears, Wonders; R. A. Wooten, E. J. Spinks, Cheriue; D. C. Mast, Melrose; J. H. Thomas, Douglass; H. V. Fall.
 Oldham county—I. P. Ragland, H. H. Wallace, W. S. Mabry, H. M. Kimball, John W. Cone, J. E. McAllister, A. D. Tomb.
 Orange county—J. F. Hart, W. D. Wingate, Geo. W. Mitchell, John Starke, J. Swinord, B. H. Smith, Orange.
 Panola county—Thos. F. Hull, N. C. Williams, Carthage; J. J. Langley, Beckville; T. G. Allison, Fair Play; J. W. Cariker, T. A. Lawrence, Clayton; B. D. Holland, Centennial; W. H. Brittle, Bethany; J. B. Wells, Deadwood; T. A. Cadenhead, DeBarry; M. W. Donaldson, J. A. Leslie, J. L. Harris, Frank Lawson.
 Polk county—S. B. Tackalerry, Moscow; B. W. Maury, J. C. Feagin, T. B. Dunnam, L. B. Oats, J. L. Henderson.
 Palo Pinto county—J. C. Haynes, Mineral Wells; J. S. Straughan, Palo Pinto; W. P. Gibbs, Hampton; S. B. Garrett, J. E. Laverty, Palo Pinto; C. W. Massie, Jas. T. Daniel, Straun; H. M. Montgomery, Palo Pinto; M. L. Garrett; M. B. Fryar, Christian; H. M. Berry, Palo Pinto; W. W. Reid, Christian; J. L. Cunningham, Palo Pinto.
 Potter county—Warren Witzel.
 Parker county—H. Snythe, Mack B. Roach, Weatherford.
 Pecos county—John Mills, A. D. Braziel, H. W. Martin, J. R. McMahan, H. P. Campbell, William Jones, Horace W. Martin, Thos. M. Alfred, Walter Calvert, Emory.
 Runnels county—G. W. Perryman.
 Rusk county—D. M. Deason, Pine Hill; W. P. Devereux, Glenfawn; G. B. Gould, John H. Young, J. G. Garrison, J. T. Maddox, J. S. McAnulty, G. R. Lacy, Henderson; T. H. Still, J. K. Martin, Overton; J. L. Findley, Harmony Hill; J. P. Ross, Mt. Enterprise; Dallas Foreman, New Salem; L. D. Stevens, Stevens; H. Carter, Caledonia; W. J. Graham, Henderson; Chas. C. Leverett, Overton; James M. Crane, Minden.
 Robertson county—J. A. Carson, Wootau Wells.
 Rockwall county—J. E. Stephens.
 San Saba county—Leigh Burleson, San Saba.
 Shackelford county—G. M. Rutledge, J. B. Gildart, John M. Moore, Albany, T. J. Grounds, Hulttown.
 Starr county—E. Downey Davis, John P. Kelsey.
 San Jacinto county—C. M. Woods, Shepard.

Sabine county—W. W. Weathered, Hemphill; J. T. Polley; Jas. P. Payne, Sexton; E. N. Beall, Geneva.

San Augustine county—W. H. Crouch, M. W. Hungerford, Chas. Flourney, San Augustine.

Smith county—M. Scott, John H. Bonner, Tyler; L. Loring, Bullard; H. H. Moore, Tyler; J. O. Collier, Troupe; H. C. Huggins, Starrville; W. H. Marsh, Winona; John A. Mathias, Browning; L. Jarvis, Troupe; W. G. Human, Tyler; P. G. Bradshaw, Mt. Sylvan; Jo Carlton, Red Springs; J. A. Hill, White House; Jas. M. Edwards, J. T. White, H. B. Urquhart, Tyler; J. G. Jones, Troupe; Jeff D. Burns, Tyler.

Shelby county—W. V. Caraway; J. M. Hairgrave, Buena Vista; Tom C. Davis, Center; Dan Brittain, Sam A. Owens, John H. Truitt, A. M. Neathery, Wm. H. Stanley, M. H. Cooper, E. M. Hughes, J. M. Bell, J. T. Mosley, P. H. McLaughlan, J. M. Truitt, Tarrant county—Frank W. Norris, Francis Granger, T. J. Powell, C. M. Templeton, A. W. Hutchins, D. D. Wall, James Harrison, E. C. McPhail, W. B. Tucker, Fort Worth; J. B. Alexander, Mansfield; David Farnsworth, Handy; George Finger, Johnson's Store; Elihu Newton, Padin's Store; Levy Walker, Azle; D. S. Brown, J. T. Saunders, Fort Worth; H. E. Valentine, Bedford.

Titus county—Willie Ligon, J. F. Wilkinson, B. F. Wood, Mt. Pleasant; W. A. Keith, Cockville; W. R. Edwards, Mt. Pleasant.

Throckmorton county—B. F. Reynolds, sr., Ft. Griffin; C. K. Stribling.

Travis county—T. A. Thomson; C. F. Hill, Austin; C. A. Graves, Fiskville.

Taylor county—Ed. Curd, Abilene; W. C. Cheatham, Buffalo Gap; J. E. Cockrell, G. A. Kirkland, M. W. Northington, sr., F. B. Huston, C. C. Parker, D. B. Corley, Abilene.

Trinity county—W. B. Young, Pennington; S. A. Robb, Trinity.

Tyler county—E. C. Parsons, Woodville; Jerry Grimes, Grimes' Bluff; W. H. Rice Hyatt; Geo. Woolly; Robert M. Shivers, Town Bluff; B. B. Barlow, Billum's Creek; B. A. Stewart, Patrick Haynes, Edwark Simmons, Seamon's Prairie. John H. Kirby, Thos. D. Scott, G. C. Stovall, Woodville.

Upshur county—J. M. Hamilton, H. L. Sowell, Lafayette; S. C. Hart, Gilmer; H. C. Cundliffe, Coffeaville; J. D. Hart, Simpsonville; T. H. Chandler.

Uvalde county—Jesse K. Floyd.

Van Zandt county—W. J. Greer, T. R. Yantis, John S. Spinks, Canton; W. B. Wynn, S. B. Kilgore, J. G. Kearby, R. E. Yantis, J. C. Wright, Wills Point; Addison Clark, David Cade, Owllet Green; J. C. Austin, Grand Saline; J. A. Bailey, J. N. Pollard, Walton; S. W. Murphy, B. S. Jones, Edom; E. S. Raines; J. T. Gill, Edgewood; G. D. Staten, Canton.

Washington county—O. H. P. Garrett, Brenham; Dr. J. B. Moore, Graball; C. L. Spencer, Washington; Oscar Samuel, Prairie Hill; G. W. Booker, Independence; Henry Muller, Brenham; Hugh L. McLung, K. Krug, W. C. Broesche, Burton; Geo. B. Roberson, Thomas B. Botta, A. Jeffries, E. B. Bandle, Brenham. J. M. Calloway, Jerd. W. H. Vinson. Frank Klukan, Wesley.

Waller county—J. D. Montgomery, Morris Fisher, A. J. Harvey, J. M. Pinckney, T. S. Reese, D. N. Harris, Hempstead. M. L. Moore, Fields' Store. Wm. Tompkins, Gladish's Store. W. P. Downman, Pattison. W. F. Andress, Hempstead. N. B. Farr, A. C. Tompkins, Hempstead. James W. Benfro, Howths Station.

Webb county—G. B. Broadwater, Juan Y. Benavides, E. S. Remington, W. H. Mowry, Geo. W. Woodman.

Williamson county—C. Morelle, L. C. Clark, T. W. Stratton, B. H. Price, Georgetown; J. P. Davis, Hutto; J. G. Gordon, H. Dickson, John Threadgill, Danl. Moody, John W. Parker, Wm. Elliott, Geo. R. Scott, Taylor; J. P. Magill, Leander; J. B. J. Oliver, Duval; Sam C. Taylor, Jollyville; J. G. Ward, Liberty Hill; S. P. Williams, R. C. Hart, Bound Rock; H. A. Christie, Old Round Rock; Edward E. Diggs, J. W. Robertson, Round Rock; A. G. Ganaway, Florence; A. P. Johnson, J. A. Rumsey, J. W. Waymand, Corn Hill; S. M. Slaughter, S. J. Barber, Beaukiss; E. F. Kelley, W. N. Hardeman, Bartlett; T. S. Reed, Gabriel Mills; J. W. Posey, J. R. Kuler; Levi Pennington, Georgetown.

Wichita county—E. F. Bunch, Lewis C. Grant, W. W. Flood, R. E. Huff, W. B. Houston, N. Henderson, M. M. Templeton, S. B. McBride, J. H. Barwise, L. T. Miller, J. P. Boyd, T. C. Wilson, J. J. Van Dyke, T. C. Thomson, Sebastian Armstrong, Wichita Falls.

Wise county—W. A. Bonner, S. E. Hatchett, Alvord; John Brown, Bridgeport; R. B. Bailly, Greenwood; G. M. McSpadden, Stoney; W. B. Merrill, Keters.

Wilbarger county—B. W. Edgell, R. P. Elliott, C. Wheeler, D. E. Britt, C. F. Doan, H. C. Thompson.

Wheeler county—J. O. B. Street, E. J. Rising, W. L. R. Dickson, Mark Huseby, W. H. Grigsby, M. P. Williamson, Mobeetie.

Wilson county—H. S. Hastings, Nockenut; Jack Sutherland, Sutherland Springs.

Wharton county—B. D. King, Wharton.

Wood county—M. D. Carlock, T. J. Eussell, E. C. Campbell, Winsboro; Geo. A. Cage, S. R. Bruce, Mineola; C. B. Gorman, Winsboro; J. H. Mayo, L. H. Burch, Quitman; John B. Phillips, Pine Mills; John B. Newsom, Mineola; J. M. Lankford, Winsboro.

Young county—A. B. Gant, R. Holman, O. E. Finlay, H. W. Williams; W. B. Pope, Belknap; W. C. Blakly, Farmer; S. M. McConnell, C. W. Johnson, B. F. Arnold, Graham. W. C. Blakey, Farmer. S. N. McConnell, Murray.

Zapata county—James Downing.

SIXTY-FIFTH DAY.

SENATE CHAMBER,
AUSTIN, March 30, 1885. }

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

Roll called.

Quorum present.

Prayer by Rev. Dr. Burleson.

On motion of Senator Kleberg,

The reading of the journal of yesterday was dispensed with.

REPORTS OF STANDING COMMITTEES.

By Senator Evans:

SENATE CHAMBER,
AUSTIN, March 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

I herewith return Senate bill No. 27, entitled "An act to prescribe the number of copies of each day's proceedings of the two houses of the Legislature while in session, and to provide for the printing of the same," and would state that there is no necessity for action upon the same, as Senate bill No. 257, which has passed the Senate, embraces the same subject matter.

All of which is respectfully reported.

EVANS,
Chairman Committee on Public Printing.

Bill read first time.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, March 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 254, being "An act requiring the Attorney-General to institute legal proceedings against corporations doing business in this State in violation of sections 5 and 6, article 10 of the Constitution of Texas," and find the same correctly enrolled, and have this day, at 11:50 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

COMMITTEE ROOM,
AUSTIN, March 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 141, being "An act to amend articles 29 and 30 of the Code of Criminal Procedure for the State of Texas," and find the same correctly enrolled, and have this day, at 11:50 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

COMMITTEE ROOM,
AUSTIN, March 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 138, being "An act to amend chapter 3, title 53 of the Revised Statutes, by adding thereto article 2971a," and find the same correctly enrolled, and have this day, at 11:50 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

COMMITTEE ROOM,
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred

House bill No. 567, entitled "An act to restore the jurisdiction of the county courts of Jefferson, Tyler and Concho counties, and to repeal all laws in conflict therewith," have had the same under consideration, and instruct me to report it back with the recommendation that the accompanying substitute be adopted for said bill, and that the said substitute do pass.
All of which is respectfully submitted.

FOWLER, Chairman.

Bill read first time, with committee substitute.

Senator Shannon submitted the following free conference committee report on substitute House bill Nos. 8, 34 and 70 (the land bill):

COMMITTEE ROOM,
AUSTIN, March 30, 1885.

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

Your committee of free conference, to whom was referred the disagreement of the two houses upon substitute for House bills Nos. 8, 34 and 70, entitled "An act to provide for the leasing and sale of the lands heretofore or that may hereafter be surveyed and set apart for the benefit of the common school, University, the Lunatic, Blind, Deaf and Dumb, and Orphan Asylum funds," would respectfully recommend that the Senate recede from Senate amendments Nos. 9, 21 and 23, and that the House concur in Senate amendments Nos. 5, 6, 10 and 25.

Your committee further recommend that the fourth Senate amendment be reformed so as to read: "Strike out 'for,' in line 16, section 10, page 7, and insert 'to,' and insert between 'act' and 'shall,' in line 23, same section and page, 'in organized counties of thirteen hundred square miles or less,' and strike out all after 'sections,' in line 32, same page and section, to 'whenever,' in line 35 of said section.

That Senate amendment No. 13 be reformed by striking out "cross-ties, telegraph or telephone poles," in line 5, page 21, and by striking out "three months," in line 18, page 22, and insert "thirty days."

That Senate amendment No. 15 be reformed by striking out lines 1 and 2, page 22, and insert: "Add after 'funds,' in caption, 'in the organized and unorganized counties, and for the sale of vacant tracts of less than 640 acres in the organized counties,'" and strike out "six," in line 3 page 23, and insert "three."

That Senate amendments Nos. 17, 18 and 19 be combined and reformed so as to make section 2 of the bill read as follows:

Sec. 2. Said lands may be leased to any person, firm or corporation for any period not longer than six years, at the rate of five (5) cents per acre per annum. Provided, that any person, firm or corporation holding and using any of said land for grazing purposes on the first day of February, 1885, shall have a prior right for sixty days from the time this act takes effect to lease the entire amount of the range so used and claimed by such person, firm or corporation on said date; but in such case the lease shall date, and the rent shall be payable from said first day of February, 1885; and the person, firm or corporation exercising this option shall be required to lease the whole of the range so used. No lands leased under any former law shall be leased under this act to the original lessee or lessees, or to their assignee or assignees, for a lower price than such lands were leased under such former law until after such prior lease has expired by limitation.

That Senate amendment No. 20 be reformed by striking out "six months," in lines 12 and 13, page 20, and inserting "ninety days."

That Senate amendment No. 22 be reformed so as to read: "Strike out all from 'on it,' in line 20, section 13, page 10, down to and including 'thereon,' in line 21, same page, and insert, and whether or not it has timber thereon suitable for lumber or shingles."

That Senate amendment No. 24 be reformed so as to read: "Strike out 'who,' in line 4, of engrossed rider, page 19, and insert after, 'lands,' 'contrary to law.'"

And your committee respectfully recommend that the Senate and the House adopt the Senate amendments as above reformed.

The references herein are to the Senate printed bill, as reformed by the House.

And your committee recommend that the thirteenth Senate amendment as reformed be numbered section 29 in the bill; and that the twentieth Senate amendment as reformed be numbered section 30 in the bill; and all of Senate amendment

No. 15 as reformed, except that part referring to the caption, be numbered section 31 in the bill; and that the emergency clause be stricken from the bill, it having failed to pass by the necessary two-thirds majority.

All of which is respectfully submitted.

SHANNON,
CALHOUN,
WOODS,
KLEBERG,
Senate Committee.
ROBINSON of Jack,
BROWNING,
JONES of McLennan,
FAUBION,
House Committee.

Senator Kleberg moved to adopt the committee report.

Adopted by the following vote:

YEAS—14.

Bell,	Jerdone,	Pfeuffer,
Evans,	Kleberg,	Shannon,
Fowler,	Knittel,	Terrell,
Getzendaner,	Peacock,	Woods.
Glasscock,	Perry,	

NAYS—8.

Calhoun,	Harrison,	Stinson,
Davis,	Kilgore,	Traylor.
Garrison,	Randolph,	

ABSENT, NOT VOTING.

Farrar,	Hall,	Pope.
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Senator Traylor sent the following to the Secretary's desk:

I vote "no," on the report of the conference committee on the "land bill."

1. Because land with permanent water on it, or bordering on it, is placed on the market at two dollars per acre, when it is worth at least four dollars per acre. It is well known the Land Board had to take this land off the market to prevent it all being bought at three dollars per acre. It is true this land is to be sold only to actual settlers, but I predict before the next Legislature meets, all the watered land, except such as front on streams where the water is not accessible on account of the precipitous rock bluffs, will be sold, and go into the hands of a few wealthy stock men or corporations who will place the actual settlers thereon, and will thus control the watered land and everything adjacent thereto thus ending in a monopoly of the water and hence of the land, which will render most of the dry land unsalable, nor will there be any occasion to then lease it. Besides there will be a loss of several hundred thousand dollars difference in the price and the real value. Furthermore, I think it unwise policy to sell the watered land at any price at the present time or till persons settling the dry sections can by artificial means procure water.

2. The bill gives the preference right to lease to persons "occupying and claiming the range," thus enabling persons who have been occupying the school land in violation of law to virtually confiscate the alternate sections belonging to private owners for the period of the lease, and in addition thereto, bring about confusion with conflicting claimants.

3. There is no limit to the leasing, and this will give the wealthy unfair advantages over the poor. Then there are other features that are objectionable. If the bill had have been defeated, a restriction could have been passed in a few minutes time doing away with the Land Board, providing for sale only to actual settlers, and forbidding competition in either lease or sale, in which case the present law would have been infinitely better than the one just passed.

TRAYLOR.

Senator Traylor submitted the following conference committee report on substitute House bill No. 370 (the appropriation bill):

COMMITTEE ROOM.
AUSTIN, March 30, 1885.

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

Your committee of free conference on the differences between the two houses on substitute House bill No. 370 have carefully considered the same, and beg leave to recommend as follows:

First Senate amendment: House concurs.

Third Senate amendment: In lieu thereof committee recommend that on page 4,

In line 10, insert \$1260 each year.

In line 13, insert \$1260 each year.

In line 15, insert \$1260 each year.

In line 17, insert \$12,600 each year.

Eleventh Senate amendment: In lieu thereof the committee recommends that the salary of the Superintendent of Public Buildings be placed at \$1200 each year, as fixed by law, in article 4466, Revised Civil Statutes.

Fourteenth Senate amendment, which is on page 13, printed bill: Strike out \$20,000, and insert \$25,000 in lieu thereof. We recommend that the House concur.

Seventeenth Senate amendment, appropriating \$6000 for summer normal schools. We recommend that the House concur.

Eighteenth Senate amendment, in appropriation for Sam Houston normal school, strikes out the words "general revenue," and inserts "school fund." We recommend that the House concur.

Twenty-first Senate amendment: Committee recommends as follows, to be inserted after appropriation for Adjutant-General's Office:

Department of Insurance Statistics and History:	
For salary of Commissioner, each year.....	\$2000 00
For salary of Chief Clerk, each year.....	1500 00
For stationery, postage, fuel, lights, expressage, and binding books for public library, each year.....	400 00
For purchasing books for public library, each year..	400 00
Subscriptions for newspapers for public library and binding same, each year.....	200 00
Contingent expenses, each year.....	50 00

Twenty-second Senate amendment, striking out appropriation for James Harding, \$767.31; we recommend that the Senate recede.

Twenty-fifth Senate amendment: In lieu thereof the committee recommends that the following words be inserted: "For compensation and expenses of an agent of the State of Texas, to be appointed by the Governor, for the purpose of presenting and urging the claims of the State against the United States for money expended for frontier protection, one-half of one per cent of all claims allowed by the United States in favor of the State, and the further sum (to be paid upon the warrant of the Governor) of \$3000."

Twenty sixth Senate amendment: Emergency clause, recommend that the House concur.

The committee recommend that the following item be stricken out:

For tendering and paying money to defendants in suits brought by the Attorney-General in accordance with the directions of the Land Board, appointed by virtue of an act of April 12, 1883, and to pay expenses of said suits, \$60,000."

All of which is respectfully submitted.

UPTON,
HENDERSON,
PENDLETON of Bell,
GUNTER,
LOVING,
House committee,
KILGORE,
TRAYLOR,
GETZENDANER,
FFEUFFER,
BELL,
Senate committee.
HENDERSON.

Non-concurring:

On motion of Senator Traylor,
The report of the committee was adopted.
Senator Kleberg offered the following resolution:

Whereas, It is very important to have a good index to the Senate journal, for the ready reference of the Senators and

others, and that numerous typographical, and other errors which have crept into the journal, may be corrected in an errata to be made and printed with the index; and

Whereas, The unfinished business is important for future reference, and should be properly arranged and deposited in the State Department, with a synopsis of the same arranged and printed with the journal; and

Whereas, It is important that the Senators should have an agent at the Capitol to attend to sundry matters connected with Legislative matters. etc.: therefore be it

Resolved by the Senate, That the Secretary of the Senate be retained sixty days to prepare a full and complete index to the Senate journal, to correct the proof and have it published with the same. That the Secretary also shall correct any errors he may find in the journal, as typographical, etc., and publish as an errata with the journal. That he shall also take charge of the bills and joint resolutions of the Senate, and collect them all together, properly arrange and deposit in the State Department for future reference, and he shall make a synopsis of the same and publish with the Senate journal. That he shall also have a copy of the journal bound for each Senator and the Lieutenant-Governor, and send to them at their homes, and he shall send a copy of the Senate journal also to each of the Representatives of the Nineteenth Legislature and also to the officers of each body, and the officers of the State government, and shall do and perform all such things as may be required of him by the Senate during his continuance in office; the said Secretary to receive as pay for the first thirty days, five dollars per day, and for the next thirty days, four dollars per day; but after the expiration of the sixty days herein mentioned, the Secretary to receive no pay. That the Sergeant at-Arms turn over to the Secretary such stationery and postage as he may have left on hand, when he turns over the property of the Senate, for his use in carrying on the duties herein required. That the Secretary shall pay for what is herein required of him, as for postage, binding of journals, etc., out of the contingent fund of the Legislature, the warrants to be signed and approved as required by the law on this subject.

Adopted.

Senator Bell offered the following resolution:

Resolved, That the First Assistant Secretary be retained for fifteen days after adjournment, at \$5 per day, to assist the Secretary in indexing the journals and other necessary work.

Senator Randolph offered the following substitute for the resolution:

Resolved, That W. M. Imboden, Second Assistant Secretary be retained in office for fifteen days to assist in indexing the journal, preparing the caption of bills for publication, and doing such other work as may be necessary. The said W. M. Imboden, to be paid out of the contingent funds, on certificate of the Secretary, approved by the President of the Senate.

The substitute was adopted by the following vote

YEAS—13.

Calhoun,	Harrison,	Perry,
Davis,	Jerdone,	Randolph,
Garrison,	Kilgore,	Stinson,
Glasscock,	Peacock,	Terrell.
Hall,		

NAYS—9.

Bell,	Kleberg,	Shannon,
Evans,	Knittel,	Traylor,
Getzendaner,	Pfeuffer,	Woods.

ABSENT, NOT VOTING.

Farrar,	Fowler,	Pope.
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The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to inform this honorable body of the passage by that body of the following bills:
Senate bill No. 193, "To provide for the correction and

revision of the abstracts of located, titled and patented lands in Texas."

Senate bill No. 278. "An act to confer upon certain county courts, whose civil jurisdiction has been heretofore or may hereafter be diminished, jurisdiction in all matters of eminent domain."

Substitute House bill No. 370, "General appropriation bill," the House has adopted the free conference committee report:

Substitute House bills Nos. 8, 34 and 74, "The land bill." The House has adopted the report of the conference committee.

A. D. SADLER,

Chief Clerk House Representatives.

HOUSE OF REPRESENTATIVES,
AUSTIN, March, 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body that the House has passed the following bills:

House bill No. 450, "An act granting to Stephen H. Darden a land certificate for one-third of one league (1476 acres) of land."

Substitute House bill No. 439, the tax bill: The House adopts the report of conference committee.

Respectfully,

A. D. SADLER,

Chief Clerk House Representatives.

The President gave notice of signing the following bills:

Senate bill No. 203, "An act to amend article 122 of the Penal Code."

Senate bill No. 264, "An act to restore the jurisdiction of the county courts of Llano and Mason counties, and to repeal all laws in conflict therewith."

Senate bill No. 248, "An act to amend articles 2725 and 2726 of the Revised Statutes."

Senate bill No. 269, "An act to amend an act entitled 'an act to redistrict the State into judicial districts,' etc.

Senate bill No. 88, "An act to further regulate attachments in county and justices' courts."

On motion of Senator Davis,

Substitute House bill No. 170, "An act to provide annual pensions for the surviving indigent soldiers and indigent volunteers of the Texas Revolution, and the indigent surviving signers of the Declaration of Independence, and the indigent surviving widows of such soldiers, volunteers or signers, and to repeal all laws and parts of laws in conflict therewith," was taken up and

Read the second time.

Senator Davis offered the following amendment:

In section 1 strike out all after the words, "indigent volunteers," in third and fourth lines, down to "and," in the eleventh line, engrossed bill, and insert "who were in the actual military service of Texas at the time of the siege of Bexar, in December, 1835, or at the time of the battle of San Jacinto, in 1836, or who was in such military service for as much as six weeks between said times."

Add to the bill two sections as follows:

Section 12. The act approved on the twenty-eight day of March, 1833, entitled "An act to provide annual pensions for the surviving soldiers or volunteers of the Texas revolution, and the surviving signers of the Declaration of Independence of Texas, and the surviving widows of such soldiers or volunteers and signers," under which pensions are now being paid, be and the same is hereby repealed, and no pensions shall hereafter be paid under said act.

Sec. 13. The importance of this bill and the near approach of the close of the session, creates an imperative public necessity and emergency demanding the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect from and after its passage, and it is so enacted.

Adopted.

The bill was passed to third reading.

On motion of Senator Davis,

The constitutional rule was suspended, and

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

YEAS—21.

Bell,	Hall,	Pfeuffer,
Calhoun,	Harrison,	Randolph,
Davis,	Jerdone,	Shannon,
Evans,	Kilgore,	Stinson,
Fowler,	Kleberg,	Terrell,
Garrison,	Knittel,	Traylor,
Getzendaner,	Perry,	Woods.

NAYS—1.

Glasscock.

ABSENT, NOT VOTING.

Farrar, Peacock, Pope.

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

YEAS—19.

Bell,	Hall,	Perry,
Calhoun,	Harrison,	Pfeuffer,
Davis,	Jerdone,	Shannon,
Evans,	Kilgore,	Terrell,
Farrar,	Kleberg,	Traylor,
Garrison,	Knittel,	Woods.
Getzendaner,		

NAYS—2.

Glasscock, Stinson.

ABSENT NOT VOTING.

Farrar, Peacock, Pope, Randolph.

(Senator Shannon in the chair.)

House bill No. 450 was referred to Committee on Public Lands.

House bill No. 526, "An act to define the duties of telegraph companies in the transfer of messages, and to provide adequate penalties for the enforcement thereof," was taken up.

Senator Kleberg moved to indefinitely postpone the bill.

Lost by the following vote:

YEAS—10.

Bell,	Glasscock,	Pfeuffer,
Davis,	Kleberg,	Stinson,
Fowler,	Knittel,	Woods.
Garrison,		

NAYS—11.

Calhoun,	Jerdone,	Shannon,
Evans,	Kilgore,	Terrell,
Getzendaner,	Perry,	Traylor.
Harrison,	Randolph,	

ABSENT, NOT VOTING.

Farrar, Peacock, Pope, Hall.

The bill was read second time.

Senator Davis moved to strike out section 2.

Adopted.

Senator Davis moved to lay the bill on the table.

Adopted.

On motion of Senator Traylor,

House bill No. 567, "An act to restore the jurisdiction of the county courts of Jefferson, Tyler and Concho counties," was taken up, and, on motion,

The constitutional rule was suspended, and

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

YEAS—20.

Bell,	Glasscock.	Randolph,
Calhoun,	Harrison,	Shannon,
Davis,	Jerdone,	Stinson,
Evans,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Garrison,	Knittel,	Woods.
Getzendaner,	Pfeuffer,	

NAYS—1.

Perry.

ABSENT, NOT VOTING.

Farrar,	Peacock,	Pope.
Hall,		

The bill was read second time and committee substitute adopted, and

The bill was passed to third reading.

On motion of Senator Kleberg,

The constitutional rule was suspended, and

The bill was placed on the final reading by the following vote:

YEAS—22.

Bell,	Hall,	Pfeuffer,
Calhoun,	Harrison,	Randolph,
Davis,	Jerdone,	Shannon,
Evans,	Kilgore,	Stinson,
Fowler,	Kleberg,	Terrell,
Garrison,	Knittel,	Traylor,
Getzendaner,	Perry,	Woods.
Glasscock,		

NAYS—none.

ABSENT NOT VOTING.

Farrar,	Peacock,	Pope.
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The bill was read third time and passed.

Senator Kleberg moved a call of the Senate on the morning session.

Call sustained.

Roll called.

Absent—Senators Farrar and Pope.

On motion of Senator Kleberg,

Senators Farrar and Pope were excused indefinitely.

House joint resolution No. 25, "Proposing an amendment to section 20, article 16 of the Constitution of the State of Texas," was taken up and

Read third time and lost by the following vote:

YEAS—14.

Bell,	Harrison,	Shannon,
Calhoun,	Kilgore,	Stinson,
Davis,	Peacock,	Terrell,
Evans,	Perry,	Traylor.
Getzendaner,	Randolph,	

NAYS—7.

Glasscock,	Kleberg,	Pfeuffer,
Hall,	Knittel,	Woods.
Jerdone,		

Paired: Senators Garrison and Houston of Bexar; the former would have voted "yea," the latter "nay."

Senators Fowler and Houston of Wheeler; the former would have voted "nay," the latter "yea."

Senator Glasscock sent up the following reasons for voting "nay:"

I vote "no" on the proposed amendment, for the following reasons:

1. Because I believe the object sought to be attained by the proposed amendment is already provided for in article 16, section 20 of the Constitution, and the local option laws in existence, made in pursuance to said article and section of the Constitution, under which the whole State can, by counties, with a majority vote of the qualified voters of each county, accomplish the same result as to prohibition as is demanded in the present proposed amendment to the Constitution.

The State and national Democratic platforms have declared against sumptuary laws, and having accepted a Democratic nomination and elected on the same, I feel it my duty under the circumstances to abide by the same; and more especially so because at the last election held in every county in my district on prohibition, prohibition was defeated, thus showing that a majority of the district are opposed to prohibition. To vote "yea," under the circumstances, would be to disregard the sentiment of a majority of the people whom I have the honor to represent.

GLASSCOCK.

House bill No. 408, "An act to amend title 2, chapter 2, of the Penal Code of the State of Texas, by adding thereto article 354a," was taken up and

Read second time.

Senator Jerdone offered the following amendment:

Amend by adding after the word "offense," in line 5, page 2 the following: "Provided, the provisions of this act shall apply only to contracts entered into for future delivery when the contract itself shows, or it is the express understanding of both parties to it, that there shall be no actual tender or delivery, but only a settlement of differences; that is, a payment by the losing party of the difference between the contract price and the market price for any particular time and month."

Lost.

The bill was passed to its third reading.

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

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

YEAS—17.

Bell,	Getzendaner,	Randolph,
Calhoun,	Harrison,	Shannon,
Davis,	Kilgore,	Stinson,
Evans,	Kleberg,	Traylor,
Fowler,	Peacock,	Woods.
Garrison,	Perry,	

NAYS—6.

Glasscock,	Jerdone,	Pfeuffer,
Hall,	Knittel,	Terrell.

Substitute House joint resolution No. 30, "To amend section 2 of article 5 of the Constitution of the State of Texas," was taken up,

Read third time and lost by the following vote:

House Joint resolution No. 27, "To amend section 8, article 5 of the Constitution of the State of Texas," was taken up,

Read third time and lost by the following vote:

YEAS—10.

Bell,	Hall,	Peacock,
Calhoun,	Harrison,	Perry,
Getzendaner,	Jerdone,	Woods.
Glasscock,		

NAYS—13.

Davis,	Kleberg,	Shannon,
Evans,	Knittel,	Stinson,
Fowler,	Pfeuffer,	Terrell,
Garrison,	Randolph,	Traylor.
Kilgore,		

Senator Fowler sent up the following privileged reports:

COMMITTEE ROOM,
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 269, being "An act to amend an act entitled 'an act to redistrict the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883, ap-

proved January 30, 1884," and find the same correctly enrolled, and have this day, at 11 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.
 FOWLER, Chairman.

COMMITTEE ROOM,
 AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 200, being "An act to amend article 122 of the Penal Code," and find the same correctly enrolled, and have this day, at 11 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.
 FOWLER, Chairman.

COMMITTEE ROOM,
 AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled bills, have carefully examined and compared Senate bill No. 248, being "An act to amend articles 2725 and 2726 of the Revised Statutes," and find the same correctly enrolled, and have this day at 11 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.
 FOWLER, Chairman.

COMMITTEE ROOM,
 AUSTIN, March 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. —, being "An act to restore the jurisdiction of the county courts in Llano and Mason counties, and to repeal all laws in conflict therewith," and find the same correctly enrolled, and have this day, at 11 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.
 FOWLER, Chairman.

COMMITTEE ROOM,
 AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 88, being "An act to further regulate attachments in county and justice courts," and find the same correctly enrolled, and have this day, at 11 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.
 FOWLER, Chairman.

Substitute House joint resolutions Nos. 1 and 2, to amend sections 3 and 6 of article 5 of the Constitution of the State of Texas," was taken up.

Read the third time and lost by the following vote:

YEAS—6.

Bell,	Glasscock,	Perry,
Calhoun,	Harrison,	Woods.

NAYS—16.

Davis,	Jerdone,	Pfeuffer,
Evans,	Kilgore,	Randolph,
Fowler,	Kleberg,	Shannon,
Garrison,	Kuittel,	Stinson,
Getzendaner,	Peacock,	Traylor,
Hall,		

ABSENT. NOT VOTING.

Terrell.

House joint resolution No. 14, "To amend section 2, article 6 of the Constitution of the State of Texas," was taken up,

Read second time, and lost.

Substitute House bill No. 265, "An act to provide for the proper control, management and direction of the institutions respectively known as Blind Asylum, and Deaf and Dumb Asylum," was taken up and read second time, and

On motion of Senator Terrell,
 The unfavorable committee report was adopted.

House bill No. 152, "An act to amend articles 2812, 2813, 2814, 2815, 2816, 2817, 2819 and 2823 of chapter 6, title 48 of the Revised Civil Statutes of the State of Texas," was taken up, and

On motion of Senator Kleberg,
 The unfavorable committee report was adopted.

Substitute House bill No. 301, "An act to regulate the banking system of Texas," was taken up, and

On motion of Senator Davis,
 The unfavorable (majority) committee report was adopted.

House joint resolution No. 30, "To amend section 2. of article 5 of the Constitution of the State of Texas," was taken up,

Read third time and lost by the following vote:

YEAS—8.

Bell,	Glasscock,	Perry,
Calhoun,	Harrison,	Woods.
Getzendaner,	Kilgore,	

NAYS—15.

Davis,	Jerdone,	Randolph,
Evans,	Kleberg,	Shannon,
Fowler,	Knittel,	Stinson,
Garrison,	Peacock,	Terrell,
Hall,	Pfeuffer,	Traylor.

House bill No. 164, "An act to amend article 4245, title 84, chapter 10 of the Revised Statutes of Texas," was laid before the Senate and read second time.

On motion of Senator Terrell,
 The unfavorable committee report was adopted.

House bill No. 560, "An act to place upon the market and regulate the sale of the lands heretofore or that may hereafter be surveyed and set apart for the benefit of the common schools, the Lunatic, Blind, Deaf and Dumb and Orphan Asylums, which may have timber thereon suitable for lumber and shingles, and to prevent trespass upon the same, and prescribe a penalty therefor," was taken up, and

On motion of Senator Shannon, was postponed indefinitely.

Senator Garrison offered the following resolution:

Resolved, That the Sergeant-at-Arms be retained five days after adjournment, to label all furniture, take up carpets and take an inventory of the same, and turn over such property to the proper authority, and that he forward all mail coming to the Senate.

Adopted.

Substitute House bill No. 551, "An act to establish and organize the county of Mills," was taken up, and

On motion of Senator Bell,
 The unfavorable committee report was adopted.

House bill No. 490, "An act to amend sections 4, 9 and 16 of an act entitled 'an act to incorporate the city of Calvert, in Robertson county,'" was taken up, and

On motion of Senator Terrell,
 The unfavorable committee report was adopted.

Senator Glasscock called up his motion to reconsider the vote by which the Senate adopted the unfavorable committee report on House bill No. 214, "An act to compel railroad companies to provide double-decked cars for shipment of goats, sheep hogs and calves, and to prevent discrimination against shippers thereof, and to provide penalties therefor."

On motion of Senator Kleberg,
 The motion to reconsider was tabled.

Senator Terrell called up his motion to reconsider the vote by which the Senate refused to sustain the President in his rulings on the insurance bill.

The motion to reconsider was adopted, and The President was sustained.

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

Adopted.

House bill No. 341, "An act to authorize the Governor to grant leave of absence from the State to district judges of the State of Texas," was taken up, and,

On motion of Senator Davis,

The unfavorable committee report was adopted.

House bill No. 229, "An act to amend article 4360 of the Revised Civil Statutes of the State of Texas, as amended by an act approved February 2, 1884, and an act approved February 5, 1884, chapters 11 and 13 of the general laws, passed at the special session of the Eighteenth Legislature, relating to the changing of public roads," was taken up, and

On motion of Senator Davis,

The unfavorable committee report was adopted.

House bill No. 422, "An act to amend article 341, title 10, chapter 4 of the Revised Penal Code," was taken up, and

On motion of Senator Garrison,

The unfavorable committee report was adopted.

On motion of Senator Kleberg,

The Senate adjourned till 3 o'clock this afternoon.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

The President gave notice of signing House bill No. 96, "An act to amend an act entitled 'an act to amend article 4411 of the Revised Civil Statutes,' approved March 5, 1883."

On motion of Senator Kleberg,

To-morrow morning at 11 o'clock was set apart for memorial services upon the death of the Hon. J. C. Buchanan, a late member of the State Senate.

Senator Bell offered the following resolution:

Resolved, That C. M. Boynton, First Assistant Secretary, be and he is hereby retained in office fifteen days after adjournment, for the purpose of assisting the Secretary in indexing the journals, and other necessary work.

Adopted.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body that the House has passed Senate bill No. 241, "An act making appropriations for deficiencies in the appropriations heretofore made for the payment of expenses in support of the government from March 1, 1883, to February 23, 1885, and for outstanding claims not registered, and other deficiencies."

Messrs. Pendleton of Bell, Blount of San Augustine and Cowles have been appointed on free conference committee on Senate bill No. 170, the pension bill.

A. D. SADLER
Chief Clerk House Representatives.

HOUSE OF REPRESENTATIVES,
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body that the House has passed House bill No. 593, "An act to provide for the establishment of a live stock sanitary commission, to prescribe its duties, and to make an appropriation therefor."

Senate bill No. 184: The House insists on its amendments, and asks for a free conference committee on the same, and the following committee on the part of the House is appointed to-wit: Messrs. Armistead, Browning and McGaughey.

House bill No. 532, "An act to restore the civil jurisdiction of the county court of Orange county, and to repeal all laws in conflict therewith."

Senate joint resolution No. 10, "Joint resolution delivering the property known as the Alamo to the city of San Antonio."

House joint resolution No. 1, "To permit the Governor, Comptroller and Adjutant-General to withdraw vouchers, etc." The House refused to concur in Senate amendments.

Senate bill No. 4, "An act to amend article 2514, chapter 5, title 47 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' adopted February 28, 1879."

Substitute House bill No. 170, "An act to provide annual pensions for the surviving indigent soldiers or indigent volunteers of the Texas Revolution, etc." The House refuses to concur in Senate amendments to same.

Senate bill No. 9, "An act to amend an act entitled 'an act regulating the removal of the disabilities of minors.'" Laid on the table.

Senate substitute for House bill No. 4, "An act to amend article 2402, title 42, chapter 3 of the Revised Statutes of the State of Texas." Laid on the table.

Senate bill No. 1, "An act to amend article 549, title 15 chapter 11 of the Penal Code." Indefinitely postponed.

Senate bill No. 6, "An act to diminish the civil and criminal jurisdiction of the county court of Montague county, and to conform the jurisdiction of the district court to such change." Adverse report of committee adopted.

Senate concurrent resolution No. 7, "Authorizing the Governor to request the Mexican authorities, in the name of the State, to permit the removing of the remains of the late Col. Frank Johnson, who was buried in their territory." Passed.

Substitute Senate bill No. 10, "An act to amend article 4 title 2 of the Revised Statutes."

Substitute Senate bill No. 204, "An act to prohibit sheriffs and witnesses from charging fees, mileage or expenses in certain cases."

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

By leave, Senator Peacock sent up the following reports:

COMMITTEE ROOM,
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Lands, to whom was referred House bill No. 589, entitled "An act to provide for the identification and permanent marking of surveys heretofore made for the benefit of the common school fund by virtue of alternate certificates," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass. Your committee are of the opinion that the present laws, which provide for county and district surveyors to settle disputed boundaries, are sufficient.

All of which is respectfully submitted.

PEACOCK, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

You Committee on Public Lands, to whom was referred House bill No. 450, entitled "An act granting to Stephen H. Darden a land certificate for one-third of one league 1476 (acres) of land," have had the same under consideration, and instruct me to report it back with the accompanying amendment and recommendation that it do pass as amended.

All of which is respectfully submitted.

PEACOCK, Chairman.

COMMITTEE AMENDMENT.

Add to section one the following: "Provided, said certificate can be located only on the vacant lands of this State which are in no manner reserved or appropriated."

Bill read first time.

Senator Davis moved that the Senate insist upon its amendment to substitute House bill No. 170, and that a free conference committee be asked for.

Adopted.

The President appointed Senators Davis, Woods and Bell on the free conference committee on the part of the Senate.

Senator Harrison moved that the committee asked for on Senate bill No. 180 be appointed.

Adopted.

Senators Harrison, Peacock and Davis were, on the part of the Senate, appointed on the committee.

On motion of Senator Getzendaner,

The Senate receded from its amendment to House joint resolution No. 1.

Senator Kleberg offered the following resolution:

Resolved, That the Sergeant-at-Arms be authorized to retain two porters in his employ until he takes up carpet and turns over the furniture to proper authority, not to exceed five days.

Adopted.

House bill No. 593 was referred to Committee on Stock and Stockraising.

Senator Terrell offered the following resolution:

Resolved, That all the clerks of the Senate be requested to assist the Enrolling Clerk to-night at eight o'clock, and that one-half day's extra pay be allowed to said clerks for said assistance.

Lost.

Senator Kleberg moved to reconsider the vote just taken.

Adopted.

Senator Kleberg moved to strike out the words "one-half day's extra pay be allowed said clerks for said assistance."

Adopted.

The resolution as amended was adopted.

On motion of Senator Shannon,

House bill No. 532, "An act to restore the civil jurisdiction of the county court of Orange county, and to repeal all laws in conflict therewith," was taken up, read first time, and

On motion the rule was suspended, and the bill was placed on its second reading by the following vote:

YEAS—21.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Harrison,	Randolph,
Davis,	Kilgore,	Shannon,
Evans,	Kleberg,	Stinson,
Fowler,	Knittel,	Terrell,
Garrison,	Peacock,	Traylor,
Getzendaner,	Perry,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Hall, Jerdone.

The bill was read the second time and passed to third reading.

On motion of Senator Glasscock,

The constitutional rule was further suspended, and

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

YEAS—21.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Harrison,	Randolph,
Davis,	Kilgore,	Shannon,
Evans,	Kleberg,	Stinson,
Fowler,	Knittel,	Terrell,
Garrison,	Peacock,	Traylor,
Getzendaner,	Perry,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Hall, Jerdone.

The bill was read third time and passed.

By leave Senator Shannon sent up the following reports:

COMMITTEE ROOM,
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Stock and Stockraising, to whom was referred House bill No. 593, entitled "An act to provide for the establishment of a live stock sanitary commission, to prescribe its duties and to make an appropriation therefor," have considered the same, and I am instructed by a majority thereof to report it back to the Senate and recommend its passage.

All of which is respectfully submitted.

SHANNON, for majority Committee.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

The minority of your Committee on Stock and Stockraising, to whom was referred House bill No. 593, entitled "An act to provide for the establishment of a live stock sanitary commission, to prescribe its duties and to make an appropriation therefor," respectfully dissent from majority report of the committee, because the bill, if it becomes a law, will have the effect of discriminating between different sections of the State as affecting the stock interests; wherefore they ask that the bill do not pass.

All of which is respectfully submitted.

KLEBERG,
WOODS,
For minority.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to report to the Senate the passage of Senate bill No. 31, "An act to regulate reservations in sales of personal property."

Senate bill No. 250, "An act to amend article 542 of the Revised Statutes."

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

On motion, House bill No. 593, "An act to provide for the establishment of a live stock sanitary commission, to prescribe its duties, and to make an appropriation therefor," was taken up.

(Senator Calhoun in the chair.)

Senator Kleberg moved to substitute the minority (unfavorable) for the majority (favorable) committee report.

Adopted by the following vote:

YEAS—11.

Evans,	Knittel,	Randolph,
Fowler,	Peacock,	Stinson,
Harrison,	Perry,	Woods.
Kleberg,	Pfeuffer,	

NAYS—10.

Bell, Calhoun, Davis, Garrison,	Getzendaner, Glasscock, Jerdone,	Shannon, Terrell, Traylor.
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Hall, ABSENT, NOT VOTING.
 Kilgore.

Senator Fowler moved to reconsider the vote by which the minority (unfavorable) report was adopted.

Senator Harrison moved to lay that motion on the table.

The motion to lay on the table was lost by the following vote:

YEAS—9.

Evans, Harrison, Kleberg,	Knittel, Peacock, Perry,	Pfeuffer, Stinson, Woods.
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NAYS—13.

Bell, Calhoun, Davis, Fowler, Garrison,	Getzendaner, Glasscock, Jerdone, Kilgore,	Randolph, Shannon, Terrell, Traylor.
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Hall, ABSENT, NOT VOTING.

The motion to reconsider was adopted by the following vote:

YEAS—12.

Bell, Calhoun, Davis, Fowler,	Garrison, Getzendaner, Glasscock, Jerdone,	Randolph, Shannon, Terrell, Traylor.
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NAYS—9.

Evans, Harrison, Kilgore,	Kleberg, Knittel, Peacock,	Perry, Pfeuffer, Woods.
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Hall, ABSENT, NOT VOTING.

The minority report was lost by the following vote:

YEAS—10.

Evans, Harrison, Kleberg, Knittel,	Peacock, Perry, Pfeuffer.	Randolph, Stinson, Woods.
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NAYS—12.

Bell, Calhoun, Davis, Fowler,	Garrison, Getzendaner, Glasscock, Jerdone,	Kilgore, Shannon, Terrell, Traylor.
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Hall, ABSENT, NOT VOTING.

Senator Shannon moved to suspend the rule and place the bill on its second reading.

Lost by the following vote:

YEAS—12.

Bell, Calhoun, Davis, Fowler.	Garrison, Getzendaner, Glasscock, Jerdone,	Kilgore, Shannon, Terrell, Traylor.
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NAYS—9.

Evans, Harrison, Kleberg,	Knittel, Peacock, Perry,	Pfeuffer, Stinson, Woods.
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Hall, ABSENT, NOT VOTING.

(The President in the chair.)

On motion of Senator Harrison,

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

The Senate called to order by Senator Shannon President pro. tem.

On motion of Senator Davis,

The Senate concurred in the House amendment to Senate bill No. 31.

A message was received from the House announcing that the enacting clause had been stricken of Senate bill No. 183.

Substitute House bill No. 238, "An act to amend sections 42, 56, 62, 76, 78, 79b and 86 of an act entitled 'an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, title 78 of the Revised Civil Statutes of the State of Texas as refer to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act, and to add 43a thereto," was taken up.

Senator Getzendaner moved to indefinitely postpone the bill.

Lost.

The bill was read the second time.

On motion of Senator Davis,

The bill was laid on the table.

On motion of Senator Peacock,

The Senate adjourned till 8 o'clock to-night.

NIGHT SESSION.

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

No quorum present.

On motion of Senator Shannon,

The Senate adjourned until to-morrow morning at 9:30 o'clock.

The following bills have passed both House of the Legislature, have been enrolled and presented to the Governor for his approval, and in obedience to the resolution adopted by the Senate on yesterday, are spread on the journals:

Chapter 1—Senate bill No. 13, An act making an appropriation for the mileage and per diem pay of the members and the per diem pay of the officers and employees of the Nineteenth Legislature. Approved January 20, 1885.

Chapter 2—House bill No. 81, An act making an appropriation to defray the contingent expenses of the Nineteenth Legislature. Approved January 26, 1885.

Chapter 3—Senate bill No. 5, An act to reorganize the twenty-eighth judicial district of the State of Texas, and to provide the times for holding the district court therein. Approved January 26, 1885.

Chapter 4—Senate bill No. 12, An act to prescribe the time of holding district court in the several counties composing the thirtieth judicial district of the State of Texas. Approved January 29, 1885.

Chapter 4—Senate bill No. 71, An act to transfer to the general revenue account certain funds now in the State Treasury to the credit of other accounts. Approved January 31, 1885.

Chapter 6—Senate bill No. 115, An act to amend section 2 of an act to redistrict the State into judicial districts and to provide the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883. Approved February 5, 1885.

Chapter 7—House bill No. 113, An act to amend article

75 of the Revised Civil Statutes of the State of Texas, as amended by an act passed at the regular session of the Eighteenth Legislature, approved April 14, A. D. 1883. Approved February 5, 1885.

Chapter 8—Senate bill No. 17. An act to give orders of sale foreclosing liens upon land the force and effect of writs of possession.

Chapter 9—House bill No. 21. An act to amend article 677 of Penal Code of the State of Texas.

Chapter 10—House bill No. 51. An act to restore to and confer upon the county court of Grimes county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and general statutes of the State, to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with the provisions of this act. Approved February 10, 1885.

Chapter 11—Senate bill No. 112. An act to provide for the issuance and sale of the bonds of the State to supply deficiencies in the revenue, and to provide the manner of the sale of said bonds. Approved February 13, 1885.

Chapter 12—Senate bill No. 150. An act to amend sections 9 and 10 of an act entitled an act to provide for the classification, sale and lease of the lands heretofore or hereafter surveyed and set apart for the benefit of the common school, University, Lunatic, Blind, Deaf and Dumb and Orphan Asylum funds." Approved February 16, 1885.

Chapter 13—Substitute House bill No. 3. An act making appropriations for deficiencies in the appropriations heretofore made for payment of expenses in support of the government from March 1, 1884, to February 28, 1885, being for payment of claims registered in the Comptroller's office, in accordance with law, and for outstanding claims not registered, and other deficiencies.

Chapter 14—House bill No. 15. An act to amend sections 4 and 16 of an act entitled an act for the protection of the wool-growing interests of the State of Texas, approved April 4, 1883. Approved February 20, 1885.

Chapter 15—House bill No. 35. An act to amend article 4531, chapter 2 of the Revised Statutes. Approved February 20, 1885.

Chapter 16—Substitute House bill No. 48. An act to amend section 1 of an act entitled an act to regulate the appointment and define the duties of notaries public, to require them to procure and use legal seals, and punish them for failing to do so. Approved February 20, 1885.

Chapter 17—Senate bill No. 230. An act to prevent the forfeiture of the rights of purchasers of public free school and University or asylum land. Approved February 23, 1885.

Chapter 18—House bill No. 116. An act to amend section 18 of an act entitled an act to redistrict the State into judicial districts and fix the terms of holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884. Approved February 23, 1885.

Chapter 19—Substitute House bill No. 238. An act to re-enact section 28 of an act entitled an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884. approved April 9, 1883, and to amend said section 28 of said act. Approved February 26, 1885.

Chapter 20—House bill No. 250. An act to amend section 34 of an act entitled an act to redistrict the State into judicial districts, and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883. Approved February 27, 1885.

Chapter 21—House bill No. 278. An act to create the Nolan land district. Approved February 27, 1885.

Chapter 22—House bill No. 543. An act to prescribe the times of holding the district courts in the twenty-first judicial district. Approved March 4, 1885.

Chapter 23—House bill No. 335. An act to create and provide for the organization of the county of Midland. Approved March 4, 1885.

Chapter 24—House bill No. 232. An act to authorize the county commissioners to assume control of the streets and alleys of any city or incorporated town within their jurisdiction in which there is no de facto municipal government, and to have the same worked as public roads. Approved March 4, 1885.

Chapter 25—House bill No. 136. An act to amend chapter 79

of the acts of 1883, entitled an act to amend section 46 of an act to encourage stockraising, approved April 22, 1879, and amended April 4, 1881 and April 12, 1883. Approved March 4, 1885.

Chapter 26—Senate bill No. 173. An act to repeal article 4112 of the Revised Civil Statutes of the State of Texas. Approved March 10, 1885.

Chapter 27—Substitute House bill No. 27. An act to authorize the transfer of occupation licenses.

Chapter 28—Substitute House bills Nos. 13, 61, 64, 104 and 161. An act to amend section 71 of an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, title 78, of the Revised Civil Statutes of Texas as refer to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act, passed at the called session of the Eighteenth Legislature. Approved March 12, 1885.

Chapter 29—Senate bill No. 65. An act to amend article 690, chapter 90 of the Penal Code, as amended April 4, 1881. Approved March 13, 1885.

Chapter 30—House bill No. 428. An act to amend article 4687 of the Revised Civil Statutes of the State of Texas. Approved March 17, 1885.

Chapter 31—Senate bill No. 223. An act to provide for the publication and binding of one thousand copies of the Revised Statutes, and to make appropriation therefor. Approved March 17, 1885.

Chapter 32—Senate bill No. 210. An act to amend section 8 of an act establishing and prescribing the manner of ascertaining the boundaries of counties, approved April 22, 1879. Approved March 18, 1885.

Chapter 33—Senate bill No. 121. An act to amend section 35 of an act entitled an act to redistrict the State into judicial districts, and to fix the time for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883. Approved March 18, 1885.

Chapter 34—House bill No. 118. An act to further regulate the waiver of service and the confession of judgment in civil suits, by adding after article 1347 of the Revised Statutes an additional article, to be known as 1347a. Approved March 18, 1885.

Chapter 35—Substitute House bill No. 126. An act to amend article 358 of chapter 3, title 11 of the Penal Code of the State of Texas. Approved March 19, 1885.

Chapter 36—Senate bill No. 25. An act to abolish the office of Fish Commissioner, and to dispose of all fish ponds and other property connected with or belonging to the fish department.

Chapter 37—Senate bill No. 157. An act to amend articles 1770, 1771, 1772, 1773, 1777 and 1780 of the Revised Statutes, so as to better regulate the law of escheats. Approved March 24, 1885.

Chapter 38—House bill No. 241. An act to amend section 40 of an act entitled an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, of title 78, of the Revised Civil Statutes of the State of Texas as refer to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with the act passed February 4, 1884. Approved March 24, 1885.

Chapter 39—House bill No. 338. An act to amend section 25 of an act to redistrict the State into judicial districts and fix the term for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884. Approved March 24, 1885.

Chapter 40—Senate bill No. 24. An act to create the Hardeman land district. Approved March 24, 1885.

Chapter 41—Senate bill No. 238. An act to create the Webb land district. Approved March 24, 1885.

Chapter 42—House bill No. 314. An act relating to and regulating the investment of the public free school and other funds, to guard against any loss of such funds in making investments thereof, and to provide further evidence of the validity of bonds and securities purchased therewith, making the certificate of the Attorney General or other specified acts evidence of the validity of such bonds or securities, and to fix the jurisdiction and venue of suits thereon. Approved March 24, 1885.

Chapter 43—House bill No. 549. An act to amend an act

entitled an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883. Approved March 24, 1885.

Chapter 44—House bill No. 133, An act to amend chapter 3, article 4405, relating to service on public roads. Approved March 24, 1885.

Chapter 45—House bill No. 331, An act to establish and define the boundaries of the county of Webb, and legalize certain acts of the officers of said county. Approved March 24, 1885.

Chapter 46—House bill No. 248, An act making an appropriation to pay the mileage and per diem of the presidential electors of the State of Texas for the year 1884. Approved March 24, 1885.

Chapter 47—House bill No. 109, An act to require railroad companies to place and keep that portion of their road bed and right of way over or across which public county roads may run, in proper condition for the use of the traveling public. Approved March 24, 1885.

Chapter 48—House bill No. 501, An act to amend section 9 of an act entitled an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys, at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, passed at the regular session of the Eighteenth Legislature. Approved March 24, 1885.

Chapter 49—House bill No. 354, An act to restore and confer upon the county courts of Atascosa, Young, Leon, Dimmitt, Montgomery, Llano and Burnet counties the civil and criminal jurisdiction heretofore belonging to said courts under the Constitution and general statutes of the State, to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with the provisions of this act. Approved March 24, 1885.

Chapter 50—House bill No. 105, An act to create the county of Val Verde, and to provide for its organization. Approved March 24, 1885.

Chapter 51—Substitute Senate bill 131, An act to amend article 3916 of the Revised Civil Statutes. Approved March 24, 1885.

Chapter 52—Senate bill No. 260, An act to amend articles 1006, 1007 and 1008 of an act entitled an act to amend articles 1006, 1007 and 1008 of the Revised Civil Statutes of the State of Texas, approved February 21, 1879, passed by the Eighteenth Legislature, and approved approved April 9, 1883. Approved March 26, 1885.

Chapter 53—House bill No. 489, An act to amend chapter 6, title 8 of the Penal Code, by adding article 259a. Approved March 25, 1885.

Chapter 54—House bill No. 430, An act to restrict the employment of sailors and crews of foreign vessels from rolling cotton, handling cargo, or laboring on the wharves or levees of ports in the State of Texas beyond the end of the ship tackle. Approved March 26, 1885.

Chapter 55—Senate bill No. 235, An act to authorize the several county commissioners' courts of the State of Texas to provide for more than four terms of county court annually for the transaction of civil, criminal and probate business, and fix the times at which all the terms of said courts may be held. Approved March 26, 1885.

Chapter 56—Senate bill No. 165, An act to amend articles 4182 and 4190 of the Revised Civil Statutes of the State of Texas. Approved March 26, 1885.

Chapter 57—Senate bill No. 209, An act for the relief of railway companies. Approved March 27, 1885.

Chapter 58—Substitute House bill No. 148, An act to amend articles 8 and 14 of an act entitled an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys insaid districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883, to create the fortieth judicial district of the State of Texas, fix the times for holding courts therein, and to provide for the appointment of a district judge in said district. Approved March 27, 1885.

Chapter 59—House bill No. 79, An act to amend chapter 9 and section 1 of an act of the regular session of the Seventeenth Legislature, entitled an act authorizing the commissioners' courts of the several counties of the State to issue bonds for the erection of a court house, and to levy a tax to pay the same, approved February 11, A. D. 1881, so as to include the issue of jail bonds, denominated as chapter 17 of the

acts of the special session of the Legislature held in 1884, and to validate bonds issued under an act entitled an act to amend chapter 9, section 1 of an act of the regular session of the Seventeenth Legislature, entitled an act authorizing the county commissioners' court of the several counties of this State to issue bonds for the erection of a court house, and to levy a tax to pay for the same, approved February 11, 1881, so as to include the issue of jail bonds. Approved March 27, 1885.

Chapter 60—House bill No. 343, An act to amend the Revised Civil Statutes of the State of Texas, title 17, by adding thereto article 340b, and to amend article 375 thereof. Approved March 27, 1885.

Chapter 61—Senate bill No. 8, An act to amend chapter 2, article 566 of the Revised Statutes. Approved March 27, 1885.

Chapter 62—Substitute House bill No. 392, An act to restore to and confer upon the county court of Zapata county the criminal jurisdiction heretofore belong to it under the Constitution and general statutes of the State of Texas, to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with the provisions of this act. Approved March 28, 1885.

Chapter 63—House bill No. 49, An act to amend article 4636, title 95, chapter 2 of the Revised Civil Statutes. Approved March 28, 1885.

Chapter 64—Senate bill No. 141, An act to amend articles 29 and 30 of the Code of Criminal Procedure for the State of Texas. Approved March 28, 1885.

Chapter 65—Senate bill No. 138, An act to amend chapter 3, title 53 of the Revised Statutes, by adding thereto article 2971a. Approved March 28, 1885.

Chapter 66—House bill No. 85, An act to amend articles 3164, 3165, 3166, 3171, 3173, 3176, 3178 and 3179 of title 61, chapter 2 of the Revised Civil Statutes of the State of Texas, relating to mechanics', contractors', builders' and material men's liens. Approved March 28, 1885.

Chapter 67—Senate bill No. 254, An act requiring the Attorney-General to institute legal proceedings against corporations doing business within this State in violation of sections 5 and 6, article 10 of the Constitution of Texas. Approved March 28, 1885.

Chapter 68—House bill No. 224, An act to compel railroad and other corporations to establish and maintain public offices in the State of Texas, and providing what books shall be kept thereat, and what said books shall contain, and requiring them to keep said books open for inspection, and to compel them to report to the Comptroller or Governor the true status of said corporations, and such other matters as may be required by said Governor or Comptroller, and providing appropriate penalties for failure to comply herewith. Approved March 28, 1885.

Chapter 69—Senate bill No. 248, An act to amend articles 2725 and 2726 of the Revised Statutes. Approved March 30, 1885.

Chapter 70—Senate bill No. 203, Act to amend article 122 of the Penal Code. Approved March 30, 1885.

Chapter 71—Substitute Senate bill No. 264, An act to restore the jurisdiction of the county courts in Llano and Mason counties, and to repeal all laws in conflict therewith.

Chapter 72—House bill No. 533, An act to authorize the Secretary of State to purchase, for the use of the State, the Texas Court of Appeals reports, volumes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, and to contract for the relinquishment of the copy right of said reports with the persons owning the same, and to prevent the copyrighting of future volumes of said reports to the exclusion of the State, and to make an appropriation therefor. Approved March 30, 1885.

Chapter 73—Substitute House bill No. 91, An act to amend title 10, chapter 1, article 849 of the Code of Criminal Procedure of the State of Texas. Approved March 30, 1885.

Chapter 74—Senate bill No. 269, An act to amend an act entitled an act to amend section 16 of an act to redistrict the State into judicial districts, and fix the times of holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883, approved January 30, 1884. Approved March 30, 1885.

Chapter 75—Senate bill No. 88, An act to further regulate attachments in county and justices' courts. Approved March 30, 1885.

Senate bill No. 180, An act to amend section 4 of an act to redistrict the State into judicial districts and to fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next

general election, to be held on the first Tuesday after the first Monday in November, 1884.

Senate bill No. 183, An act to amend section 13 of an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883.

Senate bill No. 193, An act for the correction and revision of the abstracts of located, titled and patented lands in Texas.

Senate bill No. 280, An act to reorganize the thirty-fifth judicial district of the State of Texas, and to fix the times and terms of courts therein, and to repeal all laws in conflict with the same.

Senate bill No. 126, An act prescribing and fixing the venue of suits against foreign corporations, joint stock companies or associations, or acting corporations or associations doing business in this State, and to provide the mode of serving process on such corporations or associations.

Senate bill No. 10, An act to amend article 4, title 2 of the Revised Statutes.

Senate bill No. 4, An act to amend article 2514, chapter 5, title 47 of an act entitled an act to adopt and establish the Revised Civil Statutes of the State of Texas, adopted February 28, 1879.

Senate bill No. 31, An act to regulate reservations in sales of personal property.

Senate bill No. 253, An act to amend article 542 of the Revised Statutes.

Substitute Senate bill No. 48, An act to prevent fishing and hunting on the enclosed lands of another.

Substitute Senate bill No. 204, An act to prohibit sheriffs and witnesses from charging fees, mileage or expenses in certain cases.

Substitute Senate bills Nos. 271 and 274, An act to reorganize the thirtieth, thirty-first, thirty-second and thirty-third judicial districts, to create the thirty-ninth judicial district, and fix the times for holding court therein, and to provide for the appointment and election of judges and district attorneys in said thirty-ninth judicial district.

Senate bill No. 46, An act for the relief of Wm. S. Rooth, S. F. Grimes, and the heirs of Henry Leftridge, deceased.

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

Senate bill No. 196, An act for the relief of Z. C. Collier, Thomas Collier and William Ramer.

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

The above list embraces all the Senate bills up to adjournment on March 30, 1885. A few House bills could not be obtained.

SIXTY-SIXTH DAY.

SENATE CHAMBER, }
AUSTIN, March 31, 1885. }

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

Quorum present,
Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Kleberg,
The reading of the journals of yesterday was dispensed with.

The President gave notice of signing the following bills:

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

Senate bill No. 48, "An act to prevent fishing and hunting on the enclosed lands of another."

Substitute Senate bill No. 10, "An act to amend article 4, title 2 of the Revised Civil Statutes of the State of Texas."

Senate bill No. 241, "An act making appropriations for deficiencies in the appropriations heretofore made for the payment of expenses in support of the government from March 1, 1883, to February 28, 1885, and for outstanding claims not registered, and for other deficiencies."

Senate bill No. 193, "An act to provide for the correction and revision of the abstracts of located, titled and patented lands in Texas."

Substitute Senate bill No. 204, "An act to prohibit sheriffs and witnesses from charging fees, mileage or expenses in certain cases."

Senate bill No. 280, "An act to reorganize the thirty-fifth judicial district of the State of Texas, and to fix the times and terms of holding courts therein, and to repeal all laws in conflict with the same."

Senate bill No. 180, "An act to amend section 4 of an act to redistrict the State into judicial districts," etc.

Senate bill No. 278, "An act to confer upon certain county courts whose civil jurisdiction has been heretofore, or may hereafter be diminished, jurisdiction in all matters of eminent domain."

Senate bill No. 188, "An act to amend section 13 of an act to redistrict the State into judicial districts," etc.

Senator Davis submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 30, 1885.

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

Your committee of free conference, to whom was referred the disagreement of the two houses concerning substitute House bill No. 170, entitled "An act to provide annual pensions," etc., respectfully recommend that the first portion of Senate amendment be so reformed as to strike from first section of engrossed bill all after "indigent volunteers," in lines 3 and 4, to the word "and," in line 11, and insert "who was in the actual military service of Texas at the time of the siege of Bexar, in December, 1835, or at the time of the battle of San Jacinto, in April, 1836, or who was in such actual military service for as much as six weeks between the commencement of the revolution at Gonzales, in the fall of 1835, and the first day of July, 1836."

And that sections 12 and 13 of said amendment be changed to 11 and 12.

And that original section 11 be stricken from the bill.
And that said amendment as reformed be adopted by the two houses.

All of which is respectfully submitted.

DAVIS,
BELL,
WOODS,
Senate Committee.
BLOUNT of San Augustine,
PRNDLETON of Bell,
COWLES,
House Committee.

On motion of Senator Davis,
The report was adopted.
Senator Peacock sent up the following report:

COMMITTEE ROOM,
AUSTIN, March 30, 1885.

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

Your committee of free conference, to whom was referred questions of difference between the two houses upon Senate bill No. 184, have had the same under consideration, and recommend that the House recede from the House amendments to said bill.

Respectfully submitted.

ARMISTEAD,
MCGAUGHEY,
For House Committee.

PEACOCK,
HARRISON,
DAVIS,
Senate Committee.

On motion of Senator Peacock,
The committee report was adopted.
Senator Calhoun sent up the following report:

COMMITTEE ROOM,
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Treasurer's and Comptroller's Offices, have examined the Treasurer's and Comptroller's offices, and beg leave to submit the following report:

The time allowed your committee after discharging their other duties, would not allow us to familiarize ourselves with the extensive workings of those offices, and no complaint having been heard as to the efficiency of them, your committee made only a limited investigation.

The Comptroller's office is managed in a systematic and efficient manner. The records of that office are voluminous, and for lack of room are too much crowded; but the employees in the several sub-departments seem to be perfectly familiar with all under their control.

We found the Treasurer's office to some extent seemingly crowded, and believe that if the employees had more room they could work with more ease, but no complaint was made, and the management of that office is as good as could be asked or expected.

We examined the books, bonds, accounts and cash in the office, and found the same in accord with the report of that office made February 10, 1885. The same is hereunto attached, marked "Exhibit A," and made a part of this report.

The Treasurer's and Comptroller's offices are apparently faithfully managed, and the employees in said offices are courteous and sober business men.

We cannot make any suggestions as to the clerical force necessary to run either of said offices, for the duties of both are varied and extensive, and we fully realize that in this matter we must rely upon the judgment and integrity of the heads of said departments.

All of which is respectfully submitted.

CALHOUN, Chairman.

BALANCES IN TREASURY FEBRUARY 10, 1885.

	Currency.	Bonds.
Permanent school fund.....	\$22,097 13	\$5,426,684 75
Permanent University fund.....	2,239 58	516,061 63
Blind Asylum land sales account....	52,650 36	20,400 00
Orphan Asylum land sales account...	3,917 47	
Deaf and Dumb land sales account...	29,328 44	17,500 00
Lunatic Asylum land sales account...	15,136 07	52,100 00
A. and M. College land sales account.		209,000 00
County taxes.....	27,275 43	
Escheated estates.....		375 00
Certificate of public debt.....	465 95	
Tax titles.....	605 12	
Penitentiaries.....	5,000 00	
Special loan tax.....		79,409 50
Bexar county bonds.....	22,636 06	
Dallas city bonds (T. and P.).....	3,812 33	
Dallas city bonds (D. and W.).....	1,855 03	
Galveston county bonds.....	107 39	
Sherman city bonds (T. and P.).....	1 29	
Harrison county bonds.....	31	
Anderson county bonds.....	7,159 73	
Sherman city bonds (H. and T. C.)....	8 75	
McKinney city bonds.....	2,428 51	
Tyler city bonds.....	41	
Walker county bonds.....	4,088 99	
Waxabachie city bounds.....	349 41	
Peabody school fund.....	983 29	
Five per cent bond sales account.....	38 65	
Four per cent bond sales account.....	3 43	

Unorganize county tax account.....	13,139 46	
Land sales accounts.....	95,619 79	
Collector's cost account.....	62 93	
Capitol land sales account.....	150 55	
Harrison county compromise sub-bonds.....	2,274 44	
Redemption unorganized counties....	1,516 64	
Available University fund.....	66,924 06	8,308 37
General revenue.....	46,640 35	
State Land Board.....	670 63	
Available school fund.....	32 80	
Total.....	\$429,220 78	\$6,329,839 25
	Cr.	
A. and M. College fund.....	\$2,345 55	
Smith county bonds.....	2,400 00	4,745 55
Balance.....	\$424,475 23	\$6,329,839 25

AUSTIN, TEXAS, February 10, 1885.

I hereby certify that the foregoing sets forth the true and correct condition of the several accounts, as per the books of this department.

F. R. LUBBOCK, Treasurer.

The above statement of balance in the treasury is correct.

WM. J. SWAIN, Comptroller.

House bill No. 408, "An act to amend title 2, chapter 2, of the Penal Code of the State of Texas, by adding thereto article 354a," was

Taken up and read third time.

(Senator Traylor in the chair.)

Senator Kleberg moved the previous question on the passage of the bill.

Seconded, and the

Main question ordered.

The bill was passed by the following vote:

YEAS—20.

Bell,	Harrison,	Randolph,
Calhoun,	Houston of Bexar,	Shannon,
Davis,	Houston of Wheeler,	Stinson,
Evans,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Garrison,	Peacock,	Woods.
Getzendaner,	Perry,	

NAYS—3.

Hall,	Jerdone,	Pfeuffer.
Glasscock,	Knittel.	

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your committee that the House has passed

House bill No. 590, "An act supplemental to and amendatory of an act entitled 'an act to amend chapter 79 of the acts of 1883.'"

Substitute House bill No. 170: House adopts report of free conference committee.

Respectfully,

A. D. SADLER
Chief Clerk House Representatives.

Senator Kilgore offered the following resolution:

Resolved, That the Calender Clerk, Tom Jones, be retained in office for the period of five days from and after the adjournment of the Senate, to assist the other officers in their duties

Adopted.

(Senator Getzendaner in the chair.)

Senator Traylor offered the following resolution:

Resolved, That the Hon. Barnett Gibbs, Lieutenant-Gov ernor, has made a faithful and efficient presiding officer of the Senate. As such he has been impartial and accomplished thus facilitating legislation, for which he deserves the thanks of his constituents.

Adopted by the following vote:

YEAS—24.

Bell,	Harrison,	Perry,
Callhoun,	Houston of Bexar,	Pfeuffer,
Davis,	Houston of Wheeler,	Randolph,
Evans,	Jerdone,	Shannon,
Fowler,	Kilgore,	Stinson,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Traylor,
Hall,	Peacock,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Glasscock.

Senator Traylor offered the following resolution:

Resolved, That the Hon. W. R. Shannon, President pro tem., has made a faithful, impartial and efficient officer; that he has our unqualified endorsement, and retires with the unanimous commendation of the Senate.

Adopted by the following vote:

YEAS—23.

Bell,	Hall,	Perry,
Callhoun,	Harrison,	Pfeuffer,
Davis,	Houston of Bexar,	Randolph,
Evans,	Houston of Wheeler,	Stinson,
Fowler,	Jerdone,	Terrell,
Garrison,	Kilgore,	Traylor,
Getzendaner,	Knittel,	Woods.
Glasscock,	Peacock,	

NAYS—none.

ABSENT, NOT VOTING.

Kleberg.

The following message was received from the Governor:

To the Senate:

I request your consent to the appointment of the notaries public named in the papers herewith transmitted.

JOHN IRELAND, Governor.

- Anderson county—Louis Kopf.
- Bexar county—J. N. Groesbeck.
- Blanco county—J. G. Baldwin, Westbrook.
- Collin county—J. S. Love, A. P. Carter.
- Cook county—Thos. Willis, Rosston.
- Caldwell county—B. T. Palmer, Lockhart.
- Delta county—R. B. Redfern, Jas. M. Brown, W. R. Patterson, James Pattison, Howard Templeton, M. C. Thompson, Cooper.
- Denton county—J. N. Kealy, Louisville.
- Fayette county—W. S. Robson, LaGrange.
- Fannin county—A. O. Stephens.
- Galveston county—F. H. McMahon, Galveston.
- Hamilton county—C. M. Boynton.
- Hunt county—R. R. Neyland, A. H. Hefner, B. F. Looney, C. A. Russell; T. R. Austin, W. W. Collins, Greenville.
- Hill county—W. P. Pardue, Itaska.
- Kaufman county—W. C. Hallonquest, Lawrence; H. B. Williams, Prairieville.
- Lavaca county—Volney Ellis, Hallettsville.
- Llano county—A. J. Johnson, John S. Atchison, Eugene Wilson, S. B. Luckie, John McLeod, W. L. Armstrong, H. J. Reynolds, W. L. Carlton, J. W. Davis, M. B. Clendennan, R. F. Rountree, E. H. Wilkes, S. H. Oatman, James Flack, Knight Stith, Wm. Kyle.
- McLennan county—E. M. Ewing, Waco.
- Midland county—James Farr, B. K. Brant, E. B. Lancaster, J. C. Carr.
- Milam county—E. L. Antony.
- Nueces county—David Oliver, Reuben Holbein.
- Parker county—W. T. Albert, Aledo.
- Presidio county—J. M. Gaddis, Murphyville.
- Stephens county—S. S. Cook, Eolian.
- Travis county—C. A. Graves, Fiskville.
- Tyler county—S. H. Burch, James M. Powell.
- Titus county—J. A. McElreath, W. J. Moore.
- Wood county—R. N. Stafford, Mineola.
- Val Verde county—Robert Wolfing, Archibald Bogle, A. F. Dignowity, Ed. Block, John C. Perry, G. W. Brown, Geo. A. Doogan, Del Rio.

Senator Kleberg sent up the following privileged reports:

COMMITTEE ROOM,
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 126, being "An act prescribing and fixing the venue of suits against foreign corporations, joint stock companies or associations, or acting corporations or associations doing business in this State, and to provide the mode of serving process on such corporations or associations," and find the same correctly enrolled, and have this day, at 10:15 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

KLEBERG, for Committee.

COMMITTEE ROOM,
AUSTIN, March 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 48, being "An act to prevent fishing and hunting on the enclosed lands of another," and find the same correctly enrolled, and have this day, at 10:15 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

KLEBERG, for Committee.

COMMITTEE ROOM,
AUSTIN, March 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared substitute Senate bill No. 10, being "An act to amend article 4, title 2 of the Revised Civil Statutes of the State of Texas," and find the same correctly enrolled, and have this day, at 10:15 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

KLEBERG, for Committee.

COMMITTEE ROOM,
AUSTIN, March 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 180, being "An act to amend section 4 of an act entitled 'an act to redistrict the State into judicial districts, and to fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,'" and find the same correctly enrolled, and have this day at 10:15 o'clock a. m., presented the same to the Governor for his approval.

KLEBERG, for Committee.

COMMITTEE ROOM,
AUSTIN, March 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 278, being "An act to confer upon certain county courts whose civil jurisdiction has been heretofore, or may hereafter be diminished, jurisdiction in all matters of eminent domain," and find the same correctly enrolled, and have this day, at 10:15 o'clock a. m., presented the same to the Governor for his approval.

KLEBERG, for Committee.

COMMITTEE ROOM,
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 289, being "An act to reorganize the thirty-fifth judicial district of the State of Texas, and to fix the times and terms of courts therein, and to repeal all laws in conflict with the same," and find the same correctly enrolled, and have this day, at 10:15 a. m., presented the same to the Governor for his approval.

KLEBERG, for Committee.

COMMITTEE ROOM,
AUSTIN, March 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared substitute Senate bill No. 204, being "An act to prohibit sheriffs and witnesses from charging fees, mileage or expenses in certain cases," and find the same correctly enrolled, and have this day, at 10:15 o'clock a. m., presented the same to the Governor for his approval.

KLEBERG, for Committee.

COMMITTEE ROOM,
AUSTIN, March 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 188, being "An act to amend section 13 of 'an act to redistrict the State into judicial districts and fix the times of holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883," and find the same correctly enrolled, and have this day, at 10:15 o'clock a. m., presented the same to the Governor for his approval.

KLEBERG, for Committee.

COMMITTEE ROOM,
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled bills, have carefully examined and compared Senate bill No. 193, being "An act to provide for the correction and revision of the abstracts of located, titled and patented lands in Texas," and find the same correctly enrolled, and have this day, at 10:15 o'clock a. m., presented the same to the Governor for his approval.

KLEBERG, for Committee.

COMMITTEE ROOM,
AUSTIN, March 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 241, being "An act making appropriations for deficiencies in the appropriations heretofore made for the payment of expenses in support of the government from March 1, 1883, to February 28, 1885, and for outstanding claims not registered, and for other deficiencies," and find the same correctly enrolled, and have this day, at 10:15 o'clock a. m., presented the same to the Governor for his approval.

KLEBERG, for Committee.

The President gave notice of signing the following bills and resolutions:

Senate bill No. 31, "An act to regulate reservations in sales of personal property."

Senate joint resolution No. 10, "Delivering the property known as the Alamo to the city of San Antonio."

Senate concurrent resolution No. 7.

Senate bill No. 4, "An act to amend article 2514, of chapter 5, title 47 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' adopted February 28, 1879."

Substitute Senate bills Nos. 271 and 274, "An act to reorganize the thirtieth, thirty-first, thirty-second and thirty-third judicial districts, to create the thirty-ninth judicial district, and to fix the times for holding court therein, and to provide for the appointment and election of judges and district attorneys in said thirty-ninth judicial district."

Senator Fowler sent up the following privileged reports:

COMMITTEE ROOM,
AUSTIN, March 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 31, being "An act to regulate reservations in sales of personal property," and find the same correctly enrolled, and have this day, at 10:50 o'clock a. m., presented the same to the Governor for his approval.

FOWLER, Chairman.

COMMITTEE ROOM,
AUSTIN, March 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate joint resolution No. 10, being "A resolution delivering the property known as the Alamo to the city of San Antonio," and find the same correctly enrolled, and have this day, at 10:50 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

COMMITTEE ROOM,
AUSTIN, March 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate concurrent resolution No. 7, and find the same correctly enrolled, and have this day, at 10:30 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

COMMITTEE ROOM,
AUSTIN, March 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills, have carefully examined and compared Senate bill No. 4, being "An act to amend article 2514, of chapter 5, title 47 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' adopted February 28, 1879," and find the same correctly enrolled, and have this day, at 10:50 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

COMMITTEE ROOM,
AUSTIN, March 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared substitute Senate bills Nos. 271 and 274, being "An act to reorganize the thirtieth, thirty-first, thirty-second and thirty-third judicial districts, to create the thirty-ninth judicial district, and to fix the times for holding court therein and to provide for the appointment and election of judge and district attorneys in said thirty-ninth judicial district," and find the same correctly enrolled, and have this day, at 10 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

The following message was received from the House:

HOUSE OF REPRESENTATIVES
AUSTIN, March 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform the Senate of the passage of Senate bill No. 257.

Respectfully,

A. D. SADLER,
Chief Clerk House Representatives.

Senator Stinson sent up the following report:

COMMITTEE ROOM,
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your special committee to whom was referred Senate bill No. 175, entitled "An act regulating insurance and the rights and liabilities of the insurer and insured, and to amend article 2953 of the Revised Civil Statutes," have had the same under consideration, and instruct me to report it back with the recommendation that it lie upon the table, for the reason that we have not been able to agree upon a bill, or amendments to the present bill, and further, the near approach of the close of the session will prevent any action upon the question.

All of which is respectfully submitted.

STINSON, Chairman.

On motion of Senator Stinson,
The committee report was adopted.

House bill No. 450, "An act granting to Stephen H. Darden a land certificate for one-third of a league (1476 acres) of land," was laid before the Senate and read second time with committee amendment.

Amendment adopted and bill passed to third reading.

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

Senator Houston of Bexar moved a call of the Senate.

Call sustained.

Roll called.

Absent—Senators Evans and Getzendaner.

The pending business went to the table.

House bill No. 590, "An act supplemental to and amendatory of an act to amend chapter 79 of the acts of 1883," etc., was taken up, and

On motion of Senator Kleberg,

The constitutional rule was suspended, and

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

YEAS—25.

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

NAYS—none.

Bill read second time and passed to third reading. (Senator Shannon in the chair.)

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

Adopted by the following vote:

YEAS—25.

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

NAYS—none.

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

YEAS—24.

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

NAYS—none.

ABSENT, NOT VOTING.

Stinson.

The President gave notice of signing the following bills:

House bill No. 525. "An act to amend section 11 of an act to redistrict the State into judicial districts," etc.

House bill No. 562. "An act to amend sections 1, 2 and 4 of 'an act to provide for the more efficient management of the State penitentiaries, and to make an appropriation therefor.'"

House bill No. 598.

Substitute House bills Nos. 171 and 208. "An act to amend article 425 of the Penal Code of the State of Texas."

House bill No. 456, "An act to amend chapter 2, of title 48 of the Revised Civil Statutes, so as to add thereto article 2745a."

House bill No. 409, "An act to amend article 4518, of chapter 1, title 91 of the Revised Civil Statutes of Texas."

House bill No. 239, "An act to authorize the commissioners' courts of the organized counties of the

State of Texas, to which unorganized counties are attached for judicial purposes, to lay off and designate justices' precincts in such unorganized counties, and to constitute such precincts election precincts, and to provide for voting in such unorganized counties for county commissioners of the counties to which they are attached."

House bill No. 483, "An act to amend article 1533 of the Revised Statutes."

Substitute House bill No. 270, "An act to amend article 3856 of the Revised Statutes."

Substitute House bill No. 272, "An act to amend article 4367 of the Revised Statutes."

House bill No. 373, "An act to authorize the collector of a newly organized county to collect the unpaid taxes found to be due in his county by the assessor's rolls of the county or counties from which such county has been taken, or to which it has been attached for judicial purposes, and to provide for making transcripts from such rolls for the use of the collector in the new county."

Substitute House bill No. 218, "An act authorizing the sheriffs, constables or their deputies of this State to make persons who are principals or sureties on indemnifying bonds parties to suits, and giving such sheriffs, constables or their deputies time to make service on such principals and sureties."

House bill No. 349, "An act to amend article 797, chapter 17, title 17 of the Penal Code of the State of Texas."

House bill No. 252, "An act to amend article 636, chapter 3, title 8, of section 2 of 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas.'"

Senator Houston of Bexar offered the following resolution:

Resolved. That the Senate do now proceed to elect a President pro tem.

Adopted.

The President appointed Senators Kleberg, Houston of Bexar and Pfeuffer as tellers.

Senator Kleberg nominated Senator Woods for President pro tem.

Senator Peacock nominated Senator Terrell.

Senator Hall nominated Senator Getzendaner.

Senator Getzendaner declined to be a candidate.

Nominations were declared closed, and the first ballot resulted as follows:

Senator Terrell.....	7
Senator Kilgore.....	1
Senator Getzendaner.....	1
Senator Woods.....	12
Senator Evans.....	4

No election.

SECOND BALLOT.

Senator Terrell.....	8
Senator Getzendaner.....	2
Senator Kilgore.....	1
Senator Woods.....	8
Senator Evans.....	6

No election.

THIRD BALLOT.

Senator Woods.....	9
Senator Getzendaner.....	2
Senator Terrell.....	6
Senator Evans.....	7

No election.

FOURTH BALLOT.

Senator Terrell.....	7
Senator Woods.....	9
Senator Evans.....	7
Senator Getzendaner.....	2

No election.

FIFTH BALLOT.

Senator Woods.....	10
Senator Evans.....	7
Senator Getzendaner.....	2
Senator Terrell.....	6

No election.

SIXTH BALLOT.

Senator Evans.....	8
Senator Bell.....	1
Senator Getzendaner.....	1
Senator Kilgore.....	1
Senator Terrell.....	7

No election.

SEVENTH BALLOT.

Senator Woods.....	6
Senator Evans.....	8
Senator Bell.....	1
Senator Terrell.....	6
Senator Getzendaner.....	1

No election.

Senator Harrison nominated Senator Kilgore.
 Senator Perry nominated Senator Shannon.
 Senator Shannon declined to be a candidate.

EIGHTH BALLOT.

Senator Woods.....	5
Senator Terrell.....	6
Senator Evans.....	8
Senator Peacock.....	1
Senator Kilgore.....	1
Senator Shannon.....	1
Senator Getzendaner.....	1

No election.

Senator Houston of Wheeler nominated Senator Peacock.

Senator Terrell withdrew his name and seconded the nomination of Senator Peacock.

NINTH BALLOT.

Senator Peacock.....	8
Senator Woods.....	5
Senator Shannon.....	1
Senator Bell.....	1
Senator Terrell.....	1
Senator Traylor.....	1
Senator Evans.....	6
Senator Kilgore.....	1

No election.

Senator Woods withdrew his name.

TENTH BALLOT.

Senator Evans.....	11
Senator Peacock.....	10
Senator Woods.....	1
Senator Kilgore.....	1
Senator Shannon.....	2

No election.

ELEVENTH BALLOT.

Senator Peacock.....	10
Senator Evans.....	11
Senator Kilgore.....	3

No election.

TWELFTH BALLOT.

Senator Evans.....	11
Senator Peacock.....	6
Senator Kilgore.....	5

No election.

Senator Terrell withdrew the name of Senator Peacock.

THIRTEENTH BALLOT.

Senator Kilgore.....	
Senator Evans.....	

Senator Kilgore was declared elected, and was escorted to the chair by Senators Terrell and Wood and was sworn in.

(Senator Kilgore, President pro tem. in the chair
 Senator Davis offered the following resolution:

Be it resolved by the Senate, That the Engrossing Clerk retained five days to arrange and turn over the engrossed bill of the Senate, and to aid the Secretary of the Senate in checking up the same and placing in the State department.

Adopted.

Senator Traylor offered the following resolution

Resolved, That T. W. Gregory be allowed pay for two days services, at the same rate allowed other clerks for services in enrolling bills, to be paid out of contingent fund.

Adopted.

Senator Peacock offered the following resolution

Resolved by the Senate, the House concurring, That a joint committee of the two houses, consisting of three members in each house, be appointed to wait upon the Governor and notify him that the Nineteenth Legislature is ready to adjourn.

Adopted.

Senators Peacock, Evans and Glasscock were appointed on the committee.

Senator Garrison offered the following resolution

Resolved, That the thanks of the Senate are due the present subordinate officers of the Senate for the faithful and efficient manner in which they have discharged their duties as such officers.

Adopted.

The President gave notice of signing the following bills:

Senate bill No. 253, "An act to amend article 54 of the Revised Civil Statutes."

Senate bill No. 257, "An act to amend article 399 of title 80 of the Revised Civil Statutes, approved April 4, 1881."

House bill No. 162, "An act to amend article 241, chapter 4, title 42 of the Revised Civil Statutes of the State of Texas."

Substitute House bills Nos. 8, 34 and 70, "An act to provide for the leasing and sale of the lands heretofore or that may hereafter be surveyed and set apart for the benefit of the common school, University, the Lunatic, Blind, Deaf and Dumb and Orphan Asylum funds."

Substitute House bill No. 370, "An act making appropriations for the support of the State government for the years beginning March 1, 1885, and ending February 28, 1887, and for other purposes."

House bill No. 502, "An act to postpone the sale of real and personal property for taxes assessed for 1884 until the first Monday in July, 1885."

House bill No. 536, "An act to protect persons in the settlement of the common school, University, the Lunatic, Blind, Deaf and Dumb and Orphan Asylum lands, and to prescribe penalties for an interference with their legal rights."

Substitute House bill No. 170, "An act to provide annual pensions for the surviving indigent volunteers of the Texas revolution, and the indigent surviving signers of the declaration of independence"

and the indigent surviving widows of such soldiers, volunteers or signers, and to repeal all laws in conflict therewith."

Substitute House bill No. 408, "An act to amend chapter 2, title 2 of the Penal Code of the State of Texas by adding thereto article 354a."

Senator Woods offered the following resolution:

Resolved, That the Enrolling Clerk be retained five days to do such work as is necessary.

Adopted.

(The President in the chair.)

The hour having arrived for the Senate to go into executive session,

On motion of Senator Harrison,

The Senate went into executive session on the appointments of the Governor.

IN THE SENATE.

Senator Houston of Bexar moved to publish in the journal the action taken in executive session.

Adopted.

All appointments in Governor's message of today, and H. P. Bee, Commissioner of Insurance, statistics and History, were confirmed:

Senator Kleberg moved that the Senate now hold memorial services, out of respect to the late Hon. John C. Buchanan.

Adopted.

Senator Kleberg sent up the following report and resolutions:

COMMITTEE ROOM,
AUSTIN, March 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your committee to whom was referred the resolution of the Senate relating to the death of Hon. John C. Buchanan, beg leave to submit herewith the following resolutions, and recommend their adoption.

All of which is respectfully submitted.

KLEBERG,
CAMP,
KILGORE,
Committee.

Whereas, Since the adjournment of the last session of the legislature Hon. John C. Buchanan, a member of the Senate, has departed this life; and

Whereas, It is the pleasure of this Senate to pay fitting tribute to the high character of the deceased for his integrity and patriotism in the public service, and his honesty, purity of purpose and fidelity to principle in every relation of life; therefore, be it

Resolved, That it is the sense of the Senate that in the death of the Hon. John C. Buchanan the country has lost a public servant noted for his courage, efficiency and purity of character, and a citizen singularly devoted to all the nobler and higher duties of enlightened citizenship.

Be it further resolved, That a page of the Senate journal be set apart for memorial purposes, on which shall be inscribed the name and rank of the deceased, the places and dates of his birth and death.

Be it further resolved, That the Secretary of the Senate furnish the family of the deceased with a copy of this resolution.

Senator Kilgore addressed himself to the resolution, as follows:

Mr. President:

I take it the Senate will not consider it in appropriate for me to make some observations on the resolution just read in your hearing. I will limit my remarks principally to a recital of the leading incidents in the public career of him whose death we mourn to-day.

John C. Buchanan needs no eulogy on this occasion. Young as he was in years, when he died he had succeeded in impressing upon the history and the institutions of his State many of the characteristics of his own gallant spirit. During the ten years of service which he gave to his country he was ever found contending for the right and condemning the wrong, as his enlightened judgment taught him what the right was and what the wrong.

Mr. Buchanan was born at Greenwood, La., in 1850. His father came to Texas that year and settled at Bellevue, Rusk county. It was my fortune to have known him from his early youth. I knew him as a young man struggling against adverse fortune in his effort to fit himself for the duties of life. By his own exertion and the help of a friend and benefactor, he acquired a good education, having attended school at Gilmer, Upshur county, several years. He also taught school in Louisiana while studying law, and was admitted to the bar in 1873, and settled in Quitman, in Wood county. In the practice of his profession he soon acquired the confidence of his people by his attention to his business, his ability, his uprightness and his manly traits of character. Soon after he established himself in the practice, he contracted a most fortunate marriage with a woman in every respect worthy of him. In 1876 he was elected county attorney of Wood, and served in that capacity for about twelve months, and resigned. In 1878 he was nominated at the Terrell convention as a candidate for the Senate for the district comprised of the counties of Kaufman, Hunt, Rockwall, Van Zandt, Rains and Wood, and was elected by a large majority. He was then twenty-eight years old, but in the Senate of the Sixteenth Legislature he early took rank with the abler men of that body. When the State was reapportioned in 1882, his county was placed in a district with Smith, Rains, Upshur and Gregg, and in 1882 he was re-elected to the Senate from the new district, with very little opposition. In 1884 he was elected district attorney of the seventh judicial district, composed of the counties of Smith, Van Zandt, Rains, Wood, Upshur and Gregg, without opposition. But he died before he qualified, and never entered upon the duties of his new office.

Mr. Buchanan was a fearless advocate of public free schools, and the people are largely indebted to him for the vast improvement made in the school system of the State during the past five or six years. He was the author of the law to prevent criminals from escaping under the plea of drunkenness, and the law which imposed a heavy penalty for sunning the Police Gazette and such like papers, which law was held by the Court of Appeals to be a valid and binding statute, in a decision which was delivered just before he died, or about the time.

Mr. Buchanan at his death was thirty-five years old, and nearly one-third of his short life was spent in the public service, and no blemish ever rested on his character. In the private walks of life, as a citizen, as a public official—whether in humble or in exalted position—he was the same true, faithful, courageous man, whose memory this Senate and the country can afford to honor.

Senator Pope said:

Mr. President and Senators:

I desire to speak a few words as a tribute to the memory of our dead friend and former co-laborer in this chamber. I was in the town which was the home of Senator Buchanan, the very day he lay down upon the bed of sickness from which he never arose. He fell, prostrated from over exertion in nursing through dangerous illness, the loved little ones of his own household; his dear children that he loved as he did his life, and for whom he seemed willing to die if they could live. This conduct was characteristic of the man, for to him there was no sublimer word than duty, and he was ever ready to respond to its demands. Here, in this Senate Chamber, we who served with him must testify he earned, and justly, too, the name of a faithful legislator. For earnest devotion, for patient care, for integrity of purpose, he had no superior. He was not brilliant, neither was he gifted with what men call eloquence, but whenever he entered into debate he always commanded attention. And in the discussions of measures he always moved straight forward to the merits of the question, and wasted no time on subordinate issues. He was courteous, manly and dignified upon the floor of the Chamber, and in his personal hearings towards fellow Senators was free, open-hearted, frank and generous. As a legislator he took the liveliest interest in educational matters, and labored zealously in furtherance of all things tending to advance the cause of educa-

tion. As a legislator he was a model and an exemplar that any one might adopt. May we cherish his memory and profit by his example.

If the spirit ever gazes
From its wanderings back,
If the immortal ever traces
O'er its mortal track;

Then, oh! sometimes, brother, meet us
On our wandering way,
And in hours of sadness greet us
As a brother may.

Green be the spot where sleeps his honored dust.

Here scattered oft, the earliest of the year,
By unseen hands, be showers of violets found;
May song birds love to build and warble here,
And loving footsteps lightly print the ground.

Senator Terrell said:

Mr. President:

There is always sadness in the presence of death. There is a tear for every corpse and a garland for every tomb; whether the victim be plebeian or patrician; whether he dies on land or on the sea, "in the wild storm or under the quiet stars;" whether he falls in the conflict of battle or in the peaceful home, where loving arms are entwined around him, there is always an eye that marks his coming, and weeps when he comes no more.

We are accustomed to the funeral pageant. The hearse is almost as familiar as the carriage, and the sombre tolling of bells frequently remind us of the sunset of life; and yet we tremble when we stand in the midst of death. No hope can soften its asperities; no balm can heal its sting; no hand can lift the veil with which it pallis every human heart and blights every human ambition.

The dying man may see in dreams the golden gates of far off paradise; he may catch the fragrant air that perfumes the gardens of the Hesperides; and the melody of angelic charms may float around his couch, but yet he trembles and hesitates as he launches his bark upon "that mysterious sea that never yet has borne, on any wave, the image of a returning sail."

John C. Buchanan is no more.

Whither his spirit wanders, we cannot tell.

Whether it now hovers about this chamber, or reposes in some far off "island of the blest," we cannot know.

We only know that he is numbered among the immortals. That no longer do his "footsteps echo down the corridors of time;" that no longer does he care for the debates or applause of Senates. In the very prime of majestic manhood, in the zenith of a life radiant with promise, when the love of a people was cheering his heart, and those sweet musical echoes which the world calls fame were charming his ear, he has been called away.

It was not my fortune to witness his triumphs upon this floor. I did not see him in those grand contests which are now part of the history of his adopted State. It was in private life that I knew him best. It was upon the hustings that I have seen his strength, and in the court room that I have praised his works and admired his skill.

Thrice honored by the suffrages of his people, he was always faithful to their trusts. A man of cloudless brain, of a pure heart and of unquestioned honor, in him were united the brilliant genius of a younger statesmanship with all the experienced wisdom of the old.

Yet, just at the moment when the sun shone brightest, just when the horizon seemed farthest away, just when he appeared to be the complete master of his own future, just when the bells were ringing his triumph, came disease and death and the grave.

It seems but yesterday his arm was brawny, yet now upon that arm the worm has made his meal. It seems but yesterday that his eloquence filled this chamber, yet now he rests in the "tongueless silence of the dreamless dust." But then he sat by the side of a loving wife, and bright-eyed children played upon his knees and shared his prosperity; yet now the widow weeps and the children are fatherless. By his tomb we stand and exclaim, in the words of England's gifted poetess:

"Leaves have their time to fall,
And flowers to wither at the north wind's breath,
And stars to set; but all—
Thou hast all seasons for thine own, O, Death!

"We know when moons shall wane,
When summer birds from far shall cross the sea,
When autumn's hues shall tinge the golden grain,
But who shall teach us when to watch for thee?"

On motion of Senator Getzendaner,
The resolutions were adopted by a rising vote, and the remarks were ordered printed in the journal on a page of which be dedicated for the purpose.

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

EXECUTIVE OFFICE,
AUSTIN, March 21, 1885.

Gentlemen of the Legislature:

In bringing your labors to a close, I desire to say that which the measures perfected have not been entirely satisfactory to me, the country, and, I dare say, to either house, still, I believe that they are sufficient to enable those charged with the duty to carry on the government for the next two years. You have been severely criticised, often no doubt, by persons that could not do half so well as you have done. With smaller bodies and more deliberation, no doubt legislation would be more satisfactory.

There is no reason to doubt the integrity and patriotism of each and every member, and that in so far as the two houses have failed to do what might have been for the best is the result of individual independence of judgment among the members.

Let those who come after improve on the present if they can; and should they do so, I feel sure you will rejoice with all good people at their superior wisdom.

I am, very respectfully, your obedient servant,

JOHN IRELAND,
Governor.

Senator Fowler sent up the following privileged reports:

COMMITTEE ROOM,
AUSTIN, March 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No 257, being "An act to amend an act entitled 'an act to amend article 994 of title 80 of the Revised Statutes,' approved April 4, 1881," and find the same correctly enrolled, and have this day, at 10:50 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

COMMITTEE ROOM,
AUSTIN, March 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bill have carefully examined and compared Senate bill No. 253, being "An act to amend article 542 of the Revised Statutes" and find the same correctly enrolled, and have this day, at 10:50 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

Senator Kilgore offered the following resolution:

Resolved, That the Secretary of the Senate be and is hereby directed to prepare, without delay, a list of all laws passed by the Nineteenth Legislature which go into effect at once, and that he give the captions of all such acts, and have the same printed and distributed.

Adopted.

The President gave notice of signing House bill No. 532, substitute House bill No. 567, House joint resolution No. 1, House bill No. 287, House bill No. 590.

IN MEMORY

OF

Hon. John Creighton Buchanan

Born at Greenwood, Louisiana, Feb'y 24th, 1850.

His parents came to Rusk county, Texas, in his infancy, where he was reared; was educated at Gilmer, Texas; commenced practice of law at Quitman, Wood county, Texas, in 1873; elected County Attorney in 1876, and to the State Senate in 1878, in which he served during the Sixteenth, Seventeenth and Eighteenth Legislatures;

Was Chairman Committee of Education in the Seventeenth; was a conscientious, able and progressive legislator; took the lead on all moral and educational questions; was elected District Attorney of his Judicial District in November, 1884; and

Died at his Home in Mineola, Wood Co., Texas,

in December, 1884, in his 35th year.

A truly great and good man has gone, and no one's death has been more generally regretted in our State than that of young BUCHANAN.

Senator Pfeuffer rose to a question of privilege, and addressed the Senate as follows:

The "privilege" allowed to Senators to make personal explanations needs no explanation by me. It is not asked that it shall extend to permission to state before this Senate matters of explanation which, it is thought, every Senator would not consider as proper subject matter to be embraced in remarks under the rule which gives the privilege for personal explanations of a defensive character, disconnected from the regular business of this honorable body.

This Senate knows to what I have been subjected in public prints. I will not refer to what may have been said in this Senate in connection with certain measures I have introduced and advocated. I was here to respond in person, or constructively in person, and could confront antagonism in debate before this body on all questions of difference that may have arisen between me and my fellow Senators. Differences between members of this body in their views and opinions were matters for public discussion; the proper system of ethics peculiar to legislative bodies, rules and guides and protects our membership. We regard nothing in the nature of matter that may be introduced by a Senator as personal and privileged matter as properly offered if it be in response to that which he may have met in gallant debate on the floor of this Senate. This class of matter and this class of antagonism I do not propose to answer now. I desire to be heard to respond to a mischievous, selfish and venal press that has persistently misrepresented me, and held me up for ridicule in every form that could either wound the feelings of its subject or prejudice the sentiments or opinions of the citizens of his State that he has faithfully labored to serve. I will not say that the whole press has been thus ungenerous, nor is it against the whole press that I defend. To many of the papers of the State I return my thanks for their fairness in stating my position fairly on questions at issue. Only a few most miserable writers and publishers have been unscrupulous, and day by day loaded their columns with constant sneer, ridicule, criticism and words framed in a thousand forms, devised to raise a prejudice against me from every view, mentally, morally or physically. It is thus that these venal sheets have their power. They crush or they elevate! The most worthy man or the most righteous cause may be ruined by a corrupt press. Under their present assumed privilege as journalists, irresponsible, itinerant Bohemians may day by day indulge in their taunts, their criticisms, their misrepresentations, and the officer or the citizen affected has no remedy other than brute force, or that of the slow and uncertain statute whose provisions they are careful to avoid. We can not engage in a war of words, as officers and citizens, and make defenses day by day, and correct falsehoods uttered by those who control the ink horn of an editor, and by those lesser powers of the press who disseminate their works day by day, either as sensationalists, for notoriety, or from motives of actual hostility, or for gain. There are but few of us who have not felt these ungenerous attacks; and in our labors individually and as members of this body, consisting of both houses of the Legislature, all have felt keenly the insults that have been heaped upon us. Members have been assailed by mere scribblers, who scarcely kept pace to record the subjects of legislation. They have assumed a knowledge of the details and proprieties of all measures; and unparalleled effrontery has been dashing itself in the columns of a few of these sheets, controlled by scribblers who wield a quill ready to turn their lines into vinegar and gall, or into soft and gracious plaudits and high sounding panegyrics, as may be indicated to them by their background masters, prompting with the jingle of gold as the reward for their work.

But I cannot consume the time of the Senate at this late period, when moments are precious, in arraigning this antagonism. If public men are to be adjudged by representatives of this class, whether they be friends or foes, we have fallen on unhappy times, and if the power exists that can raise or crush—raise that which is most unworthy, crush that which is innocent of wrong, and by misrepresentation in good or in evil, elevate or lower at their pleasure, unhappy is the age! Unhappy be the times in which the venom of the slanderer or the praise of a tool or hireling can reach so far, mercilessly poisoning public sentiment, or by soothing apologies lull to sleep just criticism or condemnation.

The common slanderer, with only a persistent tongue and active foot, is limited in his mischievous work; the slandering journalist that can lay ridicule on your person, misrepresentation on your actions, false interpretations on your motives, insinuations against your honesty, and scandal against your

reputation as a man, and you powerless to defend, is a creature of this age alone. His effusions are placed at the door of your domicile day by day, and on the tables of your friends and constituents, who honor and trust you, and you powerless against his assaults.

I claim the right in these last hours of this session, when it may no longer be urged that I am in debate by an insidious move on questions for legislation, to reply to charges that, as stated, have been made in a thousand forms—misrepresentations that each day assume new phases.

I was made chairman of the Committee of Education at this session of the Legislature. For some years past I have been one of the directors of the A. and M. College, located at Bryan. I have felt a profound interest in the success of that institution. This Legislature had scarcely met when we heard words of ridicule addressed against the A. and M. College, and derisive sneers at its efforts, and suggestions that it be abandoned as an educational institution and be converted into an asylum. These enemies of the A. and M. College thought that it was inimical to the State University at Austin. The A. and M. College had friends. There were those amongst us who believed it was an institution that should receive the first care of the State. We may have been of opinion that the class of our youth that the A. and M. College proposed to cultivate was as important to the State, and would, when leaving that institution, be worth as much for her prosperity as urbane scholars versed in the languages of Greece and Rome, or proficient in the soft tongues of Spain and Italy, the brilliant language of France, or the stately manliness of the language of my fatherland.

There were some who thought that the schools where the farmer's sons were taught the nature of soils, the chemistry of crops, were as important as the schools in which metaphysical jargon is heard in wrangling from morning to night. There were some who thought that sound instruction in the history of domestic animals, a knowledge in the capacities of their different breeds, their adaptability to our climate, their diseases and remedies and best modes of rearing, their anatomical structure, and everything necessary for their successful management, was as useful as the pleasing science of entomology that may expand itself in volumes on the anatomy of the carrion beetle, or tremendous discussions unfolding the purpose the house fly or the swamp gallinipper serve as assistants in hygiene in our kitchens and around our poisonous lagoons.

There were some of us who had these thoughts relating to the relative utility of the two classes of what is termed high education—the one looking to gain producers on our farms and ranches, the other as supplying material from which the bench and the bar, the pulpit, the medical corps, are recruited, and from which, also, come the vast herd of idlers that is too highly cultivated to work in manual labor, and too worthless to follow out in any line for which their education may fit them to be useful as members of society.

We think we may be pardoned for holding in importance the science which teaches our youth to look to the earth and inspect its soils, and discern the hidden powers of nature that, when applied, will make teeming crops and an abundant yield. We may be pardoned if we think this science equal in dignity and equally useful with the science that would consult the stars and the planets, and endeavor to determine their occult influences—influences which, if discovered, could never be controlled. It may be discovered that spots on the sun control vegetation, and the phases of the moon regulate the tides and the weather; but it is beyond the powers of man to regulate these awful influences. Metaphysical wranglers may worry their minds over innate ideas, questions of time and space, or even the calculation of the number of angels that might dance upon a needle point. The practical knowledge of one's own self, as each man may discover, and an analysis of, and knowledge as it grows with us, and a knowledge of things that are actual around us, are as worthy of thought as these questions of the schoolman. It is as important and dignified to know how to stretch and preserve the skins of cattle slaughtered with the knife, and save their meat for food, and pack it in barrels with salt, as to be able to kill the ephemeral butterfly with chloroform and preserve it with arsenic, packed away in a show case, with a Greek name in polysyllables pinned on its back, doing the honors of an epitaph and biography, offered as an atonement for its poor little life, that was taken for science's sake by some murderous crazy bug hunter.

There were those who thought the studies of the proper application of the pulley, the lever, the wedge and wheel and axil, to aid the powers of man's feeble muscles, and the prin-

ciples of machines that assist to make work easy and redeem men, women and children from a life of toil, were quite as important and dignified as the study of the mechanics of the solar system, or as the dreams of the fanciers, who imagine in their reveries that they hear the music of spheres. There are even those who thought that the culture and development of an actual, real, first-class taurus, a regular bull, that could paw the earth and bellow with no uncertain sound, and whose prowess could be seen and whose future progeny might be contemplated with pride, was a study as dignified, as refined and perhaps as useful, as the study of the prowess of the Centaur, the ferociousness of the three headed dog Ceberus, the hideousness of the Lernean Hydra, or Jupiter, in the form of a bull, when he eloped with Europa, or the white bull that was loved by the unchaste Pasiphæ, or Minotaurus, their dreadful offspring. The one who has been so greatly decried as the hero of the Agricultural and Mechanical College farm is the actual bull for the farm for actual use. He is in every sense of the term fit socially to move in the society to which he belongs. The others as the monsters and bulls of classic readings for the dreamers in mythology, and serve for raising ideas and images that are horrible and unchaste beyond description. But enough of these comparisons. In practical life and practical work there are no useless, senseless humbugs. In the pastimes of science, literature and art there are thousands of things that the world were better had they never been, but being, if they were forgotten.

But in thus contrasting much that is embraced in polite learning with the useful and practical knowledge needed in everyday life, let it not be understood that those who gave dignity and importance to that which is useful to the masses either decried or tried to lower the proper dignity of higher education in literature, science and arts. While there is much of chaff in the ordinary so-called higher education, its aims, objects and effects on society in its enjoyments, its government, its strength and prosperity are all important. The mistake that has been made is by the zealous friends of higher education that treats of the polite branches. They have lost track of the usefulness of the branches that should be taught to the masses in agriculture and mechanics, and in kindred pursuits.

Because there were those who would not ignore the necessity that the State should endow with lavish hands the institute that looked to the enlightenment of the masses in their ordinary pursuits, they were pronounced enemies of higher education—enemies of the great State University! Never was a more unjust charge uttered; never was there a party more grossly misrepresented. The importance and dignity of both classes of education were fully appreciated. It was to distribute the revenues provided for education to all these subjects, and to foster all the institutions that were to make our people more enlightened, prosperous and happy, that influenced the introduction of the measures in regard to the University and common school establishments that my name has been coupled with, much said to my detriment, and unjustly, as misunderstanding my sentiments and misrepresenting both my opinions and the measures proposed by me for legislation.

Since the effect of the measures introduced by myself have been so loudly commented upon, and their substance has been so scandalously misrepresented, and I have been denounced and ridiculed as an enemy of the University and education, I deem it but justice to myself and those who have stood with me, to briefly set forth the leading points in the bill proposed. It is to repel unjust attacks that persistently were persevered in, seeking to destroy my influence for the present and damage me in the future, that I speak.

There is something which every man in public life has pride for; a pride which equals the pride of the success of his efforts, and that is, that his intentions, principles and motives be properly stated, so that the whole public may judge him fairly in his official career. Had this been done, I would not be on this floor claiming the privilege of explanation. What I proposed as law, and framed in two bills, with the State University and common schools as the subject, has neither been correctly stated nor fairly represented as to matter, purpose or method; nor have my own particular opinions, views or policies as to universities or common schools been fairly stated. Measures that led simply to changes have been branded as measures to destroy; principles that were intended to perfect have been denounced as the theory of vandalism that was to ruin.

It is to defend myself on these questions affecting my standing before the people who may not have kept pace with legis-

lation, that I speak and give reasons for the faith that I have in me.

Let us examine these so-called extraordinary measures, first, of the University. The bill introduced by me in the Senate had for its caption: "An act to perfect the University of Texas, and provide for its government and management, and repealing the present law."

Scarcely was this bill introduced, before it was charged that it should be fitly captioned, "a bill to destroy," and it was charged that such was the deliberate design in framing the measures proposed. My aim was to perfect. I have profound respect for all things old. Venerable men, ancient laws, old governments, long tried institutions, antiquated castles and towers standing on firm foundations, or even in ruins, command respect and veneration, and it would be with almost fear that I would change them, much less with the ruthless hand, demand them by legislation. I had not thought that I was advocating a change of anything so venerable and respected by the people as an institution, that I should be subjected to jeers, taunts and almost insults, as a vandal. Had I been a reformer against a well organized priesthood, that had arrayed its ranks all the learning and talent of a well disciplined clergy or with cowl and gown and unshorn beard, gone into the ranks of perfumed Sybarites, with cry of reform and correction, could not have been met with more persistent repulses. It was charged that I was on a mission to destroy the University. It is a new institution. Neither by a long experience with its management, wisdom displayed in their conduct, or wisdom in the first organization, did the University, as we found it, possess the characteristics to entitle it to respect as an institution that could not be improved. It was in its baby days, and was as unformed and immature as a sailing vessel. Perhaps, unfortunately, I had not attached that dignity to the existing organization of the new institution that I had engaged in its formation had thought courteous. Had it been an institution that had passed its infancy and had flourished through a course of years, and whose management had been well matured, it would have been with timid voice and lips that I would have suggested, much less urged, that its established forms be disturbed. But what did we find in connection with this institution? The law hastily framed for its conduct and government, a rapid action on the part of the powers who ruled it to secure something in stone and mortar as a nucleus to fix the institution in its present locality as a thing established and permanent. New institutions, as well as old ones, are entitled to respect. Old, that have stood the test of time and which have been from year to year and century to century perfected, should be disturbed with care. New institutions, whose existing organization has not been tried, and which theoretically seemed good, should be allowed to at least, have chance for experiment.

The University as we find it, with the law that was hastily framed, was in the nature of an experiment. On examination of the law entitled, "An act to establish the University of Texas," approved March 30, 1881, we find that a greater part of it consists of provisions for preliminary work for voting for the locating, time of election and manner of making the returns thereof. It is not until we read section 1 of the act that we enter on the law proper, framed for the government of the institution. It is at this point I propose to begin, and point out the few features in the old law, and the changes I introduced in the bill for perfecting the old law.

The system laid down in the bill which I introduced, as differing from the old law, related to the following points:

1. The authority that by law should govern the University should be vested in a "University Board," consisting of the State Board of Education, the Superintendent of Public Instruction, and the chancellor, to be chosen by the Governor, with the consent of the Senate.

Under the old law the government is in the hands of a board of eight regents, who hold office for eight years, so organized that at the end of each two years the term of two regents expires, and successors are appointed by the Governor.

2. Professors of Law and Medical departments to be paid only from funds arising from the tuition fees received from students studying those branches, and that students in these departments be charged ordinary and usual fees for tuition.

The old law makes no discrimination in this class of students and admits them without charge for tuition.

3. Salaries of professors are fixed for the present with a maximum at \$2200; salaries subject to change according as the Legislature may deem proper by legislation, and the number of professors fixed and limited, but to be changed from the

to time as to numbers, to meet the necessities of the University. The old law leaves the matter of the employment of professors, their number and salaries, to the Board of Regents of the University, without any limitation.

4. The course of study for the University shall be that of a first-class institution, and students shall be admitted only when they may be able to pass a satisfactory examination in the highest branches of high schools.

The old law makes no provision on this point, but leaves the Board of Regents the power to establish the degree of advancement the student must attain to entitle him or her to admission; it may be primary, or grammar, or high school proficiency; at the will of the regents.

5. Provision is made for establishing one University preparatory school in each congressional district, under control of an auxiliary professor, to be appointed by the University Board—such professor to be paid a salary of \$1500 per annum, which schools shall be organized as high schools, in harmony with the University course, and serve as feeders to the institution. The University Board to select a place for these schools, and the same to be one of the local establishments at the point selected. No payment to be made of salaries of auxiliary professors unless the same can be done without in anywise interfering with the successful support and maintenance of the main University. These auxiliary establishments to serve temporarily as institutions to fit students for the main University, and to be continued under the discretion of the University Board.

This is an entire new feature in the law.

6. The University Board shall present to the Legislature an itemized report of all receipts and disbursements; also itemized estimate for all disbursements required for each year, and itemized appropriations shall be made therefor by the Legislature.

The old law made appropriations in bulk, and the Board of Regents could expend it for any items they deemed proper, in their discretion; and no legal complaint could be raised of their authority on the ground of extravagance, all expenditures being left solely to their discretion.

7. No money shall be drawn from the State Treasury from the University fund on requisition; but all accounts shall be separately paid by warrant on the State Treasurer, and the account therefor filed with the Comptroller, duly certified to and approved, before the warrant should issue.

Under the old law, or practice, at least by custom, whether legal or otherwise, thousands of dollars were drawn from the State treasury at one time on requisition, and held by the University authorities or in bank, and accounts and claims paid as the same might fall due. Moneys were drawn from the treasury from the University fund for services and supplies furnished before services were performed or articles received, and afterwards from time to time vouchers and accounts were placed in the Comptroller's office accounting for these funds.

8. The Legislature shall make appropriation from time to time from the University fund, for the support not only of the main University at Austin, but also for the A. and M. College, so as to make that institution efficient to carry out the designs of its establishment.

Under the old law, the discretion was left with the Board of Regents to expend the moneys as they deemed proper, and practically that discretion was used to expend the whole available fund on the main University at Austin.

I have briefly given in this analysis every leading feature of the bill proposed by me "to perfect the University," and a brief statement of the old law with which the changes come in contact. The remainder of the machinery of the two laws is unimportant as to variance. Mere details for carrying out the plans laid down in the bill, and to make definite and positive the rule of action, conclude the bill.

I ask a deliberate consideration of the points referred to, and if there be any other passages that the critic might object to, or that are material variances from the old law, I am unable to find them.

It is for the introduction of these proposed changes that I have been assailed. These, and these only, are the monstrosities.

It is for the promulgation of these principles that I am charged with being the author of the bill to destroy the University, and an enemy to the institution, and no friend of what is called high education.

I will leave it for the fair and considerate to determine how far the charges have been unjust, but not without briefly presenting the reasons that urge me to suggest the changes that are set forth in my analysis of the bill. The propriety

of several of these changes is self-evident, and needs no argument. I submit the propositions with reference to appropriations and the manner of drawing funds from the treasury, as well as the requirements for assistance for the A. and M. College, without argument other than presented heretofore.

Let us examine the other points upon which the changes are suggested in the bill I presented:

1. The governmental authority of the University.

The old law vesting the government in a Board of Regents, each of whom hold office for eight years, is unconstitutional. It is the unconstitutionality of the law that makes it mainly objectionable. The Constitution provides, in section 30 of miscellaneous provisions, that "the duration of all offices not otherwise fixed by this Constitution shall never exceed two years." The regents of the University are creatures of law, and the term is not fixed by the Constitution, nor is it privileged thereby to extend beyond two years. The question is, Are the regents of the University officers as understood by the words of the Constitution? I assume that their standing is fixed by their powers, functions, responsibilities, duties and manner of their creation. The regents have charge in administering an institution of learning. They appoint professors and officers, make contracts binding on the State, expend public money, have power of removal of appointees under them in the service of the State, have a term of service fixed by the law, have successors, and receive pay for the services which they perform. If we can find one single qualification required as essential to constitute an officer of the State that is not possessed by a Regent, we will be glad to have it presented. Take every definition and every authority, and analyze the functions of the regents with the definition, and we can come to but one conclusion—they are officers.

If they be not officers what are they? Is there a class of authorities between the citizen and the recognized officer that has some other name? I ask why should not the regents of the University be subject to the constitutional provision limiting extent of term of service to two years? It may be answered that the stability of the regular, uniform management of the University will be better preserved when there is a long continuation in the performance of the duties. Experience and long familiarity with the work and duties will give them higher qualifications for the work, and the interests of the State and the institution with which they are connected will be better served when they have a long term of service. I may be willing to grant this proposition; but in granting these assumptions, I would say they apply equally to any other office that the law might fix. The State Superintendent of Public Instruction is a creature of law. Will it be argued that the law could extend his functions beyond two years? The mere fact that it would be better for the interests of the State that regents could be appointed for a longer term than two years, is no argument that they were not included in the constitutional provision, because the argument in favor of long terms applies with equal force to all other creatures of law known as officers and performing public service.

The judge, the justice, the hide inspector, and every other functionary, will profit by experience, and perhaps serve the State better by long usage in his office. But the policy of the makers of the Constitution seems clearly to make the term of all servants and functionaries of short duration; and we cannot beg the question and say that regents are not officers, because in the very nature of their duties the State would be better served were they given a longer term of service. We dismiss this question. It is a mere quibble. Regents are officers under the Constitution. I will admit that I think it would be wise were they allowed a longer term—eight years if you please—but the Constitution prohibits this, and we must meet the difficulty.

The duration of the governmental offices of the University being limited to two years, a new question arises as to what is the best system of governmental officers for the institution with a limitation of such short duration. It is either that some authority shall elect or appoint citizens to govern the University for two years, or that the government shall fall as an ex officio duty on some officer elected by the people. It is not easy to determine in these cases what is the wisest plan. I gave the matter much thought and weighed the two systems from every standpoint. I preferred that the officers who constitute the Board of Education, consisting of the Governor, Comptroller, Secretary of State, Superintendent of Public Instruction, and a Chancellor, to be appointed by the Senate, should constitute the governing power of the University.

These officers are in the main elected by the people, and any policies the people may desire to urge in relation to the

University could always be made issues in the canvass. These officers are directly responsible, and their management would, in my opinion, be better and safer than if the government were placed in the hands of a Board of Regents, appointed for only two years. A regency with a term so short could scarcely meet and familiarize itself with the wants of the University before its term would expire. The State officers that I have approved as forming the government for the University would be ever present at the seat of the institution, and quickly become familiar with its wants and abuses. It is true it would require diligence by officers in the performance of duties; but their government could not be less efficient than that of a Board of Regents scattered through the State, called together at great expense for a few sessions during their term of service. In short, the responsibility to the people direct of the officers named in the bill—they being in the field at all times for labor—their direct responsibility, the economy of their employment, and all other points, induced me to advocate the board as named, since a board of short duration of two years is imperative under the Constitution. It is urged that a Governor will exercise a controlling voice, because he appoints a Secretary of State. This alleged defect, which I do not admit is real, could easily have been remedied by substituting the Attorney-General or some other officer; but we find there is an independent action by these officers, and the Governor neither rules his appointees with iron rod, nor does he desire to rule them.

Objection is urged that the government of the University would become political, being in the hands of political authority. We cannot reason too far in advance; no conclusions on questions of this character can be relied on as being unerring. Our only remedy is to do the best we can, since we cannot continue a governmental body beyond two years. We prefer to take the active creature and live officer from the people, and make him responsible direct, in the field, instead of a scattered body, generally called together and held under the influence of a few of their number. While not wedded to this organization for the government of the University, it is the best I can see under the circumstances that necessitate a change to comply with our constitutional obligations, the imperative demands of which cannot be ignored.

2. The second innovation against the old law, which is made in the bill presented by me is, that the law department of the University shall be self-sustaining, and professors' salaries be paid from tuition fees derived from students.

I will content myself with but few remarks in support of this policy. I regard the establishment of the law chair in the University as being least of all needed at the present time. I believe in applying the means of the University to the establishment and support of every chair before one dollar is applied for law professors. I have no objection to the crop of attorneys being as great annually as can spring up from their own spontaneity; but I object to the State encouraging an undue growth of material in this profession that is already overcrowded. Far better it is, in the various schools that may be established, to direct the minds of the bright and ambitious away from the ranks of a profession where so few attain eminence, and in which there is an abundant supply to assist in the administration of justice. I have no hostility against the profession, but am far from recognizing the correctness of a policy that will encourage so many young men in following the study of the law, by opening doors and giving facilities, at the expense of cutting off something better. They may acquire a smattering in a profession, that generally recruits itself by hard study, independent of State aid. For the present at least, this branch of the University should rely on itself.

I do not say that the same argument applies with equal force to the medical department, because we can scarcely have too many well educated physicians; but both these professions are in general recruited from a class that is well able pecuniarily to pay for its own tuition; and until we are stronger in our financial ability, and until we have supplied all other important chairs, I would leave the young gentlemen seeking education for these professions to use that energy and pluck and industry that has characterized and made successful and honorable a thousand noted names that are recorded in the history of these professions.

3. The bill provides that students shall pass an examination in the most advanced branches of high schools in such studies as they undertake in the University, and that this rule be strictly enforced.

I think that all who will reason without bias will commend this provision. The establishment at Austin should be a

University strictly, and be supported for that character of instruction that pertains to a University. We have numerous high schools doing duty throughout the State, that are educating classes as advanced as those in the State University.

There are ample facilities at home for the high school courses, and I deem it a perversion of the University fund to maintain an institution at the capital that is a university in name and a high school in fact. I am well aware of the objection made to the rule that requires a proficiency of the standard I have indicated. It is stated that we have not sufficient material to fill the halls of the University with students advanced to this high grade. I ask, when will we have a sufficient number to fill the halls and justify the employment of professors at magnificent salaries? These institutions are of slow growth, unless they wait their time and permit subordinate institutions to precede them. This is the natural order of creation of these establishments. First in a State there grows a system of common schools—they multiply until school houses are marks in every neighborhood. Then come demands for secondary instruction, and high schools are the result. It would be to reverse order were high schools founded when children had not learned the rudiments. After a strong system of high schools is established, then comes the demand for the college and university. Whether the University is before its time remains to be seen; but if it be in advance of what is demanded, it were better to close its doors for the time, and husband its funds until there be a condition of affairs in our educational advancement in which it will be demanded and sought for to perform its proper function. But that it should serve as a mere school, I think improper and a perversion of its sacred funds. In my opinion the fixing of a high grade of scholarship would result only for a short period in cutting off attendance.

In connection with this point I will allude to some disturbances connected with the strict application of this rule in the bill I have under discussion, that are local in their nature. I am not here now to speak in uncertain words. It is well known that the grade of scholarship established by the authorities of the University (whether fixed by catalogue or not, it is useless to take time in discussion), is below the high school grade. It is a well known fact that a large number of students in the University are residents of Austin. It is a well known fact Austin can support a system of high school instruction second to that of no city in Texas, and prepare and graduate students for a university course in numbers almost sufficient to crowd the halls of this University, with its present capacity, from year to year. What do we find?

We find the students of this city, replete with educational institutions and advantages, public and private, leaving the forms to which they belong—the classes where their attainments place them—seeking for admission to the University Plastic and yielding, as it is, and adopting its curriculum, instead of to a fixed standard, to meet the demands of those who ask to be admitted to its halls, the University becomes a high school in the midst of high schools, and it supplies its ranks from the material of the very city in which it is established!

I say this: were a high grade of scholarship established in the University, and an examination exacted that would require to be passed with success in the studies that pertain to a high school, the grade of scholarship would be advanced in this capital city, and an incentive would be added that would in the end make Austin the Athens of Texas. She needs but to cultivate her schools for secondary instruction—become a mother by her own local institutions—to supply material for a University; educating her own offspring and the youth of Texas to fit them to enter the halls of the long-talked-of University that has honored her as the chosen seat of literature, science and art.

The University, with a curriculum fixing a low grade of scholarship for admission, depletes and even ruins the outside efforts of the local schools, public and private, degrades her own standing, and does untold harm to the advancement of the interests and respectability of the institution. Besides this, it injures the students of the city where situated, to whose advancement and education it seems to contribute. The lowering of the grade of scholarship, as I have stated, fills the institution with local students, whose wants can be better supplied by the private and public schools of the city, because they receive special attention under their home masters. In the University, students are left to rely upon themselves. "Learn or not learn" is the maxim of the University. When the professor delivers his lecture, the student can partake or not partake, digest or not digest. How unnatural to apply

this rule, which is proper in its application for matured students, to youth who properly belong to the high school, and who need the helping hand and kindly encouragement of the master at every step in their studies!

I ask no confession from any student as to how far he or she has found that to learn means to study; and whether the student be in the primary, high school, college or University, that the matter of education rests with the student and his books, and not with the professor. What I desire to show, with reference, to the material that goes to the university from Austin, is that it is an unhappy advantage which they enjoy. They pass from under the instruction of teachers who know them, and stand related to them with parental solicitude for their interests, into the lecture room of the professors, who know them not. They are deprived of that patient attention to their mental wants that they so much need, and are left to rely upon themselves. Despairing, they soon turn with pride simply to the fact that they are recognized as "students" in the University, and inflated with this thought, they content themselves after a brief sip from its fountains and try their wings and fly without their degrees. Happily had it been for Austin had the high grade of scholarship been established; her young men and her maidens would have made an effort in their home schools to enter the portals of the University that stands so grandly in her beautiful site; and the University, with her high standard of scholarship, would have warned them to stand afar until they are ready to take the food for matured intellects which she had prepared. To be able to enter the University would have been their first ambition in life, and having entered well prepared and matured, the State would have been given cultivated men and women that would have been her honor and pride.

This stand for an advanced course pertaining to a university proper, should as well be taken now as at any period. I argue that while the University may be weak in numbers for a time, the mere existence of it as a fixed institution, with a curriculum of high grade, will stimulate in the preparation of students to fill its halls. I would dislike to think that the University is a creature in advance of the necessities of our State; to think so, would be to admit that the students already prepared to enter on mature studies, formed a number too small to demand a State institution. I think we have the scattered material well advanced in high branches, and willing to accept the advantages of a first class university, if proper means be applied to secure their attendance. I trust that a different management will cause students to clamor for admission to an overcrowded university, rather than that a hungry university, with depleted halls and empty benches, should lower its dignity by crying for striplings to listen to its wisdom.

4. In immediate connection with the subject of establishing a high standard of proficiency on the part of students of the University, I will refer to that feature of the bill that provides for the appointment of auxiliary professors to act as principals in high schools to be selected or established—one in each of the eleven congressional districts. This proposition has been denounced as a design to fritter away the University fund, and by disintegration destroy the main institution. It will be noticed by examination of criticisms that no one has assailed this proposition on the ground that it was unconstitutional. I think, from consideration of the question, and conference with others with reputation for knowledge of the law, that there is no question as to the power of the Legislature to employ auxiliary professors, and detail them for duty as superintendents of high schools, acting as preparatory for a University course.

I have thought of this plan long and well; and while not proposing it as a feature that would be permanent, it promises the best results while the institution is in its infancy, and the paucity of students desiring admission to a university proper is felt so keenly. Let there be a first-class institution in each congressional district, with a course of study in strict harmony with the University; and let it be well conducted, and we will have a benefit to the students of such establishments excelled by only the University itself. The text books and general course of preparatory instruction can be made to conform to the dictates of the University; and on entering the University for a student, it would be as though he were merely advancing gradually to a more elevated plane. Can any one say that these schools, thus organized, would not be beneficial? May we not reason that their establishment, with the incentive given by their professors, and the certainty that their students would be able to pass to the University with an advanced course of study

with better advantages, not stimulate, encourage, and even raise a desire in the minds of students and parents to take advantages offered by a great University. There can be nothing but benefit arising from these subordinate institutions; the money expended could not be considered as lost.

Let us see how far the charge of this being an attempt to ruin the University is supported. It was either ignorance or malice, or both these bad incentives, that prompted this charge. The whole amount required for salaries of the eleven professors of these schools is sixteen thousand and five hundred dollars (\$16,500); and, mark well, there is a provision in the bill, in plain terms, directing that the appointment of these auxiliary professors shall only be made "Provided the amount of the available University fund be sufficient to meet the expenses of salaries of other professors, officers and employees of the State University, and the regular expenses of the State University, as required and provided for, to insure its successful support and management."

These are the exact terms of the bill. I give them in their very words, because they have been suppressed in outside hostile discussions, leveled by antagonists against these auxiliary professorships.

How could ruin follow these appointments, when it is expressly provided that everything needful to secure the successful support and management of the main University should be provided and appropriated before their appointment? With this restriction, how could anything have been done to mar the successful working of the University?

In the face of this provision, which I was careful to insert, deliberately intending that the main University should not be crippled, an intention plainly apparent from the substance of the proviso, who can doubt that the charge that this feature was aimed to destroy is not false? Who can doubt that it is not malicious—maliciously false? It could not injure; then how could it have been intended to injure? Could an intelligent critic have digested the plan as to these professorships without having read the proviso relating to their appointment. To award him honesty of purpose in his criticism, I must deny him common intelligence.

There was nothing but good intended in this strait in which the University is found—seeking for students; and this remedy was to be applied only for a period when it would be needed. I was willing to have experimented with this legislation as a remedy. Had it proved unsuccessful, it could have been abandoned.

It could do no harm to the main University, but could accomplish much good where these schools were to be established. This charge that I repel, that I aimed to destroy the University, is a sample of the misrepresentations that I feel called upon to denounce.

5. The salaries of professors as prescribed in the bill should be referred to briefly. The bill, elsewhere than in the section giving rates of salaries, prescribes that appropriations shall be made at each session of the Legislature for salaries of professors, and all other expenses of the University.

The section fixing salaries was easily changed, had the Legislature seen fit to not agree on the rates as fixed. The cry raised against salaries being so low as to be degrading to those to whom they were offered, was one of those subterfuges concocted to raise prejudice against the system of legislative jurisdiction on this question. What I desired to do was to have salaries fixed by the Legislature itself, and not entrust that prerogative to any other authority. A few hundred dollars, or even thousands, expended in this direction, would not have been opposed by me or met with disfavor.

I wanted these questions of salary fixed by law. I could not conceive but that the Legislature was able to take jurisdiction of this question, and that it had competency to determine what was a reasonable expenditure for the services of professors. But there was an outside influence, I cannot say by whom instigated, that desired to keep this jurisdiction to fix the salaries of professors in the discretion of the Board of Regents. It was a power existing, and was held to and advocated, for some purpose, with a tenacity that was strange, passing strange; and I will not attempt to fathom for what reasons, motives, or for whose benefit. The doctrine advanced was that the Board of Regents was in the field, and should have unlimited control of the purse of the University. It was their mission to hunt down professors, or to weigh the evidences of professors who besieged them with testimonials. They were to select such men as would make the Texas University famous. We pause to ask whether fancy prices paid for salaries would give reputation to professors not already famous? We pause to ask whether a name with a dozen degrees abbreviated, with

half the alphabet affixed, without any other history, would add to the reputation of the University?

I have lived long enough to know and believe that all men, who have passed through a practical life as mine has been, and I believe all students who have passed through college or university, will realize that professors who have the highest fame and the grandest array of titles, are not always the professors that are best adapted to the mission of teachers. They frequently have a pride above their work, and their intercourse with students, and modes of instruction are anything but satisfactory.

I know there is a reputation that attaches to a student if he can claim to have been an alumnus of some noted university. Again, if he can claim that he was a student of a celebrated professor, he acquires a species of notoriety. Alas! How many who pass through noted universities, and listen to renowned professors, acquire no other reputation through life than these poor honors?

But I must hasten on. What I sought was that the Legislature should take jurisdiction over this question of salaries, and give to our University a professorship that was learned, substantial and all sufficient to lead our youth to the highest planes. I desired that substantial salaries should be paid to talented men; and that a class of instructors should be selected who are real teachers, practical and in love with their profession as teachers. I must say, with gratification, that there is an abundant source from which to supply our University with men of this class.

When the State furnishes a substantial, learned professorship, the student should be satisfied—she has done her duty. The false glamour that a student might pride in for having listened to a professor whose fame is world-wide; is an enjoyment that the State does not owe him. The real, substantial and sound education is what the State should give—and this only she offers to him; and, as to whether he will be benefited, depends upon himself. Guided by a teacher who loves the work of teaching—whose head is not so far in the stars in his flights and theories as to lose sight of his mission—every student can reach all that his industry and his intellect can attain. I think an economy may be practiced in this direction relating to salaries, and the real substantial efficiency of the University not be impaired. Far be it from my wish to degrade men of learning, and to offer to them paltry recompense for their services. Give—give to them lavishly—to the utmost extent that our abilities can reach; but let us not go beyond the extent of our means in this generosity.

Texas could only offer the best her facilities could afford, and no more could be expected. If she gives a learned, substantial professorship, employed at no fancy salary, she has given the essentials for a good education; and if her sons reject her offer because she cannot give the luxury of the sauce of world wide reputation for her teachers, she is not to blame.

I have covered every point that I have advocated in the bill introduced by me. I have acted according as I have thought right, in the introduction of this bill. No man is responsible for these measures other than myself. Owing to relations of close friendship existing between me and Gov. Ireland, by those vindictive against us both, he has been charged with attempting, through me, to inject these measures into the laws. Not one word of proof has been offered in support of this coalition, and the assertion rests on bare assumption. I can do no more than enter my solemn protest against coupling his name with these measures, because he neither framed them, dictated them nor suggested them; and I am not advised as to how far he would have sanctioned them, had they been submitted to him as legislative acts for executive sanction. I wish to bear all this burden alone. I take all the responsibilities. Since unjust criticism of the press has called forth these remarks, it may not be out of place to thank those gentlemen of the press who have fairly stated the principles in the bill, and who follow the advice: "To nothing extenuate or naught set down in malice."

I do not object to their healthy criticism on these measures. It is by fair discussion that the truth is reached. An enlightened press, as the greater part of our press is, assists largely to secure that which is to the best interests of the State. I have been dealt fairly with by many who noticed these measures, and my principles have not been misrepresented or my motives impugned. It is only a few against whom I raise my voice—I call them not by name; they are too well known to need specific designation, and pronounce them as curses rather than as blessings to the people.

The University has no stronger friend than I. Its branch, the Agricultural and Mechanical College, is also my pride. I trust in the near future to see all our great educational establishments moving harmoniously, without rivalry, richly endowed, and their halls filled with our noble Texas youth, who will be dismissed from her portals firm in their morals, with strong muscles and with cultivated intellects, ready to do battle with the world and to do honor to their State and family in all the varied duties of life.

The hour for adjournment having arrived, Lieut. Gov. Gibbs, President of the Senate, delivered the following address:

Gentlemen of the Senate:

As the hour of adjournment has about arrived, and as I may never have the pleasure of again presiding over the Senate as now constituted, I consider a few farewell remarks not inappropriate.

In all sincerity, I congratulate the Senate upon its fidelity to public trust and the industry with which you have labored to render effective service to your constituents. In some quarters there have been complaints that you have passed but few bills, but in this day of too much legislation it is clear in my mind that a legislature can sometimes serve the people, best by saving them from the evil consequences of hasty legislation.

When we consider that often under more conservative governments the legislative department spends twice the time allowed us by the Constitution, in maturing one or two important measures, we cannot but be surprised at the amount of work you have done. In this State, because of its size and rapid development, as well as on account of its diverse interests, the labors of the Legislature are necessarily great, and no matter how earnest, conscientious and intelligent may be your efforts, you must be prepared for adverse criticism, especially before the beneficial result of your labors can be realized. You have shown a commendable disposition to enact laws to suppress crime and to put a stop to the useless expenditure of public money.

If in some instances you have done those things you should have left undone, and left undone those things you should have done, you can console yourself with the reflection that it has ever been, and will ever be, thus with legislative bodies. Your labors have been earnest and directed with intelligence, and when this Senate is weighed in the scale of public justice it will not be found wanting. I appreciate the uniform courtesy and respect you have shown the chair, and the disposition manifested by each of you to facilitate the business of the session.

In spite of the fact that a contrary impression has been made upon the people, yet I know, and you all realize, that the utmost cordiality and personal esteem exists among the members of this body. In the heat of debate, words were used that we have all regretted; yet there has been no malice, and no one deplored it sooner and more sincerely than the honorable Senators themselves. I feel conscious of having the good will of each member of this body, and have certainly tried to deserve it by an effort at uniform courtesy and impartiality.

The Chaplain delivered a prayer, and the Senate adjourned sine die.