Senate amendment No. 23 is so modified as to insert, "$5," instead of, "$10."

The Senate recedes from its amendment No. 24.

Respectfully submitted,

PINER, DOUGLASS, EDWARDS, } *Senate Committee.*

MARTIN, THOMPSON, McCORKLE, } *House Committee.*

The President *pro tem.*, after publicly reading their captions, signed the following bills:

House Bill No. 402—"An Act to provide for furnishing certain supplies, herein named, to the Lunatic, Deaf and Dumb, and Blind Asylums."

House Bill No. 354—"An Act to authorize the Court of Appeals to appoint a bailiff."

House Bill No. 277—"An Act to amend Article 721 of the criminal code."

House Bill No. 76—"An Act to define and punish barratry."

Senator Storey moved that the Senate take recess until 8:30 o'clock A. M., Monday morning, unless sooner called together by the President *pro tem.*

Adopted.

ONE HUNDRED AND SIXTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, August 21, 1876.

Senate met. President *pro tem.* in the chair. Roll called. No quorum present.

At 9 o'clock A. M., a quorum was announced present.

The President, after reading their captions, signed the following bills:

Senate Bill No. 292—"An Act to provide for the issuance of patents for land in certain cases."

Senate Bill No. 48—"An Act to amend an act entitled, "An Act to amend Articles 756 and 768 of an act to adopt and establish a penal code for the State of Texas,' approved November 12, 1866."

Senate Bill No. 49—"An Act entitled, 'An Act to amend an act entitled, "An Act to establish a penal code for the State of Texas," approved August 28, 1856.'"

Senate Bill No. 170—"An Act to regulate irrigation and navigation."

Senate Bill No. 217—"An Act to encourage stock raising and for the protection of stock raisers."

Senate Bill No. 291—"An Act to regulate proceedings in relation to common use of certain enclosed lands."

Senate Bill No. 298—"An Act to provide for the change of venue by the State in criminal cases."

Senate Joint Resolution No. 334—"Providing for the leasing of three hundred feet square in the block or lot of land in the city of Austin lying north of the State Capitol, and known on the map of said city, now on file in the General Land Office, as College Hill."

Senate Joint Resolution No. 386.

Senate Bill No. 394—"An Act to regulate elections."

Senate Bill No. 397—"An Act to prevent the forgery of land titles."

Senate Bill No. 400—"An Act to provide for the manner of purchasing fuel for the use of the Legislature and other departments of the government, except the Judicial Department, by contract."

Senate Bill No. 401—"An Act to amend Article 724 of the penal code, approved August 28, 1866."

Senate Bill No. 403—"An Act to authorize the levy and collection of a special tax in Blanco, Smith, Tarrant, Erath, Denton, Parker, Lampasas, Camp, Sabine, Burnet, Cameron, Brown, Delta, Nacogdoches and Angelina counties for the years 1876, 1877 and 1878, to erect a courthouse and jail in each county."

Senate Bill No. 61—"An Act dividing Young and Bexar Territories into counties, and defining the boundaries thereof, and certain other counties therein named."

Senate Bill No. 137—"An Act to fix and regulate the fees of all the officers of the State of Texas, and the several counties thereof."

House Bills Nos. 272 and 98—"An Act to regulate taxation and to fix the rate of the same."

House Bill 343—"An Act to amend an act entitled, 'An Act for the protection of the wool growing interest of the State,' approved May 2. 1874."

House Bill No. 47—"An Act regulating interest."

Substitute for House Bills Nos. 80, 103, 142 and 168—"An Act to provide for the employment and hiring of county convicts, and prescribing the duties and fees of officers charged therewith."

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

Senate Bill No. 61—"An Act dividing Young and Bexar territories into counties, and defining the boundaries thereof, and of certain other counties herein named."

House Bill No. 52—"An Act to regulate the manner of removal and location of county seats."

Senate Bill No. 390—"An Act supplemental to an act entitled, 'An Act making appropriations for the deficiencies for the present year, beginning September 1st 1875, and ending August 31st, 1876, and previous years."

Senate Bill No. 372—"An Act to confer additional jurisdiction upon the County Courts of Caldwell, Colorado, Lavaca, Guadalupe, Comanche, Fort Bend, Harrison, Waller and Wharton counties," with amendments.

Senate Bill No. 351—"An Act to provide for filling vacancies in the office of District Clerk."

That the House concurred in Senate amendments to House Bill No. 27, "An Act regulating interest."

That the House had adopted the report of the Committee of Free Conference on substitute for House Bills Nos. 272 and 98, "An Act to regulate taxation and to fix the rate of the same."

That House has concurred in Senate amendments to House Bill No. 343, "An Act to amend an act to protect the wool growing interest of the State of Texas."

And that a concurrent resolution was passed by the House to appoint a committee of three Representatives to act with a like committee on the

part of the Senate, to inform His Excellency, the Governor, that the present session of the 15th Legislature will adjourn *sine die* at 12 o'clock M., to-day.

That Messrs. Pickett, Marion and Holly were appointed on said committee.

The Senate concurred in House amendments to Senate Bill No. 61, "An Act dividing Young and Bexar territories into counties, and defining the boundaries thereof and of certain other counties herein named."

A message was received from His Excellency, the Governor.

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

Senate Bill No. 259—"An Act to transfer suits and unfinished business pending in Courts of Justices of the Peace at the time of the adoption of the Constitution of 1875, for the State of Texas, to the Courts of Justices of the Peace of the precincts in which said suits should be tried."

Substitute for Senate Bill No. 189—"An Act to regulate the respective duties of District and County Attorneys."

On motion of Senator Grace, the rules were suspended, and House Bill No. 146, "An Act to prohibit the establishment of lotteries and gift enterprises, and the sale of tickets or chances in lotteries, gift enterprises or other evasions involving the lottery principle, and to affix a punishment for a violation of this act," was taken up, and read first time.

On motion of Senator Ball, the Governor's message of this morning was taken up and read:

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, August 21, 1876.

To the Honorable Senate of the State of Texas:

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

V. O. King, of Bexar county, Commissioner of Insurance, Statistics and History. Very respectfully, RICHARD COKE.

On motion of Senator Grace, the Senate went into executive session on the appointment made in the Governor's message of this morning.

IN SENATE.

The Secretary was instructed to inform His Excellency, the Governor, that the Senate does advise and consent to the appointment of V. O. King, of Bexar county, as Commissioner of Insurance, Statistics and History.

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

Senate Bill No. 180—"An Act authorizing quarantine on the coast of Texas, and elsewhere within the State."

The President *pro tem.* signed Senate Bill No 351, "An Act to provide for filling vacancies in the office of District Clerk."

A message was received from the House, announcing that that body had concurred in the following:

Senate amendments to House Bill No. 311—"An Act to provide for the judicial forfeiture of charters, and prescribing the duties of the Attorney-General in relation thereto."

On motion of Senator Motley, the rules were suspended, and House Bill No. 193, "An Act to repeal an act requiring the registration of births," was taken up, read third time, and passed.

On motion of Senator Storey, the rules were suspended, and Senate Bill No. 372, "An Act to confer additional jurisdiction on the county courts," etc., was taken up, with House amendments, and the said amendments concurred in by the following vote:

YEAS—Senators Brady, Burton, Edwards, Francis, Ford, Ledbetter, McCulloch, Motley, Ripetoe, Smith, Stephens, Storey, Thompson—13.

NAYS—Senators Ball, Blassingame, Brown, Grace, Henry J. R., McLeary, Piner, Terrell—8.

NOT VOTING—Senator Crain—1.

The President *pro tem.* signed Senate Bill No. 390, "An Act supplementary of an act to make an appropriation for the deficiencies for the present year, beginning September 1, 1875, and ending August 31, 1876, and previous years."

Senator Grace, Chairman of the Committee on Enrolled Bills, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Enrolled Bills have carefully examined, compared and found correctly enrolled, Senate Bill No. 372, "An Act to confer additional jurisdiction upon the County Courts of Caldwell, Colorado, Lavaca, Gonzales, Comanche, Fort Bend, Grimes, Dallas, Harrison, and Wharton counties."

The same has been properly signed and presented to the Governor this day, at 10:20 o'clok A. M., for his approval.

GRACE, *Chairman.*

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Enrolled Bills have carefully examined, compared and found correctly enrolled, Senate Bill No 390, "An Act entitled, 'An Act making appropriations for the deficiencies for the present year, beginning September 1, 1875, and ending August 31, 1876,' and previous years."

The same has been presented to the Governor this day, at 10:20 o'clock A. M., for his approval. GRACE, *Chairman.*

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Enrolled Bills have carefully examined, compared and found correctly enrolled, the following bills:

Senate Bill No. 292—"An Act to provide for the issuance of patents for land, in certain cases."

Senate Bill No. 48—"An Act to amend an act entitled, 'An Act to amend Articles 756 and 768 of 'An Act to adopt and establish a penal code for the State of Texas," approved November 12, 1866."

Senate Bill No. 49—"An Act to amend an act entitled, 'An Act to establish a penal code for the State of Texas,' approved August 28, 1856."

Senate Bill No. 170—"An Act to regulate the practice of medicine."

Senate Bill No. 179—"An Act to encourage irrigation and navigation."

Senate Bill No. 217—"An Act to encourage stock raising and for the protection of stock raisers."

Senate Bill No. 291—"An Act to regulate procedure in relation to common use of certain inclosed lands."

Senate Bill No. 298—An Act to provide for the change of venue by the State in criminal cases."

Senate Joint Resolution No. 334—"Joint Resolution providing for the leasing of three hundred feet square in the block or lot of land in the city of Austin lying north of the State Capitol, known on the map of said city, now on file in the General Land Office, as College Hill."

Senate Joint Resolution No. 386.

Senate Bill No. 394—"An Act to regulate elections."

Senate Bill No. 397—"An Act to prevent the forgery of land titles."

Senate Bill No. 400—An Act to provide for the manner of purchasing fuel for the use of the Legislature and other departments of the government, except the judicial department, by contract."

Senate Bill No. 401—"An Act to amend Article 724 of the penal code, approved August 28, 1866."

Senate Bill No. 403—"An Act to authorize the levy and collection of a special tax in Blanco, Smith, Tarrant, Erath, Denton, Parker, Lampasas, Camp, Sabine, Burnet, Cameron, Brown, Delta, Nacogdoches and Angelina counties, for the years 1876, 1877 and 1878, to erect a court-house and jail in each."

Senate Bill No. 61—"An Act dividing Young and Bexar territories into counties, and defining the boundaries thereof, and of certain other counties herein named."

Senate Bill No. 137—"An Act to fix and regulate the fees of all the officers of the State of Texas, and the several counties thereof."

The same have been properly signed and presented to the Governor this day, at 10 o'clock A. M., for his approval. GRACE, *Chairman.*

On motion of Senator Crain, the Senate concurred in House amendment to Senate Bill No. 180, etc.

Senator Terrell arose to a question of privilege and remarked as follows:

"I rise, as did the Senator from Smith, a few days since, to a question of privilege. I am advised that my remarks in regard to the pay of Assistant Superintendent of the asylum, were construed by the Superintendent as reflecting upon him as an officer. I have not one syllable of the remarks then made, as published, to correct or modify. They were general and referred to the necessity of running these asylums from the domain of politics. Dr. Wallace, the Superintendent, was not then by me censured, directly or indirectly. I then thought, and still think, his chief assistant ought not to be a twelve hundred dollar doctor, that his salary ought to be $1,800, and the Senate agreed with me. As a member of the Asylum Committee, no fact has been brought to my knowledge to justify censure of the Superintendent, nor were my remarks understood by the Senate as conveying any such meaning. But I then said, and still think, that the whole system of filling offices in our public charities subjects them to partisan control; that it is wrong, and they will never prosper until the trustees are placed beyond the reach of executive caprice, and are made independent of partisan control."

Senator Piner offered the following resolution:

Resolved, That the thanks of the Senate are due, and are hereby, tendered to, the officers and employes of the Senate, for the faithful, efficient and obliging manner in which they have discharged each and all of their duties, and that each and all of the Senators will ever cherish the kindest feelings of regard for each of the officers and employes for the many kind acts of courtesy extended them.

The resolution was unanimously adopted.

Senator Terrell offered the following resolution:

Resolved, That should the Grand Lodge of the United States of the I. O. O. F., hold its session at Austin in 1877, that the Governor be requested to tender the Senate Chamber and Hall of the House of Representatives for their use while in session.

Adopted.

Senator Smith offered the following resolution:

Resolved, That the thanks of the Senate are hereby extended to Hon. Wells Thompson, President *pro tem.* thereof, for his uniform courtesy and urbanity, and for the ability, justice and sound judgment that have characterized his course as such presiding officer.

Resolution unanimously adopted.

Senator Ball offered the following:

"The officers and employes of the Senate, in partin gwith the Senators, tender them their thanks for the uniform courtesy and kindness which they have ever shown them; and assure them, each and every one, that they will carry with them the sincere esteem and friendship of every officer and employe. The memory of our pleasant associations will go with us wherever we go; and though we may never all meet again in the thronging pathway of life's uneven journey, yet we will ever cherish their memory and kind deeds with fond recollection."

Read and ordered spread on the journal.

Senator McLeary offered the following resolution:

Resolved, That the Seargent-at-Arms shall, after the adjournment, remain at the Capitol and make out a complete inventory of all the property in possession of the Senate, and turn the same over to the custodian of the Public Buildings and Grounds, and take his receipt therefor, and to effect this purpose, the said officer is authorized to retain under his orders, one of the employes, to be by him selected, and that the Seargent-at-Arms and the said employe be hereby continued in office for five days after adjournment.

Adopted.

A message was received from the House, announcing the passage of Senate Bill No. 189.

On motion of Senator Edwards, the rules were suspended, and House Bill No. 174, "An Act to amend an act entitled, 'An Act prescribing the mode of service in certain cases,'" was taken up and read second time.

On motion of Senator Storey, a committee of three Senators were appointed in connection with a like committee on the part of the House, to inform His Excellency, the Governor, that this session of the Legislature will adjourn *sine die* to-day, at 12 o'clock M.

Senators Storey, Henry of Limestone and Ledbetter were appointed as said committee.

On motion of Senator Edwards, the rules were suspended, and House Bill No. 137, "An Act concerning divorce and alimony," was taken up, read third time, and passed.

On motion of Senator Storey, House Joint Resolution No. 325, "To authorize the Governor to make such endorsements on registered United States bonds as may be necessary to sell or transfer the same," was taken up and read first time.

On motion of Senator Storey, the rules were suspended, to place the bill on its second reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Crain, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McLeary, McCulloch, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—20.

NAYS—Senator Brady—1.

Resolution read second time and passed to a third reading.

Senator Storey moved a further suspension of the rules, to place the resolution on its third reading.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Crain, Edwards, Francis, Ford, Grace, Henry J. R., McLeary, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—20.

NAYS—Senator Brady—1.

Resolution read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Crain, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McLeary, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—21.

NAYS—Senator Brady—1.

House Bill No. 386, "An Act to authorize the Comptroller to draw his warrants on the State Treasurer, in favor of the County Treasurer, for the use and benefit of the county, for all amounts that were illegally assessed and collected on account of the frontier tax of 1873, and paid into the State Treasury," was taken up with an adverse report from the committee.

The report of the committee adopted.

The bill lost.

Senate Joint Resolution No. 296, "Requiring the Comptroller and Treasurer to report if there is on file in their respective offices, any claims which were omitted and neglected to be examined and reported upon by the Auditor under the provisions of certain acts, approved March 20, 1848, and February 7, 1853," on motion of Senator Piner, was changed from a joint to a simple resolution.

On motion of Senator Stephens, the rules were suspended, and House Joint Resolution No. 435, "Authorizing a sale or lease of, and cession of jurisdiction on certain lands to the United States, for erecting a fort, arsenal, barrack, military station and camp," was taken up and read first time.

On motion of Senator Stephens, the rules were suspended, to place the resolution on its second reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Brady, Burton, Crain, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, McLeary, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—22.

NAYS—None.

Read second time and passed to a third reading.

Senator Stephens moved to still further suspend the rules and place the bill on its third reading.

Carried, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McLeary, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—22.

NAYS—None.

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

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McLeary, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—22.

NAYS—None.

A message was received from the House, announcing that that body had concurred in Senate amendments to House Bill No. 311, "An Act to provide for the judicial forfeiture of charters, and prescribing the duties of the Attorney-General in relation thereto."

The President, after reading their captions, signed the following bills:

Senate Bill No. 275—"An Act to authorize the Comptroller of Public Accounts to issue duplicate warrants and duplicates or copies of certificates, or other evidences of indebtedness," approved by the Auditoral Board of the State."

House Bill No. 193—"An Act to repeal 'An Act to provide for the registration of births."

A message was received from the House, announcing the passage of Senate Bill No. 110, "An Act to regulate the compensation of jurors in certain cases," with an amendment.

On motion of Senator Crain, the Senate concurred in the amendment of the House.

Senator Storey, from the special committee, appointed to inform the Governor that the Senate would adjourn *sine die* at 12 M. to-day, reported that they had performed that duty, and that His Excellency, the Governor, desired him to state that he had no further communications to make to the Legislature.

The President *pro tem.*, after reading their captions, signed the following Senate Bills:

Senate Bill No. 189—"An Act to regulate the duties of County Attorneys."

Senate Bill No. 259—"An Act to transfer suits and unfinished business pending in Courts of Justices of the Peace at the time of the adoption of the Constitution of 1875 for the State of Texas, to the Courts of Justices of the Peace of the precincts in which said suits should be tried."

Senate Bill No. 110—"An Act to regulate the compensation of juries in certain cases.

Senate Bill No. 180—"An Act authorizing quarantine on the coast of Texas and elsewhere within the State."

House Joint Resolution No. 435—"Authorizing a sale or lease and cession of jurisdiction over certain lands to the United States for the erection of a fort, arsenal, barracks, military station and camp."

House Joint Resolution No. 325—"To authorize the Governor to make such endorsements on registered United States bonds as may be necessary to sell or transfer the same."

House Bill No. 311—"An Act to provide for the judicial forfeiture of charters, and prescribing the duties of the Attorney-General in relation thereto."

Senator Grace, Chairman Committee on Enrolled Bills, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Enrolled Bills have carefully examined and found

correctly enrolled, Senate Bills Nos. 259, 189, 110, and 180. The same have been properly signed and presented to the Governor this day, at 1:55 o'clock A. M., for his approval. GRACE, *Chairman.*

Senator Piner rose to a question of personal privilege and read the following, and asked that it be spread upon the journals:

MR. PRESIDENT:—The people of Texas can, at this time, have no trouble in understanding what is meant by the words, "the majority," or, "the minority," in the Fifteenth Legislature.

The "majority" in the Senate, to which I am proud to say I belonged, have not, heretofore, thought proper to reply either to the protests of the minority, or to the many misrepresentations contained in certain newspapers in regard to the motives that influenced their action in refusing to adjourn on July 31. I do not wish to say anything now which may appear offensive to any member of this body, nor shall I intentionally do so, but, as a member of this Senate, I claim the right to place upon record the motives that influenced me on so important an occasion. I do not deem it proper here for me to discuss the question as to whether the Senate had a right to withdraw its consent to the adjournment on the 31st, nor as to whether this is now a *de jure* or *de facto* Legislature. A majority of us beleived that our vote to adjourn was not irrevocable, and that we had the right to withdraw the consent heretofore given—we believed that thereafter, till we formally adjourned, this would be a Legislature *de jure et de facto.* We have had no reason to change that opinion, nor do I fear that any court will ever question its correctness.

As to the propriety of our adjourning on the 31st, I might safely risk the whole question upon the statement of the fact that for *three weeks* since that time we have been working industriously, holding two, and sometimes three, sessions in each day and night—many of our committees meeting at night, and yet we have only now completed the work of passing laws that were absolutely essential to carrying on the State government under the new Constitution. At the date at which the minority proposed to adjourn, we had not passed the school law, not a single deficiency or appropriation bill, no tax law, besides many other laws of almost equal importance. Indeed, the minority state in their protest that there were one hundred and thirteen of these important acts upon the President's table at the time they proposed to adjourn, and I have no doubt the statement is correct. Many of these acts were very important and were in various stages of progress, after ardent and sometimes protracted discussion, not only in the two Houses, but in the various committee rooms. Months of time had been employed upon them and all would have been lost had we then adjourned.

I did not think, with all due respect to others who held different views, that we had the moral or legal right to adjourn.

It was the avowed intention of the minority to adjourn the Legislature in order to defeat the extension of time to certain railroad corporations, by defeating Senate Bill No. 303, which was intended for the relief of four roads, three of which have since been granted twelve months' extension of time, and the fourth (T. & P.) denied even thirty days, and a large number of the minority voting for the extension of time to said three roads.

Hence, it was the evident intent of the minority to adjourn in order to prevent the extension asked by the Texas & Pacific Road. If that

motive would justify them in defeating and indefinitely postponing legislation that was absolutely necessary for carrying on the government, it certainly seems strange that the majority should be censured for refusing to sacrifice all the other interests of the State to the defeat of a measure that they (the majority) thought eminently just and proper. If the minority had the right to vote an adjournment, in order to defeat a measure to which they were opposed, had not the majority the right to refuse to adjourn when adjournment meant the defeat of *their* wishes? If Legislatures always adjourned when a majority wished an act to pass, and the minority did not, it occurs to me that legislation would not progress rapidly, even with the privilege of called sessions.

But it has been said that all the unfinished business could have been disposed of at a called session. Without arguing the grave constitutional question suggested by His Excellency, the Governor, in his message of the 31st ult., I will say that those who made this assertion did so without due reflection.

I have already alluded to the vast amount of work then pending before the Legislature. Many of these acts had been the subject of long, ardent and heated debate, and had only passed to their different readings by small majorities; some had passed to their third reading, others to engrossment, and had we adjourned, all this work would have been lost, and every bill would have gone back, and if ever acted upon, it would have been upon their being re-introduced—going again through committees, and all their three readings, with a repetition of all the former amendments, debates and delays. I venture the assertion, that had we adjourned on the 31st, to-day would have found us back again about where we were on the 31st, and no progress made, thus necessitating another called session.

No called session can last longer than 30 days, under any circumstances, although the members might be willing to work for nothing. (See Art. 3, Sec. 40, of the Constitution.) The business that has been done in the twenty-one days, since the 31st, could not have been done in one called session, therefore it would have been necessary to have at least two called sessions. Besides, the cost to the State, in the per diem to the members, would have been increased at a fearful ratio, and at a time when our State finances are already staggering under a load of increasing indebtedness. Members of the minority in both Houses assert that they were in no degree influenced by the difference between $2 and $5 per day, and I, for one, believe them; but it is an annoying coincidence that many of those who were most bitter against the majority for their refusal to adjourn, had previously announced that they would adjourn because they wanted the $5 per diem instead of the $2. And the proposition signed by a large number of the minority, towards the end of this unfortunate contest, to receive only $2 per day, does not change the nature of the case in the least. They could safely make a proposition that they knew the majority could not accept. We were already showing our faith by our works, and continuing, and have since continued, to serve the State at $2 per day; and if the Legislature had agreed to serve the State at $2 per day in called session, it would have been bad policy to have called a session, for the reason heretofore given.

The majority does not deny that they wished to extend the thirty days time to the Texas and Pacific Railroad Company, and we have

given, I think, fair and cogent reasons for that wish, which to my mind remain yet unanswered; but this could not justify the minority in measures almost revolutionary in their nature. If I had been the bitterest enemy to the extension that lived, I could not have continued my opposition to it after the development of the motives that seemed to influence the minority. The opposition to extension was, as we thought, led by the friends of the International, a corporation that has received more from the State and done less than the Texas and Pacific, and I was sorry to see that what I interpreted as hostility to North Texas actuated many of the minority.

This was evidenced, not only by the line of argument pursued in this chamber, but by the wording of an act then pending, Section 4 of which reads as follows:

"SECTION 4. No part of the public domain shall be granted to any railroad company for the building of any railroad, in any county wherein a railroad has already been completed, and is in operation."

Under this section, nearly every county bordering on Red River would have been deprived of all State aid in building railroads, and the counties that had taxed their energies in paying subsidies in order to secure railroads, would have been deprived of their share of the public domain.

I shall not further trespass upon your time, but submit the question to the final judges, the people, who, when that reaction comes which the Senator from Travis seemed to anticipate, will render a just and proper verdict as to the acts and motives of both the minority and majority.

Respectfully submitted,

F. E. PINER, *Senator Twelfth District.*

Senator McLeary moved that the address be spread upon the journal.

Carried, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McLeary, Motley, Piner, Ripetoe, Smith, Stephens, Storey Terrell, Thompson—21.

NAYS—None.

Senator Crain moved that Senator McLeary be allowed to spread his protest and answer to Senator Piner's address on the journal at a future day, and that any other Senators who chose, be allowed to do the same.

Adopted.

After appropriate remarks from different Senators, the President *pro tem.* delivered a suitable address to the Senate.

The journal of Saturday and to-day were adopted.

Prayer by the Chaplain.

The President *pro tem.* announced and declared the present session of the Fifteenth Legislature adjourned *sine die.*

WM. NEAL RAMEY, *Journal Secretary.*

Senator McLeary submitted the following reply to Senator Piner's explanation, in accordance with a resolution passed on the last day of the session:

MR. PRESIDENT:—Availing myself of the privilege granted by the Senate of answering the "farewell shot" fired by the Senator from Denton (Senator Piner), I feel constrained, from a sense of justice to others, to disclaim the honor which his particular censure has heaped upon me, in designating me as one of the leaders of the minority in the Senate. But as the Senator from Fort Bend and myself were the only members

of the minority who had been friends of the International Compromise Bill in the Fourteenth Legislature, it may be fairly inferred that I was, at least, one of the marks aimed at by his Parthian arrows. It is reasonable to suppose, however, though a parliamentary construction of his language would not allow it, that he meant, also, to include among his designated leaders, the Senator from Travis. Now, for the minority, I would say that they followed no leadership save the honest convictions of their own minds, and the desire to secure the welfare of our whole commonwealth. But the minority are accused of hostility to North Texas, and a certain section in the Senate Bill, proposing to encourage works of internal improvements by donations of land, is cited as an evidence of the existence of such hostility. Now, that I wrote the famous Section 4 is not denied, though it was a part of the original bill, and was reported back from the Committee on Internal Improvements as such. But so far from its being hostile to any section of the State, it was intended to favor any and every county that had not yet reaped the advantages of railroads, no matter where that county should be situated; and such was its effect, as any person can see from the wording of it, which is as follows:

"SEC. 4. No part of the public domain shall be granted to any railroad company for the building of any railroad, in any county wherein a railroad has already been completed and is in operation."

This was afterwards modified, on my own motion, not to apply to any railroads already at work in good faith, under existing charters. The Senator from Denton states a conclusion from this that is not warranted by the facts, nor by any fair method of argument. The County of Denton, itself, has no railroad; and in opposing this section, the Senator disregarded the interests of his immediate county, to give to the more populous county of Collin, in his district, an unfair advantage over others; but that is a matter between him and his constituents, in which I disclaim having any interest. But, as a proof of the want of hostility to North Texas, I would cite a number of counties in that section of the State that would have shared in the protection that this section would have afforded to the public domain, for their benefit; they are Denton, Cooke, Tarrant, Johnson, Hill, and eighty-four counties west of them, and the counties of Hunt, Titus, Camp, Delta, Henderson and Panola, all lying north of the 32d parallel, in the proposed new State of TOM-SCOTT-LAND. But this Section 4 was not a measure peculiarly advocated by the minority of the Senate. Among its advocates were some who even aspired to be, and deserved to be leaders in the majority, among them Senators Edwards, Hobby, and Ball; while among the minority were found some of the opponents of Section 4, to-wit: Senators Smith and others. Then, on an examination of the records it will be seen that what the Senator from Denton "interpreted as hostility to North Texas actuating many of the minority," had its foundation only in his own fertile imagination. But I and some of my colleagues of the minority are denominated "friends of the International," which the Senator from Denton says is "a corporation that has received more from the State and done less than the Texas and Pacific." For my part, I am not, and never have been, a friend of any railroad company when it required me to be an enemy to the best interests of my State and her people. In the Fourteenth Legislature, to the best of my ability, and in obedience to the expressed will of my constituents, I advocated what

was known as the "three million International Compromise Bill." I then believed, and still believe, it was the best thing the State could do to rid herself of the six millions bonded debt with which the Twelfth Legislature had loaded her down. But other counsels prevailed, and instead of this compromise, a bill was passed giving the company an amount of land equal in value, even now, to all the bonds they would have received under the compromise bill which my colleagues and I advocated, and at the same time relinquishing the right of the State or any county to tax these lands for the period of twenty-five years. Which was the wisest course. Time has already shown, and its voice will grow louder yet, as the years roll by. But this measure had no similarity to the pet scheme of the majority in granting the Texas and Pacific an extension of time for the completion of its road, without any conditions whatever as to the immense reservation which that company had extorted from the unwilling hands of the Thirteenth Legislature. The merits and demerits of this extension bill are too well known to the country to require any extensive discussion here. It is sufficient to say that this was the first opportunity which has been offered to the Senate of Texas to compel this company to disgorge the immense territory which it had, in the first place, secured, as every body (including some of the majority of the present Senate) believes, by the grossest means from the most venal (the Twelfth) Legislature that ever disgraced our State. The minority were in favor of embracing this opportunity for Texas "to enjoy her own again;" but the majority failed to see, or seeing, failed to regard the interest of our State when placed in opposition to the claims of a railroad magnate. This is a summary of the controversy as it appeared to me. I hope I do no one injustice, as such is not my desire, however much injustice may have been done me and my colleagues of the minority.

Now, in regard to the question of adjournment, which seems to be regarded as an incidental question to the extension bill. The covert insinuation that members of the Senate, or the House, were influenced by the difference between two and five dollars per day, in their per diem, is unworthy of reply. For my own part, I repeatedly, both in the Fourteenth Legislature and the present Senate, offered to serve the State without any pay at all, and I am sure my constituents never regarded that I was receiving an adequate compensation, even when the per diem was eight dollars per day. But the reduction of the expenses is not in the ratio of five to two, by any means, as the officers and employes receive the same pay during the whole session, and the incidental expenses remain the same; printing, stationery, ice and gas must still be paid for at the same rates. It is safe to say, all things considered, that the expenses of the Legislature were not reduced more than twenty per cent. by the decrease in per diem. And it is well known, and has been repeatedly adverted to, that the Legislature could, in a called session, reduce the per diem to two dollars, one dollar, or to nothing, if it was deemed best to do so. Then this smallest of infinitesimal arguments is entirely lost to sight. Now, it is said by the Senator from Denton, that after the concurrent resolution had passed both Houses, and a motion to reconsider its passage laid on the table, "that it was not irrevocable." That may be, and was always granted by the minority, who always contended that it should be done in a regular parliamentary and legitimate way. In the opinion of many of the minority, my-

self among the number, this was not so done. The Senate, it is true, passed the rescinding resolution, and I remember just now nothing irregular about its passage, but it failed to pass the other House, and of the course of proceedings in that House, parliamentary courtesy does not allow me to speak. But when it was found, within a few hours of the time fixed for adjournment, that the rescinding resolution would not pass the House of Representatives, then it was devised by some one, fertile in expedients, that the Senate should resolve to adjourn to 3:30 P. M., and inform the House of this extraordinary course; and a message was received from the Speaker, announcing to the Senate that the House had adjourned to the same hour, and thus the unpleasant point of time, 12 M., which both Houses had solemnly agreed upon as the hour of adjournment, was bridged over, and the unrescinded resolution set at naught, and held in contempt, by the very power that enacted it. From such and all such proceedings, I, for myself, here solemnly wash my hands. From 12 M., on the 31st of July, 1876, the regular session of the Fifteenth Legislature, in the opinion of the Senator from Bexar, ceased to have a *de jure* existence, and all acts passed thereafter are only laws *de facto*.

But why should the majority thus override all parliamentary precedent and hold their own solemn resolutions in contempt? The Senator from Denton, by implication, at least, confesses that it was to afford the Texas and Pacific Railroad Company time to complete the gaps in their road and save a forfeiture of the immense landed reservation wrested from Texas when she lay, bound hand and foot, at the feet of that great monopoly. Then, why all this parade about the 113 or 126 bills on the table, unconsidered? Whose fault is it that they had not been considered? It was the fault of those who had determined to clog the wheels of legislation till the demands of the railroad king were satisfied. These bills were all postponed for the express and avowed purpose of passing the extension bill, which the Senator from Denton says was for the exclusive benefit of the Texas and Pacific. But the Senator shows himself unacquainted with the parliamentary law when he says that all these bills would have had to be re-introduced, and passed through their several stages again, if they became laws at a called session. On the contrary, the Governor could have designated what legislation was necessary, and the bills before either House could be taken up, where they were left at adjournment, and passed on through their several stages, until they became laws. This could be done, and has always been done, from one regular session to another of the same Legislature, even where months have intervened. Then all useless bills would have been cut off, and the necessary legislation would have received a new impetus, and could have been finished by the 15th of August. But, then, the Texas and Pacific would have lost its reservation and the State would have reclaimed its lost domain, and that was not the will of the majority.

Now, Mr. President, I thank the Senate for allowing me to answer the unexpected attack made by the Senator from Denton upon the minority, and especially upon me, in the last half hour of the session. The unusual course of the Senator fully warranted, I think, the unusual favor of the Senate in allowing the journals thus to be prolonged, even after adjournment. As for *my* reasons for *my* actions, I am willing that they shall be judged of by my countrymen, without further explanation

than their own discriminating reason and justice may dictate; and to them I appeal to affirm the decision of my own approving conscience.

Respectfully submitted, J. H. McLEARY,
Senator from the Thirtieth District of Texas.

Attest:
LEIGH CHALMERS,
Secretary of the Senate.

WELLS THOMPSON,
President pro tem. of the Senate.