NAYS—21.

| | | |
|---|---|---|
| Buchanan, | Gooch, | Matlock, |
| Cooper, | Houston, | Patton, |
| Evans, | Johnson of Collin, | Peacock, |
| Farrar, | Johnston of Shelby, | Pfeuffer, |
| Fleming, | Jones, | Pope, |
| Fowler, | Kleberg, | Randolph, |
| Getzendaner, | Martin, | Shannon. |

Senator Matlock's amendment was adopted by the following vote:

YEAS—16.

| | | |
|---|---|---|
| Buchanan, | Fleming, | Matlock, |
| Chesley, | Fowler, | Pfeuffer, |
| Collins | Gooch, | Randolph. |
| Cooper, | Harris, | Stratton, |
| Davis, | King, | Traylor. |
| Farrar, | | |

NAYS—13.

| | | |
|---|---|---|
| Evans, | Johnston of Shelby, | Patton, |
| Getzandaner, | Jones, | Peacock, |
| Gibbs, | Kleberg, | Pope, |
| Houston, | Martin, | Terrell. |
| Johnson of Collin, | | |

Senator Terrell offered the following amendment:

Add to the resolution the following: "With the express condition that no convict shall be employed in any city in this State outside of the penitentiary, or in the performance or any mechanical work or trade outside of the penitentiary walls, nor shall they be employed in the erection of any public building belonging to the State not connected with the penitentiary."

Senator Gooch offered the following ameudment to the pending amendment:

"The prohibition shall not extend to those laboring at iron industries."

Withdrawn.

(Senator Buchanan in the chair.)

Senator Gooch then offered the following amendment to the pending amendment:

"This prohibition shall not extend to working at industries for manufacturing iron, nor to building penitentiaries or reformatories."

Senator Harris moved to adjourn until 10 a. m. to-morrow, Senator Houston having the floor.

Adopted.

## FORTY-SEVENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 6, 1883.

Senate met pursuant to adjournment.

The President pro tem. in the chair.

Roll called. Quorum present.

Prayer by the Rev. B. W. Brown.

On motion of Senator Kleberg, the reading of the journal of yesterday was dispensed with, and the same adopted.

A message was received from the House announcing the passage by that body of House bill No. 525, "An act to remove the civil disabilities of Willie E. Harper, a minor."

Senator Johnston of Shelby presented a memorial from citizens of San Augustine and Sabine counties, in regard to judicial districts.

Referred to Committee on Judicial Districts.

Senator Martin, for Committee on Internal Improvements, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 3, 1883.

Hon. Marion Martin, President of the Senate:

The undersigned, members of the Committee on Internal Improvements, to whom was referred Senate bill No. 296, entitled "An act amendatory of an act entitled 'an act to repeal all laws granting land and land certificates to railroads,' approved April 22, 1882," respectfully dissent from the adverse report upon said bill by a majority of said committee.

The bill is intended for the relief of such roads as had completed the whole or any part of their line before the twenty-second of April, 1882, the date on which the law authorizing the issuance of certificates for such completed road or roads, was repealed. The New York, Texas and Mexican Railway Company claim to be the only road in the State having any part of its line completed, inspected by the State Engineer, and received at said date, that has not received the certificates promised by the State, and therefore the bill may be said to apply to them particularly. This road has been built entirely by foreign capital, and we are told, and have no reason to doubt, that one of the reasons inducing these capitalists to undertake the enterprise and develop our State was the promise solemnly made by the State that they should have sixteen sections of land per mile of completed road. At the date of the repeal of said law, to-wit, April 22d, 1882, Gen. Hardeman, the State Engineer, had inspected 57 miies of said road, and had accepted and reported favorably upon 26¼ miles of the same. This company had complied with every condition prescribed by the State, with every prerequisite of the contract, and, we think, in law and good morals they are entitled to their certificates. It is no answer to say that the public domain is exhausted, or that by issuing these certificates the State would place it in the power of unprincipled men to defraud the innocent. Whether the public domain is exhausted or not, the State promised to issue the certificates. The company is willing to receive the certificates with a full knowledge of the circumstances under which they are to be issued, and are willing further that the law authorizing their issuance may provide and stipulate that the issuance of said certificates shall never be made the ground of claim against the State by reason of the exhaustion of the public domain. Besides, it is a fact that such certificates have a value in the market to-day, and we say the State has no right to deprive the road of this benefit, be it much or little. Should third parties buy these certificates, they cannot claim to be innocent purchasers, because, in the first place, they will show upon their face that the holders can only locate them upon *unappropriated* public domain; and, in the second place, they are bound to take notice of the law by virtue of which said certificates are issued, and consequently of the fact that said certificates can never be made a ground of claim against the State. In answer to the second objection, we say the State will certainly commit a fraud upon these parties by refusing to issue the certificates promised; and, on the other hand, there is but small probability of innocent parties being defrauded by the purchase of said certificates after they are issued. The State had better keep her own hands clean before she becomes anxious for others.

MARTIN,
HOUSTON,
COLLINS,
JOHNSTON of Shelby.

The following message was received from his Excellency, the Governor:

To the Senate:

GENTLEMEN—In the communication sent to your honorable body, on the first of March, there are many erasures in the names of persons suggested for notaries public, and, in order to correct the same, I ask to withdraw the recommendations.

I am, respectfully, yours,

JOHN IRELAND,
Governor of Texas.

AUSTIN, March 5, 1883.

The above request was unanimously granted.

(Senator Fleming in the chair.)

The unfinished business and special order for this hour being Senate concurrent resolution No. 2, relating to the leasing of the penitentiary, with the amendment of Senator Terrell, and the amendment of Senator Gooch to amendment of Senator Terrell, pending on adjournment, was taken up.

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

Senator Johnston of Shelby moved to adjourn till 3 o'clock this evening.

Adopted.

## AFTERNOON SESSION.

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called. Quorum present.

The President laid before the Senate the unfinished business, Senate concurrent resolution No. 2, relating to leasing the penitentiaries, which was pending on adjournment.

A message was received from the House informing the Senate of the passage by the House of substitute House bill No. 288, entitled "An act to amend article 2403, chapter 5, title 42, of the Revised Civil Statutes of the State of Texas, relating to commissions of county treasurers."

Taken up and referred to Judiciary Committee No. 1.

After full discussion, Senator Davis moved the previous question on the pending amendment.

Motion seconded, and main question ordered.

Senator Gooch's amendment to Senator Terrell's amendment was adopted by the following vote:

YEAS—20.

| | | |
|---|---|---|
| Buchanan, | Fowler, | King, |
| Chesley, | Getzendaner, | Matlock, |
| Cooper, | Gibbs, | Pope, |
| Davis, | Harris, | Shannon, |
| Evans, | Johnson of Collin, | Terrell, |
| Farrar, | Johnston of Shelby, | Traylor. |
| Fleming, | Jones, | |

NAYS—6.

| | | |
|---|---|---|
| Houston, | Patton, | Perry, |
| Martin, | Peacock, | Randolph. |

On this amendment the following Senators were paired:

Senator Gooch with Senator Pfeuffer.

Senator Stratton with Senator Kleberg.

The former Senators of each pair, and who were present, would have voted "aye," and the latter Senators of each pair, who were absent on the committee to meet and conduct to the capitol ex-President Diaz, of Mexico, and companions, would have voted "no."

Senator Terrell's amendment was then adopted by the following vote:

YEAS—20.

| | | |
|---|---|---|
| Buchanan, | Fowler, | King, |
| Chesley, | Getzendaner, | Peacock, |
| Cooper, | Gibbs, | Pope, |
| Davis, | Harris, | Shannon, |
| Evans, | Johnson of Collin, | Terrell, |
| Farrar, | Johnston of Shelby, | Traylor. |
| Fleming, | Jones, | |

NAYS—6.

| | | |
|---|---|---|
| Houston, | Matlock, | Perry, |
| Martin, | Patton, | Randolph. |

On this amendment the following Senators were paired, to-wit:

Senators Gooch and Pfeuffer.

Senators Stratton and Kleberg.

The first Senator of each pair would have voted "aye," and the latter named Senators of each pair would have voted "no."

Senator Traylor's amendment, "Amend, on page 14, last two lines, by striking out the words 'that the said leases be and they are hereby in all things ratified and affirmed,' and insert 'that the said leases be and they are hereby revoked,' and amend the caption to conform thereto," was then lost by the following vote:

YEAS—12.

| | | |
|---|---|---|
| Chesley, | Gibbs, | Randolph, |
| Davis, | Harris, | Shannon, |
| Farrar, | King, | Terrell, |
| Fowler, | Martin, | Traylor. |

NAYS—13.

| | | |
|---|---|---|
| Buchanan, | Houston, | Patton, |
| Cooper, | Johnson of Collin, | Peacock, |
| Evans, | Jones, | Perry, |
| Fleming, | Matlock, | Pope. |
| Getzendaner, | | |

On this amendment the following named Senators were paired:

Senators Gooch and Pfeuffer.

Senators Collins and Johnston of Shelby.

Senators Stratton and Kleberg.

The first named Senators in each pair would have voted "aye," and the last named Senators in each case would have voted "no."

Senator Davis offered the following amendment:

Amend by adding "Provided, the State can, at any time, resume control of the convicts and the penitentiaries, and annul said leases, should the Legislature so desire."

General Diaz, ex-President of the Republic of Mexico, and suite were received in the Senate chamber, and General Diaz was invited to a seat on the right hand of President pro tem. Houston, which he accepted.

On motion of Senator Davis, the Senate took a recess of five minutes.

Recess expired, Senate met.

Roll called, quorum present.

Senator Pope moved a call of the Senate.

Call seconded.

Roll called. No Senators absent, except those excused, and Senate announced full.

Senator Pope moved to adjourn till 10 a. m. to-morrow.

Lost by the following vote:

YEAS—11.

| | | |
|---|---|---|
| Chesley, | Gibbs, | Patton, |
| Collins, | Johnston of Shelby, | Stratton, |
| Cooper, | Martin, | Traylor. |
| Evans, | Matlock, | |

NAYS—18.

| | | |
|---|---|---|
| Buchanan, | Gooch, | Peacock, |
| Davis, | Harris, | Perry, |
| Farrar, | Houston, | Pope, |
| Fleming, | Johnson of Collin, | Randolph, |
| Fowler, | Jones, | Shannon, |
| Getzendaner, | King, | Terrell. |

On motion of Senator Davis, the Senate adjourned till 9:55 a. m. to-morrow.

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## FORTY-EIGHTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 7, 1883.

The Senate met pursuant to adjournment.

Hon. A. W. Houston, President pro tem., in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Pope the reading of the journal of yesterday was dispensed with, and the same approved.

The President gave notice of signing House bill No. 522, "An act to amend sections 3, 4, 5, 6, 11, 14, 15, 16, 18, 20, 21, 22, 23, 26, 28, 29, 30, 51, 52, 82, 90, 91, 117, 127, 128, 135, 140, 142, 147, 148, 151, 157, 158, 159, 161, 170 and 171, of 'an act to incorporate the city of Galveston, and to grant a new charter,' approved August 2, 1876, and amended by act of Legislature, approved April 5, 1881."

Senator Stratton, by request, introduced a bill to be entitled "An act to authorize the creation of private corporations for constructing, owning, maintaining and operating ship channels, ship canals, inlets, cuts, docks, breakwaters, basins, bulkheads, piers and wharves, in, upon or connected with tide water in this State."

Referred to Committee on State Affairs.

The President laid before the Senate Senate concurrent resolution No. 2, relative to leasing the penitentiary, this being the unfinished business of yesterday.