FIFTY-SECOND DAY.

SENATE CHAMBER,
Austin, March 14, 1891.

The Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

No quorum present.

The following Senators answered to their names.

PRESENT—19.

Burney,	Harrison,	Pope.
Clark,	Kearby,	Potter,
Clemens,	Kimbrough,	Simkins,
Crane,	Maetze,	Tyler.
Cranford,	McKinney.	Weisiger,
Finch,	Page,	Whatley.
Garwood,		

ABSENT—9.

Atlee,	Johnson,	Seale,
Frank,	Lubbock,	Stephens,
Glasscock,	Mott.	Townsend,

Senator Kimbrough moved a call of the Senate, which was ordered.

The following Senators answering to their names:

PRESENT—21.

Burney,	Harrison,	Pope,
Clark,	Kearby,	Potter,
Clemens,	Kimbrough,	Simkins,
Crane,	Lubbock,	Stephens,
Cranford,	Maetze,	Tyler.
Finch,	McKinney.	Weisiger,
Garwood,	Page,	Whatley.

ABSENT—4.

Frank,	Johnson,	Lubbock,
Glasscock,		

Quorum present.

Prayer by the chaplain, Dr. Smoot.

On motion of Senator Garwood Senator Seale was excused indefinitely on account of sickness in his family.

On motion of Senator Finch Senator Frank was excused for today on account of important business.

On motion of Senator Weisiger Senator Glasscock was excused for today on account of important business.

On motion of Senator Lubbock Senator Mott was excused for today on account of important business.

Pending the reading of the journal, on motion of Senator Clemens, the further reading of the same was dispensed with.

On motion of Senator Pope, Senator Johnson was excused for today on account of important business.

Senator Crane moved to reconsider the vote adopting the amendment of Senator Pope to section 10 of House Substitute Senate bills Nos. 1, 3 and 58 and asked to have the motion spread upon the journal.

PETITIONS AND MEMORIALS.

By the chair:

Petition of Mrs. Mary Craddock for relief on account of the service of her brother, George Wilcox.

Read first time and referred to committee on State affairs.

The following reports were handed in from their respective committees:

COMMITTEE ROOM,
Austin, March 13, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on State Affairs, to whom was referred

Senate bill No. 349, being "An act for the relief of C. C. Dupree, late sheriff and tax collector of Franklin county, Texas."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WHATLEY, Chairman.

COMMITTEE ROOM,
Austin, March 13, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on State Affairs, to whom was referred

Joint resolution setting apart a portion of the State cemetery for the interment of Confederate dead,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass,

WHATLEY, Chairman.

COMMITTEE ROOM,
Austin, March 12, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your Committee on Internal Improvements, to whom was referred

House bill Nor 333, being "An act to rescind and amend the charter and dissolve the corporation known as the Bowers and Piney Creek railway company from all further duties and obligations thereunder,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

JOHNSON, Chairman.

COMMITTEE ROOM.
Austin, March 14, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 1, to whom was referred

House bill No. 417, being "An act to validate deeds by the town of Socorro while acting under the general incorporation laws,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

POPE, Chairman.

COMMITTEE ROOM.
Austin, March 14, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 1, to whom was referred

House bill No. 416, being "An act to validate deeds made by the town of San Elizario while acting under the general incorporation laws,"

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do pass.

POPE, Chairman.

COMMITTEE ROOM.
Austin, March 14, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Finance, to whom was referred

Senate bill No 225, being "An act to provide for the assessment of taxas upon the railroads of the State of Texas."

Have had the same under consideration and I am instructed to report the same back to the House with the recommendation that it do pass with the attached amendment.

CLEMENS, Chairman.

The amendment is as follows:

Amendment to Senate bill No. 225:

Amend by striking out all after the word "trust," in section 2, and insert "then it shall become the duty of the railroad commission of Texas, provided such roads or road, when sold as provided in section 2 of this act, shall have sold for less than the amount at which such road or roads were assessed at the time of the sale, to immediately appraise at its full and fair value all such property, and to officially report to the comptroller of public accounts of the State the amount of such appraisement, and upon the amount so reported the comptroller shall base his report for assessment and taxation, and furnish the same to the board of equalizers, as provided in section 1 of this act."

Senator Burney moved to expunge from the journal the substitute bill of Senator Seale offered yesterday and printed in the journal.

Adopted.

Senator Kearby moved to reconsider the vote by which the amendment of Senator Clark to House substitute Senate bills Nos. 313 and 58 was lost and asked to have the motion spread upon the journal.

Senator Kearby made the following privileged report from the conference committee on the difference between the two houses on substitute House bills No. 24 and 167, being "An act to prohibit prize fighting and pugilism," which was adopted:

COMMITTEE ROOM,
Austin, March 13, 1891.

Hon. R. T. Milner, Speaker of the House of Representatives:

Hon. George C. Pendleton, President of the Senate:

Your Conference Committee to whom was referred the difference between the two houses on substitute House bills Nos. 24 and 167, being "An act to prohibit prize fighting and pugilism."

Have had the same under consideration and recommend that the House do concur in Senate amendment No. 1, with the following conference committee amendment:

Amend Senate amendment by adding "or by confinement in the state penitentiary for not less than two years, without such fine," and also recommend that the House do concur in Senate amendments Nos. 2, 3 and 4. Respectfully submitted,

KEARBY,
SIMKINS,
CRANE,
POTTER,
MCKINNEY,
For the Senate.
MELSON,
RIDDLE,
BROWNING, of Lampasas,
CLEGG,
AGNEW,
For the House.

The chair gave notice of signing, and signed in presence of the Senate,

Senate bill No. 235, entitled "An act to apportion between the Agricultural and Mechanical college and the Prairie View state normal schools the moneys due Texas under an act of congress for the more complete endorsement and maintenance of agricultural and

mechanical colleges, and to designate a person to receive and receipt for said money."

BILLS AND RESOLUTIONS.

By Senator Weisiger:

A bill to be entitled "An act to amend article 4036 of the revised civil statutes of the State of Texas.

Read first time and referred to Judiciary committee No. 1.

The following message was received from the House:

HALL HOUSE OF REPRESENTATIVES,
TWENTY SECOND LEGISLATURE,
Austin, Tex., March 14, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am directed to inform the Senate that the House has adopted a conference report on Senate bill No. 97, known as the separate coach bill, and that the House has passed

Senate substitute bill, No. 154, being "An act for the relief of Gov. P. H. Bell, a veteran of the Texas revolution." Ayes 47, nays 25, with attached amendment.

Also that the House has passed by a vote of 96 ayes, nays none,

Substitute House bill No. 112, being "An act to amend article 541a of the revised civil statutes of the State of Texas, and to validate incorporations of towns and villages heretofore made under certain conditions."

SAM H. DIXON,
Chief Clerk House of Representatives.

Senate bill No. 268, entitled "An act to create the Forty-ninth Judicial District of the State of Texas, and to provide the time for holding court in the Thirteenth, Eighteenth, Nineteenth and Forty-ninth Judicial Districts.

Taken up on second reading.

The motion of Senator Simkins to reconsider the vote adopting his amendment to the bill was called up.

Senator Whatley moved to postpone pending business and take up Senate Substitute bill No 154 entitled "An act for the relief of Governor P. H. Bell, a veteran of the Texas revolution." for the purpose of considering the House amendments of the same.

Adopted.

The House amendments are as follows:

Amend by adding after the words "pension veterans" at end of section 1 the following: "And to Governor P. H. Bell there is hereby granted a certificate for 1280 acres of land, which may be located upon any of the heretofore reserved public lands now reserved for the payment of the public debt."

The House amendments were concurred in.

Senator Whatley moved to further postpone pending business and take up the free conference report on

Senate bill No. 97, entitled "An act to define, prevent and punish fraud and evasion in the assessment and collection of the public revenue arising upon money in coin, notes or bonds subject to taxation in the state of Texas, and to provide a punishment therefor."

The motion prevailed and the report was adopted

Question recurred to the motion of Senator Simkins to reconsider the vote adopting his amendment to Senate bill No. 268.

The motion to reconsider was adopted by the following vote:

YEAS—11.

Atlee,	Maetze,	Tyler.
ranford,	Page.	Weisiger,
Harrison.	Pope,	Whatley.
Kearby,	Stephens,	

NAYS—10.

Burney,	Garwood,	McKinney,
lark,	Kimbrough,	Potter.
lemens,	Lubbock,	Simkins,
inch,		

The amendment was adopted.

Senator Harrison offered the following amendment:

Amend section 1, line 1 by striking out "49th and substituting 51st.

Adopted.

Senator Harrison offered the following amendment:

Amend bill by striking out the word "shall," wherever it appears fixing the the time for courts to remain in session, and insert therefor the word "may."

Adopted.

The bill was ordered engrossed.

Senator Harrison moved to suspend the constitutional rule requiring a bill to be read on three several days, and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—22.

Atlee,	Harrison,	Pope,
Burney,	Kearby,	Potter.
lark,	Kimbrough,	Simpkins,
emens,	Lubbock,	Stephens,
rane,	Maetze,	Tyler
ranford,	McKinney,	Weisiger.
Finch.	Page,	Whatley.
Garwood,		

NAYS—None.

Bill read third time.

Senator Simkins offered the following amendment:

Strike out Thirteenth judicial dis-

trict from the clause stating there shall be no district attorney in the Thirteenth, Eighteenth and Nineteenth district on page 5, line 7 so as to permit the Thirteenth district to have district attorney.

Adopted.

The bill passed.

Senate bill No. 159, entitled "An act to define, prevent and punish fraud and evasion in the assessment and collection of the public revenues arising upon all money in coin, notes or bonds subject to taxation in the state of Texas, and to provide a punishment therefor," was taken up for the purpose of considering the House amendment to the same.

On motion of Senator Clark the Senate concurred in the House amendments.

The chair referred substitute House bill No. 112, entitled "An act to amend article 541a of the Revised Civil Statutes of the State of Texas, and to validate incorporations of towns and villages heretofore made under certain conditions," to committee on Education after the bill had been read first time in Senate.

Senate bill No. 99, entitled an act for the relief of J. W. Batchelor.

Read second time, with a favorable committee report.

(President pro tem Cranford in the Chair.)

Senator Kearby offered the following amendment: Amend by adding the following section:

Section 3- That an annual pension of $150 be granted to J. W. Batchelor, payable quarterly, and to take effect from the first day of January, 1891, and to be paid under the laws now governing the payment of pensions of Texas veterans.

Senator Kearby spoke in favor of his amendment and the bill.

Amendment adopted.

Senator Tyler offered the following amendment:

Amend section 1 by adding thereto the following:

"And the commissioner of the general land office is hereby authorized and required to issue a certificate for six hundred and forty acres of land to Isaac T. Bean in satisfaction of his discharge, dated Nov. 13, 1844.' Also, amend caption of bill by adding thereto the words, "and Isaac T. Bean." Also amend section 2 by striking out the word "certificate" and inserting in lieu thereof the word 'certificates."

Senator Tyler spoke in favor of his amendment.

The amendment was adopted.

Senator Page offered the following amendment:

Section 4. Whereas, J. W. Bachelor and Isaac T. Bean are old and infirm, therefore an emergency exists and an imperative public necessity demands the suspension of the constitutional rule requiring bills to be read on three several days, and the rule is so suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Adopted.

Senator Burney opposed the passage of the bill on constitutional grounds.

Senators Page and Kearby spoke in favor of the bill.

Senator Stephens moved the previous question which was ordered.

The bill was refused engrossment by the following vote:

YEAS—9.

Atlee,	Kimbrough,	Stephens,
Cranford,	Maetze,	Tyler.
Kearby,	Pope,	Weisiger.

NAYS—13.

Burney,	Garwood,	Page,
Clark,	Harrison,	Potter,
Clemens,	Lubbock,	Simkins,
Crane,	McKinney,	Whatley.
Finch,		

Senator Pope moved to reconsider the vote by which the bill was refused engrossment, which was adopted by the following vote:

YEAS—11.

Atlee,	Kearby.	Stephens.
Clark.	Kimbrough,	Tyler.
Cranford,	Maetze,	Weisiger.
Harrison,	Page.	

NAYS—10.

Burney.	Finch,	McKinney,
Clemens.	Garwood,	Potter.
Crane,	Lubbock.	Simkins,
		Whatley.

On motion to pass the bill to engrossment, the Senate refused to engross the bill by the following vote:

YEAS—10.

Atlee,	Maetze,	Stephens,
Cranford,	Page,	Tyler,
Kearby,	Pope,	Weisiger.
Kimbrough,		

NAYS—12.

Burney,	Finch,	McKinney,
Clark,	Garwood,	Potter,
Clemens,	Harrison,	Simkins,
Crane,	Lubbock,	Whatley

Senate bill No. 339, entitled "An act to amend the charter of the city of Houston."

Read second time with a favorable committee report.

On motion of Senator Harrison Senator Pope was excused from attendance on the morning session.

The pending bill was ordered engrossed.

Senator Lubbock moved that the constitutional rule requiring a bill to be read on three several days be suspended and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—20.

Atlee,	Garwood,	Potter,
Burney,	Harrison,	Simkins,
Clark,	Kearby,	Stephens,
Clemens,	Kimbrough,	Tyler,
Crane,	Lubbock,	Whatley,
Cranford,	McKinney,	Weisiger.
Finch,	Meatze,	

NAYS—1.

Page.

Senator Stephens moved to adjourn to 2:30 this afternoon.

Lost.

Senator Lubbock moved to adjourn to 3 p. m. this afternoon.

Lost.

Senate bill No. 339 was read third time and passed by the following vote:

YEAS—20.

Atlee	Garwood,	Potter,
Burney,	Harrison,	Simkins,
Clark,	Kearby,	Stephens,
Clemens,	Kimbrough,	Tyler,
Crane,	Lubbock,	Weisiger,
Cranford,	Maetze,	Whatley.
Finch,	McKinney,	

NAYS—1.

Page.

On motion of Senator Burney the bill was referred back to committee on Incorporated Cities and Towns.

Senator Page made the point of order that in order to suspend the constitutional rule requiring bills to be read on three several days it was necessary that two-thirds of the entire Senate should vate "aye."

The chair overrulled the point of order.

Senator Burney moved to postpone pending business and take up out of its regular order House bill No. 416, "An act to validate deeds made by the town of San Elizario while acting under the general incorporation laws."

Adopted.

Senator Lubbock moved to reconsider the vote passing Senate bill No 339, and asked to have that motion spread upon the journal.

House bill No. 416 taken up and read second time.

(Senator Kimbrough in the chalr.)

Senator Simkins offerred the following amendment:

Amend by adding after section 2 the following: "Provided, that nothing in this act shall be construed as in any way acknowledging, acquiring or validating the claim of any person as against the claim of the University of Texas, or the claim of the State of Texas to any portion of the land covered or claimed to be covered by the San Elizario grant; provided further that no suit now pending or hereafter brought by or in behalf of the University of Texas shall be affected by anything in this act contained."

Adopted.

The bill was passed to a third reading.

Senator Burney moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill do pass to a third reading and final passage.

Adopted by the following vote:

YEAS—19.

Atlee,	Finch,	Maetze,
Burney,	Garwood,	Potter,
Clark,	Harrison,	Simkins,
Clemens,	Kimbrough,	Stephens,
Crane,	Lubbock,	Tyler,
Cranford,	McKinney.	Whatley,
		Weisiger.

NAYS—2.

Kearby, Page.

Senator Page made the point of order that in order to suspend the coustitutional rule requiring bills to be read on three several days it was necessary that two-thirds of the entire Senate should vote aye.

The chair overruled the point of order.

Bill read third time and passed by the following vote:

YEAS—19.

Atlee,	Finch,	Maetze,
Burney,	Garwood,	Potter,
Clark,	Harrison,	Simpkins,
Clemens,	Kimbrough,	Stephens,
Crane,	Lubbock,	Tyler,
Cranford,	McKinney,	Whatley,
		Weisiger.

NAYS—2.

Kearby, Page.

I vote no because there was no evidence exhibited to the Senate that notice of intention to apply for the passage of the bill has been published as required by article 1, section 57, constitution. KEARBY.

Senator Burney moved to postpone pending business and take up House bill No 417, entitled an act to validate deeds made by the town of Socorro while acting under the general incorporation laws.

Adopted and bill read second time.

Senator Simkins offered the following amendment:

Amend by adding after section 2 as follows:

Provided that nothing in this act shall be construed as in any way acknowledging, acquiring or validating the claim of any person as against the University of

Texas, or the claim of the State of Texas to any portion of the land covered or claimed to be covered by the Socorro grant.

Provided further, that no suit now pending or hereafter brought by or in behalf of the University of Texas, shall be affected by anything in this act contained.

Adopted.

The bill passed to a third reading.

Senator Burney moved to suspend the constitutional rule requiring a bill to be read on three several days, and that the bill pass to a third reading and final passage.

Senator Stephens moved the previous question.

Senator Kearby made the point of order that the Senate cannot pass this bill before exhibiting to the Senate notice of evidence that publication has been made.

The chair stated that the point of order was a matter for the Senate to determine, but still was inclined to overrule it for the reason it appeared that the constitutional requirements had been complied with.

The following documents were ordered read by the secretary.

NOTICE.

EL PASO, Texas, Jan, 30, 1891.

Notice is hereby given that the undersigned for himself and others will apply for the legislature meeting in January, 1891, for the passage of an act or of two acts, as that body may deem best, to validate deeds made by the town of Socorro and by the town of San Elizario (both in El Paso county) while acting under the general incorporation laws of the State, as fully to all intents and purposes as if said deeds were made under and in conformity with the special charter of said town.

W. B. BRACK, et al.

HON. A. J. BAKER:

Dear Sir—We respectfully request the passage of the laws indicated in the printed slip attached above. No measure is more needed in our county than this. It is not in the interest of a few parties, for at least four-fifths of the land in the towns of San Elizario which owned about four leagues, and of Socorro which owned about 5000 acres, are covered by the legislation asked for. The lands are now held by many hundreds of persons, many of whom have built their homes and made farms thereon, with every increase in value, the difficulties in utilizing the lands by reason of the clouds on titles increases.

Very respectfully,

W. H. NEILL,
A. BLACKER, County Judge,
C. N. BUCKLER,
Attorney at Law,
MILLARD PATTERSON,
Attorney at Law,
T. A. FALVEY, District Judge,
A. M. LOOMIS,
G. V. STEPHENSON,
B. H. DAVIS,
C. R. MOREHEAD,
T. J. BEALL,
W. B. BRACK,
PEYTON T. EDWARDS,
J. A. BUCKLER,
NEWMAN, RUSSELL & COLES,
JUAN S. HART,
Editor Daily Times,
JOSEPH SCHUTZ.

NOTICE.

Notice is hereby given that the undersigned, for himself and others, will apply to the Legislature, meeting in January, 1891, for the passage of an act, as that body may deem best, to validate deeds made by the town of Socorro and by the town of San Elizario, both in El Paso county, while acting under the general incorporation laws of the State, as fully to all intents and purposes as if said deeds were made under and in conformity with the special charter of said towns.

W. B. BRACK, et al.

El Paso, Texas, February 2, 1891.

STATE OF TEXAS }
COUNTY OF EL PASO. }

Before me personally appeared E. P. Lowe, to me well known, who being by me duly sworn says that the above printed notice of intention to apply for law or laws to validate certain deeds made by the towns of San Elizario and Socorro was published in the "Tibune," a newspaper published in the county of El Paso, the first publication was made on the 10th day of January, 1891, the others on the 17th, 24th, and 31st days of January, 1891, that affiant is the publisher of said newspaper, this February 2, 1891.

E. P. LOWE.

Sworn to and subscribed to before me this 2d of February, 1891.

[SE L.] W. B. MCLOCKLIN.

Notary Public in and for El Paso county, Texas.

Senator Kearby withdrew his point of order.

On the motion to suspend the constitutional rule the following vote was taken:

YEAS—21.

Atlee,	Garwood,	Potter,
Burney,	Harrison,	Page,
Clark,	Kearby,	Simkins,
Clemens,	Kimbrough,	Stephens,
Crane,	Lubbock,	Tyler,
Cranford,	McKinney,	Whatley.
Finch,	Maetze,	Weisieger.

NAYS—None.

On a previous vote I voted against the passage of Senate bill 339. On reconsideration I vote for it in order to give it immediate effect, knowing that my vote couldn't defeat it. PAGE.

And the rule was suspended.

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

YEAS—21.

Atlee.	Garwood,	Page,
Burney,	Harrison,	Potter,
Clark,	Kearb .	Simkins,
Clemens,	Kim rough,	Stephens.
Crane,	Lubbock,	Tyler.
Cranford,	Maetze,	Weisiger,
Finch,	McKinney,	Whatley.

NAYS—None.

(President in the chair.)

Senator Lubbock called up the motion to reconsider the motion passing Senate bill No. 339.

The motion to reconsider was adopted.

The bill passed by the following vote:

YEAS—21.

Atlee,	Garwood,	Potter,
Burney.	Harrison,	Page,
Clark,	Kearby,	Simkins,
Clemens,	Kimbrough,	Stephens,
Crane,	Lubbock,	Tyler.
Cranford,	McKinney,	Whatley.
Finch,	Maetze,	Weisiger.

NAYS—None.

The following message was received from His Excellency the Governor:

EXECUTIVE OFFICE,
Austin, Texas, March 14, 1891.

To the Honorable Senate of the Texas Legislature:

I have received, considered and am constrained to say that I disapprove Senate bill No. 245, entitled "An act to incorporate the city of Denison, in Grayson county, Tex.; to fix the boundaries thereof, and to provide for its government and the management of its affairs," passed by the present Legislature less than ten days ago.

Therefore, I hereby respectfully return it to your honorable body, where it originated, with the following as my reasons for doing so:

By the last census Denison was shown to contain between 10,000 and 11,000 inhabitants. The act under consideration is for the purpose of incorporating that city under article 11, section 5, of the State constitution.

It is a voluminous bill, containing 194 sections and seeks to delegate to the city many extraordinary powers of government which no municipal corporation should ever be allowed to possess.

Without adverting to all the points which may be raised against the charter possibly it will be sufficient to base my objections to its passage among others on two grounds:

First. That the act is unconstitutional in that the legislature seeks to confer upon the city government a greater power of taxation that authorized by the organic law.

Second. That the other powers confered by the act upon the city portend evil to and possible oppression of the citizens, which the state government should not encourage, but prevent.

In support of the first proposition your attention is invited to section 5, article 11 of the constitution, which gives the legislature the power by special act to grant charters to cities having more than 10,000 inhabitants, wherein among other things it says: "But no tax for any purpose shall ever be levied for any one year, which shall exceed two and one-half per cent of the taxable property of such city." There is no other constitutional provision in conflict with, or that modifies this restriction. It is therefore the supreme law on the subject.

By sections 120 and 121 of the proposed charter, the city is authorized on special conditions to levy and collect general and special taxes to the amount of three per cent of the taxable values within the corporate limits Should the legislature itself attempt to impose such a tax on the people in that territory, even by their consent, it could not do so under the constitution; and that which it has no power to do, it cannot delegate to others.

It may be contended, with some plausibility, that the city authorities would not exercise an unconstitutional power. Possibly this is so. but history and experience admonish us that conferring unconstitutional powers in the hope that they may not be exercised is never the method by which the rights and liberties of the people are preserved, though it is the accustomed rule by which free institutions are destroyed. By the legislative act there is an implied construction of the

constitution which would at least afford some warrant for levying the full amount of taxes therein named, should the city council feel so disposed.

Municipal corporations, as well as other taxing powers, when unrestrained by legal or constitutional restrictions, are never lacking for excuses to lay on burdens as long as the masses will stand them. It is at least safe not to experiment with such chances.

Add to the three per cent, this charter authorizes to be levied, the state and county taxes (which must also be laid upon the same property), and it will be perceived the peril that the people of that territory would be in if it becomes a law. For them it is fortunate to have a constitutional shield.

As to he other objections to the charter, your attention is respectfully drawn to the facts that by it the corporate limits proposed for Denison are made to include sixteen square miles; that the city council is given absolute power to make ordinances and to have property assessed; to determine the grade, class and cost of streets and sidewalks; to impose upon the owners of the abutting property the whole expense incurred in improving the latter, and to enforce liens in favor of the city to pay it. That it also gives the city the right to issue bonds and incur indebtedness to an excessive amount for various purposes and adds the adjacent farms, orchards, gardens, and other property for two miles each way from its center to help pay them. That peculiar exemptions are given the city from damages done the citizens by its negligence, and that actions therefor are limited to a much shorter period than provided by statute in like cases. That a city court is created and given power to try all criminal cases now within the jurisdiction of the mayor, justice of the peace and county judge; that appeals from convictions therein are denied when the fines are less than twenty dollars, and then they can only be taken from the city court directly to the court of appeals; and that, among the very many other grants, the charter declares the provisions of the act, in so far as they may conflict with it, shall be held to supercede the State law.

With such a charter as this going forth in Texas as a precedent, lodging such extraordinary taxing power in a municipal corporation, changing, as it does, the regular order of our judicial system, and giving it superiority over the state law in questions of conflict, there can be no difficulty in portraying the future condition of our country should it be permitted to stand. Doubtless other cities would claim the right to like privileges, and the legislature could not, with consistency, deny them an equal right to them. It is perhaps best, therefore, to call a halt. If such a charter is granted, and others of like character should follow, we may expect in a few years that our cities, in parting from their simpler forms of government, intended for the public good, will become centers of power controlled by the few who lay the mailed hand of oppression upon the many through the insidious taxing power to support a reign of pomp and splendor. In such municipalities will be found the aggregation of squalid poverty, from whose circles will spring the the worst forms of anarchy and communism to overthrow their legalized oppressors. In times of prosperity and peace, prudence and wisdom demand that the avenues through which the vitals of our social fabric may be reached shall be well guarded. There can be no safer sentinel for that service than economy; and the first place to station it is over the cities.

With much respect I beg to express the hope that on further consideration the good people of Denison may be protected at your hands from the inquities that such a charter would in time impose upon them.

J. S. HOGG, Governor of Texas.

Senator Burney moved to reconsider the vote passing House bill No. 416, and asked to have the motion spread upon the Journal.

Senator Burney moved to reconsider the motion passing House bill No. 417, and asked to have that motion spread upon the Journal.

On motion of Senator Cranford the Senate adjourned to this afternoon at 3 o'clock.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names.

PRESENT—20.

Athe,	Garwood,	Potter,
Burney,	Harrison.	Page,
Clark,	Kearby,	Simkins,
Clemens,	Kimbrough,	Stephens.

Crane,	Lubbock,	Tyler.
Cranford.	McKinney,	Whatley.
Finch,	Maetze,	Weisiger.

REGULAR ORDER.

Senate bill No. 349, entitled "An act for the relief of C. C. Dupree, late sheriff and tax collector of Franklin county, Tex."

Read second time with the following documents:

To whom it may concern:

Notice is hereby given that I will apply to the Legislature of Texas for the enactment of a special law authorizing me to recover from the State of Texas, by suit if need be, the sum of $300, which amount was collected as taxes due the State for 1887 by me as collector for Franklin county, and deposited in the safe of said county for safe keeping, and burglarized from said safe on or about the 19th of November, 1887. The said amount was paid by me to the State on taxes for the year 1887.

C. C. DUPREE.

Mt. Vernon, Tex., Dec. 15, 1890.

The bill was ordered engrossed.

Senator Cranford moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—21.

Atlee,	Garwood,	Potter,
Burney,	Harrison,	Page,
Clark,	Kearby,	Simkins,
Clemens,	Kimbrough,	Stephens,
Crane,	Lubbock,	Tyler,
Cranford,	McKinney,	Whatley,
Finch,	Maetze,	Weisiger,

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—22.

Atlee.	Garwood,	Potter,
Burney,	Harrison,	Page,
Clark,	Kearby,	Simkins,
Clemens,	Kimbrough,	Stephens,
Crane,	Lubbock,	Tyler,
Cranford,	McKinney,	Whatley,
Finch,	Maetze,	Weisieger.

NAYS—None.

House bill No. 333, enttitled "An act to rescind and annul the charter, and dissolve the corporation known as the Bowers and Piney Creek Railway company, and to exempt said company from all further duties and obligations thereunder."

Read second time, with a favorable committee report.

On motion of Senator Kimbrough, Senator Townsend was excused for today on account of important business.

The pending bill was passed to a third reading.

House bill No. 387, entitled "An act to restore to and confer upon the county courts of Marion and McCulloch counties the civil jurisdiction heretofore belonging to said counties under the constitution and general statutes of the State, and to conform the jurisdiction of the district courts of said counties to such change."

Read second time, with a favorable committee report.

Senator Whatley moved to postpone the bill, subject to call.

Adopted.

The following reports (by consent) were handed in from their respective committees:

COMMITTEE ROOM,
Austin, March 14, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Constitutional Amendments, to whom was referred

House joint resolution No. 12, being entitled "Joint resolution to amend section 20, article 16, of the Constitution of the State of Texas," with House amendment thereto,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the House amendment.

All of which is respectively submitted. SIMKINS, Chairman.

COMMITTEE ROOM,
Austin, March 13, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Enrolled Bills have carefully examined and compared

Senate bill No. 235, being "An act to apportion betwen the Agricultural and Mechanical college and the Prairie View State Normal school the funds due Texas under an act of congress for the more complete endowment and maintenance of agricultural and mechanical colleges and to designate a person to receive and receipt for said money,"

And find the same correctly enrolled, and have this day, at 10 o'clock a. m., presented the same to the Governor for his signature.

CRANE, Chairman

COMMITTEE ROOM,
Austin, March 14, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Federal Relations, to whom was referred

Senate Joint Resolution No. 12, confirming the location of the boundary line established by United States commissioner between No Man's Land and Texas and Texas and New Mexico, under an act of congress approved June 5, 1858,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it be adopted.

POTTER, Chairman.

The following message was received from the House:

HALL OF THE HOUSE OF REPRESENTATIVES, AUSTIN, TEXAS, March 14, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am directed to inform the Senate that the House has passed the following resolutions:

(1.) Resolved by the House of Representatives of the State of Texas, the Senate co curring, that the National Educational association be and they are hereby cordially invited to hold their annual meeting in 1892 in this State. Also, the following:

Whereas, the engrossed copy of Senate substitute bills Nos. 108 and 150, received in this House from the Senate and referred to committee on Education, has been by said committee mislaid and cannot be found, therefore

Resolved, that the Senate be informed of the loss of the same, and be requested to transmit to the House another copy of said bill, properly engrossed.

SAM H. DIXON, Chief Clerk, House of Representatives.

Senator Tyler moved to grant the request of the House for another engrossed copy of

Senate Substitute bills Nos. 108 and 150, entitled "An act to establish two additional normal schools in the state of Texas; to provide for their location; to provide for the acquisition of suitable grounds and buildings for the use of the same, and to make an appropriation therefor"

COMMITTEE ROOM, Austin, March 14, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate Substitute bills Nos. 108 and 150, being "An act to establish two additional normal schools in the State of Texas, to provide for their location, to provide for the acquisition of suitable grounds and buildings for the use of the same and to make appropriations therefor,"

And find the same correctly engrossed.

SIMKINS, Acting Chairman.

House bill No. 526, entitled "An act to be entitled 'An act to create a more efficient road system for the counties of Grayson, Dallas, Galveston Brown, Comanche, Mills, Fannin, Travis, Hunt, Hill, Collin, Denton, Kaufman and Fayette, in the state of Texas, authorizing the employment of a road commissioner, defining his duties, prescribing penalties for his failure to perform his duties; and further defining the powers of the commissioners courts of the said counties under this act"

Read second time.

Senator Garwood moved to suspend further consideration of the bill, and that it be printed and made special order for Wednesday after morning call.

Adopted.

Senator Clemens moved that House bill No. 275 be made special order to be considered immediately after the consideration of the commission bill.

Adopted.

Senate joint resolution No. 2, requiring the superintendent of public buildings and grounds to dispossess trespassers on lands and lots in the city of Austin belonging to the state of Texas, and to rent or lease the same for the benefit of the public free school fund.

On second reading.

Senator Stephens offered the following amendment:

Amend caption and bill by striking out the words "public free schools" and insert the words "Confederate home."

Adopted.

Senator Stephens offered the following amendment:

Amend section 1, page 1, line 14, by inserting after the word "land" the words "and the grounds known as the state fish ponds."

Adopted.

Senator Simkins moved that the House joint resolution No. 12. "To amend section 20, article 16, of the Constitution of the State of Texas," and reported favorably today from the

committee, be made special order for Thursday next.

Adopted.

By consent the following bill was introduced by Senator Stephens:

A bill to be entitled an act for the relief of Kate Chambers Sturgis, and Stella J. Chambers, only children of Gen. Thomas J. Chambers, deceased.

Read first time and referred to committee on Public Land Claims.

The amendment of Senator Stephens to the pending bill was adopted.

Senator Stephens offered the following amendment:

Amend section 1, page 1, line 5, by inserting the words "or near" between the words "in and near the," in said line.

Adopted.

The resolution was ordered engrossed.

Senator Stephens moved to reconsider the vote engrossing Senate Joint Resolution No. 2.

Adopted.

Senator Stephens offered the following amendment:

Amend by adding thereto, section 3, to read as follows:

The fact that the near approach of the end of the session renders it improbable that this resolution can be considered on three several days, and the fact that it is desired and proper that this resolution should go into effect at once, creates an emergency and an imperative public necessity for 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.

Senate Joint Resolution No. 2 was ordered engrossed.

Senator Stephens moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill be passed to a third reading and final passage.

Adopted by the following vote:

YEAS—21.

Atlee,	Garwood,	Potter,
Burney,	Harrison,	Page,
Clark,	Kearby,	Simkins,
Clemens,	Kimbrough,	Stephens,
Crane,	Lubbock,	Tyler,
Cranford,	McKinney,	Whatley.
Finch,	Maetze,	Weisiger.

NAYS—None.

Resolution read third time and passed by the following vote:

YEAS—21

Atlee,	Garwood,	Potter,
Burney,	Harrison,	Page,
Clark,	Kearby,	Simkins,
Clemens,	Kimbrough,	Stephens,
Crane,	Lubbock,	Tyler,
Cranford,	McKinney,	Whately,
Finch,	Maetze,	Weisiger,

NAYS—None.

Senator Garwood moved to postpone pending business to take up out of its regular order

Senate bill No. 246, entitled "An act to amend section 1 of an act entitled 'An act to amend article 2879 of the revised civil statutes of the State of Texas, in relation to the recovery of damages for injuries resulting in death," passed by the Twentieth Legislature, approved March 25, 1887.

Adopted.

And bill read second time.

Senator Garwood offered the following amendment:

The fact that there is now no law providing for the liability of railroad receivers and contractors in case of injuries resulting in death, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is so suspended, and that this act be in force from and after its passage.

Adopted.

The bill was ordered engrossed.

Senator Garwood moved to suspend the constitutional rule requiring a bill to be read on three several days, and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—21.

Atlee,	Garwood,	Potter,
Burney,	Harrison,	Page,
Clark,	Kearby,	Simkins,
Clemens,	Kimbrough,	Stephens.
Crane,	Lubbock,	Tyler,
Cranford,	McKinney	Whatley,
Finch,	Maetze,	Weisiger.

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—21.

Atlee,	Garwood,	Potter,
Burney,	Harrison,	Page,
Clark,	Kearby,	Simkins,
Clemens,	Kimbrough,	Stephens.
Crane,	Lubbock,	Tyler,
Cranford,	McKinney,	Whatley.
Finch,	Maetze,	Weisiger.

NAYS—None.

Senator Kearby moved to postpone pending business and take up out of its regular order Senate bill No. 103.

Lost.

Senate bill No. 4 entitled "An act to amend article 320, chapter 4, title 9 of the penal code of the State of Texas, relating to the carrying of arms in church or other assembly, and to increase the punishment for this offense."

Read second time with the following committee amendment:

Amend by striking out the word "shall" where it last occurs in the bill and inserting the words "may in addition thereto."

The committee amendment was adopted.

The bill was ordered engrossed.

Senator Kearby moved to suspend pending business and to take up out of its regular order Senate bill No. 103, entitled "An act to prohibit a recovery upon any note, mortgage, deed of trust or other lien upon real estate within this state or the sale of real estate by virtue of deeds of trust or other like instruments, unless the same has been rendered for taxes or the taxes thereon are paid.

Adopted.

And bill read second time.

Senator Kearby offered the following amendment:

Amend by adding section 5 as follows:

Section 5. There being no law whereby the holders and owners of the liens herein enumerated are prohibited from enforcing said liens upon land without paying the taxes due thereon; therefore an emergency and public necessity exists to suspend the constitutional rule requiring that bills be read on three several days and the same are hereby suspended and that this act take effect from and after its passage.

Senator Crane moved to postpone action upon the pending bill until next Wednesday.

Upon which the following vote was taken:

YEAS—13.

Atlee,	Garwood,	Maetze,
Burney,	Harrison,	Potter,
Clemens,	Kimbrough,	Stephens,
Crane,	McKinney,	Whatley.
Finch,		

NAYS—7.

Clark,	Lubbock,	Tyler,
Cranford,	Page,	Weisiger.
Kearby,		

Senator Stephens moved a call of the Senate, which was ordered.

On motion of Senator Harrison the call was suspended.

On motion of Senator Harrison the Senate adjourned to 10 a. m. Monday.

FIFTY-THIRD DAY.

SENATE CHAMBER,
Austin, March 16, 1891.

The Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

PRESENT—23.

Atlee,	Glasscock,	Potter,
Burney,	Garwood,	Page,
Clark,	Johnson,	Stephens,
Clemens,	Kearby,	Sims,
Crane,	Kimbrough,	Tyler.
Cranford,	McKinney,	Whatley.
Frank,	Maetze,	Weisiger.
Finch,	Mott,	

ABSENT—None.

Prayer by the Chaplain, Dr. Smoot.

Pending the reading of the journal on motion of Senator Kimbrough the further reading of the same was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Maetze:

Petitition of 387 citizens of Bexar, Comal, Medina and Atascosa counties demanding that all Sunday laws be repealed. Because they are a standing insult to the intelligence of all Americans. Read first time and referred to committee on State Affairs.

The following reports were handed in from their respective committees.

COMMITTEE ROOM,
Austin, March 28, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Public Lands, to whom was referred

Senate bill No. 157, being "An act to amend sections Nos. 11, 14 and 15, chapter 56, of an act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the benefit of the public free schools, the university and the several asylums, and the lease of such lands and of the public lands of the State and to prevent the use, occupancy and enclosure or unlawful appropriation of such lands and prescribed and provide adequate penalties therefor approved April 1, 1887, and to provide for the trial of contests between applicants desiring to purchase such lands.