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MISSISSIPPI LEGISLATURE.

SENATE.

FIRST DAY.

TUESDAY, Jan. 6, 1880.

The Senate was called to order at 12 o'clock M., Lt. Governor Sims in the chair.

The roll being called the following Senators answered to their names:

1st District——
2d District—Moses Jackson.
3d District—A. H. Longino.
4th District—A. H. Brenham.
5th District—Thos. A. Magee.
6th District—Benj. King.
7th District—Geo. K. Birchett.
8th District—S. Anley Gibert.
9th District—A. R. Carter.
10th District—L. B. Brown.
11th District—J. D. Stewart, Wm. Ratliff.
12th District—Thos. T. Singleton.
13th District—W. D. Gibbs.
14th District——
15th District—Thos. L. Cooper.
16th District—J. E. Bridges.
17th District—H. L. Jarnagin.
18th District—I. L. Crigler.
19th District—D. W. Rogers.
20th District—Wm. L. Lowrance.
21st District—David Johnson.
22d District—John D. Bills.
23d District—James H. Dalton.
24th District—J. T. Griffin, R. O. Reynolds.
25th District—A. M. West.
26th District—C. B. Vance.
27th District—J. P. Walker.
28th District——
29th District—W. S. Anderson.
30th District—W. H. FitzGerald.
31st District—C. A. Wilcox.
32d District—W. D. Peery.
33d District——

ABSENT.

1st District—J. P. Carter.
11th District—J. G. Hamilton.
27th District—J. B. Perkins.
28th District—C. W. Gayles.
33d District—W. W. Humphries.

The oath of office was administered by Chief Justice George.

Mr. Reynolds moved that Mr. Humphreys, Senator elect from Lowndes county, be sworn in, and made the following remarks:

"MR. PRESIDENT—I offer the credentials of the Hon. W. W. Humphreys, Senator elect from the 33d District. In presenting these credentials I make the following statement: That it has been charged that the Senator elect is disqualified from holding office under that section of the Constitution which prohibits the practice of duelling. I am authorized to state that the Senator has not, within the limits of the State of Mississippi, done any act in violation of the Constitution and laws of Mississippi, ordained and enacted to suppress duelling; that the Senator is satisfied in his own mind that he is not disqualified from holding office. I therefore make the following motion. That it is the judgment of the Senate that the oath of office be administered to the Senator."

The motion prevailed unanimously, and Mr. Humphreys was sworn in by Chief-Justice George.

The Lt. Governor stated that the first business before the Senate was the election of officers, and announced that nominations were in order for

PRESIDENT PRO TEM.

Mr. Gibert nominated Hon. R. O. Reynolds, of Monroe, and moved that he be elected by acclamation. Carried.

Nominations being next in order for

SECRETARY.

Mr. King nominated J. M. Buckley, of Lincoln.

Mr. Jackson nominated D. P. Porter, of Hinds.

FIRST BALLOT.

Porter	26
Buckley	4
Total	30
Necessary for choice	16

On motion of Senator Longino, the election was made unanimous.

SERGEANT-AT-ARMS.

Mr. Gibbs nominated B. F. Jones, of Montgomery.

Mr. Gibert nominated Mr. J. W. Langley, of Hinds.

Mr. King nominated Thos. A. Holmes, of Hinds, and H. F. Carter, of Copiah.

Mr. Stewart nominated John M. Steen, of Rankin.

Mr. Jarnagin nominated Thos. B. Shields, of Lowndes.

FIRST BALLOT.

Jones	20
Steen	3
Langley	3
Shields	3
Carter	1
Total	30
Necessary for choice	16

On motion of Mr. Stewart, the election was made unanimous.

DOOR-KEEPER.

Mr. Cowan nominated W. M. Massie, of Hinds.

Mr. Bills nominated Henry Taylor, of Panola.

Mr. Ratliff nominated W. F. Watkins, of Rankin.

Mr. King nominated James Moore, of Marshall, seconded by Mr. West.

Mr. Longino nominated Jeffrey Washington, of Hinds.

FIRST BALLOT.

Moore	11
Taylor	13
Massie	2
Watkins	4
Carter	1
Washington	1
Total	32
Necessary for a choice	17

SECOND BALLOT.

Taylor	15
Watkins	3
Moore	14
Total	32
Necessary for a choice	17

THIRD BALLOT.

Taylor	16
Moore	16
Total	32
Necessary for a choice	17

FOURTH BALLOT.

Taylor	13
Moore	19
Total	32
Necessary for a choice	17

By Mr. Jackson—

Resolved, That a committee of three be appointed by the chair to notify the House of Representatives that the Senate has duly organized by the election of Hon. R. O. Reynolds, of Monroe county, President *pro tem.*; D. P. Porter, of Hinds county, Secretary; B. F. Jones, of Montgomery county, Sergeant-at-Arms; James Moore, of Marshall county, Door-keeper, and is now ready to proceed with legislative business.

Carried; and in accordance with the resolution, Messrs. Jackson, Gibbs and Longino, were appointed by the chair to notify the House of the action of the Senate.

By Mr. Reynolds—

Resolved, That the rules and regulations of the last Senate be adopted until further ordered.

Carried; and at 1½ P. M., the Senate, upon motion of Mr. Gibert, adjourned to meet at 3½ o'clock P. M.

EVENING SESSION.

PRESENT—Messrs. Anderson, Bills, Birchett, Brenham, Bridges, Brown, Carter 9th District, Cowan, Crigler, Gibbs, Gibert, Humphries, Jackson, Jarnagin, Johnson, King, Longino, Lowrance, Ratliff, Reynolds, Rogers, Singleton, Stewart, Walker, Wilcox.

ABSENT—Messrs. Carter 1st District, Cooper, Dalton, FitzGerald, Gayles, Griffin, Hamilton, McGee, Peery, Perkins, Vance, West.

By Mr Reynolds—

Resolved, That a committee of five be appointed by the chair to draft rules for the government of the Senate. Carried; and the committee appointed: Messrs. Reynolds, Fitzgerald, Gibbs, Cowan and Bills.

At 4 P. M., on motion of Mr. Gibbs, the Senate adjourned to 10 A. M., on Wednesday, January 7th.

HOUSE OF REPRESENTATIVES.

FIRST DAY.

JACKSON, Jan. 6, 1880.

The House of Representatives was called to order at 12 o'clock noon, by Hon. J. S. Bailey, of Tallahatchie, he being the oldest member of the House present:

Geo. M. Govan, Clerk of the last House of Representatives, called the roll of members elect, when the following answered to their names:

Adams—T. L. Mellen, W. W. Hence.
Alcorn—K. M. Harrison.
Amite—W. F. Love.
Attala—F. M. Glass, C. L. Anderson.
Benton—R. E. Taylor.
Bolivar—F. A. Montgomery, J. H. Bufford.
Calhoun—T. M. Stevens.
Carroll—T. H. Somerville, Hillary Talbert.
Chickasaw—J. L. S. Hill, J. W. Buchanan.
Choctaw—E. R. Seward.
Claiborne—J. McC. Martin, A. J. Lewis.
Clarke—Frank C. McGee.
Coahoma——
Copiah—J. W. Buffkin, T. W. McNeill.
Covington—Neil Matherson.
Clay—W. B. Gunn.
DeSoto—A. W. Huddleston, A. Myers, H. C. Watson.
Franklin—John G. King.
Greene—Jesse Byrd.
Grenada—J. J. Williams.
Hancock—Silas J. Leslie.
Harrison—Roderick Seal.
Hinds—Thos. A. McWillie, L. K. Atwood, J. D. Hollingsworth, J. F. Burnett.
Holmes——
Issaquena—Lem Moore.
Itawamba—W. A. Nabors.
Jackson—Chas. H. Wood.
Jasper—D. A. Morris.
Jefferson—W. D. Torrey, D. H. Cameron.
Jones—J. G. Welborn.
Kemper—J. H. Currie.
Lafayette—Chas. B. Howry, W. L. Buford.
Lauderdale—R. P. Walker, J. R. McLaurin.
Lawrence—G. A. Tounisson.
Leake—J. M. Hardin.
Lee—S. M. Taylor, A. G. Harkreader.
Lincoln—R. R. Applewhite.
Lowndes—A. J. Ervin, J. H. Field, W. A. Harris.
Leflore—Enos Rogers.
Madison—Chas. L. Gilmer, W. G. Kearny, J. W. Downs.
Marion—T. B. Ford.
Marshal.—W. S. Featherston, S. W. Mullens, E. J. Marett, G. C. Selby.
Monroe—E. O. Sykes, J. C. Burdine, Alexander Carter.
Montgomery—W. A. Hurt.
Neshoba—A. J. Cooper.
Newton—M. W. Stamper.
Noxubee—S. B. Day, J. E. Madison, H. M. Hunter.
Oktibbeha—J. G. Carroll, W. R. Rainey.
Panola—M. T. Wright, S. D. Pollard, A. Fields.
Perry—John Lewis.
Pike—James C. Lamkin.
Pontotoc—Jeff Wilson.
Prentiss—Turner Bynum.
Rankin—A. J. McLaurin, T. N. Norrell.
Scott—Mathew Lyle.
Scarkey—Leigh Clark.
Simpson—D. W. McInnis.
Smith—J. S. Eaton.
Sumner—T. N. Davis.
Sunflower—T. H. Torrey.
Tallahatchie—J. S. Bailey.
Tippah—Francis A. Wolff.
Tishomingo—W. A. Tankersley.
Tunica and Quitman—W. J. Nelson.
Tate—H. F. Bowman, B. R. Chambliss.
Union—W. R. Ramsey.
Warren—W. R. Spears, W. R. Billingslea.
James Gibson, Jr., S. T. Fortson.
Washington—John W. Shields, Peter Mitchell.
Wayne—John P. Seabrook.
Wilkinson—Geo. T. McGehee, T. V. Noland.
Winston—M. A. Coleman.
Yalobusha—M. D. L. Stephens.
Yazoo—Garnet Andrews, Allen M. Hicks, Henry Craig.
Choctaw & Montgomery—James Drane.
Calhoun & Yalobusha—J. J. Ross.
Alcorn & Prentiss—W. H. Rees.
Amite & Lincoln—B. F. Johns.
Union & Pontotoc—C. S. Robinson.

ABSENT.—Mr. Chamberlain, of Adams; Mr. Russell, of Coahoma and Mr. Talbert, of Carroll. Holmes county not called, the members claiming seats having no certificates.

The oath of office was then administered by Judge H. H. Chalmers of the Supreme Court, the members rising in their places.

The chairman appointed as tellers: Messrs. Hicks, of Yazoo, and Shields of Washington.

The chairman declared that nominations for Speaker were now in order.

Mr. Hicks, of Yazoo, nominated Mr. Johns, of Amite.

Mr. Wolff, of Tippah, nominated Mr. Seal of Hancock.

Mr. Seabrook, of Wayne, nominated Mr. Field, of Lowndes.

Mr. Taylor, of Lee, nominated Mr. Sykes of Monroe. (Mr. Sykes asked that his name be withdrawn.

Mr. Walker, of Lauderdale, nominated Mr. McLaurin, of Lauderdale.

FIRST BALLOT.

Mr. Seal received	27 votes
Mr. Field received	45 votes
Mr. Johns received	34 votes
Mr. McLaurin received	9 votes
Total votes cast	112
Necessary to a choice	57

Mr. Walker withdrew the name of Mr. McLaurin.

SECOND BALLOT.

Mr. Field received	48 votes
Mr. Seal received	25 votes
Mr. Johns received	39 votes
Mr. McLaurin received	1 votes
Total votes cast	113
Necessary to a choice	57

THIRD BALLOT.

Mr. Field received	51 votes
Mr. Johns received	40 votes
Mr. Seal received	20 votes
Total votes cast	111
Necessary to a choice	56

Mr. Rogers withdrew the name of Mr. Seal

FOURTH BALLOTT.

Mr. Johns received	57 votes
Mr. Fields received	56 votes
Mr. Seal received	1 vote
Total votes cast	114
Necessary to a choice	58

FIFTH BALLOT.

Mr. Field received	53 votes
Mr. Johns received	59 votes
Mr. Seal received	2
Total votes cast	114
Necessary to a choice	58

Mr. Johns having received a majority of all the votes cast, was declared elected Speaker.

The Chair appointed Messrs. Field and Seal to notify Mr. Johns of his election and conduct him to the Chair.

The Speaker elect, on taking the Chair, gracefully acknowledged his complimentary honor. In the discharge of the delicate and responsible duties of Speaker, he would endeavor to deal justly and fairly with every member on the floor, and if he shall make mistakes, they will be errors of judgment and not of the heart.

Resolved

On motion of Mr. Field, the House, at two o'clock, took a recess until 4 o'clock p. m.

AFTERNOON SESSION.

The recess having expired the House resumed business.

The roll was called, and a quorum being present, the House proceeded to the election of Clerk.

Mr. Carroll, of Oktibbeha, placed in nomination Mr. W. H. Cochran, of Oktibbeha.

Mr. Howry, of Lafayette, nominated Mr. Wm. Ayres, of Benton.

Mr. Seabrook, of Wayne, nominated Mr. C. A. Brougher, of Hinds.

Mr. Kearney, of Madison, nominated Mr. Emmett L. Ross, of Madison.

Mr. McLeod, of Rankin, nominated Mr. Geo. S. Dodds, of Copiah.

FIRST BALLOTT.

Mr. Cochran received	30
Mr. Ayers	29
Mr. Brougher	22
Mr. Ross	25
Mr. Dodds	2
Total votes cast	110
Necessary to a choice	56

SECOND BALLOT.

Mr. Cochran received	34
Mr. Ayers	28
Mr. Brougher	25
Mr. Dodds	25
Mr. Ross	2
Total votes cast	112
Necessary to a choice	57

Mr. McLaurin withdrew the name of Mr. Dodds.

THIRD BALLOT.

Mr. Cochran recived	50
Mr. Ayres	35
Mr. Brougher	27
Mr. Dodds	1
Total vote cast	113
Necessary to a choice	57

FOURTH BALLOT.

Mr. Cochran received	69
Mr. Ayers	36
Mr. Brougher	7
Total votes cast	112
Necessary to a choice	57

Mr. Cochran having received a majority of all the votes cast, was declared elected and took the oath of office.

On motion of Mr. Hicks,

Resolved, That the Rules of the last House of Representatives be adopted for the government of the House until otherwise ordered.

The election of Sergeant-at-arms being next in order.

Mr. Hill nominated Leland Bardwell, of Lauderdale.

Mr. Anderson nominated R. N. Chestnutt, of Attala.

Mr. Featherston nominated Wiley Harris Potter, of Hinds.

Mr. Bailey nominated W. T. Holland, of Hinds.

Mr. Madison nominated P. G. Hilzheim, of Hinds.

Mr. Raney nominated L. D. Friday, of Oktibbeha.

Mr. Lewis, of Claiborne, nominated J. F. Hester, of Montgomery.

Mr. Taylor, of Lee, nominated James L. Ryan, of Oktibbeha.

FIRST BALLOT.

Bardwell	21
Chestnutt	10
Potter	4
Holland	14
Hilzheim	17
Friday	2
Hester	43
Ryan	3
Total votes cast	118
Necessary to a choice	54

Mr. Raney withdrew the name of Mr. Friday.

SECOND BALLOT.

Hester received	55
Bardwell	17
Hilzheim	8
Holland	11
Chestnutt	6
Potter	2
Ryan	3
Total votes cast	112
Necessary to a choice	57

Mr. Hester having received a majority of votes was declared elected, and took the oath of office.

Nominations for Door-keeper being next in order,

Mr. McWillie nominated Jacob Wonders, of Hinds.

Mr. Bailey nominated Guilford Vaughan, of Panola.

Mr. Applewhite nominated E. W. Jackson of Lincoln.

Mr. Williams nominated H. F. Clingan, of Hinds.

Mr. Eaton nominated Mr. Mannery, of Rankin.

Mr. Sykes nominated Joseph James of Chickasaw.

FIRST BALLOT.

Jacob Wonders	5
Guilford Vaughan	27
E. W. Jackson	10
H. F. Clingan	8
Wm. Mannery	32
Joseph James	27
Total	109
Necessary to a choice	55

SECOND BALLOT.

Mr. Wood moved to declare Mr. Mannery elected by acclamation.

Mr. Bailey moved to lay the motion on the table; carried.

Mr. McWillie withdrew the name of Jacob Wonders.

SECOND BALLOT.

Wm. Mannery	43
Guilford Vaughan	41
Joseph James	19
E. W. Jackson	1
Scattering	1
Total votes cast	105
Necessary to a choice	53

THIRD BALLOT.

Mannery	46
Vaughan	49
James	10
Total votes cast	105
Necessary to a choice	53

FOURTH BALLOT.

Vaughan	56
Mannery	41
James	1
Total votes cast	98
Necessary to a choice	50

Guilford Vaughan having received a majority of all the votes, was declared elected.

On motion of Mr. Featherston, the House adjoned until to-morrow morning 10 o'clock

SECOND DAY.

WEDNESDAY, Jan. 7, 1880.

Senate met pursuant to adjournment. Lt. Governor Sims in the chair.

Prayer by Rev. Dr. Watkins.

PRESENT—Messrs. Anderson, Bills, Birchett, Brenham, Bridges, Brown, Carter, 1st District, Carter, 9th District, Cooper, Cowan, Crigler, Dalton, FitzGerald, Gibbs, Gibert, Griffin, Humphries, Jackson, Jarnagin, Johnson, King, Longino, Lowrance, McGee, Peery, Ratliff, Reynolds, Rogers, Singleton, Stewart, Vance, Walker, West, Wilcox.

ABSENT—Messrs. Gayles, Hamilton and Perkins.

Mr. Hamilton, Senator elect from the 14th District, presented himself, and was duly sworn in.

Mr. Stewart asked leave of absence for one day for Mr. Cowan. Granted.

The Journal of yesterday was read and approved.

Mr. Reynolds, Chairman of the Committee to draft rules for the government of the Senate, submitted the following:

MR. PRESIDENT—The special committee appointed to draft rules for the government of the Senate, have instructed me to report the following rules. (The rules recommended by the committee are the same as those adopted for the government of the last Senate, with amendments of rules 11, 12 and 32.)

Respectfully submitted,

R. O. REYNOLDS, Chairman.

The rules, as reported by the committee, were read by the Secretary, and adopted seriatim.

Mr. Jackson reported that the committee appointed to notify the House of Representatives of the organization of the Senate, had discharged its duty.

By Mr. Fitzgerald—

Resolved, That the privileges of the Senate be extended to the Hons. R. H. Allen, F. G Barry, J. W. Fewell, R. H. Thompson, R. H. Taylor and T. B. Graham, former members of the Senate. Carried.

By Mr. Longino—

Resolved, That a committee of three from the Senate and——from the House, be appointed to wait on His Excellency, the Governor, to inform him that both Houses are now organized and ready to receive any communication he may be pleased to make.

Carried; and committee on part of the Senate appointed as follows: Messrs. Longing, Jarnagin and Lowrance.

By Mr. Gibbs—

Resolved, That the Secretary of the Senate have printed for the use of the Senate, 1,000 copies of the Rules of the Senate, and the Joint Rules of the House and Senate, to be paid for out of the contingent fund.

By Mr. Humphries—

Resolved, That the Hon. L. Q. C. Lamar be invited to a seat within the bar of the Senate; Carried.

By Mr. Reynolds—

Resolved, That the privileges of the Senate be extended to the Hon. O. R. Singleton; Carried.

By Mr. Crigler—

Resolved, That the privileges of the Senate be extended to Hon. S. J. Gholson, of Noxubee county.

By Mr. Magee—

Resolved, That the privileges of the Senate be extended to Hon. J. F. Sessions, of Lincoln county.

By Mr. Wilcox—

Resolved, That the privileges of the Senate be extended to Hon. G. B. Huddleston.

Mr. Longino, from committee, to wait upon the Governor, reported that the committee had performed its duty, whereupon it was discharged.

GOVERNOR'S MESSAGE.

At 1:30 p. m. the Governor's Message was presented to the Senate by Col. A. M. Nelson, Private Secretary, and on motion of Mr. Jackson, the Secretary of the Senate was instructed to read it.

At the conclusion of the reading of the message, Mr. Gibbs offered the following:

Resolved, That the Governor's message be referred to a special committee of five for apportionment of the same to the appropriate standing committees; carried, and the following committee appointed: Messrs. Gibbs, Humphries, FitzGerald, J. P. Carter.

By Mr. Reynolds—

Be it resolved by the Senate of the State of Mississippi, the House of Representatives concurring, That a committee of five on the part of the Senate, to be selected by the President of the Senate, and——on the part of the House of Representatives, be appointed, to whom shall be referred the Code of Laws, prepared by the Hon. J. A. P. Campbell, whose duty it shall be to examine said Code, and make such amendments and additions thereto as seem proper, and engrafting thereon such general statutes as may be adopted at the present session of the Legislature, so that there shall be no conflict between such statutes and said Code. That they shall report said Code with their amendments and additions, as a whole to the two Houses for approval or rejection, when they shall have completed their work, or when ordered by the Legislature.

Be it further resolved, That said committee are hereby authorized to employ a clerk at a salary of — dollars a day.

Be it further resolved, That the Hon. J. A. P. Campbell is respectfully requested to attend the meetings of said committee, and give them the benefit of his counsel.

Be it further Resolved, That in appointing said committee, each of the presiding officers of the two Houses be instructed to appoint at least two members who are not members of the legal profession.

Mr. J. P. Carter moved that the resolution lay on the table, subject to the call of the Senate. Carried.

By Mr. Jackson—

Resolved, by the Senate, the House of Representatives concurring, that 2500 copies of the Governor's message be printed for the use of the two Houses. Adopted.

Mr. West, at 1:30 p. m., moved that the Senate take a recess to three o'clock this evening. Lost.

Mr. Bills moved to adjourn to 10 o'clock to-morrow morning. Carried.

HOUSE.

SECOND DAY.

WEDNESDAY, January 7, 1880.

The House met pursuant to adjournment. Roll called, and journal of yesterday read.

Senator Jackson, from a committee on the part of the Senate, reported the organization of that body.

Mr. Bailey offered the following resolution:

Whereas, at the late election in the County of Holmes, Charles T. Murphy, Henry B. McGee and Tennent Weatherly, each received a majority of the votes cast for Representatives of this House, as is said; and

Whereas, The Board of Registrars for said county have failed to report the result of said election, and refuse to count the votes polled, and to give certificates to either of the members elect, as well as to the Senators and the county officers; and

Whereas, The Senator elect is already seated without a certificate, or any other official endorsement; and

Whereas, The County officers elect who have made the required bonds are already installed;

Resolved, That said C. T. Murphy, H. B. McGee and T. Weatherly be sworn in and seated in this House.

On motion of Mr. Andrews, so much of the resolution as relates to the action of the Senate, was stricken out. He further moved to refer the resolution to the Committee on Elections.

Mr. Field moved to refer to a select committee of five.

Remarks were made by Messrs. Bailey, Featherston, Lewis of Claiborne, Field, Anderson and Hicks. The resolution was adopted.

The Speaker appointed as the Committee: Messrs. Bailey, Howry, Montgomery, Noland and Buffkin.

Mr. Love offered a resolution regulating the selection of seats.

Mr. Wolff offered a substitute, which, on motion of Mr. Applewhite, was laid on the table. The original resolution was then adopted.

Mr. Field moved that the Sergeant-at-Arms cause the seats to be vacated, and that as members' names are called from the hat, they select their seats for the session. Carried, and seats selected accordingly.

On motion of Mr. Megee, of Clark, Mr. Talbert, of Carroll, was allowed, on account of his infirmities, to select his seat.

Pending the foregoing, a message was received from the Senate announcing the appointment of a commitee of three on the part of the Senate, and — on the part of the House, to notify the Governor of the organization of both bodies. Concurred in, and Messrs. Applewhite, Fields, Noland and Montgomery there appointed as the committee on part of we House.

Mr. Applewhite, from said committee, reported that they had waited on the Governor, and that he would immediately submit a message in writing.

Mr. Ervin offered a resolution providing for the appointment of a joint committee on rules, which was adopted.

Mr. Williams offered a resolution that the Sergeant-at-Arms be instructed to provide the members with the necessary stationary for the transaction of business.

Mr. Applewhite moved to lay the resolution on the table.

Pending action on the same a message was received from the Governor, through his Private Secretary, Col. A. M. Nelson, which was at once read by the Clerk.

The message having been read, on motion of Mr. Featherston, it was laid on the table and one thousand copies ordered to be printed.

Mr. Field moved the appointment of a committee of three to ascertain the shortest time in which the Code can be printed, so that it may be the better considered by the Legislature.

Mr. Anderson offered a resolution providing for a committee to receive the Code from the Governor, and also to confer with Judge Campbell in reference to same.

Mr. Bailey remarked that the printing of the Code now was unnecessary—that nine-tenths of the Code prepared by Judge Campbell was in the Code of 1871. He moved to lay the several motions on the table. Mr. Fields thereupon withdrew his motion, and no further action was taken.

The resolution offered by Mr. Williams directing the Sergeant-at-Arms to provide stationary for the members was taken up.

Mr. Downs moved to amend the resolution so as to strike out all reference to the mode of payment for stationary; carried,

Mr. Fields moved to lay the resolution on the table. Motion lost, and the resolution adopted.

Mr. Anderson moved the appointment of a committee of five to apportion the Governor's Message to appropriate committees; which, on motion of Mr. Hurt was laid on the table.

Mr. Anderson called up his resolution to appoint a committee to receive Code from Governor. Resolution was lost.

On motion of Mr. Andrews, the House adjourned at 1:25 p. m.

SENATE.

THIRD DAY.

THURSDAY, Jan. 8th.

Senate met pursuant to adjournment. Lt. Governor Sims in the chair.

All the members present, except Messrs. Cowan, Perkins and Singleton.

Mr. Reynolds asked leave of absence from day to day for Mr. Cowan.

Mr. King introduced Hon. G. W. Gayles, Senator elect from the 28th District, who appeared at the bar of the Senate and took the prescribed oath.

Mr. Bills offered the following, which was adopted:

Resolved, That the clergy of the city be requested to open the morning sessions of the Senate, with prayer.

A communication from Hon. J. A. P. Campbell, relative to the Revised Code, was received and read, as follows:

Gentlemen of Senate and House of Representatives—

I have performed the work assigned me by the act entitled "An Act to revise and codify the laws of the State of Mississippi," approved February 27, 1878; and having only one draft of the Code, as prepared, have placed it in the hands of the Governor, for submission to you, for your action upon it.

I have taken as the basis of my action the existing statutes, and have presented them, for the most part, making only such changes as experience has suggested to be necessary, and adding such new provisions as appear to be required to complete the statutes and make them a harmonious and efficient body of laws, plainly expressed, conveniently arranged and easily to be understood by those for whom they are designed as rules of action. Many of our statutes have existed, in the language in which they are now, since 1822, and some of them since long prior to that. Much of the Code of 1857 was transferred from the Code of 1822, and, in turn, was copied into that of 1871. While there has been growth, by addition to the statutes, in successive years, there have been preserved, unchanged for more than fifty years, the most important provisions affecting the affairs of the living, and the administration of the estates of the dead. Amid revolutions and changes of the Constitution, the statutes have remained unchanged, tenaciously, united any Constitution likely to be accepted by the people, a change of the Constitution requires no change in the great body of the statutes. Secession required only the substitution of "Confederate" for "United," before State, and the statutes harmonized with the new conditions. The Constitution of 1869 (a faithful copy of that of 1832, with few changes, and a few additions) necessitated little other change in the statutes it found in force, than to make the Probate Court Law a part of the Chancery Court Law. The Code of 1871, under the Constitution of 1869, retained nearly all of the articles of the Code of 1857, and the very few omitted, except the chapter on slaves, free negroes and mulattoes, were probably left out by inadvertence. Of the twenty-nine hundred sections into which the Code of 1871 is divided, about twenty-six hundred were copied from the Code of 1857.

The fidelity of the copy to the original is not apparent to the casual observer, only because the excellence of the Code of 1857, is obscured by the derangement and confusion of that of 1871.

Imbued with the spirit of conservatism, apparent in the history of legislation in this State; firmly convinced of the error of sudden and violent changes in the laws generally understood and acquiesced in; believing that a rule, not the wisest and best, but which is understood and accepted, is more desirable than a better one, not demanded by the popular will, and apprised that through successive generations little change has been demanded or made in the statutes familiar to the great body of the people, and affecting their every day life, I have faithfully preserved the main body of these statutes, which have proved their excellence by long toleration by those who could have changed but chose to preserve them, and have endeavored to perfect the system by judicious pruning and careful grafting, guarding against spirit of change, and never changing, except cautiously, and thereby surely to improve.

I have had in view judicial interpretation; have added to my own, the experience of all who allowed me to lay theirs under contribution; have labored earnestly and unremittingly for almost two years, and now present embodiment of my effort to accomplish will of the Legislature, and promote the interest of the State.

My effort has been to perfect what we have, rather that to try something new and untried. I deem it unnecessary, and time to indicate, in detail, in this communication, the several changes I have made in existing laws, as they must be examined in order to be appreciated. I think it will be found that I have omitted only what is useless or injurious, and have added no more than is necessary to meet the suggestions of experience in the practical operation of the statutes.

I have introduced changes which will lead to great saving of money in the conduct both of public and private matters; have called to my aid the bench and bar of the State in my effort to improve the machinery for the assertion of rights and the redress of wrongs through the courts; have endeavored to provide for increased efficiency of the laws for the prevention and punishment of crimes; have had in view the great agricultural interest of the country, and tried to promote it by drawing together and reciprocally protecting land-owners and laborers, and hope that by the aid afforded me, I have succeeded in improving the statutes of the State so as to make them acceptable to the intelligent and worthy of the people on whom they are to operate.

I have added many forms, as precedents under the statutes, which will enable inexperienced officers to perform their duties more efficiently, and the masses of the people to enforce their rights, in many instances without professional assistance.

I have not embraced in my revision the laws on the subject of "Swamp Lands," because they are too nearly local to find a place in a Code, and have not been included in former revisions of the statutes.

I have included the chapter on the Penitentiary, as found in the Code of 1875, with few alterations. If leasing the Penitentiary is continued, the operation of this chapter can be suspended, or it can be omitted. If there shall be a return to the former mode of dealing with the Penitentiary, this chapter is adapted to the purpose.

I present the Public School law of the last Legislature, with few changes, and those chiefly suggested by the Superintendent of Public Education.

I have used the printed text of existing laws, in most instances, where they are retained in my revision, and all changes are in my handwriting, and it will be easy to discover the alterations proposed.

Respectfully,

J. A. P. CAMPBELL.

A message from the House was read, and on motion of Mr. Bills, was laid on the table subject to call.

Mr. Bills offered the following, which was adopted:

Resolved, By the Senate, (the House concurring,) That a committee of three on the part of the Senate, and ——on the part of the House, be appointed to draft joint resolutions for the government of both Houses.

Committee—Messrs. Bills, Gibbs and King.

Mr. King presented the petition of Hon. J. S. Morris, contestant for the seat of Hon. Warren Cowan, Senator from the 24th District. By request of Mr. Reynolds, the petition was withdrawn until Senator Cowan, who is absent by leave of the Senate, returns.

Mr. Jarnagin called from the table Senate concurrent resolution providing for the appointment of a joint select committee, to whom shall be referred the Code of Laws prepared by Hon. J. A. P. Campbell.

Mr. Jarnagin offered the following amendment:

Resolved, That all bills of general legislation introduced in either House, treated of in said Code, shall be referred to said joint committee without debate.

Mr. Reynolds spoke in favor of the resolution. Messrs. West, Jarnagin and Lowrance also favored.

Messrs. Humphries, Bills, and J. P. Carter, opposed.

Mr. Bills offered the following amendment to the amendment which was adopted: Amend the amendment by striking out the words "without debate."

Pending consideration of the amendment a message was received from the House, and on motion of Mr. Reynolds the subject before the Senate was postponed, and the House message taken up.

"House concurrent resolution providing for the appointment of a joint committee to whom shall be referred the Code of Laws prepared by Hon. J. A. P. Campbell, and on motion of Mr. Reynolds the blank of the first resolution was filled with seven.

Mr. Jarnagin offered the following:

Be it further resolved, That all bills of general legislation introduced into either House and treated of in said Code, shall be referred to said joint committee, which on motion of Mr. Gibert was tabled. Mr. Gibbs offered the following amendment.

To amend the first resolution by striking out all of said resolution after the word "additions," in nineteenth line, and inserting thereafter the words "at such times and in such parts as the committee sees proper or as either House sees proper to order for the approval or rejection of the Legislature.

Mr. Reynolds moved to table: Lost.

The amendment, after considerable discussion, was adopted.

Mr. Humphries moved to reconsider; Carried.

Mr. Jarnagin offered the following amendment:

Amend by striking out the words "for the approval or rejection of the Legislature." Adopted.

On motion of Mr West, the whole subject matter under consideration was referred to a select committee, consisting of Messrs. Reynolds, Gibbs and Jarnagin, with instructions to report thereon at 10 o'clock to-morrow morning.

Col. A. M. Nelson, Governor's Private Secretary, returned to the Senate, without the Governor's approval—

S. B No. 150.—"An Act relative to excessive charges and unjust discrimination by Railroad Companies in this State."

By Mr. Crigler—

Resolved, That the privileges of the Senate be extended to Hon. E. T. Sykes, of Lowndes.

Mr. West, without previous notice, by leave, introduced Senate Bill No. 1, entitled "An act to incorporate the Holly Springs and Memphis Railroad Company."

Read first time; and on motion of Mr. West, the bill was read second time under a suspension of the rules, and referred to the Committee on Corporations.

By Mr. Johnson—

Resolved, That the Judiciary Committee be instructed to report at the earliest practicable time, by bill or otherwise, the propriety of calling a Constitutional Convention for the purpose of revising or framing a new constitution, as may be deemed best by said Committee.

Mr. Humphries moved to table. Lost.

The resolution was adopted.

House amendment to Senate concurrent resolution fixing number of copies of the Governor's message, for use of members, was on motion of Mr. Humphries, concurred in. Said amendment provides for the printing of 1000 copies of the message.

On motion of Mr. J. P. Carter, the Senate adjourned to 10 o'clock to-morrow.

HOUSE.

THIRD DAY.

THURSDAY, January 8, 1880.

House met pursuant to adjournment.

Roll called, and all present except:

ABSENT — Messers. Burnet, Chamberlain, Ford, Martin, Russell, Taylor of Benton.

The Speaker submitted a report from Judge Campbell on the Election papers contesting the seat of Mr. Morris, of Jasper.

On motion of Mr. Applewhite, the clerk of the city of Jackson were invited to open the sessions of the House with prayer.

Mr Lewis of Claiborne, moved to reconsider the resolution adopted yesterday directing the Sergeant-at-Arms to provide stationary for the use of the members. Carried, and on motion of Mr. Lewis, the resolution was laid on the table.

Mr. Lewis then introduced a bill to repeal chapter 90, Acts 1876, which was read twice, and having been considered in Committee of the Whole, was reported to the House with the recommendation that it do pass. The bill provides for an appropriation for stationary not to exceed $6 00 in value for each member of the Legislature.

Mr. Rees moved to strike out $6 00, and insert $4 00. Mr. Hurt moved to insert $2 00; but the bill, in the meantime, having been considered, engrossed, no action was taken on either amendment.

The bill then passed, by the following vote:

YEAS.—Andrews, Atwood, Bailey, Billingslea, Bowman, Buchanan, B