

JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF TEXAS:

BEING THE
SESSION OF THE THIRTEENTH LEGISLATURE

BEGUN AND HELD

AT THE CITY OF AUSTIN,

JANUARY 14, 1873.

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JOURNAL
OF
THE HOUSE OF REPRESENTATIVES.

HOUSE OF REPRESENTATIVES,)
AUSTIN, TEXAS, January 14, 1873. (

At 12 o'clock M., Hon. James P. Newcomb, Secretary of State, called the House to order, stating that he was in possession of the roll of members elected, but the clerk of the former House was not present to receive it, and it had been suggested that he proceed to act in the place of the clerk, and perfect the organization of the House, and if no objection was raised he would call the roll of members. No objection being raised the Secretary of State then remarked that the usual method would be, upon the roll being called, for each member to come forward and deposit his certificate of election, but in consequence of the postoffice addresses of but few of the members being known to the State Department, no doubt a large number were present without certificates, but in order to remove all obstacles in the way of organization, if there was no objection, the roll would be called, each member responding, and if none of the members present objected, he should be recognized, and the organization proceeded with. This plan being agreed to, the Secretary of State then called the roll, the following named members responding as present :

C. L. Abbott,	J. M. Harrison,	D. D. Rosebor-
John Adriance,	T. A. Hester,	ough,
Richard Allen,	G. Hoffman,	J. Russell,
T. G. Allison,	O. N. Hollings-	C. P. Salter,
James Armstrong,	worth,	W. B. Sayers,
Julius Berends,	John Ireland,	P. R. Scott,
S. B. Bewley,	T. M. Joseph,	Ed. Sharp,
W. S. Bledsoe,	J. W. Kemble,	W. A. Shaw,
A. J. Booty,	J. G. Killough,	E. J. Shelton,
R. H. Bordeaux,	M. E. Kleburg,	D. M. Short,
A. S. Broaddus,	W. R. Lane,	G. W. Smith,
J. H. Brown,	W. L. Mabry,	L. J. Storey,
J. W. Carroll,	H. Manning,	M. D. K. Taylor,
J. Cunningham,	J. W. McDonald,	A. S. Thurmond,
O. F. Davenport,	F. A. Michael,	W. H. Tilson,
Sam ^r Day,	J. S. Mills,	J. A. Tivy,
A. N. Denton,	Henry Moore,	J. F. Tom,
J. N. Doyle,	W. W. Morris,	W. H. Trolinger,
James Eastland,	H. W. Nelson,	K. M. Van Zandt,
W. A. Ellett,	Julius Noeggerath,	Wm. Veal,
H. H. Ford,	J. Payne,	S. A. Venters,
Louis Frankee,	Stephen Powers,	J. H. Washington,
C. C. Galloway,	D. M. Prendergast,	A. T. Watts,
R. K. Gaston,	Frank Rainey,	W. A. Westfall,
H. C. Ghent,	B. W. Rimes,	Allen Wilder,
L. E. Gillette,	S. T. Robb,	C. M. Winkler,
H. H. Gilpin,	S. Roberts,	W. D. Wood,
Wm. Greene,		

ABSENT.

E. Anderson,	J. F. Leyendecker,	J. T. Smith,
J. M. Anderson,	Henry Phelps,	N. G. M. Walker,
E. Chambers,	A. Rossey,	R. Williams.
Peter Diller,		

The Secretary of State then stated that the next motion would be "That the House now proceed to elect a Speaker." This motion was made, when one or two members suggested that the members should first be sworn in.

The Secretary of State quoted Barclay's Digest of Parliamentary Law, to the effect that the Speaker be first elected and sworn in, and that then the roll be called and the members sworn in.

After some discussion, upon motion of Hon. John H. Brown, it was decided that Hon. W. B. Ogden, Associate Judge of the Supreme Court, be requested to administer the oath to the members present. Whereupon Judge Ogden administered the oath required by the Constitution to those of them who were present.

After all the members present were sworn in, the Rev. B. Rogers was requested to open the proceedings with prayer. This being agreed to, Mr. Rogers stepped to the clerk's desk and offered up a prayer.

The Secretary of State then stated that a motion to go into an election for Speaker would be entertained.

Mr. A. S. Broaddus made a motion that the House proceed to elect a Speaker; which, being seconded, was carried.

Nominations being in order for Speaker, Mr. Broaddus nominated M. D. K. Taylor, which motion was seconded.

Mr. C. L. Abbott nominated W. A. Ellett, which was seconded.

There being no other nominations, the Secretary of State appointed Messrs. Broaddus, Abbott, Allen and Brown as tellers. The roll was then called, and each member came forward and deposited his ballot.

The balloting over, the tellers proceeded to count the votes, which resulted as follows:

M. D. K. Taylor, 67; W. A. Ellett, 10.

The result having been announced, the Secretary of State then appointed Messrs. Ellett and Broaddus to conduct the Speaker elect to the chair.

Upon the Speaker approaching, the Secretary of State suggested that he take the oath as Speaker. No motion being made to this effect, and the Speaker declaring that he did not think it necessary, as he had taken the oath as a member of the House, he was introduced and proceeded to address the House.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, January 14, 1873. }

In pursuance of law the House of Representatives of the Thirteenth Legislature of the State of Texas met at the Capitol at 12 o'clock, and was called to order by the Hon. J. P. Newcomb, Secretary of State.

The list of Representatives being called, the following members answered to their names, to-wit:

C. L. Abbott,	Wm. Green,	S. Roberts,
John Adriance,	J. M. Harrison,	D. D. Rosebor-
Richard Allen,	T. A. Hester,	ough,
T. J. Allison,	G. Hoffman,	J. Russell,
James Armstrong,	O. N. Hollings-	C. P. Salter,
Julius Berends,	worth,	W. B. Sayers,
S. B. Bewley,	John Ireland,	P. R. Scott,
W. S. Bledsoe,	T. M. Joseph,	Ed. Sharp,
A. J. Booty,	J. W. Kemble,	W. A. Shaw,
R. H. Bordeaux,	J. G. Killough,	E. J. Shelton,
A. S. Broaddus,	M. E. Kleberg,	D. M. Short,
J. H. Brown,	W. R. Lane,	G. W. Smith,
J. W. Carroll,	W. L. Mabry,	L. J. Storey,
J. Cunningham,	H. Manning,	M. D. K. Taylor,
O. F. Davenport,	J. M. McDonald,	A. S. Thurmond,
Sam Day,	F. A. Michael,	W. H. Tilson,
A. N. Denton,	J. S. Mills,	J. A. Tivy,
S. N. Doyle,	Henry Moore,	J. H. Tom,
James Eastland,	W. W. Morris,	W. A. Trolinger,
W. A. Ellet,	H. W. Nelson,	K. M. Van Zandt,
H. H. Ford,	Julius Noeggerath,	Wm. Veale,
Louis Frankee,	J. Payne,	S. A. Venters,
C. C. Gallaway,	Stephen Powers,	J. H. Washington,
R. K. Gaston,	D. M. Prendergast,	A. T. Watts,
H. C. Ghent,	Frank Rainey,	W. A. Westfall,
L. E. Gillette,	B. W. Rimes,	Allen Wilder,
H. A. Gilpin,	S. T. Robb,	C. M. Winkler,
	W. D. Wood.	

A quorum being present, and the election of Speaker being in order,

Mr. Broaddus placed in nomination M. D. K. Taylor, of Marion county.

Mr. C. L. Abbott placed in nomination W. A. Ellet, of Red River county.

There being no other nominations, Messrs. Broaddus, Brown, Allen and Robb were appointed tellers, and the House proceeded to ballot.

Upon telling the vote it appeared that Mr. Taylor had received sixty-seven votes, and Mr. Ellett ten.

Mr. Taylor having received the majority of all the votes cast, was declared duly and constitutionally elected Speaker of the House of Representatives of the Thirteenth Legislature.

The House then proceeded to the election of chief clerk.

Mr. Brown placed the name of W. C. Walsh in nomination. There being no other nomination the House proceeded to ballot, when W. C. Walsh received seventy-one votes; and Mr. Taylor three votes; whereupon W. C. Walsh was declared elected chief clerk.

The House then proceeded to elect a first assistant clerk.

Mr. Ghent placed in nomination Thomas Pilgrim, Jr., of Gonzales county; whereupon the House proceeded to ballot with the following result: Mr. Pilgrim received sixty-nine votes; Teague, one; Henderson, three; and Schlinger, one.

Mr. Pilgrim having received a majority of all the votes cast was declared duly elected first assistant clerk.

The House then proceeded to elect a second assistant clerk.

Mr. Morris nominated J. F. Beall, of Panola county. There being no other nominations the house proceeded to ballot with the following result: Beall received sixty-eight votes; Webb, two; De Gress, two; and Schlinger, two. Mr. Beall having received a majority of all the votes cast, was declared duly elected second assistant clerk of the House of Representatives.

On motion of Mr. Ireland, the House then adjourned until 7 P. M.

EVENING SESSION.

The House met pursuant to adjournment, the Speaker being in the chair. The roll was called, and a quorum present.

On motion of Mr. Brown, the rules of the House of Representatives of the Twelfth Legislature were adopted for the temporary government of the House.

The Speaker then announced that nominations for engrossing clerk were in order, when Mr. Nelson nominated W. A. Wortham, of Hopkins county. There being no other nominations, the House proceeded to ballot, when W. A. Wortham received fifty-eight votes; Schlinger, three; Word, two; and W. E. Warren, one. Mr. Wortham having received a majority of all votes cast, was declared duly elected engrossing clerk.

The House then proceeded to the election of enrolling clerk. Mr. Westfall nominated W. D. C. Nelson, of Williamson county. There being no other nominations, the House proceeded to ballot, when Mr. Nelson received sixty-four votes; F. J. Webb, three; Surghnor, two; blank, one. W. D. C. Nelson having received a majority of the votes cast, was declared duly elected enrolling clerk.

The House then proceeded to the election of sergeant-at-arms. Mr. Sayers nominated E. T. Rhodes, of Guadalupe county. Mr. Washington nominated L. D. Miller. The name of L. D. Miller having been withdrawn, the House proceeded to ballot, when E. T. Rhodes received sixty-one votes, and L. D. Miller, seven. E. T. Rhodes having received a majority of all the votes cast, was declared duly elected sergeant-at-arms.

The election of assistant sergeant-at-arms being next in order, Mr. Killough nominated Mr. N. C. Rives, of Fayette county. There being no other nominations, the House proceeded to ballot, when Mr. N. C. Rives received sixty-one votes; Miller, three; and Reed, one. Mr. N. C. Rives was then declared duly elected assistant sergeant-at-arms.

The election of door-keeper being next in order, Mr. Denton nominated Mr. C. L. Arbuckle, of Guadalupe county. There being no other nomination, the House proceeded to ballot, when C. L. Arbuckle received fifty-nine votes; John P. Ferrill, seven; and A. S. Mangum,

one vote. Mr. Arbuckle having received a majority of all the votes cast, was declared duly elected door-keeper.

The organization of the House being completed, the Speaker administered the oath of office to the newly elected officers.

Mr. Ireland then offered the following resolution, which was adopted :

Resolved, That the sergeant-at-arms be and is hereby instructed to prepare tickets with numbers corresponding with those on the desks of the House, and that the members proceed to draw for seats on their reassembling.

Mr. Brown then offered the following resolution, which was adopted :

Resolved, That all State officers and reporters of the press be entitled to seats in front of the Speaker's stand.

Mr. Brown then offered the following resolution, which was adopted :

Resolved, That the sergeant-at-arms be authorized to have a railing placed around the hall in the rear of the seats, so as to admit spectators in the lobby ; and that the doors of the hall shall at all times be kept open, except during calls of the House.

Mr. Sayers then offered the following resolution :

Resolved, That this House proceed to elect a chaplain at 12 o'clock to-morrow.

Mr. Brown objecting, the resolution was laid over under the rules.

Mr. Ireland moved to appoint a committee of nine members of the House to wait upon the Governor, and inform him that the House had perfected its organization, and was ready to transact business.

The motion was carried, when Mr. Short moved to reconsider.

Division being called for, resulted as follows : Yeas, 35 ; nays, 33.

The question being again before the House, on motion of Mr. Short, was laid upon the table.

On motion of Mr. Harrison, the House adjourned until to-morrow at 9½ A. M.

HOUSE OF REPRESENTATIVES, }
 AUSTIN, TEXAS, January 15, 1873. }

House met pursuant to adjournment. Roll called; quorum present.

The following named members failed to answer to their names: E. Anderson, of Montgomery; J. M. Anderson, of McLennan; Peter Diller, R. K. Gaston, H. A. Gilpin, J. F. Leyendecker, Phelps, Sharp, J. T. Smith, of Houston; Walker and Williams.

Mr. Gaston was excused for sickness.

The following named members then came forward and took the oath of office, and their seats:

E. Anderson, of Montgomery; J. M. Anderson, of McLennan; R. Williams, B. W. Rimes and J. F. Leyendecker.

Mr. Hollingsworth moved a reconsideration of Mr. Ireland's motion in regard to the drawing for seats. Motion lost.

House proceeded to draw for seats, after which, on motion of Mr. Booty, a recess was taken for ten minutes, in order that each member might find his seat.

After the House was called to order Mr. Brown offered the following resolution:

Resolved, That the Speaker be authorized to employ, for the present, two porters for the House, with authority, when in his judgment it may be necessary, to increase the number, and that the pay of such persons shall be three dollars per day.

Resolution was adopted.

Mr. Wood offered the following resolution:

Resolved, That the Speaker of this House be authorized to appoint, if he deems it necessary, an assistant door-keeper, who shall also act as messenger for this House, and the Speaker be authorized to allow such person such compensation as he may deem proper, not to exceed five dollars per day.

Resolution was lost.

Mr. Rainey then offered the following resolution, which was adopted:

Resolved, That the chief clerk be required, until otherwise instructed, to procure the necessary fuel, lights and stationery for the use of this House.

Mr. Hollingsworth offered petition of Ben. Honnett, asking permission to keep a cigar and fruit stand in the hall of the Capitol, which was refused.

Mr. Short offered a bill under the following caption : "An act to be entitled an act to repeal an act entitled an act to establish a State police, and provide for the regulation of the same, approved July 1, 1870; and also, to repeal an act to amend an act entitled an act to establish a State police, and provide for the regulation of the same, approved May 2, 1871," which was read first time.

Mr. Short moved to suspend the rules of the House, and that the bill pass to a second reading; pending which Mr. Short moved to adjourn until 3 P. M., which was lost.

Mr. Morris then rose to a point of order, stating that until the Senate was organized, the House was not competent to proceed to the regular discharge of business.

The chair then decided it was, and the House sustained the chair.

The question of the suspension of the rules being before the House, the yeas and nays were called for, with the following result :

Yeas—Messrs. Armstrong and Short—2.

Nays—Messrs. Abbott, Adriance, Allen, Allison, Anderson of Montgomery, Anderson of McLennan, Berends, Bledsoe, Booty, Bordeaux, Broaddus, Brown, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ellett, Ford, Frankee, Gallaway, Ghent, Gillette, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Michael, Mills, Moore, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Roseborough, Russell, Salter, Sayers, Scott, Shaw, Shelton, Smith of Colorado, Story, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Veale, Venters, Washington, Watts, Westfall, Wilder, Williams, Winkler, Wood—78.

The House refused to suspend the rules.

Mr. Mills then offered the following resolution, which was read and laid over, under the rules :

WHEREAS, In compliance with the present Constitution of the State of Texas, a bill for the scholastic population of the State was passed, authorizing the public free

schools, their maintenance and support, and requiring the appointment of a superintendent of public instruction, whose duty it should be to superintend the management of said free schools, and to faithfully aid in the work of driving ignorance and its train of consequent evils from the State, and in nowise to use the privileges and powers of his said office for political purposes or personal aggrandizement ; and

Whereas, His Excellency E. J. Davis did appoint one Jacob C. De Gress to the said office of superintendent of public instruction, and it having been repeatedly alleged by the various newspapers of the State that the said superintendent did, under color of authority, draw from the school fund in the State Treasury large sums of money, variously estimated from seventy-five thousand to one hundred thousand dollars, and that he placed said money to his own credit in one of the banks of the city of Austin ; and that he has placed fraudulent vouchers in the State Treasury, said vouchers purporting to represent the existence of schools and teachers under said school bill, where none have as yet existed ; therefore, be it

Resolved, That this House, through the chair, proceed immediately to appoint a committee of nine (9) from its honorable body, whose duty it shall be to examine all the vouchers of said superintendent in the Comptroller's and Treasurer's departments, together with all books, papers and documents in the so-called Department of Education, and that said committee have power to send for persons and papers, and to appoint a good and efficient clerk to wait upon and keep a correct and accurate record of the proceedings of said committee, and that they shall report result of their investigations to this House for its action.

Mr. Winkler moved to adjourn until 2 P. M. Lost.

Mr. Ireland then offered the following resolution :

Resolved, That the Secretary of State be requested to furnish each member of this House with a copy of the Constitution, and of all the laws in force, and a copy of the Rules of the House.

Adopted.

On motion of Mr. Winkler, the House then adjourned to 3 P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called ; quorum present.

The following members were absent :

Abbott, Adriance, Carroll, Ford, Gilpin, Ireland, Joseph, Mills, Rossy, Salter, Scott, Sharp, Short, Tivy, Walker, Watts, Wilder.

A committee from the Senate was announced, which reported that the Senate had organized, and was ready to proceed to business.

Mr. Brown offered the following resolution :

Resolved, That the Speaker be authorized to appoint a committee of three to wait upon the Senate, and inform that body that the House of Representatives is duly organized, and prepared to proceed to business.

The Speaker appointed Messrs. Brown, Morris and Broaddus said committee.

Mr. Frankee offered the following :

Resolved, That the House of Representatives have two regular sessions each day, one to commence at 9 o'clock A. M. and the other at 3 P. M. Laid over under the rules.

Mr. Shaw offered the following resolution :

Resolved, That the House appoint a joint committee, to meet a like committee from the Senate, to inform the Governor that this House is now organized, and ready to receive any message from him. Adopted.

The Speaker appointed the following gentlemen said committee : Messrs. Shaw, Rainey, Ireland, Winkler, and Anderson of McLennan.

The committee appointed to wait upon the Senate reported that they had informed the Senate of the organization of the House and its readiness to proceed to business.

The House then proceeded to the regular order of the day.

Unfinished business being next in order, the resolution of Mr. Sayers to proceed to the election of a chaplain, at 12 M. to-day, was brought before the House, and Mr. Sayers moved its postponement until 12 M. of the sixteenth inst., which was carried.

Mr. Wood offered a memorial from the grand jury and others of Leon county. Referred to Committee on Finance.

Mr. Brown then offered the following resolution :

Resolved, That in addition to the standing committees provided for by the rules of the House, the Speaker be also authorized to appoint a standing Committee on Constitutional Amendments, and that, instead of one, he shall appoint two committees on the judiciary, to be designated as Nos. 1 and 2. Adopted.

Mr. Brown moved that ex-Governor J. W. Henderson, ex-Lieutenant Governor D. C. Dickson, and other prominent members of former Legislatures of the State of Texas, be admitted to seats on the floor of this House during the session.

Mr. Ireland then moved a reconsideration of the vote upon his resolution offered this morning, requesting the Secretary of State to furnish this House with copies of the Constitution and laws of this State, which motion was carried.

Mr. Ireland then moved to amend said resolution by the insertion of the words "if on hand." The resolution as then amended, was carried.

The House then adjourned until 10 o'clock A. M. tomorrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, January 16, 1873. }

House met pursuant to adjournment. Roll called; quorum present.

The following members failed to answer to their names: Diller, Gilpin, Rossy, Sharp, and Smith of Houston.

Messrs. Phelps and Bewley excused on account of indisposition.

Journal of yesterday read and adopted.

The Speaker then announced the following standing committees:

Committee on Judiciary No. 1.—Smith of Colorado, chairman; Morris, Broaddus, Ellett, Hollingsworth, Joseph, Kleberg, Sayers, Powers, Payne, Storey, Wood Short.

Committee to examine Comptroller's and Treasurer's Offices.—Rainey, chairman; Van Zandt, Hollingsworth.

Committee on Enrolled Bills.—Shaw, chairman; Wood, Payne.

Committee on Engrossed Bills.—Booty, chairman; Sayers, Storey.

Committee on Immigration.—Frankee, chairman; Berends, Cunningham, Doyle, Allen, Gillette, Kleberg, McDonald, Hester, Watts, Sharp, Roberts.

Committee on Towns and City Corporations.—Wood, chairman; Booty, Bledsoe, Carroll, Davenport, Eastland, Gaston, Green, Joseph, Rossy, Tilson, Walker, Westfall.

Committee on Roads, Bridges and Ferries.—Harrison, chairman; Allison, Anderson of Montgomery, Bordeaux, Day, Ford, Hoffman, Kemble, Manning, Phelps, Moore, Tom.

Committee on Claims and Accounts.—Gaston, chairman; Adriance, Eastland, Gallaway, Gillette, Ireland, Killough, Mabry, McDonald.

Committee on Indian Affairs.—Veal, chairman; Shaw, Sharp, Salter, Rainey, Cunningham, Davenport, Doyle, Bordeaux, Allen, Williams, Westfall.

Committee on Internal Improvements.—Winkler, chairman; Brown of Dallas, Booty, Anderson of McLennan, Adriance, Carroll, Ford, Gaston, Nelson, Payne, Powers, Scott Trolinger.

Committee on Military Affairs.—Anderson of McLennan, chairman; Bordeaux, Denton, Ford, Hester, McDonald, Michael, Thurmond Walker.

Committee on Commerce and Manufacturers.—Joseph, chairman; Gilpin, Broaddus, Chambers, Mabry, Manning, Morris, Powers, Rimes, Rossy, Salter.

Committee on Finance.—Morris, chairman; Adriance, Allison, Day, Gaston, Payne, Robb, Roseborough, Shelton, Tilson, Van Zandt, Walker, Wood.

Committee on Agriculture and Stock Raising.—Thurmond, chairman; Abbott, Chambers, Kemble, Lane, Storey, Tom, Venters, Westfall, Washington, Smith of Houston, Veal.

Committee on Printing and Contingent Expenses.—Broaddus, chairman; Doyle, Ellett, Green, Killough, Kleberg, Watts.

Committee on Public Buildings and Grounds.—Roseborough, chairman; Berends, Bledsoe, Eastland, Killough, Green, Washington.

Committee on Privileges and Elections.—Short, chair-

man ; Russell, Prendergast, Gilpin, Hollingsworth, Gallaway, Ellett, Denton, Broadus, Bledsoe, Thurmond.

Committee on Penitentiary.—Mills, chairman ; Noeggerath, Phelps, Rimes, Venters, Carroll, Harrison, Hollingsworth, Kleberg, Gallaway, Trolinger.

Committee on Education.—Armstrong, chairman ; Mills, Berends, Rossy, Ghent, Hollingsworth, Chambers, Lane, Moore, Rainey, Van Zandt, Westfall.

Committee on Counties and County Boundaries.—Trolinger, chairman ; Nelson, Michael, Scott, Sharp, Manning, Killough, Hoffman, Gilpin, Brown of Dallas, Tivy.

Committee on Public Lands and Land Office.—Powers, chairman ; Armstrong, Bordeaux, Davenport, Frankee, Harrison, Tilson, Tivy, Wilder, Williams.

Committee on Private Land Claims.—Lane, chairman ; Leyendecker, Shaw, Abbott, Robb, Scott, Roberts, Smith of Houston, Short.

Committee on Federal Relations.—Russell, chairman ; Bewley, Doyle, Ellett, Gillett, Hester, Mills, Prendergast, Sayers, Smith of Colorado, Veal.

Committee on State Affairs.—Brown of Dallas, chairman ; Anderson of McLennan, Day, Denton, Ghent, Leyendecker, Trolinger, Russell, Venters, Hoffman, Kleberg.

Committee on Judiciary No. 2.—Ireland, chairman ; Anderson of McLennan, Armstrong, Bewley, Bledsoe, Booty, Prendergast, Robb, McDonald, Tilson, Watts, Winkler, Veal, Gallaway.

Committee on Constitutional Amendments.—Prendergast, chairman ; Smith of Colorado, Anderson of McLennan, Armstrong, Ireland, Brown of Dallas, Bewley, Joseph, Morris, Sayers, Watts, Killough, Nelson.

Committee on Public Debt.—Shelton, chairman ; Smith of Houston, Tivy, Rimes, Michael, Berends, Booty, Noeggerath, Washington.

Mr. Sayers presented the memorial of Gustave Cook, E. F. Schmidt and H. S. Lipscomb, of Harris and Montgomery counties, contesting the seats of Richard Allen, F. H. Michael and E. M. Anderson. Read and referred to Committee on Privileges and Elections.

Mr. Allen submitted a remonstrance against the same. Referred to the same committee.

Mr. Shaw, chairman of the committee to wait on the Governor, announced that they had performed the duty assigned them, and that the Governor would be ready to communicate with the House in a few minutes.

Mr. Allison offered a memorial of the citizens of Pine Hill, Rusk county, to incorporate said place. Referred to Committee on Towns and City Corporations.

Mr. Booty offered petition of Mr. Brown, of Upshur county, contesting the seat of Ed. Sharp. Read and referred to Committee on Privileges and elections.

Mr. Harrison offered a petition of Hugh P. Clark, requesting a charter for a ferry across Sabine river. Referred to Committee on Roads, Bridges and Ferries.

There being no further petitions, Mr. Payne offered the following bill, to be entitled, "An act to establish a system of public free schools for the State of Texas."

Mr. Mills moved to read the bill by caption, and refer it to the Committee on Education.

The Speaker decided that the bill must be read, unless four-fifths of the House consented to dispense with its reading.

During the reading of the bill, a messenger was announced, bearing the Governor's message.

Mr. Winkler moved to suspend the business before the House, and take up the message from the Governor, which was carried unanimously.

The message was then read, to-wit:

EXECUTIVE OFFICE, }
AUSTIN, Texas, January 14, 1873. }

To the Honorable Senate and House of Representatives of the State of Texas:

GENTLEMEN: Since my last annual message to the legislative body our State has continued that progress in the direction of peace and order, internal improvement, increase of population, wealth and public education, which commenced with our return to regular government; the past year showing, as a noticeable feature, even a greater ratio of advance in all these respects than any previous year.

Providence has also favored us with most abundant crops, and with good health and the absence of fatal diseases and epidemics. These blessings, and our pleasant and salubrious climate, our happy freedom from public debt and civil disturbance, our vigorous enforcement of the laws, our effective public school system, and the extensive area of our cheap and fertile lands—to which

easy access is provided by the various railroads now being rapidly constructed—have attracted great attention abroad among those who seek a better fortune or pleasanter clime, and are bringing us an ever increasing current of immigration and capital.

The great change brought about in the condition of the State will best be appreciated by a comparison of that we see around us—the result of a few years of peace and enforcement of the laws—and the picture of affairs given by the Hon. Pendleton Murrah, in his message to a Legislature which occupied your halls near the close of the late struggle. He says :

“Imperative duty requires of me to call your attention to the fearful demoralization and crimes prevailing throughout the State. In some sections society is almost disorganized. The voice of the law is hushed, and its authority seldom asserted. It is a dead letter—an unhonored thing upon the unread pages of the statutes. Murder, robbery, theft, outrages of every kind against property—against human life—against everything sacred to a civilized people—are frequent and general. Whole communities are under a reign of terror, and they utter their dreadful apprehensions and their agonizing cries of distress in vain. The rule of the mob—the bandit—of unbridled passions—rides over the solemn ordinances of the government. Foul crime is committed, and the criminal steeped in guilt and branded by his own dark deeds with eternal infamy, goes unwhipped of justice. Not even a warrant is issued for him—no effort is made by the sworn officers of the law, or by the community, to bring him to punishment. Too often the deed is excused—the community is divided in opinion as to the guilt, and the criminal is screened from justice—unless his offending chances to touch some peculiar influence or prevailing notions—and then, without trial, and without the forms of law, he is hung by a mob.”

Whether or not the bright contrast to this picture, which commemorates the day of your assembly in the same halls, is now to be marred, rests with us. If, without passion or prejudice, we address ourselves to legislation for the good of the people, whose voluntary servants for the time being we find ourselves; assuming error in what has been accomplished by our predecessors, only where error is manifest, and amending only where amend-

ment will clearly benefit—with a purpose rather to build up and perfect than to tear down and mutilate—then all will be well. I trust that this spirit animates all branches of the law-making power of the State, and that whatever of evil might have been imagined or threatened during the bitterness of the late political canvass, it will, under the promptings of sober second thought, be put out of sight and not permitted to color legislation or obstruct its progress.

Asking your indulgence for the space occupied by these general reflections, and for which the gravity of the occasion seems my best excuse, I proceed to the performance of my constitutional duty, to furnish you information of the condition of the State, and recommend the measures of legislation deemed expedient.

FINANCES OF THE STATE.

The subject which always does, and should require most thought on the part of the wise legislator, and the exercise of his best judgment, is that of the finances, or support of the government.

A government is said to be perfect in proportion as it protects life, property and liberty, and evenly distributes the burden of its support according to the means and strength of its citizens.

If this theory is correct, an application of the latter of these tests to the system of finances in Texas, or, more particularly to her laws for assessing and collecting taxes, will show us to have one of the worst possible. The burden of support, so far from being evenly distributed, falls mainly upon those who are too honest to wish to evade their share, or too weak to attempt it. The dishonest man, and especially him of large property, has every encouragement to evade. He may render his property at far below its true value, and should it be real estate (which is much the largest part of the taxable property), he may even then avoid payment until after the long delay of a suit in court. While this suit progresses, he figures as a delinquent, and when, after he has taken advantage of all the law's delays, he is finally reached by a judgment, he pays a trifling penalty, amounting but to a fraction of the usurious interest he may in the meantime have earned by loaning out the money he should have paid the State.

He then prepares to repeat the same process with the next installment of taxes.

Thus it is reported to me under date of September 11, 1872, that the sum of \$441,402.50 (being more than one-third) of the State taxes assessed for the previous year (1871) were still unpaid into the treasury. Much the larger part of this is, doubtless, chargeable against delinquents, and it will be found, on investigation, that an undue proportion of this heavy delinquent list is made up of large property holders. The small farmer or person of moderate means, even if he desires to resist or delay the payment of his tax, cannot afford the expense of a lawsuit, which is of small consequence to his wealthy neighbor, and accordingly he pays promptly.

But it is by false assessments of his property that the large property holder manages most successfully to evade his due share of taxes. Our laws *practically* permit each citizen to fix the amount of taxes he ought to pay. It is true the assessing officer *may* correct the assessment, if he knows it to be too small, but in practice this is not often done. A direct encouragement is thus given to fraudulent undervaluation of property, and the extent to which this practice is carried, should be understood by you. I find, for instance, that the value of property for the whole county of Galveston, including lands lying out of the county and assessed there, is computed for the year 1872 by the State assessors at \$13,769,448, while the assessment made by the city authorities, and for the city *alone*, is furnished me for the year 1871 at \$16,475,749.25, and for the year 1872, \$17,000,000. The assessment made by the city was probably short of the real value; but if that made by the State for the *whole* county of Galveston, and *outlying* lands owned there, had been made even as near the true value, it would have amounted to not less than \$19,000,000, or about five and a quarter millions more than was assessed. In every other county of the State a proportionate discrepancy would probably be found, if an investigation could be made, as facilities for correct assessment are better in Galveston than in most other counties.

WEALTHY CORPORATIONS AND INDIVIDUALS EVADING TAXES.

You may rest assured that the wealthy, whether corporations or individuals, are those who profit by these dis-

crepancies. Special instances, showing the class which is benefitted by this practice, may be found in every county of the State. I will mention as a specimen, the "Western Union Telegraph Company." This company, previous to last year, had, as reported to me, never paid taxes on property exceeding \$3800 in value, but after I had set on foot inquiries touching its relations to the government, it returned its total property of all kinds within the State for 1872 at \$62,800. At the time this last assessment was made, it had upwards of 1200 miles of telegraph lines within the State, some lines with two or more wires.

The fraud in assessment returned by this greedy and unscrupulous monopoly, is apparent from the testimony of its president, before the Postal Telegraph Committee of Congress, May 11, 1870, where he swears that every mile of single wire telegraph, "out West," costs the company \$150, even "where the railroads haul the poles for us without charge." A fair assessment of its property would be not less than \$250,000.

Again: the railroads may always be said to be far short in their valuations. The return of one of the best paying of these has been called to my attention, where the assessment (which embraces value of all rolling stock, road bed, stations, depots, and grounds attached, and city lots), is put at about \$10,000 to the mile, or one-third of the real value of the property.

It impresses me that our first duty is to remedy this evil. I am confident that if measures are taken that will secure correct assessment and prompt collection of the taxes, the whole taxes, State, county, school, etc., which now amount to about one and nine-tenths ($1\frac{9}{10}$) per cent., may be reduced one-third, or even one-half, and a revenue secured thereby sufficient for all purposes. The proper remedies to apply must be selected by yourselves, but I will suggest that the evils of false assessments may be reached by requiring, as in other States, the assessors to estimate the value of property in proportion to the selling value, in its neighborhood, of similar property. Where there is no other similar property to compare it with, as in case of railroads, telegraphs, factories, etc., the assessors might take the cost of the property as a basis, deducting from this for wear and use, and adding to it when, from local or other extrinsic causes, it has increased in value beyond the original cost. Certainly the

power of the property holder to fix the value of his property, and consequently the amount of taxes he may pay, is a temptation to fraud which ought to be taken from him. The neglect to pay the taxes after they are assessed might be reached by fixing a severe penalty for the delay, say an annual interest of fifty per cent. during delay, and by making all personal property of the owner liable to distraint for taxes due on real estate.

VALUE OF TAXABLE PROPERTY IN THE STATE.

The whole assessed value of property of the State, as shown by the returns for 1871 (the last year for which I am furnished with complete returns), is \$220,290,524. A correct assessment would doubtless have shown fully \$300,000,000 for that year; but, had the taxes been promptly paid, even on such assessment as was made, we would not still find ourselves with a deficiency to meet, and State warrants selling at a discount.

MISAPPROPRIATION OF PUBLIC FUNDS BY SHERIFFS AND COUNTY COURTS.

But while you are considering measures to secure fair assessments of property and prompt collection of taxes, you should also revise the laws in relation to the disposition of the taxes by officers into whose hands they may pass. Sheriffs do not pay over their collections to the Treasury with due promptness, and since the depreciation of State warrants, there is good reason to believe that those officers and their agents have often delayed payments for the purpose of using the money to speculate in that kind of paper.

The disposition made of taxes assessed for county purposes should also be inquired into, and some restraint put upon the county courts that will secure an honest and lawful expenditure of those funds.

While on this subject, I should call your attention to the very large amount of taxes that has been exacted under the pretence of use for county purposes, and has been disbursed by the county courts with little or nothing to show by way of accounting for its lawful expenditure. The whole *ad valorem* taxes for support of the State government for the fiscal year 1871-72, are but \$1,101,364.02.

and the whole of that part of the cost of the public schools to be paid by local taxes for the same period, is shown by the report of the Superintendent of Public Instruction to be but \$739,468.04, being together only \$1,840,832.06; but we find that the county courts exacted and disposed of the large sum of \$2,261,654.99 for *ad valorem* taxes, and the sum of \$105,686.48 occupation taxes in that year. In brief, the county courts have assessed the tax payers more than half a million dollars more taxes than it has cost the people during the same time, both to carry on our extensive system of public schools, and to support the State government in all its departments and varied services. There seems to be no effective restraint of wanton extravagance or malversation of public funds on the part of the county courts provided by law. They are not even required to publish periodical statements of their expenditures, which might operate in some degree to restrain them. There is no way of reaching and dismissing an incompetent member of that court, and the provision for expelling a vicious or corrupt one, by indictment of a grand jury and conviction by a petit jury, is too slow and uncertain for any practical use.

GOVERNOR'S DISPOSITION OF STATE BONDS.

In connection with the matter of the State finances, the matter of the sale or disposition by me of the bonds provided by law to meet appropriations must be adverted to.

Of the seven hundred and fifty thousand dollars of bonds "for maintaining ranging companies on the frontier," issued under the act of August 5, 1870, three hundred and fifty have been sold, either for cash, or in payment of claims against that fund, realizing the sum of \$312,045.80; three hundred and fifty (together with one hundred of the ten per cent. currency bonds hereafter mentioned) are hypothecated with Messrs Williams & Guion, of New York city, to secure advances from that house through T. H. McMahan & Co., amounting to the sum of \$327,074.70 currency. The remaining fifty bonds of this issue are still unsold and on deposit at the Farmer's Loan and Trust Company, 26 Exchange Place, New York.

Of the four hundred thousand dollars of ten per cent. currency bonds, authorized by the act of May 19, 1871,

two hundred and fifty-seven have been sold for cash or exchanged for State warrants, realizing \$235,850.94, less commission claimed by Raymond & Whitis. One hundred more of them are deposited with Williams & Guion, as above stated, towards securing their advances, and the remaining forty-three were reported by Messrs. Raymond & Whitis, the agents of the State for the sale of these bonds, as having been fraudulently taken out of their possession, and I have, by advertisement, warned the public against the purchase of them. Messrs. Raymond & Whitis are still responsible for the recovery and return of these bonds, or to secure the State against any loss on their account. These gentlemen have claimed and retained two and a half per cent. on the amount of the two hundred and fifty-seven of these bonds disposed of while their agency continued, but I have informed them that as the law only permits me to pay one per cent., they must look to the Legislature for an increase of commission. I must say that one per cent. is an unreasonably small commission for the sale of so few bonds. The expenses are likely to have been as great to effect sale of these as would be the case were the amount large. One-third of these bonds, under the law creating them, must be redeemed next July.

I have engaged with Messrs. Williams & Guion, who, by general consent, were substituted for T. H. McMahan & Co. (the latter having failed during last summer, and could no longer be expected to comply with their engagement to the State), to return them the amount of their advances and interest, and withdraw the bonds in their possession on or before the first of March next.

SALE OF BONDS PREVENTED BY SLANDERS SENT FROM TEXAS.

Of the two millions of dollars of bonds authorized by the act of December 2, 1871, I have had \$500,000 printed and engraved, and have endeavored to sell or hypothecate them for the purpose of redeeming the outstanding warrants, and providing means for the current expenses of the State. I have been frustrated in this purpose by opposition from home. When the bonds were taken to New York they were met by amazing slanders concerning the indebtedness of the State, and the purpose of the

Governor in issuing these bonds. These slanders were put forth by journals pretending to be among the leading press of Texas, and were industriously circulated by individuals who seemed deeply interested in destroying her good name. The debt of the State was asserted to be from fifteen to fifty millions, and capitalists were warned that the incoming Legislature would repudiate these bonds. The same sort of opposition had before met my efforts to put upon the market the above mentioned bonds for frontier defense, and affected seriously their sale. In consequence of these slanders I could not sell or hypothecate any of the \$500,000 without submitting to a sacrifice that with my estimate of what should be the financial standing of Texas was totally inadmissible, and I have accordingly placed them on deposit at the Farmers' Loan and Trust Company, to await such action of your body as will show to the world that those who predicted repudiation on your part were simply dishonest falsifiers of the character of their State and Legislature.

When this is done by you the credit of the State will at once be placed on such a footing that our necessities can be relieved without submitting to unconscionable demands.

GOOD FINANCIAL CONDITION OF THE STATE.

The financial standing of Texas ought to be of the best, and it will be so when it becomes known to the world that her people are too enlightened to permit repudiation of her engagements.

Her obligations are these :

Three hundred and fifty seven per cent. Frontier Defense gold bonds sold.....	\$350,000 00
Two hundred and fifty-seven ten per cent currency bonds sold	257,000 00
Amount due Williams & Guion, of New York city, for which as above four hundred and fifty are security bonds (currency).....	327,074 70
Six per cent. currency bonds issued to fund old debt under the provisional act of November 29, 1866.....	125,100 00
Six per cent. currency bonds issued to fund old debt under act of May 2, 1871, for auditing public debt.....	44,500 00

Certificates of indebtedness issued to claimants in last mentioned act and act of May 22, 1871, currency.....	63,157 05
Amount of outstanding warrants on the first day of this month.....	215,000 00
Amount for deficiencies in former appropriation, and estimated as due judiciary and officers and employes of government since September 1, 1872, and up to first inst., for which no appropriation has yet been made.	150,000 00
Amount erroneously collected by Comptroller for commissions of assessors and collectors in 1871, which must be returned to taxpayers.....	131,167 03
Total.....	\$1,662,998 78

These are the total of debts or claims which are known to exist against the State, except the claim of the International Railroad for their bond subsidy for completed railway. You will perceive that I have not included among our obligations the following items mentioned in the Treasurer's report, viz.:

Five per cent. State Bonds to credit of University and permanent school fund.....	\$216,641 05
Six per cent. State Bonds to credit of permanent school fund.....	320,367 13
Comptroller's certificates of indebtedness....	89,709 91
Total.....	\$626,718 09

These items are relics of the late war, and the allusion made to the two last in my first message to the Legislature may well apply substantially to the three: "These items represent State warrants or State bonds issued during the war, and representing obligations which are now void, should no longer be borne on the Comptroller's reports." In effect these bonds and certificates are due to ourselves, if at all, to support the University and public schools, and instead of raising taxes to pay them we may just as well, if necessary, effect the same purpose by paying the taxes directly to the support of those institutions.

Thus the total of actual indebtedness of Texas amounts

to the small sum of \$1,662,998.78. An amount which could be paid off by a TAX FOR A SINGLE YEAR OF LESS THAN A HALF OF ONE PER CENT. on the taxable value of property within the State. On the other hand, we have in the Treasury to offset this debt \$49,279.62 in specie, and \$204,036.07 currency, belonging to special funds, and (as will be seen when I allude to the School and Land Departments) our large school fund in United States bonds and lands, and our many millions of acres of public domain.

TREASURER'S REPORT, AND HOW TREASURY WAS LEFT BY
G. W. HONEY.

The report of the State Treasurer, Hon. B. Graham, will show the condition of that department of the government. He only succeeded in getting possession of the Treasury in July last, though I had commissioned him in May, under appointment from me, made in conformity with the power conferred by Section VII, Article IV of the Constitution, the late Treasurer, G. W. Honey, having vacated the office. The books, accounts and papers of the Treasury were found in great confusion, and it has required patience and skill on the part of the present Treasurer and his clerks to restore anything of the order and system that ought there to prevail. As nearly as could be ascertained from a comparison of the records and money found, the late Treasurer appeared deficient \$31,171.06½ in specie, and \$45,977.54 in currency. His deficiency may be more or less than this. Since the Treasury has been under the present control \$28,896.13 currency, which had been loaned out by Mr. Honey, has been recovered and replaced. While the books and accounts were found in confusion, and the cash short, abundance of unmistakable evidence was also found to show that the Treasury had practically been turned into a broker's office for the shaving of the State's warrants with her money. The present Treasurer is a gentleman whose standing and character is a guarantee that pilfering of the public money, or combinations of rings to use it in speculations, will not further be permitted.

PUBLIC SCHOOLS.

Public schools were inaugurated in Texas on the first Monday in September, 1871. We have had, therefore,

only the experience of operations for one complete scholastic year, and the fall session of another. Texas has witnessed many unsuccessful efforts to establish these schools, and the last in that way previous to the present law (the cumbrous law of August 13, 1870), after essaying the regulation of the schools by many minute enactments, the applicability of which to our State could only be tested by experience, had ruined the whole, by leaving the establishment and direction of the schools in the hands of the county courts. Accordingly, our present law was drafted with a view to establish only a frame for a system, and left this frame to be built out by the Board of Education, to which was given ample power to establish and modify such regulations as might be found best adapted to rapid and vigorous construction of an effective system.

Notwithstanding the opposition the system has had to contend against, and though all innovations find their opposers, I think the opposition this has encountered has been more than the usual share and of the most unreasoning kind; yet, withal, it has, as a system of education, been a success wherever in the State that opposition has not been powerful enough to prevent its operation. The public schools of Texas have been, AS A WHOLE, conducted since their operation commenced on a cheaper plan, have had less expensive machinery, have had a better average of teachers, and have educated more children in proportion to the population than those of any other (since the war) of the so-called reconstructed States, some of which have had their systems under way for many years, and better in several of these respects than those of many of the Northern States. A comparison will, I think, sustain this favorable report.

While, then, we have an edifice which has so clearly demonstrated its practical efficiency for the purpose in view at its foundation, I respectfully suggest that it had better not be torn down to make way for the experiment of some theorist. It was to be expected that the enforcement of any effective plan would meet the fault-finding of everybody who might have a pet plan of his own, and the bearing of many of the regulations not being at once perceived by even well disposed people, caused some complaints, that, as they are becoming accustomed to those regulations, and the machinery, from use, runs smoother, have been silenced.

The amount of the tax to support it is the objection to the system, which has been made the most of, by its adversaries. I need only say, in this regard, that until our taxable property is, relatively to the population, very much larger than at present, a smaller annual tax than one per cent. will not suffice to maintain a system calculated to furnish education to the mass of the children of the State, and unless we propose to do at least so much, we had better not attempt anything. We cannot satisfy the enlightened public opinion of the world, or do our duty as legislators, by a sham of a system, which may open a school house to one man's children but leave his neighbor's out of doors. It must be remembered, too, that our tax is both for building school houses and maintaining schools. For these combined purposes I believe it is less than in most of the States. I know it is very considerably less than in many of them.

But it should be understood that the opposition to the tax does not come from the poor, or man of moderate means. The wealthy man, who possesses his hundreds of thousands, or the corporation, with its millions, make the bitter war, though these classes, more than any other, are materially interested in the protection and security to property which the education of the masses is sure to promote. This feature of the opposition to public schools has been especially marked in some of the leading cities of the State. In Austin, Houston, Waco, Jefferson and Brownsville, supposed to be among our most cultivated centres, the courts have been besieged by these classes with petitions to restrain collection of the tax. Three of these cities were contestants during the late election for the location of the capital, but Austin, which distanced her competitors, can also claim the pre-eminence that her leading citizens and wealthy men have been more successful than her sisters in starving out the public school teacher. This will not be a pleasant circumstance to recount in the day, certain to come, when public education is firmly fixed as an institution; but were I to abstain from reference to it, I might feel that perhaps misplaced delicacy had turned me from the performance of my full duty. The State has obtained abroad a good name for her public schools, but the honest chronicler must record the truth, with sorrow, if you please, that the wealthy are not, as a class, entitled to the credit.

Of course it is not claimed that the system is or ever will be PERFECT. Nothing of human invention can be. But let us be sure to find where the machinery is defective before we attempt improvement.

AMENDMENT OF SCHOOL LAW SUGGESTED.

By way of giving the patrons more direct control in the selection of the officers who are to disburse their taxes, I recommend an amendment to the law, giving the election of boards of school directors to the people of the districts. The spirit of our institutions requires that those who pay the taxes should also have the choice of their agents to disburse, and the present manner of choosing those officers was intended only to be temporary.

But with this amendment should be coupled a provision that will ensure the prompt removal of directors who may prove incompetent, or may refuse to obey the laws and regulations established for government of the schools, or may be guilty of official misconduct. A provision might also be adopted authorizing the directors, under safe restraint, to raise money to build school houses by the issue of bonds, and thus better distribute the burden of the tax otherwise required to pay for those buildings. I believe the other members of the board of education coincide in these recommendations and will join in reporting them for your consideration, as authorized to do under section fourth of the law. I am of the opinion that further important changes of the law would not, at present, be safe.

COST OF THE PUBLIC SCHOOLS.

The total cost of public schools for the year was \$1,222,221.24, of which \$482,753.20 was paid by the State and \$739,468.04 is to be paid by the counties. As my space will not permit an itemized statement of this cost, I must refer you therefor to the report of the Superintendent of Instruction, but I will here present a few items which give an idea of the relative outlay in the different branches of expenditures for the schools, viz :

Pay of teachers.....	\$979,350	27
Pay of principals.....	37,796	76
Pay of supervisors (35 to January 1, 1872, and 12 for balance of year.....	23,585	00

Pay of employés (clerks and porter hire).....	18,453	61
Apparatus, (slates \$8275, maps and charts \$5475, school tablets \$2250).....	16,000	00
Rent of school houses.....	64,866	25
Examiners (all discharged except one at the capital	8,418	62

The number of teachers examined up to first instant who received certificates was 6583. The number examined and rejected for incompetency 1229, and the whole number employed in public schools during the year was 2625.

CHILDREN IN THE STATE AND NUMBER TAUGHT.

The whole number of children in the State, as made up from reports of justices of the peace (and the United States census, where these failed), for 1871, was estimated at 228,355.

The justices, who are required by law to take the scholastic census, have, in many instances, done it very imperfectly or not at all, and there is reason to believe that the number is somewhat larger than estimated.

Total children in schools in first month (Septem- ber, 1871).....	28,800
Total that received instruction in public schools during year.....	127,672
Average number of children taught in public schools.....	81,653

It will be seen that the average monthly cost of each pupil has been \$1.43 currency, including all charges, even for building school houses. It is noticeable that much the largest attendance was during the spring and summer months.

The opening month of the second scholastic year shows an attendance of 45,922, an increase over that of last year, but not by any means as numerous as might have been had the system encountered no opposition. In many counties which reported flourishing schools last year, the schools have been forced to close altogether, because of failure to pay the tax, and in others, for the same reason, they languish.

CONDITION OF PUBLIC SCHOOL FUND.

The permanent and available school fund on first instant was as follows :

Specie in the Treasury and hands of Comptroller.....	\$40,708 43
Currency.....	64,089 12
Six per cent. United States bonds.....	70,800 00
Five per cent. United States bonds.....	271,250 00
Consolidated principal and interest of six per cent. railroad bonds.....	2,173,278 44
Total.....	\$2,620,125 99

There is also the amount expected to be realized from the suits in Washington, say \$250,000 specie ; also, 2,763,072 acres of land, estimated as worth \$2,763,072. This fund was supposed, when the war closed, to have been mostly dissipated.

The report of the Superintendent of Instruction will furnish you full and interesting details of the working of his department.

PURPOSES HAD IN VIEW WHEN TAKING OFFICE.

When I commenced the performance of the duties of Governor, I proposed to myself these main purposes : On the one hand to restrain that tendency to extravagant squandering of public money and running into debt, which has disgraced many of the governments and Legislatures of the (so-called) reconstructed States, a tendency, however, that was to be expected of that demoralization which the tremendous convulsion of the war caused to permeate, more or less, all parties and classes in those States. On the other hand, to restrain that lawlessness which always unfavorably distinguished our people, but had become shockingly intensified by the habits taught our young men in military camps. How far in the former purpose I have been successful, the journals of the Legislature and the exposition of the State's finances made you to-day must illustrate. The effect of the measures adopted to suppress lawlessness, though visible everywhere, I will briefly review.

MILITIA AND POLICE ACTS.

Two of these measures were those known as the militia and State police laws. The feature of the former law looking directly to preservation of the peace was that delegating to the Governor power to suspend the laws within disturbed districts. I have fortunately been compelled to resort to this authority but on three occasions, though the knowledge that I possessed the power, and might exercise it, doubtless often prevented disturbances hurtful to the prosperity of our State, and averted the interference of the United States government, which nearly all of the reconstructed States have been subjected to. Under our Constitution, your houses have the granting or withholding of this power entirely confided to you, and if in your wisdom you conclude that the necessity for it has ceased, it would not be within the province of the Executive to object.

The State police has relieved the State of multitudes of bad characters, but I decidedly do not think their services can yet be dispensed with. Since their organization, two years and six months ago, the total cost of the police up to the first instant has been \$408,274.12, or an average annual cost of \$163,309.64. They have, so far as reported, during that time arrested 581 persons charged with murder, 760 charged with attempt to kill, 1748 charged with other felonies, and several thousands charged with lesser offenses. They have also recovered and returned to the owners a large amount of property, of which no account has been kept since the first six months, when about \$30,000 was so recovered.

In the execution of their duty eight policemen have on different occasions lost their lives, and a number have been wounded. Of necessity the efficiency of the police had been impaired of late by the depreciation of State warrants, in which they are paid, amounting generally to near half their nominal pay.

The report of the Adjutant General and *ex-officio* Chief of Police will show the condition and strength of the police, militia and State guard.

ACT REGULATING BEARING OF ARMS.

Another of the measures for preservation of the peace was the act of April 12, 1871, regulating the "keeping
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and bearing of deadly weapons." It had a most happy effect, and to secure its thorough enforcement I have offered a standing reward for the arrest and conviction of violators of it.

DEFALCATION OF THE LATE ADJUTANT GENERAL JAMES DAVIDSON.

The late Adjutant General, James Davidson, resigned on the fourth of November last. Shortly after his resignation it was discovered by the present officer that his accounts were incorrect, and an examination has developed a defalcation that appears to be upwards of thirty thousand dollars, though facts have not been ascertained to fix the amount precisely. As far as his accounts indicate, this defalcation commenced to accumulate within a few months past. The Comptroller having disregarded my instructions of the eighteenth of March last, which forbid the drawing of money from the Treasury without vouchers filed, showing lawful disbursement, he was furnished facilities for running up the greater part of this amount. Some thousands of the defalcation are represented by vouchers in the Treasury, on which he has drawn and embezzled the money that should have been paid to the claimants.

Prompt measures have been taken to recover the property, and also to cause the return to the State of this defaulter, and I have reason to hope that the sum embezzled will pretty much be made up.

FRONTIER DEFENSE AND INDIAN AFFAIRS.

All the companies (fourteen in number, with eight hundred and seventeen officers and men) for frontier defense, organized under the act of June 13, 1870, were discharged during or before 1871. Owing to the obstacles above alluded to, put in the way of my negotiation of the bonds for their support, and my consequent inability to pay and supply them, the efficiency of these companies was not as anticipated. The total amount of claims presented for their pay, support and equipment is \$455,321.03—of which \$451,154.48 has been approved.

Of minute companies authorized by the act of November 25, 1871, twenty-two, with four hundred and forty

men, have been organized. The total cost of these to first instant was \$21,692.75. I recommend the continuance of these companies in service, and that the Governor be authorized to enroll them for all the counties liable to Indian raids, and, in case of special necessity, more than one company in a county. This system of protecting the frontier, though not satisfactory, is the best the State finances can afford. As a further relief to the frontiersmen, I have adopted the practice of issuing to them arms belonging to the State, under regulations, to prevent waste. With this design I have requested that the quota of arms due us from the general government be issued of such kinds as may be most serviceable to those citizens, and the request has been granted.

The general government, I understand, now proposes to locate within the Indian Territory, all the Indians south of Kansas, and, by treaty or force, induce them to remain there. If this plan be adopted, and the Indians are put under such surveillance as will prevent their absence from the Territory, our State will be relieved from further attack by any Indians living within the United States. In aid partly of this plan, I permitted the chiefs confined in the penitentiary for murder, to be taken to the Territory for an interview with their people, and promised Executive pardon if they could induce all their tribes to surrender to the United States government, and give up their arms, horses and captives. They have been returned to the penitentiary, but I understand that their mission has been productive of good, and that the desired arrangement is likely to be effected.

PUBLIC LANDS.

The report of the Commissioner of the General Land Office shows 88,842,704½ acres as the estimated area of vacant public lands, against 86,751,855½ acres either patented or for which the State has become liable in the way of unlocated certificates.

THE CONSTITUTIONAL AMENDMENT.

While considering the subject of the public lands I can appropriately advert to the vote at the late general election on the amendment to the Constitution proposed by

the resolution adopted May 17, 1871. The vote as reported to the Secretary of State stood 57,611 "For," and 35,076 "Against" the amendment, but the names of the persons who voted on the amendment were not returned as required by the Constitution (Art. IX, Sec. L,) and my proclamation ordering the election. In fact under our election law it was not possible for the polling officers to furnish the names. If this defect in the returns be considered immaterial, the question of adoption of the amendment is before you for action.

CONVICTS PARDONED AND FINES REMITTED.

The report of the Secretary of State will furnish among other matters for your information the number of cases of pardon or commutation of sentence of convicts by the Executive since the last report, and also fines and forfeitures remitted with the reasons therefor.

IMMIGRATION.

The report of the Superintendent of Immigration evidences great activity in his bureau. He states the total increase of our population from immigration during the year 1872, at 91,600 persons. Part of this is estimated for those who came into the State by land, but I believe it rather an under estimate. To the labors of Mr. Loeffler and his agents, the State is largely indebted for these results. The bureau has been ably and economically conducted, and I recommend that a liberal appropriation be made for its support during the present and coming fiscal year. The amount he asks, \$89,200, is not too large for the ends proposed. This is one of those enterprises where I am sure judicious expenditure, within reasonable bounds, cannot fail to profit the State.

THE STATE ASYLUMS.

The condition of the asylums for the blind, deaf and dumb and lunatics is clearly laid before you by the reports from those institutions. In every respect their condition will be found satisfactory. The students and patients seem well taken care of. It is true, the Lunatic Asylum is too small for the patients now there, but they

are made as comfortable as possible under the circumstances. This asylum does not furnish accommodation to more than a third of that class of unfortunate persons within the State who should be there. I advise a suitable appropriation for its enlargement.

QUARANTINE.

Our coast has been kept free from epidemics. The enforcement of a rigid quarantine has thus demonstrated the utility of the law establishing it. Experience points out where some amendments of the law may be advantageously made, and such will be submitted to you during your session. As the decision of the United States Court at Galveston has cut off the revenue from shipping, which mainly supported the quarantine, you are called upon to supply the deficiency by an adequate appropriation.

AGRICULTURAL AND MECHANICAL COLLEGE.

The college for the benefit of agriculture and the mechanic arts was located at Bryan, and some progress made toward constructing suitable buildings, but that progress not being commensurate with the large share of the appropriation expended, I last summer suspended the work to await further legislation. The law is defective in not limiting clearly the power of the commissioners. Some objection has been made to the selection of Bryan, but, on the whole, I think it had better now remain there. Additional appropriation will be required to finish the college on the plan adopted by the commissioners.

JAILS AND COURT HOUSES.

Our county jails and court houses, especially the former, are very properly beginning to attract the attention of the public. Our jails are as bad as they can be. When so constructed as to secure prisoners confined in them, they become dens unfit for the habitation of wild beasts. When not made secure—and this is so in about four-fifths of all the counties—the constant escape of prisoners is made (as recently by the mob in Erath and adjoining counties) the excuse for wholesale murder of

persons accused of offenses. The jail here at the capital is a specimen of its kind, which it might be well to inspect. I called the attention of the last Legislature to this evil, and suggested, as a remedy, that the building of jails and court houses, and the collection of the taxes therefor, be taken charge of by the State.

THE STATE PENITENTIARY.

Under the law of March 22, 1871, I leased the penitentiary to Messrs. Ward, Dewey & Co., who took possession on the fifth day of July, 1871. The bid of those gentlemen was, on the whole, the best made, but it still leaves the State to meet part of the expense for transportation of prisoners. Under the management of the lessees, the penitentiary and the discipline of the convicts have greatly improved.

There were, on the first instant, 944 convicts in the penitentiary, against 489, the number confined there in February, 1870. This large increase of course does not indicate that the proportion of criminals among our people is increasing, but only that criminal justice is now better administered. The report of the directors, and other officers, and also that of the Rev. B. A. Rogers, who attended, as delegate from this State, the late International Congress for prevention and repression of crime, at London, England, will be laid before you, and I have to request that their recommendations be duly considered. Particularly I have to urge the immediate necessity for at least one additional penitentiary. This matter has before been brought by me to the attention of the Legislature.

REPORT OF THE ATTORNEY GENERAL.

The Attorney General's report states the work done in his department, and the facts and legal grounds which have moved him to bring certain suits, referred to in his report, against the "Houston and Texas Central Railroad," and the "Western Union Telegraph Company."

SPECIAL LEGISLATION OBJECTED TO.

Much valuable time is occupied at each session with the matter of private or special legislation. The most of

this can be put out of the way by general incorporation laws, of which one was passed at the last session, but which did not include railroad companies, and also made other exceptions. In permitting those exceptions the act is defective. There is no good reason why railroad companies may not, as well as others, be remitted altogether to a general incorporation act.

In regard to all other special legislation some relief is desirable, and, as far as I can judge of its effect, a practice similar to that of the English parliament might afford it. It is to be objected, certainly, that the Constitution of the English parliament differs too widely from ours for their practice to serve us as a safe guide, and there is some reason in that argument; but, at any rate, a trial might be made.

APPROPRIATION FOR CONTINGENT EXPENSES OF LEGISLATURE.

I took occasion, in a veto message sent in at the spring session of 1871, to object to the unsafe practice which had of late years grown up, of large appropriations for the very vague purpose of "contingent expenses of the Legislature." This practice commenced on a considerable scale with the Provisional Legislature of 1866. It is clearly unconstitutional, in that it assumes to set apart large sums of public money in such shape that the Executive has no opportunity to ascertain whether the purposes of the appropriation are legitimate, and cannot therefore advisedly exercise the veto power. A large portion of the aggregate cost of the last Legislature went out of the Treasury in this shape, and I have reason to believe that much of it was expended improperly.

RAILROADS WITHIN THE STATE.

Since my last regular message (two years), 567 additional miles of railroad have been completed and put in running order, measuring, together with 511 miles previously completed, a total of 1078 miles within the State. Great progress in the construction of railroads is now making, and there is good prospect that within the present year 500 miles more will be finished.

While these enterprises should be encouraged by legis-

lation, liberal within reasonable bounds, and we should honestly adhere to our engagements with them, our anxiety to develop our territory by their means should not blind us to the fact that these highways are ostensibly built for the convenience of the people, who accordingly may have some rights their corporations should be made to respect. The general railroad law of February 7, 1853, Section 15, gives the Legislature authority, at any time, to prescribe the rates of charge for travel and freight on the roads. I asked the last Legislature to act under that authority, but the matter was overlooked, and, because of its importance to the people, I again recommend it.

APPROPRIATION FOR THE CAPITOL AND GROUNDS.

As the seat of government has been fixed permanently at Austin, it may be well to begin to consider measures for building a suitable State House, in place of the present insufficient and temporary one. While our finances may not, at the moment, permit more than the preliminary surveys and estimates for such building, we may now, without much expense, commence to improve and beautify the grounds about the capitol and Governor's mansion, by grading and by planting trees and shrubbery. I therefore recommend an appropriation for these purposes.

APPORTIONMENT AND ELECTION OF SENATORS AND REPRESENTATIVES.

Under Sections XI and XXXIV, Article III, of the Constitution, an apportionment of Senators and Representatives must be made at this session. Under the construction given the similar provision, in the Constitution of 1845, an election should be had, after the apportionment, for *all the Senators*, without regard to length of term.

TIME OF NEXT GENERAL ELECTION.

The term of office of the present Executive should expire on the twenty-eighth day of April, 1874. The election law should therefore be changed so as to authorize a general election, at some day before that date, for State

officers, members of the Legislature, and such county officers as may be then elective.

AMENDMENT OF ELECTION LAW SUGGESTED.

I further recommend that the election law be amended to permit the opening of election polls within each of the justice's precincts, and to reduce the number of days of election from four to one. But, if these two amendments are adopted, they should be accompanied by provisions that will secure substantial protection to all classes of voters in the exercise of the elective franchise. The existing arrangement was the result of apprehensions that, at outlying precincts, all voters might not have that security.

GALVESTON CITY ELECTION.

As the charter of the city of Galveston enacts that the first election under it shall be held at the next general election for State officers, I could not order an election to be held there in November, as was done for other cities and towns. I recommend legislation directing an election of officers of that city on the first Monday of March next.

ESTIMATE OF RECEIPTS AND EXPENDITURES FOR STATE GOVERNMENT.

The Comptroller has failed to make me the annual report and estimate due from his office on the first Monday of last month. I can therefore only approximately estimate the receipts during the current and ensuing fiscal years. On the basis of the taxes assessed for the fiscal year 1871-2, the State *ad valorem* and occupation taxes for this year ought to be about \$1,430,000, and for the next about \$1,650,000, one-fourth of these sums going to the available school fund. Unless our manner of collecting the taxes is bettered, a large part of these amounts will not reach the Treasury during the years for which they are assessed. If our tax laws are corrected we may expect full collections, and the assessment for next year will also be considerably greater than I have estimated.

The estimates of expenditures will be sent to you within a few days.

I will close this communication by inviting a close scrutiny of the accounts and disbursements of all State officers. This is due to the people as well as to honest officers, who, being so, are entitled to relief from the scandalous imputations which in this day blacken the good and bad alike.

EDMUND J. DAVIS, Governor.

Mr. Russell moved that five hundred copies of the message be printed.

Mr. Morris moved to amend by inserting "five thousand."

Mr. Ireland moved that "three thousand copies be printed in English, two thousand in German, and one thousand in Spanish," which motion was accepted by Mr. Morris and adopted.

Mr. Mills moved that the chair appoint a committee on rules, of which Mr. Brown should be chairman. Motion adopted.

The Speaker appointed Messrs. Brown, Mills, Booty, Wood and Russell said committee.

Mr. Brown moved that Mr. Winkler be added to said committee, which was carried.

Resolution of yesterday, to elect a chaplain, now came up, and Mr. Mills moved to proceed at once to the election.

Nominations being in order, Mr. Mills nominated Rev. Mr. Rodgers; Mr. Story nominated Rev. Mr. Thornberry; Mr. Brown nominated Rev. Mr. Lovejoy; Mr. Russell nominated Mr. Parker; Mr. Wood nominated Rev. Mr. Roach.

Messrs. Powers, Corroll and Hollingsworth were appointed tellers.

Upon casting up the ballot, it appeared that Rev. John L. Lovejoy, of Denton county, had received a majority of all the votes cast, whereupon he was declared duly elected chaplain.

The reading of the bill to establish a system of public free schools was then resumed, read first time and passed to a second reading.

Mr. Brown offered the following joint resolution:

1. *Resolved by the Senate and House of Representatives of the State of Texas, That the thanks of the people of this State be and are hereby tendered Brevet Brigadier*

General McKenzie, of the United States Army, and the officers and men of his command, for their heroic conduct in their late brilliant victory over the hostile Indians on our northwestern frontier.

2. *Resolved*, That his Excellency the Governor be requested to transmit a copy of these resolutions to Gen. McKenzie, with a request that he will communicate the same to the officers and men of his command.

Resolution read and laid over under the rules.

Mr. Denton moved to adjourn till 7 P. M. Lost.

Mr. Ireland introduced a bill to be entitled "An act to allow any judge of the Supreme Court over the age of seventy years to retire from the bench, on full pay, and to provide for filling the vacancy thus created," which was read the first time, and laid over under the rules.

Mr. Russell offered the following joint resolution :

Be it resolved by the Legislature of the State of Texas, That section six of article nine of the Constitution of the State of Texas, be and the same is hereby amended, so as to rescind all of said section six, article nine, after the word "fund" in the eleventh line.

Mr. Nelson offered a memorial of the citizens of Sulphur Springs for the incorporation of said place.

On motion of Mr. Booty, the reading of the memorial was dispensed with, and it was referred to the Committee on Towns and City Corporations.

Mr. Killough offered the following resolution:

WHEREAS a resolution has passed to have printed six thousand copies of the Governor's message; and whereas there is no official State Printer, be it

Resolved, That until a State Printer shall have been elected, or until further ordered, the chief clerk be required to have all printing ordered by the House, done at such Democratic office as will do the same upon the best terms.

On motion of Mr. Brown it was laid over under the rules.

Mr. Ireland offered the following resolution:

Resolved, That the sergeant-at-arms be and is hereby directed to make investigation as to the number of rooms in the capitol building, and see by whom and for what purpose they are occupied, and put the necessary number in order for the various committees of this House.

Resolution adopted.

Mr. Miller moved to adjourn until 3 P. M. Lost.

Mr. Payne moved to adjourn until 10 A. M., to-morrow, which was carried.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, January 17, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

The following gentlemen were absent: Broaddus, Carroll, Diller, Ellett, Gaston, Gilpin, Phelps, Rossy, Sharp, Smith of Houston, and Veale.

Messrs. Broaddus, Carroll and Veale were excused on account of sickness.

The journal of yesterday was read, amended and adopted.

Mr. Booty offered petition of citizens of Caledonia, Rusk county, requesting prohibition of sale of liquors within one mile of that place. Read by caption and referred to Committee on Education.

Mr. Kemble offered the following resolution:

Resolved, That the Committee on Education be instructed to inquire and report, by bill or otherwise, to this House, at its earliest convenience, whether any, and if so, what legislation is necessary to protect the school fund now being collected.

Adopted.

Mr. Powers offered the following:

Resolved, That the Secretary of State be and is hereby requested to furnish to this House, at the earliest time practicable, the reasons for rejecting the votes cast at the late general election in the counties of El Paso, Presidio and Webb, in the Thirtieth Senatorial District of this State, and in connection therewith copies of all papers received at his office in any manner relating to the said election in said counties; also that said Secretary report to this House the names of all persons voted for at said election in said counties, the number of votes apparently received by each respective person for the various offices voted for in said district, including those cast in the rejected counties, and the names of the various persons who have been commissioned by the Governor as elected at such election in the said district.

Mr. Denton offered an amendment to include the counties of Wilson and Menard, of the Twenty-ninth District.

Amendment accepted and resolution adopted.

Mr. Denton offered a bill to legalize and make valid the recent election in Wilson county. Read first time and passed to second reading.

Mr. Morris offered the following:

Resolved, That the Committee on Education inquire and report to this House—

1. The money, bonds or debt belonging to the school fund.

2. The amount of lands located by railroads as alternate sections, whether located before or after the adoption of the present Constitution, and the counties in which said lands are located.

3. The amount of what was located as university lands, and in what counties located.

4. That they report any other property or effects that may be ascertained in their investigation.

5. That the information be reported in a plain, tabular form.

6. That said committee report by bill or otherwise, and have power, if necessary, to send for persons and papers.

Adopted.

Mr. Ireland, for the sergeant-at-arms, reported that there were but three rooms on the first floor of this building, and three in the basement, vacant.

Mr. Brown moved the Speaker be authorized to secure the necessary number of rooms for the different committees and two clerks. Adopted.

The Speaker decided that bills must precede resolutions.

Mr. Short offered a bill to repeal the militia laws, which was read and passed to second reading.

Mr. Short then moved the suspension of the rules to put the bill on second reading, which was refused.

Mr. Brown offered a bill to change the time of holding the courts of the Fourteenth Judicial District, which was read and passed to second reading.

Mr. Winkler offered a bill to incorporate the town of Corsicana, which was read by caption and passed to second reading.

Mr. Bledsoe offered a bill to repeal Section 5 of an act authorizing the levy of one per cent. school tax. Read and passed to second reading.

Mr. Tilson offered an act to allow citizens of Marion county to build a free bridge. Read and passed to second reading.

Mr. Sayers introduced a bill to regulate the proceedings in the District Courts. Read and passed to second reading.

Mr. Watts offered a bill to provide for the mileage pay of members of this House. Read and passed to second reading.

Mr. Joseph offered a bill to amend the charter of Galveston city. Read by caption, and on motion of Mr. Joseph, the rules were suspended and the bill put on second reading.

On further motion of Mr. Joseph, the bill was read a second time by caption and its engrossment ordered.

On motion of Mr. Brown, the bill was considered engrossed, and, under further suspension of the rules, put upon its third reading.

The bill was read third time by caption and passed.

Mr. Short offered the following :

Resolved, That the Committee on Privileges and Elections be and are hereby clothed with general authority to send for persons and papers in all contested election cases.

Carried.

Mr. Booty offered the following resolution :

WHEREAS, There are now many documents before this House and ordered to be printed; and

Whereas, The position of State Printer is vacant; therefore,

Resolved by the House of Representatives, the Senate concurring, That the two Houses of the Legislature, in joint assembly, proceed to the election of a public printer at 12 o'clock M. to-morrow.

Adopted.

Mr. Brown offered a joint resolution ratifying an amendment to the Constitution. Read and passed to second reading.

Mr. Berends offered the following :

Resolved, That the Judiciary Committee No. 1 be instructed to investigate the constitutionality and legality of the one per cent. school tax levied by the school direc-

tors of every county, while the general tax law levies properly only one-fourth of one per cent., to report to the House as early as possible, and to prepare such measures as they may deem proper to bring the question of that school tax to a legal settlement.

Adopted.

Mr. Morris offered the following :

Resolved, That the Committee on Education inquire into the expediency of framing a law for the government of public schools substantially on the following basis :

1. The school to be under the supervision of a general superintendent.

2. That the counties be laid off into convenient school districts, not exceeding two school houses in a district.

3. The school districts to elect three directors, or managers, who are to be a corporate body.

4. Taxation for school purposes, if desired, to be laid only by the tax payers of the district ; all other questions to be voted on by the qualified voters thereof. A two-thirds vote required to carry the question of taxation.

5. The school funds to be paid out of the State Treasury directly to the districts.

6. A scholastic census each year.

7. The district not having a sufficient number of students for a school, or from any other cause a school be not taught in a particular year, the share of the school fund to which it is entitled to be placed to its credit from year to year until a school be had, and if necessary be invested in safe interest bearing stocks. In counties too sparsely populated for any schools, to have credit for the *pro rata* share due its children.

8. These leading features to be supported with the necessary details to give them effect.

9. The managers of the school districts of each county to elect a superintendent for that county.

10. The law to apply only to what are termed common schools.

Adopted.

Mr. Allison offered the following :

Resolved, That the Committee on Constitutional Amendments be requested to report to the House at their earliest convenience such amendments and changes to the Constitution as they may deem advisable, embodying the whole in one report.

Adopted.

Mr. Sharp requested to be allowed to retire in favor of his contestant, and that the following remarks be spread upon the minutes :

MR. SPEAKER : I rise to a question of privilege. My seat in this House is contested by Mr. B. W. Brown, and the case is now before the Committee on Privileges and Elections. I came here upon the receipt of a certificate of election, believing it to be my duty to do so ; and further, that I was legally elected. I received no notice of contest until after I became a member of the House. Upon investigation, I feel that my competitor may be equitably entitled to his seat, believing that the returning officers of Upshur county have committed a mistake in returning the votes of that county for B. R. Brown, instead of B. W. Brown, or that the voters themselves have committed the mistake, and intended to give their suffrages to B. W. Brown.

I feel it due to my sense of honor, and the people among whom I have lived for seventeen years, to decline to hold my seat, unless my right to the same is unquestionable.

I therefore ask to be allowed to resign in favor of my contestant. I would also ask that these remarks be spread upon the minutes. Hoping the deliberations of your body may be tempered with moderation, and guided by justice, I will beg leave to retire.

(Signed)

ED. SHARP.

Mr. Ireland moved that Mr. B. W. Brown be seated at once, as member of this House from the Sixth Senatorial District, which was carried, and Mr. Brown was sworn in.

Mr. Anderson, of McLennan, offered the following :

Resolved, That the Committee on Printing and Contingent Expenses be required to examine an act entitled "An act regulating public printing," approved August 13, 1870, and report at as early a day as practicable, how far the same should be repealed or amended, touching documents to be printed, and the rates allowed for public printing.

Adopted.

Mr. Hollingsworth offered the following resolution :

Resolved, That the Committee on Public Printing be directed to inquire into the expediency of letting out the public printing to the lowest bidder, and report the result

of their consideration to the House before the election of public printer shall be taken up, on to-morrow.

Adopted.

Mr. Harrison offered the following :

Resolved, That the Secretary of State be requested to furnish one copy of Paschal's Digest to the chairman of each committee of this House for the use of said committees, said chairman receiving for and returning the same at the end of the session.

Adopted.

Mr. Storey offered the following :

Resolved, That that portion of the Governor's message suggesting the amending of the election laws of this State be referred to Judiciary Committee No. 1, and that said committee be requested to prepare and present an amendment to said law, providing for the holding of elections in the various precincts of the counties of this State.

Adopted.

On motion of Mr. Abbott leave of absence for ten days was granted to Richard Allen to enable him to procure testimony in his contested election case.

On motion of Mr. Allen Mr. Wilder was excused until the twentieth instant on account of sickness in his family.

Mr. Brown moved that Mr. Kleberg be added to Committee on State Affairs. Adopted.

On motion of Mr. Hollingsworth Mr. Westfall was added to Committee on Indian Affairs.

Unfinished business being next in order, the resolution of Mr. Mills to appoint a committee to investigate the accounts of De Gress was taken up.

Mr. Powers moved to amend by striking out all after the word "resolved" in the resolution, and inserting the following: "That the Comptroller of Public Accounts, be and he hereby is directed at the earliest practicable time to furnish this House with a complete account current of the receipts and disbursements of the public free school fund of this State, detailing specifically the sources, amounts, and times of receiving, and by whom paid in, and the amounts paid out, the times of such payments, to whom, upon whose order, for what purpose, and under what legal authority therefor, and embracing also all sums at any time drawn from the Treasury in gross, without specific designation of purpose, by any

person whatever, and under what legal authority and vouchers for such withdrawal ;" which was lost.

Mr. Anderson moved that the Speaker appoint the chairman of that committee without regard to the mover of the resolution, which was subsequently withdrawn.

On motion of Mr. Winkler the preamble to the resolution was stricken out.

On motion of Mr. Harrison, the clause providing for the employment of a clerk for said committee was stricken out.

Resolution adopted.

On motion, the resolution of Mr. Frankce, providing for two daily sessions, was referred to Committee on State Affairs.

Mr. Sayers moved a reconsideration of vote, which failed.

Mr. Brown offered a bill concerning town and city corporations, which was read and passed to second reading.

Mr. Mills moved to suspend the rules and read second time. Refused.

Mr. Booty moved to adjourn until 10 A. M. to-morrow, which was carried.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, January 18, 1873.

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

The following gentlemen failed to answer: Messrs. Broadus, Carroll, Diller, Phelps, Rossy, and Smith of Houston.

Messrs. Broadus and Carroll were excused on account of sickness.

The journal of yesterday was read, amended, and adopted.

Mr. Berends offered a petition of T. Van Hayer, which was referred to Judiciary Committee No. 2.

Mr. Booty moved the reconsideration of his resolution of yesterday to go into the election of public printer at 12 o'clock M. to-day. Adopted.

Mr. Ireland moved to postpone the whole matter until

Tuesday next at 12 o'clock M., and make it the special order of the day, which was carried.

Mr. Brown, of Dallas, chairman of the special committee on rules, submitted the following report :

COMMITTEE ROOM, AUSTIN, January 18, 1873.

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The special committee on the rules of the House instruct me to report back the rules of the House of Representatives of the last Legislature and recommend their adoption with the following amendments :

First amendment: In rule twenty-one, page seven, strike out all from the eighteenth to the end of the twenty-fifth line, and insert "after petitions, reports from committees and bills and resolutions are gone through, the Speaker shall dispose of."

Second amendment: In rule twenty-six, in the second line of page nine, strike out the words "put on the calendar for its second reading," and insert "read a second time by caption and referred, unless otherwise ordered by the House."

Third amendment: Strike out the last paragraph of rule twenty-six, and the whole of rule twenty-seven.

Fourth amendment: In rule forty-five, page thirteen, strike out clauses one and two.

Fifth amendment: In rule fifty-two add to the last clause of the rule, the words "without permission of the Speaker."

Sixth amendment: Strike out second line of rule seventy-seven, and insert "Committees on Judiciary No. 1 and No. 2," and after clause twenty-five insert "Committee on Constitutional Amendments."

Seventh amendment: Rearrange the numbering of the rules after rule twenty-six, so as to correspond with the proposed changes, and also the various numerical subdivisions affected in like manner.

J. H. BROWN, Chairman.

Report adopted.

Mr. Salter introduced a bill making an appropriation for locating the Robertson county school lands. Read; read second time by caption, and referred to Judiciary Committee No. 2.

Mr. Short introduced a bill concerning the settlement

of accounts at the State Treasury. Read and referred to Finance Committee.

Mr. Prendergast offered a resolution instructing Judiciary Committee No. 2 to inquire into the expediency of repealing the present probate law, and of re-enacting the law of 1848 on that subject, with such alterations and modifications only as time and experience may have shown to be necessary, and will adapt it to the changed jurisdiction, and report by bill or otherwise, which was read and laid over under the rules.

Mr. Wood offered a resolution that the Judiciary Committee, to whom has been referred that portion of the Governor's message on the subject of the present election law, be instructed by this House, in connection with the consideration of the aforesaid matter, also to inquire into the expediency of repealing or modifying the present registration law of this State, on the subject of voters, and to report by bill or otherwise, which was adopted.

Mr. Anderson, of McLennan, offered the following resolution :

WHEREAS, On the . . . day of January, A. D. 1871, A. J. Gathings, a citizen of the county of Hill, was arrested by the Adjutant General of this State, and compelled to pay a large sum of money to said adjutant in his official capacity, as by him assumed ; and

Whereas, it is the sense of this House that the propriety of reimbursing said A. J. Gathings said money should be inquired into ; therefore,

Resolved, That the Adjutant General be required to furnish to this House, on or before the twenty-third instant, a copy of the orders under which said Adjutant General acted in said affair, and a copy of the report of said adjutant of all his acts connected with the same, and of all records in his office pertaining thereto.

Adopted.

The Speaker then announced the following select committee to examine the accounts and vouchers of the Superintendent of Public Schools : Messrs. Mills, chairman ; Anderson of McLennan, Ellett, Powers, Kemble, Joseph, Wood and Van Zandt.

Mr. Brown, of Upshur, offered a bill to create the county of Roanoke and provide for its organization. Read and referred to Committee on Counties and County Boundaries.

Mr. Powers introduced a bill for the better protection of the archives in the Land Office. Read and referred to Committee on Public Lands and Land Office.

Mr. Watts introduced a bill to repeal an act providing for the mode and manner of conducting elections, and for the protection and purity of the ballot box. Read and referred to Judiciary Committee No. 1.

Mr. Lane introduced a bill to provide for the transcription of the surveyor's records of Hunt county. Read and referred to Judiciary Committee No. 2.

Mr. Brown, of Dallas, introduced a bill relating to fences in certain counties. Read and referred to Committee on Agriculture and Stock-raising.

Mr. Hollingsworth offered a joint resolution to amend Section 4, Art. 3, of the Constitution of the State of Texas. Read and laid over under the rules.

Mr. Ireland introduced a bill to regulate the practice in the Supreme Court. Read and referred to Judiciary Committee No. 1.

Mr. Russell offered a resolution that the Committee on Constitutional Amendments be instructed to inquire into the expediency of rescinding Section 46 of the Constitution of the State of Texas, and report by joint resolution or otherwise, so as to return to something like the old road system. Adopted.

Mr. Leyendecker offered the following resolution :

Resolved, That the chief clerk of the House be, and is hereby authorized to issue a *per diem* certificate for one day's service by James Henderson, as doorkeeper of this House, at the beginning of the present session and before the organization of this body.

Adopted.

Mr. Mills moved that the chairman of the committee on rules have one hundred and fifty copies of the revised rules of this House printed in book form, and that the standing committees of this House be incorporated therein. Adopted.

Mr. Watts introduced a bill to repeal "An act providing for the registration of voters." Read and referred to Judiciary Committee No. 1.

Mr. Rainey offered the following resolution :

WHEREAS, The Governor of the State of Texas did, on the day of, in the year, proclaim martial law in the counties of Limestone, Freestone and

Walker, by virtue of which proclamation the people of the aforesaid counties of Limestone, Freestone and Walker were unjustly taxed to sustain the execution of military law, to an amount not exceeding, perhaps, thirty thousand dollars; therefore, be it

Resolved, That the Adjutant General of the State be instructed to report to the House of Representatives, on or before the fifteenth day of February, such facts concerning the assessment and collection of the military tax aforesaid as to enable the House to take such action as will be necessary to reimburse the citizens of the aforesaid counties of Limestone, Freestone and Walker, and that he be requested to furnish all the information in regard to the declaration and enforcement of martial law in said counties.

Adopted.

Mr. Bordeaux offered the following resolution:

1. *Resolved*, That the Committee on Indian Affairs inquire into the extent of Indian depredations on our frontier, committed within the year A. D. 1872, and report the same to this House, with recommendations for appropriate relief.

2. That the sergeant-at-arms be required to furnish said committee stationery and such printed blanks for correspondence as may be directed by said committee.

Adopted.

Mr. Anderson of McLennan offer the following resolution:

Resolved, That Judiciary Committee No. 1 be required to inquire into and report at a day as early as possible whether the Legislature can, under the provisions of the Constitution, re-district the State into judicial districts, so as to lessen the present number of such districts.

Adopted.

Mr. Killough offered a joint resolution to amend Section 6 of Art. V of the Constitution of the State of Texas. Read and passed to second reading.

Mr. Joseph introduced a bill for the benefit of persons who have actually cultivated and improved lands on Galveston Island. Read and referred to Committee on Public Lands.

Mr. Hollingsworth moved that Messrs. Ireland and Smith be added to the Committee on Finance. Adopted.

Mr. Anderson of McLennan moved that a seat on the

floor of this House be tendered the widow of Commodore Edwin W. Moore, of the Texas Navy. Granted.

Mr. Noeggerath introduced a bill to repeal certain sections of an act organizing the courts of justices of the peace. Read and referred to Judiciary Committee No. 1.

Mr. Brown of Dallas introduced a bill in relation to the ear-marks of certain live stock. Read and referred to Committee on Agriculture and Stock-raising.

Unfinished business being in order, bill No. 1, to repeal the law establishing State police, was brought up, read second time and referred to Committee on Military Affairs.

The bill to establish a system of free schools was read second time and referred to the Committee on Education.

The McKenzie resolution then came up, and Mr. Ireland offered an amendment, when both were referred to Committee on Federal Relations.

A message from the Governor was announced.

Joint resolution proposing amendment to section six of article nine of the Constitution of the State of Texas was read and referred to Committee on Constitutional Amendments.

The bill to allow judges of the Supreme Bench over the age of seventy to retire on full pay was read second time and referred to Judiciary Committee No. 1.

The bill to legalize the election in Wilson county was read second time and referred to Committee on Privileges and Elections.

Joint resolution ratifying an amendment to the Constitution of the State of Texas was read second time and referred to Committee on Constitutional Amendments.

The bill to repeal the militia laws was read second time and referred to Committee on Military Affairs.

The bill to change the time of holding courts of the Fourteenth Judicial District was read second time and referred to Committee on State Affairs.

The bill to incorporate the city of Corsicana was read by caption the second time and referred to Committee on Town and City Corporations.

The bill to repeal section 5 of the act establishing a system of public schools then came up, and was read second time.

Mr. Wood offered an amendment. Referred with bill to Committee on Education.

Mr. Armstrong moved that Messrs. Morris and Ford be added to the Committee on Education.

Adopted.

The bill to build a bridge over Cypress creek was read second time and referred to Committee on Roads, Bridges and Ferries.

The bill to regulate proceedings in District Courts was read second time and referred to Judiciary Committee No. 1.

The bill making an appropriation for the mileage and pay of members of this House was read second time and referred to Committee on Finance.

The bill relating to town and city corporations was read second time and referred to Committee on Town and City Corporations.

The bill to incorporate the city of Fort Worth was read second time and referred to Committee on Town and City Corporations.

The communication from the Governor with accompanying enclosure was read and referred to the Committee on Finance.

On motion of Mr. Brown, a seat on the floor of this House was tendered Hon. Galusha A. Grow, former Speaker of the House of Representatives of the United States.

Mr. Storey offered the following resolution:

Resolved, That the Committee on Constitutional Amendments be instructed to inquire into the expediency of amending the Constitution of the State as follows: Section 1, article 3, amend by striking out the words "and is duly registered," in eighth and ninth lines. Amend section 14, article 3, by striking out the word "registered" in second line. And that said committee report by resolution or otherwise.

Adopted.

On motion of Mr. Prendergast, House adjourned until Monday at 10 A. M.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, January 20, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

The following gentlemen failed to answer to their names: Messrs. Davenport, Diller, Ellett, Gallaway, Gaston, Gilpin, Phelps, Rossy, Smith of Houston, Tivy, Veale and Walker.

Messrs. Davenport and Tivy were excused on account of sickness.

The journal of Saturday was read and adopted.

Mr. Berends moved that Mr. Leyendecker be added to the Committee on Education. Adopted.

Mr. Brown of Dallas moved that Mr. Killough be added to the Committee on Agriculture and Stock Raising, and Mr. Hoffman to the Committee on Indian Affairs.

Mr. Winkler presented a protest of citizens of Corsicana against incorporating said place. Referred to Committee on Town and City Corporations, with recommendation that the whole matter await further papers to be sent in.

Mr. Harrison offered a petition of G. H. Lanier. Read and referred to Committee on State Affairs.

On motion of Mr. Ireland, the Speaker was authorized to appoint an assistant doorkeeper.

The Speaker appointed L. D. Miller.

Mr. Ireland offered a memorial of H. M. Elmore, T. J. Goree and J. M. Dunham, contesting the seats of J. H. Washington and J. S. Mills in this House. Read and referred to the Committee on Privileges and Elections.

Mr. Armstrong moved that Mr. Short be added to the Committee on Education. Adopted.

Mr. Thurmond moved that Mr. Brown of Dallas be added to the Committee on Counties and County Boundaries. Adopted.

Mr. Brown of Dallas moved that Mr. Doyle be added to the Committee on Public Lands. Adopted.

Mr. Joseph offered a petition of James Smyth, which was read and referred to the Committee on Private Land Claims.

Mr. Van Zandt offered a petition of certain citizens of Tarrant county, asking the enactment of a stock law,

which was referred to the Committee on Agriculture and Stock Raising.

Mr. Booty offered a petition of citizens of Woodsin, Panola county, asking the prohibition of the sale of intoxicating liquors within two miles of said place. Referred to the Committee on Town and City Corporations.

Mr. L. D. Miller came forward and took the oath as assistant doorkeeper.

Mr. Green presented a petition to incorporate the Hempstead Real Estate, Building and Banking Association of Austin county. Read and referred to Committee on Finance.

Mr. Sayers offered a petition of citizens of Gonzales county, for authority to construct a bridge over Guadalupe river. Read and referred to the Committee on Town and City Corporations.

Mr. Wood introduced a bill to authorize the Commissioner of the General Land Office to issue headright certificates and bounty and donation warrants for land to certain persons entitled to the same. Read and referred to the Committee on Private Land Claims.

Mr. Nelson introduced a bill for the relief of the counties of Delta and Raines. Read and referred to the Committee on State Affairs.

Mr. Denton introduced a bill for the encouragement and protection of the farming interests of Texas. Read and referred to the Committee on Agriculture and Stockraising.

Mr. Rimes introduced a bill to incorporate the Falls County Real Estate and Savings Association. Read by caption and referred to the Committee on State Affairs.

Mr. Cunningham introduced a bill for the encouragement of the manufacture of agricultural implements in this State. Read and referred to the Committee on Agriculture and Stockraising.

Mr. Morris offered the following resolution :

Resolved, That that part of his Excellency the Governor's message relating to State bonds and finance, be referred to the Committee on Finance; that part relating to the Treasurer's report, to the Committee to Examine the Comptroller's and Treasurer's Offices; that part in relation to the school law and public schools, to the Committee on Education; that part in relation to the militia and police, be referred to the Committee on Military Affairs; that part relating to the defalcation of the late

Adjutant General, be referred to the Committee on Military Affairs; that part relating to frontier defenses and Indian affairs, be referred to the Committee on Military Affairs; that part relating to the constitutional amendments, be referred to the Committee on Constitutional Amendments; that part relating to immigration and quarantine, be referred to the Committee on State Affairs; that part relating to agriculture and mechanics, be referred to the Committee on Agriculture and Stock-raising; that part relating to jails and court houses, be referred to the Committee on State Affairs; that part relating to the State asylums, the report of the Attorney General and special legislation, be referred to the Committee on State Affairs; that part relating to the State Penitentiary, be referred to the Committee on the State Penitentiary; that part relating to the appropriation for contingent expenses, be referred to the Committee on Printing and Contingent Expenses; that part in relation to railroads within the State, be referred to the Committee on Internal Improvements; that part relating to the appropriation for the Capitol and grounds, be referred to the Committee on Public Buildings and Grounds; that part in relation to the next general election, the amendment of the election law, and the apportionment of Senators and Representatives, be referred to the Committee on Privileges and Elections; that part relating to the estimate of receipts and expenditures for the State government, be referred to the Finance Committee.

Adopted.

Mr. Payne introduced a bill to repeal sections thirty-one and thirty-two of an act concerning private corporations, approved December 2, 1871. Read and referred to Committee on Town and City Corporations.

Mr. Brown, of Dallas, offered a resolution authorizing the Speaker to appoint a committee on apportionment, to be composed of one from each senatorial district, whose duty it shall be to prepare and report to this House bills dividing the State into six congressional districts, and also rearranging the senatorial and representative districts of the State, and that said committee be authorized to sit in conjunction with any similar committee appointed by the Senate.

Adopted.

Mr. Hester offered the following resolution :

Resolved, That the Committee on State Affairs be instructed to inquire into the propriety and practicability of inaugurating by legislative enactment a more perfect system of labor in the State of Texas, and report the same to this house as soon as practicable by bill or otherwise.

Adopted.

Mr. Russell introduced a bill to amend section six of an act entitled "An act to give effect to the several provisions of the Constitution concerning taxes," approved April 22, 1871. Read and referred to Committee on Finance.

Mr. Payne introduced a bill to amend Article 2850 of the Code of Criminal Procedure. Read and referred to Judiciary Committee No. 1.

Mr. Berends introduced a bill to establish two institutions of learning, to be called lyceums or seminaries. Read and referred to Committee on Education.

Mr. Winkler introduced a bill to incorporate the city of Brenham, and to grant a new charter to said city. Read by caption and referred to Committee on Town and City Corporations.

Mr. Mills asked leave of absence for fifteen days for Richard Williams and James H. Washington, to procure testimony in their contested election cases. Granted.

Mr. Adriance introduced a bill to consolidate the Houston Tap and Brazoria Railway, the Huntsville Branch Railway, and the Victoria and Columbia Railway with the Houston and Great Northern Railway. Read and referred to the Committee on Internal Improvements.

Mr. Chambers introduced a bill to repeal an act entitled "An act to encourage stock raising, and for the protection of stock raisers." Read and referred to Committee on Agriculture and Stock Raising.

Mr. Thurmond introduced a bill to amend the second and thirteenth sections of the act incorporating the Rockport, Fulton, Laredo and Mexican Pacific Railroad Company. Read and referred to Committee on Internal Improvements.

Mr. Storey introduced a bill regulating juries. Read and referred to Judiciary Committee No. 2.

Mr. Sayres offered the following resolution :

Resolved, That the Finance Committee be instructed to inquire into the propriety of the institution of suit against

Messrs. Raymond & Whitis of Austin, by the State, for the recovery of forty-three of the four hundred thousand dollars of ten per cent. currency bonds, authorized by the act of May 19, 1871, claimed to have been taken fraudulently from their possession, and also for the recovery of the one and a half per cent. commission retained by those parties in excess of the rate allowed by law on the sale of two hundred and fifty-seven of the same bonds.

Adopted.

Mr. Brown, of Dallas, offered the following resolution :

Resolved, That the Secretary of State be requested to transmit to this House a tabular statement, showing the number of registered voters in each county of the State, according to the latest returns in his office, and, if practicable, showing in separate columns the number of white and colored voters in each county.

Adopted.

Mr. Kleberg introduced a joint resolution, proposing an amendment to Section 15 of Article 12 of the Constitution of the State of Texas. Read and laid over under the rules.

Mr. Booty introduced a joint resolution, proposing the repeal of Section 40 of Article 12 of the Constitution of the State of Texas. Read and laid over under the rules.

Mr. Payne offered the following resolution :

Resolved, That the Committee on Constitutional Amendments be required to examine into the expediency of providing by law for calling a convention to revise the present Constitution of the State, and report their deliberations to this House, by bill or otherwise.

Adopted.

Mr. Broadus offered the following resolution ;

Resolved, That that portion of the Governor's message relating to the Agricultural and Mechanical College, be referred to a special committee of five, to be appointed by the Speaker.

Adopted.

Mr. Storey offered the following resolution :

Resolved, That the Committee on Public Buildings and Grounds be instructed to inquire and report to this House by what authority the Superintendent of Public Instruction occupies three rooms in the Capitol building ; and whether or not so many rooms are necessary to carry

out the business of that office; and whether or not, during the sessions of the Twelfth Legislature, rooms were fitted up and furnished at the public expense in the Capitol buildings, for the President of the Senate and Speaker of the House, and, if so, what has become of the furniture so furnished by the State?

Adopted.

Mr. Berends introduced a bill for the relief of Agapito Cervantes, Leandro Garza, Esleban Vasquez, widow and heirs of Francisco Cortina, Narcisso Gaona, Eduardo Hernandez, Encarnacion Garcia and Juan Ximenes. Read and referred to Judiciary Committee No. 1.

Mr. Ford introduced a bill concerning the practice of medicine. Read and referred to Committee on State Affairs.

Mr. Powers introduced a bill amending the act in relation to the location, survey and return of genuine land certificates, passed April 25, 1871, approved November 29, 1871. Read and referred to Committee on Public Lands and Land Office.

Mr. Brown, of Dallas, introduced a bill establishing a uniform time for the election of municipal corporations. Read and referred to Committee on Town and City Corporations.

Mr. Booty moved that Mr. Robb be added to the Committee on Military Affairs. Adopted.

The Speaker announced the special committee on the Agricultural and Mechanical College: Broadus, chairman; Winkler, Prendergast, Mills and Ghent.

A letter from Hon. G. A. Grow, thanking the House for the honor of a seat on its floor, was read.

Mr. Trolinger offered the following resolution:

Resolved, That the Committee on Constitutional Amendments be instructed to take into consideration and report to this House upon the expediency of the amendment of so much of sections 9 and 18, of article 5, of the Constitution which gives the district judge the power to remove from office sheriffs and district clerks.

Adopted.

Mr. Ireland offered the following resolution:

Resolved, That the Committee on Internal Improvements be required to inquire into the conduct of railroad corporations in this State; that said inquiry relate to the quality of coaches used, the general department of con-

ductors and other employes, the accommodations on the various lines of road in the way of depot shelters for passengers, rates of fare and freight, and such other matters as may be pertinent; and that said committee report by bill or otherwise what legislation, if any, is necessary to secure the public in their rights.

Adopted.

Mr. Lane introduced a bill to prohibit the sale of intoxicating or vinous liquors within two miles of Pleasant Grove Academy, Hunt county. Read and referred to Committee on Education.

Mr. Smith of Colorado introduced a bill relating to appeals to the Supreme Court from interlocutory judgments in the district courts. Read and referred to Judiciary Committee No. 2.

Mr. Anderson of McLennan introduced a resolution to repeal section forty-four of article twelve of the Constitution of the State of Texas. Read and laid over under the rules.

Mr. Armstrong introduced a bill to repeal an act regulating public printing. Read and referred to Committee on Public Printing and Contingent Expenses.

Mr. Adriaance introduced a bill to change the name of the Houston and Great Northern Railway. Read and referred to Committee on Internal Improvements.

Reports of standing committees being next in order, Mr. Armstrong submitted the report of the Committee on Education, as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on Education, to whom was referred a bill to be entitled "An act to repeal section five of an act to organize and maintain a system of public free schools in the State of Texas, passed April 24, 1871," have considered said bill, approve its objects, and recommend the adoption and passage of the accompanying substitutes, to-wit: A bill entitled "An act to repeal section five of an act entitled an act to organize and maintain a system of public free schools in the State of Texas, approved April 24, 1871," and a bill entitled "An act requiring treasurers of the board of school directors to give bond and security."

JAMES ARMSTRONG, Chairman.

Mr. Berends moved to recommit the whole matter to the Committee on Education for further consideration.

The House refused to recommit.

On the question of the adoption of the substitutes, the yeas and nays were called for and resulted as follows:

Yeas—Mr. Speaker, Adriance, Allison, Anderson of McLennan, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Brown of Upshur, Carroll, Chambers, Cunningham, Day, Denton, Doyle, Eastland, Ford, Ghent, Gillette, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Morris, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Roseborough, Russell, Salter, Sayers, Scott, Shaw, Shelton, Smith of Colorado, Storey, Thurmond, Tilson, Tom, Trolinger, Van Zandt, Venters, Watts, Westfall, Winkler and Wood—60.

Nays—Messrs. Abbott, Anderson of Montgomery, Ellett, Franke, Green, Mabry, Michael, Mills, Moore, Roberts, Washington, Wilder and Williams—13.

The substitutes were declared adopted.

Mr. Berends offered the following amendment:

Sec. 5. The county courts are hereby authorized to order, out of the funds transferred to the county treasurer, the payment, in part or in full, of the salaries of teachers, but teachers only who, by certificate of the board of directors, prove that they are engaged in the public free schools, and continue to teach regularly their respective schools, and have not received the salary due to them.

Sec. 6. The treasurer of the county shall keep a separate account of all the money received and disbursed from this school fund, and shall, for this part of his duty, receive the same compensation as he may receive for his regular duties.

Which was lost.

Mr. Winkler offered the following amendment:

Amend section two by inserting, after the word "bond," the following words: "With good and sufficient security to the presiding justice of the county, naming him and his successors in office."

Adopted.

Mr. Ireland offered the following amendment:

Provided, this act shall not be construed as an expres-

sion of opinion that said fifth section ever authorized the collection of the one per cent. tax now being collected.

Adopted.

Mr. Denton offered the following amendment:

Sec. —. That this act shall not operate to release any person or persons from the payment of any taxes heretofore levied by the directors of any school district.

Mr. Short moved the previous question, which was seconded.

The main question ordered.

Bill was then ordered to be engrossed, and read a third time.

Mr. Harrison moved to adjourn until 10 A. M., to-morrow, which was carried.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, January 21, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

The following gentlemen failed to answer to their names:

Messrs. Gilpin, Nelson, Phelps, Rossy, Smith of Houston, and Walker.

The journal of yesterday was read and adopted.

The Speaker announced the following list of the apportionment committee:

District No. 1, Ford; No. 2, Robb; No. 3, Rainey; No. 4, McDonald; No. 5, Booty; No. 6, Brown, of Upshur; No. 7, Moore; No. 8, Scott; No. 9, Shaw; No. 10, Nelson; No. 11, Shelton; No. 12, Joseph; No. 13, Abbott; No. 14, Michael; No. 15, Washington; No. 16, Wilder; No. 17, Carroll; No. 18, Manning; No. 19, Rimes; No. 20, Gillette; No. 21, Brown, of Dallas, chairman; No. 22, Bordeaux; No. 24, Kleberg; No. 25, Hester; No. 26, Noeggerath; No. 27, Sayers; No. 28, Westfall; No. 29, Hoffman; No. 30, Gilpin.

On motion of Mr. ———, Mr. Smith, of Houston, was excused from attendance until he should arrive, on account of sickness in his family.

On motion of Mr. Abbott, Mr. Phelps was excused in like manner.

The report of the Committee on Education then came up, under unfinished business, and the original bill and substitute having been read, the substitute was adopted.

The bill was then read the second time, and ordered to be engrossed.

Mr. Ireland moved to call up the resolution to elect a public printer, and amend the same by inserting "12 M., to-day." Adopted.

Mr. Brown of Dallas moved to amend by striking out "12 M." and inserting "1 P. M." Adopted.

Petitions and memorials being next in order, Mr. Joseph offered a petition of E. T. Austin, R. & D. G. Mills, and Ballinger & Jack, for protection and relief from the sale of land in other counties by the officers thereof, on which the taxes had been paid, and to declare all such sales void. Read by caption and referred to Judiciary Committee No. 2.

A messenger, with communication from the Senate, was announced.

Mr. Short offered a petition of F. B. Dixon for relief for John B. Dillian, in relation to a land claim in San Augustine county. Referred to Committee on Private Land Claims.

Reports were then called for.

Judiciary Committee No. 2 reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred the memorial of T. Van Hagen, beg leave to report that they are unable to discover that any legislative action is necessary, and they therefore return said paper to this House.

IRELAND, Chairman.

Report adopted.

The same committee submitted a second report as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House bill No. 26, beg leave to report that they are of opinion that the objects of said bill are fully met by the act of November 6, 1871, to be found in the acts of the second ses-

sion of that year. The committee therefore respectfully return said bill, and recommend that it do not pass.

IRELAND, Chairman.

Adopted.

The Chairman of the Committee on Finance reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on Finance, to whom was referred the bill to be entitled, "An act making an appropriation for mileage pay of members," have considered the same, and have instructed me to report said bill to the House and recommend its passage.

W. W. MORRIS, Chairman.

Senate bill No. 11, entitled, "An act making an appropriation for the mileage and per diem pay of the members and the per diem pay of the officers and employés of the Thirteenth Legislature," was taken up and substituted for the House bill.

On motion of Mr. Winkler the bill was then read second time and passed to third reading.

A communication from the Governor, relating to the Comptroller's report, was read, and, on motion of Mr. Brown of Dallas, was referred, with accompanying documents, to a special committee of seven, to be appointed by the Speaker, of which Mr. Powers should be chairman.

The chairman of the Committee on Military Affairs reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on Military Affairs, to whom was referred House bill No. 1, to be entitled, "An act to repeal an act to establish a State police, and provide for the regulation of the same, approved July 1, 1870," and also to repeal "An act to amend an act entitled an act to establish a State police, and provide for the regulation of the same, approved May 2, 1871," respectfully report that we have examined the same, and fully believing that the real or supposed necessities that caused the enactment of the bills proposed to be repealed by this act under consideration have ceased to exist, we unanimously recommend its passage.

JAMES M. ANDERSON, Chairman.

On motion the bill was ordered to be engrossed.

The following additional report was also submitted :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on Military Affairs, to whom was referred House bill No. 11, entitled "An act to repeal an act entitled an act to provide for the enrollment of the militia, the organization and discipline of the State guards, and for the public defense, approved June 24, 1870," and also to repeal an act entitled "An act to amend an act entitled an act to provide for the enrollment of the militia, the organization and discipline of the State guards, and for the public defense, approved April 12, 1871," respectfully report that we have carefully examined the same, and unanimously recommend the passage thereof.

JAMES M. ANDERSON, Chairman.

The report was adopted and the bill ordered to be engrossed.

The following report of the Committee on Town and City Corporations was then read :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on Town and City Corporations, to whom was referred House bill No. 44, entitled "An act to incorporate the city of Brenham and grant a new charter," have had the same under consideration, and have unanimously instructed me to report the same favorably and to recommend that the said bill pass. The committee further say that owing to supposed legal defects in the old charter of the city of Brenham, some unpleasant complications threaten to arise, and therefore most respectfully urge upon the House as speedy action upon this bill as is compatible with the public safety and interests; all of which is most respectfully submitted.

W. D. WOOD, Chairman.

The bill was then read second time and ordered to be engrossed.

On motion of Mr. Booty, it was considered engrossed; the rules suspended and the bill passed by a two-thirds vote.

The chairman of the Committee on Privileges and Elections, reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on Privileges and Elections, to whom was referred House bill No. 10, entitled "An act to legalize and make valid the recent elections in Wilson county," have had the same under consideration and have instructed me to report the same back to the House and recommend its passage.

SHORT, Chairman.

The bill was ordered to be engrossed.

The chairman of Committee on Engrossed Bills reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined House bill No. 18, "An act to amend the first section of article two of title two of an act to incorporate the City of Galveston, and to grant a new charter to said city, and to repeal all acts heretofore passed incorporating said city, which may be in force by virtue of any existing charter, approved May 16, 1871," and find the same correctly engrossed.

A. J. BOOTY, Chairman.

The chairman of Committee on Education reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Education, to whom was referred the petition of citizens of Caledonia, in Rusk county, Texas, having duly considered the same, instruct me to report the accompanying bill and recommend its passage.

ARMSTRONG, Chairman.

Bill was then read by caption and passed to second reading.

A message from the Senate, announcing that the Senate had refused to suspend its rules regulating the order of business to take up the concurrent resolution of the House, inviting the Senate to meet the House in joint session at 1 o'clock for the purpose of electing a public printer, was received.

Mr. Short offered a resolution as follows :

Resolved, That the Speaker be authorized to appoint a temporary sergeant-at-arms, for the purpose of summon-

ing witnesses in the contested cases now pending before the House, and that said appointment shall cease when said witnesses are so summoned, or when said deputy returns on the subpoenas that any of the witnesses are not to be found.

Adopted.

Mr. Gallaway introduced a bill to incorporate "Odd Fellows' Male and Female College," at Pittsburg, in Upshur county. Read and referred to Committee on Town and City Corporations.

Mr. Hollinsworth offered the following resolution :

WHEREAS, a deficiency in former appropriations for the support of the State government, estimated, as shown by the Governor's message, at one hundred and fifty thousand dollars, due the judiciary, the officers and employes of the government, since September 1, 1872 up to the first instant ; and

Whereas, said officers and employes are unable to obtain their warrants in consequence of there being no appropriation to cover said deficiency ; therefore, be it

Resolved, That the Committee on Finance be required to examine into the matter of this deficiency and report the result of their investigation by bill or otherwise.

Adopted.

The Speaker appointed Robert J. Blow temporary sergeant-at-arms.

Mr. Washington introduced a bill to reincorporate the city of Navasota, and to repeal an act approved October 27, 1866, incorporating the city of Navasota. Read by caption and referred to Committee on Town and City Corporations.

Mr. Sayers introduced a joint resolution to repeal sections one and two, of article eleven, of the State Constitution. Read and referred to Committee on Constitutional Amendments.

Mr. Brown of Upshur offered the following resolution :

WHEREAS, There seems to be a discrepancy existing between article three, section one, and article six, section one, of the Constitution of the State, one of them requiring a residence on the part of the voter of only sixty days, and the other allowing the exercise of the elective franchise unto those who have resided six months in the county next preceding the election at which the party proposes to vote ; and

Whereas, Neither requires that the voter shall have paid a poll tax during the year in which he proposes to vote; therefore,

Resolved, That the Committee on Constitutional Amendments be required to examine said articles, and to report at their earliest convenience a joint resolution proposing such amendments as will cover the defects above recited.

Adopted.

Mr. Payne introduced a joint resolution amending section one of article one of the Constitution of the State of Texas. Referred to Committee on Constitutional Amendments.

Mr. Kemble offered the following resolution :

Resolved, That in the event of the bill suspending the collection of the one per cent. school tax throughout this State, now pending, becoming a law, it is the sentiment of this House that it do proceed before the close of this session to legislate in regard to the tax heretofore collected, so as to equalize the burdens of taxation between those who have and those who have not paid said one per cent. tax.

Adopted.

Mr. Sayers offered a joint resolution repealing section forty, article twelve, of the State Constitution. Read and referred to Committee on Constitutional Amendments.

On motion of Mr. Russell, Mr. Carroll was added to the Committee on Federal Relations.

Mr. Killough introduced a bill to repeal an act entitled "An act for the protection of poor persons in cases of appeal in civil suits." Read by caption and referred to Judiciary Committee No. 2.

On motion of Mr. Ellett, Mr. Shaw was added to the Committee on Internal Improvements.

Mr. Powers introduced an act in aid of the financial condition of Cameron county. Read and referred to Judiciary Committee No. 1.

Mr. Green introduced a bill relating to fences in certain counties. Read and referred to Committee on Agriculture and Stock Raising.

Mr. Brown of Dallas introduced a bill to amend "An act to incorporate the Dallas and Wichita Railway Company." Read by caption and referred to Committee on Internal Improvements.

Mr. Ireland introduced a bill to repeal all laws or parts

of laws authorizing any person, departments or heads thereof, to have printing done at the expense of this State or the counties thereof. On motion of Mr. Ireland the rules were suspended, and the bill put on its second reading. On further motion of Mr. Ireland the rules were further suspended and bill put on its third reading.

Mr. Gallaway moved to adjourn until ten o'clock tomorrow morning. Lost.

On motion the bill was then read the third time and passed by a two-thirds vote.

Mr. Abbott offered the following resolution:

Resolved, That the Speaker of the House of Representatives be authorized and requested to employ two pages at two dollars per day, to be employed in this House, to attend on members during sessions.

Mr. Mills moved to amend by striking out "two" and inserting "four." Lost.

Mr. Westfall moved to lay the bill on the table, which was carried.

Mr. Killough introduced a bill to be entitled "An act to incorporate the Colorado, Austin and Lampasas Railway Company." Read by caption and referred to Committee on Internal Improvements.

The Speaker announced the following special committee on the communication from the Governor: Messrs. Powers, chairman, Adfiance, Allison, Green, Ireland, Payne and Winkler.

Mr. Winkler introduced a bill to authorize and require sheriffs and constables to execute process ordered by the Legislature. Referred to Judiciary Committee No. 1.

Mr. Short introduced a bill to repeal an act entitled "An act to regulate the keeping and bearing of deadly weapons," and moved to refer it to the Committee on State Affairs, which was carried.

Mr. Denton moved to adjourn until 10 A. M. tomorrow. Carried.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, January 22, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

The following gentlemen failed to answer to their names:

Messrs. Diller, Doyle, Gillette, Nelson, Rossy, Smith of Colorado and Walker.

Messrs. Gillette and Nelson were excused on account of sickness.

The journal of yesterday was then read and adopted.

Mr. Morris, by leave of the House, made a special report as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on Finance to whom was referred his Excellency the Governor's message, transmitting a communication from the Hon. W. S. Herndon, suggesting legislation as necessary to obtain from the United States the balance remaining in the United States Treasury of the five million seven hundred and fifty-thousand dollars, retained out of the ten millions of dollars agreed to be paid Texas for the purchase of the territory including New Mexico, for the purpose of paying the creditors of the late Republic of Texas named in the act of Congress of the twenty-eighth of February, 1855, have considered the same, and have instructed me to report the accompanying bill and recommend its passage.

MORRIS, Chairman.

A bill to be entitled "An act to authorize the Comptroller of Public Accounts to receive from the Secretary of the Treasury of the United States the balance of the fund appropriated by the acts of September 9, 1850, and February 28, 1855, for the payment of the creditors of the late Republic of Texas."

The bill was then read, and on motion of Mr. Morris, the rules were suspended and the bill put on its second reading. The bill was then ordered to be engrossed.

On motion, the bill was considered engrossed and put on its third reading. The rules were then further suspended, the bill read a third time and passed.

On motion of Mr. Watts, Senate Bill No. 10 was then

taken up out of its regular order. The bill was read the first time and passed to a second reading.

On motion, the rules were suspended and the bill read a second time.

Mr. Brown, of Dallas, offered a substitute as follows:

A bill to be entitled "An act to repeal sections three and four of an act regulating public printing, approved August 13, 1870," which was adopted.

On motion, the bill was ordered engrossed and put on its third reading.

The yeas and nays were ordered, and resulted as follows:

Yeas—Mr. Speaker, Adriance, Allison, Anderson of McLennan, Berends, Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Brown of Upshur, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Frankee, Gallaway, Gaston, Ghent, Gillette, Hester, Hollingsworth, Hoffman, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Mills, Morris, Noeggerath, Payne, Powers, Prendergast, Rimes, Robb, Roseborough, Russell, Sayers, Salter, Scott, Shaw, Shelton, Short, Smith of Colorado, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Veale, Venters, Winkler and Wood—65.

Nays—Messrs. Abbott, Anderson of Montgomery, Armstrong, Ford, Mabry, Michael, Moore, Rainey, Roberts, Washington, Watts, Westfall, Wilder and Williams—15.

Mr. Brown moved to further suspend the rules, and read the bill the third time.

The yeas and nays were called for, and resulted as follows:

Yeas—Mr. Speaker, Adriance, Allison, Anderson of McLennan, Berends, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Brown of Upshur, Carroll, Chambers, Cunningham, Day, Denton, Doyle, Eastland, Ellett, Frankee, Gallaway, Gaston, Ghent, Gillette, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Mills, Morris, Noeggerath, Payne, Powers, Prendergast, Rimes, Robb, Roseborough, Russell, Salter, Sayers, Scott, Shaw, Shelton, Smith of Colorado, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Veale, Venters, Winkler and Wood—64.

Nays—Messrs. Abbott, Anderson of Montgomery, Armstrong, Ford, Green, Mabry, Michael, Moore, Rainey, Roberts, Washington, Watts, Westfall, Wilder and Williams—15.

The bill was accordingly considered engrossed, and read third time and passed.

The following report from the Committee on State Affairs was read :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

Your Committee on State Affairs, to whom was referred the petition of G. H. Lanier, praying that he be exempted, by special act of the Legislature, from the payment of taxes upon the sale of spirituous liquors and other articles, respectfully report that we disapprove the object of said petition, for the following reasons :

First, it appears from inspection that there are no genuine signatures to said petition.

Second, if any pecuniary relief is due to said petitioner, it is due from the County Court of his own county.

DENTON, Chairman.

Report adopted.

The following report from the same committee was then read :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was referred a resolution instructing them to inquire into the propriety and practicability of inaugurating, by Legislative enactment, a more perfect system of labor in the State of Texas, having considered the same, request to be discharged from the further consideration of said resolution.

M. E. KLEBERG, for Committee.

The report was adopted.

An additional report as follows was submitted :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was referred a bill concerning the practice of medicine, believing the subject of much importance, requiring very careful consideration, instruct me to report the same back to the House with the recommendation that it be referred to a special committee of seven, a majority of whom shall be physicians.

Which report was adopted.

The Committee on Agriculture and Stock Raising reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Agriculture and Stock Raising, to whom was referred a bill to be entitled "An act in relation to the ear marks of certain live stock," have had the same under consideration, and instruct me to report the bill back to the House with the recommendation that it do not pass.

A. S. THURMOND, Chairman.

The accompanying bill was read, and on motion of Mr. Anderson of McLennan, was laid on the table.

The chairman of the Committee on Town and City Corporations reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 59, entitled "An act to amend an act to reincorporate the city of Navasota, Grimes county, and to grant a new charter to said city and repeal an act approved October 27, 1866, incorporating the city of Navasota," have considered the same and instruct me to report said bill favorably and recommend that it pass.

Said act simply amends the charter of said city, so as to permit an election of officers in March next, and prescribing the manner in which said election shall be conducted.

All of which is respectfully submitted.

WOOD, Chairman.

The bill was read the second time and ordered to be engrossed.

On motion, the rules were suspended, the bill was considered engrossed and passed to third reading. The bill then passed by a two-thirds vote.

The chairman of the Committee on Roads, Bridges and Ferries, reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred the petition of Hugh P. Clark, of Van Zandt county, asking for a charter for a ferry across Sabine river, on the direct route from Canton, in Van

Zandt county, to Emory, in Raines county, have had the same under consideration, and said committee have instructed me to prepare the following bill, and to recommend its passage :

HARRISON, Chairman.

“An act granting a charter to Hugh P. Clark, to create and keep, and run a ferry boat at or near the northeast corner of the Hugh Neal survey, on Sabine river, in Van Zandt county.”

The bill was then read, and on motion the rules were suspended, and the bill put on its second reading, when it was referred back to the Committee on Roads, Bridges and Ferries for amendment.

The chairman of Judiciary Committee No. 2, reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House Bill No. 20, beg leave to report said bill back to the House, with the recommendation that the same do not pass.

IRELAND, Chairman.

The report was adopted.

The chairman of the Committee on Engrossed Bills reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills, to whom was referred House bill No. 44, “To incorporate the city of Brenham and grant a new charter,” instruct me to report that they find the same correctly engrossed.

BOOTY, Chairman.

The chairman of the Committee on Public Buildings and Grounds reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives.

SIR: Your Committee on Public Buildings and Grounds, to whom was referred the resolution to inquire into the disposition of furniture in rooms furnished for the use of the President of the Senate and the Speaker of the House of Representatives of the Twelfth Legislature, beg leave to report that on inquiry we found that room No. 12 in the basement of the capitol was fitted up for the Speaker of the House of Representatives, and furnished with the following articles, to-wit: one table, one dozen chairs, three

window curtains, one wardrobe, one desk, one bookcase. We also find the room occupied at this time by the Adjutant General, and that all of the furniture is in the room, except the wardrobe, it being about the Senate chamber. We beg leave to submit the letter to the committee from the Secretary of State for further information on the subject.

ROSEBOROUGH, Chairman.

DEPARTMENT OF STATE, AUSTIN, Jan. 22, 1873.

Hon. D. D. Roseborough, Chairman of Committee on Public Buildings and Grounds, House of Representatives :

SIR: In reply to your inquiry about rooms fitted up for the use of Speaker of House and President of Senate, I have to say: I believe rooms were fitted up for the officers mentioned, during the sitting of the last Legislature. Only one of these rooms, that in the northwest corner of the basement, used by Governor Campbell, was turned over to me. The furniture in this room consisted of a bedstead, wardrobe, dressing case and lounge. The carpet was worn out; and in repairing the room the bedstead and dressing case were removed to my book room, and are at the service of the Legislature at any time.

All the furniture turned over to me is now in possession of the Legislature. I will remark in this connection, that furniture belonging to the State is scattered all over the town, in public halls and private houses, either loaned out or used in fitting up committee rooms. I have endeavored to recover this property as far as I could.

Respectfully,

JAMES P. NEWCOMB, Secretary of State.

DEPARTMENT OF EDUCATION, STATE OF TEXAS, }
AUSTIN, January 21, 1873. }

Hon. D. D. Roseborough, Chairman of Committee on Public Buildings and Grounds :

SIR: Referring to resolution adopted by the House of Representatives, asking by what authority the Superintendent of Public Instruction occupies three rooms in the Capitol building, and whether or not so many rooms are necessary, I have to say, that the business of this office required me to have the amount of room now occupied, and the rooms were assigned by the Secretary of State.

With the amount of business to transact, the number of clerks necessarily employed, and the various kinds of blanks, vouchers and records which must be kept in proper order for distribution, I cannot transact the business of my office with less room.

I have the honor to be, very respectfully, your obedient servant,

J. C. DE GRESS,
Supt. Public Instruction.

Bills and resolutions being next in order, Mr. Armstrong offered the following resolution :

Be it resolved by the House of Representatives of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby requested to inform this House in writing, what number of land certificates have been applied for by the Houston and Texas Central Railway Company, and what number of land certificates have been actually issued to said company, and when issued ; and to furnish copies of all communications addressed to him from the Executive and Attorney General's offices, and by him to them, relating to the issuance thereof. Also the number of certificates issued to other railroad companies, the number to each company, and number per mile issued to each company.

Adopted.

Mr. Denton introduced a bill to make county surveyors in this State *ex officio* notaries public. Read and referred to Judiciary Committee No. 1.

Mr. Rainey introduced a bill to repeal an act entitled "An act to enforce Section 21, Article 1 of the Constitution of the State of Texas," approved October 28, 1871. Read and referred to Committee on State Affairs.

Mr. Wood introduced a bill to prescribe the manner in which the Commissioner of the General Land Office of the State of Texas shall cancel patents, and allow the floating of certificates, that conflict with older grants, patents or surveys, and to protect the archives and files of the office of the Commissioner of the General Land Office. Read and referred to the Committee on Public Lands and Land Office.

Mr. Lane introduced a bill to amend "An act prescribing the mode of proceeding in district courts in matters of probate, approved August 15, 1870." Read and referred to Judiciary Committee No. 2.

Mr. Tom introduced a bill to be entitled "An act permanently establishing the county seat of Kinney county." Read and referred to the Committee on Counties and County Boundaries.

Mr. Russell introduced a bill entitled "An act supplemental to the several acts to regulate the assessment and collection of taxes." Read and referred to the Committee on State Affairs.

Mr. Tivy introduced a bill for the relief of the assignees of Antonio Menchaca." Read and referred to Committee on Private Land Claims.

Mr. Ghent offered the following resolution :

Resolved by the House of Representatives, That the Secretary of State be requested to inform this House what number of copies of Paschal's Digest, if any, were furnished its members during the Twelfth Legislature.

Adopted.

Mr. Anderson, of McLennan, introduced a bill entitled "An act to amend an act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico, approved August 13, 1870." Read and referred to the Committee on State Affairs.

Mr. Tilson introduced a bill to amend "An act to authorize the transcript of the records of the County Court of Bowie county." Read and referred to Judiciary Committee No. 2.

Mr. Powers introduced a bill to authorize the County Court of Maverick county to issue interest-bearing bonds and to levy a tax to pay the same. Read and referred to the Committee on Counties and County Boundaries.

Mr. Brown, of Upshur, introduced a bill for the relief of Rev. W. C. Crawford. Read and referred to the Committee on Finance.

Mr. Ghent introduced a bill to repeal an act entitled "An act to provide for the appointment, by the Governor, of certain officers to fill vacancies." Read and referred to Judiciary Committee No. 2.

Mr. Frankee introduced a bill directing the publication of the expenditures, assets and indebtedness of the several counties. Read and referred to Judiciary Committee No. 1.

Mr. Brown of Dallas introduced a joint resolution authorizing the painting of certain portraits. Read and referred to the Committee on State Affairs.

Mr. Smith of Colorado introduced a bill to prevent speculation by officers in county, city and town debts and liabilities. Read and referred to the Committee on Finance.

Senate bill No. 11, "An act making an appropriation for the mileage and *per diem* pay of the members and the *per diem* pay of the officers and employés of the Thirteenth Legislature," was then called up and put on its second reading.

Mr. Sayers moved to amend by inserting the words "First Session." Lost.

The bill having been read was passed to the third reading.

On motion of Mr. Brown of Dallas the rules were suspended and the bill read a third time. The bill then passed.

The Speaker announced the following special committee on the bill regulating the practice of medicine: Messrs. Ford, chairman, Denton, Doyle, Ghent, Russell, Tivy and Trolinger.

Mr. Ireland offered a communication from the Comptroller, and moved its reference without reading to the special committee on the communication from the Governor relating to the Comptroller's report, which was carried.

Mr. Joseph offered the following resolutions:

Resolved, That this House has heard with sorrow and regret of the death of the Hon. Alexander Rossy, of Galveston, and Representative elect from the Twelfth Senatorial District of this State.

Resolved, That out of respect for the memory of the deceased the House do now adjourn until to-morrow morning at ten o'clock.

Mr. Joseph paid a beautiful and feeling tribute to the memory of his deceased colleague.

The House then adjourned.

HOUSE OF REPRESENTATIVES, }
 AUSTIN, TEXAS, January 23, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

The following gentlemen failed to answer to their names: Messrs. Diller, Gilpin, Nelson and Walker.

Mr. Nelson was excused on account of sickness.

Mr. Gilpin came forward and took the oath.

The journal of yesterday was read, pending which a messenger from the Senate was announced, bearing a bill to amend the charter of the city of Galveston, grant a new charter to the same and repeal all previous acts of incorporation, said bill having been passed by the Senate.

Mr. Shaw offered a petition of citizens of Titus county, asking that Mr. John Massey be allowed to follow the occupation of fourth class merchant free of any license tax. Read and referred to Committee on Finance.

The chairman of Judiciary Committee No. 1 reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Judiciary Committee No. 1, to whom was referred bill No. 32, have had the same under consideration, and instruct me to state that we deem it impolitic for the counties to be charged in any event with the fees of justices of the peace in cases where they may sit as committing magistrates, or that the counties should pay the fees of sheriffs or constables in like cases, and to report the bill with the recommendation that it do pass.

GEO. W. SMITH, Chairman.

The accompanying bill, to repeal certain sections of an act entitled "An act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved August 13, 1870," having been read second time, was ordered to be engrossed and put on its third reading.

On motion, the rules were suspended, the bill considered engrossed, read a third time and passed.

A second report from the same committee was offered, as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Judiciary Committee No. 1, to whom was referred bill No. 42, have instructed me to say that we are of opinion that section fifteen of the Code of Criminal Procedure, approved August 26, 1856 (article 3989 of Paschal's Digest), was repealed by act of the twelfth of February, 1858, and that there is no law in force authorizing the foreman of a grand jury to administer the proper oath to a witness to testify before them, and report the bill back and recommend its passage.

GEO. W. SMITH, Chairman.

The bill reported was as follows: "An act to amend article 2850 of the Code of Criminal Procedure, approved August 26, 1850."

It was read second time and ordered to be engrossed.

Following report from same Committee, was then read :
Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Judiciary Committee No. 1, to whom was referred bill No. 16, have had the same under consideration, and are of opinion that there are provisions in the present law that render it unnecessarily inconvenient to take depositions, and have instructed me to report the accompanying bill and recommend it as a substitute for the original bill, and recommend its passage, believing that it obviates all the objectionable features in the present law.

GEO. W. SMITH, Chairman.

The substitute was as follows :

A bill to be entitled "An act to amend the first section of an act entitled an act to amend the seventy-first and ninety-second sections of an act to regulate proceedings in the District Courts, approved May 13, 1846."

Substitute adopted and the bill ordered to be engrossed.

On motion of Mr. Smith, of Colorado, the vote to have the bill engrossed was reconsidered, and the bill made the special order of the day on the thirtieth instant, at 12 M.

The Chairman of Judiciary Committee No. 2 reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

Your Committee to whom was referred House Bill No. 70, beg leave to report said bill back to this House, with the recommendation that it do not pass.

IRELAND, Chairman.

Said bill, to repeal an act entitled "An act for the protection of poor persons in cases of appeal in civil suits, approved May 3, 1871." was read and the report adopted.

A second report from the same committee, to whom was referred the petition of H. M. Trueheart, R. and D. G. Mills and others, returned the same to the House, with the remark, that in the opinion of the committee, no legislative relief can be given the memorialists. If the lands were illegally sold the courts can afford all necessary relief; if legally sold, it is not in the power of the Legislature to afford the relief prayed for.

The report was adopted.

The chairman of the Committee on Internal Improvements reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

Your Committee on Internal Improvements have had under consideration House bill No. 47, to be entitled "An act to amend the second and thirteenth sections of an act to incorporate the Rockport, Fulton, Laredo and Mexican Pacific Railroad Company, approved November 11, 1871," and have instructed me to report the same back to the House and recommend its passage, with the following amendments:

First. Amend section one by striking out the words "Gulf of California," and inserting the words "Pacific coast" instead.

Second. Amend section one by adding the following at the end of the section: "*Provided*, that this company shall only be entitled to receive the benefits of the general railroad laws of the State for the number of miles actually constructed by them.

Respectfully submitted.

C. M. WINKLER, Chairman.

The amendments were adopted and the bill ordered to be engrossed.

The chairman of the Committee on Private Land Claims reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred House bill No. 35, have duly considered the same, and a majority of the committee instruct me to report the same back and recommend that it do pass.

LANE, Chairman.

The bill entitled "An act to authorize the Commissioner of the General Land Office to issue headright certificates and bounty and donation warrants for land to certain persons entitled to the same," was amended by adding the following proviso: The provisions of this bill shall not be so construed as to interfere with vested rights of third persons. The bill was read the second time and ordered to be engrossed.

A communication from the Secretary of State, inclosing official returns of a general election held in the State of Texas, on November 5, 6, 7 and 8, 1872, was received and referred to the Apportionment Committee, without reading.

A communication from the Adjutant General, in relation to the declaration of martial law in the counties of Hill and Walker, was read and referred to the Committee on Military Affairs.

A communication from his Excellency the Governor, furnishing an estimate of expenditures for the support of the State government for the present and ensuing fiscal years, was referred to the Committee on Finance.

On motion, the vote on the passage of Senate bill No. 11, appropriating the sum of eighty thousand dollars for the mileage and per diem pay of the members, and the per diem pay of the officers of the Thirteenth Legislature, taken on yesterday, was reconsidered and the bill put upon its passage.

The yeas and nays were called for and resulted as follows:

Yeas—Mr. Speaker, Abbott, Adriance, Allison, Anderson of Montgomery, Anderson of McLennan, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Brown of Upshur, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ellett, Ford, Frankee, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Michael, Mills, Moore, Morris, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Roseborough, Russell, Salter, Sayers, Veale, Venters, Washington, Watts, Westfall, Wilder, Scott, Short, Smith of Colorado, Shaw, Shelton, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Williams, Winkler and Wood—79.

Nays—None.

Whereupon the bill was declared to have passed.

Mr. Wood introduced a bill to amend "An act prescribing the mode of proceeding in the district courts in matters of probate, approved August 15, A. D. 1870," and to repeal certain sections of said act.

On motion, its reading was dispensed with, and the bill was referred to Judiciary Committee No. 1.

Mr. Westfall introduced a bill for the relief of Burnet county. Read and referred to the Committee on State Affairs.

Mr. Sayers introduced a bill to authorize the appointment of county attorneys. Read and referred to Judiciary Committee No. 1.

Mr. Storey introduced a bill amending "An act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved May 8, 1871." Read and referred to Judiciary Committee No. 2.

Mr. Anderson, of McLennan, introduced a bill to amend "An act establishing a code of criminal procedure for the State of Texas." Read and referred to Judiciary Committee No. 2.

Mr. Rimes introduced a bill for the better protection of the agricultural interests of the State, and to amend the penal code of the State. Read and referred to Judiciary Committee No. 2.

Mr. Brown, of Dallas, introduced a bill for the relief of George W. Miller. Read by caption and referred to the Committee on Private Land Claims.

Mr. Brown, of Dallas, introduced another bill for the relief of Mrs. Caroline A. Stevens. Read by caption and referred to the Committee on Private Land claims.

Mr. Russell offered the following resolution :

WHEREAS, There have been four leagues of land set apart to each county in this State for educational purposes, and large grants of land for the endowment of universities; high schools, etc.; and

Whereas, Large quantities of those lands are frequently located in one county, and there being no provisions made by law by which titles can be obtained to said lands, which operates to the detriment and against the settlement of many counties in this State; therefore, be it

Resolved, That the Committee on Education be instructed

to inquire into the necessity and propriety of putting said school lands, or any part thereof, into the market, so that the people of the counties may begin to derive some benefit from their property.

Adopted.

Mr. Payne introduced a joint resolution of thanks to the persons engaged in the late encounter with the Indians in Live Oak county.

Read and referred to the Committee on Indian Affairs.

Mr. Ireland introduced a bill to regulate the conduct of public officers.

Read and referred to Judiciary Committee No. 1.

On motion, Mr. Russell was added to the Committee on Education.

On motion, Mr. Hoffman was added to the Committee on Printing and Contingent Expenses.

On motion, Messrs. Watts and Bewley were added to the Committee on Internal Improvements, Mr. Frankee to the Committee on Agriculture and Stock Raising, Mr. Bledsoe to the Committee on Indian Affairs, and Mr. Gilpin to the Committee on Agriculture and Stock Raising.

Mr. Watts introduced a bill to amend section five of the act prescribing the powers and duties of the district courts, approved August 12, 1870.

Read and referred to Judiciary Committee No. 2.

Mr. Tilson offered the following resolution :

Resolved, That his Excellency E. J. Davis, Governor of the State of Texas, be and he is hereby requested to forward to this House at his earliest convenience all the reports of the Comptroller of Public Accounts, as made by said Comptroller since the commencement of this session, and that the chief clerk of this House furnish the Governor with a copy of this resolution.

Adopted.

Mr. Veale introduced a bill to amend section twenty-third of an act organizing the courts of justices of the peace and county courts, and defining their jurisdiction and duties, approved August 13, 1870.

Read and referred to Judiciary Committee No. 2.

Mr. Russell introduced a bill to repeal section five of the "Act to give effect to the several provisions of the Constitution concerning taxes."

Read and referred to Judiciary Committee No. 2.

Mr. Broadus offered the following concurrent resolution :

Resolved, That the Senate be and it is hereby invited to go into joint session with the House of Representatives at twelve o'clock M., on Saturday, the twenty-fifth inst., for the purpose of electing a public printer.

A motion to adjourn was lost.

Mr. Payne offered the following substitute :

Resolved, That a joint committee of three members of both Houses of the Legislature be appointed to take into consideration the election of a public printer, at as early a day as practicable, and that the Senate be earnestly requested to give this resolution immediate attention.

Mr. Short moved the previous question, which being seconded, was put and carried, and the main question was then submitted, which was the adoption of the resolution, and the resolution put on its adoption.

The yeas and nays being called for resulted as follows :

Yeas—Mr. Speaker, Abbott, Anderson of McLennan, Berends, Bledsoe, Bordeaux, Broadus, Brown of Dallas, Brown of Upshur, Carroll, Cunningham, Davenport, Day, Doyle, Frankee, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hollingsworth, Joseph, Kemble, Killough, Kleberg, Mabry, Manning, McDonald, Morris, Noeggerath, Powers, Prendergast, Rimes, Robb, Roseborough, Russell, Salter, Sayers, Scott, Shaw, Shelton, Short, Smith of Colorado, Storey, Thurmond, Tivy, Trolinger, Van Zandt, Veale, Venters, Westfall and Wood—53.

Nays—Messrs. Adriance, Allison, Anderson of Montgomery, Armstrong, Bewley, Booty, Chambers, Denton, Eastland, Ford, Green, Hoffman, Ireland, Lane, Lèyen-decker, Michael, Mills, Moore, Payne, Rainey, Roberts, Tilson, Tom, Washington, Watts, Wilder, Williams and Winkler—29.

Whereupon the resolution was adopted.

Mr. Rainey offered the following resolution :

Resolved, That the Committee on Public Buildings be instructed to report to this House whether the provisions of the act of November 25, 1871, appropriating seven-teen thousand dollars to finish the artesian well, and to purchase a steam fire engine, have been executed.

Adopted.

The order of the day being taken up, the resolution instructing Judiciary Committee No. 1 to inquire into the propriety of repealing the present probate laws, and of

re-enacting the law of 1848, was taken from the table and referred to Judiciary Committee No. 1.

The joint resolution to amend section four, article three, of the Constitution of the State of Texas, was read and referred to the Committee on Constitutional Amendments.

The joint resolution proposing an amendment to section six, article five, of the Constitution of the State of Texas, was read the second time and referred to the Committee on Constitutional Amendments.

The joint resolution proposing amendments to section forty-five, article twelve, of the Constitution of the State of Texas, was read the second time and referred to the same committee.

The joint resolution to repeal section forty, article twelve, of the Constitution of the State of Texas, was read the second time and referred to the same committee.

The joint resolution to repeal section forty-four, article twelve, of the Constitution of the State of Texas, was read the second time and referred to the Committee on Constitutional Amendments.

The act to prohibit the sale or giving away of liquor within one mile of the institate at Caledonia, Rusk county, was read and referred to the Committee on State Affairs.

Mr. Brown of Dallas offered the following resolution:

Resolved, That the Committee on Constitutional Amendments be instructed to take into consideration the general subject of what amendments, if any, are necessary to the State Constitution, and that they report by bill or otherwise.

Adopted.

On motion of Mr. Mills the House adjourned until tomorrow at 10 A. M.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, January 24, 1873.

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

The following gentlemen failed to answer to their names: Messrs. Diller, Nelson and Walker.

Mr. Nelson was excused for sickness.

The journal of yesterday was read and adopted.

On motion of Mr. Denton, the Committee on Agriculture and Stock Raising was directed to return to the desk a bill for the protection of the agricultural interests of the State, introduced by him.

The Speaker then announced the rooms assigned to the different committees.

Mr. Anderson of McLennan offered a memorial of the Prison Reform Association of Texas, which was read and referred, with accompanying bill, to a special committee of five, of which Mr. Anderson of McLennan shall be chairman.

Mr. Kleberg offered a petition of Samuel Andrews, praying for relief. Referred, without reading, to the Committee on Private Land Claims.

The chairman of Judiciary Committee No. 2 reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee, to whom was referred House bill No. 98, beg leave to report the same back to the House, with the recommendation that the same do pass.

IRELAND, Chairman.

The bill entitled, "An act to amend section five of an act prescribing the powers and duties of clerks of district courts," was then read the second time and ordered to be engrossed.

On motion, Mr. Smith, of Colorado, was excused on account of business.

On motion, Mr. Cunningham was added to the Committee on Education.

A second report from the Judiciary Committee No. 2, was sent in and read:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred House Bill No. 53, beg leave to report the bill herewith submitted, as a substitute for the original bill, and recommend its passage.

IRELAND, Chairman.

The substitute, which was "An act to provide for appeals from interlocutory orders and decrees of the District Courts of the State, and the judges thereof, and to repeal an act providing for appeals from interlocutory judgments in the District Courts of the State," was then read, after which, the original bill was read for information.

The substitute was then adopted, and the bill ordered engrossed.

The chairman of the same committee reported further, as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred House bill No. 100, beg leave to report, that in the opinion of the committee the public service can be best promoted by said bill being referred to the Committee on Finance.

IRELAND, Chairman.

The report was adopted, and the bill referred to the Finance Committee.

A message from his Excellency the Governor was announced, and his communication received.

The chairman of Judiciary Committee No. 2, reported further, as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred House Bill No. 91, beg leave to report the bill herewith submitted, as a substitute for the original bill, and recommend its passage.

IRELAND, Chairman.

The substitute, "An act to amend an act entitled an act to establish a code of criminal procedure for the State of Texas," was read and adopted.

The bill was then read the second time, and ordered engrossed.

On motion, the vote ordering engrossment was reconsidered.

Mr. Powers offered an amendment to the first section of the bill, as follows: "Provided, that the magistrate issuing said warrant shall impress thereon his notarial seal."

Mr. Brown, of Dallas, moved that the bill and amendment be recommitted to Judiciary Committee No. 2.

A division being called for, resulted in thirty-two for, and thirty-seven against, whereupon the motion was declared to have been lost.

Mr. Mills moved to postpone the matter to 12 M. on Wednesday next, and have one hundred copies of the bill printed for the use of the House. Lost.

The amendment was then adopted and the bill ordered engrossed.

The chairman of Judiciary Committee No. 2 reported further as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee, to whom was referred House bill No. 84, beg leave to report the bill herewith submitted as a substitute, and recommend its passage.

IRELAND, Chairman.

The substitute, entitled "An act to repeal an act entitled an act to provide for the appointment, by the Governor, of certain officers to fill vacancies," was then read and adopted, and the bill ordered engrossed.

The chairman of the Committee on Engrossed Bills, reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills have carefully examined the following bill, to-wit: House bill No. 59, to be entitled "An act to amend an act entitled an act to reincorporate the city of Navasota, Grimes county, and to grant a new charter to said city, and to repeal an act approved October 27, 1866, incorporating the city of Navasota," and find the same correctly engrossed.

BOOTY, Chairman.

Report adopted.

A second report from the same committee was then read as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills have carefully examined House bill No. 32, and find the same correctly engrossed.

BOOTY, Chairman.

A third report of the same committee was submitted:
Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills have examined and find the following bills correctly engrossed: House bill No. 1, to be entitled "An act to repeal an act entitled an act to establish a State police, and provide for the regulation of the same, approved July 1, 1870, and also to repeal an act to amend an act entitled an act to establish a State police and provide for the regulation of the same, approved May 2, 1871;" No. 11, to be entitled "An act to repeal an act entitled an act to provide for

the enrollment of the militia, the organization and discipline of the State guards, and for public defense, approved June 24, 1870, and also to repeal an act entitled an act to amend an act entitled an act to provide for the enrollment of the militia, the organization and discipline of the State guards, and for the public defense, approved April 12, 1871;" substitute for bill No. 14, to be entitled "An act to repeal section five of an act entitled an act to organize and maintain a system of public free schools in the State of Texas, approved April 24, 1871;" No. 10, to be entitled "An act to legalize and make valid the recent election in Wilson county;" No. 67, repealing all laws authorizing persons, departments, or heads of departments, or officers of counties, to have printing done at expense of the State; No. 71, to be entitled "An act to authorize the Comptroller of Public Accounts to receive from the Secretary of the Treasury of the United States the balance of the fund appropriated by the acts of September 9, 1850, and February 28, 1855, for the payment of the creditors of the late Republic of Texas," and find the same correctly engrossed.

BOOTY, Chairman.

Report adopted.

The chairman of the Committee on State Affairs reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on State Affairs, to whom was referred a bill entitled "An act to prohibit the sale or giving away of intoxicating or spirituous liquors within one mile of the institution of learning situated at Caladonia, Rusk county," instruct me to report that said bill having emanated from the Committee on Education was referred to this committee by mistake, and should be placed on the table to come up in its regular order.

J. H. BROWN, Chairman.

The report was adopted and the bill ordered engrossed.

The chairman of the Committee on Agriculture and Stock Raising reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Agriculture and Stock Raising, to whom was referred a bill to be entitled "An act to encourage the manufacture of agricultural implements

in this State," have duly examined the same, and I am directed to report the bill back to the House and recommend that it do not pass.

THURMOND, Chairman.

The bill was read and the report adopted.

A motion to reconsider the vote was lost.

The Committee on Agriculture and Stock Raising then asked to be excused from the further consideration of that portion of his Excellency the Governor's message relating to agriculture and mechanics, which had been referred to them, which was granted.

The chairman of the Committee on Indian Affairs reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Indian Affairs return the joint resolution of thanks to the persons engaged in the late encounter with the Indians in Live Oak county, and recommend its passage.

VEALE, Chairman.

Mr. Brown moved to amend by adding, "and that the Governor be requested to transmit a copy of this resolution to the persons named," which was carried.

The joint resolution was then ordered engrossed.

The chairman of the Committee on Town and City Corporations reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on Town and City Corporations, to whom was referred House bill No. 22, "An act to incorporate the city of Fort Worth, in the county of Tarrant," have examined the same, and instruct me to report the same back to the House, with the accompanying amendments and recommend that it pass.

All of which is respectfully submitted.

WOOD, Chairman.

The report was adopted.

The amendments were read and adopted.

The reading of the bill was dispensed with, and it was ordered engrossed.

A messenger from the Senate was announced, who submitted the following communication:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Senate has tabled the House resolution, invit-

ing the Senate to meet the House in joint session on Saturday, 12 o'clock, the twenty-fifth instant, to elect a public printer.

CHALMERS, Secretary of Senate.

A second report from the Committee on Town and City Corporations was as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on Town and City Corporations to whom was referred House bill No. 40, entitled "An act to repeal sections thirty-one and thirty-two of an act entitled an act concerning private corporations, approved December 2, 1871," have considered the same, and directed to report the same back to the House, and recommend that it pass. In the opinion of the committee the powers delegated by these sections to the district courts, are such as should only be exercised by the Legislature of the State. All of which is respectfully submitted.

WOOD, Chairman.

Report adopted.

Bill read second time and ordered engrossed.

The chairman of the Committee on Roads, Bridges and Ferries reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred the petition of Hugh P. Clark, of Van Zandt county, asking for a charter for a ferry across the Sabine river on the direct route from Canton, in Van Zandt county, to Emory, in Raines county, have had the same under consideration, and said committee have instructed me to prepare the accompanying bill and recommend its passage.

HARRISON, Chairman.

Bill read and passed to second reading.

The chairman of the Committee on Enrolled Bills reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined "An act to amend the first section of article two, of title two, of an act to incorporate the city of Galveston, and to grant a new charter to said city, and to repeal acts heretofore passed incorporating said city

which may be in force by virtue of any existing charter, approved May 16, 1871," and find it correctly enrolled.

SHAW, Chairman.

Mr. Armstrong introduced a bill to amend the act incorporating the Sabine and Galveston Bay Railroad and Lumber Company, passed December 24, 1859, which act changed the name of said company to the "Texas and New Orleans Railroad Company." Read and referred to Committee on Internal Improvements.

Mr. Payne introduced a bill to amend the act incorporating Payne Female Institute. Read and referred to the Committee on Town and City Corporations.

Mr. Ireland offered the following resolution :

Resolved by the House of Representatives, That the Comptroller of Public Accounts has no authority in law to audit or draw his warrant on the Treasurer for any accounts for printing, whether done by either the House or Senate, or any department or individual.

The yeas and nays were called for and resulted as follows :

Yeas—Mr. Speaker, Adriance, Anderson of McLennan, Berends, Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Brown of Upshur, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Frankee, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Mills, Morris, Noeggerath, Payne, Powers, Prendergast, Rimes, Robb, Roseborough, Salter, Sayers, Scott, Shaw, Shelton, Story, Tilson, Thurmond, Tom, Tivy, Trolinger, Van Zandt, Veale, Venters, Westfall, Winkler and Wood—65.

Nays—Messrs. Abbott, Allen, Anderson of Montgomery, Armstrong, Ellett, Ford, Green, Michael, Moore, Rainey, Roberts, Short, Washington, Watts, Wilder, and Williams—16.

Whereupon the resolution was declared adopted.

The Speaker then announced the special committee on the prison reform memorial, Messrs. Anderson of McLennan, chairman; Bledsoe, Brown of Upshur, Sayers and Tilson.

The communication from the Governor, stating that Comptroller's report had been delivered to chairman of special committee on Comptroller's accounts, was then read.

Bills and resolutions being in order, Mr. Prendergast introduced a bill for the relief of certain citizens of Limestone county. Read and referred to the Committee on Military Affairs.

Mr. Bordeaux introduced a bill to amend the code of criminal procedure. Read and referred to Judiciary Committee No. 2.

Mr. Storey offered the following resolution :

Resolved, The Judiciary Committee No. 1 be instructed to inform this House whether or not in their opinion a law, to take effect in a county of this State, upon a vote of the people of said county, would be constitutional.

Second. If the Legislature has the power to submit such a law, can the voters of an incorporated town or city be excluded from voting thereon ?

Adopted.

Mr. Rimes introduced joint resolution to amend section twenty-eight, article twelve, of the State Constitution.

Mr. Mills moved to adjourn until to-morrow at 10 A. M., which was carried.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, January 25, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

The following gentlemen failed to answer to their names :

Messrs. Carroll, Diller, Ellett, Nelson, Phelps, Russell and Walker.

Messrs. Carroll, Nelson and Russell were excused on account of sickness.

The journal of yesterday was then read, pending which a messenger from the Senate laid before the House Senate bill No. 1, repealing the act providing for the appointment by the Governor of certain officers to fill vacancies; and Senate bill No. 2, repealing the act providing for the enrollment of the militia, the organization and discipline of the State Guards, and for the public defense.

The reading of the journal was completed and it was adopted.

The joint resolution of Mr. Rimes, introduced yesterday, was then read, and on the motion of Mr. Abbott to reject the yeas and nays were called and resulted as follows:

Yeas—Messrs. Abbott, Allen, Anderson of Montgomery, Green, Harrison, Michael, Moore, Roberts, Washington, Wilder, Williams, Winkler and Wood—13.

Nays—Messrs. Speaker, Adriance, Allison, Anderson of McLennan, Armstrong, Berends, Bewley, Bledsoe, Booty, Broadus, Bordeaux, Brown of Dallas, Brown of Upshur, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Frankee, Gallaway, Gaston, Ghent, Gillette, Gilpin, Hester, Hollingsworth, Hoffman, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Mills, Morris, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Roseborough, Satler, Sayers, Scott, Shaw, Shelton, Short, Smith of Colorado, Storey, Thurmond, Tilson, Tom, Trolinger, Van Zandt, Veale, Venters, Watts and Westfall—67.

Whereupon the motion to reject was declared lost.

The resolution was then referred to the Committee on Constitutional Amendments.

Mr. Rainey offered a petition of certain citizens of Houston county, praying that one Obediah Marsh be reinstated in the rights of full citizenship, he having been deprived thereof by reason of conviction and punishment for felony.

Read and referred to the Committee on State Affairs.

Mr. Kemble offered a petition of certain citizens of Houston Creek, Ellis county, praying for the donation of a certain parcel of land for school, church and burying purposes.

Referred to the Committee on Education.

Mr. Westfall offered a memorial of O. Fisher, the full reading of which was dispensed with, and it was referred to the Committee on Private Land Claims.

Mr. Anderson, of McLennan, moved to suspend the rules, and that leave be granted him to introduce a bill relating to public printing, which was carried.

He then introduced a bill entitled "An act to provide for the public printing," which was read.

The rules were then suspended and the bill put upon its second reading.

After reading the second time Mr. Winkler moved to amend section first, by striking out the words "within the first two weeks," and substituting therefor the words, "at an early day," which amendment was adopted.

Mr. Winkler then moved to amend further by striking out the word "five" in the second line of section third, and inserting instead, the word "ten," which amendment was adopted.

Mr. Winkler further moved to further amend, so that section twelve read as follows :

The prices in this act named, shall be paid in United States currency.

Mr. Anderson, of McLennan, moved to amend by striking out section thirteen.

On motion to strike out section thirteen of the bill the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson of McLennan, Armstrong, Berends, Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Brown of Upshur, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Frankee, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Mills, Morris, Noeggerath, Pane, Powers, Prendergast, Rainey, Rimes, Robb, Roseborough, Salter, Sayers, Scott, Shaw, Shelton, Short, Story, Tilson, Thurmond, Tivy, Tom, Trolinger, Van Zandt, Veale, Venters, Watts, Westfall, Winkler and Wood—70.

Nays—Messrs. Abbott, Allen, Anderson of Montgomery, Green, Michael, Moore, Roberts, Washington, Wilder and Williams—10.

Whereupon the motion was declared adopted.

Mr. Armstrong offered the following amendment :

Of section first strike out all after the enacting clause and insert instead, "that there shall be appointed by the President for the time being, of the Senate, and Speaker of the House of Representatives, a committee to be composed of members of the Senate and House of Representatives, each house having three members to act together as a joint committee, who shall have the power to make and conclude a contract or contracts for the public printing with any person or persons whom they shall think fit, for the best interests of the State, and on such terms as is

provided for by this act, or at less rates if such committee shall think expedient so to contract.

On the motion to adopt the amendment the yeas and nays were called for and the vote stood as follows:

Yeas—Messrs. Abbott, Allen, Anderson of Montgomery, Armstrong, Ford, Green, Mabry, Michael, Mills, Moore, Roberts, Thurmond, Washington, Watts, Westfall, Wilder and Williams—17.

Nays—Messrs. Speaker, Adriance, Allison, Anderson of McLennan, Berends, Bewley, Blesdoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Brown of Upshur, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Frankee, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Morris, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Roseborough, Salter, Sayers, Scott, Shaw, Shelton, Short, Storey, Tilson, Tivy, Tom, Trolinger, Van Zandt, Veale, Venters, Winkler and Wood—63.

Whereupon the amendment was declared lost.

Mr. Booty then offered the following amendment: In the eighth line of section two, strike out the word "eight," and insert the word "eleven," which was adopted.

Mr. Booty offered a second amendment: In section two, insert between the word "printed" and the word "and," the following: "Three hundred copies of which shall be delivered to the Commissioner of the General Land Office, Comptroller, and the superintendents of the several asylums, for the use of those institutions," which was adopted.

Mr. Winkler offered the following amendment, to be added to section one: "In case of vacancy by death, resignation or otherwise, of the public printer during the recess of the Legislature, such vacancy may be filled by temporary appointment by the Governor, which shall continue until a successor shall be elected and qualified, agreeably to the provisions of this act," which was adopted.

Mr. Ireland moved to amend section one, by inserting after the word persons, "or firm," which was adopted.

Mr. Brown, of Dallas, moved to amend the first section of the bill, by inserting after the word session, "and at the first regular session of each succeeding Legislature," which was adopted.

Mr. Watts moved to amend the fifth subdivision of section eight, by inserting after the words on foolscap paper, "to be twenty ems wide and sixty-five in length," which was adopted.

Mr. Wood moved to amend section two, by striking out the word "five," and insert instead the word "ten," which was adopted.

The bill was then ordered engrossed.

On motion the rules were suspended, and bill considered engrossed. The bill then passed.

Mr. Kemble offered a petition of certain citizens of Ellis county, which was referred, without reading, to Judiciary Committee No. 2.

The chairman of the Committee on Engrossed Bills reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills have carefully examined House bill No. 14, being "An act requiring treasurers of the boards of school directors to give bond and security," and House bill No. 42, being "An act to amend article three hundred and eighty-two, of the Code of Criminal Procedure, approved August 26, 1856," and find the same correctly engrossed.

BOOTY, Chairman.

Mr. Wood moved that leave of absence until Wednesday next be granted the gentleman from Guadalupe, which was granted.

Mr. Ireland offered the following concurrent resolution:

Resolved by the Senate and House of Representatives, that the two special committees of the Senate and House, for investigation of the accounts, etc., of the Superintendent of Public Instruction, be and the same constitute a joint committee of the two houses, which was adopted.

On motion of Mr. Wood the House then adjourned until Monday at 10 A. M.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, January 27, 1873.

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

The following gentlemen failed to answer to their names: Messrs. Anderson, of Montgomery, Allen, Diller and Walker.

Mr. Allen was excused on account of sickness.

The journal of Saturday was read and adopted.

Mr. Nelson presented a memorial of the heirs of M. Loring, which was referred, without reading, to the Committee on Private Land Claims.

The chairman of the Committee on State Affairs reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on State Affairs, to whom was referred a bill to repeal "An act to enforce section twenty-one, article eleven, of the State Constitution, approved October 28, 1871," unanimously instruct me to report it back and recommend that it do not pass. The committee regard the act sought to be repealed as a statute simply giving effect to a plain declaration in the bill of rights.

J. H. BROWN, Chairman.

Adopted.

A second report from the same committee was as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on State Affairs instruct me to report back a bill for the relief of Burnet county, and recommend that it do not pass. The bill provides for relinquishing the State taxes for three years to said county to enable it to build a court house and jail. While reporting against it as a special matter, the committee propose, later in the session, with more light as to our general revenue and expenditures, to consider the propriety of a more general bill of a similar character applicable to all of the thinly settled frontier counties.

J. H. BROWN, Chairman.

The bill was read and the report adopted.

The chairman of the Finance Committee reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on Finance, to whom was referred the bill entitled "An act concerning the settlement of accounts at the State Treasury," and the substitute offered for the same, having considered the same in committee, have instructed me to report both back, and recommend that neither the original nor the substitute do pass. Your committee beg leave to add that the object of both the original and the substitute is to authorize what are commonly called Treasury warrants, to be receivable at the Treasury at par value, in discharge of debts due to any person from the State. This question has received that deliberate consideration which its importance is believed to have demanded, and your committee have arrived at the following conclusions: That the State Treasury should be confined to the receipt and disbursement of the money of the State merely; that to permit those holding State funds to convert them into claims against the State at a depreciated value, to be paid at par into the Treasury, would have the effect to obstruct the speedy transmission of the State revenues to the same, to powerfully array the interests of the revenue collectors against their duty, and practically to the extent of the claims, to transfer the working and control of the Treasury to the tax gatherers and those interested in claims against the State. It is difficult to see how a measure that appeals so strongly to the revenue officers to withhold the public funds in their hands from the Treasury, would result in an increase of the value of the claims under consideration as insisted upon by the friends of the measure. It seems that the reverse would be the inevitable effect of the enactment of the bill. It is believed that the Legislature should seriously pause in adopting a measure which offers to the revenue collectors a temptation to wrong so direct and so inviting. It must by no means be inferred from what has been said that it is the intention of your committee to recommend any evasion or unnecessary delay in providing for the full payment of all the debts against the State promptly as they fall due, and have inaugurated active measures looking to that desirable result.

With an empire State, blessed with a soil of unsurpassed fertility, and a climate of marked salubrity—with

mineral and mechanical resources, affording elements of wealth, of which her citizens may well be proud—added to these are long lines of railway in process of rapid construction to almost every part of the State, advancing the value of lands, and speaking into existence cities and towns on all hands, with their busy populations of tax payers added to the common stock of wealth—with a State debt less than two millions, and taxable property now estimated at three hundred millions, represented by this House, speaking the voice of the tax payers thereof, untainted with any breath of repudiation, and with no political troubles to mar the present or cloud the future, afford a bright picture that inspires your committee with just expectations that by timely and prudent legislation, the credit of the State may be speedily redeemed and firmly fixed at a point unsurpassed by that of any other State in the Union.

Pending the discussion on the adoption of the report, the chairman of the Committee on Engrossed Bills reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

Sir: Your Committee on Engrossed Bills instruct me to report that they have carefully examined House bill No. 106, an act entitled "An act to provide for the public printing," and find the same correctly engrossed.

BOOTY, Chairman.

Adopted.

Mr. Wood moved to lay the report of the Finance Committee on the table. The yeas and nays being called resulted as follows:

Yeas—Messrs. Speaker, Abbott, Adriance, Anderson of Montgomery, Anderson of McLennan, Berends, Booty, Bordeaux, Chambers, Cunningham, Davenport, Day, Doyle, Eastland, Frankee, Gallaway, Ghent, Gillette, Green, Harrison, Joseph, Mabry, Manning, Michael, Moore, Nelson, Prendergast, Rainey, Roberts, Russell, Short, Story, Trolinger, Van Zandt, Venters, Washington, Wilder, Williams and Wood—39.

Nays—Messrs. Allison, Armstrong, Bewley, Bledsoe, Broadus, Brown of Dallas, Brown of Upshur, Carroll, Denton, Ford, Gaston, Gilpin, Hester, Hoffman, Hollingsworth, Kemble, Killough, Kleberg, Lane, Leyendecker, McDonald, Mills, Noeggerath, Payne, Powers, Rimes,

Robb, Roseborough, Salter, Sayers, Scott, Shaw, Shelton, Smith of Colorado, Thurmond, Tilson, Tivy, Tom, Veale, Watts, Westfall and Winkler—43.

Whereupon the motion was declared lost.

On motion of Mr. Brown of Dallas, further consideration of the matter was postponed until Wednesday next at 11 A. M.

The chairman of the Committee on Federal Relations reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Federal Relations, to whom was referred joint resolutions of thanks to Brevet Brigadier General McKenzie for late brilliant victories over the Indians on our frontier, and a substitute for the same, have carefully considered both the original and the substitute, and I am instructed by the committee to report them back to the House and recommend the adoption of the substitute, and the passage of the same with the following amendment :

“And that his Excellency the Governor be requested to furnish Gen. McKenzie with a copy of this resolution.”

All of which is respectfully submitted.

RUSSELL, Chairman.

The amendment was adopted, and the substitute thus amended was then adopted and ordered engrossed.

The chairman of the Committee on Counties and County Boundaries reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was referred House bill No, 77, being “An act permanently establishing the county seat of Kinney county,” have had the same under consideration, and herewith return the same and recommend its passage.

TROLINGER, Chairman.

The bill having been read, was then ordered engrossed.

On motion, the bill was considered engrossed, and put on its third reading, after which the bill passed.

A second report from the same committee read as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Counties and County Boundaries, to whom was referred House bill No. 82, being "An act to authorize the county of Maverick to issue interest-bearing bonds, and to levy a tax to pay the same," have had the bill under consideration, and herewith return the same and recommend its passage.

TROLINGER, Chairman.

The bill was then read, and on motion of Mr. Powers, the preamble was ordered to be stricken out.

The bill thus amended was then ordered engrossed.

On motion of Mr. Powers, the rules were suspended and bill put on its third reading, after which the bill passed.

The chairman of the Committee on Military Affairs reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

The Committee on Military Affairs, to whom was referred House bill No. 105, to be entitled "An act for the relief of certain citizens of Limestone county," respectfully report that the same has been examined by the committee, and its passage recommended.

J. M. ANDERSON, Chairman.

On motion of Mr. Killough, the further consideration of the bill was postponed until Monday next at 11 o'clock A. M., and made the special order for that time.

The chairman of the Committee on Public Buildings and Grounds reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

Your committee to whom was referred a resolution to inquire into the furnishing of certain rooms for the Speaker of the House and the President of the Senate, by the last Legislature, beg leave to report as follows :

That the northwest room on the base of the Capitol was fitted up for the Hon. Don Campbell, President of the Senate, with the following articles of furniture, to-wit :

One walnut wardrobe.....	\$ 92 00
One bureau.....	103 00
One bedstead.....	92 00
One walnut rocking chair.....	23 00
One spring lounge.....	36 80

One lamp.....	4	31
Window curtains.....		
Sixty-four and a half yards carpeting.....	88	32
One spring mattress.....	63	25
Making and putting down carpet.....	11	00

\$514 18

All of which we find in and about the Capitol, with the exception of the walnut rocking chair, the lamp and the spring mattress.

ROSEBOROUGH, Chairman.

The chairman of the Committee on Private Land Claims reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

Your committee to whom was referred House bill No. 79, being "An act for the relief of the assignees of Antonio Menchaca," have carefully considered the same, and a majority of the committee have instructed me to report back the same, and recommend that it do pass.

LANE, Chairman.

On motion of Mr. Morris, the bill was referred to Judiciary Committee No. 2.

A message from the Senate was received which announced that that body had passed House bill No. 71, without amendment.

Said bill is "An act to authorize the Comptroller of Public Accounts to receive from the Secretary of the Treasury of the United States, the balance of the fund appropriated by the acts of September 9, 1850, and February 28, 1855, for the payment of the creditors of the late Republic of Texas."

The following report of special committee was then made:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The special committee to whom was referred the communication of the Governor, in relation to the report of the Comptroller, has had this subject under consideration, and beg to submit the following report:

The committee deprecates the high state of personal feeling existing between the Governor and the Comptroller, as disclosed by the correspondence, in regard to which we do not feel ourselves called upon to examine;

but, considering the importance of the subject, and the relative positions of these two officials as Governor and Comptroller, and the influence that the document in question would have upon the fair name and fame of our State, as well in its fiscal interests as in other regards, if were to be received and published without objection or comment, we feel impelled to state: That the document in question is not such a report as the law requires the Comptroller to make. That it is officiously encumbered with matters, suggestions and illusions not proper or pertinent to the report required of the Comptroller. That said document is not couched in language so decorous as the committee would recommend as an example to be followed in communications between the different departments of the government; and upon this consideration we think the Governor rightfully refused to receive it, and that our journal should not be encumbered with it. The committee does not feel itself called upon to examine the general correctness of the document as a report, as to the tabular statement and details; we consider this matter as properly cognizable by the standing committee on the accounts of the Comptroller and Treasurer, to which committee we respectfully recommend a reference of the subject.

Finally, the committee considers that the Comptroller has not furnished the Governor with the report in the time and as prescribed by law; and we therefore recommend the passage by this House of the accompanying resolution, and that the committee be discharged from the further consideration of the subject.

Respectfully submitted.

POWERS,
ADRIANCE,
PAYNE,
ALLISON,
WINKLER,
GREEN,

Committee.

Resolved by the House of Representatives of the State of Texas, That the Comptroller of Public Accounts be and he is hereby requested to furnish to the Governor of this State, as required by law, an exact and complete statement of the funds of the State, of its revenues, and of the public expenditure during the preceding fiscal

year, and with a detailed estimate of the expenditures to be defrayed from the Treasury for the ensuing fiscal year, specifying therein each object of expenditure, and distinguishing between such as are provided for by special or general appropriations, and such as are required to be provided for by law, and showing the means by which such expenditures are to be defrayed.

Resolution adopted.

Bills and resolutions being in order, Mr. Shaw introduced a bill for the relief of John Hendricks. Read and referred to Committee on Private Land Claims.

Mr. Berends offered the following resolution :

WHEREAS, The Governor of the State of Texas has appointed commissioners to represent the State at the Vienna Exposition; therefore,

Be it resolved, That the Committee on Finance be instructed to consider the importance and expediency of representing the State of Texas at the Vienna Exposition, to be held in the course of this summer, and if found expedient, to report to the House by bill the appropriation necessary to pay the expenses of those commissioners.

Adopted.

Mr. Gallaway presented a joint resolution proposing amendments to sections two, three, four and six of article five of the Constitution of the State of Texas, which was read and referred to the Committee on Constitutional Amendments.

Mr. Scott presented a bill for the relief of David M. Callahan. Read and referred to the Committee on Private Land Claims.

Mr. Brown of Dallas introduced a bill to incorporate the Dallas, Palestine and Southeast Texas Railway Company. Read by caption, and referred to the Committee on Internal Improvements.

Mr. Tom introduced a bill to be entitled "An act to amend an act entitled an act to amend an act prescribing the times of holding district courts in the several judicial districts in the State, approved August 10, 1870, approved October 13, 1871." Read and referred to Judiciary Committee No. 1.

Mr. Kemble offered the following resolution :

Resolved, That the Committee on Roads, Bridges and Ferries be instructed to inquire into the expediency of so amending the road law as to require contracts for build-

ing bridges, improving roads, or any work done on roads, to be let out to the lowest bidder in the vicinity where the work is to be done, and that the committee be requested to report at their earliest convenience.

Adopted.

Mr. Bewley introduced a bill for the protection of farming interests. Read and referred to the Committee on Agriculture and Stock Raising.

Mr. Payne offered the following resolution :

Resolved, That the Committee on Private Land Claims be instructed to inquire into the expediency of establishing a commission, to consist of not more than three persons, to examine into all private land claims which may be presented to them, the action of said committee thereon to be final, and that said committee report by bill or otherwise.

Adopted.

Mr. Thurmond introduced "A bill to adjust and define the boundary lines between the counties of Aransas, Refugio, San Patricio and Nueces." Read and referred to the Committee on Counties and County Boundaries.

Mr. Gillette introduced "A bill to refund to J. J. Gathings a sum of money therein specified, and to provide for the payment of the same." Read by caption and referred to the Committee on Military Affairs.

Mr. Abbott moved to adjourn until 10 A. M. to morrow. Lost.

Mr. Anderson of Montgomery offered the following resolution :

Resolved, That the people of Montgomery county do hope and truly desire your honorable body, as the Thirteenth Legislature, will take delight in and some compassion upon us, the people of the county, and pass some good laws, so as to prohibit any person or persons from using any ten pin alleys within three miles of any town or village in the county of Montgomery. This act shall take effect from and after its passage.

Read and referred to the Committee on Counties and County Boundaries.

Mr. Prendergast introduced a bill to amend the first section of "An act entitled an act to amend the first section of an act to regulate proceedings in the district courts, approved May 13, 1846, approved December 10, 1863," the reading of which was dispensed with, and it was referred to Judiciary Committee No. 1.

Mr. Denton introduced "A bill for the encouragement and protection of the farming interests of the State of Texas." Read by caption and referred to the Committee on Agriculture and Stock Raising.

On motion of Mr. Westfall the House adjourned until 10 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, January 28, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

The following gentlemen failed to answer to their names: Messrs. Diller, Ellett, Gaston, Hollingsworth and Walker.

Messrs. Ellett and Gaston were excused on account of sickness.

The journal of yesterday was read and adopted.

A messenger from the Senate announced the passage by that body of House bill No. 44, "An act to incorporate the city of Brenham, and grant a new charter to the same;" House bill No. 59, "An act to re-incorporate the city of Navasota, and repeal former act of incorporation;" and Senate bill No. 11, an act to repeal an act entitled "An act to establish a State police, and provide for the regulation and government of the same," approved July 1, 1870; and the joint resolution passed by the House, that the committees from the House and Senate to investigate the accounts of De Gress, should form a joint committee.

On motion of Mr. Booty, Mr. Hollingsworth was excused on account of sickness in his family.

Mr. Booty, chairman of Committee on Engrossed Bills reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee on Engrossed Bills have examined House bill No. 35, "An act to authorize the Commissioner of the General Land Office to issue headright certificates, and county and donation warrants for land to

certain persons entitled to the same;" also House bill No. 47, "An act to amend the second and thirteenth sections of an act entitled an act to incorporate the Rockport, Fulton, Laredo and Mexican Pacific Railway Company," approved November 11, 1871; also substitute for House bill No. 84, an act entitled "An act to repeal an act entitled an act to provide for the appointment by the Governor of certain officers to fill vacancies," approved June 28, 1870, and find the same correctly engrossed.

BOOTY, Chairman.

On motion, the regular order of business was suspended, and Senate bill No. 2, an act entitled "An act to provide for the enrollment of the militia, the organization and discipline of the State Guards, and for the public defense," approved June 24, 1870, was taken up and read.

On motion, the rules were suspended, and the bill put on its second reading.

The bill was then read and passed to a third reading.

On motion, the rules were further suspended, and the bill put on its third reading.

The bill was then read a third time.

Yeas and nays being called for resulted as follows:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson of McLennan, Armstrong, Berends, Bewley, Bledsoe, Booty, Bordeaux, Broadus, Brown of Dallas, Brown of Upshur, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Frankee, Gallaway, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Roseborough, Russell, Salter, Sayers, Scott, Shaw, Shelton, Short, Smith of Colorado, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Veale, Venters, Watts, Westfall, Winkler and Wood—69.

Nays—Messrs. Abbott, Allen, Anderson of Montgomery, Mabry, Michael, Mills, Moore, Roberts, Washington, Wilder and Williams—12.

Whereupon the bill passed.

On motion of Mr. Brown, of Dallas, the regular order of the day was suspended and the Senate bills taken up.

Senate bill No. 1, "An act to repeal an act entitled an act to provide for the appointment, by the Governor, of

certain officers to fill vacancies, approved June 28, 1870," was read and passed to second reading.

On motion the rules were suspended and bill read second time; rules being further suspended, the bill was read third time and passed.

Senate bill No. 11, "An act to repeal an act entitled an act to establish a State police and provide for the regulation and government of the same, approved July 1, 1870," was read first time and passed to second reading.

The chairman of the Committee on Enrolled Bills reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 71, entitled "An act to authorize the Comptroller of Public Accounts to receive from the Secretary of the Treasury of the United States the balance of the fund appropriated by the acts of September 9, 1850, and February 28, 1855, for the payment of the creditors of the late Republic of Texas," and find it correctly enrolled, and said bill was this day at 10 o'clock presented to the Governor for his signature.

SHAW, Chairman.

Petitions and memorials being in order, Mr. Nelson offered a memorial of the heirs of David Hoffman, which was referred without reading to the Committee on Private Land Claims.

The Finance Committee reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred a resolution of the House instructing the committee to inquire into the deficiency of appropriations for the support of the officers and employes of the State government, amounting to one hundred and fifty thousand dollars since September 1, 1872, as estimated by the Governor's message, have considered the same and instruct me to say that the matter referred to will be attended to by a general bill at an early day, and therefore ask to be discharged from the further consideration of said resolution.

WOOD, for Committee.

Adopted.

Judiciary Committee No. 1 reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 49, being "An act for the relief of persons therein named," have had the same under consideration, and find it provides for extending patents to the persons therein named for headrights claimed by them, and instruct me to report the bill to the House with the recommendation that it be referred to the Committee on Private Land Claims. It is believed that committee has better facilities for the determination of the matter therein claimed.

GEO. W. SMITH, Chairman.

Adopted.

On motion of Mr. Winkler, the House adjourned, on account of the severe cold, until 10 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, January 29, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

The following gentlemen failed to answer to their names:

Messrs. Michael, and Phelps.

The journal of yesterday was read and adopted.

The Finance Committee reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred House bill No. 83, entitled "An act for the relief of Rev. W. C. Crawford," beg leave to report that they have carefully considered said bill, and there being no reason apparent to your committee why special legislation should be had in his behalf, they respectfully return the same and recommend that it do not pass.

VAN ZANDT, for Committee.

Adopted.

On motion of Mr. Brown of Upshur the vote was reconsidered and the bill referred back to the Committee on Finance.

Mr. Nelson offered a memorial of Martha J. Thompson, heir of A. M. Lynch, which was referred, without reading, to the Committee on Private Land Claims.

Messrs. J. T. Smith and U. G. M. Walker, of Third Senatorial District, came forward and were sworn in.

On motion, Mr. Anderson of Montgomery was granted leave to withdraw his bill prohibiting the use of ten pin alleys in Montgomery county.

On motion of Mr. Smith of Colorado, Mr. Leyendecker was excused for a week on account of important business.

A message from the Governor was received.

Mr. Anderson of McLennan moved to reconsider the vote on the bill to repeal the militia law.

The hour for the special order of the day having arrived, on motion of Mr. Sayers its consideration was postponed until 12 M. on Thursday.

The yeas and nays being called on the motion to reconsider, resulted as follows:

Yeas—Messrs. Speaker, Abbott, Adriance, Allen, Allison, Anderson of Montgomery, Anderson of McLennan, Berends, Bledsoe, Booty, Bordeaux, Carroll, Chambers, Doyle, Eastland, Frankee, Gaston, Gillette, Green, Harrison, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Kleberg, Lane Leyendecker, Mabry, Manning, McDonald, Michael, Mills, Moore, Morris, Nelson, Noeggerath, Powers, Prendergast, Roseborough, Salter, Sayers, Scott, Shaw, Smith of Colorado, Smith of Houston, Storey, Trolinger, Van Zandt, Venters, Washington, Wilder, Williams, Winkler and Wood—56.

Nays—Messrs. Armstrong, Bewley, Broadus, Brown of Upshur, Cunningham, Davenport, Day, Denton, Ford, Gallaway, Ghent, Gilpin, Payne, Rainey, Rimes, Robb, Russell, Shelton, Short, Thurmond, Tilson, Tivy, Tom, Walker, Watts and Westfall—26.

Whereupon the motion to reconsider was declared carried.

By special leave Mr. Short offered the following resolution:

Resolved, That the Committee on Privileges and Elections be authorized to employ a clerk, at not exceeding eight dollars a day; his appointment to continue only so long as is necessary to investigate the contested election cases now pending before said committee.

Mr. Prendergast moved to amend by striking out the word "eight" and inserting instead "five."

Mr. Mills moved to lay the amendment on the table. Lost.

The amendment was then carried, and the resolution thus amended was adopted.

On motion of Mr. Ghent, Mr. Carroll was granted leave of absence for a week.

On motion of Mr. Watts, the House adjourned until 10 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, January 30, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

The following gentlemen failed to answer to their names: Messrs. Gaston, Phelps and Tivy. The journal of yesterday was read and adopted.

The Secretary of the Senate announced the passage by the Senate of Senate bill No. 40, "An act to renew and continue in force an act entitled an act to charter Nacogdoches University, approved February 3, 1845;" and Senate joint resolution No. 5, requiring the payment of Treasury warrants without regard to date or numbers.

Senate bill No. 2, being "An act to repeal an act providing for the enrollment and discipline of the State guards, and for the public defense, approved June 24," 1870, was taken up.

Mr. Allen moved to recommit the bill.

Mr. Bewley moved to lay the motion on the table, which was carried.

Mr. Ireland moved to postpone the further consideration of the matter until Saturday, 12 M., and make it the special order for that time.

Mr. Westfall moved the previous question, which was seconded.

Yeas and nays being called for, the previous question was sustained by the following vote:

Yeas—Messrs. Anderson of McLennan, Armstrong, Bewley, Bledsoe, Booty, Bordeaux, Broadus, Brown of

Dallas, Brown of Upshur, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Frankee, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Kemble, Kleberg, Killough, Lane, McDonald, Morris, Nelson, Noeggerath, Payne, Rainey, Rimes, Robb, Roseborough, Russell, Salter, Scott, Shelton, Short, Smith of Houston, Thurmond, Tilson, Tom, Van Zandt, Veale, Walker, Watts and Westfall—54.

Nays—Messrs. Speaker, Abbott, Adriance, Allen, Allison, Anderson of Montgomery, Berends, Ellett, Green, Ireland, Joseph, Mabry, Manning, Michael, Mills, Powers, Prendergast, Roberts, Sayers, Shaw, Smith of Colorado, Storey, Trolinger, Venters, Washington, Wilder, Williams, Winkler and Wood—29.

Whereupon the main question was declared ordered.

The main question, being the passage of Senate bill No. 2, was then put.

The yeas and nays being called resulted as follows :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson of McLennan, Armstrong, Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Brown of Upshur, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Frankee, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Manning, McDonald, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Roseborough, Russell, Salter, Sayers, Scott, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tom, Trolinger, Van Zandt, Veale, Venters, Walker, Watts, Westfall, Winkler and Wood—70.

Nays—Messrs. Abbott, Allen, Anderson of Montgomery, Berends, Ellett, Green, Mabry, Michael, Mills, Roberts, Washington, Wilder and Williams—13.

Whereupon the bill was declared to have passed.

Mr. Morris moved to suspend the rules, and asked for leave to introduce a bill, which was granted.

He then presented a bill entitled "An act concerning the militia," which was read and referred to the Committee on Military Affairs, with instructions to report thereon on Saturday next, or earlier if practicable.

The Committee on Enrolled Bills reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills would respectfully report that House bill No. 18, entitled "An act to amend the first section of article second of title two of an act to incorporate the city of Galveston, and to grant a new charter to said city, and to repeal all acts heretofore passed incorporating said city, which may be in force by virtue of any existing charter, approved May 16, 1871," was on the twenty-eighth day of January, 1873, presented to the Governor for his signature.

SHAW, Chairman.

Mr. Denton offered a resolution asking that part of the unorganized territory known as the "Territory of Bexar," be annexed to Menard county for judicial and other purposes. Read and referred to the Committee on Counties and County Boundaries.

Mr. Morris offered a memorial of certain citizens of Rusk county remonstrating against the formation of a new county, as therein stated. Read and referred to the Committee on Counties and County Boundaries.

Mr. Gillette offered a memorial of certain citizens of Hill and McLennan counties asking the passage of a liquor law. Read and referred to the Committee on State Affairs.

Mr. Westfall offered a memorial of certain citizens of Williamson, Bell, Burnet and Lampasas counties, praying for the creation of a new county. Read and referred to the Committee on Counties and County Boundaries.

Mr. Bewley offered a petition of certain citizens of Sabine county relative to a change of the county seat. Read and referred to the Committee on Counties and County Boundaries.

The Committee on Education reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

The Committee on Education to whom was referred a bill prohibiting the sale of intoxicating or vinous liquors within two miles of Pleasant Grove Academy, Hunt county, have considered the same and recommend its passage.

ARMSTRONG, Chairman.

The bill therein named was read the second time and ordered engrossed.

A second report was received from the same committee, as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

The Committee on Education to whom was referred the resolution offered by Mr. Morris to inquire and report to this House :

1. The money, bonds or debts belonging to the school-fund.
2. The amount of lands located by railroads as alternate sections, whether located before or after the adoption of the present Constitution, and the counties in which said lands are located.
3. The amount located as University lands, and in what counties located.
4. That they report any other property or effects that may be ascertained in their investigation.
5. That the information be reported in a plain tabular form.

Beq leave respectfully to report :

1. That they find by the Comptroller's report, in the Treasury on November 30, 1872 :

IN PERMANENT SCHOOL FUND.

1. U. S. 6 per cent bonds....	\$70,800 00	
2. U. S. 5 per cent bonds....	271,250 00	
3. State 6 per cent bonds, Nov. 15, 1864.....	320,367 17	
4. State 5 per cent bonds, Nov. 12, 1866.....	32,168 32	
5. Railroad bonds, 6 per cent.	1,744,535 99	
6. U. S. currency.....	314 75	
	<hr/>	\$2,498,217 74

Brought forward.....	\$2,498,217 74
In addition to the above included 6 per cent railroad bonds, the several companies yet owe on consolidated interest, under act of August 13, 1870, and upon which interest has been paid under protest. . . .	\$705,761 41
Less the balance of bonds of the Houston, Tap and Brazoria Railroad, which has been sold by the Governor..	295,300 00
Total added to above assets in the Treasury.....	410,461 41
Grand total.....	<u>\$2,908,179 15</u>
Amount of productive bonds.	\$2,209,343 16
Amount of non-productive State bonds and bonds of the H. T. and B. Railroad.	698,835 99
Total.....	\$2,908,179 15

AVAILABLE SCHOOL FUND.

Specie.....	\$18,756 13
Currency.....	63,078 05
Bonds (10 per cent interest) Brazos county...	12,000 00
	<u>\$93,854 28</u>

In addition to this amount there is charged :

Geo. W. Honey, in specie	\$6,413 77
Geo. W. Honey, in currency.....	158,214 75
Total charge.....	<u>\$164,628 50</u>

Against this amount, however, there is a charge against the fund of *all amounts* disbursed by Mr. Honey during the months of March, April and May, 1872, which can only be ascertained upon settlement of his accounts.

2. Your committee further report that, by the information from the General Land Office, there have been granted to railroads and other companies, 9,916,160 acres. Out of this, 655 certificates of 640 acres each (419,200) have issued, not to be located on alternate sections, which, deducted, leaves a balance of 9,496,960 acres, or 14,839 certificates for 640 acres each, in alternate sections.

On account of the location of certificates having been entered not by counties, but by land districts, the Commissioner was not able to give a statement of the location in the several counties, but has ordered that a tabular statement shall be made immediately, and will report the same in a short time to this House.

Your committee further report that the Commissioner of the General Land Office, in his official report, has given a tabular statement of all lands belonging to the university fund granted to high schools, academies and to the several counties, for four leagues each, as located in the several counties; and your committee respectfully suggest that the House allow the committee further time to report, when the official report of the General Land Commissioner shall be transmitted to the House.

JULIUS BERENDS, for the committee.

Laid on the table.

The Committee on Constitutional Amendments reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on Constitutional Amendments have had under consideration a joint resolution, which had been referred to them, ratifying an amendment to the Constitution proposed by the Twelfth Legislature, and voted on by the people at the last general election.

In such cases the Constitution requires the several returning officers to "make a return to the Secretary of State of the names of all those voting for Representatives who have voted on such proposed amendments." The committee are of opinion that the object and purpose of this requirement of the Constitution was evidently to ascertain with certainty that a majority of those voting for Representatives had voted for the amendment.

In this case the committee understand that returns have been made of the names of all those voting for Represent-

atives, but without designating the names of the particular persons who had voted on the proposed amendment. By comparing the vote polled for Representatives with the vote on the amendment, and the entire vote cast, it will, however, be seen that a large majority of those voting for Representatives must necessarily have voted for the amendment. This the committee think, if not in exact and literal conformity with the constitutional requirement, is at least a substantial compliance with its spirit and intent.

Believing that the proposed amendment has received a large majority of the popular vote, and deeming the change desirable, they report the joint resolution back to the House and recommend its passage.

PRENDERGAST, Chairman.

The time having arrived for taking up the special orders of the day, on motion of Mr. Morris, they were postponed until Saturday, 12 M.

On motion of Mr. Russell, the report just read, with accompanying resolution, was made special order for Monday at 12 M.

On motion Mr. Burley was added to the Committee on Finance, Mr. Gillette to the special committee to investigate the accounts of the Superintendent of Public Schools, and Mr. Broadus to the Committee on Constitutional Amendments.

A communication from the Governor was read, informing the House that he had approved the act making an appropriation for the mileage and per diem pay of the members, and the per diem pay of the officers and employes of the Thirteenth Legislature, on the twenty-seventh of January, 1873.

A communication was also read from the Commissioner of the General Land Office, showing the number of land certificates applied for and issued to the Houston and Texas Central Railroad Company, and other railroad and land statistics, and containing, also, a protest by the Attorney General against the issuance of any further certificates to the Houston and Texas Central, the Southern Pacific, the International and Trans-Continental Railroads.

On motion of Mr. Morris the House ordered one hundred copies of the communication from the Commissioner of the General Land Office to be printed, and that the papers be laid on the table.

Mr. Mills introduced "A bill for the relief of certain minors therein named." Read and referred to Judiciary Committee No. 2.

Mr. Broadus introduced a bill to amend the twenty-ninth section of "An act entitled an act prescribing the times of holding the district courts of the several judicial districts in the State." Read and referred to Judiciary Committee No. 1.

Mr. Rimes introduced "A bill making an appropriation to pay the mileage and per diem of the Presidential electors." Read and referred to the Committee on Public Debt.

Mr. Veale introduced a bill to amend "An act to amend articles seven hundred and fifty-seven and seven hundred and sixty-six of an act to adopt and establish a penal code for the State of Texas, approved November 12, 1866." Read and referred to Judiciary Committee No. 2.

Mr. Payne introduced "A bill to provide for prompt settlement of accounts by sheriffs with the State and counties." Read and referred to the Committee on Finance.

Mr. Wood introduced a bill to amend "An act entitled an act to better define marital rights, approved March 13, 1848." Read and referred to Judiciary Committee No. 1.

Mr. Wood introduced a second bill in regard to homesteads. Read and referred to Judiciary Committee No. 1.

Mr. Brown of Dallas introduced "A bill for the relief of A. S. Thurmond." Read and Referred to the Committee on Private Land Claims.

Mr. Shaw offered the following resolution :

Resolved, That the Speaker be authorized, when in his judgment it may be necessary, from time to time to employ an assistant enrolling clerk.

Adopted.

Mr. Payne introduced a bill entitled "An act to authorize Isaac Franklin to erect a pontoon bridge over the San Antonio river, in the county of Goliad, Texas." Read by caption and referred to the Committee on Roads, Bridges and Ferries.

Mr. Winkler offered the following resolution :

Resolved, That the Committee on Printing and Contingent Expenses be directed to report to this House at its earliest convenience some plan by which the necessary printing can be obtained.

Mr. Killough moved to lay the resolution on the table.
Lost.

The resolution was then adopted.

Mr. Winkler introduced a bill for the relief Mrs. America P. McCall. Read and referred to Judiciary Committee No. 1.

Mr. Powers introduced a bill for the relief of William Seanlan, sheriff of Cameron county. Read and referred to Judiciary Committee No. 1.

On motion of Mr. Allen the House adjourned until 10 A. M. to-morrow.

HOUSE OF REPRESENTATIVES,)
AUSTIN, TEXAS, January 31, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

The following gentlemen failed to answer to their names:

Messrs. Tivy and Veale.

Pending the reading of the journal of yesterday the Secretary of the Senate announced the passage by that body of "An act creating the county of Rockwall." Also, the passage of the following concurrent resolution:

Resolved by the Senate, the House concurring, That J. C. De Gress, Superintendent of Public Instruction, be permitted to appear in person or by counsel, before the joint committee of the Senate and House, now investigating his official conduct, and that he be authorized to have witnesses summoned before said committee, and that the sessions of the committee be public.

Also, the following concurrent resolution.

Resolved by the Senate, the House concurring, That the committee of the House and Senate on the Land Office be consolidated and act in conjunction as a joint committee.

The reading of the journal was finished and it was adopted.

On motion Mr. Joseph was excused for eight days from Monday next on account of important business.

On motion, Mr. Killough was excused for three days.

On motion, Mr. Michael was excused until Tuesday next.

Mr. Tivy was excused on account of sickness.

The bill of Mr. Westfall to create the county of Florence was taken up, read and referred to Committee on Counties and County Boundaries.

Petitions and memorials being in order, Mr. Abbott offered a petition from the people on the east side of the Brazos river, in Austin county, for a new county. Read by caption and referred to the Committee on Counties and County Boundaries.

Mr. Hollingsworth offered a memorial from the police court of Hays county. Read by caption and referred to the Committee on Counties and County Boundaries.

Mr. Hollingsworth offered a petition from citizens of Brown county, asking that back taxes due the State be donated or loaned to the county to enable it to build a court house and jail. Read by caption and referred to the Committee on Counties and County Boundaries.

The Judiciary Committee No. 1 reported as follows:
Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Judiciary Committee No. 1 has had under consideration House bill No. 68, entitled "An act to authorize and require sheriffs and constables to serve process issued by either house of the Legislature or any committee thereof," and have instructed me to report the same to the House, with an amendment appended to the bill and numbered "section three," the original section three be changed to "four," and recommend the passage of the bill with said amendment.

GEO. W. SMITH, Chairman.

The original bill having been read, the amendment was read and adopted, and the bill, thus amended, was ordered engrossed.

A second report from the same committee was offered:
Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 97, entitled "An act entitled an act to regulate the conduct of public officers," have had the same under consideration, and have directed me to report the same back to the House with the blank amount of the penalty fixed and inserted in the bill at not less than

“ten” dollars and not more than “one hundred” dollars, and recommend its passage.

GEO. W. SMITH, Chairman.

The bill and amendment were read, amendment adopted and bill ordered engrossed.

Judiciary Committee No. 2 reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred House bill No. 81, beg leave to report the bill herewith submitted as a substitute, and recommend its passage.

IRELAND, Chairman.

The original bill having been read, the substitute was read and adopted, and the bill ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed by a two-thirds vote.

Judiciary Committee No. 1 offered a second report as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Judiciary Committee No. 1, to whom was referred House resolution No. —, have had the same under consideration, and have directed me to state, that to the first proposition, to-wit, “Whether a law to take effect in a county of this State, upon a vote of the people of said county, would be constitutional,” we answer in the affirmative. If such a law can constitutionally be passed absolutely and unconditionally by the Legislature, the Legislature can authorize an act to be done at the discretion of another body or person, or command it done directly; and if done by another body or person in pursuance of said authority, it would be as valid as if done by an express command of the law-making power. Laws may be made to take effect and go into force on the happening of a future event or contingency, and we know of no reason why that event or contingency may not be the vote of the people as well as any other event or contingency. In such a case, we are of opinion that the law would not derive its validity and force as a law from the vote of the people, but from the expressed legislative will. We do not regard it as a delegation of legislative power to the people in such cases, but only the exercise of a discretion on their part that goes to the practical efficacy or exercise of the power conferred by the Legisla-

ture on them, and not to the power itself of making the law. In such cases the Legislature makes the law, coupled with a suspension of its practical operations, until the event (the vote of the people) shall take place; upon which it is made by the Legislature to go into effect and practical operation.

The second proposition is, "If the Legislature has the power to submit such a law, can the voters of an incorporated town or city be excluded from voting thereon?" Article six of the Constitution provides that a legal voter, residing for sixty days in the county in which he offers to vote, shall have the right to vote upon all questions submitted to the electors at any election.

Section twenty-one, article one, of the Constitution, provides that the equality of all persons before the laws are herein recognized and shall ever remain inviolate;" and section ten, article one, provides that "All freemen, when they form a social compact, have equal rights, and no man or set of men is entitled to *exclusive separate* public emoluments or privileges."

These are all the provisions of the Constitution believed to have any bearing upon the proposition under consideration, and from them it seems that it was the intention of the convention to place all persons on terms of equality of rights and privileges, and that no man or set of men should have exclusive public privileges upon any subject in which the whole social compact may have a like interest; and that all the electors of the county in which any one offers to vote, on any question submitted to them, should have a right to vote; and we are strongly inclined to the opinion, that a law passed and intended to operate upon all the people of a county, those in the towns and cities as well as those in the rural districts of the county, but made to depend upon the votes of those out of the towns and cities, would have the effect to destroy that constitutional equality of rights and privileges of all persons affected thereby, and in violation of the Constitution, would confer the exclusive public privilege of voting upon a part of the freemen composing the social compact (the county), upon the question that must affect the best interests of the whole people thereof, while it denies the same privilege to a part living in the towns or cities, who would be equally affected by the law. And we are strongly inclined to the opinion, that such a law would be

unconstitutional and void ; but we will say that such a law would be so repugnant to our notions of common justice and simple fairness, that we believe all would deprecate its passage.

All of which is respectfully reported.

GEO. W. SMITH, Chairman.

Mr. Broaddus offered the following resolution :

Resolved, That the Speaker of this House tender to Colonel George Hancock, of Louisville, Kentucky, a seat upon the floor of this House, on account of distinguished and valuable services rendered by said Hancock to Texas, in her early struggle with Mexico.

Adopted.

Mr. Bordeaux offered the following resolution :

Resolved, That the Speaker be requested to invite the Hon. J. W. Throckmorton to a seat within the bar, and extend to him the privileges of this House during his stay in this city.

Adopted.

The Committee on State Affairs reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on State Affairs, to whom was referred the petition of about one hundred citizens of Houston county, asking relief for Obadiah Marsh, by restoring him to the rights of citizenship forfeited by his conviction of felony and consequent confinement in the penitentiary in 1860, which are asked to be restored on account of his uniformly good conduct and character during the nine years that have elapsed since his release, unanimously instruct me to report the accompanying bill for his relief, and recommend its passage.

J. H. BROWN, Chairman.

The bill for the relief of Obadiah Marsh was read and passed to its second reading.

A second report from the same committee was read, as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was referred "A bill to repeal the act to regulate the keeping and bearing of deadly weapons," have maturely considered the same, and instruct me to report the accompanying bill as a substitute therefor, and recommend its passage.

The bill, as will be seen by the House, is substantially the present law, with a provision added aiming at the suppression of the habit of carrying concealed weapons, and with the objectionable features of the present law so modified as to avoid the difficulties and hardships often complained of by peaceful and law abiding citizens. The committee are unanimously of the opinion that a stringent law on the subject is a necessity; but while anxious to suppress the habit of lawless men carrying pistols and other arms in peaceful communities, they have sought to prepare a bill which may control the vicious, and at the same time work no hardship on the peaceful citizen.

J. H. BROWN, Chairman.

The original bill having been read, the substitute was read and adopted. It was then made the special order for Wednesday next at 12 M., and one hundred copies thereof were ordered printed for the use of the House.

Third report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives.

SIR: The Committee on State Affairs, to whom was referred a joint resolution providing for the painting of portraits of deceased ex-Presidents Burnet, Lamar and Jones, and of the late General T. J. Rusk and James Pinckney Henderson, first Governor of the State of Texas, instruct me to report the same back and recommend its passage, with the following amendments. The committee trust that this work of respect to the memory of the illustrious deceased patriots of our State may be unanimously passed by both Houses of the Legislature.

J. H. BROWN, Chairman.

Amendments: First, add to the first resolution: "And resolved further, that the Governor be authorized to have the portraits of Stephen F. Austin, now in the Representative Hall, repaired and renovated by a competent artist."

Second, fill the blank in the second resolution with the words "three thousand five hundred."

The amendments were adopted and the joint resolution ordered engrossed.

The chairman of the Committee on Engrossed Bills reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : Your Committee on Engrossed Bills instruct me to report that they have carefully examined House bills as follows :

No. 40, "An act to repeal sections thirty-one and thirty-two of an act entitled an act concerning private corporations," approved December 2, 1871 ; No. 53, "An act to provide for appeals from interlocutory orders and decrees made by the district courts of this State, and the judges thereof, and to repeal an act entitled an act to provide for appeals from interlocutory judgments in the district courts of this State ;" No. 57, "An act to prohibit the sale or giving away of intoxicating or spirituous liquors within one mile of the Institution of Learning, situated at Caledonia, in Rusk county, Texas ;" No. 77, a bill to be entitled "An act permanently establishing the county seat of Kinney county ;" No. 82, a bill to be entitled "An act to authorize the County Court of Maverick county to issue interest-bearing bonds, and to levy a tax to pay the same ;" No. 91, a bill to be entitled "An act to amend an act to establish a code of criminal procedure for the State of Texas ;" No. 98, a bill to be entitled "An act to amend section five of an act entitled an act prescribing the powers and duties of clerks of the district courts," approved August 12, 1870 ; No. 34, "joint resolution of thanks to Gen. McKenzie and his command ;" and find the same correctly engrossed.

BOOTY, Chairman.

The Committee on Public Buildings and Grounds reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : Your Committee on Public Buildings and Grounds beg leave to report that they have had the resolution inquiring how much of the seventeen thousand dollars appropriated for the purpose of having the artesian well completed, under consideration, and find after examination that three thousand three hundred and eighty-five dollars and sixty-two cents has been expended, for which herewith we submit the accompanying account and vouchers as part of our report.

ROSEBOROUGH, Chairman.

ACCOUNT

To Complete the Artesian Well, and for the Better Protection of Public Buildings, etc.

Dr. 1872.		Cr.
Mar. 4..	J. G. Tracy.....A	\$180 00
Mar. 4..	Tracy & Quick...B	160 00
April 4..	Millican & Steele..C	500 00
May 7..	Millican & Steele..D	634 09
May 13..	Millican & Steele..E	126 67
May 15..	A. Siemering & Co..F	76 50
Aug. 7..	Millican, Steele & Fisher.....G	487 33
Aug. 30..	Millican, Steele & Fisher.....H	687 20
Sept. 5..	Millican, Steele & Fisher.....K	500 00
Oct. 5..	J. F. Haden.....L	15 00
Nov. 26..	Galveston News..M	18 82
	Balance.....	13,614 39
		17,000 00
		By appropriation \$17,000 00
		17,000 00
		By balance.....13,614 39

Mr Westfall offered the following resolution :

Resolved, That the Committee on Immigration be and they are hereby requested to report to this House at an early day upon the expediency of taking the necessary steps to discontinue the Bureau of Immigration.

Adopted.

Mr. Hester introduced a bill entitled "An act to provide for the employment of private clerks for the judges of the Supreme Court, approved April 5, 1871." Read and referred to Judiciary Committee No. 1.

Mr. Ghent offered the following resolution :

Resolved, That the Speaker appoint a special committee of three to examine the present "schedule of distances to Austin and return," and suggest what changes, if any, are required to make said schedule correspond with correct figures as to distances from the various court houses to the capital.

Mr. Prendergast offered the following concurrent resolution as a substitute :

Resolved by the House of Representatives, the Senate concurring, That the mileage of members shall be estimated by the nearest route to the capital by public conveyance, from the county seat of the county of the residence of each member ; and in case there is no mode of

public conveyance, then by the nearest route usually traveled; that the concurrent resolution of May 13, 1870, fixing a schedule of distances, be suspended and held inoperative; and that in issuing certificates to members, and auditing their claims for mileage, said schedule shall be disregarded, as the same is in many instances incorrect.

Adopted.

Mr. Short offered the following resolution:

Resolved, That the Secretary of State be requested to furnish each member of this House with a copy of Oldham & White's Digest.

Adopted.

Mr. Anderson of McLennan introduced the following resolution:

Resolved, That the Rev. B. A. Rogers, Rector of the Episcopal Church of this city, be and he is hereby requested to address the members of the Legislature on Tuesday evening next at half-past seven o'clock, in the Representative Hall, on the subject of prison reform, and that the public generally be invited to attend and the daily newspapers of the city be requested to give notice that this address will be made.

Adopted.

Mr. Veale introduced a bill to be entitled "An act to accurately define the land district of Palo Pinto, and to make valid the surveys and locations heretofore made therein. Read and referred to the Committee on Public Lands.

On motion Mr. Brown of Upshur and Mr. Rimes were added to the committee to examine the Comptroller's accounts.

Mr. Roberts introduced a bill entitled "An act amendatory of an act entitled an act to organize and maintain a system of public free schools in the State of Texas, and amendatory of an act approved November 29, 1871." Read by caption and referred to the Committee on Education.

Mr. Anderson of McLennan introduced a bill, to be entitled "An act for the protection of purchasers at sales made by executors and administrators, by requiring certain deeds to be recorded within a certain time." Read and referred to Judiciary Committee No. 1.

Mr. Anderson of McLennan introduced a second bill,

entitled "An act to redistrict the State of Texas into judicial districts, and reducing the number of the same." Read by caption and referred to a special committee of one from each judicial district in the State. Said committee to be appointed by the Speaker.

Mr. Booty introduced a bill concerning fences. Read by caption and referred to the Committee on Agriculture and Stock Raising.

Mr. Booty introduced a second bill, "An act to amend an act to dispense with the use of scrolls and seals in certain cases." Read by caption and referred to Judiciary Committee No. 2.

Mr. Bewley introduced a bill regulating proceedings in the several courts of the State. Read by caption and referred to Judiciary Committee No. 1.

Mr. Allen introduced a bill to incorporate the Benevolent Aid Society of the city of Houston. Read by caption and referred to the Committee on State Affairs.

Mr. Wood introduced a bill entitled "An act to amend article 973 of the penal code of the State of Texas." Read and referred to Judiciary Committee No. 1.

Mr. Denton introduced a bill to attach certain unorganized territory to Menard county for judicial and other purposes. Read by caption and referred to Judiciary Committee No. 1.

Mr. Frankee introduced a bill to incorporate the Teutonia Association in Fayette county. Read by caption and referred to the Committee on State Affairs.

Mr. Watts introduced a bill to be entitled "An act to amend an act entitled an act to establish a code of criminal procedure for the State of Texas, approved August 26, 1856." Read by caption and referred to Judiciary Committee No. 2.

Mr. Tilson introduced a bill to amend the thirteenth section of an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties. Read and referred to Judiciary Committee No. 2.

Mr. Payne introduced the following resolution :

Resolved, That his Excellency the Governor is hereby requested to inform this House in relation to the following matters, to-wit :

First. How many of the bonds of the State of Texas, specifying the kind, have been sold or hypothecated, and

the amounts received by the State from such sale or hypothecation?

Second. Did the State receive the amount of \$327,074.70, advanced to T. H. McMahan & Co. by Williams & Guion, of New York, and for which 459 of the \$1000 bonds of the State are deposited with said firm of Williams & Guion?

Third. What disposition has been made of the funds derived from the sale or hypothecation of State bonds, specifying the amount received, who from, and the amount paid out, to whom and for what purpose?

Adopted.

Mr. Ireland introduced a bill to amend "An act incorporating Austin College, approved November 22, 1849." Read by caption and referred to the Committee on Education.

Mr. Joseph introduced "A bill to incorporate the Bolivar and Red River Railroad Company." Read by caption and referred to the Committee on Internal Improvements.

Mr. Joseph introduced a second bill, to amend "An act incorporating the Merchants' Mutual Insurance Company, approved September 19, 1866." Read by caption and referred to Judiciary Committee No. 1.

Mr. Joseph introduced a third bill, to amend the "Act incorporating the Galveston Artillery Company." Read by caption and referred to the Committee on Military Affairs.

Mr. Joseph introduced a fourth bill, to amend the "Act incorporating the Home and Trust Company of Texas." Read by caption and referred to Judiciary Committee No. 1.

Mr. Sayers introduced a bill authorizing Jacob Carroll to construct a bridge across Peach creek, in Gonzales county. Read by caption and referred to the Committee on Roads, Bridges and Ferries.

On motion Mr. Nelson was added to the Committee on Immigration.

Mr. Hollingsworth introduced "A bill authorizing the County Court of Hays county to levy and collect a special tax." Read by caption and referred to the Committee on Counties and County Boundaries.

Mr. Hollingsworth introduced a second bill, changing the time of holding district courts in Brown county.

Read by caption and referred to Judiciary Committee No. 1.

On motion Mr. Allison was added to the Committee on Counties and County Boundaries.

Mr. Smith of Colorado introduced a bill to provide for the election of city officers for the city of Columbus, and to regulate their duties. Read first time; rules suspended and read second time.

Mr. Mills offered the following amendment:

Strike out all money and literary qualifications wherever they occur in said act.

Mr. Brown of Dallas moved to lay the bill and amendment on the table, which was adopted.

Mr. Mills moved to reconsider the concurrent resolution of Mr. Prendergast, relating to the revision of the mileage schedule.

Mr. Prendergast moved to lay the motion on the table, which was adopted.

Mr. Brown of Dallas offered a memorial of Mariano Caifassi, relative to the bust of General Sam. Houston. Referred to the Committee on Public Buildings and Grounds.

Mr. Storey introduced a bill for the protection of the farming interests of the State. Read by caption and referred to the Committee on Agriculture and Stock Raising.

On motion Mr. Wilder was excused until Tuesday at 12 M.

On motion of Mr. Harrison the House adjourned until 10 A. M. to-morrow.

HOUSE OF REPRESENTATIVES,)
AUSTIN, TEXAS, February 1, 1873. (

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

The following gentlemen failed to answer to their names:

Messrs. Gilpin, Tivy and Williams.

On motion of Mr. Mills, Mr. Williams was granted leave of absence for three days.

The secretary of the Senate announced that that body

had passed a joint resolution requiring Jacob Kuechler, Commissioner of the General Land Office, to cause to be published certain land certificates found in the office when he took possession of the same.

The journal of yesterday was read and adopted.

The following communication from the Governor was read :

*To the Honorable Senate and House of Representatives
of the State of Texas:*

GENTLEMEN : As requested by the accompanying petition signed by citizens of Madison county, I forward the same for your consideration. In regard to the disturbances in that county, I have sent a body of police to the county and taken other measures to secure peace and arrest the offenders.

Respectfully,

EDMUND J. DAVIS, Governor.

Mr. Morris offered the following resolution :

Resolved, That the memorial of some of the citizens of Madison county be referred to a committee of three, who are hereby empowered to send for persons and papers, and make a full investigation into the facts as alleged in said memorial, and report the result of said investigation to this House at their earliest convenience ; and if said committee shall deem best, they are hereby empowered to go to the county of Madison and make their investigations personally.

Adopted.

The Speaker appointed Messrs. Watts, Smith of Houston, and Mills said committee.

Mr. Kleberg offered a petition of A. S. Thurmond for relief. Read by caption and referred to the Committee on Military Affairs.

Mr. Salter offered a bill to amend "An act incorporating the city of Calvert, in Robertson county." Read and referred to the Committee on Town and City Corporations.

Mr. Hollingsworth offered a memorial of certain citizens of Brown, Lampasas, Comanche and Hamilton counties, asking the formation of a new county. Read by caption and referred to the Committee on Counties and County Boundaries.

The Finance Committee reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred House bill No. 87, entitled "An act to prevent speculation by officers in county, city and town liabilities," have had the same under consideration, and have directed me to state that they are of opinion the bill is not sufficiently comprehensive to remedy all the evils that it is intended to accomplish, and to report a substitute therefor, which accompanies this report, and recommend its adoption and passage.

GEO. W. SMITH, of Committee.

The original bill having been read, the substitute was read and adopted and the bill ordered engrossed.

On motion the rules were suspended, the bill read third time and passed.

The Committee on Military Affairs reported relative to a matter referring to the militia, which had been referred to them, asked further time, and submitted the following resolution:

Resolved, That the Adjutant General be and he is hereby required to report to this House, at a day as early as possible, a statement of all arms, munitions of war, and other property under his control belonging to the State of Texas, and the value of the same, and report where they are at this time.

Resolution adopted and further time granted.

The same committee submitted a second report as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on Military Affairs, to whom was referred House bill No. 115, entitled "An act to refund to J. J. Gathings a sum of money therein specified, and provide for the payment of the same," have instructed me to report that the same has been carefully considered by the committee, and its passage is unanimously recommended.

J. M. ANDERSON, Chairman.

The bill reported was read a second time and ordered engrossed.

Mr. Gillette moved to suspend the rules and put the bill on its third reading. Lost.

The chairman of the Committee on Private Land Claims reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on Private Land Claims, to whom was referred the House resolution inquiring into the expediency of establishing a commission to examine into all private land claims, have had the same under consideration and report that they do not deem it expedient to establish the commission therein referred to, and ask to be relieved from the further consideration of the subject.

LANE, Chairman.

Adopted.

Second report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred the petition of Rev. O. Fisher and wife, have considered the same, and report that the petition does not properly come under the purview of this committee, and ask leave to return the same to the House, and ask to be relieved from its further consideration.

LANE, Chairman.

The report was adopted, and on motion of Mr. Westfall the memorial was referred to the Committee on State Affairs.

Third report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on Private Land Claims, to whom was referred the petition of F. B. Dixon, praying for relief, which petition sets forth the following allegations, to wit:

That one John B. Dillard obtained a grant of land from the authorities of Mexico, being one of those comprehended in article thirty-two of the Mexican Colonization law of March 26, 1834, it being for one league and labor of land titled to him by George W. Smith.

Of this league and labor, 4,840,000 square varas, or 888 acres, including the said Dillard's house and field, were located in the county of San Augustine, the said grant and survey above mentioned having been made on the twelfth day of December, 1835.

Petitioner says that the General Land Office was closed by law on the thirteenth day of November, 1835, which invalidated the survey above spoken of as petitioner is

informed and believes. Petitioner further says that he and others purchased the above land in San Augustine county, and that they and those under whom they claim have had possession of the same under a regular chain of title from the grantee, and have paid taxes on the same for thirty consecutive years; that they have during said time held it in good faith, and have had no suspicion of the irregularity of the grant and survey until very recently.

The allegations contained in said petition having been verified by abundant testimony, the committee, after a thorough investigation, have directed me to report the accompanying bill, and recommend its passage.

SHORT, of Committee.

The accompanying bill, "An act to validate the survey of John B. Dillard, and authorize patent to issue on the same," was read and passed to second reading.

Mr. Ireland offered the following resolution:

Resolved, That the Speaker of the House appoint a committee of three, whose duty it shall be to examine and report to this House what legal obligations the State of Texas is under to the International and Texas Pacific Railroad Companies, and that said committee report to this House at their earliest convenience; also,

Resolved, That the said committee be excused from attendance on this House until said report can be made.

Adopted.

Mr. Brown of Dallas, introduced a bill amending the act incorporating the city of Dallas. Read by caption and referred to the Committee on Town and City Corporations.

Mr. Sayers introduced a bill to repeal an act further regulating proceedings in the several courts of the State of Texas. Read and referred to Judiciary Committee No. 1.

Mr. Russell introduced a bill to amend the first section of the act creating the county of Raines. Read by caption and referred to the Committee on Counties and County Boundaries.

Mr. Lane introduced a bill incorporating the town of Greenville, in Hunt county. Read and referred to the Committee on Town and City Corporations.

Mr. Rainey introduced a bill to abolish the office of school superintendent, and the office of school inspector. Read and referred to the Committee on Education.

Mr. Hoffman introduced a bill to authorize the County Court of Comal county to levy a special tax. Read and referred to the Committee on State Affairs.

Mr. Ireland introduced a bill to validate the Brazoria county bonds, voted by the people thereof, and paid out by the commissioner's court, or County Court of the said county, to the Houston Tap and Brazoria Railway Company. Read by caption and referred to the Committee on Counties and County Boundaries.

Mr. Doyle introduced a bill to prohibit the sale or otherwise disposing of intoxicating liquors within two miles of the Acton Masonic Institute, in Hood county. Read by caption and referred to the Committee on Education.

Mr. Cunningham introduced a bill for the protection of game. Read and referred to the Committee on State Affairs.

On motion, Mr. Green was excused until Wednesday.

Mr. Prendergast introduced a bill to amend article three hundred and fifty-four of the Penal Code, as amended by act of February 12, 1858. Read by caption and referred to Judiciary Committee No. 2.

Mr. Hollingsworth introduced a bill providing for the organization of enclosed or open pasture districts. Read by caption and referred to the Committee on Agriculture and Stock Raising.

Mr. Rainey offered the following concurrent resolution:

Resolved, That the House of Representatives, the Senate concurring, hereby pledge themselves that they will in perfecting a school system take no action which will in effect repudiate the pay of the teachers who have been and who are now employed in this service.

The hour for the special order having arrived, Mr. Mills moved to postpone it ten minutes, which was adopted.

The resolution was then unanimously adopted.

Mr. Booty offered the following resolution:

Resolved, That the Governor be requested to furnish this body with any information in his possession in relation to the progress of work on the Texas Pacific railway, together with all reports or communications which he may have received from the officers of that company on this subject.

Adopted.

House bill No. 16, being a bill to amend the first section of an act entitled "An act to amend the seventy-first and

ninety-second sections of an act to regulate proceedings in the district courts," approved May 13, 1846, was then taken up.

On motion of Mr. Morris, its consideration was postponed until Friday, February 7, at 12 M.

On motion, Messrs. Trolinger and Venters were excused until Friday next.

On motion, Mr. Gilpin was excused on account of sickness.

The second special order of the day, being the report of the Committee on Finance upon an act concerning the settlement of accounts at the State Treasury, was taken up, but was, on motion, postponed until Thursday next and made the special order for that day at 12 M.

Mr. Powers offered the following concurrent resolution :

WHEREAS, The official election returns published over the certificate of the returning board, consisting of the Governor, Secretary of State, and Attorney General, disclose the fact that the said board have assumed to set aside and annul the election had and held in the counties of El Paso and Webb, on the fifth, sixth, seventh and eighth days of November, 1872; and

Whereas, It is believed that the election in El Paso was thus annulled and set aside upon *ex parte* statements; and

Whereas, The election in Webb county was annulled and set aside on the determination of a question of law; and

Whereas, Such acts and doings were beyond the jurisdiction of the said returning board; therefore,

Be it resolved by the House of Representatives of the State of Texas, the Senate concurring, That the Secretary of State be and he is hereby required to issue forthwith, certificates of election to the parties receiving the highest number of votes at the late election in the counties of El Paso and Webb, and to other persons who would have been returned elected had the vote of the aforesaid counties been counted by the returning board, subject to the right of any aggrieved party to contest their seats in the proper courts of this State.

Adopted.

The Speaker announced Messrs. Ireland, Smith of Colorado and Morris, the committee to investigate the State

indebtedness to the International and Texas Pacific railroad companies.

On motion of Mr. Booty the House adjourned until 10 A. M. Monday.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, February 3, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

The following gentlemen failed to answer to their names: Messrs. Gilpin and Wilder.

The journal of Saturday was read and adopted.

Mr. Mills requested to be excused from service on the Madison county investigating committee on account of other committee business requiring his attention. His request was granted, and the chair appointed Mr. Green in his place.

Mr. Kemble moved to suspend the rules, and in place of the regular order of the day to take up House bill No. 14, "An act requiring treasurer of the board of school directors to give bond and security. Carried.

The bill was read a third time.

On motion of Mr. Wood its further consideration at present was postponed.

Mr. Hollingsworth moved to suspend the rules and take up Senate bills and messages. Carried.

Senate joint resolution No. 5, requiring the payment of treasury warrants without regard to date or numbers, was taken up and read first time and passed to second reading.

On motion of Mr. Brown, of Dallas, the constitutional rule was suspended and bill read a second time. It was then referred to the Committee on Finance.

Senate joint resolution No. 10, requiring Jacob Kuechler, Commissioner of the General Land Office, to cause to be published certain land certificates found in the office when he took possession of the same, was taken up and read.

On motion of Mr. Brown, of Dallas, the constitutional rule was suspended, the bill read a second time and referred to the Committee on Public Lands and Land Office.

Senate bill No. 11, "An act to repeal an act entitled an act to establish a State police, and provide for the regulation and government of the same," approved July 1, 1870, was read the second time.

On motion of Mr. Hollingsworth the constitutional rule was suspended and the bill put on the third reading.

The bill having been read a third time was, on motion of Mr. Brown of Dallas, referred to the Committee on Military Affairs.

Senate bill No. 37, "An act to create the county of Rockwall" was taken up and read the first time.

On motion of Mr. Winkler the constitutional rule was suspended and the bill read a second time.

On motion of Mr. Ghent the bill was referred to Judiciary Committee No. 2.

Senate bill No. 40, "An act to renew and continue in force an act entitled an act to charter the Necogdoches University," approved February 3, 1845, was read.

On motion of Mr. Bewley the constitutional rule was suspended and the bill read a second time.

On motion of Mr. Bewley, the constitutional rule was suspended, the bill considered engrossed, read third time and passed.

The concurrent resolution of the Senate, allowing J. C. De Gress, Superintendent of Public Instruction, to be present before the joint committee in investigating his conduct, was read.

After a second reading, Mr. Anderson of McLennan offered the following substitute :

Resolved, That the Superintendent of Public Instruction shall not be present at the session of the joint committee of the Senate and House now investigating his official conduct, nor to be permitted to summon witnesses before said committee, nor be permitted to be represented to cross-examine witnesses brought before the committee, and thereby delay the proceedings of the committee ; but after the evidence taken by the committee shall have been concluded, said superintendent shall have five days to examine said testimony, and submit a statement in writing explanatory of any portion of said evidence he may deem fit, which shall be submitted with the report of the committee.

Mr. Broaddus offered the following amendment : Strike out "shall not be permitted to be present," and insert

“shall be permitted to be present;” and strike out “shall not be permitted to cross-examine witnesses,” and insert “shall be permitted to cross-examine witnesses.”

The special order of the day having arrived, on motion of Mr. Sayers was postponed until next Wednesday week at 12 M.

Mr. Morris moved to postpone the whole matter, and make it the special order of the day on Tuesday, 12 M.

Mr. Smith of Houston moved to lay the whole matter on the table, which was carried by a rising vote of thirty-five yeas to thirty-two nays.

The following concurrent resolution of the Senate was then adopted :

Resolved by the Senate, the House concurring, That the committee of the House and Senate on Land Office be consolidated, and act in conjunction as a joint committee.

Mr. Nelson offered a memorial of the heirs of Eliza R. Huffman for one-half of the James T. White league. Read by caption and referred to the Committee on Private Land Claims.

Mr. Frankee offered a petition of citizens of the county of Fayette. Read by caption and referred to the Committee on Agriculture and Stock Raising.

Mr. Roseborough offered a petition of citizens of Bell county to prohibit the sale of intoxicating liquors within certain bounds. Read by caption and referred to the Committee on State Affairs.

Judiciary Committee No. 1 reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee, to whom was referred House bill No. 116, to regulate proceedings in the district courts in respect to the venue of causes, etc., have considered the same, and have instructed me to report the bill back, with an amendment for all that part of the original bill after the word “situated,” in the seventh line from the top of the last page, and beginning with the figures “12,” and to recommend that the bill thus amended do pass.

GEO. W. SMITH, Chairman.

The bill having been read, the amendment proposed was read and adopted. The bill was then read a second time and ordered engrossed.

A second report from the same committee was then read as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Judiciary Committee No. 1, to whom was referred House bill No. 64, entitled "An act in aid of the financial condition of Cameron county," have considered the same, and have directed me to report the same back, with the recommendation that it pass:

GEO. W. SMITH, Chairman.

The bill was then read a second time, and, on motion, ordered engrossed.

On motion of Mr. Powers, the rules were suspended, and the bill put on its third reading, read a third time and passed.

A third report from the same committee was offered, as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 129, entitled "An act for the relief of Mrs. Amelia P. McCall," have considered the claim she presents against the State of Texas for the board of certain prisoners and guards in 1864, and have directed me to state that they are of opinion that the State was never liable for the board of prisoners and guards; that all such claims were then (1864) made payable by the proper county (see Art. 3388, Paschal's Digest); but that if her claim ever did exist as a just and valid claim against the State, the Legislature is prohibited from making provisions for its acknowledgment or payment by section thirty-four of article twelve of the present State Constitution, which reads as follows: "All debts contracted by the so-called State of Texas from and after the twenty-fifth day of January, 1861, and prior to the fifth day of August, 1865, were and are declared null and void, and the Legislature is prohibited from making any provision for the acknowledgment or payment of such debts." And a similar provision was made in the third section of Ordinance No. 2 of the Constitution of 1866. That this claim appears to have been presented to and rejected by the Auditorial Board, and, we think, according to the laws of this State. And the committee desire me to report the bill to the House, with their opinion that the bill should not pass.

GEO. W. SMITH, Chairman.

The report was adopted.

The chairman of the Committee on Town and City Corporations reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on Town and City Corporations, to whom was referred House bill No. 52, entitled "An act to establish a uniform time of holding municipal elections in the State of Texas," have carefully examined the same, and have unanimously instructed me to report the same back, with the following amendment: Strike out "first Monday in April" wherever it occurs, and insert, "first Tuesday in April," and ask that the same do pass.

TILSON, Chairman *pro tem*,

The amendment reported by the committee was adopted.

Mr. Booty moved the following amendment: "Provided, that those towns now supplied with officers of their own selection, shall not be compelled to elect officers until the first Tuesday in April, A. D. 1874."

Mr. Powers offered the following amendment: "Provided, that as to all corporations whose elections shall have been held since the first day of January, 1873, the elections in such corporations shall not be required to be held until the regular time for holding such election by this act, in the year 1874."

Mr. Brown, of Dallas, moved to recommit the bill and amendments to the Committee on Town and City Corporations, which was carried.

Second report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred House bill No. 104, "An act to amend section four of an act entitled an act to incorporate Payne Female Institute, approved August 6, 1856," instruct me to report the same, with the recommendation that it do pass.

WOOD, Chairman.

The bill was read the second time and ordered engrossed.

Third report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred the petition of citizens of Woods, in Panola county, Texas, asking

the prohibition of the sale of intoxicating liquors within two miles of the institution of learning, situated in said town, instruct me to report the accompanying bill, and recommend its passage.

BOOTY, for Committee.

The bill was read and passed to a second reading.

Fourth report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred House bill No. 8, entitled "An act to incorporate the city of Sulphur Springs, in the county of Hopkins," have considered the same, and instruct me to report the bill back to the House, and recommend that it pass with the following amendments:

Amendment first—In third line of section one, strike out "at the next general election," and insert "on the first Tuesday in April next."

Amendment second—In fifth line of section six, strike out the words "every three years," and insert "annually."

WOOD, Chairman.

Amendments adopted.

On motion, the rule was suspended, the bill read a second time, and ordered engrossed.

On motion, the rule was further suspended, the bill considered engrossed, read a third time, and passed by a two-thirds vote.

The Committee on Private Land Claims reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred a petition of Samuel Andrews, praying for relief, instruct me to report that a bill now pending before this House gives the relief prayed for, and your committee ask to be discharged from the further consideration of the same.

LANE, Chairman.

Report adopted.

Mr. Ellett asked leave to offer a resolution, which being granted, he offered the following:

Resolved, That this House hold one session each night, except Sunday night, at which the business on the Speaker's table shall be disposed of.

Laid over under the rules.

Mr. Payne introduced a joint resolution, requesting the Governor of the State to remove T. C. Barden, Judge of the Sixteenth Judicial District. Read first time; rules suspended and read second time.

Mr. Kleberg offered the following resolution:

Resolved, That the joint resolution asking the Governor to remove T. C. Barden, Judge of the Sixteenth Judicial District, be referred to a special committee of five, to act in conjunction with a like committee of the Senate, to investigate the charges therein contained; that this resolution, together with a copy of the charges against T. C. Barden, be communicated to the Senate for their action and co-operation; and

Resolved, That said committee be authorized and empowered to send for persons and papers; and be it further

Resolved, That a copy of these resolutions and charges be served on T. C. Barden, and that he be notified to appear and defend the same forthwith.

Adopted.

Mr. Broaddus introduced a bill to be entitled "An act amendatory of and supplementary to an act to incorporate the Central Bank, passed March 31, 1871." Read by caption and referred to Judiciary Committee No. 1.

Mr. Watts introduced a bill entitled "An act regulating elections." Read by caption and referred to Judiciary Committee No. 1.

Mr. Robb introduced a bill incorporating the town of Willis, in Montgomery county, Texas. Read by caption and referred to the Committee on Town and City Corporations.

Mr. Powers introduced "An act incorporating the El Paso Irrigation Company." Read by caption and referred to the Committee on Agriculture and Stock-raising.

Mr. Brown, of Dallas, introduced a bill to be entitled "An act to amend and supplemental to an act to provide for the incorporation of towns and cities, approved January 27, 1858." Read and referred to the Committee on Town and City Corporations.

Mr. Ghent offered the following resolution:

Resolved, That the reporter for the *State Journal*, a newspaper published in the city of Austin, be and he is hereby censured by this House on account of the *false*

and *libellous* report made by him of the proceedings of this House on Saturday last, in this, that said reporter used the following language: "Sayers howled loudly and muchly over the returns; raised his voice so high that it threatened to leave; squirmed around, flourished his fists, talked bunkum, and fell back into his seat exhausted;" and further, because in the same number of said *Journal* insulting and disrespectful and indecent caricatures are contained as to another member of this House, Hon. D. M. Short, and in reporting heretofore what purported to be a speech from the honorable gentleman from Guadalupe.

Pending this Mr. Brown of Dallas moved to adjourn until to-morrow at 10 o'clock A. M.

Pending this, by special leave, Mr. Prendergast moved to make the bill to reimburse certain citizens of Limestone county the special order for Tuesday at 11 o'clock A. M., which carried.

The motion to adjourn then carried.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, February 4, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

Mr. Tivy only was absent.

The journal of yesterday was read and adopted.

The resolution censuring the *State Journal* reporter was taken up and adopted.

Leave was granted the Finance Committee to hold a sitting during the session of the House.

A communication was received from his Excellency the Governor, stating the disposition made of the bonds of the State of Texas, said communication being in response to a resolution of inquiry from the House. Read and referred to the Committee on Finance.

The chairman of the Committee on Engrossed Bills reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have examined House bill No. 22, "An act to incorporate the

city of Fort Worth." and find the same correctly engrossed.

BOOTY, Chairman.

Second report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills instruct me to report that they have examined the following House bills, and find the same correctly engrossed:

No. 68, "An act to authorize and require sheriffs and constables to execute process ordered by the Legislature."

No. 86, "Joint resolution authorizing the painting of certain portraits."

No. 96, "Joint resolution of thanks to each of the persons engaged in the late encounter with the Indians in Live Oak county."

No. 97, an act entitled "An act to regulate the conduct of public officers."

No. 168, "Joint resolution asking the Governor of the State to remove T. C. Barden, Judge of the Sixteenth Judicial District."

BOOTY, Chairman.

Petitions and memorials being in order, Mr. Sayers offered a memorial of the County Court of Gonzales county asking for authority to levy a special tax for repair of court house and jail.

Read by caption and referred to the Committee on State Affairs.

Judiciary Committee No. 1 reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 112, prescribing the times of holding the district courts in the twenty-fourth judicial district of this State, have considered the same, and instruct me to report it back to the House and recommend its passage.

GEO. W. SMITH, Chairman.

The bill being a local one, was read by caption, the rules suspended, read a third time, and passed under further suspension of the rules.

The Committee on Agriculture and Stock Raising reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee, to whom was referred House bill No. 113, entitled "A bill for the protection of the farming interests," having carefully examined its objects, have instructed me to report the same back and ask that it be referred to Judiciary Committee No. 2.

THURMOND, Chairman.

Adopted.

Second report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred House bill No. 27, entitled "A bill in relation to fences in certain counties," having carefully examined the objects sought in its passage, have instructed me to report the same back and recommend that it pass.

A. S. THURMOND, Chairman.

Read second time and laid on the table for future consideration.

The Committee on State Affairs reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on State Affairs, to whom was referred "A bill for the relief of the counties of Delta and Raines," instruct me to report the accompanying substitute and recommend its passage.

The committee, after considerable deliberation, arrived at the conclusion that these two new and small counties constitute exceptional cases for the relief sought. The one is bounded by the two forks of Sulphur creek in such manner as in wet seasons to be isolated from the surrounding country, while the other is similarly hedged in by the waters of the Sabine, constituting them almost islands at certain seasons of the year. The territory of each thus confined is very small, and the committee think an exception may be made in their favor without serious detriment to the State.

J. H. BROWN, Chairman.

The substitute was then read.

Mr. Winkler moved the following amendment: Strike out "Raines and Delta," and insert "all the counties in this State."

The hour for the special order having arrived, it was, on motion, postponed for half an hour.

Mr. Russell moved to lay the amendment on the table. Carried.

The special order, being the bill for the relief of certain citizens of Limestone county, was taken up and read, the reading of the names being dispensed with.

Mr. Mills offered the following amendment: Amend caption so as to include Walker county. Section 3. And be it further enacted, that the like warrants issue to the citizens of Walker county, for the sums which were assessed and collected of them by reason of martial law having been declared and enforced in said Walker county during the year 1871, said citizens and amounts being as follows:

J. F. Kelley.....	\$296 80
H. M. Gant.....	600 31
M. Butler.....	406 68
W. H. Webb.....	1062 79
L. A. Cox.....	478 43
R. M. Bankhead.....	74 70
J. A. Cabiness.....	18 00
W. Whitley.....	276 41
C. Brieffield.....	10 00
Sam Wilson.....	100 00
G. Luff.....	100 00
C. Hess.....	250 00
J. Gannett.....	100 00
Thomas Walker.....	100 00

Section —. Be it further enacted, that before said warrants shall issue the person to whom the same is issued shall take and subscribe the following oath, before some officer authorized to administer oaths: "I do swear (or affirm) that I did no illegal act, nor incited any other person to do any illegal act which caused the declaration of martial law in the county of Limestone (or Walker, as the case may be), nor did I do, say or write anything for the purpose of procuring martial law in said county."

The bill and amendments were then, on motion, recommended to the Committee on Military Affairs.

The consideration of the bill for the relief of Delta and Raines counties being resumed, the substitute recommended by the committee was adopted.

Mr. Westfall offered the following amendment: After the names of Raines and Delta insert "Burnet, San Saba and Lampasas."

Mr. Armstrong offered the following amendment: After the word San Saba insert "county of Liberty." Accepted by Mr. Westfall.

Mr. Denton offered the following amendment, which was also accepted: Insert "all the counties in this State subject to Indian raids."

Mr. Payne moved to amend by inserting, "the county of Goliad," which was also accepted.

Mr. Payne moved to lay the whole matter on the table, which carried.

A second report from the Committee on State Affairs was submitted, as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on State Affairs, to whom was referred a bill entitled "An act to incorporate the Falls County Real Estate and Savings Association," instruct me to report the same back and recommend its passage, with the suggestion, however, that all such associations can be incorporated under the act of the last Legislature entitled "An act concerning private corporations," without an appeal to the Legislature.

J. H. BROWN, Chairman.

The bill was then read the second time and ordered engrossed.

The Chairman of the Committee on Finance reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred the resolution to inquire into the expediency of bringing in a bill making an appropriation necessary to pay the commissioners to represent the State of Texas at the Vienna Exposition, have considered the same, and have instructed me to report that it is inexpedient at this time, and ask leave to be discharged from the further consideration of the same.

W. W. MORRIS, Chairman.

Adopted.

The Chairman of the Committee on Finance reported further as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee to whom was referred the Senate

joint resolution, requiring the payment of Treasury warrants without regard to date or numbers, have considered the same, and instruct me to report it back to the House and recommend its passage.

W. W. MORRIS, Chairman.

Mr. Ireland offered the following substitute :

Resolved by the Senate and House of Representatives,
That all Treasury warrants shall be paid in the order of their dates, the oldest first, but that the Treasurer may pay any warrant when presented for payment ; *provided,* there may be money in the Treasury sufficient to pay all warrants of a senior date on the same appropriation, and he shall set apart said money to meet the said senior warrants when presented for payment.

Substitute adopted ; rules suspended, read second time and ordered engrossed.

Mr. Sayers moved to further suspend the rules, and the resolution be put on its third reading.

Mr. Denton moved the House adjourn until 10 A. M., to-morrow. Lost.

On motion of Mr. Anderson of McLennan the House adjourned until 10 A. M., to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, February 5, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called ; quorum present.

Messrs. Ellett and Smith of Houston failed to answer to their names.

Pending the reading of the journal, the secretary of the Senate was announced, and informed the House of the appointment by the Senate of Senators King, Shelley and Dohoney, a joint select committee, to take under consideration a bill to re-open the Court of Claims, and requesting the appointment of a like committee on the part of the House.

The journal of yesterday was then adopted.

The Speaker announced the following committee on the resolution asking the Governor to remove T. C. Barden, Judge of the Sixteenth Judicial District : Messrs. Payne, chairman : Abbott, Kleberg, McDonald and Sayers.

The substitute for the Senate joint resolution, relating to the payment of Treasury warrants, was taken up and read a third time.

Mr. Armstrong moved to reconsider the vote adopting the substitute.

Pending the discussion, the secretary of the Senate announced the passage by that body of Senate bill No. 49, "An act supplementary and amendatory to an act entitled an act to incorporate the Galveston Medical College Hospital, approved May 31, 1871;" also Senate bill No. 17, "An act to incorporate Rusk Masonic Institute, located in Rusk, Cherokee county, Texas;" also Senate bill No. 23, "An act to amend an act entitled an act to incorporate the city of Tyler, and to provide for the administration of its municipal affairs, approved April 26, 1871."

Also the adoption of the following resolution:

Resolved, That a committee of five be appointed, to act in conjunction with a like committee of the House, to investigate certain charges preferred against T. C. Barden, Judge of the Sixteenth Judicial District, a copy of which was transmitted to the Senate by the House on the fourth instant. That said committee be authorized and empowered to send for persons and papers, and to administer oaths, and that Judge T. C. Barden be permitted to appear before said committee in person, or by counsel, or both.

Senators King, Shelley, Henry, Baker and Franks were appointed said committee on the part of the Senate.

Mr. Chambers moved to defer the consideration of the matter before the House, and make it the special order for 12 M., on Monday next.

A division being called for, resulted in a vote of thirty-three yeas and forty-three nays, whereupon the motion to postpone was declared lost.

Mr. Frankee moved the previous question, which was seconded.

The main question was then ordered.

The yeas and nays being ordered, resulted as follows:

Yeas—Messrs. Abbott, Adriance, Allison, Armstrong, Bewley, Booty, Brown of Dallas, Brown of Upshur, Chambers, Cunningham, Day, Denton, Ellett, Ford, Galaway, Gaston, Ghent, Lane, Manning, Michael, Moore, Morris, Nelson, Payne, Rimes, Roberts, Russell, Scott, Shaw, Shelton, Short, Smith of Colorado, Thurmond,

Tilson, Tivy, Van Zandt, Veale, Walker, Washington and Wilder—40.

Nays—Messrs. Speaker, Allen, Anderson of Montgomery, Anderson of McLennan, Berends, Bledsoe, Broaddus, Carroll, Davenport, Doyle, Eastland, Frankee, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Kemble, Killough, Kleberg, Mabry, McDonald, Noeggerath, Powers, Prendergast, Rainey, Robb, Roseborough, Salter, Sayers, Storey, Tom, Westfall, Winkler, Williams and Wood—38.

Whereupon the vote was declared reconsidered.

Mr. Ellett moved the previous question, which, being seconded, was lost by the following vote :

Yeas—Messrs. Abbott, Adriance, Allen, Allison, Armstrong, Bewley, Brown of Upshur, Cunningham, Day, Denton, Ellett, Ford, Gallaway, Gaston, Ghent, Lane, Manning, Michael, Moore, Morris, Nelson, Payne, Rimes, Roberts, Russell, Scott, Shaw, Shelton, Short, Smith of Colorado, Thurmond, Tilson, Tivy, Van Zandt, Veale, Walker, Washington, Wilder and Williams—39.

Nays—Mr. Speaker, Anderson of Montgomery, Anderson of McLennan, Berends, Bledsoe, Booty, Broaddus, Brown of Dallas, Carroll, Chambers, Davenport, Doyle, Eastland, Frankee, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Kemble, Killough, Kleberg, Mabry, McDonald, Noeggerath, Powers, Prendergast, Rainey, Robb, Roseborough, Salter, Sayers, Storey, Tom, Westfall, Winkler and Wood—39.

Mr. Morris moved to commit the whole matter to a special committee of three to be appointed by the Speaker, which carried.

The hour for the special order having arrived, Mr. Allen moved to postpone the special order until the business now before the House be disposed of. Lost.

Mr. Payne moved to postpone the special order until Friday next at 12 o'clock, and that one hundred copies of the bill be printed for the use of the House.

Division of the motion being called for, the special order was postponed until Friday next, and made the special order for 12 o'clock M.

The motion to print one hundred copies of the bill was then put and lost.

The chairman of the Committee on Enrolled Bills reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully considered "An act to incorporate the city of Brenham, and to grant a new charter to said city," and find the same correctly enrolled, and have this day presented the same to the Governor for his signature.

SHAW, Chairman.

By special leave Mr. Ireland introduced a bill to repeal all laws and parts of laws now in force authorizing the State of Texas to aid in the construction of railroads in bonds or money donations, or subsidies. Read by caption and referred to the special committee on the International and other railways.

The Speaker announced the special committee upon the matter of the payment of Treasury warrants, as follows: Messrs. Adriance, Veale and Killough.

Mr. Gaston moved to take up out of its regular order the Senate bill incorporating the city of Tyler, which carried.

The bill having been read, on motion, the rules were suspended and the bill put on its second reading.

On motion, the rules were further suspended, the bill read a third time and passed by a two-thirds vote.

The Finance Committee reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

Your committee, to whom was referred the petition of sundry citizens of Titus county, in behalf of John Massey, respectfully report that they have carefully considered said petition, and there being no good cause shown why special relief should be granted to said John Massey, and believing that if relief should be granted as asked for, it would establish a precedent which would beget innumerable applications of a like character, they respectfully return the same, and recommend that the prayer of the petitioners be refused.

VAN ZANDT, for the Committee.

Report adopted.

Mr. Winkler offered a petition of citizens of Hockley, Harris county, asking the privilege of purchasing six hundred and forty acres of the school lands. Read by caption and referred to the Committee on Education.

The Speaker submitted a memorial of T. Clay, which

being read, was, on motion of Mr. Westfall, laid on the table.

Mr. Chambers offered a petition of certain citizens of Collin county, in relation to the sale of intoxicating liquors. Read and referred to the Committee on Education.

Mr. Morris offered a remonstrance of the people of Rusk county against the dismemberment of said county. Read by caption and referred to the Committee on Counties and County Boundaries.

Mr. Adriance offered a petition of T. F. McKinney, relative to an old revolutionary claim against the government of Texas. Referred without reading to the Committee on Public Debt.

Mr. Robb offered a petition of citizens of Sabine county, remonstrating against any legislative interference in removing their county site.

Mr. Shelton introduced a bill to repeal an act entitled "An act to provide for a special registration of voters, preparatory to any elections under the provisions of an act to authorize counties cities and towns to aid in the construction of railroads and other works of internal improvement, approved April 12, 1871, and to declare who shall be considered qualified voters at any election held under the provisions of said act, approved May 31, 1871." Read by caption and referred to the Committee on Internal Improvements.

Read by caption and referred to the Committee on Internal Improvements.

Mr. Denton moved to take up out of its regular order the bill legalizing and making valid the recent election in Wilson county. Adopted.

The bill having been read, Mr. Denton offered an amendment requiring the Secretary of State to furnish certificates of election to the persons who received the highest number of votes, which was adopted by a unanimous vote. The bill thus amended then passed.

Mr. Sayers moved to take up the bill repealing sections thirty-one and thirty-two of the act concerning private corporations, which was adopted, and the bill having been read a third time, passed.

Mr. Anderson of McLennan moved to take up the Senate bill incorporating the Galveston Medical College Hospital. Adopted.

The bill was read by caption and referred to the Committee on Town and City Corporations.

Mr. Winkler introduced a bill to authorize the County Court of Navarro county to levy and cause to be collected a special tax, and to apply the same. Read and passed to second reading.

Mr. Rimes introduced a bill to authorize the County Court of Falls county to levy a special tax. Read and referred to the Committee on State Affairs.

Mr. Morris offered the following resolution :

Resolved, That the Committee on Roads, Bridges and Ferries inquire into the necessity of a general law regulating the toll bridges and ferries of this State, both as to their safety to persons using the same and just rates of ferriage, and if necessary to commit the necessary authority to the police courts of each county, or otherwise, and to classify the ferries and bridges and regulate the ferriages thereof from time to time, as may seem just to the people, as well as to the owners of said ferries and bridges.

Adopted.

Mr. Bewley introduced a bill amending the penal code. Read and referred to Judiciary Committee No. 1.

On motion of Mr. Rainey the House adjourned until to-morrow at 10 A. M.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, February 6, 1873. (

House met pursuant to adjournment. Prayer by Rev. Dr. Feasdale. Roll called; quorum present.

The journal of yesterday was read and adopted.

Special leave being granted, the Finance Committee offered the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Finance, to whom was referred that part of the Governor's message relating to the indebtedness of the State of Texas and providing for the payment of the same, have carefully considered the same, and as the result of their deliberations beg leave to report :

That there is due to Williams & Guion on the first of March, 1873, for which 350 frontier defense and 100 deficiency \$1000 bonds were hypothecated, with interest, commissions, exchange and charges, all amounting to \$348,634.08, due March 1, 1873.

Interest six months on deficiency revenue bonds, sold at ten per cent. per annum currency, due March 1, 1873.....	\$12,850 00
Gold interest on 350 frontier defense bonds, sold seven per cent. gold interest per annum for six months, due March 1, 1873.....	12,250 00
	<hr/>
	\$25,100 00
Add outstanding State warrants, as estimated by the Comptroller, due July 1, 1873, say.....	406,000 00
	<hr/>
	\$431,100 00
Interest six months on \$282,757 05, at six per cent. currency per annum on old State debt of six per cent. currency, certificates, etc.....	6,892 71
One-third of the \$400,000 of ten per cent. currency bonds authorized by the act of May 19, 1871, due on first of July next...	133,333 33
	<hr/>
	\$202,226 04

Whole estimated amount to be provided, \$981,960.68.

It will be observed that the estimate of the amount to be provided, as stated, foots up \$981,960.68, whilst the bonds authorized to be sold amount to \$950,000. In explanation of this the committee say that the estimate of \$400,000 outstanding Treasury warrants is that put by the Comptroller, while his Excellency fixed by rough estimate the amount at \$210,000 or \$215,000. Therefore, looking to the outstanding State revenue in the hands of the collectors, estimated by the Comptroller at \$469,915.19, which is yet due the Treasury, it is fair to conclude that the amount of bonds authorized to be sold will be sufficient to meet the present wants of the State as indicated. Your committee therefore submit the accompanying bill, and recommend its passage.

In conclusion the committee beg leave to add that not having been furnished with the reports of the Comp-

troller and Treasurer, time would not admit of further delay; therefore they have based their report on information furnished by the Governor, which was promptly furnished when called for, and which is made a part of this report, marked Exhibit A.

MORRIS, Chairman.

The accompanying bill, being "An act for the sale of State bonds to meet the liabilities due from the State of Texas," was read.

Mr. Winkler offered the following resolution:

Resolved, That the report and accompanying bill lie on the table and be made the special order of the day for noon on Tuesday next, and that one hundred copies of the report and bill be printed for the use of the House, under the supervision of the Committee on Printing and Contingent Expenses, at the expense of the members of this House, to be paid by them equally in voluntary contributions.

Mr. Short offered the following amendment: Strike out "members of this House," and insert in lieu thereof "that each member have as many copies as he wants at his own expense." Lost.

The resolution was then adopted.

A second report was submitted from the same committee, as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee, to whom was referred a bill, to be entitled "An act to provide for the prompt settlement of the accounts by sheriffs with the State and counties," have considered the same and instructed me to report the accompanying substitute for the original bill, and recommend its passage.

MORRIS, Chairman.

The original bill having been read, the substitute was read and adopted. The bill was then ordered engrossed.

On motion, the rules were suspended, the bill considered engrossed and read a third time.

Mr. Powers offered the following amendment:

Provided, That the provisions of this act shall be deemed to relate, so far as applicable, to suits on bonds of defaulting sheriffs now existing, and hereafter to be put in suit. Lost.

The bill then passed.

Petitions and memorials being in order, Mr. Westfall offered a petition of G. W. Davis, relative to a certain land matter. Read by caption and referred to the Committee on Claims and Accounts.

Mr. Mills offered a petition of the citizens of Midway, Madison county, asking the incorporation of Midway Male and Female Academy, and the prohibition of sale of intoxicating liquors within five miles of Midway. Read by caption and referred to the Committee on State Affairs.

Mr. Tilson offered a petition of the Mechanic's Fire Company of the city of Jefferson, Texas. Read by caption and referred to the Committee on State Affairs.

Mr. Bordeaux offered a petition of citizens of Wise county, asking the retention of State taxes for the purpose of building a jail. Read by caption and referred to the Committee on State Affairs.

Mr. Bordeaux offered a second petition, from the County Court of Wise county, relative to the school lands in that county. Read by caption and referred to the Committee on State Affairs.

Mr. Bordeaux offered a third petition of the County Court of Wise county, asking the passage of a bill allowing that county to levy and collect a special tax. Read by caption and referred to the Committee on State Affairs.

The hour for the special order having arrived the bill entitled, "An act concerning Treasury warrants," was taken up.

The question being the adoption of the report of the committee, which was adverse to the passage of both bill and substitute, Mr. Berends moved to refer the whole matter to the special committee appointed on yesterday.

After considerable discussion, Mr. Sayers moved the previous question, which being seconded, was put and carried.

The main question, being the adoption of the report of the committee, was then put, and the yeas and nays being called for resulted as follows:

Yeas—Messrs. Allen, Anderson of Montgomery, Armstrong, Bewley, Booty, Bordeaux, Broaddus, Brown of Dallas, Brown of Upshur, Carroll, Davenport, Day, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollings-

worth, Ireland, Kleberg, Kemble, Lane, Leyendecker, McDonald, Michael, Mills, Moore, Morris, Payne, Powers, Robb, Roberts, Roseborough, Russell, Sayers, Scott, Shelton, Smith of Colorado, Storey, Thurmond, Tilson, Tivy, Tom, Washington, Westfall, Wilder and Winkler—53.

Nays—Messrs. Speaker, Abbott, Adriance, Allison, Anderson of McLennan, Berends, Chambers, Cunningham, Frankee, Gallaway, Killough, Mabry, Manning, Noeggerath, Prendergast, Rainey, Rimes, Shaw, Short, Van Zandt, Veale, Williams and Wood—23.

Whereupon the report of the committee was declared adopted.

The chairman of the Committee on Engrossed Bills, reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed bills, having examined the following House bills: No. 64, "An act in aid of the financial condition of Cameron county;" No. 81, "An act to amend an act to authorize the transcript of the records of the County Court of Bowie county;" No. 87, substitute, "An act to prevent speculations by officers and agents in county, city and town contracts and liabilities;" No. 115, "An act entitled an act to refund to J. J. Gathings a sum of money therein specified, and to provide for the payment of the same;" No. 116, "An act to amend the first section of an act entitled an act to amend the first section of an act to regulate proceedings in the district courts, approved December 10, 1863," and find the same correctly engrossed.

BOOTY, Chairman.

Mr. Mills moved to reconsider the vote just taken, and to lay the motion on the table.

Mr. Prendergast moved to adjourn until 10 A. M., tomorrow, which carried.

HOUSE OF REPRESENTATIVES, }
 AUSTIN, TEXAS, February 7, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

The journal of yesterday was read and adopted.

Under unfinished business of yesterday, the motion of Mr. Mills to reconsider the vote adopting the report of the Finance Committee relative to the payment of Treasury warrants, was resumed.

Mr. Mills moved to lay his motion on the table. Carried.

A communication from his Excellency Governor E. J. Davis, enclosing copies of communications from the State Treasurer and Attorney General in regard to certain obligations created before the war, was read and referred, with enclosures, to the Committee on Public Debt.

Also, a message enclosing copy of the report of the Chief Engineer of the Southern Pacific and Trans-continental railways, which was referred, with enclosure, to the special committee on the International and Southern Pacific railways.

House bill No. 14, being "An act requiring treasurers of the boards of school directors to give bond and security," was taken up and read the third time.

Mr. Storey offered the following amendments:

Amend section first by striking out the words "treasurer of the board of school directors" and inserting "treasurer of the county."

Second—Also, insert the word "school" immediately after the word "public," in tenth line of said section.

Third—Amend section third by striking out all after the word "purpose," in eighth line.

On motion the bill with amendments was recommitted to the Committee on Education.

On motion the Speaker was requested to appoint a joint select committee of five to act with a like committee from the Senate, to consider the propriety of reporting a bill to reopen the Court of Claims.

The following gentlemen were appointed: Messrs. Joseph, Hoffman, Cunningham, Russell and Winkler.

On motion the leave of absence of Messrs. Joseph, Trolinger and Venters was extended until Tuesday next.

Senate bill No. 17, "An act to incorporate Rusk

Masonic Institute, located in Rusk, Cherokee county, Texas," was read first time by caption and referred to the Committee on Town and City Corporations.

House bill No. 22, "An act to incorporate the city of Fort Worth," was taken up, read a third time and passed by a two-thirds vote.

House bill No 35, a bill to be entitled "An act to authorize the Commissioner of the General Land Office to issue headright certificates and bounty and donation warrants for land to certain persons entitled to the same," was read a third time.

Mr. Prendergast offered the following substitute:

A bill to be entitled "An act to authorize parties in certain cases to sue in the district courts for headright certificates and bounty and donation warrants, and to provide for the issuance of such certificates and warrants."

On motion, the bill and substitute were recommitted to Judiciary Committee No. 2.

The Speaker announced the following committee on re-districting the State:

District No. 33, Anderson of McLennan, chairman.

District No. 1, Mr. Armstrong; No. 2, Mr. Ford; No. 3, Mr. Robb; No. 4, Mr. Bewley; No. 5, Mr. Short; No. 6, Mr. Morris; No. 7, Mr. Scott; No. 8, Mr. Tilson; No. 9, Mr. Gallaway; No. 10, Mr. McDonald; No. 11, Mr. Lane; No. 12, Mr. Bordeaux; No. 13, Mr. Veale; No. 14, Mr. Van Zandt; No. 15, Mr. Powers; No. 16, Mr. Thurmond; No. 17, Mr. Payne; No. 18, Mr. Joseph; No. 19, Mr. Allen; No. 20, Mr. Hester; No. 21, Mr. Leyendecker; No. 22, Mr. Storey; No. 23, Mr. Hoffman; No. 24, Mr. Tom; No. 25, Mr. ———; No. 26, Mr. Tivy; No. 27, Mr. Hollingsworth; No. 28, Mr. Broadus; No. 29, Mr. Frankee; No. 30, Mr. Williams; No. 31, Mr. Wood; No. 32, Mr. Westfall; No. 34, Mr. Roseborough; No. 35, Mr. Winkler.

House bill No. 42, "An act to amend article 382 of the code of criminal procedure, approved August 26, 1856," was read a third time and passed.

House bill No 47, a bill to be entitled "An act to amend the second and thirteenth sections of an act entitled an act to incorporate the Rockport, Fulton, Laredo and Mexican Pacific Railroad Company, approved November 11, A. D. 1871," was taken up, read a third time and re-committed to the Committee on Internal Improvements.

House Bill No. 53, "An act to provide for appeals from interlocutory orders and decrees made by the district courts of this State, and the judges thereof, and to repeal an act entitled an act to provide for appeals from interlocutory judgments in the district courts of this State," was taken up, read a third time, and recommitted to the Judiciary Committee No. 2.

House bill No. 57, "An act to prohibit the sale or giving away of intoxicating or spirituous liquors within one mile of the institution of learning situated at Caledonia, in Rusk county, Texas," was taken up, read a third time and passed.

House bill No. 68, "An act to authorize and require sheriffs and constables to execute process ordered by the Legislature, or any committee thereof," was taken up, read a third time and passed.

House bill No. 86, being a joint resolution authorizing the painting of certain portraits, was taken up and read a third time.

Mr. Kleberg moved to recommit the joint resolution to the Committee on State Affairs.

Discussion of the matter was cut off by the arrival of the special order for the day.

The special order, being "An act entitled an act to regulate the keeping and bearing of deadly weapons," was taken up, read a second time and laid on the table.

The motion to recommit the previous joint resolution was put and carried.

House bill No. 91, a bill to be entitled "An act to amend an act entitled an act to establish a code of criminal procedure for the State of Texas," was taken up and read a third time.

Mr. Anderson of McLennan offered the following amendment:

Provided, That should such warrant be issued by a justice of the peace, he shall be required to impress thereon his notarial seal, in order to permit its being served beyond the limits of the county in which it is issued.

On motion the bill and amendment was recommitted to Judiciary Committee No. 2.

The joint resolution of thanks to each of the persons engaged in the late encounter with the Indians in Live Oak county, was taken up, read a third time and passed.

A joint resolution of thanks to General McKenzie and his command, was taken up, read a third time and passed.

House bill No. 97, "An act entitled an act to regulate the conduct of public officers," was taken up, read a third time and passed.

House bill No. 98, a bill to be entitled "An act to amend section five of an act entitled an act prescribing the powers and duties of clerks of the district courts, approved August 12, 1870," was taken up, read a third time and passed.

House bill No. 116, "An act to amend the first section of an act entitled an act to amend the first section of an act to regulate proceedings in the district courts, approved May 13, 1846, approved December 10, 1863," was taken up, read a third time and passed.

House bill No. 101, a bill to be entitled "An act granting a charter to Hugh P. Clark, to create and keep and run a ferry boat at or near the northeast corner of the Hugh Neal survey, on Sabine river, in Van Zandt county," was taken up and read a second time.

On motion the rules were suspended, the bill read a third time and passed by a two-thirds vote.

On motion of Mr. Allen, leave of absence for fifteen days was granted Mr. Anderson of Montgomery.

The second special order, being a bill to be entitled "An act to amend the first section of an act entitled an act to amend the seventy-first and ninety-second sections of an act to regulate proceedings in the district courts, approved May 13, 1846," was taken up, and on motion of Mr. Ireland, recommitted to Judiciary Committee No. 1.

Mr. Wood introduced a bill to authorize the police court of Leon county to levy a special tax to build a jail. Read by caption and referred to Judiciary Committee No. 2.

Also a second bill, entitled "An act to prescribe the time of holding the District Court of Leon county, and to regulate proceedings therein." Read by caption and referred to Judiciary Committee No. 2.

Mr. Brown, of Dallas, introduced "An act amendatory of and supplementary to an act entitled an act amendatory of and supplementary to an act to encourage the speedy construction of a railway through the State of Texas to the Pacific coast, passed May 24, 1871, passed

November 1, 1871." Read by caption and referred to Committee on Internal Improvements.

On motion of Mr. Bewley, the House adjourned until 10 A. M., to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, February 8, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

Mr. Salter was excused for sickness, and Mr. Storey for two days, on account of business.

The journal of yesterday was read and adopted.

Petitions and memorials being in order, Mr. Hester offered a petition of sundry citizens of Fayette and Lavaca counties. Referred to Committee on State Affairs.

Mr. Denton offered a petition of certain citizens of Bandera county, in reference to building a jail. Referred to Committee on State Affairs.

Mr. Adriance offered a petition of Captain James Ingram, Captain commanding Company A, Minute Men, Blanco county. Referred to Committee on Indian Affairs.

Mr. Williams offered a petition relative to the establishment of a system of normal schools. Referred to Committee on Education.

Mr. Bewley offered a petition of certain citizens of San Augustine county. Referred to Committee on State Affairs.

Mr. Ghent offered a petition of citizens of Hearne, Robertson county, asking the repeal of their charter. Referred to Committee on Town and City Corporations.

Judiciary Committee No. 2 reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee to whom was referred House bill No. 48, a bill to be entitled "An act regulating juries," beg leave to report the substitute herewith returned and recommend its passage.

IRELAND, Chairman.

The original bill having been read, the substitute was read and adopted.

Both bill and substitute were then laid on the table.

Second report from Judiciary Committee No. 2 :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee to whom was referred House bill No. 102, amending the code of criminal procedure, beg leave to report the same back with an amendment by striking out the words "without regard to the legal definition of such offenses," and recommend the passage of the bill as amended.

IRELAND, Chairman.

The amendment was adopted and the bill ordered engrossed.

The Secretary of the Senate announced the adoption by that body of the following resolution :

Resolved, That the message of the Executive, together with the communication of the Attorney General, relative to civil suits against the State heretofore authorized by law, and the necessity for making suitable provisions for the defense of said suits, be referred to a joint committee of three on the part of the Senate, and a like committee on the part of the House, and that said committee be instructed to report by bill or otherwise.

The Senate committee was appointed as follows :

Senators Shelley, Finlay and Word.

A second message announced the passage by the Senate of House bill No. 106, an act entitled "An act to provide for the public printing," with some amendments.

Senate bill No. 37, "An act to create the county of Rockwall," was taken up.

After some discussion, it was temporarily postponed, and the House printing bill as amended was taken up.

The previous question being seconded, was put and carried, and the main question ordered.

The yeas and nays being called, resulted as follows :

Yeas—Messrs. Allison, Ford, Gallaway, Gaston, Mabry, Manning, McDonald, Mills, Moore, Rainey, Scott and Westfall—12.

Nays—Messrs. Speaker, Abbott, Adriance, Allen, Anderson of McLennan, Berends, Bledsoe, Bewley, Booty, Bordeaux, Broaddus, Brown of Dallas, Brown of Upshur, Carroll, Cuninghame, Davenport, Day, Denton,

Doyle, Eastland, Frankee, Gillette, Ghent, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Kemble, Killough, Kleberg, Lane, Leyendecker, Michael, Morris, Nelson, Payne, Powers, Prendergast, Rimes, Robb, Roberts, Roseborough, Russell, Sayers, Shaw, Shelton, Short, Thurmond, Tilson, Tivy, Tom, Van Zandt, Veale, Walker, Washington, Wilder, Williams, Winkler and Wood—61.

Whereupon the House refused to concur in the amendments.

The Committee on Engrossed Bills reported as follows :
Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee have examined the following House bills :

No. 38, "An act to incorporate the Falls County Real Estate and Savings Association."

No. 104, "An act to amend section four of an act entitled an act to incorporate the Payne Female Institute, approved August 6, 1856."

No. 112, "An act to amend an act entitled an act to amend an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870, approved October 13, 1871."

No. 123, "An act to provide for prompt settlement of accounts by sheriffs with the State and counties, and find the same correctly engrossed.

BOOTY, Chairman.

The chairman of Committee on Enrolled Bills reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills to whom was referred "An act to amend an act entitled an act to reincorporate the city of Navasota, Grimes county, and to grant a new charter to said city, and repeal an act approved October 27, 1866, incorporating the city of Navasota," have carefully examined and find the same correctly enrolled, and have this day presented the same to the Governor for his signature.

SHAW, Chairman.

The Rockwall bill was resumed but suspended for a few moments, and by special leave Mr. Smith of Colorado introduced the following bill: "An act defining the duties

of the Comptroller." Read and referred to Committee on Finance.

The Rockwall bill was again resumed and again suspended on motion.

Mr. Bordeaux by special leave introduced a bill to be entitled "An act to incorporate the town of Gainsville, in Cooke county, Texas." Read by caption and referred to Committee on Town and City Corporations.

The Rockwall bill being again resumed Mr. Killough moved the previous question, which being seconded was put and carried.

The main question was then put and carried, and the bill passed to a third reading.

On motion, Mr. Ellett was relieved from service on the Committee on Privileges and Elections and Mr. Abbott appointed in his place.

Special leave being granted, Mr. Morris introduced a bill to change the time of holding the district courts in the Sixth Judicial District. Read by caption and referred with accompanying memorial to the special committee of the delegations from Rusk and Harrison counties.

Special leave being granted, Mr. Russell introduced a bill to amend an act to provide for the disposal of the public domain of the State of Texas, approved August 12, 1870. Read by caption and referred to Committee on Public Lands.

On motion of Mr. Ghent the House adjourned until 10 A. M. Monday.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, February 10, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

The journal of Saturday was read and adopted.

By special leave, Mr. Robb introduced a bill requiring the next term of the District Court of Trinity county to be held at the town of Trinity. The rules were suspended and the bill put on its second reading; after which the rules were further suspended, the bill considered engrossed, read a third time and passed.

A communication from the Governor, enclosing a communication from the Attorney General, was read and laid on the table.

A communication from the Secretary of State relative to the vote at the recent election was read and referred to the Committee on Apportionment.

A second communication from the Secretary of State relative to furnishing copies of Paschal's Digest was read.

A communication was also received from the Commissioner of the General Land Office, which was read, and referred, with enclosures, to the Committee on Public Lands.

The Committee on Counties and County Boundaries reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

Sir: Your Committee on Counties and County Boundaries, to whom was referred the petition from the people on the east side of the Brazos river, in Austin county, petitioning for a new county, have had the same under consideration, and have instructed me to report the following bill, and recommend its passage.

NELSON, Chairman.

The report, with bill and other papers, was re-referred to the Committee on Counties and County Boundaries.

A message from the Senate announced the passage by that body of House bill incorporating the city of Fort Worth.

Mr. Mills offered a petition of certain citizens of Grimes county, asking relief for Jephtha Greenwood of said county. Referred to the Committee on Private Land Claims.

Mr. Mills offered a second petition of certain citizens of Grimes county, asking not to be cut off from said county and placed in the new proposed county of Hempstead. Referred to the Committee on Counties and County Boundaries.

Mr. Williams offered a memorial from citizens of Walker county, asking the passage of a law authorizing the use of certain apartments in the penitentiary at Huntsville as a common jail for Walker county. Referred to the Committee on State Affairs.

Mr. Williams offered a second petition of citizens of

Walker county, asking relief against the accumulation of ex-convicts in and around the city of Huntsville. Referred to the Committee on Penitentiary.

Mr. Smith of Colorado offered a petition asking for a free license to peddle for C. C. King, of Colorado. Referred to the Committee on State Affairs.

Mr. Van Zandt offered a petition of A. G. Walker. Referred to Committee on State Affairs.

Mr. Shaw offered a petition of citizens of Red River county against the sale of intoxicating liquors. Referred to the Committee on State Affairs.

Mr. Rimes offered a similar petition from citizens of Falls county. Referred to the Committee on State Affairs.

Mr. Tivy offered a petition asking for the creation of Marble county out of portions of Hays, Travis, Burnet, Llano, Gillespie and Blanco counties. Referred to the Committee on Counties and County Boundaries.

Mr. Tivy offered a second petition of certain citizens of Comfort, Kendall county, to be attached to the county of Kerr. Referred to the Committee on Counties and County Boundaries.

Mr. Ford offered a petition of citizens of Jasper county asking the enactment of some prohibitory liquor law similar to the Ohio liquor law. Referred to the Committee on State Affairs.

Mr. Trolinger offered a petition of citizens of Whitesboro, Grayson county. Referred to the Committee on Town and City Corporations.

Mr. Trolinger offered a second petition of citizens of Jack county. Referred to the Committee on State Affairs.

Mr. Nelson offered a petition of citizens of Hopkins county asking the enactment of a prohibitory liquor law similar to Ohio liquor law. Referred to the Committee on State Affairs.

By special leave the special committee composed of the Representatives of the Sixth Judicial District, reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The special committee to whom was referred the bill changing the time of holding the district courts therein named, have considered the same, and have in-

structed me to report the accompanying bill and recommend its passage.

MORRIS, Chairman.

The accompanying bill was read; the rules suspended, read a second time; rules further suspended, read a third time and passed.

The secretary of the Senate announced the adoption by that body of a concurrent resolution for a joint select committee, to consider the propriety of establishing two additional lunatic asylums.

By special leave Mr. McDonald introduced a bill to authorize the County Court of Henderson county to levy a tax to pay the outstanding indebtedness, the repairing of bridges, jail and court house, and for all other purposes for which the said County Court is by law authorized to levy a tax. Read by caption and referred to Judiciary Committee No. 2.

The Judiciary Committee No. 2 reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred House bill No. 92, being a bill to amend "An act amendatory of an act entitled an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved May 8, 1871," beg leave to report the same back to the House, with an amendment of an additional section, providing for service of process, and recommend the passage of the bill thus amended.

IRELAND, Chairman.

The amendment was read and adopted, and the bill read a second time and ordered engrossed.

Second report from the same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred House bill No. 99, "An act to amend section twenty-third of an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved August 13, 1870," beg leave to report the same back to the House, and recommend its passage.

IRELAND, Chairman.

Mr. Leyendecker introduced a substitute, which was read and adopted.

Mr. Bledsoe offered an amendment, which was adopted.

On motion of Mr. Winkler, the bill and substitute were re-referred to Judiciary Committee No. 2.

On motion, the Finance Committee was granted leave to withdraw for the purpose of holding a session.

Judiciary Committee No. 2, reported further, as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee, to whom was referred House bill No. 122, a bill to be entitled "An act to amend an act entitled an act to amend articles seven hundred and fifty-seven and seven hundred and sixty-six of an act to adopt and establish a penal code for the State of Texas, approved November 12, 1866," beg leave to report the same back to the House, and recommend its passage.

IRELAND, Chairman.

The bill was read a second time and ordered engrossed.

The same committee reported further, as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred House bill No. 138, "An act to amend an act to dispense with the use of scrolls and seals in certain cases," beg leave to return said bill, and recommend its passage.

IRELAND, Chairman.

The bill was read a second time and ordered engrossed.

The same committee reported further, as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred House bill No. 144, to be entitled "An act to amend an act entitled an act to establish a code of criminal procedure for the State of Texas, approved August 26, 1856," respectfully return said bill to the House, and recommend its passage.

IRELAND, Chairman.

The bill was read a second time and ordered engrossed.

The Committee on State Affairs reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred House bill No. 162, a bill to be entitled "An act to authorize the County Court of Comal county to levy a special tax," have considered the same, and authorize me to report the same back to the House, and recommend its passage.

J. H. BROWN, Chairman.

The bill was read a second time and ordered engrossed.
Mr. Hoffman offered an amendment.

On motion of Mr. Brown of Dallas the vote passing the bill to engrossment was reconsidered, and the bill and amendments were recommitted to the Committee on State Affairs.

Second report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee instruct me to report back a bill referred to them, entitled "An act to incorporate the Teutonia Association of Fayette county," and recommend its passage with the following amendment:

Amendment—Strike out section six of the bill and insert:

Sec. 6. That the grounds and buildings owned by said association, and used for their meetings, exercises and benevolent objects, so long as so used, shall be exempt from all taxation, whether State, county or municipal.

J. H. BROWN, Chairman.

The amendment was adopted, the bill read second time and ordered engrossed.

On motion the rules were suspended, the bill considered engrossed, read a third time and passed by a two-thirds vote.

The Chairman of the Committee on Education reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred House bills Nos. 146, 164 and 161, after a proper examination, refer them back for the consideration of the House, recommending that they should pass. They would particularly recommend the speedy passage of House bill No. 161, which abolishes the offices of supervisors and inspectors of public schools.

RAINEY, for Committee.

House bill No. 146, a bill to be entitled "An act to amend an act entitled 'A act to incorporate Austin College,' approved November 22, 1849," was read second time and ordered engrossed.

House bill No. 164, a bill to be entitled "An act to prohibit the sale or otherwise disposing of intoxicating liquors

within two miles of the Acton Masonic Institute, in Hood county," was read second time and ordered engrossed.

House bill No. 161, a bill to be entitled "An act to abolish the office of school supervisor and the office of school inspector," was read second time, and on motion recommitted to the Committee on Education.

The Committee on Engrossed Bills reported as follows: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Your committee have examined House bills as follows: No. 52, "An act prohibiting the sale of intoxicating, spirituous or vinous liquors within two miles of Pleasant Grove Academy, in Hunt county;" No. 101, "An act granting a charter to Hugh P. Clark to create, and keep and run a ferryboat at or near the northeast corner of the Hugh Neal survey over the Sabine river, in Van Zandt county;" No. 198, "An act requiring the next term of the District Court of Trinity county to be held at the town of Trinity," and find the same correctly engrossed.

BOOTY, Chairman.

The Finance Committee reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee to whom was referred the letter of the Comptroller of Public Accounts and the bill entitled "An act defining the duties of the Comptroller," have considered the same and have instructed me to report the bill back to the House and recommend its passage.

MORRIS, Chairman.

The bill was read second time and ordered engrossed; the rules suspended, read third time and passed.

The Committee on Agriculture and Stock Raising reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives.

SIR: Your committee to whom was referred the following petitions and bills, to-wit: Petition of citizens of Fayette county, petition of citizens of Tarrant county, House bill No. 65, to regulate fences in certain counties; House bill No. 117, for the encouragement and protection of the farming interests of the State of Texas; House bill No. 155, to be entitled "An act for the protection of the farming interests of the State," have had the several pe-

titions and bills herein named under consideration, and after mature investigation, a majority of said committee instruct me to report back that they believe that all the objects sought in the several bills and petitions above named are amply provided for in bill No. 115, entitled "An act for the protection of the farming interests of the State," and recommend its passage as amended, and that they be relieved from further consideration of the same.

A. S. THURMOND, Chairman.

The report, with accompanying papers, was laid on the table, subject to the call of the House.

By special leave, Mr. Mills introduced "An act for the relief of Jephtha Greenwood, of Grimes county." Read by caption and referred to the Committee on Private Land Claims."

By special leave, Mr. Brown, of Dallas, introduced a bill to be entitled "An act for the relief of Lewis Latham or his assigns." Read by caption and referred to the Committee on Private Land Claims.

By special leave, Mr. Broaddus introduced a bill to be entitled "An act for the relief of Morgan Collum." Read by caption and referred to the Committee on Private Land Claims.

By special leave, Mr. Berends introduced a bill to be entitled "An act for the protection of stock raisers." Read by caption and referred to the Committee on Agriculture and Stock Raising.

The chairman of the Committee on Counties and County Boundaries reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on Counties and County Boundaries, to whom was referred the petition of the County Court and sundry citizens of Menard county, instruct me to report the accompanying bill, and recommend its passage.

J. H. BROWN, Chairman.

The accompanying bill, to be entitled "An act to attach a certain district to Menard county for judicial purposes," was read first time and referred to Judiciary Committee No. 1.

The hour for the special order having arrived, it was taken up, being the report of the Finance Committee on the sale of bonds, but, on motion of Mr. Mills, was made the special order for Thursday at 12 M.

The Committee on Counties and County Boundaries reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : Your committee to whom was referred House bill No. 163, a bill to be entitled "An act to validate the Brazoria county bonds, voted by the people thereof, and paid out by the Commissioner's Court or County Court of said county to the Houston, Tap and Brazoria Railway Company," have had the same under consideration, and have instructed me to report the bill back and recommend its passage.

NELSON, Chairman *pro tem.*

The bill was read a second time and recommitted to the Committee on Counties and County Boundaries.

The Committee on Town and City Corporations submitted a report as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : Your committee, to whom was referred the petition of the citizens of Pine Hill, in Rusk county, asking the incorporation of said town, instruct me to report the accompanying bill and recommend its passage.

BOOTY, for Committee.

The bill, being "An act to incorporate the town of Pine Hill, in Rusk county," was then read ; the rules suspended, read a second time and ordered engrossed.

The same committee reported further as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : Your committee, to whom was referred House bill No. 196, "An act to amend an act entitled an act to incorporate the city of Calvert, in Robertson county, approved April 12, 1871," instruct me to report back the same with the recommendation that it do pass.

BOOTY, for Committee.

The bill was read a second time and ordered engrossed.

The same committee reported further as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : Your committee, to whom was referred House bill No. 174, a bill to be entitled "An act to amend and supplemental to an act to provide for the incorporation of towns and cities, approved January 27, A. D. 1858,"

having examined the same, instruct me to report the bill back and recommend its passage.

WESTFALL, for Committee.

The bill was read a second time and ordered engrossed; the rules were then suspended, the bill read a third time and passed.

Fourth report from the same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee, to whom was referred the bill entitled "An act to incorporate the town of Greenville, in Hunt county," would report that they have had the same under consideration and would recommend its passage.

CARROLL, for Committee.

The bill was read a second time and ordered engrossed.

The Committee on Roads, Bridges and Ferries reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee, to whom was referred a resolution instructing said committee to inquire into the expediency of amending the road law, have had the same under consideration, and would respectfully report that section forty-six, article twelve, of the Constitution excludes the change in the road law your committee would desire to be made, but have come to the conclusion that the present road law may be materially improved. They have therefore reported the accompanying bill and recommend its passage.

HARRISON, Chairman.

The bill, being a bill to be entitled "An act to authorize county courts to levy a road and bridge tax, and to improve roads and bridges," was read and passed to a second reading.

The Committee on Public Debt reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee, to whom was referred "An act making an appropriation to pay mileage and per diem of presidential electors," have had the same under consideration, and have instructed me to report the bill back to the House and recommend its passage.

SHELTON, Chairman.

The bill was read a second time and ordered engrossed.

The Committee on Private Land Claims reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee, to whom was referred House bill No. 126, being a bill for the relief of A. S. Thurmond, having had the same under consideration, have requested me to report the same back and recommend that it do pass.

ROBB, for Committee.

The bill was read a second time and ordered engrossed.

Second report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House bill No. 94, "An act for the relief of the heirs of George W. Miller, deceased," have considered the same and have instructed me to recommend that it do pass.

LANE, Chairman.

The bill was read a second time and ordered engrossed.

A third report of the same committee was submitted :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on Private Land Claims, to whom was referred House bill No. 95, "An act for the relief of Mrs. Caroline A. Stevens," have carefully considered the same, and have instructed me to report the same back and recommend that it do pass.

LANE, Chairman.

The bill was read a second time and ordered to be engrossed.

Fourth report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on Private Land Claims, to whom was referred the petition of James Smyth, have had the same under consideration, and instruct me to recommend that the prayer be granted.

LANE, Chairman.

Re-referred to the same committee.

Fifth report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House bill

No. 109, entitled "An act for the relief of David M. Callahan," have carefully examined the records and facts in the above recited bill, and have instructed me to report it back with the recommendation that it do pass.

SHAW, for Committee.

The bill was read a second time and ordered to be engrossed.

The following communication was then read :

AUSTIN, TEXAS, February 10, 1873.

To the Honorable Senate and House of Representatives of the State of Texas :

GENTLEMEN: As instructed by resolution adopted by the City Council of the city of Galveston, I have the honor herewith to inclose you an invitation to visit our city on the twenty-fifth instant.

I would respectfully request that you signify your determination in regard thereto, to the end that due preparations may be made for your reception.

ALBERT SOMERVILLE,

Mayor of Galveston.

Mr. Brown of Dallas offered the following concurrent resolution :

Resolved by the House of Representatives, the Senate concurring, That the members and officers of the two houses of the Legislature hereby accept the invitation of the city of Galveston, communicated through the honorable Mayor of said city, to attend a celebration in that city on Tuesday, the twenty-fifth day of the present month, and also the proffer of a special train by the Houston and Texas Central railway company, and the Galveston, Houston and Henderson railway, to facilitate the trip to and from said city.

Resolved, That in order to comply with the invitation aforesaid, the two houses will adjourn on Monday the twenty-fourth day of February, to meet again at 10 o'clock A. M. Thursday, February 27.

Resolved, That the President of the Senate and Speaker of the House are hereby authorized to act as a committee of arrangements to represent the members of the Legislature during said excursion.

Resolved, That during the recess hereinbefore provided for, the members of the Legislature shall receive no per diem pay.

Mr. Hester moved to amend by striking out Thursday and inserting Monday. Lost.

Mr. Killough moved to amend by returning the thanks of the House to the mayor and officers of the city of Galveston, and to table the rest of the resolution.

Mr. Short moved the previous question, which, being seconded, was carried.

The House then refused to sustain the call for the main question.

Mr. Killough withdrew his amendment.

Mr. Ireland moved to strike out all that portion relating to the Houston and Texas Central Railroad. Mr. Allen moved to reject the amendment. Lost.

On motion of Mr. Ghent, the House adjourned until 10 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, February 11, 1873. }

House met pursuant to adjournment. Prayer by Rev. Dr. Teasdale. Roll called; quorum present.

The journal of yesterday was read and adopted.

Unfinished business, being the concurrent resolution of Mr. Brown, of Dallas, accepting the invitation of the mayor and officers of the city of Galveston, was taken up.

Mr. Brown, of Dallas, offered the following substitute:

Resolved, That the House of Representatives hereby accept the invitation of the city of Galveston to attend the celebration of Mardi Gras, and receive the hospitalities of said city on the twenty-fifth of February instant.

Substitute adopted.

Pending the discussion, a message from the Senate announced the passage by that body of Senate bill No. 33, "An act amendatory of and supplemental to an act entitled an act amendatory of and supplemental to an act entitled an act to incorporate the Sabine and Galveston Bay Railroad and Lumber Railroad Company, passed September 1, 1856, passed December 24, 1859, which act changed the name of said company to the Texas and New Orleans Railroad Company."

The message also informed the House of the refusal of the Senate to recede from its amendments to the House printing bill, and that it had appointed Senators Shelley, Dillard, Henry, Dohoney and King a committee of con-

ference in the disagreement between the two houses, and asks a like committee on the part of the House.

A second message from the Senate announced the passage by that body of the following bills and joint resolutions originating in that body :

Joint resolution No. 7, in reference to the interment of Texas soldiers who fell at the battles of Glorietta and Valverde, and also of those who were buried at Socorro, Albuquerque and Santa Fe, in New Mexico, during the late war.

Joint resolution No. 11, authorizing the Comptroller and Treasurer each to employ two additional clerks.

Senate bill No. 44, "An act to incorporate a company to be styled the Palestine Fire Company.

Senate bill No. 63, "An act to prohibit the sale of intoxicating or spirituous liquors in the vicinity of Red Rock, in the county of Bastrop."

Senate bill No. 81, "An act to establish a bridge across Choctaw Bayou, in Grayson county."

*The discussion having been resumed, Mr. Ghent moved the previous question, which, being seconded, the yeas and nays were called and resulted as follows :

Yeas—Messrs. Speaker, Abbott, Adriance, Allen, Allison, Anderson of McLennan, Berends, Bledsoe, Bordeaux, Brown of Dallas, Chambers, Cunningham, Day, Doyle, Eastland, Ellett, Gallaway, Ghent, Gillette, Gilpin, Hoffman, Hollingsworth, Joseph, Kleberg, Lane, Leyendecker, Manning, McDonald, Michael, Mills, Moore, Powers, Prendergast, Rainey, Roberts, Sayers, Shaw, Shelton, Short, Smith of Colorado, Thurmond, Tilson, Trolinger, Van Zandt, Venters, Washington, Wilder, Williams and Winkler—49.

Nays—Messrs. Booty, Broaddus, Brown of Upshur, Carroll, Davenport, Denton, Frankee, Gaston, Harrison, Hester, Ireland, Kemble, Killough, Mabry, Nelson, Noeggerath, Payne, Rimes, Robb, Roseborough, Russell, Salter, Scott, Storey, Tivy, Tom, Walker, Westfall and Wood—29.

Whereupon the main question was ordered.

The resolution was then adopted.

On motion of Mr. Broaddus, the rules were suspended and the message from the Senate, relative to the House printing bill, was taken up.

On motion a conference committee was ordered to be

raised, and the Speaker appointed the following gentlemen said committee: Messrs. Broaddus, Brown of Dallas, Bewley, Shaw and Payne.

On motion of Mr. Shaw, Messrs. Powers and Anderson of McLennan, were added to the special railway committee.

On motion of Mr. Winkler, Mr. Smith, of Colorado, was added to the Committee on Internal Improvements.

The Committee on Engrossed Bills reported as follows: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Your Committee on Engrossed Bills have carefully examined House bill No. 187, "An act to change the times of holding the courts in the Sixth Judicial District," and find the same correctly engrossed.

BOOTY, Chairman.

On motion of Mr. Booty, the vote of yesterday, passing House bill No. 187, being "An act to change the times of holding the courts in the sixth judicial district," was reconsidered.

Mr. Booty then offered the following substitute:

"An act to amend section seven of an act entitled an act prescribing the times of holding the district courts in the several judicial districts in the State."

The substitute was adopted by a two-thirds vote, and the bill passed.

Petitions and memorials being in order, Mr. Westfall offered a petition of F. Gildart. Referred to the Committee on Public Lands and Land Office.

Mr. Berends offered a memorial of the members of the bar of Bexar county. Referred to the Special Committee on Judicial Districts.

Mr. Smith of Colorado offered a petition of citizens of Colorado county opposing the enactment of a law similar to the Ohio liquor law. Referred to the Committee on State Affairs.

A communication from his Excellency the Governor, announcing that the "Act to repeal an act entitled an act to provide for the appointment by the Governor of certain officers to fill vacancies, approved June 28, 1870," had become a law by limitation, was read and referred to Judiciary Committee No. 1.

Reports of committees being called for, Judiciary Committee No. 1 reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 132, entitled "An act to repeal an act entitled an act to provide for the employment of private clerks for the judges of the Supreme Court, approved April 5, 1871," have had the same under consideration and have directed me to report the same to the House with the recommendation that it pass.

GEO. W. SMITH, Chairman.

The bill was read a second time and ordered engrossed.

On motion of Mr. Hester, the rules were suspended, the bill read a third time and passed.

Second report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 73, "to make county surveyors in this State *ex officio* notaries public," have had the same under consideration, and have directed me to state that they can see no necessity for making them *ex officio* notaries public, and indeed they doubt the policy of such a law, and report the bill back to the House and request that it be not passed.

GEO. W. SMITH, Chairman.

Third report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 141, to amend article 773 of the Penal Code of this State, have had the same under consideration, and propose to amend the bill by inserting in the fourteenth line of section one after the word "false," these words, to-wit: "But the buyer, or do not," and they have instructed me to report the bill to the House with that amendment, and with the same to recommend its passage.

G. W. SMITH, Chairman.

The amendment was adopted, the bill read a second time and ordered engrossed.

On motion of Mr. Wood, the rules were suspended, the bill read a third time and passed.

The same committee also reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 154, a bill to provide for the election of city officers for the city of Columbus, and to regulate their duties, have considered the same, and have directed me to report it to the House, with the following amendments, to-wit: In lieu of Section 1 of the bill insert amendment for the same, as follows:

"SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That an election shall be held in the city of Columbus on the first Tuesday of April next, and on that day and month each year thereafter, for the election of a mayor, five aldermen, one recorder, one treasurer and one marshal, who shall each hold his office for the term of one year from the day of his election, and until his successor shall have been duly elected and qualified. The city council of said city shall be composed of the mayor and aldermen elected and qualified as aforesaid, and the recorder shall act as clerk at their sessions. That no person shall be elected or appointed to any office in said city who is not at the date of his election a legal registered voter of the city, or had not been a resident within the limits thereof for sixty days next before the day of his election or appointment, and none shall enter upon the duties of his office until he take oath prescribed by the Constitution of this State for all officers; and also, that he was, at the date of his election or appointment, a legal registered voter of the city of Columbus, and had resided within the limits thereof for sixty days next preceding that date, which oath of office shall be made before any officer authorized to administer oaths in such cases, filed with the mayor, and preserved by him in his office as a record thereof."

Also, strike out of the bill the the last five lines of Section 9, beginning with the words "chief justice," and insert, "Presiding justice of Colorado county shall appoint three suitable persons, voters of the city, who shall conduct the registration and election, as here directed."

And in the first line of Section 5, after the word "days," and in the seventh line of Section 8, after the word "election," and in the second line of Section 9, after the word "days," insert the words "Sunday excluded."

And the committee instruct me to recommend the adoption of these amendments, and that the bill, thus amended, do pass.

GEO. W. SMITH, Chairman.

The amendments were adopted and the bill ordered engrossed.

On motion, the rules were suspended and the bill read a third time and passed.

The Committee on Finance reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred a petition of certain citizens therein named, asking a charter creating them a body corporate, under the name of the Hempstead Real Estate, Building and Banking Association, beg leave to report that they have duly considered the same, and have unanimously concluded that the capital stock therein provided is insufficient, and instruct me to report the same back with the recommendation that said petition be not granted.

TILSON, Chairman *pro tem*.

Report adopted.

By special leave, Mr. Kleberg introduced a bill entitled "An act concerning proceedings in the district courts." Read by caption and referred to Judiciary Committee No. 1.

On motion of Mr. Booty the rules were suspended for fifteen minutes to allow the introduction of bills.

Mr. Winkler introduced a bill to be entitled "An act to incorporate the Central Texas Flouring, Grist and Manufacturing Company." Referred to Committee on State Affairs.

Mr. Brown of Upshur introduced a bill to be entitled "An act granting a charter to James A. Mitcham and H. L. Gilmore to create and keep and run a ferry boat at New Barette Landing or Crossing, on the Trinity river, in Henderson county and Navarro county." Referred to the Committee on Roads, Bridges and Ferries.

Mr. Sayers introduced a bill to amend and consolidate the several acts incorporating the town of Gonzales. Referred to the Committee on Town and City Corporations.

Mr. Powers introduced a bill for the relief of William J. Russell. Referred to the Committee on Private Land Claims.

Mr. Gilpin introduced a bill to be entitled "An act to incorporate the Pioneer Fire Company No. 1 of the city of Corpus Christi, State of Texas." Referred to the Committee on Town and City Corporations.

Mr. Broaddus introduced a bill to incorporate the trustees of the Hempstead Baptist Church, Hempstead, Austin county, Texas. Referred to Judiciary Committee No. 1.

Mr. Broaddus introduced a second bill to amend "An act incorporating Baylor University." Referred to Judiciary Committee No. 2.

Mr. Bledsoe introduced a bill to be entitled. "An act regulating the disbursements of the county finances." Referred to the Committee on Finance.

Mr. Brown of Upshur introduced a bill to be entitled "An act to establish a ferry across Big Cypress." Referred to the Committee on Roads, Bridges and Ferries.

Mr. Brown of Upshur introduced a second bill, to be entitled, "An act prohibiting the sale of spirituous liquors within two miles of the High School of Summerfield, Upshur county, Texas." Referred to the Committee on Town and City Corporations.

Mr. Cunningham introduced a bill to authorize Alexander English to erect a toll bridge on Bois d'Arc creek, in the county of Fannin. Referred to the Committee on Roads, Bridges and Ferries.

Mr. Kemble introduced a bill to be entitled, "An act for the relief of C. R. Gibson, district clerk of Ellis county, and J. M. Hawkins, district attorney." Referred to the Committee on Claims and Accounts.

Mr. Kemble introduced a second bill, to be entitled, "An act to establish a ferry across Trinity river, at Prewit's old mill." Referred to the Committee on Roads, Bridges and Ferries.

Mr. Trolinger introduced a bill to incorporate the town of Whitesboro, in Grayson county. Referred to the Committee on Town and City Corporations.

Mr. Tilson introduced a bill to regulate the issue of land patents in certain cases. Referred to Judiciary Committee No. 2.

Mr. Ghent introduced a bill entitled, "An act to repeal an act entitled an act to incorporate the city of Hearne, approved April 11, 1871." Referred to the Committee on Town and City Corporations.

Mr. Allison introduced a bill repealing sections twenty-two, twenty-six and twenty-seven, of "An act entitled an act to provide for the enrollment of the militia, the organization and discipline of the State Guards, and for the public defense, approved June 24, 1870." Referred to Committee on Military Affairs.

Mr. Tivy introduced a joint resolution in relation to Indian affairs and frontier protection. Referred to Committee on Federal Relations.

Mr. Prendergast introduced a bill concerning the acquisition and alienation of lands by railroads, and to prevent land monopolies. Referred to Judiciary Committee No. 1.

Mr. Gillette introduced a bill to organize the Bureau of Immigration. Referred to Committee on Immigration.

Mr. Smith of Colorado introduced a bill to regulate the compensation of county treasurers. Referred to Judiciary Committee No. 1.

Mr. Smith of Colorado introduced a second bill to regulate the testimony of witnesses in cases of bribery. Referred to Judiciary Committee No. 1.

Mr. Bordeaux introduced a bill for the relief of early settlers. Referred to the Committee on State Affairs.

Mr. Rainey introduced a bill for the relief of A. T. Watts. Referred to the Committee on State Affairs.

Mr. Adriance introduced a bill to incorporate the State bank of Texas, Galveston. Referred to Judiciary Committee No. 1.

Mr. Bewley introduced a bill for the relief of W. B. Watson or his assignees. Referred to Committee on Private Land Claims.

Mr. Ford introduced a bill for the relief of assessors and justices of the peace in certain cases, for taking scholastic census. Referred to Committee on State Affairs.

Mr. Storey introduced a bill to amend article four hundred and thirty-five of the Code of Criminal Procedure. Referred to Judiciary Committee No. 2.

Mr. Storey introduced a second bill to amend article one hundred and fifty-seven of "An act regulating attachments, approved January 16, 1850." Referred to Judiciary Committee No. 2.

Mr. Ireland introduced a joint resolution proposing amendments to the Constitution. Referred to the Committee on Constitutional Amendments.

Mr. Smith of Colorado offered the following resolution :
Resolved, That the message of the Governor inclosing communication of Attorney General be referred to the Committee on State Affairs.

Adopted.

Mr. Sayers offered the following resolution :

Resolved, That the Committee on State Affairs be requested to inquire into the propriety of enforcing by appropriate legislation section twenty-six, article twelve of the Constitution, and report by bill or otherwise.

Adopted.

Mr. Allen offered the following resolution :

Resolved, That the sergeant-at-arms be instructed to have the flag flying from the mast-head during the hours of session every day.

Adopted.

Mr. Brown of Dallas offered the following resolution :

Resolved, That the Committee on Penitentiary be instructed to inquire into the expediency and necessity of establishing two additional penitentiaries for the State, one to be located on or west of the Colorado river, the other at some central point in the northern part of the State.

Adopted.

Mr. Ireland called to the chair.

Mr. Taylor introduced a bill to authorize the county of Marion to issue interest bearing bonds for the building of a court house and jail in said county. Read ; rules suspend, read a second time and ordered engrossed ; rules further suspended, read a third time and passed.

Mr. Abbott moved that the Committee on Counties and County Boundaries be requested to report the bill creating the county of Hempstead, which being carried the chairman of the committee reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : Your committee to whom was recommitted a bill entitled "An act to create the county of Hempstead," with a petition from the citizens of Austin county on the east side of the Brazos river; and also a counter-petition from the citizens of Grimes county, have had the same under consideration, and have unanimously instructed me to return the bill and recommend its passage,

TROLINGER, Chairman.

Mr. Brown of Dallas offered the following amendment: Insert after word "Constitution," in the fourth section, the words "and laws."

On motion of Mr. Denton, the House adjourned until 10 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, February 12, 1873. }

House met pursuant to adjournment. Prayer by the Rev. Mr. Rogers. Roll called; quorum present.

The journal of yesterday was adopted with slight amendments.

By special leave, the special committee of free conference on the printing bill reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee of free conference upon House bill No. 106, entitled "An act to provide for the public printing," and the amendments thereto made by the Senate, have maturely and, as we trust, in that spirit which should characterize the conduct of those who are charged with the duty of subserving the public interests, considered the subjects of difference between the two houses, and the committee unanimously instruct me to make to the Senate and House of Representatives the following recommendations, to-wit:

1. That the Senate recede from its amendment to the first section of the House bill.
2. That the House concur in all the other amendments of the Senate, except the amendment which changes the words "elect" to "select," "elected" to "selected," and "election" to "selection" where they occur in the House bill, from which amendments the Senate recede.

Your committee recommend that the House bill be amended by adding the following, to-wit:

SEC. 15. *Be it enacted, etc.,* That the printing already done for either house at the present session of the Legislature, shall be paid for at the rates provided for in this act, or at the rates contracted for, if done under contract.

Respectfully submitted.

N. G. SHELLEY, Chmn. Senate Com.

A. S. BROADDUS, Chmn. House Com.

The unfinished business of yesterday, being a motion of Mr. Mills to recommit the bill creating Hempstead county, was taken up.

Mr. Mills withdrew his motion and offered the following amendment:

Amend by striking out all that portion of the bill that relates to Grimes county. Adopted.

On motion of Mr. Prendergast, the bill was laid upon the table.

A message from the Senate announced the passage by that body of House bill No. 198, "An act requiring the next term of the District Court of Trinity county to be held at the town of Trinity."

The Committee on Engrossed Bills reported as follows: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Your committee, having examined House bill No. 95, "An act for the relief of Mrs. Caroline A. Stevens;" No. 102, "An act to amend an act entitled an act to establish a code of criminal procedure for the State of Texas, approved August 26, A. D. 1856;" No. 187, "An act to amend section seven of an act prescribing the times of holding the district courts in the several judicial districts of the State, approved August 10, 1870," and find the same correctly engrossed.

BOOTY, Chairman.

A communication from the Adjutant General, relative to the collection and disbursement of the tax from residents of Limestone and Freestone counties, was read and referred to the Committee on Military Affairs.

Petitions and memorials being in order, Mr. Brown of Dallas offered a petition of Horace P. Jones and Philip McCasker, of Fort Sill, Indian Territory. Referred to the Committee on Indian Affairs.

Mr. Bordeaux offered a petition of the police court of Montagne county, asking authority to levy and collect a special tax. Referred to the Committee on State Affairs.

Mr. Gaston offered a petition of citizens of Garden Valley, asking for a charter to incorporate Garden Valley Seminary. Referred to the Committee on Education.

Mr. Hoffman offered a memorial of citizens of Kimball county, asking to be attached to Mason county for all judicial purposes. Referred to the Committee on Judicial Districts.

Mr. Watts offered a memorial of citizens of Polk and Trinity counties, praying for change in county lines, etc. Referred to the Committee on Counties and County Boundaries.

The Committee on Education reported as follows:
Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was recommitted House bill No. 161, respectfully return the same, and ask leave to offer the accompanying substitute, and recommend its passage. They would also call attention to the returned petition, and recommend its rejection by the House.

RAINEY, for Committee.

The original bill was read, and then the substitute.

The hour for the special order having arrived, on motion of Mr. Abbott, it was postponed until the matter before the House should be disposed of.

Mr. Westfall moved the previous question, which, being seconded, was put and carried.

After the reading of the substitute, the vote ordering the main question was reconsidered.

Pending the discussion, a message from the Senate announced the adoption by that body of the report of the joint committee of free conference on the House printing bill.

The substitute was then adopted.

Mr. Berends offered the following amendment: Strike out "supervisors" all through the bill. Strike out section one of section two the words "of thirteenth of August, 1870, of twenty-fourth of April, 1871, and of twenty-ninth of November, 1871."

On motion of Mr. Joseph, the amendment was laid on the table.

The bill was then read a second time and ordered engrossed.

On motion, the rules were suspended, the bill read a third time, and put upon its passage.

The yeas and nays being called, resulted as follows:

Yeas—Messrs. Speaker, Adriance, Allison, Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Brown of Upshur, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Kil-

lough, Kleberg, Lane, Leyendecker, Manning, McDonald, Morris, Nelson, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Roseborough, Russell, Sayers, Scott, Shaw, Shelton, Short, Smith of Colorado, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Veale, Venters, Walker, Watts, Westfall, Winkler and Wood—68.

Nays—Messrs. Abbott, Allen, Berends, Ellett, Frankee, Green, Mabry, Michael, Mills, Moore, Roberts, Washington, Wilder and Williams—14.

Whereupon the bill was declared to have passed.

On motion of Mr. Bordeaux, the Committee on Town and City Corporations were granted leave to report, which they did as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House bill No. 186, entitled "An act to incorporate the town of Gainesville, in Cooke county," have carefully examined the same and have instructed me to report that the same do pass.

WOOD, Chairman.

The bill was read by caption and ordered engrossed; the rules further suspended, the bill read third time and passed by a two-thirds vote.

On motion of Mr. Morris, leave of absence was granted to Mr. Booty for two weeks on important business.

On motion of Mr. Ireland the Committee on Education were granted leave to sit during the hours of session for the remainder of the term.

On motion of Mr. Brown of Dallas, Mr. Trolinger was added to the Committee on Education.

By special leave the Committee on the Agricultural College reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The special committee to whom was referred that part of the Governor's message in reference to the Agricultural and Mechanical College of the State, have had the same under consideration, and beg leave to report as follows:

The committee find that under the law passed by the Legislature on the seventeenth of April, 1871, the Governor appointed three commissioners, who selected a loca-

tion for said college in the county of Brazos. That the citizens of said county donated to the State 2800 acres of good land for the use of the college, and procured to be made to the State good fee simple titles to said land. The land is of good quality, a sufficient amount of timber and prairie, and is regarded as a healthy locality. The Central Railway runs through the land, and the site selected for the buildings is on an elevation in the prairie in full view of the road and within one-quarter of a mile of the same. The commissioners, after having secured the services of Carl De Grote as an architect, proceeded to contract for the erection of the main building, with the provisions contained in said contract that the work was to be by the direction of and under the personal supervision of said Carl De Grote. The undertakers commenced the work, collected on the ground a large amount of material for the building, and under the direction of said Carl De Grote, dug out the foundation and erected the walls of the building above the surface of the ground, and put on all the sills and sleepers for the first floor.

The work, although done under the supervision of and by the direction of said architect, was, upon close examination by the commissioners, aided by G. Larmour, an architect of known ability and integrity, adjudged to be insufficient upon which to erect the building. The commissioners, as your committee learn, attached no blame to the undertakers, as by their contract they were required to be governed by the directions of said Carl De Grote in the material used and the manner of doing the work, all of which the undertakers showed they had done. The commissioners permitted the undertakers to abandon the contract, and allowed them compensation for the work done and material collected for said building. The committee regard the commissioners as extremely unfortunate, to say the least of it, in the selection of the architect. Your committee have consulted G. Larmour, the architect hereinbefore referred to, who has been upon the ground and examined the material collected by the contractors for said building, and said architect informs your committee that said material will be of the value of some ten thousand dollars toward the erection of a main building for said college.

Your committee have called upon the Comptroller and procured from him a statement, which is annexed to this

report, showing how much and by whom drawn of the appropriation heretofore made for the erection of said college building, said statement being marked A. By said statement it will be seen that the \$12,000 dollars drawn for the payment of the 2800 acres of land has been refunded in Brazos county bonds, which are fully provided for by a tax that has been legally assessed by the county court of said county. It will be further seen by said statement that the further sum of \$5000 was drawn by the three commissioners, a part of which, as your committee is informed, is still in the hands of said commissioners unexpended, how much your committee is not informed. The said statement also shows that there is still unexpended in the State Treasury of the appropriation heretofore made the sum of \$38,023.20.

Your committee have made inquiry of those competent to give information, and are satisfied it will require something near the sum of \$80,000 to erect a main building of sufficient size and architectural beauty for said college. Believing as your committee does that such a college will be of incalculable benefit to the whole State of Texas, we herewith report a bill making an additional appropriation of \$50,000 out of the school fund of the State for the purposes herein set forth, and recommend its passage.

A. S. BROADDUS, Chairman.

Annexed is a statement of what some other States have done for their agricultural colleges:

Massachusetts gave out of the State Treasury toward her college \$70,000; cities gave \$75,000; private donations \$20,000; the United States gave cost of building, \$125,000.

Iowa, \$227,000.

Missouri \$50,000 annually for ten years, and \$100 annually for each scholar.

Virginia has given, in all, \$1,044,364.

Illinois, by the Legislature, \$265,544.

California, \$245,000 coin.

A.

*Statements of amounts drawn against appropriations
for the Texas Agricultural and Mechanical College:*

To G. B. Slaughter, <i>et al.</i> , commissioners' expenses	\$1,500 00
To G. B. Slaughter and T. E. Grothaus, purchase of land, refunded in Brazos county bonds	12,000 00
To J. W. Johnson <i>et al.</i> , commissioners' incidental expenses, no vouchers filed	561 75
To Carl De Grote, salary architect	224 70
To Carl De Grote, salary architect	51 50
To Carl De Grote, salary architect	200 00
To Ball, Hutchings & Co., assignees architect	250 80
To Carl De Grote, salary architect	313 55
To Slocum & Thompson, stationery	91 00
To J. W. Johnson, T. E. Grothaus and J. G. Bell, commissioners	1,800 00
To J. A. McMillan, clerk salary	150 00
To Carl De Grote, salary architect	220 00
To General Land Office, maps	40 00
To H. Mitchell	110 00
To Carl De Grote, salary architect	63 50
To Carl De Grote, salary architect	800 00
To Carl De Grote, salary architect	200 00
To Chalmers and McMillan, building	12,000 00
To Sam Burrell	100 00
To Alfred Smith	325 00
To J. Larmour	220 00
To T. H. Downard, T. M. McCarty and Wm. M. McIntosh, bricks	5,000 00
To J. Stewart and J. H. Bartel	255 00
Total amount drawn	\$36,476 80

The bill, an act supplemental to an act entitled "An act to provide for the establishment of the Agricultural and Mechanical College," approved April 17, 1871, was read the first time; the rules suspended, read a second time, and made the special order for Tuesday next at 11 o'clock, and one hundred copies ordered printed for the use of the House.

On motion, Mr. Smith of Houston was added to the Committee on Judicial Districts.

Mr. Booty offered the following resolution :

WHEREAS, The number of bills passed to engrossment is in excess of the capacity of one man to engross; therefore,

Resolved, That the Speaker of this House be and is hereby authorized to obtain such assistance for the regular engrossing clerk as from time to time he may deem necessary, and also to appoint an assistant clerk.

Adopted.

On motion of Mr. Smith of Colorado, the House adjourned until 7 P. M., with the understanding that at the night session certain bills which he proposed to introduce should be taken up.

EVENING SESSION.

House met pursuant to adjournment. Roll called, and a quorum being finally obtained the House proceeded to business.

Judiciary Committee No. 1 reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House bill No. 29, entitled "An act to repeal an act entitled an act to provide for voters, approved July 11, 1870," have had the same under consideration, and have instructed me to report a substitute for it, and to recommend the adoption and passage of the said substitute accompanying this report.

SMITH, Chairman.

The original bill having been read, the substitute was read and adopted.

Mr. Ireland moved to amend by inserting "constable" in place of "police." Adopted.

Mr. Brown of Dallas moved to lay the bill on the table. Carried.

Judiciary Committee No. 1 reported further, as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee, to whom was referred House bill No. 25, entitled "An act to repeal an act entitled an act to provide for the mode and manner of conducting

elections, making returns, and for the protection and purity of the ballot box, approved August 15, 1870," have considered the same, and have instructed me to report the bill back to the House with a substitute for the same, and to recommend the adoption and passage of the said substitute.

SMITH, Chairman.

The bill having been read, the substitute was read and adopted.

Mr. Ireland moved to amend by striking out "police" and inserting "constable." Adopted.

Mr. Payne offered the following amendment to section twenty-seven :

Should any person or persons or firms violate the provisions of this section by giving or selling any spirituous or intoxicating liquors within the limits prescribed in this act, he or they so offending shall, on conviction, be fined in a sum of not less than one hundred dollars, nor more than five hundred dollars, for each offense.

Mr. Bewley moved to amend by inserting "during the election."

Mr. Morris offered the following substitute for Payne's amendment :

And should any person sell, barter or give away any intoxicating liquors, unless for medicinal purposes on the day or days of election, in any county, city or town in this State, he shall be guilty of a misdemeanor, and shall, on conviction, be fined not less than fifty nor more than one hundred dollars for each offense. Adopted.

Mr. Westfall offered the following amendment, to follow immediately the amendment just adopted :

"And shall be confined in the county jail not less than one nor more than six months." Lost.

Mr. Anderson of McLennan, offered the following amendment to section twenty-seven :

Should any person or persons, or firms, give away, barter or sell any spirituous, vinous or intoxicating liquors during the time of said election, within two miles of any place where said election is held, the person so offending shall, on conviction, be fined in a sum not less than one hundred, nor more than five hundred dollars for each and every offense.

Amend section twenty-seven by striking out "or places where liquors of any sort are sold or given away."

On motion of Mr. Prendergast, the House adjourned until 10 A. M. to-morrow.

HOUSE OF REPRESENTATIVES; }
AUSTIN, TEXAS, February 13, 1873. }

House met pursuant to adjournment. Prayer by Rev. Dr. Teasdale. Roll called; quorum present.

The journal of yesterday was read and adopted.

Mr. Phelps, member elect from the Thirteenth Senatorial District, came forward and was sworn in as a member of the House.

On motion of Mr. Joseph, Mr. Adriance was excused for the day.

The special order, being the joint resolution ratifying the constitutional amendment voted upon at the recent election, was taken up.

Mr. Ireland moved to postpone the matter one week from to-day at 11 A. M., and that the special railroad committee be requested to report on that day, or earlier if practicable. Adopted.

Unfinished business being next in order, House bill No. 25, entitled "An act to repeal an act entitled an act to provide for the mode and manner of conducting elections, making returns, and for the protection and purity of the ballot box, approved August 15, 1870," was taken up.

Mr. Joseph offered the following substitute for section twenty-seven and the pending amendment thereto:

That during the entire day of any election in this State for municipal, county, district or State officers, it shall be unlawful for any bar room, saloon or other place, house or establishment, where vinous, malt, spirituous or intoxicating liquors are sold, to be open, but the same shall be closed; and it shall be unlawful for any person, or persons, or firm to sell, barter or give away any vinous, spirituous, malt or intoxicating liquors within the limits of the county within which such election is being held during the day thereof; and any person violating any provision of this section shall, for each offense, be guilty of a misdemeanor, and subject to indictment, and may be fined in any sum not less than one hundred dollars nor more than five hundred dollars for each offense; *provided*, nothing herein contained shall prevent the sale of liquor at any drug store or establishment where drugs are sold, for medicinal purposes, on the prescription of a practising

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Mr. Kemble introduced a bill to secure good bonds from public officers. Referred to Judiciary Committee No. 2.

Mr. McDonald introduced a bill granting a charter to O. M. Airheart to create, keep and run a ferry boat at the Spivey crossing on Trinity river, in Anderson county, and Navarro county. Referred to the Committee on Roads, Bridges and Ferries.

Mr. Tom introduced a bill to authorize the County Court of Kinney county to levy and collect a special tax, for the term of six years, to build a court house and jail at the county seat of said county. Referred to the Committee on Finance.

Mr. Ghent offered the following concurrent resolution :
Resolved, That the Speaker appoint a committee of three, to act in conjunction with a like committee to be appointed by the Senate, whose duty it shall be to inquire into and investigate the workings, doings and condition of the Lunatic Asylum, and that they report to both Houses the result of their labors.

Adopted.

The Speaker appointed Messrs. Ghent, Joseph and Salter said committee.

Mr. Carroll introduced a bill to establish and organize Central county. Referred to the Committee on Counties and County Boundaries.

Mr. Winkler introduced a bill to create the county of Gibbard. Referred to the Committee on Counties and County Boundaries.

Mr. Payne introduced a bill to incorporate the San Antonio River and Valley Canal Company. Referred to the Committee on Internal Improvements.

Mr. Bewley introduced a bill confirming certain land certificates. Referred to the Committee on Private Land Claims.

Mr. Hester introduced a bill to change the names of certain persons therein named. Referred to the Committee on State Affairs.

Mr. Harrison introduced a bill to authorize Thomas M. Cain and W. J. A. Gee to construct a toll bridge across Sabine river. Referred to the Committee on State Affairs.

Mr. Gallaway introduced a bill to incorporate Leesburg Institute in Upshur county, Texas. Referred to the Committee on Town and City Corporations.

Mr. Gallaway introduced a second bill, to prohibit the sale or gift of intoxicating or spirituous liquors within two miles of Odd Fellows Male and Female College, located at Pittsburg, in Upshur county, Texas. Read first time and laid on the table.

Mr. Gallaway introduced a third bill, to authorize the County Court of Upshur county to issue interest-bearing bonds to finish paying for the building of the courthouse of said county, and to levy and collect a tax to pay the same. Referred to the Committee on Counties and County Boundaries.

Mr. Gallaway introduced a bill to prohibit the sale or gift of intoxicating or spirituous liquors within two miles of Leesburg Institute, in Upshur county, Texas. Read first time; rules suspended and read second time by caption and ordered engrossed; rules further suspended, read third time and passed.

Mr. Salter introduced a bill to incorporate the Hebrew Benevolent Society in Calvert, Robertson county, Texas. Referred to the Committee on Town and City Corporations.

Mr. Hollingsworth introduced a bill to incorporate the town of San Marcos, in the county of Hays. Referred to the Committee on Towns and City Corporations.

The chairman of the Committee on Enrolled Bills reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined "An act to provide for the public printing," and find the same correctly enrolled, and have this day presented the same to the Governor for his signature.

SHAW, Chairman.

Second report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined "An act requiring the next term of the District Court of Trinity county to be held at the town of Trinity," and find the same correctly enrolled, and have this day presented the same to the Governor for his signature.

SHAW, Chairman.

Mr. Prendergast introduced a bill concerning contracts

for service or labor, and the rights, duties, and liabilities incident thereto. Referred to Judiciary Committee No. 1.

Mr. Mills introduced a bill to authorize and empower the county courts of Grimes and Washington counties to aid in the construction of a bridge across the Brazos river, at the town of Washington, Washington county, Texas. Referred to the Committee on Roads, Bridges and Ferries.

Mr. Watts introduced a bill concerning the admission of attorneys and counselors at law to practice in the Supreme Court. Referred to Judiciary Committee No. 1.

Mr. Watts introduced a second bill, to amend "An act to adopt and establish a penal code for the State of Texas," approved August 26, 1856. Referred to Judiciary Committee No. 1.

Mr. Thurmond introduced a bill to amend the seventh section of an act, entitled "An act to incorporate the city of Rockport," approved May 26, 1871. Referred to the Committee on Town and City Corporations.

Mr. Ford introduced a bill making an appropriation to pay the salary of Hon. Lipscomb Norvell as special Judge of the District Court of Tyler county. Referred to the Committee on Finance.

Mr. Frankoe offered the following resolution :

Resolved, That the Committee on Education be and is hereby instructed to take into consideration and to report the most speedy means to relieve the public free school teachers, as regards their back pay.

Adopted.

Mr. Anderson of Montgomery introduced a bill to prevent the establishment or use of ten pin alleys within three miles of any town or village in the county of Montgomery. Referred to Judiciary Committee No. 2.

Mr. Storey offered the following resolution :

Resolved, That the Committee on Public Lands and Land Office ascertain and report to this House by what authority the Commissioner of the General Land Office requires settlers to make their preliminary affidavits before the clerk of the district court, to procure the surveying of their pre-emption claims, instead of before the county surveyor, as permitted by law.

Adopted.

Mr. Kemble introduced a bill to authorize the Police Court of Ellis county to levy and collect a special tax for

the purpose of building a jail. Referred to the Committee on State Affairs.

Mr. Doyle introduced a bill to authorize the Commissioner of the General Land Office to issue patent to J. S. Fairley and others therein named. Referred to the Committee on Public Lands.

Mr. Anderson of McLennan introduced a bill for the relief of Miller & Dowell, assignees of Freeman Prewitt. Referred to the Committee on Private Land Claims.

Mr. Manning introduced a bill to amend articles four hundred and twelve and four hundred and eighteen of the Penal Code as amended by act of May 11, 1871. Referred to Judiciary Committee No. 2.

Mr. Gillette introduced the following resolution :

Resolved, That the Committee on Agriculture and Stock Raising are hereby requested to report to this House at their earliest convenience the propriety of giving effect in all the counties west of the Trinity river to the various provisions of "An act entitled an act to encourage stock-raising and for the protection of stock raisers, approved May 22, 1871.

Adopted.

Mr. Winkler introduced a bill to provide for the erection of a new penitentiary, and for dividing the State into two penitentiary districts. Referred to the Committee on State Affairs.

Petitions and memorials being in order, Mr. Russell offered a petition of the trustees and patrons of Cedar Grove Male and Female Institute. Referred to the Committee on Education.

Mr. Russell offered a second petition, of sundry citizens of Delta county praying for a prohibitory liquor law. Referred to Judiciary Committee No. 1.

Mr. Westfall offered a memorial of Wm. G. Hall for relief. Referred to Committee on State Affairs.

Mr. Carroll offered a memorial of the citizens of Burleson, Washington, Fayette and Bastrop counties, praying for the erection of a new county. Referred to the Committee on Counties and County Boundaries.

Mr. Roseborough offered a petition of citizens of Corvell county asking to be included in the new county of Florence. Referred to the Committee on Counties and County Boundaries.

The chairman of the Committee on Millitary Affairs reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House bill No. 149, "An act to amend an act to incorporate the Galveston Artillery Company, approved January 30, 1841," have instructed me to report said bill and to recommend its passage with the following amendments :

Amend section three so as to add the following :
 "Provided, such requisitions be not excessive, which is to be adjudged by the Governor, and that the members of said company shall be jointly and severally liable for the loss or destruction of such arms, ammunition and equipments caused by negligence in the use or care of the same, which may be recovered by suit by the State in any court of the city of Galveston of competent jurisdiction."

Amend further by striking out section eight, which exempts members of the company from jury service, and in lieu thereof insert as follows :

"Sec. 8. *Be it further enacted,* That in cases of invasions of the State by a public enemy, said artillery company shall be subject to the control of the military authority of the State."

Which amendments are submitted in an accompanying document marked "A."

J. M. ANDERSON, Chairman.

The amendments being taken up by sections, the first amendment was adopted.

The second amendment was taken up and lost.

The third amendment was then adopted.

The bill as thus amended was then ordered engrossed.

The Committee on Military Affairs reported further, as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Military Affairs, to whom was referred Senate bill No. 11, entitled "An act to repeal an act entitled an act to establish a State police, and provide for the regulation and government of the same, approved July 1, 1870," direct me to report that they find that said bill is insufficient to attain the objects evidently intended by the bill, as it will appear, by reference to the enactments of the Twelfth Legislature of the State of Texas, that the act recited in the caption of said Senate bill No. 11, was

amended by an act approved July 1, 1870, entitled "An act to amend an act entitled an act to establish a State police and provide for the regulation of the same," and therefore I am directed further to report the accompanying bill, repealing both the original act and amendatory act, and recommend the same as a substitute for the Senate bill.

J. M. ANDERSON, Chairman.

The original bill and Senate bill having been read, the substitute was read and adopted, and passed to a second reading.

The Chairman of the Committee on Roads, Bridges and Ferries reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred House bill No. 208, a bill to be entitled, "An act to establish a ferry across Trinity river, at Prewitt's old mill," have considered the same, and recommend its passage.

HARRISON, Chairman.

The bill was read a second time and ordered engrossed.

The secretary of the Senate announced the passage, by that body, of Senate bill No. 5, "An act for the relief of the heirs and assigns of Haynes Crabtree, deceased;" also of Senate bill No. 34, "An act to amend section two of an act entitled an act for the regulating proceedings in the several courts of the State of Texas, approved May 19, 1871;" also Senate joint resolution, authorizing the Comptroller and Treasurer each to employ two additional clerks.

The joint resolution was read; the rules suspended, read a second time and ordered engrossed; rules further suspended and passed.

Second report from the Committee on Roads, Bridges and Ferries:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred a bill to be entitled, "An act to authorize the citizens of Marion county, and of the city of Jefferson, to construct a free bridge across Big Cypress Bayou," have had the same under consideration, and find that "An act to incorporate the Jefferson, Marshall and Big Cypress Bayou Bridge Company," was passed July

20, 1870, and have until January 1, 1875, to complete their bridge. Your committee are therefore of opinion that said bill conflicts with article one, section fourteen, of the Constitution of the State of Texas, I am, therefore, instructed to report the bill back to the House, and ask that it be referred to Judiciary Committee No. 1.

J. M. HARRISON, Chairman.

Adopted.

Third report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee to whom was referred House bill No. 127, entitled "An act to authorize Isaac Franklin to erect a pontoon bridge over the San Antonio river, in the county of Goliad, Texas," have carefully examined the same and offer the following amendment to the bill, to wit :

Amend section three of said act by adding to said section the words, "Provided said bridge shall be subject to the general laws of the State regulating bridges and ferries, which are or may hereafter be enacted."

Said committee instruct me to recommend that said bill do pass, amended as aforesaid.

HARRISON, Chairman.

Bill was read second time, the amendment adopted, and bill ordered engrossed.

Fourth report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee, to whom was referred a bill to be entitled "An act authorizing Jacob Carroll to construct a bridge across Peach Creek, in Gonzales county," have considered the same, and have instructed me to report the bill back to the House and recommend its rejection.

HARRISON, Chairman.

On motion of Mr. Sayers, the report and bill were laid on the table.

Fifth report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred a bill to be entitled "An act to authorize Alexander English to erect a toll bridge over Bois d'Arc creek, two miles east of

the town of Bonham, in the county of Fannin, Texas," have considered the same, and have instructed me to recommend its passage.

HARRISON, Chairman.

The bill was read by caption the second time and ordered engrossed.

Fifth report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred a petition of the citizens of Gonzales county, asking a charter to build a bridge across the Guadalupe river, have considered the same, and find that said charter would interfere with vested rights. The committee have therefore instructed me to report the same back to the House and ask to be discharged from further consideration of the same.

HARRISON, Chairman.

Report adopted.

The Committee on Town and City Corporations reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Town and City Corporations, to whom was referred House Bill No. 58, "An act to incorporate the Odd Fellows Male and Female College, at Pittsburg, in Upshur county," have carefully examined the same, and have instructed me to report the same back to the House and recommend that it do pass.

WOOD, Chairman.

The bill was then read the second time by caption and ordered engrossed.

The same committee made a second report, as follows :
Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Town and City Corporations, to whom was referred House bill, "An act to amend the charter of Dallas," have carefully examined the same, and have instructed me to report the same back to the House, and recommend that it do pass.

WOOD, Chairman.

The bill was read a second time by caption and ordered engrossed.

On motion of Mr. Brown, of Dallas, the rules were suspended, the bill read a third time by caption, and passed by a two-thirds vote.

The same committee made a third report, as follows:
Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 201, "An act to amend the charter of the town of Gonzales," have carefully considered the same, and have instructed me to report the same back, and recommend that it do pass.

WOOD, Chairman.

The bill was then read the second time by caption, and ordered engrossed.

The Committee on Claims and Accounts reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on Claims and Accounts, to whom was referred the petition of George W. Davis, asking pay for a certain block of lots in a town known as Waterloo, upon which he had a small frame house, which, together with the lots, he estimates to have been worth at that time (1839) one hundred and eighty coin dollars, which lot and house, petitioner represents, were condemned for the purpose of locating the Capitol of the Republic of Texas, and that he has never received anything from the government or State of Texas for the same, after duly examining the matter, think the proof insufficient to establish the claim; therefore they have instructed me to report the bill back to the House, and ask to be relieved from the further consideration of the same.

GASTON, Chairman.

Adopted.

The Committee on Public Debt reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on Public Debt have had under consideration a communication from his Excellency the Governor, in connection with communications from the State Treasurer and Attorney General, relative to obligations created before the war, and thought to require legislative action, and have instructed me to return said communications to the House and ask that they be referred to the Judiciary Committee No. 1, as in the opinion of the committee the question involved is one exclusively of law.

SHELTON, Chairman.

Report adopted.

The Committee on Private Land Claims reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 202, entitled "An act for the relief of William J. Russell," beg to report they find that, as a soldier serving for one year or more during the years 1835 and 1836 in the army of the Republic of Texas, William J. Russell is of right entitled to receive from the State of Texas a land certificate for twelve hundred and eighty (1280) acres, this being the amount granted and received by all parties rendering the same service who have applied therefor. Your committee further find that the said William J. Russell was in the army at Bexar, in the fall of 1835, and among the first to volunteer for the storming and reduction of that place, which took place in his absence from the command, he being detached on special duty by General S. F. Austin when in command before that place, and a short time previous to the assault, to bring up cannon from Brazoria for the attack on Bexar; and though by this duty, deemed necessary and required by the commanding officer for the reduction of Bexar, he was not in the assault, still the committee are of opinion that as he was absent only because of the orders of the commanding general, he is entitled to receive also the quantum of land (six hundred and forty acres) allowed by the act of December 21, 1837, to those who actually took part in the reduction of Bexar. Your committee also find that William J. Russell has never received bounty or donation land for his military services. The conclusions of your committee are based upon the sworn statements of the applicant, fully corroborated by the testimony of Colonel F. W. Johnson and Colonel William T. Austin, together with a certificate from the Commissioner of the General Land Office. I am, therefore, instructed to report the bill back and recommend its passage.

D. M. SHORT, for Committee.

The bill was read a second time and ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed by a two thirds vote.

The select committee to investigate affairs in Madison county reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The select committee, to whom was referred the special message of the Governor, with the accompanying memorial of certain citizens of Madison county, relative to affairs therein, with authority to send for persons and papers, and, if the committee should deem it best, to proceed to said county for the purpose of making such investigation, went to Madisonville, the county seat of said county, and there made the contemplated investigation, and report as the result thereof, that some ten or fifteen reckless, bad men had assembled in the western portion of the county, some of them indicted for offenses committed in the county, others fugitives from adjoining counties, and by their conduct and threats caused considerable excitement and some alarm among the good citizens of that section. These men were encouraged in defying arrest because there was no efficient sheriff or other executive officer in the county. It will be observed from the testimony of some of the best citizens of the county, herewith submitted, that M. W. Burney, the sheriff elect, and the former deputy sheriff, is a sympathizer with those bad men, and is both inefficient and corrupt; and that Charles G. Scott, the presiding justice, is also a sympathizer with those bad men, and is totally inefficient and has not intelligence to perform the duties of the office. With efficient civil officers, the law would be as effectually enforced in Madison as any other county in the State. The committee further report that the court house of said county and all the records were destroyed by fire some time during the late war, and was destroyed by fire again some two or three weeks ago, admitted to be the work of an incendiary. The people of the county are poor and unable to build a court house. There is now due the State from the county about one-half of the State taxes for the years 1870 and 1871, and all the State taxes for the year 1872. The committee would respectfully suggest the remitting of the taxes due to January 1, 1873, which will enable the county to build a court house. The committee are of opinion that no legislative action is necessary in regard to the disturbances in said county, as to the sheriff, as the law fully authorizes the judge of the district court to remove the sheriff. Some provision

should be made for the removal of the justice of the peace for inefficiency, etc.

WATTS,
GREEN,
SMITH,
Committee.

The report was, on motion, laid on the table, and one hundred copies of it and accompanying documents ordered printed for the use of the House.

The Committee on Education reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Education, to whom was referred a bill to prohibit the sale of intoxicating liquors in a certain locality, have had it under consideration and instruct me to report the same back and recommend its passage.

CHAMBERS, for Committee.

The bill was read a second time and ordered engrossed.

On motion the rules were suspended, the bill read a third time and passed.

By special request Mr. Winkler offered a petition and diagram relative to the proposed county of Gibbard, which were referred to the Committee on Counties and County Boundaries.

By special leave Mr. Westfall submitted remonstrances from citizens of Bell, Lampasas and Williamson counties against the proposed new county of Florence. Referred to the Committee on Counties and County Boundaries.

The Committee on State Affairs, by special leave, reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on State Affairs, to whom was referred a bill to redistrict the State of Texas into judicial districts, and reducing the number of the same, respectfully return it to the House and recommend that it be referred to the special committee on judicial districts.

J. H. BROWN, Chairman.

Adopted.

The order of the day having been reached, the following resolution offered by Mr. Ireland was taken up :

Resolved, That the standing rules of this House be amended by striking out sections twenty-six and eighty-one.

The resolution being divided, section twenty-six was stricken out, section eighty-one retained, and the resolution thus amended was adopted.

Senate bill No. 5, "An act for the relief of the heirs and assigns of Haynes Crabtree, deceased, was read and referred to the Committee on Private Land Claims.

Senate bill for the relief of John H. Jenkins was taken up, read and referred to the Committee on Private Land Claims.

Senate bill No. 34, to amend section second of "An act further regulating proceedings in the several courts of the State of Texas, approved May 19, 1871," was taken up, read first time and referred to Judiciary Committee No. 1.

Senate joint resolution authorizing the Comptroller and Treasurer to employ each two additional clerks, was read the first time; rules suspended, read second time; rules further suspended, read a third time and passed.

Senate joint resolution No. 7, in reference to the interment of Texas soldiers who fell at the battles of Glorrietta and Valverde, and also of those who were buried at Socorro, Albuquerque and Santa Fe, in New Mexico, during the late war, was read and referred to the Committee on State Affairs.

Senate bill No. 33, amending and supplementing the act incorporating the Sabine and Galveston Bay Railroad and Lumber Company, passed September 1, 1856, passed December 24, 1859, which act changed the name of said company to the Texas and New Orleans Railroad Company, was read and referred to the Committee on Internal Improvements.

Senate bill No. 44, "An act to incorporate the Palestine Fire Company," was read first time and referred to the Committee on State Affairs.

Senate bill No. 63, "An act to prohibit the sale of intoxicating or spirituous liquors in the vicinity of Red Rock, in the county of Bastrop," was read first time and passed to second reading.

Senate bill No. 81, "An act to establish a bridge across Choctaw bayou, in Grayson county," was read and referred to the Committee on Roads, Bridges and Ferries.

Senate bill No. 37, "An act to create the county of Rockwall, was read first time and laid on the table."

House bills on their second reading were then taken up.

House bill No. 131, for the relief of Obadiah Marsh, was read the second time and laid on the table.

House bill No. 156, to validate the survey of John P. Dillard, was read the second time and ordered to be engrossed.

House bill No. 52, "An act prohibiting the sale of intoxicating, spirituous or vinous liquors within two miles of Pleasant Grove Academy, in Hunt county," was read the third time and passed.

House bill No. 94, "An act for the relief of the heirs of George W. Miller, deceased," was read the third time and passed.

House bill No. 92, "An act to amend an act amendatory of an act entitled an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties," approved May 8, 1871, was read the third time and passed.

House bill No. 38, "An act to incorporate the Falls County Real Estate and Savings Association," was read the third time and passed.

House bill No. 102, "An act to amend an act entitled an act to establish a code of criminal procedure for the State of Texas," approved August 26, 1856, was read the third time and passed.

House bill No. 95, "An act for the relief of Mrs. Caroline A. Stevens, was read the third time and passed.

On motion of Mr. Broadus the regular order was suspended and Senate bill No. 92, "An act to provide for the enrollment, organization and discipline of the militia," was taken up, read first time, and referred to the Committee on Military Affairs.

On motion of Mr. Denton the House adjourned until 10 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, February 15, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

Pending the reading of the journal of yesterday, the secretary of the Senate announced the passage by that body of House bill No. 187, "An act to amend section.

seven of an act prescribing the times of holding the district courts in the several judicial districts of the State, approved August 10, 1870;" and House bill No. 186, "An act to incorporate the town of Gainesville, in Cooke county."

Mr. Sayers moved to reconsider the vote of the House on yesterday on the bill for the relief of Wm. J. Russell. The House refused to reconsider.

Petitions and memorials being in order, Mr. Prendergast offered a protest from the Police Court of Austin county against the creation of Hempstead county.

Mr. Winkler offered a remonstrance from the same court against the dismemberment of Austin county.

Mr. Abbott offered a similar remonstrance to the same effect.

The bill to create Hempstead county was then taken up and referred, with the above papers, to the Committee on Counties and County Boundaries.

Mr. Ireland offered the following resolution:

Resolved, That the six porters now in the employment of this House be paid at the rate of four dollars per day from the date of their employment.

Adopted.

On motion, the bill for the relief of Obadiah Marsh was taken up, read a second time and ordered engrossed, the rules suspended, read a third time and passed by a unanimous vote.

Mr. Smith of Colorado offered a protest from citizens of Austin county against the dismemberment of said county. Referred to the Committee on Counties and County Boundaries.

Mr. Berends offered a memorial of citizens of Medina county on the subject of fences. Referred to the Committee on Agriculture and Stock Raising.

Mr. Roseborough offered a petition of the County Court of Bell county, asking a remission of one-half of the State tax to aid in erecting a jail. Referred to the Committee on State Affairs.

Mr. Payne offered a petition of citizens of Yorktown for the change of the act of incorporation as to the boundary of the same. Referred to the Committee on Town and City Corporations.

The chairman of Committee on Enrolled Bills reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills to whom was referred "An act to incorporate the city of Fort Worth, in the county of Tarrant," have carefully examined and find the same correctly enrolled, and have this day presented the same to the Governor for his signature.

SHAW, Chairman.

Judiciary Committee No. 1 reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Judiciary Committee No. 1, to whom was referred House bill No. 91, with amendment thereto, have had the same under consideration, and have instructed me to report the bill back to the House with the amendment accompanying this report, and to recommend its adoption in place of the amendment referred to us, and that the bill as here proposed to be amended be passed.

GEO. W. SMITH, Chairman.

Amendment—Strike out all that part of section three beginning after the word "State," in the third line from the close of said section, and insert in lieu thereof these words, to-wit: "Provided, that when the warrant shall be issued by any justice of the peace, he shall impress thereon his notarial seal, and when by a mayor or recorder of a city or town, he shall impress thereon the seal of said city or town."

The amendment was adopted, the bill read a second time and ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed.

The same committee reported further as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 85, entitled "An act directing the publication of the expenditures, assets and indebtedness of the several counties," have had the same under consideration, and have directed me to report the bill to the House with the accompanying amendments offered to it, and to recommend the passage of the bill with the said amendments.

GEO. W. SMITH, Chairman.

Amendments—1. Strike out the word “article” wherever it appears in the bill, and insert in lieu thereof the word “section.”

2. Strike out all of the first section after the word “published,” in the twelfth line, and insert in place thereof the words following, to-wit: “On the first day of July and the thirty-first day of December of each year. That on the first day of July shall be made by posting up at the door of the courthouse of the county, a copy of the said statement for two months, and that on the thirty-first day of December, once in the newspaper published in the county having the largest circulation in the same; and should there be no newspaper published in the county, then four copies of said statement shall be posted at four different public places in the county, and also one other copy shall be posted on the courthouse door one month.”

3. In the first and third lines of section two, after the word “shall,” insert the word “willfully.”

4. Strike out the three last lines of section two, and insert as follows, to-wit: “Fined not less than twenty five nor more than one hundred dollars.”

5. After the word “account,” in the tenth line of section three, insert as follows: “Which statement shall contain an account current of all receipts and disbursements (noting the kind of each, whether money or other thing,) of each respective fund which, by law, he is required to keep.”

6. In the last line of section three strike out the word “thousand,” and insert “hundred.”

The amendments were adopted, the bill read a second time and ordered engrossed; the rules suspended, bill read a third time and passed.

The Committee on Engrossed Bills reported as follows: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Your committee respectfully report that they have carefully examined House bill No. 235, “An act to be entitled an act regulating elections,” and find the same correctly engrossed. SAYERS, for Committee.

Judiciary Committee No. 1 reported further as follows: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 28, entitled “An act to further regu-

late the practice in the Supreme Court," have considered the same, and have instructed me to report that they do not think it would be wise to make the proposed change in the well settled practice of the court, and recommend that the bill do not pass.

G. W. SMITH, Chairman.

The report was adopted.

The same committee reported further as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 135, entitled "An act for the protection of purchasers at sales made by executors and administrators, by requiring certain deeds to be recorded within a certain time," have had the same under consideration, and a majority of them have instructed me to report the bill to the House, with the request that it do not pass.

G. W. SMITH, Chairman.

On motion the bill was referred to Judiciary Committee No. 2.

On motion of Mr. Brown of Dallas Captain John G. Todd, an officer of the Texas navy under the Republic, was invited to a seat within the bar.

Judiciary Committee reported further as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 16, and the substitute therefor, entitled, "An act to amend the first section of an act entitled an act to amend the seventy-first and ninety-second sections of an act to regulate proceedings in the district courts, approved May 13, 1846," have have the same under consideration, and have instructed me to report the bill and substitute back to the House, with an amendment, to be inserted at the close of section one of the said substitute, and to recommend the passage of the said substitute with that amendment.

G. W. SMITH, Chairman.

Amendment—"No depositions taken beyond the limits of the United States, and in a country where there is no law to punish for perjury, false swearing, nor for false judicial protestation or affirmation, shall be used as evidence in any of the courts of this State; *provided*, that the presumption shall be that all foreign countries have

such laws until the contrary may be proven by the party or person who may object to the deposition."

The bill having been read the amendment was adopted.

The bill thus amended was read a second time and ordered engrossed.

Mr. Sayers moved to suspend the regular order and take up the bill regulating elections, which was carried.

The bill having been read, Mr. Smith, of Colorado, offered the following amendments:

Substitute for section twelve the following:

"SEC. 12. That all the elections in this State shall be held for one day only at each election, and the polls shall be open on that day from 8 o'clock A. M., to 6 o'clock P. M."

Second. Add to the end of Section 21, "The transmitted returns directed to the care of the Secretary of State shall be taken charge of by him and preserved in his office; the package and seal thereon to remain unbroken until the organization of the next Legislature, when he shall, on the first day thereof, deliver the said returns to the Speaker of the House of Representatives."

Third. Insert in the third line of Section 34, after the word "State," "and those senators whose terms of office shall not have terminated."

On motion of Mr. Winkler the amendments were adopted.

Mr. Storey offered the following amendment:

Amend Section 1 by inserting after the word "precinct" the words "as near the geographical center thereof as practicable." The amendment was lost.

Mr. Wood moved the previous question, which being seconded was put and carried. The bill was then passed.

Mr. Mills offered the following resolution:

WHEREAS, By an act of the Legislature of the State of Texas, approved August 15, 1870, the Governor of the State was authorized to sell the Houston Tap and Brazoria Railway upon certain terms and conditions mentioned in said act; and

Whereas, There is now pending before the Legislature a bill for the consolidation of the said Houston Tap and Brazoria Railway with the Houston and Great Northern Railway; therefore

Be it resolved by the House of Representatives of the Thirteenth Legislature of the State of Texas, That the Committee on Internal Improvements be requested to inquire into the proceedings had under said act authorizing the sale of said railway—whether the sale was made, the money paid, the bond therein required was executed by the purchaser, and its conditions complied with, and report to this body what, if any, legislation is necessary in the premises for the protection of the interest of the State, and that said committee be requested to make a report hereon before reporting on the consolidation of said Houston Tap and Brazoria Railway Company with the Houston and Great Northern Railway Company.

Adopted.

By special leave Mr. Russell introduced a bill to authorize Howard Keys & Co. to construct a toll bridge across the Sabine river. Referred to the Committee on Roads, Bridges and Ferries.

By special leave Mr. Rainey offered the following resolution:

Resolved, That all of the members of this House who, from sickness in their families or of themselves, were prevented from being present at the beginning of the present session of the Thirteenth Legislature, be and are hereby declared excused for non-attendance to the date of their arrival.

Adopted.

Mr. Bewley moved to adjourn until 10 A. M. Monday morning. Lost.

Mr. Sayers moved that the regular order be suspended and the registration bill be taken up. Carried.

On motion of Mr. Sayers, the reading was dispensed with.

Mr. Shaw moved to amend section twelve by striking out "county court" and inserting "be paid by the person registered."

Mr. Nelson offered a substitute for the bill before the House.

Mr. Winkler moved the previous question, which, being seconded, was put and carried.

The bill was then ordered engrossed.

Mr. Bewley moved to adjourn until 10 A. M. Monday morning. Lost.

On motion of Mr. Brown of Dallas, the rules were suspended, the bill read a third time and passed.

On motion of Mr. Russell, the House then adjourned until 10 A. M. Monday morning.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, February 17, 1873. }

House met pursuant to adjournment. Prayer by Rev. Dr. Teasdale. Roll called; quorum present.

The following gentlemen failed to answer to their names:

Messrs. Gillette, Michael, Morris and Noeggerath.

The journal of yesterday was read.

On motion, Mr. Gillette was excused for two days.

The Committee on Privileges and Elections was excused from attendance on the House during the day.

The journal was then amended so as to exclude the substitute bill of Mr. Nelson from the journal, and thereby prevent its printing.

The journal was then adopted.

On motion, the Committee on Town and City Corporations had leave to report, which they did as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred the bill to incorporate the city of Denison, have carefully examined the same, and recommend that it do pass.

JOSEPH, for Committee.

The bill was read a second time by caption, and ordered engrossed; the rules suspended, read a third time by caption, and passed by a two-thirds vote.

Petitions and memorials being in order, Mr. Broadus offered a memorial of the citizens of Brazos county, asking the passage of the Ohio liquor law. Referred to Judiciary Committee No. 2.

By special leave, the Committee on State Affairs reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee have carefully considered the following petitions, and instruct me to report them back,

and ask that the committee be discharged from further consideration of the same, to-wit :

Petitions respectively from the counties of Wise, Jack, Brown and Bandera, asking relinquishment of the State taxes to them, for the purpose of building either jails or court houses, or both.

Petition of A. G. Walker, asking relief for capturing one Scott, accused of horse stealing.

Petition of citizens of Walker county, asking the use, by contract with the lessees, of certain rooms in the penitentiary, to be used as a county jail.

Petition of citizens from Colorado county, asking that C. C. King be allowed to peddle without license.

The committee also instruct me to return to the House, a large number of petitions, praying for the enactment of a law similar to what is commonly known as the Ohio liquor law, and recommend that they be referred to Judiciary Committee No. 2, in order that a subject of such importance may receive the consideration of at least a portion of the best legal gentlemen of the House, and a bill be prepared, if any at all, which may be effective.

J. H. BROWN, Chairman.

The report was adopted, and the papers mentioned referred to Judiciary Committee No. 2.

Mr. Scott offered a petition of John Penman and others, asking modification of revenue law. Referred to the Finance Committee.

Mr. Payne offered a petition of citizens of Refugio county, on the subject of the Ohio Liquor law. Referred to Judiciary Committee No. 2.

Mr. Sayers offered a memorial of citizens of Leesburg, Gonzales county, asking the prohibition of the sale of spirituous liquors within three miles of the town of Leesburg, in said county. Referred to the Committee on Education.

Mr. Storey offered a petition of citizens of Caldwell county, for the Ohio liquor law. Referred to Judiciary Committee No. 2.

Mr. Ireland offered a communication from a citizen on the Rio Grande, relative to matters on that river. Referred to Committee on State Affairs.

Mr. Roseborough offered a remonstrance of citizens of Bell county, against including a portion of said county

in the proposed new county of Florence. Referred to the Committee on Counties and County Boundaries.

Reports of committees being in order, Judiciary Committee No. 1 reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 220, entitled "An act to regulate the compensation of county treasurers," have had the same under consideration, and have instructed me to report the bill back to the House, with three amendments to it, which accompany this report, and to recommend that the bill, with said amendments, be adopted and passed.

GEO. W. SMITH, Chairman.

First amendment: In the ninth line of section one, strike out the words "one and one-half," and in lieu thereof insert the words "two and one-half."

Second: In the third line from the end of section one, strike out the word "five" and insert the word "six."

Third: After the word "annum," in the third line from the end of section one, insert these words, to wit: "Nor shall he be entitled to receive or retain any commission on the amount he may receive from his predecessor in office, nor on what he may pay or deliver over to his successor in office."

Mr. Brown of Dallas moved to amend the bill by striking out the words "six hundred" and inserting "one thousand." Lost.

The amendments were then adopted, and the bill thus amended ordered engrossed.

A message from the Senate announced the passage by that body of the following bills:

Joint resolution No. 13, authorizing and requiring the Comptroller of Public Accounts to receive and deposit in the treasury money belonging to the estate of Charles Cammer, deceased, and to cause to be escheated the land and other effects belonging to said estate.

Substitute Senate bill No. 28, "An act to regulate the disposal of the public lands of the State of Texas."

Substitute Senate bill No. 28, "An act for the benefit of actual occupants of the public lands."

Senate bill No. 42, "An act conferring the right of suffrage upon such foreign born residents as may have here-

tofore declared, or may hereafter declare, their intention to become citizens before the clerks of the district courts of the several counties in vacation."

Senate bill No. 69, "An act to expedite the decision of criminal cases by the Supreme Court."

Senate bill No. 72, "An act for the relief of Bertha Staffel."

Senate bill No. 85, "An act concerning proceedings in the district courts."

By special leave, the select committee to whom was referred Senate joint resolution No. 5, relative to the payment of Treasury warrants, reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The select committee to whom was referred Senate joint resolution No. 5, requiring the payment of Treasury warrants without regard to date or numbers, have carefully considered the same and recommend that it do pass.

VEALE, for Committee.

The report was adopted and the joint resolution passed to a third reading.

On motion, the rules were suspended, the resolution read a third time and passed.

The Committee on Engrossed Bills reported as follows:
Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred House bill No. 194, to be entitled "An act to incorporate the town of Pine Hill, in Rusk county;" House bill No. 160, to be entitled "An act to incorporate the town of Greenville, Hunt county;" House bill No. 132, "An act to repeal an act entitled an act to provide for the employment of private clerks for the judges of the Supreme Court, approved April 5, 1871;" House bill No. 161, to be entitled "An act to abolish the offices of supervisors and inspectors of the public schools;" House bill No. 121, to be entitled "An act making an appropriation to pay mileage and per diem of presidential electors;" House bill No. 144, to be entitled "An act to amend an act entitled an act to establish a Code of Criminal Procedure for the State of Texas, approved August 26, 1856;" House bill No. 109, to be entitled "An act for the relief of David M. Callahan;" House bill No. 202, to be entitled "An act for the

relief of William J. Russell," respectfully report that they have carefully examined the same and find them correctly engrossed.

SAYERS, for Committee.

The Committee on Enrolled Bills reported as follows:
Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee have carefully examined "An act to amend section seven of an act prescribing the time of holding the district court in the several judicial districts in the State, approved August 10, 1870," find the same correctly enrolled, and have this day presented the same to the Governor for his approval.

SHAW, Chairman.

Second report from same committee:
Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled bills, to whom was referred "An act to incorporate the town of Gainsville, in Cooke county," have carefully examined the same and find it correctly enrolled, and have this day presented the same to the Governor for his approval.

W. A. SHAW, Chairman.

The chairman of Judiciary Committee No. 1, reported further, as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 221, entitled "An act to regulate testimony of witnesses in cases of bribery," have had the same under consideration, and have instructed me to report the bill back to the House and recommend its passage.

G. W. SMITH, Chairman.

The bill was read a second time and ordered engrossed; the rules suspended, read a third time and passed.

The chairman of the same committee reported further, as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 139, entitled "An act regulating proceedings in the several courts of the State," have had the same under consideration, and have instructed me to

say that they are of the opinion that the practical operations of the law proposed to be repealed, has been much more conducive to the ends of justice than was anticipated, and that it should be further tested, and therefore report the bill back with the request that it do not pass.

G. W. SMITH, Chairman.

Adopted.

A message from the Senate announced the passage by that body of the following bills: Senate bill No. 75, "An act to authorize the County Court of Washington county to issue bonds for the purpose of funding the indebtedness of said county, contracted for the building of a jail, and to provide for their payment;" and Senate bill No. 79, "An act to provide for the ascertainment of the liabilities of the county of Washington."

Judiciary Committee No. 1 reported further as follows: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Judiciary Committee No. 1, have had under consideration House bill No. 120, entitled "An act to amend the twenty-ninth section of an act entitled an act prescribing the time of holding the district courts of the several judicial districts in the State," and herewith return the same and recommend its passage.

GEO. W. SMITH, Chairman.

The bill was read a second time and ordered engrossed; the rules were then suspended, the bill read a third time and passed.

Judiciary Committee No. 2 reported as follows: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Your committee to whom was referred House bill No. 182, "An act to authorize the Police Court of Leon county to levy a special tax to build a jail," beg leave to report the same back to the House, and recommend that the same do pass.

IRELAND, Chairman.

The bill was read a second time and ordered engrossed; the rules were then suspended, the bill read a third time and passed.

Second report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee to whom was referred House

bill No. 76, beg leave to report that in the opinion of the committee there are some useful suggestions in said bill, but that the whole probate system is now under investigation before Judiciary Committee No. 1, and your committee recommend that this bill be referred to said Judiciary Committee No. 1.

IRELAND, Chairman.

Report adopted.

Third report from the same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred House bill No. 99, "An act to amend section twenty-three of an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved August 13, 1870," beg leave to report the same back to the House, and unanimously recommend the passage of the original bill, which had been substituted by the one referred to the committee, with an amendment herewith reported.

IRELAND, Chairman.

Amendment: "When any person shall be convicted under the provisions of this section, a fee of three dollars shall be taxed against him, and when collected the same shall be paid over to the county treasurer for county purposes." Amendment adopted.

The substitute having been read, the original bill was read a second time and ordered engrossed.

Fourth report from same committee, as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred House bill No. 113, "An act for the protection of farming interests," beg leave to report said bill back to the House with the accompanying substitute, with the recommendation that said substitute do pass.

IRELAND, Chairman.

The bill having been read, the substitute was read and adopted, and ordered engrossed.

The rules were then suspended, the bill read a third time and passed.

Fifth report from same committee.

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House bill No. 195, a bill to be entitled, "An act to authorize the County Court of Henderson county to levy a tax to pay the outstanding indebtedness, the repairing of bridges, the jail and court house, and for all other purposes for which the said county court is by law authorized to levy a tax," beg leave to report the same back to the House with the recommendation that the same do pass.

IRELAND, Chairman.

The bill was read a second time and ordered engrossed.

The rules were then suspended, the bill read a third time and passed.

Sixth report from same committee.

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee, to whom was referred House bill No. 119, a bill to be entitled "An act for the relief of certain minors therein named," beg leave to report that, in their opinion, section thirteen, article twelve, of the Constitution, which reads as follows: "General laws regulating the adoption of children, emancipation of minors, and the granting of divorces, shall be made, but no special law shall be enacted relating to particular or individual cases," forbids the passage of said bill, and the committee, therefore, recommend that the bill do not pass.

IRELAND, Chairman.

Report adopted.

Seventh report from same committee, as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House bill No. 183, a bill entitled "An act to prescribe the times of holding the District Court of Leon county, and regulating proceedings therein," instruct me to report the same back to the House, with the recommendation that the substitute herewith presented do pass.

IRELAND, Chairman.

The original bill having been read, the substitute was read and adopted; read a second time and ordered engrossed.

The rules were then suspended, bill read a third time and passed.

Eighth report from same committee, as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee, to whom was referred House bill No. 93, a bill entitled "An act to better provide for the agricultural interests and amend the penal code of the State," beg leave to report said bill back with substitute, and recommend the passage of said substitute.

IRELAND, Chairman.

The bill having been read, the substitute was read and adopted.

On motion of Mr. Frankes, it was then recommitted to the Committee on Agriculture and Stock Raising.

Ninth report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred House bill No. 166, a bill to be entitled "An act to amend article 354 of the Penal Code, amended by act of February 12, 1859," beg leave to report said bill back with substitute, and recommend that said substitute do pass.

IRELAND, Chairman.

The bill having been read, the substitute was read and adopted, read a second time and ordered engrossed. The rules were then suspended, the bill read a third time and passed.

Tenth report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred House bill No. 79, a bill to be entitled "An act for the relief of the assignees of Antonio Manchaca," and accompanying papers, instruct me to report the same back to the House with the recommendation that said bill do pass.

IRELAND, Chairman.

The bill was read a second time and ordered engrossed.

Eleventh report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred House bill No. 53, "An act to provide for appeals from interlocutory orders and decrees made by the district courts of this State and the judges thereof, and to repeal an act entitled an act to provide for appeals from interlocutory judgments in the district courts of this State," which had

been engrossed, beg leave to report said bill back with the recommendation that the original bill do pass and that said engrossed bill do not pass.

IRELAND, Chairman.

The original bill, being a bill relating to appeals to Supreme Court from interlocutory judgments in the district courts, was read; rules suspended, read a second time and ordered engrossed. The rules were further suspended, the bill read a third time and passed.

Report from Committee on State Affairs:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on State Affairs have considered a bill to incorporate the Benevolent Aid Society of the city of Houston, and recommend that it do not pass, for the reason that all such objects can be accomplished under a general law concerning private corporations, approved December 2, 1871. That act was passed especially to relieve the State of the enormous expense attending the incorporation of such companies or associations by separate legislative action in each case. The committee, therefore, not only recommend that the bill referred to do not pass, but instruct me to recommend the adoption of the accompanying resolution as the sense of the House on this and kindred propositions.

J. H. BROWN, Chairman.

Resolved, That hereafter the House will entertain no bill for incorporating a company or association of a private nature, the objects of which can be accomplished under the general law concerning private corporations, approved December 2, 1871.

Report and resolution adopted.

Second report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred the petition of the Mechanics' Fire Company No. 1, of the city of Jefferson, remonstrating against a change in the law which exempts regular members of fire companies, in the towns and cities of this State, from jury duty, have considered the same, and unanimately instruct me to report that firemen constitute a class of men who dedicate themselves without pay or reward to the salvation of property and life in our towns and cities against destruc-

tion by fire. They are in the highest and most practical sense the friends of humanity, hold themselves always ready, by day and night, to leave their pursuits by day or their beds by night, and hasten to the scene of destruction. They are unpaid friends of humanity, and in all communities are hailed as such whenever or wherever the fire bell sounds forth its dismal notes. The committee regard their exemption as but a slight discrimination in their favor by the State, and hope it may not be repealed.

J. H. BROWN, Chairman.

Report adopted.

Third report from same committee, as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on State Affairs have considered the memorial of the County Court of Gonzales county, and direct me to report the accompanying bill and recommend its passage.

J. H. BROWN, Chairman.

The bill, being a bill to be entitled "An act to authorize the levy and collection of a special tax in Gonzales county," was read; the rules suspended, read a second time and ordered engrossed. The rules were then further suspended, the bill read a third time and passed.

Fourth report from same committee, as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on State Affairs have considered the petition from the County Court of Wise county, asking for the right to levy a special tax, and instruct me to report the accompanying bill and recommend its passage.

J. H. BROWN, Chairman.

The bill, being "An act providing for a special tax in Wise county," was read; the rules suspended, read a second time and ordered engrossed. The rules were then further suspended, the bill read a third time and passed.

On motion of Mr. Sayers, Mr. Storey was excused for four days on account of important business.

Fifth report from same committee, as follows ;

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on State Affairs have considered "An act to authorize the County Court of Falls county to

levy and collect a special tax." The bill is a reasonable one; it only asks that in order to enable the County Court of said county to build a court house and repair the jail of said county, the county court shall levy and have collected a special tax of not to exceed twenty cents on the one hundred dollars of taxable property of the county, and a special poll tax of one dollar on each male citizen over twenty-one years of age. Therefore the committee recommend the passage of the bill.

J. H. BROWN, Chairman.

The bill was read a second time and ordered engrossed. The rules were then suspended, the bill read a third time and passed.

Sixth report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on State Affairs to whom was re-committed the bill to authorize the County Court of Comal county to levy and collect a special tax, with an amendment, instruct me to report the same back and again recommend its passage, with the accompanying amendment, to come in as a proviso at the end of the first section.

J. H. BROWN, Chairman.

Amendment.—Add to the first section the following:

Provided, That before levying such tax an election shall first be held, at such time and in such manner as the police court may direct, and a majority of the voters of the county who may vote at such election shall have voted for the tax.

Report adopted.

The bill was read a second time and ordered engrossed. The rules were then suspended, the bill read a third time and passed.

Seventh report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, have carefully examined the petition of Rev. Orceneth Fisher, praying that the State will restore to him and his wife three several tracts of land sold for taxes and bought in by the State. The case is a peculiar one, the merits of which are fully set forth in the petition, and appeal strongly to our better nature. The petitioner for fifty years has been an

humble but faithful minister of the Gospel, the last thirty-three years of which have been devoted to Texas and California. Being in California during the war, he was unable to pay the taxes on the lands, and since returning to Texas in 1869, he has been unable, with a dependent family to support, to redeem them. They are frontier lands, not valuable at the present time. Besides this, the two tracts of 640 acres each were donated by the State to Mrs. Fisher and her brother for the reason that their parents were massacred by the Indians in 1842, and one of them (their children) wounded and captured. They were recovered by a party of rangers, among whom was the Hon. A. S. Thurmond, a member of this House from Aransas, one of them having been pierced entirely through the body by a lance. The whole amount of taxes for which the lands were bought in by the State was \$363.43. A majority of the committee direct me to report the accompanying "Bill for the relief of Rev. Orceneth Fisher and Rebecca Jane Fisher, his wife," and recommend its passage.

J. H. BROWN, Chairman.

The bill was read and referred to Judiciary Committee No. 1.

Eighth report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom were referred petitions from the citizens of Bell county, and Midway, Madison county, have considered the same, and have instructed me to report the following bills and recommend their passage.

M. E. KLEBERG, for Committee.

The bill to prohibit the sale of intoxicating or spirituous liquors within two miles of Bird's creek school house, in Bell county, Texas, was read; rules suspended, read a second time and ordered engrossed. The rules were then further suspended, the bill read a third time and passed.

The second bill, being "An act to prohibit the sale of vinous and spirituous liquors within two miles of Midway, Madison county, Texas," was then read; the rules suspended, read a second time and ordered engrossed. The rules were then further suspended, the bill read a third time and passed.

Ninth report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred a bill entitled, "An act supplemental to the several acts to regulate the assessment and collection of taxes," having duly considered the same, instruct me to report the accompanying substitute, and recommend that the same do pass.

VINTERS, for Committee.

The substitute was adopted, read the second time, and laid on the table.

By special leave, Mr. Wood offered the following resolution;

Resolved, That the Committee on Public Lands and Land Office be authorized to send for persons and papers in any case deemed necessary by them, in the investigation of any matter before said committee.

Adopted.

On motion of Mr. Bordeaux, Mr. Wood was added to the Committee on Public Lands and Land Office.

Special leave being granted, the following gentlemen introduced bills as follows:

Mr. Hollingsworth, bill to repeal an act entitled "An act to ascertain and adjudicate certain claims for land situated between the Nueces and Rio Grande rivers," approved August 15, 1870. Referred to the Committee on Public Lands and Land Office.

Mr. Berends, bill entitled "An act to authorize the County Court of Gillespie county to issue interest bearing bonds, for the purpose of building a court house and jail." Referred to Committee on State Affairs.

Mr. Broadus, bill to be entitled "An act supplemental to and amendatory of an act entitled an act to incorporate the Odd Fellows' Hall and Building Association of Bryan, Texas," approved December 1, 1871. Referred to the Committee on State Affairs.

Mr. Broadus, second bill, to be entitled "An act to amend an act entitled an act to reorganize the town of Bryan, in Brazos county, Texas, and incorporate said town as the city of Bryan." Referred to the Committee on State Affairs.

Mr. Kleberg, bill to be entitled "An act to provide for the inclosure of commons for the pasturage of stock." Referred to the Committee on Agriculture and Stock Raising.

Mr. McDonald, bill to be entitled "An act to authorize Mrs. L. A. Davenport to keep and run a ferry and erect a toll bridge over the Lake Ford of Sabine river, in Wood county." Referred to Judiciary Committee No. 2.

Mr. Tom, bill to be entitled "An act to create and provide for the organization of the county of Benton." Referred to the Committee on Counties and County Boundaries.

Mr. Kemble, a bill to be entitled "An act validating certain land titles in Ellis county." Read, rules suspended, and ordered engrossed; the rules were then further suspended, the bill read a third time and passed.

On motion of Mr. Anderson of McLennan, the House adjourned until 10 A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, February 18, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

The following gentlemen failed to answer to their names:

Messrs. Doyle and Rainey.

On motion, Mr. Rainey was excused on account of sickness.

The journal of yesterday was read and adopted.

The Committee on Engrossed Bills reported as follows:
Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee on Engrossed Bills have carefully examined House bill No. 126, to be entitled "An act for the relief of A. S. Thurmond;" No. 143, to be entitled "An act to incorporate Teutonia Association of Fayette county;" No. 154, to be entitled "An act to provide for the election of city officers for the city of Columbus, and to regulate their duties;" No. 253, to be entitled "An act to prohibit the sale of intoxicating liquors within two miles of Hackberry Grove Academy, Collin county;" No. 231, to be entitled "An act to authorize the county of Marion to issue interest bearing bonds for the building of a court house and jail in said county;" No. 255, to be entitled "An act to prohibit the sale or gift of

intoxicating or spirituous liquors within two miles of Leesburg Institute, in Upshur county, Texas," and find that they have been correctly engrossed.

W. B. SAYERS, for Committee.

Mr. Morris moved to go into the committee of the whole on the Finance bill. Carried.

Pending the discussion of the bill, the committee of the whole rose, and the House received notice of the passage by the Senate of the following bills :

Senate bill No. 7, "An act to incorporate the Colorado, Austin and Lampasas Railway Company."

Senate bill No. 12, "An act to amend an act entitled an act to provide for appeals from interlocutory judgments in the District Courts of the State, approved November 1, 1871."

Senate joint resolution No. 17, instructing and requesting our Congressional delegation to urge upon Congress the survey and construction of a ship canal across the peninsula of Florida.

Senate bill No. 54, "An act to incorporate the Hibernian Benevolent and Mutual Aid Association of Austin, Texas."

Senate bill No. 62, "An act to incorporate the Tyler-Real Estate and Building Association."

Senate bill No. 82, "An act for the relief of John S. Menifee."

Senate bill No. 89, "An act to incorporate G. M. Johnson Lodge No. 97, of the Independent Order of Odd Fellows."

House bill No. 8, "An act to incorporate the city of Sulphur Springs, in the county of Hopkins."

House bill No. 194, "An act to incorporate the town of Pine Hill, in Rusk county."

House bill No. 231, "An act to authorize the county of Marion to issue interest bearing bonds for the building of a court house and jail in said county."

A message was received from his Excellency the Governor, announcing that he had approved the printing bill.

The House again resolved itself into a committee of the whole, and, after further discussion, rose and announced, through its chairman, that it had adopted the finance bill, with the following amendments, to-wit :

Amend section two by inserting, after the word "named," in the twenty-sixth line, the words: "Or

whatever amount may be found due by the Comptroller."

Amend section eight by inserting, after the word "much," in the second line, the word "thereof."

Amend section nine by adding the following: "*Provided*, that the faith and credit of the State of Texas is hereby pledged for the payment of the principal and interest on the bonds provided to be sold under the provisions of this act, according to their tenor and effect, and that said bonds are hereby validated."

Amend section ten by adding the following: "*Provided*, that the agent shall not take charge of or sell any of the forty-three ten per cent. currency bonds claimed to have been fraudulently obtained from Raymond & Whittis."

The House being in session, Mr. Winkler moved to adopt the amendments in gross.

Mr. Smith of Colorado moved to postpone the whole matter two weeks.

By special leave Mr. Payne presented the following specifications to charges against T. C. Barden, Judge of the Sixteenth Judicial District:

Specifications to the charges preferred against T. C. Barden, Judge of the Sixteenth Judicial District of Texas.

Specifications to the first charge.—His conduct and rulings on the bench of the Sixteenth Judicial District for the years 1871 and 1872.

Specifications to the second charge.—That said T. C. Barden, judge as aforesaid, did on the trial of the case of H. L. Kinney's executor v. Lucien Birdseye, at the June Term, 1871, of the District Court of Nueces county, call the jury from their retirement of his own motion and in the absence of plaintiff's counsel, and partially urge them to find a verdict by way of compromise; and at the time and place aforesaid, in the case aforesaid, did, of his own motion, call the jury from their retirement after they had been three days deliberating on their verdict, and gave them further instructions, without the request of said jury or of the counsel of either side, for the purpose of influencing them in favor of defendant; and on the trial of the case aforesaid did partially instruct the jury on matters not in issue, for the purpose of prejudicing their minds against the plaintiff; and on the trial of the case aforesaid did partially and corruptly refuse to make out a

full and fair statement of facts in the said case when the attorneys had disagreed, but did partially and corruptly adopt the statement of facts made out by defendant's counsel, leaving out one deed and other important evidence offered and received on said trial, which statement was false and incorrect; and on the trial of the case aforesaid, did partially and corruptly permit defendants to read a deed without proof of its execution and without its having been filed, so as to offer it as a recorded instrument, against the objection of plaintiff; and on the trial of the case aforesaid, did partially and corruptly permit defendants to read a sheriff's deed without producing the judgment or execution authorizing the said sheriff to make said deed. That at the October Term, 1871, of the District Court of Nueces county, said T. C. Barden did partially and corruptly refuse to grant a *mandamus* to compel the clerk of his court to approve a bond in the sum of ten thousand dollars, in the case of Nelson & Miller v. Warren Wallace *et al.*, then pending in said court, although the securities on the bond offered were shown to be worth the sum of seventy-six thousand dollars above their liabilities and property exempt from execution, and there being no evidence to the reverse.

Specifications to the third charge.—That said T. C. Barden, judge as aforesaid, at the October Term, 1872, of the District Court of Calhoun county, did corruptly and illegally detain the grand jury from Saturday morning until the following Tuesday, when the foreman had announced that the jury were through with the business of the term.

That at the October Term, 1871, of the District Court of Nueces county, said T. C. Barden did corruptly and illegally detain the grand jury four days after said grand jury had finished their business, and urged the members thereof to find indictments against J. C. Russell, Charles Lovinskiold and W. H. Maltby and others, for exposing his corruption and partiality on the trial of the case of Kinney's executor v. Birdseye, and because they had refused to try any cases before him at said term on account of his corruption and partiality.

Specifications to the fourth charge.—That said T. C. Barden, judge as aforesaid, did corruptly, partially and illegally draw the grand jury at the September Term,

1872, of the Victoria District Court, and at the October Term, 1872, of the Calhoun county District Court.

Specification to the fifth charge.—His conduct generally at the courts of the Sixteenth Judicial District in the years 1871 and 1872.

Specification to sixth charge.—That said T. C. Barden, judge as aforesaid, did, at the October Term, 1872, of the Calhoun County District Court, in the case of Theo. B. Green's administrator v. George P. Findlay, executor of J. J. Holt, partially and corruptly rule in favor of plaintiff and plaintiff's attorney. That said Barden, at the aforesaid court, in the case of D. Sullivan v. Hall, did corruptly and partially rule in favor of plaintiff and plaintiff's attorney.

That said T. C. Barden, at the aforesaid term of the court, in the case of the State v. Gentry, did corruptly and partially order said Gentry to be held in custody for an offense of which he had been fully acquitted, and require him to enter into bonds.

Specification to seventh charge.—That said T. C. Barden did, at the June Term, 1871, of the District Court of Nueces county, in the case of H. L. Kinney's executor v. Lucien Birdseye, call the jury, who had retired to consider said case, into court, and give them further instructions without the request of the jury or the parties to said suit.

Specification to eighth charge.—That said T. C. Barden, judge as aforesaid, did, at the June Term, 1871, of the District Court of Nueces county, clandestinely enter the petit jury room at twelve o'clock at night, while the jury were considering their verdict in the case of H. L. Kinney's Executor v. Lucien Birdseye, and hold conversation with one of the jury in reference to the merits of said case.

Specification to ninth charge.—That said T. C. Barden, judge as aforesaid, did corruptly refuse to remove or suspend J. Cahn, sheriff of Calhoun county, after he had been so requested to do by the Comptroller, by letter, dated November 19, 1872, which letter informed said Barden that said Cahn was behind in his accounts ten thousand dollars, and had refused to execute an additional bond of fifteen thousand dollars required by the Comptroller; that said Barden had used said Cahn's money to pay himself his own salary, and was largely indebted to him,

said Calm, for advances at the time said notice was served on him.

Specifications to tenth charge—That said T. C. Barden, judge as aforesaid, did, in the month of October, 1872, maliciously write, publish, print and circulate, or cause to be published, printed and circulated in his judicial district, an anonymous libel in pamphlet form against George P. Finlay, an attorney practicing in his court, charging said Finlay with murder, perjury and subordination of perjury; and other outrages.

Referred to the special joint committee on the Barden case.

On motion of Mr. Brown, the House adjourned until 10 A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, February 19, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

The journal of yesterday was read and adopted.

The Finance bill, being unfinished business, was taken up, and the amendments proposed by the committee of the whole adopted.

Mr. Denton moved to postpone the further consideration of the question ten days.

Mr. Morris moved to lay that motion on the table.

The yeas and nays being ordered, resulted as follows:

Yeas—Messrs. Speaker, Abbott, Allen, Allison, Anderson of Montgomery, Anderson of McLennan, Berends, Bewley, Bledsoe, Broaddus, Brown of Dallas, Brown of Upshur, Chambers, Cunningham, Day, Ford, Frankee, Gallaway, Gaston, Gillette, Green, Hoffman, Joseph, Kleberg, Lane, Mabry, Michael, Moore, Morris, Noeggerath, Payne, Phelps, Powers, Roberts, Roseborough, Russell, Salter, Shaw, Shelton, Tilson, Tivy, Trolinger, Van Zandt, Veale, Venters, Washington, Watts, Wilder, Williams and Winkler—50.

Nays—Messrs. Bordeaux, Carroll, Davenport, Denton, Doyle, Eastland, Ghent, Gilpin, Harrison, Hollingsworth, Ireland, Kenble, Killough, Leyendecker, Manning, McDonald, Nelson, Praundergast, Rainey, Rimes, Robb.

Sayers, Scott, Short, Smith of Colorado, Smith of Houston, Thurmond, Tom, Walker, Westfall and Wood—31.

The motion was declared to have carried.

Mr. Brown of Dallas moved the previous question, which being seconded, was carried.

The bill was then ordered engrossed.

A message from the Senate announced the passage by that body of Senate joint resolution No. 9, ratifying an amendment to section six of article ten of the Constitution of the State of Texas, proposed by joint resolution of the Legislature of the State of Texas passed May 11, 1871.

The Committee on Engrossed Bills reported as follows:
Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined the following bills and find that they are correctly engrossed: House bill No. 58, "An act to incorporate the Odd Fellow's Male and Female College at Pittsburg, Upshur county, Texas;" No. 99, "An act to amend section twenty-three of an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duty, approved August 18, 1870;" No. 127, "An act to authorize Isaac Franklin to erect a pontoon bridge over the San Antonio river in the county of Goliad, Texas;" No. 195, "An act to authorize the County Court of Henderson county to levy a tax to pay the outstanding indebtedness, the repairing of bridges, the jail and court house, and for all other purposes for which the said County Court of said county is authorized to levy a tax;" No. 201, "An act to amend and consolidate the several acts incorporating the town of Gonzales;" No. 212, "An act to authorize Alexander English to erect a toll bridge over Bois d' Arc creek in the county of Fannin."

WM. B. SAYERS, for Committee.

A communication was received from the Adjutant General, enclosing his report for the year 1872. Read and referred to the Committee on Military Affairs.

A message was also received from the Governor, approving the printing bill, with suggestions thereto belonging. Read, and referred to the Committee on Public Printing.

Mr. Sayers moved to allow the special railroad committee to report.

Division being called for, resulted in fifty-four for and eighteen against, whereupon the motion was declared carried.

The special railroad committee then reported as follows:
Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred the subject of the indebtedness of the State of Texas to the International Railroad corporation, beg leave to report that after careful and diligent investigation the committee is of opinion that the State of Texas does not owe said railroad company anything. The title of the act under and by virtue of which it is claimed that the State is indebted to said company is as follows: "An act to incorporate the International Railroad Company, and to provide for the aid of the State of Texas in constructing the same." The committee are unanimously of the opinion that this title embraces two distinct subjects, and is in violation of the plain letter of the seventeenth section, article twelve, general provisions of the Constitution. (*San Antonio v. Gould, 34 Texas, 74.*)

Independent of, and underlying this constitutional objection to said act, is the further objection, that (as your committee believe) there exists no power in the Legislature of the State to levy and collect a tax to aid private parties to construct a railroad. The right of eminent domain is wholly disconnected from, and independent of the power to tax, to aid private individuals in an enterprise of this sort.

JNO. IRELAND,
S. POWERS,
JAMES M. ANDERSON,
GEO. W. SMITH.

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your select committee to whom was referred the question of indebtedness of the State to the Texas Pacific Railway Company, have given the subject all the attention, time and other duties permitted. It is the opinion of your committee that the State is not now, nor can be placed under monied obligation to said company, for the reason that there does not exist any power in the legislative department of this government to tax one citizen and give the money raised by such taxation to another citi-

zen, or may be to a stranger, or citizen of another State or government. In this instance it will be seen that the incorporation named in the charter under which the company is organized, consists of one hundred and sixteen persons, but one of whom is a citizen of or resides in the State of Texas. Thus it will be seen that if the power is admitted, as is claimed, there is no one that shall set bounds to the use of the power, and the entire substance of the people may be taken from them, not for legitimate purposes of supporting the government, but under the empty and delusive plea that, may be, the incidental returning benefits will compensate for the loss of lands, money, property—all that we possess. As stated in another report, the power of eminent domain is a different question. In that case, while the government reserves the power to condemn the citizen's land for mill, ferry, road or other public use, when the public may derive great benefits, the government says to the citizen at whose instance the property of the other is to be taken, that you must not enjoy it until you have paid the owner full value for his property. But then admit the power to tax to help build the ferry, mill or road, and you turn to the citizen and say, true, we made A pay you a thousand dollars for your land, but we will tax that thousand out of your pocket, and return it to A to help build the mill, and in return you may have your corn and wheat ground at the mill, but you must pay A a part of your grist when you get it ground. Your committee are not unmindful that there are conflicting authorities on this question, but we believe the law, as an original question, is as we have stated it, that it accords with every dictate of justice, and that such a rule is the only safeguard the citizen has against powerful combinations. We must not overlook the fact, that one, and one of the chief ends of government, is to protect the minority, or the weak against unwarranted encroachments by the strong and powerful.

Again, it will be seen that the title of the act under which six millions of money is claimed, is "An act to encourage the speedy construction of a railway," etc. It might readily be supposed, under this caption to "encourage," that the bill would relieve the company from taxation, or grant some other immunity from the common burdens of government. But it certainly does not convey to the hearer the idea that a gift or donation in money

is intended, and a majority of the committee are of opinion that it is in violation of the seventeenth section of the twelfth article of the Constitution. Under the original act the State had thirty years in which to substitute land for bonds, and under the amendatory act the State is restricted to February 1, 1874.

Thus one of the essential features of the original act is wholly changed by an act, entitled "supplemental" or "amendatory" of the original, without indicating what section, or in what particular, the original act was to be changed. In the opinion of the committee, this is in violation of the eighteenth section of article twelve of the Constitution.

The committee are further of the opinion that under the caption of the original act to *encourage* the construction of a road to the Pacific, it was not competent to provide in the body of the bill for building a number of roads, and thus consume the whole donation on a small section of territory, leaving the greater portion of the State untraversed.

Finally, shall the people be coerced into an amendment of their Constitution by the terms of these acts—six millions of money be taxed upon us and our posterity, or a change of your organic law?

The company claims sixteen sections of land to the mile under the general railroad law. This question is now involved in a suit pending in the courts of the United States, and the committee have not thought it necessary to go into an investigation of that matter.

All of which is respectfully submitted.

JOHN IRELAND,

S. POWERS,

GEO. W. SMITH,

JAMES M. ANDERSON.

The committee deem it proper to state that should they be incorrect in their views as here presented, all rights to the company that have now attached are reserved by the terms of the second section of an act reported by your committee. We believe that it is at all times competent for the State to withdraw her bounties and donations whenever she may think proper as to those rights not already attached.

IRELAND, Chairman.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House bill No. 176, "An act to repeal all laws granting money subsidies to railroad corporations," beg leave to report said bill back and recommend its passage.

JOHN IRELAND,
S. POWERS,
J. M. ANDERSON,
GEORGE W. SMITH.

A bill entitled "An act to repeal all laws and parts of laws in force authorizing the State of Texas to aid in the construction of railroads, in bonds or money donations or subsidies."

Section 1. Be it enacted by the Legislature of the State of Texas, That all laws and parts of laws authorizing the issuance of the bonds of this State to aid in the construction of railroads be and the same are hereby repealed.

Section 2. Be it further enacted, That the first section of this act shall not be so construed as to affect or impair the rights, if any there be, of any railroad company on account of road now completed, and in operation.

Section 3. Be it further enacted, That this act shall take effect and be in force from and after its passage.

Mr. Morris submitted the following minority report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The undersigned, one of the special committee to whom was referred the resolution to inquire into the legal obligations of the State of Texas to railroads, and to consider a bill proposing to repeal subsidies to railroads, beg leave to say that the committee have had before them the charter of the consolidated Texas Pacific Railroad with the Southern Pacific and Transcontinental, and also that of the International, and beg leave to submit, that owing to other public engagements constantly demanding his time, and the short period forced by the House for bringing in the report, in his opinion it is out of the question for him to do justice either to himself or the very important question involved. He has therefore respectfully declined to sign the majority report, for the want of time and opportunity to satisfactorily investigate the following questions: 1. Whether railroads in

the matter of freight and passengers transported as public carriers, etc., and subject to legislative regulations, are public or *quasi* public corporations. 2. Whether the Legislature has power to aid in the construction of such works through the State as a public good by donations be relied on mainly in the majority report on the question of taxation. It is stated by counsel that while the courts of Wisconsin, Iowa and Michigan deny the power to tax, they are opposed by those of twenty other States, that affirm the power, with three decisions of the Supreme Court of the United States added to the same point.

W. W. MORRIS, of Committee.

On motion of Mr. Russell the reports and bill were laid on the table, and three hundred copies of each ordered printed.

Petitions and memorials being in order, Mr. Brown of Dallas offered a memorial of Nat. M. Burford, ex-Judge of the Sixteenth Judicial District. Referred to Judiciary Committee No. 1.

Mr. Broadus offered a memorial of the citizens of Burleson county, praying for the enactment of the Ohio liquor law. Referred to Judiciary Committee No. 2.

The Committee on Enrolled Bills reported as follows :
Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined the following bills: "An act to incorporate the town of Pine Hill, in Rusk county;" also, "An act to authorize the county of Marion to issue interest bearing bonds for the building a court house and jail in said county," and find them correctly enrolled, and have presented this day the same to the Governor for his signature, at 12 o'clock.

SHAW, Chairman.

Mr. Westfall offered a petition of citizens of Williamson county, asking relief for William Eubanks. Referred to Committee on State Affairs.

By special leave, Mr. Brown of Dallas offered the following resolution:

Resolved, That Judiciary Committee No. 2 be instructed to inquire into the legality and expediency of enacting a general law by which the citizens within two miles, or some other fixed distance, of any institution of learning, not within a town or city, may by election or other-

wise prevent the sale of liquor within said distance, and that they report by bill or otherwise.

Adopted.

By special leave, Mr. Bewley offered the following resolution :

Resolved, That the Senate be and it is hereby invited to meet the House of Representatives in this hall at two o'clock P. M. this day to elect a public printer.

Adopted.

Mr. Berends offered a petition of the County Court of Gillespie county, in regard to a special tax for repairing roads. Referred to Committee on State Affairs.

By special leave, Mr. Payne introduced a bill regulating the survey of the land certificates of private corporations, and declaring the law touching the sections reserved. Referred to Judiciary Committee No. 1.

Mr. Prendergast offered a memorial from the town of Mexia, in Limestone county, praying for a charter.

On motion of Mr. Washington, the House adjourned until 10 A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, February 20, 1873.

House met pursuant to adjournment. Prayer by the Rev. Dr. Creath. Roll called; quorum present.

The following gentlemen failed to answer to their names:

Messrs. Anderson of McLennan, Ellett, Harrison, Mills, Moore, Noeggerath and Smith of Houston.

On motion of Mr. Ireland the reading of the journal was dispensed with.

Mr. Ireland offered the following resolution :

Resolved, That the Speaker of this House be, and he is hereby requested to appoint a committee of three, to act in concert with a like committee on the part of the Senate, whose duty it shall be to make a thorough and searching investigation into the tragedy that took place near this Capitol last evening; that said committee be and is hereby empowered to administer oaths and send for persons, and take all the needful steps to ferret out the perpetrators of the deed.

Adopted.

Mr. Killough then delivered a brief and feeling tribute to the memory of his late colleague, and offered the following resolution:

WHEREAS, The Hon. Louis Frankee, a member of the Thirteenth Legislature from the Twenty-sixth Senatorial District, was foully assassinated in front of the Capitol building, on last night, the nineteenth instant, at half-past seven o'clock, while on his way to the room of the Committee on Immigration, of which he was chairman, and robbed of his money and watch by the assassin; therefore, be it

Resolved, That this house stand adjourned until to-morrow at ten o'clock A. M., in commemoration of this sad event.

Resolved, That the Senate and State officers be requested to join this body in a procession, at three o'clock P. M. to-morrow, to march to the public burial grounds with his remains.

A message from the Senate informed the House that that body had passed the concurrent resolution of the House, relative to the appointment of a joint committee to ferret out the assassins of the late Hon. Louis Frankee, and that Messrs. Sayers, Dillard and Fountain had been appointed said committee.

Messrs. Nelson, Brown of Dallas, and Ireland also offered tributes of respect to the memory of the deceased.

The Speaker announced the following gentlemen as the House committee provided for by the previous resolution: Messrs. Ireland, Killough and Brown of Upshur.

The resolution of Mr. Killough was then adopted, and the House adjourned.

HOUSE OF REPRESENTATIVES,)
AUSTIN, TEXAS, February 21, 1873.)

House met pursuant to adjournment. Prayer by Rev. Dr. Fisher. Roll called; quorum present.

The following gentlemen failed to answer to their names:

Messrs. Bordeaux, Moore and Salter.

On motion, Mr. Bordeaux was excused on account of important business for six days, Mr. Davenport for four

days, Mr. Moore for four days, Mr. Roseborough for four days, Mr. Salter for four days, Mr. Gaston for ten days, Mr. Smith of Colorado until Friday next, and Mr. Allen for one week.

On motion of Mr. Brown of Dallas, the reading of the journal was dispensed with.

Mr. Brown of Dallas, then offered the following resolution :

Resolved by the House of Representatives, the Senate concurring, That a joint committee of arrangements, consisting of five Senators and nine Representatives, be appointed to arrange for and superintend the funeral ceremonies of the Hon. Louis Frankee, late a member of the House of Representatives from the county of Fayette, this day at 3 o'clock P. M.

Adopted.

Mr. Cunningham offered the following resolution :

Resolved, That the sergeant-at-arms be required to place two lamps at the foot of the steps on the south side of the capitol, and two in the centre of the lower hall of the capitol, and one on the south gate of the capitol enclosure, and to light the same from dark until eleven o'clock each night during the remainder of the present session of the Legislature.

Adopted.

Mr. Anderson of McLennan offer the following resolution :

Resolved, That the Speaker of the House of Representatives be authorized and requested to appoint W. J. Barker a general committee clerk, who shall do and perform all duties as clerk for each committee, "or other duties," as the Speaker may from time to time designate.

Adopted.

✓The Speaker appointed the following gentlemen as the House committee on the funeral of the late Hon. Louis Frankee: Messrs. Thurmond, chairman; Killough, Noeggerath, Kleberg, Lyendecker, Watts, Abbott, Shaw and Doyle.

On motion of Mr. Ireland the House then adjourned until 2 P. M.

AFTERNOON SESSION.

House met at 3 P. M. Roll called; quorum present. His Excellency the Governor being present, was invited to a seat at the Speaker's left.

The chairman of the Committee on Funeral Arrangements announced that all necessary preparations having been made, they were ready for the reception of the Senate.

Mr. Broadus offered the following resolution:

Resolved, That H. W. Nelson, J. P. Lyendecker, I. G. Killough, T. G. Allison, A. T. Watts, J. Noeggerath, B. W. Brown and S. Day, members of the House of Representatives, and N. C. Rives, assistant sergent-at-arms, be and they are hereby appointed to accompany the remains of the Hon. Louis Frankce to Ledbetter, and deliver the same to his family and friends.

Adopted.

The Senate being announced, came in and took the seats prepared for them, the President of that body occupying a seat on the right of the Speaker.

The Rev. Dr. Fisher then delivered the funeral oration.

The following order of ceremonies was then read from the clerk's desk:

Funeral Obsequies of the Hon. Louis Frankce, Friday, February, 21, 1873, at 3 P. M.

The funeral ceremonies will be performed in the hall of the House of Representatives, where the body of the lamented Representative from Fayette lies in state.

The procession will be formed on the campus in rear of the Capitol, at the close of the ceremonies, by the Hon. George P. Finlay, marshal on behalf of the Senate, and the Hon. John Henry Brown, marshal on behalf of the House of Representatives, in the following

ORDER OF PROCESSION.

Marshals.

Band.

Military Escort.

Texas Institute Cadets.

Pall Bearers. HEARSE. Pall Bearers.

Chaplains of Senate and House, in carriages.

Members of the House.

Members of the Senate.

Governor and suite, in carriages.

Supreme Court, in carriages.

Heads of Departments and suites.

City Authorities.

City Fire Companies and other societies.

Citizens on foot.

Citizens in carriages.

Citizens on horseback.

The procession will move through the capitol grounds down Congress Avenue to Pecan street, thence down Pecan street to the depot of the Central Railroad.

JOHN HENRY BROWN,

GEO. P. FINLAY,

Marshals.

On motion, the House adjourned to 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, February 22, 1873.

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

The following gentlemen failed to answer to their names:

Messrs. Berends, Day, Ireland and Nelson.

A message from the Senate announced the passage by that body of the following concurrent resolution:

Resolved by the Senate, the House concurring, That the two houses meet on Saturday next at 11 o'clock A. M., in the Hall of the House of Representatives, in joint session, for the purpose of electing a Public Printer, as contemplated by law.

The journal of yesterday was read and adopted.

On motion, Mr. Berends was excused for six days on pressing business; Mr. Smith of Colorado during the day; Mr. Manning for one week; Mr. Wilder until Saturday next, and Mr. Green until Friday next.

On motion, Mr. Tivy was added to the Committee on Indian Affairs.

A message from the Senate announced the passage by that body of the following joint resolution :

Resolved by the Senate and House of Representatives of the State of Texas, That the Governor be and he is hereby authorized to offer a reward of five thousand dollars for the apprehension and conviction of the murderers of the late Hon. Louis Frankee, to be paid out of any moneys in the Treasury not otherwise appropriated.

On motion, the regular order was suspended and the above joint resolution was taken up and passed to a second reading.

On motion, the rules were again suspended, the joint resolution read a second time; rules further suspended and resolution passed by the following vote :

Yeas—Messrs. Speaker, Abbott, Allison, Anderson of McLennan, Bewley, Bledsoe, Broaddus, Brown of Dallas, Brown of Upshur, Carroll, Chambers, Cunningham, Doyle, Eastland, Ellett, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Mabry, Manning, McDonald, Michael, Mills, Morris, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Russell, Sayers, Scott, Shaw, Shelton, Short, Smith, Storey, Thurmond, Tison, Tivy, Tom, Trolinger, Van Zandt, Venters, Walker, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—69.

Nays—None.

On motion, Mr. Morris was granted leave to supplement his minority report, from the special railroad committee, by adding the following :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

Since the reading in the House on yesterday of the report of the majority of the select committee, to whom was referred a resolution of inquiry as to the legal obligations of the State, there has been neither time nor opportunity to mature such a counter-statement as the great importance of the subject deserves, but a general indication of views has been furnished me, and it is but just that it be submitted and printed in connection with the minority report of the undersigned. I will here add that on looking to the authorities cited as to the legality of the caption of the International railroad charter, I am

induced to withdraw my concurrence in that part of the majority report.

W. W. MORRIS.

It appears obvious that if there is any one question which has been set at rest by concurrent action of both the Federal and State governments, through all their departments, and especially through their judicial tribunals, that question is the constitutional competency of each of the States of this Union to extend pecuniary aid to the construction of railroads.

If any doubt upon that question now remains, it is confined, so far as evidenced by public records, to the majority of this committee.

The highest courts of more than twenty of the States of this Union have, after the fullest consideration, not merely conceded this power to the States themselves, but have established it as a power which may be delegated by the States to their respective municipal and local organizations. In proof of this assertion a list of cases, hastily collected for the purpose of this report, is hereto appended. It comprises some fifty causes, adjudicated in the appellate courts, and might be greatly extended upon further investigation. Among these cases are several decided by the Supreme Court of our own State, and they all concur in holding the question to have been settled in favor of the power. In the case of *San Antonio v. Jones*, 28 Texas, 29, the opinion of the court was delivered by Chief Justice Moore, whose judicial reputation requires no encomium in a Texas Legislature, and he says that the constitutionality of such laws has been sustained with remarkable uniformity by the courts of almost every State of the American Union; and he concurs in the opinion of another distinguished jurist, that "it is too late to bring the matter into serious debate."

The subsequent case of *San Antonio v. Lane*, 32 Texas, p. 410, treats the question as one fully and finally settled in this as well as the other States; and the still later case of *San Antonio v. Gould*, 34 Texas, on page 70, distinctly admits the same conclusion, although it proceeds to impeach the validity of the particular act then under consideration, for other and different reasons.

It being obviously impossible, within the limits of this report, to review the very numerous decisions upon this question, we must content ourselves with these citations

from the decisions of our own Supreme Court, simply to show that Texas is no laggard in the march of progress, but is fully abreast with her sisters of the Federal Union.

If, then, a mere county, town or city may derive power from a State Legislature to extend pecuniary aid to railroads, how foolish and futile it is to question the power of the States themselves, through their Legislatures, to do the same thing. To vindicate this power it is not incumbent upon me to cite any specific grant of it in the letter of the Constitution. It is a simple and ordinary legislative power, and is vested in the representatives of the people by the general grant of legislative power conferred on them by the Constitution. As such, and without any *specific mention* of it, the legislatures of almost all, if not every one of the States, have exercised it, and with equal unanimity their highest courts have sustained it. Being an ordinary legislative power it can not be denied to this Legislature unless the Constitution has expressly withheld it; and I challenge the production of any provision to that effect.

But the majority of the committee assume and attempt to maintain another position in their effort to invalidate the enactment in question. Its caption is, "An act to incorporate the International Railroad Company, and to provide for the aid of the State of Texas in constructing the same," and it is pretended that this caption violates the constitutional provision that "every law enacted by the Legislature shall embrace but one object, and that shall be expressed in its title."

Writers on constitutional law concur in declaring that provisions of this kind are "not designed to embarrass legislation by multiplying the number of bills, but to put an end to vicious legislation, and to require that in every case the proposed measure shall stand upon its own merits." (Dwarris on Statutes, 105; 13 Michigan Reports, 494.) Our own Supreme Court has held that "this section, doubtless, was to prevent embracing in an act having one ostensible object, provisions having no relevancy to that object, but really designed to effectuate other and different objects, and thus to conceal and disguise the real object proposed by the provisions of an act, under a false and deceptive title." (20 Texas Reports, 782, and see Sedgwick on Constitutional and Statutory Law, 51.)

. With this rational construction of the constitutional clause in question, its wisdom and utility are apparent; but surely it is not permissible to force upon it a construction which must generate evils as great as those it was designed to avert.

Let us take, then, the entire caption or title of the enactment under consideration, and from it ascertain its object. Can any rational mind detect in it more than a *single* object, to-wit, to ensure the construction of the road by competent legislation? That was the object, and the *sole* object of the enactment. Incorporation of the company was competent legislation to that object; State aid was competent legislation to it; but the caption itself conveys to the mind *but the one single object of the construction of the road*. If, in expressing that object, the Legislature saw fit to indicate the leading features of the legislation by which that object was to be effectuated, can it be maintained by any rational man that this introduced an *additional object* into the caption, and thus brought it within the prohibition of the Constitution? In fact, does not the entire caption more fully conform to the spirit and intent of the constitutional provision, though still purporting but a single object, than if the title had consisted of a generalization so vague as to leave unindicated the character of legislation by which that single object is to be accomplished?

Similar provisions are to be found in the constitutions of other States, and have come under judicial determination; but there is no instance in which an act of the Legislature has been held unconstitutional upon such an objection as this which is urged by the majority of the committee.

The case of *San Antonio v. Gould* does not raise or decide the question at all. That case decided that the caption or title of the act entitled "An act to incorporate the San Antonio Railroad Company," *failed to express* one of two different and substantive objects contained in the body of the act, and having no necessary or proper connection with each other. (It is no concern of this review to consider the degree of authority to be accorded to this case of *San Antonio v. Gould*; but it may be remarked that in *San Antonio v. Lane*, 32 Texas Reports, p. 405, the then Supreme Court arrived at an exactly op-

posite conclusion on precisely the same objection to the same enactment.)

Thus it is clear that the Gould case has not the slightest application to the act now under consideration. Here it is said that the title comprises *two* objects, while in that case the title clearly expressed but one object; but it was said that the body of the act provided for more objects than one. And I repeat that there is no other judicial decision which supports the objection taken by the majority of this committee to the title of the act in question.

The honor and fair name of the State of Texas concur, in my opinion, with the truest and most vital of the interests of her people, in imposing upon this House the imperative duty of promptly repudiating repudiation, no matter under what specious guise it presents its hideous front. Nothing more calamitous can befall us than the just imputation of ill-faith to the makers of our laws. To evade our obligations by a resort to quibbles and meaningless technicalities would be folly as well as fraud, and must be followed by a blight upon our prosperity as well as an indelible stain upon the character of the State.

In addition to what is above stated, it may be remarked that the opinion of Judge Cooley, in his work on Constitutional Limitations, and in one or more decisions made by that certainly able jurist, seems to be based upon the absence of any constitutional provision conferring upon the Legislature, either expressly or impliedly, the power to grant pecuniary aid to railroads.

It is not necessary either to assent to or combat the correctness of this opinion. It is sufficient for us to take as our guide our own Constitution, which clearly confers the power, as will be seen by reference to the different sections bearing upon that subject, and which are here respectfully referred to. The following sections are more particularly referred to: Section six of article twelve, and section six of article ten, which prohibits the granting of lands, and would have prohibited pecuniary aid, if such had been the intention or purpose of the framers of the Constitution.

Decisions referred to:

Sharpless v. Mayor of Philadelphia, 21 Penn., 47; Goodin v. Crump, 8 Leigh, Va., 120; Bridgeport v. R. R. Co., 15 Conn., 475; Nichol v. Nashville, 8 or 9

Humphries, Tenn., 252; Talbot v. Dent, 9 B. Monroe, Ky., 526; Beekman v. R. R. Co., 3 Paige, N. Y., 45; Stewart v. Supervisors Polk Co., 1 American Reports, 238. (This case overrules Hanson v. Vernon, *contra*, by same court.) Swan v. Williams, 2 Mich., 427; Blodgett v. Mohawk R. R. Co., 18 Wendell, 1; Stewart v. Land, 1 Cranch, 299; Pratt v. Brown, 3 Wis., 612; Robins v. R. R. Co., 6 Wis., 636; Soens v. Racine, 10 Wis., 280; New York v. Coates, 7 Cowen, 585; Commonwealth v. Perkins, 43 Penn., 410; The People v. Mitchell, 35 N. Y., 550; Clarke v. Rochester, 28 N. Y., 604; Gould v. Town of Venice, 20 Barbour, 442; Slack v. Maysville, 18 B. Monroe, 1; Maddox v. Graham, 2 Metcalf, Ky., 56; Society v. New London, 29 Conn., 174; Cincinnati R. R. Co. v. Commissioners, 12 Ohio, 77; State v. Commissioners, 12 Ohio, 596; Shoemaker v. Goshen, 14 Ohio, 569; Prettyman v. Supervisors, 19 Ill., 406; Butler v. Dunham, 27 Ill., 474; Gibbons v. Mobile R. R. Co., 36 Ala., 410; Robinson v. Bidwell, 32 Cal., 379; Commissioners v. Bright, 18 Indiana, 93; Aurora v. West, 22 Indiana, 88; Augusta Bank v. Augusta, 49 Maine, 407; Clark v. Janesville, 10 Wis., 130; Ellis v. Glason, 11 Wis., 470; Caldwell v. Justices, etc., 4 Jones Eq., N. C., 229; Powers v. Dougherty Co., 23 Ga., 65; St. Joe R. R. v. Buchanan Co., 39 Mo., 485; St. Louis v. Alexander, 23 Mo., 183; Strickland v. Miss. R. R. Co., 27 Miss., 209; Colton v. Commissioners, 5 or 6 Fla., 610; Police Jury v. McDonough, 3 La., 341; San Antonio v. Jones, 28 Texas, 19 (opinion by Judge Moore); San Antonio v. Lane, 32 Texas, 409; Ryder v. Alton R. R. Co., 13 Ill., 516; Lumsden v. Cross, 10 Wis., 282; Knowlton v. Supervisors, 9 Wis., 414; Louisville R. R. v. Davidson Co., 1 Sneed, Tenn., 637; Gilman v. Sheboygan, 2 Black, 510 (Supreme Court U. S.); and many other cases.

The cases *contra* usually relied on are:

The People v. Salem, Supreme Court of Michigan, A. D. 1870, opinion by Judge Cooley, but *the court was divided*. (See Am. Law Review for October, 1870, p. 126, *et seq.*) Hanson v. Vernon, 27 Iowa, 28—but this case was expressly overruled by same court in Stewart v. Supervisors of Polk county, 1 Am. Reports, 238. The case of San Antonio v. Gould, 34 Texas, 49, turns upon a different question. In it the court admits the authority of San Antonio v. Jones, 28 Texas, and San Antonio v.

Lane, 32 Texas, maintaining the validity of municipal subscription in general.

On motion, Mr. Hester was excused for twelve days from Monday next on account of sickness in his family.

On motion, Mr. Robb was excused for the same time.

By special leave the following bills were introduced :

Mr. Ford : Bill for the relief of L. W. Ludlow. Referred to the Committee on Private Land Claims.

Mr. Tilson : Bill for the relief of the heirs and assignees of E. S. Williams, deceased. Referred to the Committee on Private Land Claims.

Mr. Hester : Joint resolution proposing an amendment to section forty-eight, article twelve, general provisions of the Constitution. Referred to the Committee on Constitutional Amendments.

Mr. Bledsoe : Bill authorizing the County Court of Bosque county to levy a tax for the purpose of building a court house and jail. Referred to Judiciary Committee No. 2.

Mr. Kemble : Bill to suppress gambling. Referred to Judiciary Committee No. 2.

Mr. Broadus : Bill to validate headright land certificate No. 102, dated February 15, 183-, issued to Walter Campbell for 369 acres of land, instead of 370½ acres as now stated in said certificate. Referred to Committee on Private Land Claims.

By special leave, Judiciary Committee No. 1 reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 283, entitled "An act regulating the surveys of the land certificates of private corporations, and declaring the law touching the section reserved," have considered the same, and have directed me to report the bill to the House, with three amendments proposed by the committee, and to recommend their adoption and the passage of the bill as proposed to be amended.

GEO. W. SMITH, Chairman.

Amendments proposed by the committee to House bill No. 283 :

1. In the caption of the act insert in the second line after the word "of," these words, to-wit, "railroad and other."

2. After the word "by," at the end of the third line in section one, insert the same words: "railroad and other."

3. And at the end of section one, insert as follows: "All laws and parts of laws in conflict herewith are repealed."

Amendments adopted.

The bill was then read a second time and ordered engrossed.

Mr. Payne then moved to suspend the rules and put the bill on its third and last reading. Lost.

On motion, the House took a recess of five minutes, to prepare for the reception of the Senate.

At the expiration of that time, the House was called to order.

The Senate was then announced and came in, and took seats prepared for them, the President occupying a seat on the Speaker's stand.

The Speaker announced that the two Houses had met in joint session to elect a public printer, as provided for by law.

The roll of the Senate being called, a quorum was declared present.

The roll of the House was then called and a quorum declared present.

Nominations on the part of the Senate being in order, Senator Dohoney nominated John Cardwell.

Senator Broughton nominated Willard Richardson.

Nominations from the House being called for, Mr. Prendergast nominated John Cardwell.

Mr. Mills nominated E. H. Quick.

Mr. Watts nominated Willard Richardson.

Senator Ball and Representatives Bewley and Cunningham were appointed tellers.

Mr. Joseph withdrew the name of Willard Richardson.

The vote being then taken *viva voce*, resulted as follows:

John Cardwell received 66 votes; Willard Richardson, 18; E. H. Quick, 3; Dan. McGary, 1; M. M. Pomeroy, 1; John D. Elliott, 1.

Whereupon, Mr. John Cardwell was declared duly elected State Printer.

The Senate then withdrew from the hall.

On motion of Mr. Russell, House bill No. 8, "An act to incorporate the city of Sulphur Springs, in the county of Hopkins," was taken up, and the following amendments, offered thereto and passed by the Senate, were read:

1. Amend third line of section two, by striking out the word "next," and inserting "1874."

2. Amend fifth section, by adding at the close of said section: "*provided, however,* that the present mayor, aldermen and city marshal shall hold said offices until the next election provided for in this act."

3. At the close of section ten add: "for each regular session, and fifty cents for each called session; and for a failure to attend any regular or called meeting of the board, may be fined in a sum not less than two nor more than five dollars, at the discretion of a majority of said board."

Adopted.

The bill thus amended was then passed, under further suspension of the rules.

By special leave, the following bills were introduced:

Mr. Winkler: Bill to incorporate the Corsicana Cemetery Association. Referred to the Committee on State Affairs.

Mr. Winkler: Bill to incorporate Marvin College. Referred to Committee on State Affairs.

Mr. Joseph: Bill to incorporate the Lee Fire Engine Company No. 5, of the City of Galveston. Referred to the Committee on Town and City Corporations.

Mr. Joseph: Bill to amend section one hundred and two, article three, title two, of an act to incorporate the city of Galveston, and to grant a new charter, approved May 16, 1871. Referred to Judiciary Committee No. 1.

Mr. Joseph: Bill to incorporate the Gulf, Colorado and Santa Fe Company. Referred to the Committee on Internal Improvements.

Mr. Joseph: Bill to amend the fourteenth section of an act concerning conveyances, approved February 5, 1840. Referred to Judiciary Committee No. 2.

Mr Allison offered the following resolution:

Resolved, That the Finance Committee be requested to inquire into the fees of all public officers, especially of district clerks, sheriffs, justices of the peace and constables, and whether the laws regulating the same do not

need revision, and if so to report at their earliest convenience by bill or otherwise.

Adopted.

Mr. Allison introduced a bill to prevent horse-racing in any city, town, or village. Referred to Judiciary Committee No. 2.

Mr. Abbott introduced a bill to incorporate the Hempstead Hook and Ladder Company No. 1, of the city of Hempstead. Referred to the Committee on State Affairs.

Mr. Ireland offered the following resolution :

Resolved, That the Committee on Finance be instructed to report a bill as soon as possible, making an appropriation of twenty-five thousand dollars, or so much as may be necessary, to pay interest on public debt falling due on the first of March.

Adopted.

Mr. Anderson of Mc Lennan introduced a joint resolution concerning the debt of Texas. Read and passed to second reading.

The rules were then suspended, the resolution read a second time and ordered engrossed. The rules were then further suspended, the resolution read a third time and passed.

By special leave, the Committee on Roads, Bridges and Ferries reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : Your Committee on Roads, Bridges and Ferries, to whom was referred a bill to be entitled "An act to authorize Howard Keys and his associates to construct a toll bridge across the Sabine river, at Crockett's Bluff," have had the same under consideration, and the committee have instructed me to report the bill back to the House and recommend its passage.

J. M. HARRISON, Chairman.

The bill was read a second time and ordered engrossed ; the rules suspended, read a third time and passed.

Mr. Ghent offered claims of C. F. Millett against the State of Texas. Referred to Committee on Claims and Accounts.

Mr. Watts introduced a bill re-incorporating the town of Liberty. Referred to Committee on Town and City Corporations.

Mr. Robb introduced a joint resolution making an ap-

appropriation for certain purposes. Referred to Committee on Claims and Accounts.

Mr. Gillette introduced a bill for the relief of John F. Elliott, a blind man. Referred to the Committee on State Affairs.

Mr. Roberts introduced a bill to prohibit hunting and killing game on Sunday. Referred to Judiciary Committee No. 2.

Mr. Kemble introduced a bill to secure the moneys collected under the one per cent. school tax. Referred to the Committee on Education.

Mr. Wood introduced a bill to amend section two of "An act defining the homestead and other property exempt from forced sale in this State," approved August 15, 1870. Referred to Judiciary Committee No. 2.

Mr. Wood introduced a bill to authorize and require the Commissioner of the General Land Office to issue certain land certificates therein named. Referred to the Committee on Public Lands and Land Office.

Mr. Wood introduced a bill to validate bounty land warrants issued to John B. Fox. Referred to the Committee on Private Land Claims.

Mr. Wood introduced a bill regulating insurance companies. Referred to Judiciary Committee No. 1.

Mr. Hollingsworth offered the following resolution:

Resolved, That Judiciary Committee No. 1, are hereby instructed to inquire into the legality and expediency of superseding suits now pending in the District Court of Travis county based upon an act entitled "An act to ascertain and adjudicate certain land claims against the State, situated between the Nueces and Rio Grande rivers," approved August 15, 1870.

Adopted.

Mr. Powers, on the part of the Joint Committee on Public lands and Land Office, reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Joint Committee of the Senate and House of Representatives on Public Lands and Land Office, to whom was referred House bill No. 188, entitled "An act supplementary to and amendatory of an act to regulate the disposal of the public lands of the State of Texas," approved August 12, 1870, have had the subject under

consideration, and instruct us to report the same back to the House and recommend its passage.

A. J. BALL,

Chairman Senate Committee.

S. POWERS,

Chairman House Committee.

The bill was read a second time and ordered engrossed. The rules were then suspended, the bill read a third time and passed.

The Committee on Military Affairs reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Military Affairs, to whom was referred Senate bill No. 92, entitled, "An act to provide for the enrollment, organization and discipline of the militia," instruct me to report said bill to the House, and state that, after a careful investigation of the said Senate bill, it is found not in all respects to comply with the requisition of the Constitution of the United States, and the act of Congress of 1792, passed in pursuance thereof, regulating the enrollment and organization of the militia of the several States.

I am further instructed to report the accompanying bill as a substitute for said Senate bill, and recommend its passage.

J. M. ANDERSON, Chairman.

The substitute, being "An act to repeal the third, twenty-sixth and twenty-seventh sections, and to amend the eighth section of an act entitled an act to provide for the enrollment of the militia, the organization and discipline of the State guards, and for the public defense, approved June 24, 1870, and to repeal the first section of an act to amend an act entitled an act to provide for the enrollment of the militia, the organization and discipline of the State guards, and for the public defense, approved June 24, 1870, approved April 12, 1871," was read, and, on motion, laid on the table, and two hundred copies thereof ordered printed for the use of the House and Senate.

Mr. Bewley introduced a bill to authorize the county of Marion to audit and fund the debt of said county. Referred to Judiciary Committee No. 2.

Mr. Denton offered the following resolution:

Resolved, That the clerk of the Committee on Privileges and Elections be, and is hereby entitled to eight dollars per day for his services from this date.

Adopted.

The Speaker announced the receipt of the following communication :

MAYOR'S OFFICE,
CITY OF HOUSTON, February 18, 1873. }

Hon. M. D. K. Taylor, Speaker of the House, Austin, Texas :

SIR: I have the honor to present a resolution of the Common Council of the city of Houston, tendering the hospitality of this city to His Excellency the Governor, the Heads of Departments, Judges of the Supreme Court, and members and officers of the Senate and House of Representatives of the State Legislature, on their return from the festivities at Galveston.

Your acceptance of the same is respectfully solicited.

Should the desires of the people of this city to do honor to the State authorities, be met by the acceptance of this invitation, I would respectfully ask to be informed on what day after the conclusion of the festivities at Galveston they will visit Houston.

I have the honor to be, very respectfully, your obedient servant,

T. H. SCANLAN, Mayor.

Resolved, That the invitation of the city of Houston is accepted by the House, and that the Speaker be and is authorized to inform the city authorities of such acceptance, and name Wednesday evening next, at five o'clock, as the hour of reception.

The yeas and nays being called on the adoption of the resolution, resulted as follows :

Yeas—Messrs. Speaker, Abbott, Allison, Anderson of McLennan, Bewley, Brown of Dallas, Brown of Upshur, Cunningham, Doyle, Ford, Gallaway, Gilpin, Green, Hoffman, Joseph, Lane, Mabry, Manning, Mills, Morris, Phelps, Powers, Prendergast, Rimes, Robb, Roberts, Shaw, Shelton, Smith of Houston, Trolinger, Van Zandt, Venters, Walker, Washington, Watts, Williams and Winkler—37.

Nays—Messrs. Broaddus, Carroll, Chambers, Denton, Eastland, Gaston, Gillette, Hester, Ireland, Killough,

McDonald, Payne, Rainey, Russell, Sayers, Scott, Story, Tilson, Tivy, Tom, Westfall and Wood—22.

Whereupon the resolution was declared adopted.

Mr. Anderson of McLennan offered the following resolution:

WHEREAS, There is entertained by many persons interested in the public debts and obligations of the State of Texas fears that the present Legislature will endeavor to annul many of said debts and obligations; therefore, be it

Resolved by the House of Representatives of the State of Texas, That we censure and entirely disapprove of the means and manner by and in which many of said debts and obligations were incurred, but that we believe that all debts and obligations that were *legally* incurred by the *legally* constituted authorities are binding on the State; and that however much we may deprecate the same, we will not do nor sanction any act that tends to annulling, repudiating or depreciating any of such debts, or obligations so legally incurred.

Adopted.

Mr. Shelton offered the following resolution:

Resolved, That the use of the Representative hall be and is hereby tendered to the Rev. James Young, State temperance lecturer, to deliver an address upon the "Ohio Liquor Law," Saturday, March 1, at 7:30 o'clock P. M.

Adopted.

On motion, Mr. Winkler was granted leave of absence for one week.

Mr. Abbott offered the following resolution:

Resolved, That in memory of the Father of our Republic, George Washington, this House stand adjourned until 7 o'clock A. M. Monday the twenty-fourth instant.

Resolved, That a committee of five be appointed by the Speaker to cause to be fired thirteen rounds of artillery, with one of the pieces now standing in front of the Capitol, three minutes intervening between each salute, the firing to commence at 2 P. M.

Adopted.

The Speaker announced the following gentlemen on the committee above provided for: Messrs. Abbott, Green, Roberts, Hoffman and Gillette.

HOUSE OF REPRESENTATIVES,)
AUSTIN, TEXAS, February 24, 1873. }

House met pursuant to adjournment, at 7 o'clock A. M. Roll called.

The following gentlemen failed to answer to their names:

Messrs. Abbott, Adriance, Allen, Anderson of Montgomery, Armstrong, Berends, Booty, Bordeaux, Broadus, Davenport, Day, Ellett, Gaston, Ghent, Green, Ireland, Joseph, Leyendecker, Manning, Michael, Moore, Nelson, Noeggerath, Payne, Powers, Prendergast, Roseborough, Salter, Smith of Colorado, Smith of Houston, Veale, Wilder, Winkler and Wood.

There being no quorum present, the sergeant-at-arms was dispatched to bring in absent members.

During his absence, Mr. Brown of Dallas moved to adjourn until Friday, February 28, at 10 o'clock A. M.

Mr. Denton rose to a point of order, stating that the motion before the House proposed to adjourn for a longer period than three days.

The Speaker decided the point of order was not well taken.

Mr. Brown of Dallas then moved to adjourn until 10 A. M. Thursday, February 27.

The yeas and nays being called, resulted as follows:

Yeas — Messrs. Speaker, Allison, Anderson of McLennan, Bewley, Bledsoe, Brown of Dallas, Cunningham, Doyle, Ford, Gallaway, Gilpin, Hoffman, Hollingsworth, Killough, Kleberg, Lane, Mills, Morris, Phelps, Rainey, Rimes, Robb, Roberts, Shaw, Shelton, Short, Thurmond, Trolinger, Van Zandt, Venters, Washington, Watts and Williams—33.

Nays—Messrs. Brown of Upshur, Carroll, Chambers, Denton, Eastland, Gillette, Harrison, Hester, Kemble, Mabry, McDonald, Russell, Scott, Storey, Tilson, Tivy, Tom, Walker and Westfall—19.

There being no quorum present, Mr. Russell moved to adjourn until to-morrow morning at 10 o'clock, which was carried.

HOUSE OF REPRESENTATIVES, }
 AUSTIN, TEXAS, February 25, 1873. }

House met pursuant to adjournment.

Mr. Russell in the chair.

Roll called, when the following gentlemen failed to answer to their names :

Messrs. Speaker, Abbott, Adriance, Allen, Allison, Anderson of Montgomery, Anderson of McLennan, Berends, Bledsoe, Booty, Bordeaux, Brown of Dallas, Brown of Upshur, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ellett, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Michael, Mills, Moore, Noeggerath, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Roseborough, Salter, Sayers, Shaw, Shelton, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tom, Trolinger, Van Zandt, Veale, Venters, Washington, Watts, Wilder, Williams, Winkler, Wood.

There being no quorum present, on motion of Mr. Morris, the House adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
 AUSTIN, TEXAS, February 26, 1873. }

House met pursuant to adjournment.

Mr. Russell in the chair.

Roll called, when the following gentlemen failed to answer to their names :

Messrs. Speaker, Abbott, Adriance, Allen, Allison, Anderson of Montgomery, Anderson of McLennan, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Brown of Dallas, Brown of Upshur, Carroll, Cunningham, Davenport, Day, Denton, Doyle, Ellett, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald,

Michael, Mills, Moore, Noeggerath, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Roseborough, Salter, Sayers, Shaw, Shelton, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tom, Trolinger, Van Zandt, Veale, Venters, Washington, Watts, Wilder, Williams, Winkler, Wood.

There being no quorum present, on motion of Mr. Morris, the House adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, February 27, 1873.

House met pursuant to adjournment.

Mr. Russell in the chair.

Roll called, when the following members failed to answer to their names:

Messrs. Speaker, Abbott, Adriance, Allen, Allison, Anderson of Montgomery, Anderson of McLennan, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Brown of Dallas, Brown of Upshur, Carroll, Cunningham, Davenport, Day, Denton, Doyle, Ellett, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Michael, Mills, Moore, Noeggerath, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Roseborough, Salter, Sayers, Shaw, Shelton, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tom, Trolinger, Van Zandt, Veale, Venters, Washington, Watts, Wilder, Williams, Winkler, Wood.

There being no quorum present, on motion of Mr. Broadus, the House adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, February 28, 1873.

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present. Absent, Messrs Leyendecker and Michael.

On motion of Mr. Brown of Upshur, Mr. Carroll was excused for an indefinite period. Messrs Morris and Bewley were excused for the day.

The journals of the preceding days were read and adopted.

A message was received from the Senate informing the House that the Senate had passed House bill No. 202, a bill for the relief of William J. Russell, and House concurrent resolution assuring pay of teachers of public schools; and the following bills originating in the Senate: Bill No. 70, to incorporate the city of Lampasas, in the county of Lampasas; bill No. 95, for the relief of Luke G. Lea, and bill No. 98, to incorporate the town of Weatherford.

Mr. Winkler, by leave, called up Senate bill No. 37, to create the county of Rockwall, which was read third time.

Mr. Shaw presented a protest from citizens of Kaufman county against the passage of the bill. Upon calling the roll the bill passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adrance, Allen, Allison, E. Anderson, J. M. Anderson, Berends, Booty, Bordeaux, Broaddus, J. H. Brown, B. W. Brown, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ellett, Ford, Gallaway, Gillette, Gilpin, Green, Harrison, Hoffman, Hollingsworth, Joseph, Kimball, Killough, Lane, Mabry, McDonald, Mills, Nelson, Noeggerath, Phelps Powers, Rainey, Russell, Scott, Shelton, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Washington, Watts, Westfall, Williams and Winkler—55.

Nays—Messrs. Bledsoe, Ireland, Kleberg, Moore, Payne, Prendergast, Roberts, Roseborough, Sayers, Shaw, W. G. Smith, J. T. Smith, Veale and Venters—14.

Mr. Booty, chairman of the Committee on Engrossed Bills, reported as correctly engrossed House bill No. 235, to incorporate the city of Denison.

Mr. Sayers, from the Committee on Engrossed Bills, made the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills respectfully report that they have examined House bills:

No. 29, "An act to provide for the registration of voters."

No. 79, "An act for the relief of the assignee of Antonio Menchaca."

No. 91, "An act to amend an act entitled an act to establish a code of criminal procedure for the State of Texas."

No. 113, "An act concerning landlords and tenants."

No. 120, "An act to amend the twenty-ninth section of an act entitled an act for prescribing the times of holding the District Courts in the several judicial districts in the State."

No. 53, "Relating to appeals to Supreme Court from interlocutory judgments in the District Courts."

No. 162, "An act to authorize the County Court of Comal county to levy a special tax."

No. 179, "An act to authorize the County Court of Falls county to levy and collect a special tax for the purpose therein expressed."

No. 156, "An act to validate the survey of John B. Dillard, and authorize patent to issue on the same."

No. 157, "An act amendatory of and supplementary to an act to incorporate the city of Dallas, in Dallas county, approved April 20, 1871."

No. 182, "An act to authorize the Police Court of Leon county to levy a special tax to build a jail and for other improvements."

No. 183, "An act to prescribe the time of holding the District Court of Leon county, and to regulate proceedings therein."

No. 303, "An act to establish a ferry across the Trinity river at Prewitt's Old Mill."

No. 220, "An act to regulate the compensation of county treasurers."

No. 221 "An act to regulate the testimony of witnesses in cases of bribery."

No. 270, "An act validating certain land titles in Ellis county."

No. 278, "An act to prohibit the sale of vinous and

spirituous liquors within two miles of Midway, Madison county, Texas."

No. 279, "An act to prohibit the sale of intoxicating or spirituous liquors within two miles of Bird's Creek School House, in Bell county, Texas."

No. 281, "An act providing for a special tax in Wise county."

No. 282, "An act to authorize the levy and collection of a special tax in Gonzales county."

And find that the same are correctly engrossed.

On motion of Mr. Broaddus, a bill supplemental to "An act to provide for the establishment of the Agricultural and Mechanical College of Texas," approved April 17, 1871, was made the special order for to-morrow at 11 A. M.

On motion of Mr. Sayers, House bill No. 201, to amend and consolidate the several acts incorporating the town of Gonzales, was taken up, read third time and passed.

On motion of Mr. Ireland, the business on the Speaker's table was taken up and disposed of as follows:

House joint resolution No. 18 $\frac{1}{2}$, ratifying an amendment to the Constitution. Made special order of the day for Monday at 11 o'clock.

Senate joint resolution No. 9, ratifying an amendment to section six of article ten of the Constitution of the State of Texas, proposed by joint resolution of the Legislature of the State of Texas, passed May 17, 1871. Made the special order of the day for Monday next at 11 o'clock.

Senate bill No. 7, to incorporate the Colorado, Austin and Lampasas Railway Company. Read first time and referred to the Committee on Internal Improvements.

Senate bill No. 12, to amend "An act entitled an act to provide for appeals from interlocutory judgments in the district courts of the State, approved November 1, 1871." Read first time.

Senate joint resolution No. 13, authorizing and requiring the Comptroller of Public Accounts to receive and deposit in the Treasury, money belonging to the estate of Charles Kammer, deceased, and to cause to be escheated the land and other effects belonging to said estate. Read first time.

Senate joint resolution No. 17, instructing and requesting our congressional delegation to urge upon Congress

the survey and construction of a ship canal across the peninsula of Florida. Read first time; rule suspended, read second time and passed to a third reading; rule further suspended, read third time and passed.

Senate bill No. 28, to regulate the disposal of the public lands of the State. Read and referred to the Committee on Public Lands.

Senate bill No. 42, conferring the right of suffrage upon such foreign born residents as may have heretofore declared, or may hereafter declare, their intention to become citizens before the clerks of the district courts of the several counties in vacation. Read first time; rule suspended, bill read second time and passed to a third reading; rule further suspended, read third time and passed.

Senate bill No. 54, to incorporate the Hibernian Benevolent and Mutual Aid Association of Austin, Texas. Read first time and referred to the Committee on State Affairs.

Senate bill No. 62, to incorporate the Tyler Real Estate and Building Association. Read first time and referred to the Committee on State Affairs.

Senate bill No. 69, to expedite the decision of criminal cases by the Supreme Court. Read first time; rule suspended, bill read second time and passed to a third reading; rule further suspended, read third time and passed.

Senate bill No. 72, for the relief of Bertha Staffel. Read first time and referred to the Committee on State Affairs.

Senate bill No. 82, for the relief of John S. Menefee. Read first time and referred to the Committee on Private Land Claims.

Senate bill No. 75, to authorize the County Court of Washington county to issue bonds for the purpose of funding the indebtedness of said county, contracted for the building of a jail, and to provide for their payment. Read first time and referred to the Committee on State Affairs.

Senate bill No. 79, to provide for the ascertainment and payment of the liabilities of the county of Washington. Read first time and referred to the Committee on State Affairs.

Senate bill No. 85, concerning proceedings in the district courts. Read first time and referred to Judiciary Committee No. 2.

Senate bill No. 89, to incorporate G. M. Johnson Lodge No. 97 of the Independent Order of Odd Fellows. Read first time.

House bill No. 104, to amend section four of an act entitled "An act to incorporate Paine Female Institute," approved August 6, 1866. Read third time and passed.

House bill No. 109, for the relief of David M. Callahan. Read and referred to the Committee on Judiciary No. 1.

By leave, Mr. Short introduced joint resolution No. 312, providing for the election of delegates to a constitutional convention, and fixing the time for the assemblage of the same. Read first time and referred to the Committee on Constitutional Amendments.

By leave, Mr. Killough introduced House bill No. 311, to make legal and valid an election for mayor and constable of the town of La Grange. Read first time; rule suspended, bill read a second time and ordered engrossed; rule further suspended, read a third time and passed.

House bill No. 121, making an appropriation to pay the mileage and per diem of Presidential electors, was read a third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allen, Allison, Anderson of Montgomery, Anderson of McLennan, Berends, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Brown of Upshur, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gallaway, Ghent, Gillette, Gilpin, Green, Harrison, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Mabry, McDonald, Mills, Moore, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Roberts, Roseborough, Russell, Sayers, Scott, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom. Trolinger, Van Zandt, Veale, Walker, Washington, Westfall, Williams and Winkler—69.

Nay—Mr. Watts—1.

House bill No. 122, to amend an act entitled "An act to amend articles seven hundred and fifty-seven and seven hundred and sixty-six of an act to adopt and establish a penal code for the State of Texas," approved November 12, 1866. Read and re-referred to Judiciary Committee No. 1.

House bill No. 126, for the relief of A. S. Thurmond. Read third time and passed.

House bill No. 144, to amend an act entitled "An act to establish a code of criminal procedure for the State of Texas," approved August 26, 1856. Read third time and passed.

House bill No. 164, to prohibit the sale, or otherwise disposing of intoxicating liquors within two miles of the Acton Masonic Institute, in Hood county. Read third time and passed.

House bill No. 146, to amend "An act to incorporate Austin College," approved November 22, 1849. Read third time and passed.

House bill No. 160, to incorporate the town of Greenville, Hunt county. Read third time and passed.

House bill No. 212, to authorize Alexander English to erect a toll bridge on Bois d'Arc creek, in the county of Fannin. Read third time and passed.

House bill No. 58, to incorporate Odd Fellows Male and Female College, at Pittsburg, Upshur county, Texas. Read third time and passed by a two-thirds vote.

Mr. Cunningham offered the following resolution:

Resolved, That the sergeant-at-arms be required to furnish each of the members of this House, daily, during the present session, with ten copies of the *Daily Democratic Statesman*, five copies of the *Galveston Daily News*, one copy of the *Houston Age*, and one copy of the *Daily State Gazette*."

Mr. Ghent moved to amend by striking out "ten" and inserting "twenty," where it relates to the *Statesman*.

Mr. Killough offered the following as a substitute:

Resolved, That each member of this House be furnished with ten newspapers per day of any kind that he may desire.

On motion, the resolution and substitute were referred to a special committee.

Messrs. J. H. Brown, Broaddus and Ireland were appointed said committee.

House bill No. 99, to amend section twenty-three of an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duty, approved August 13, 1870. Read third time.

Mr. Ireland moved to amend by inserting after the word "may," in the twelfth line of section one, the words "unless the jury be waived. Carried, and bill passed.

House bill No. 127, to authorize Isaac Franklin to erect

a pontoon bridge over the San Antonio river, in the county of Goliad, Texas. Read a third time and passed by a two-thirds vote.

On motion of Mr. Berends, Mr. Nelson was added to the Committee on Education.

On motion of Mr. Sayers, the memorial of citizens of Gonzales county, asking the privilege of levying a special tax to erect a bridge, heretofore referred to the Committee on Roads, Bridges and Ferries, be referred to Judiciary Committee No. —.

On motion of Mr. Brown of Dallas, Hon. Roger Q. Mills was invited to a seat on the floor of the House.

Mr. Berends, by leave, introduced a bill, No. 310, to incorporate the city of San Antonio, and grant a new charter to said city, and to repeal an act entitled "An act to incorporate the city of San Antonio," approved July 17, 1856, and an act entitled "An act to amend the act to incorporate the city of San Antonio," approved February 11, 1860, and an act entitled "An act to incorporate the city of San Antonio and grant a new charter to said city," approved August 13, 1870. Read first time and referred to the Committee on Town and City Corporations.

Mr. Allen presented a protest from citizens of Harris county, against the formation of the county of Hempstead.

Mr. ——— presented the petition of citizens of Austin county, in favor of the formation of the county of Hempstead.

Mr. Smith of Colorado presented protests of about fourteen hundred citizens of Austin county against the formation of Hempstead county—all of which were referred to the Committee on Counties and County Boundaries.

Mr. Walker presented the petition of citizens of Cherokee, asking for the creation of a new county to be called Dillard. Referred to the Committee on Counties and County Boundaries.

Mr. Moore presented a protest of citizens of Harrison county, against the dismemberment of their county.

On motion of Mr. Brown of Dallas, the House adjourned until ten o'clock to-morrow morning.

HOUSE OF REPRESENTATIVES, }
 AUSTIN, TEXAS, March 1, 1873. }

House met pursuant to adjournment. Prayer by Rev. Dr. Rogers. Roll called; quorum present.

On motion, the reading of the journal was hereafter dispensed with.

On motion, Mr. Walker was excused for an indefinite time, on account of sickness in his family.

On motion, Mr. Robb was excused until Tuesday.

On motion, Mr. Manning was excused until Tuesday next.

Mr. Morris moved to have printed one hundred copies of the Governor's estimate of expenditure for the present and ensuing year. Carried.

Petitions and memorials being in order, Mr. Westfall offered a petition of citizens of Liberty, Hill and Williamson counties, asking the passage of "An act to prohibit the sale of intoxicating liquors within three miles of Fairview Academy." Referred to the Committee on Education.

Mr. Tilson offered a petition regarding the sale of liquors, etc. Referred to the Committee on State Affairs.

Mr. Mills offered a petition of the citizens of Walker county, praying to be reimbursed by the State for the support of martial law in said county. Referred to the Committee on State Affairs.

Mr. Berends presented a memorial of the Board of Trade of San Antonio. Read and referred.

Mr. Kleberg presented a remonstrance by the citizens of Yorktown against a petition from citizens in the vicinity of said town, asking to be incorporated in the same. Referred to the Committee on Town and City Corporations.

Mr. Rosborough presented a petition of citizens of Coryell county, asking the passage of a law prohibiting the sale of intoxicating liquors within two miles of Oak Grove Academy, in said county. Referred to the Committee on State Affairs.

Mr. Rosborough presented a petition of citizens of Bell county, asking the passage of a hog law. Referred to the Committee on Agriculture and Stock Raising.

Mr. Tivy presented a petition from the Police Court of

Kerr county, in relation to the court house. Referred to the Committee on State Affairs.

Mr. Tivy presented a petition of citizens of San Antonio, in relation to the Indianola, San Antonio and El Paso Railroad. Referred to the Committee on Internal Improvements.

Mr. Tivy presented a memorial from citizens of Gillespie county, in relation to the Constitutional Amendment and railroad subsidies. Referred to the Committee on Constitutional Amendments.

Mr. Bordeaux presented a petition, praying the issue of a patent to Dr. A. Gordon. Referred to Judiciary Committee No. 1.

Mr. Hollingsworth presented a petition from citizens of Hays county asking for the passage of a liquor law. Referred to Judiciary Committee No. 1.

Mr. Brown, of Dallas, presented a petition of T. C. Jordan. Referred to Judiciary Committee No. 2.

Mr. Brown, of Dallas, presented a petition of the citizens of Dallas county. Referred to the Committee on State Affairs.

Mr. Rosborough presented a remonstrance of citizens of Bell county against the proposed new county of Florence. Referred to the Committee on Counties and County Boundaries.

A message from the Senate announced the passage by that body of the following concurrent resolution:

Resolved by the Senate, the House concurring, That the joint committee appointed to investigate the charges against Judge T. C. Barden be authorized to employ a clerk.

On motion, the rules were suspended to allow the introduction of bills.

Mr. Payne introduced a bill to authorize the County Court of Goliad county to levy and collect a special tax for the purpose of building a court house. Read; the rules suspended, read a second time by caption and ordered engrossed. The rules were then further suspended, the bill considered engrossed, read a third time by caption and passed by a two-thirds vote.

Mr. Payne introduced a bill to amend section second of an act entitled "An act to incorporate the town of Yorktown," approved May 22, 1871. Referred to the Committee on Town and City Corporations.

Mr. Payne introduced a bill to amend sections one and two of an act entitled "An act further regulating proceedings in the several courts of the State of Texas," approved May 19, 1871. Referred to Judiciary Committee No. 1.

Mr. Payne introduced a bill to repeal Section sixty of an act entitled "An act concerning private corporations," approved December 2, 1871. Referred to the Committee on Town and City Corporations.

Mr. Payne introduced a bill to provide for a change of venue in civil causes. Referred to Judiciary Committee No. 1.

Mr. Tom introduced a bill to enlarge the county of Medina. Referred to the Committee on Counties and County Boundaries.

Mr. Gillette introduced a bill to be entitled "An act to prohibit the sale of spirituous liquors in certain places in the State of Texas." Referred to the Committee on State Affairs.

Mr. Rainey introduced a bill to amend Article 3733, Paschal's Digest, in reference to depositions. Referred to Judiciary Committee No. 1.

Mr. Rainey introduced a bill to amend article —, Paschal's Digest. Referred to Judiciary Committee No. 1.

Mr. Hollingsworth introduced a bill to authorize the County Court of Comanche county to issue bonds for certain purposes. Referred to the Committee on Counties and County Boundaries.

Mr. Winkler introduced a bill to amend the ninetieth section of an act entitled "An act to regulate proceedings in the district courts," approved May 13, 1846. Referred to Judiciary Committee No. 2.

Mr. Bledsoe introduced a bill to be entitled "An act prohibiting the sale of intoxicating liquors within two miles of Valley Mills Academy in Bosque county." Referred to the Committee on Education.

Mr. Bledsoe introduced a bill to be entitled "An act prohibiting the sale or disposal of intoxicating liquors within five miles of the academy in the town of Clifton, Bosque county." Referred to the Committee on Education.

Mr. Prendergast introduced a bill to be entitled "An act to incorporate Mount Calm Masonic Institute." Referred to the Committee on State Affairs.

Mr. Prendergast introduced a bill to be entitled "An act to prohibit the sale or disposition of spiritous, vinous or other intoxicating liquors within three miles of Mount Calm Masonic Institute." Referred to the Committee on State Affairs.

Mr. Venters introduced a bill to amend an act entitled "An act to incorporate the town of Pilot Point, Denton county," passed October 8, 1866. Referred to the Committee on Town and City Corporations.

Mr. Venters introduced a bill to be entitled "An act to re-incorporate the town of Denton, in the county of Denton, State of Texas." Referred to the Committee on Town and City Corporations.

Mr. Tivy introduced a bill to authorize the County Court of Kerr county to issue bonds for the building of a court house in said county. Referred to the Committee on State Affairs.

Mr. Allison offered the following resolution :

Resolved, That Judiciary Committee No. 1 be requested to draft and present a bill making the act of borrowing property, or any valuable thing, and not returning the same as promised or agreed upon, but converting it to their own use, theft.

Adopted.

Mr. Kleberg presented the following concurrent resolution :

WHEREAS, The Superintendent of Immigration has caused the coming to Texas of Messrs. Bernhard Wankentine and J. B. Schmidt, a delegation of Menonites from the Crimea, in Russia, who visit America with the view of finding suitable lands to migrate to and settle about 40,000 souls; and,

Whereas, The said delegation represents a class of people well known for their industry, intelligence and moral worth, who seek a home in the land of freedom, in which they may enjoy religious and civil liberty, and to escape from the iron heel of their present ruler; and,

Whereas, Their coming to Texas will not only add largely to our population, but produce the cultivation of our soil, the development of the resources of our State, and thus enhance our material wealth; and,

Whereas, These people have expressed a desire to come to our State in preference to any other State in the Union; *provided*, that the Legislature of this State will

offer them such inducements as would justify their coming to this country; therefore,

Be it resolved by the House of Representatives, the Senate concurring, That we extend a cordial invitation to the people in the preamble above mentioned to migrate to our country, and promise to offer them every inducement to come to our State that lies within our power, and which is not inconsistent with the best interests of our State.

Pending the discussion, the hour for the special order arrived, but, on motion, it was deferred for an hour.

After further discussion, Mr. Russell offered the following amendment: "*Provided*, said immigrants will perform all duties required of other citizens of Texas."

Mr. Killough moved the previous question, which, being seconded, was put and carried.

The resolution was then adopted.

Mr. Trolinger moved to take up the bill incorporating the town of Denison, with the Senate amendments thereto. Carried.

The amendments were then read as follows: Sixth section, third line, strike out "December" and insert "June."

In line twenty-three, second page, strike out the name of H. C. Taylor, and insert the name of F. P. Baker.

On motion the amendments were adopted, and the bill, thus amended, passed.

The Senate concurrent resolution, granting the committee to investigate the charges against Judge T. C. Bardeen a clerk, was taken up and passed.

On motion of Mr. Broaddus, the bill relating to the Agricultural and Mechanical College of the State of Texas, was made the special order for Thursday next at 11 A. M.

The Committee on Enrolled Bills reported as follows: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Your Committee on Enrolled Bills, have carefully examined House bill No. 112, "An act to amend an act prescribing the times of holding the District Courts in the several judicial districts in the State, approved August 10, 1870; approved October 13, 1871," and find the same correctly enrolled, and have presented the same this day to the Governor for his signature.

SHAW, Chairman.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 8, "An act to incorporate the city of Sulphur Springs, in the county of Hopkins," and find the same correctly enrolled, and have this day presented the same to the Governor for his signature.

SHAW, Chairman.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 202, "An act for the relief of Wm. J. Russell," and find the same correctly enrolled, and have presented the same this day to the Governor for his signature.

SHAW, Chairman.

The Committee on Engrossed Bills reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills have carefully examined House bills, as follows :

No. 85, "An act directing the publication of the expenditures, assets and indebtedness of the several counties."

No. 141, "An act to amend article seven hundred and seventy-three, b, of the penal code of the State of Texas."

No. 166, "An act to amend chapter six, title ten, of the penal code."

No. 188, "An act supplementary to and amendatory of an act to regulate the disposal of the public lands of the State of Texas, approved August 12, 1870."

No. 269, "An act to authorize Howard Keys and his associates to construct a toll bridge across the Sabine river, at Crockett's Bluff."

No. 283, "An act regulating the survey of the land certificates of railroads and other private corporations, and declaring the law touching the sections reserved."

No. 290, "Joint resolution concerning the debt of Texas."

No. 311, "An act to make legal and valid an election

for mayor, aldermen and constable of the town of La Grange," and find the same correctly engrossed.

BOOTY, Chairman.

By special leave, Mr. Ireland introduced a bill making an appropriation to pay the salaries of supreme and district judges, and district attorneys. Referred to the Committee on Finance.

Also bill supplementary to and amendatory of the several acts concerning injunctions. Referred to Judiciary Committee No. 2.

On motion of Mr. Morris, the rules were suspended and the Finance bill taken up and read a third time.

Mr. Anderson of McLennan offered the following amendment to section four:

"Provided, that the payment of the interest that may fall due on the bonds sold, and the setting aside of the amount to be set aside for the sinking fund, shall be first provided for out of the general revenue of the State, and the Governor, Comptroller and Treasurer of the State shall pay the interest on the bonds as it falls due."

Adopted.

The bill was then put upon its final passage, and the yeas and nays being called, resulted as follows:

Yeas—Messrs. Speaker, Abbot, Adriance, Allen, Allison, Anderson of McLennan, Berends, Bewley, Bledsoe, Booty, Broaddus, Brown of Dallas, Brown of Upshur, Chambers, Cunningham, Davenport, Day, Doyle, Eastland, Ellett, Ford, Gallaway, Gillette, Gilpin, Green, Harrison, Hoffman, Hollingsworth, Joseph, Kemble, Killeough, Kleberg, Lane, Mabry, McDonald, Michael, Moore, Morris, Nelson, Noeggerath, Payne, Powers, Phelps, Roberts, Rosborough, Salter, Shaw, Shelton, Thurmond, Tilson, Tivy, Trolinger, Van Zandt, Veale, Venters, Washington, Watts, Williams, and Winkler—59.

Nays—Messrs. Ghent, Ireland, Prendergast, Rainey, Rimes, Russell, Scott, Short, Smith of Colorado, Storey, Tom and Westfall—12.

Whereupon the bill was declared passed.

Mr. Brown of Dallas moved to take up the bill in relation to fences in certain counties. Carried.

Mr. Bordeaux moved to amend by adding Clay and Grayson counties.

Mr. Green moved to amend by adding Austin, Fort Bend and Wharton counties.

Mr. Anderson of McLennan moved the previous question, which was seconded, put and carried. The bill was then ordered engrossed.

On motion, the rules were suspended, the bill read by caption a third time and passed.

On motion of Mr. Rainey, the bill for the protection of the farming interests of the State was taken up and read.

A substitute therefor, submitted by the Committee on Agriculture and Stock Raising, was then read and adopted.

On motion of Mr. Nelson, the bill was made the special order for 11 A. M. Wednesday next, and one hundred copies ordered printed.

On motion of Mr. Brown of Dallas, one hundred copies of the bill regulating the keeping and bearing of arms were ordered printed.

By special leave, Mr. Hollingsworth introduced a bill amending the twenty-fifth section of an act entitled "An act to encourage stock raising and for the protection of stock raisers," approved May 22, 1871. Referred to the Committee on Agriculture and Stock Raising.

Mr. Killough introduced a bill granting a pension to Jessie Burnham, a veteran of the revolution which separated Texas from Mexico. Referred to to the Committee on State Affairs.

Mr. Ghent introduced a bill authorizing J. W. McCullough to establish a ferry across Little River, Milam county. Referred to the Committee on Roads, Bridges and Ferries.

On motion of Mr. Denton, the House adjourned until 10 A. M. Monday.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, March 3, 1873.

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

The following gentlemen failed to answer to their names:
Messrs. Ellett, Walker and Wilder.

On motion, the reading of the journal was dispensed with.

General John B. Gordon, member of Congress from Georgia, was invited to a seat within the bar and the freedom of the House was tendered him.

Memorials and petitions being in order, Mr. Bledsoe presented a memorial of citizens of Bosque county, asking for a special election to permanently locate the county seat. Referred to the Committee on Counties and County Boundaries.

Mr. Smith of Colorado presented a memorial asking the incorporation of the town of Nelsonville. Referred to the Committee on Towns and City Corporations. By special leave, Mr. Ghent offered the following resolution:

Resolved, That the Speaker appoint a committee of three to wait upon Gen. John B. Gordon, United States Senator elect from Georgia, and invite him to address the Legislature and citizens in this hall on such evening as may suit his convenience.

Adopted.

Messrs. Ghent, Bordeaux and Wood were appointed on the committee.

Hon. J. F. Duncan, member of the House of Representatives of the State of Iowa, was invited to a seat within the bar, and the freedom of the House tendered him.

Reports of Committees being in order, Judiciary Committee No. 1 reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Judiciary Committee No. 1, to whom was referred the Memorial of Judge Nat. M. Burford, have had the same under consideration and have instructed me to state that we are not satisfied that his claim to an increase of salary, as the Judge of the Sixteenth District to which he was elected in 1856, can be allowed by law, but to report a bill to authorize him to sue the State and let the matter be determined by the courts, whether he was entitled to it or not, and I do herewith report such a bill and recommend its passage.

GEO. W. SMITH, Chairman.

The bill, being a bill entitled "An act for the relief of the Hon. Nat. M. Burford," was read, read second time under suspension of the rules and ordered engrossed.

Second report from same committee ::

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 142, and the petition of certain citizens of

Menard county, and the bill reported by the Committee on Counties and County Boundaries, have considered the same, and instruct me to report a bill as a substitute for them both and to recommend its adoption and passage.

GEO. W. SMITH, Chairman.

The substitute, being a bill to enlarge the area of Menard county, was read and adopted, and ordered engrossed. On motion the rules were suspended, the bill read a third time and passed.

Third report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Judiciary Committee No. 1, to whom was referred Senate bill No. 34, entitled "An act to amend section second of an act entitled an act further regulating proceedings in the several courts of the State of Texas, approved May 19, 1871," have had the same under consideration, and have instructed me to report the bill, with the engrossed rider, to the House and request that it do not pass.

GEO. W. SMITH, Chairman.

The report was adopted.

Judiciary Committee No. 2 reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House bill No. 267, amending penal code, beg leave to report said bill back with the recommendation that said bill do pass.

IRELAND, Chairman.

The bill, being an act to amend Articles 412 and 418 of the penal code, as amended by act passed May 11, 1871, was read a second time and ordered engrossed.

The same committee reported further as follows ;

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House bill No. 272, to authorize Mrs. L. A. Davenport to keep and run a ferry and erect a toll bridge over the Lake Fork of Sabine river, in Wood county, beg leave to report said bill back to the House with the recommendation that the same do pass.

IRELAND, Chairman.

Mr. Russell offered the following amendment :

“*Provided*, this act shall not be so construed as to interfere with the rights of Wood county in keeping up and running a free bridge already built by said county, at or near the place where the said ferry, bridge and toll-gate is to be erected, but nothing in this proviso shall be so construed as to prohibit the courts from settling the question as to the right of Wood county to said bridge.”

On motion, the bill and amendment were re-committed to Judiciary Committee No. 1.

The same committee reported further as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee, to whom was referred House bill No. 238, an act to authorize the levy of writs of execution, attachment and sequestration on neat cattle as they run in the range, beg leave to report the same back and recommend its passage.

IRELAND, Chairman.

The bill was read a second time and ordered engrossed.

The same committee reported further as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House bill No. 286, being a bill to be entitled “An act to suppress gambling,” beg leave to report the same back with the recommendation that the same do pass.

IRELAND, Chairman.

On motion, the bill was laid on the table and one hundred copies ordered printed.

The same committee reported further as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House bill No. 263, a bill to prohibit the establishment or use of ten pin alleys within three miles of any town or village in Montgomery county, beg leave to report the said bill back with the remark that the subject matter of said bill is covered by the provisions of a bill general in its character, on the same subject, and the committee therefore recommend that said bill do not pass. (See House bill No. 267.)

IRELAND, Chairman.

The report was adopted.

The same committee reported further as follows:
Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred House bill No. 287, being a bill authorizing the County Court of Bosque county to levy a tax for the purpose of building a court house and jail, beg leave to report the same back with the recommendation that the same do pass.

IRELAND, Chairman.

The bill was read a second time and ordered engrossed. By special leave, Mr. Russell introduced a bill to incorporate the town of Quitman, in Wood county. Referred to the Committee on Town and City Corporations.

Mr. Mills introduced a bill making an appropriation for the payment of the teachers of the public free schools of this State. Referred to the Committee on Education.

Mr. Brown of Dallas introduced a bill to authorize the county of Dallas to issue bonds. Referred to the Committee on State Affairs.

The special order, being a "Joint resolution ratifying a proposed amendment to the Constitution," was then taken up and read a second time.

Pending the discussion of the measure, the secretary of the Senate announced the passage by that body of the following House bills: No. 101, "An act granting a charter to Hugh P. Clark to create and keep and run a ferry-boat at or near the north-east corner of the Hugh Neal survey, on Sabnie river, in Van Zandt county;" No. 157, "An act amendatory of and supplementary to an act to incorporate the city of Dallas, in Dallas county, approved April 20, 1871;" No. 201, "An act to amend and consolidate the several acts incorporating the town of Gonzales;" No. 160, "An act to incorporate the town of Greenville, Hunt county."

On motion, Mr. Broaddus was excused one week on account of sickness in his family.

On motion of Mr. Anderson of McLennan, the House adjourned until half-past ten A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, March 4, 1873. }

House met pursuant to adjournment. Prayer by Rev. Mr. Sweeney. Roll called; quorum present.

The following gentlemen failed to answer to their names:

Messrs. Gaston, Hester, and Leyendecker.

Mr. Short was, on motion, excused for the day on account of sickness in his family.

Mr. Killough was indefinitely excused for same reason.

Mr. Rainey was excused for the day on account of sickness.

Mr. Bledsoe was excused for eight days.

By special leave Mr. Broaddus introduced the following bill:

A bill to be entitled "An act making an appropriation to defray the contingent expenses of the first session of the Thirteenth Legislature."

The bill having been read, the rules were suspended and the bill read a second time.

Mr. Mills moved to refer the bill to the Committee on Finance. Lost.

Mr. Sayers moved to amend the bill by inserting "the first session." Adopted.

The bill was then ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allen, Allison, Anderson of Montgomery, Anderson of McLennan, Armstrong, Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Brown of Upshur, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ellett, Ford, Gallaway, Ghent, Gillette, Gilpin, Green, Harrison, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Kleberg, Lane, Mabry, Manning, McDonald, Michael, Moore, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rimes, Robb, Roberts, Rosborough, Russell, Salter, Sayers, Scott, Shaw, Shelton, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Venters, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood

—75.

Nay—Mr. Mills—1.

By leave the special committee to wait upon General John B. Gordon reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : Your committee to whom was assigned the duty of inviting Gen. Gordon to address the Legislature and citizens, respectfully report the following correspondence :

H. C. GHENT,
R. H. BORDEAUX, } Committee.
W. D. WOOD.

HOUSE OF REPRESENTATIVES, }
AUSTIN, March 3, 1873. }

Hon. John B. Gordon :

DEAR SIR : By resolution of the House of Representatives, we were appointed a committee to invite you to address the Legislature and citizens on any evening which may suit your convenience. Please designate a day when you will comply with the unanimous wish of our House.

H. C. GHENT,
R. H. BORDEAUX, } Committee.
W. D. WOOD.

AUSTIN, March 3, 1873.

Messrs. H. C. Ghent, R. H. Bordeaux, W. D. Wood, Committee :

GENTLEMEN : I have your note of this date, in which you notify me of the passage of a resolution by your body, inviting me to address the Legislature and citizens, and asking me to designate a day when it will be convenient for me to comply with this request.

This invitation is so flattering, that I regret my inability to comply at once. I am compelled to leave the city this afternoon. It is my purpose, however, to return to Texas within the next few weeks, when it will give me pleasure to address the Legislature upon some subject of general interest—the time then to be indicated.

With the expression of my thanks for the compliment paid me, I am, gentlemen,

Very respectfully, yours,
J. B. GORDON.

The committee on newspapers reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The special committee to whom was referred the resolution and substitute, providing for taking newspapers for the information of the people, after mature consideration, respectfully report back the accompanying resolutions as a substitute, and recommend their adoption.

J. H. BROWN, Chairman.

JNO. IRELAND.

A. S. BROADDUS.

Resolved, That each member of the House, who may desire to do so, shall be entitled to take, through the sergeant-at-arms, ten copies of the daily *Statesman*, a newspaper published in the city of Austin, for the purpose of sending regularly one copy each to the district clerks and justices of the peace within his district, so far as practicable, to be by such officer kept for the perusal of the people; *provided,* however, that said newspaper shall regularly publish in full the journals of the House of Representatives.

Resolved, That members of the House, not wishing to take said daily paper as aforesaid, shall have the right, as aforesaid, to take ten copies of any other paper, whether daily or weekly, which may publish a full and fair synopsis of the proceedings of the House of Representatives; said papers to be distributed in like manner as provided in the preceding resolution.

Resolved, That the sergeant-at-arms shall, within . . . days, make out a list of all papers ordered as aforesaid, and that said papers shall be paid for out of the contingent fund of the House; *provided,* that the cost of said papers shall not exceed the regular published rates of subscription of such newspapers.

Mr. Bordeaux moved to strike out "ten" where it occurs and insert "twenty."

Mr. Brown of Dallas, moved to lay that motion on the table. Carried.

Mr. Morris moved to amend by inserting "five" in place of "ten."

Mr. Harrison moved to amend by striking out the words "district clerks and justices of the peace," and insert "constituents."

Mr. Brown of Dallas moved to lay that motion on the table. Lost.

Mr. Booty offered the following substitute: Amend by striking out all that portion of the resolution that directs in what manner these papers shall be distributed. Adopted.

The resolution was then adopted.

The Committee on Engrossed Bills reported as follows: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Your Committee on Engrossed Bills have carefully examined the following House bills:

No. 16, "An act to amend the first section of an act entitled an act to amend the seventy-first and ninety-second sections of an act to regulate proceedings in the district court, approved May 13, 1846."

No. 29, "An act in relation to fences in certain counties."

No. 131, "An act for the relief of Obadiah Marsh."

No. 149, "An act to amend an act entitled an act incorporating the Galveston Artillery Company, approved January 30, 1841."

No. 181, "An act for the sale of State bonds to meet the liabilities due from the State of Texas."

No. 315, "An act to authorize the County Court of Goliad county to levy and collect a special tax, for the purpose of building a court house," and find the same correctly engrossed.

BOOTY, Chairman.

The Speaker then announced the unfinished business of yesterday, being the Senate resolution ratifying the proposed amendment to the Constitution, was in order.

The resolution was discussed until half past twelve, when, on motion, its further discussion was postponed until 10:30 A. M. to-morrow, and made the special order for that time.

By leave, Mr. Bordeaux introduced a bill to be entitled "An act to provide for the sale and settlement of the public school lands of the State." Referred to a special committee composed of the following gentlemen: Nelson, Chairman; Anderson of McLennan, Doyle, Chambers, Bordeaux, Westfall and Kleberg.

On motion, the rules were suspended for fifteen minutes, to allow the introduction of bills.

Mr. Ireland introduced an act making an appropriation in favor of B. Radky. Referred to the Committee on Claims and Accounts.

Also, an act validating a certain land warrant. Referred to the Committee on Private Land Claims.

Also, an act to provide for the pay of witnesses in certain State cases. Referred to Judiciary Committee No. 2.

Mr. Davenport introduced a bill to incorporate Leon River Bridge Company. Referred to the Committee on Roads, Bridges and Ferries.

Mr. Westfall introduced a bill to be entitled "An act for the relief of Henry C. Davis, assignee of William S. Williamson and John Steel." Referred to the Committee on Public Lands.

Mr. Davenport introduced a bill to be entitled "An act to prohibit the sale of intoxicating liquors within certain limits of Jonesborough School, in Coryelle county." Referred to the Committee on Education.

Mr. Ireland introduced a bill to make provision for the better security of funds in the treasury of the State. Laid on the table and one hundred copies ordered printed.

Mr. Watts introduced a joint resolution concerning the surveyor's office of Liberty county. Referred to the Committee on State Affairs.

Also a bill to be entitled "An act to amend section ninety of an act entitled an act to regulate proceedings in the district court, approved May 13, 1846." Referred to Judiciary Committee No. 2.

Mr. Kemble introduced a bill to be entitled "An act regulating the disposition of fines and forfeitures in the Mayor's Court of Waxahachie." Referred to Judiciary Committee No. 2.

Mr. Ellett introduced a bill to require railroad companies to renew their securities to the State for moneys borrowed from the State. Referred to Committee on Internal Improvements.

Mr. Brown of Dallas introduced a bill for the relief of the heirs of Joseph Daniels. Referred to Committee on Private Land Claims.

Mr. Salter introduced a bill legalizing the acts of T. A. Menifee, justice of the peace, Robertson county. Referred to Judiciary Committee No. 1.

Also, a bill authorizing the cancellation of titles of lands in conflict, and the issuance of certificate therefor.

Mr. Smith of Colorado introduced a bill to regulate the fees of office. Referred to Judiciary Committee No. 1.

Mr. Westfall introduced a bill for the relief of the heirs

of Eli Kirk, deceased. Referred to Committee on Claims and Accounts.

Mr. Salter introduced a bill to incorporate Owensville High School. Referred to Committee on Town and City Corporations.

Mr. Short introduced a bill to amend the third section of "An act supplementary to an act to provide for the payment of the public debt of the State of Texas, approved May 2, 1871." Referred to the Committee on Finance.

Mr. Ellett offered the following resolution :

Resolved, That a committee of five be appointed to examine the books of the General Land Office and ascertain the number of railroad certificates that have been issued and for what amount; and if any company or corporation has received certificates they were not entitled to, and report by bill or otherwise.

Adopted.

The following gentlemen were appointed the committee provided for: Messrs. Ellett, chairman; Booty, Kemble, Tilson and Tivy.

Petitions and memorials being in order, Mr. Ireland offered a petition of citizens of Helena, Karnes county, against the sale of liquors in certain limits. Referred to Committee on Town and City Corporations.

Mr. offered a remonstrance of E. W. Bush against the formation of the county of Dillard out of the territory of the county of Cherokee. Referred to Committee on Counties and County Boundaries.

Mr. Robb offered a petition of citizens of Angelina county, asking for release of State tax; also, the power to collect a special tax to build a court house. Referred to Committee on State Affairs.

Mr. Westfall offered a petition of citizens of Bluffton, asking the passage of an act prohibiting the sale of intoxicating liquors within three miles of Bluffton school. Referred to the Committee on Education.

Mr. Harrison offered a petition of citizens of Van Zandt county, for relief of Wyatt. Referred to the Committee on State Affairs.

On motion of Mr. Winkler, the House adjourned until 10 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
 AUSTIN, TEXAS, March 5, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

The following gentlemen failed to answer to their names:

Messrs. Short and Walker.

On motion, Messrs. Gaston, Hester and Leyendecker were excused for an indefinite period.

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

No. 212, "An act to authorize Alexander English to erect a toll bridge on Bois d'Arc creek, in the county of Fannin."

No. 10, "An act to legalize and make valid the recent election in Wilson county."

No. 282, "An act to authorize the levy and collection of a special tax in Gonzales county."

No. 233, "An act regulating elections," with the amendments made to the last named bill.

On motion the reading of the journal of yesterday was dispensed with.

By special leave, Mr. Powers introduced a joint resolution concerning the summoning of witnesses before the several committees of the two houses of the Legislature.

Read; the rules suspended, read a second time and ordered engrossed.

The rules were then further suspended, the bill read a third time and passed.

By leave, the Committee on Education reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Education, to whom was referred memorial from the citizens of Leesburg, Gonzales county, ask leave to present to the House, a bill providing for the prohibition of the sale of liquors, and recommend its passage,

RAINEY, for Committee.

The bill to prevent the sale or disposal of spirituous liquors at Leesburg, Gonzales county, was read; the rules suspended, read second time and ordered engrossed.

The rules were then further suspended, the bill read a third time and passed.

Further report from same committee, as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

Sir: Your Committee on Education, to whom was referred House bill No. 340, which makes an appropriation for the payment of teachers of the public schools, have carefully examined this bill, and unanimously recommend its passage.

RAINEY, for Committee.

The bill making an appropriation for the payment of the teachers of the public free schools of this State, was read a second time and ordered engrossed :

On motion, the bill was recommitted to the Committee on Education.

Mr. Winkler introduced a bill to provide for the revision of the Constitution of the State of Texas. Read and referred to the Committee on Constitutional Amendments.

The following message was received from his Excellency the Governor :

To the Senate and House of Representatives of the State of Texas :

GENTLEMEN: In my annual message to your body, I mentioned the condition in which I had found the State Treasury, when vacated by the late Treasurer, Mr. Honey. I recall to your attention, and repeat what I then stated in that regard. I further invited "a close scrutiny of the accounts and disbursements of all State officers."

The Comptroller's and Treasurer's offices, because they regulate the finances of the State, and disburse the taxes drawn from the people, require especially a rigid examination; but so far, I believe, no progress in that direction has been made by you, owing, probably, to the pressure of other business.

To the end that the Legislature and the public may fully understand the condition of the Treasury, and the management of that and the Comptroller's office, I have concluded to request the appointment of a joint committee of both houses, with authority in the committee to appoint good accountants for the purpose of a thorough examination, and with plenary power to send for persons

and papers, and I suggest that an adequate appropriation therefor be made.

I have to recommend that the committee be directed and empowered to inquire :

1. Whether there was any deficiency of funds in the Treasury when Mr. Honey vacated the office, and the amount thereof.

2. Whether or not the Treasury has been used for shaving the State warrants, and the extent of its use in that way.

3. Whether the accounts of the Treasurer have been regularly balanced by the Comptroller at the end of each quarter, as required by law. (Article 5432, Paschal's Digest.)

4. Whether at any time there was collusion between the Comptroller or any of his clerks, and the Treasurer, in regard to shaving warrants at the Treasury.

5. Whether the Comptroller's office is competently managed, and whether the books and accounts therein are kept correctly, and in such manner as to show the true condition of the finances.

6. Whether the Comptroller has duly paid into the Treasury all monies received by him from taxes and other sources, and belonging to the State.

7. Whether the Comptroller has drawn money from the Treasury, and permitted the same to be used for other purpose than as directed by law.

8. Whether the Comptroller or any of his clerks have profited by way of per centage retained on any contracts for work done for his office.

Very respectfully,

EDMUND J. DAVIS, Governor.

Mr. Wood offered the following resolution :

Resolved, That a committee of three be appointed by the Speaker to investigate the Treasurer's and Comptroller's offices of this State, in response to the message of His Excellency the Governor on this subject, and to act in conjunction with a like committee on the part of the Senate, and that said committee be authorized to send for persons and papers, and to compel the attendance of witnesses and the production of books and papers, and to adopt such rules to effectuate the same, and to employ the necessary accountants to aid the committee in their labors.

Adopted.

The Speaker appointed the following gentlemen on the committee :

Messrs. Wood, Adriance and Van Zandt.

On motion, the rules were suspended for ten minutes to allow the introduction of bills, resolutions, etc.

Mr. Allison presented a bill to amend "An act to organize the courts of justices of the peace and County Courts, and to define their jurisdiction and duties," approved August 13, 1870. Referred to Judiciary Committee No. 1.

Mr. Kemble offered memorials relating to the traffic in intoxicating liquors by citizens of the following counties : Bosque, Bee, Brazos, Cass, Calhoun, Denton, DeWitt, Dallas, Ellis, Fannin, Freestone, Guadalupe, Galveston, Hood, Jackson, Limestone, Lamar, Leon, Milam, Navarro, Palo Pinto, Smith, Sabine, Tarrant, Travis, Titus, Upshur, Victoria, Williamson, Wilson, Grayson, McLennan, Hays and Cooke. Referred to Judiciary Committee No. 2.

Mr. Morris presented an account of the Galveston *News*. Referred to the Committee on Finance.

Mr. Smith, of Colorado, presented a bill to validate the quadruplicate certificate for one league and one labor, issued April 4, 1872, to the heirs of Nathan Nixon, deceased. Referred to Judiciary Committee No. 1.

Mr. Brown, of Upshur, offered the following resolution :

Resolved, That the committee raised to inspect the Lunatic Asylum be and the same are hereby instructed to take into consideration the Blind, and Deaf and Dumb Asylums also.

Adopted.

Mr. Wood presented a bill for the relief of the heirs-at-law of Thos. A. Culton. Referred to the Committee on Public Lands and Land Office.

Mr. Rimes presented a bill to provide compensation to citizens living at a county site, from which the court house may hereafter be removed. Referred to Judiciary Committee No. 1.

Mr. Kemble introduced a bill to incorporate Marvin college. Referred to the Committee on State Affairs.

Mr. Westfall presented a bill making an appropriation to pay Lieut. J. A. Wright's company of minute men for extra services. Referred to the Committee on Military affairs.

Mr Ford presented a bill to protect the public against nuisances. Referred to the Committee on State Affairs.

Mr. Green introduced the following resolution :

Resolved, That the Speaker is hereby requested to appoint Capt. J. B. McCowan postmaster of the House of Representatives of the Thirteenth Legislature of the State of Texas.

Mr. Allen moved to strike out the name and authorize the Speaker to appoint whoever he deemed proper.

On motion of Mr. Denton, the resolution and amendment were laid on the table.

The special order, being the resolution to ratify the proposed amendment to the Constitution, was then taken up.

Pending the discussion a message was received from the Senate, announcing the passage by that body of House bill No. 341, making an appropriation to defray the contingent expenses of the first session of the Thirteenth Legislature of the State of Texas, with an amendment by that body. Adopted.

Mr. Allen moved to suspend the further consideration of the special order until 11 A. M. to-morrow, and make it the special order for that time. Carried.

House bill, making an appropriation to defray the expenses of the first session of the Thirteenth Legislature, was then taken up, and the Senate amendment thereto read, being as follows: Strike out "\$10,000," and insert "\$20,000." The amendment was adopted, and the bill thus amended passed.

House bill No. 155, for the protection of the farming interests of the State, was taken up. On motion, it was postponed until Friday next at 10 A. M., and made the special order for that time.

Mr. Denton moved to adjourn until 7:30 P. M.

Mr. Mills moved to amend by inserting "until 10 A. M. to-morrow."

Division being called for, resulted as follows: yeas, 39; nays, 34; whereupon the House was declared adjourned.

HOUSE OF REPRESENTATIVES, }
 AUSTIN, TEXAS, March 6, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called ; quorum present.

Messrs. Michael and Morris were absent.

On motion the reading of the journal was dispensed with.

Petitions and memorials being in order, Mr. Powers offered a memorial of Hon. T. C. Barden, complaining of the action of the joint committee of investigation in regard to taking testimony. Referred to Judiciary Committee No. 1.

Mr. Payne offered a petition of citizens of Bee county in relation to a stock law. Referred to the Committee on Agriculture and Stock Raising.

Mr. Russell offered a petition of B. N. McBride, attorney for McNut and others. Referred to the Committee on Private Land Claims.

Mr. Hollingsworth offered a petition of the County Court of Comanche county. Referred to the Committee on State Affairs.

Mr. Nelson offered a memorial from citizens of Hopkins county. Referred to Judiciary Committee No. 2.

Mr. Bordeaux offered a petition of certain citizens of Cooke county, in relation to fences. Referred to the Committee on Agriculture and Stock Raising.

A message from the Senate announced the passage, by that body, of House bill No. 85, directing the publication of the expenditures, assets and indebtedness of the several counties ; also Senate joint resolution, concerning the debt of Texas.

Reports of committees being taken up, Judiciary Committee No. 2 reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House bill No. 297, "An act to prevent horse racing in any city, town or village," beg leave to report the same back, and recommend its passage.

IRELAND, Chairman.

The bill was read a second time, and ordered engrossed.

On motion the order to engross was reconsidered, and Mr. Bewley offered a substitute therefor.

On motion the bill and substitute were recommitted to Judiciary Committee No. 2, by a rising vote of thirty-three to thirty-two.

The same committee reported further as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House bill No. 296, "An act to amend the fourteenth section of an act concerning conveyances, approved February 5, 1840," beg leave to report the same back, with the recommendation that the same do not pass.

IRELAND, Chairman.

Report adopted.

The same committee reported further as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee on Judiciary No. 2, to whom was referred a bill entitled "An act to authorize the county of Marion to audit and fund the debt of said county," have had the same under consideration, and have instructed me to report the same back to the House with the recommendation that it do pass.

W. H. TILSON for Committee.

The reading of the bill being dispensed with it, was ordered engrossed. On motion the rules were suspended, the bill read by caption a third time and passed.

By leave Mr. Mills introduced a bill more clearly defining the duties of the Secretary of State and other State officers. Referred to the Committee on State Affairs.

By leave, Mr. Morris introduced a bill in relation to the disposition of the school lands. Referred to the Committee on State Affairs.

The Committee on Internal Improvements reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House bill No. 66, "An act to amend an act to incorporate the Dallas and Wichita Railroad Company," have considered the same, and instructed me to report the same back to the House with the recommendation that it do pass.

PAYNE, for Committee.

The bill was read a second time, and the report and bill laid on the table, and one hundred copies thereof ordered printed.

The same committee reported further as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on Internal Improvements, to whom was referred a Senate and House bill, to be entitled, "An act amendatory of and supplemental to an act entitled an act amendatory of and supplemental to act entitled an act to incorporate the Sabine and Galveston Bay Railroad and Lumber Company, passed September 1, 1856, passed December 24, 1859, which act changed the name of said company to the Texas and New Orleans Railroad Company," have carefully and maturely considered the same, section by section, and unanimously instruct me to report the same back to the House, and recommend the passage of the Senate bill as a substitute for the House bill, with the accompanying amendment.

J. H. BROWN, Chairman *pro tem.*

Amendment offered by the committee: Strike out all of section two after the word "company," in the twelfth line of said section, as per Senate bill.

The Senate bill was adopted in lieu of the House bill of same purport.

The amendment offered by the committee was then adopted.

Mr. Mills moved to make it the special order for Thursday next at 11 A. M. Lost.

The bill was then read a second time.

On motion, the rules were suspended, the bill read a third time and passed by a two-thirds vote.

The chairman of the Committee on State Affairs reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on State Affairs herewith return and recommend the passage of bill No. 264, to authorize the Police Court of Ellis county to levy and collect a special tax for the purpose of building a jail.

J. H. BROWN, Chairman.

The bill was read a second time and ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed.

The special order was then taken up as per order of yesterday, said order being the Senate joint resolution ratifying the proposed amendment to the Constitution.

After discussion thereof, the Committee on Enrolled Bills submitted the following reports :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 157, "An act amendatory of and supplementary to an act to incorporate the city of Dallas, approved April 20, 1871;" also House bill No. 341, "An act making an appropriation to defray the contingent expenses of the session of the Thirteenth Legislature of the State of Texas," and find the same correctly enrolled, and have presented the same this day, at one o'clock, to the Governor for his signature.

W. A. SHAW, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 282, "An act to authorize the levy and collection of a special tax in Gonzales county," and find the same correctly enrolled, and have presented the same this day, at one o'clock, to the Governor for his signature.

W. A. SHAW, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 101, "An act granting a charter to Huph P. Clark to create, keep and run a ferry boat at or near the northeast corner of Hugh Neal survey, on Sabine river, in Van Zandt county," also House bill No. 201, "An act to amend and consolidate the several acts incorporating the town of Gonzales," and find the same correctly enrolled, and have presented the same this day, at one o'clock, to the Governor for his signature.

W. A. SHAW, Chairman.

On motion of Mr. Allison, the House adjourned to 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,)
AUSTIN, TEXAS, March 7, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

On motion, the reading of the journal was dispensed with.

The discussion of the joint resolution ratifying the constitutional amendment was resumed.

Pending the discussion, a message was received from the Senate announcing the passage by that body of House bills, No. 77, "An act permanently establishing the county seat of Kinney county;" and No. 127, "An act to authorize Isaac Franklin to erect a pontoon bridge over the San Antonio river, in the county of Goliad, Texas." Also of Senate bills, No. 21, "Joint resolution awarding Winchester rifles to certain persons;" No. 48, "An act authorizing the patenting of a certain bounty warrant therein named;" No 103, "An act to amend an act entitled an act to reduce into one, and amend the several acts concerning executions, passed January 27, 1842;" No. 130, "An act to incorporate the Excelsior College, in Bastrop county;" No. 131, "An act reimbursing Bastrop county, and appropriating the sum of two hundred and twenty-five dollars for that purpose;" No. 102, "An act for the relief of the heirs of Anthony McGee;" No. 22, "An act to incorporate the town of Kaufman, in Kaufman county;" No. 96, "An act to amend an act entitled an act to incorporate the town of Bonham, in Fannin county, approved August 13, 1870;" No. 116, "An act for the relief of Lycurgus E. Griffith."

Mr. Harrison moved to postpone the further consideration of the question for two weeks. Lost.

Mr. Payne moved a call of the House. Carried.

The call being made, it appeared that Mr. Michael was absent.

On motion, the sergeant-at-arms was dispatched for the absent member.

On motion of Mr. Abbott, the call was suspended.

The yeas and nays were called for, the question being the passage of the joint resolution to a third reading, and resulted as follows:

Yeas—Messrs. Speaker, Abbott, Adriance, Allen, Alli-

son, Anderson of Montgomery, Anderson of McLennan, Berends, Bewley, Booty, Bordeaux, Broaddus, Brown of Dallas, Brown of Upshur, Chambers, Cunningham, Davenport, Day, Doyle, Ellett, Ford, Gallaway, Gaston, Gilpin, Green, Hoffman, Hollingsworth, Joseph, Kleberg, Lane, Mabry, Manning, McDonald, Moore, Morris, Nelson, Noeggerath, Phelps, Powers, Rainey, Robb, Roberts, Salter, Sayers, Shaw, Shelton, Smith of Colorado, Smith of Houston, Thurmond, Tilson, Tivy, Trolinger, Van Zandt, Venters, Washington, Watts, Wilder, Williams, Winkler and Wood—60.

Nays—Messrs. Armstong, Denton, Eastland, Ghent, Gillette, Harrison, Ireland, Kemble, Mills, Payne, Prendergast, Rimes, Roseborough, Russell, Scott, Short, Storey, Tom and Westfall—19.

Mr. Veale announced he had paired off with Mr. Bledsoe.

The resolution was declared to have passed to a third reading.

By leave, Mr. Brown of Dallas presented a bill to amend "An act amendatory of and supplementary to an act to incorporate the city of Dallas, approved April 20, 1871," which was read and passed to a second reading.

On motion of Mr. Brown of Dallas, the rules were suspended, the bill read a second time and ordered engrossed.

On motion of Mr. Brown of Dallas, the rules were further suspended, the bill read a third time and passed by a two-thirds vote.

Mr. Storey introduced a bill to amend "An act to amend section five of an act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane, approved January 13, 1862." Referred to Judiciary Committee No. 2.

Mr. Mills introduced a bill amendatory of "An act to re-incorporate the city of Navasota." Read, rules suspended, read a second time and ordered engrossed.

Mr. McDonald offered the following resolution:

Resolved, That the Sergeant-at-Arms be authorized and instructed to procure and have placed in position on the north side of the Capitol, at the northeast and northwest corners of same, two lamps, similar to those in front of the building; also, one beneath the stairway in the basement hall.

Adopted.

Mr. Denton moved the House stand adjourned until 10 A. M. to-morrow. Carried.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, March 8, 1873. {

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

On motion, Mr. Sayers was excused on special business until Wednesday next.

The journal of yesterday was read and adopted.

By leave, Judiciary Committee No. 1 reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee to whom was referred the memorial of T. C. Barden, Judge of the Sixteenth Judicial District, complaining of the action of the joint committee of the Senate and House of Representatives, in regard to the mode proposed by said committee of procuring testimony to be used for and against said Barden, in considering the charges pending against him, beg leave to report that we have had the subject matter of said memorial under consideration, and the committee have unanimously instructed me to report the accompanying joint resolution, and recommend its passage, and that the committee be discharged from the further consideration of the subject.

S. POWERS, For Committee.

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the charges pending before the joint committee of the Legislature of this State against the Hon. T. C. Barden, Judge of the Sixteenth Judicial District, partake of a criminal nature, and in that belief the said Barden is entitled, under the Constitution, to be confronted by the witnesses against him, and to have compulsory process to compel the attendance of witnesses in his favor; provided, that said Barden should be required to state on oath what he expects to prove by each respective witness, of the relevancy of which testimony the committee should judge, and that not more than two witnesses should be allowed to testify to the same fact or circumstance sought to be established.

Mr. Payne moved to table the report and resolution, which was carried.

The Committee on Engrossed Bills reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined House bill No. 372, a bill to be entitled "An act to amend an act amendatory of and supplementary to an act to incorporate the city of Dallas, approved April 2, 1871," and find the same correctly engrossed.

BOOTY, Chairman.

The chairman of the Committee on Enrolled Bills reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 212, "An act to authorize Alexander English to erect a toll bridge on Bois d'Arc creek, in the county of Fannin;" also, House bill No. 235, "An act to incorporate the city of Denison," and find the same correctly enrolled, and have presented the same this day at one o'clock to the Governor for his signature.

SHAW, Chairman.

The following message was received from the Senate:

The Senate refuses to agree to the amendment by the House to Senate bill No. 33, supplemental to an act amendatory of and supplemental to an act to incorporate the Sabine and Galveston Bay Railroad and Lumber Company, passed September 1, 1856, passed December 24, 1859, which act changed the name of said company to "The Texas and New Orleans Railroad Company," and has appointed Senators Flanagan, Dillard and Shelley a conference committee on the disagreement between the two houses, and ask the appointment of a like committee on the part of the House.

Also, the passage by that body of House bill No. 311, to make legal and validate an election for mayor, aldermen and constable of the town of Lagrange.

On motion of Mr. Payne, House bill No. 283, "An act regulating the survey of the land certificates of railroads and other private corporations, and declaring the law touching the sections reserved," was taken up out of its regular order.

Mr. Brown of Dallas offered a substitute therefor, "An act prescribing the manner in which all land certificates granted to railroad or other private corporations, shall be located, surveyed, patented, and alienated, and to protect the rights of the State in connection therewith."

Pending the discussion, a message from the Senate announced the passage by that body of House bill No. 372, a bill to be entitled "An act to amend an act amendatory of and supplementary to an act to incorporate the city of Dallas, approved April 20, 1871."

Mr. Booty moved to refer both bill and substitute to Judiciary Committee No. 1, with instructions to report at their earliest convenience. Carried.

On motion of Mr. Anderson of McLennan, the House adjourned until 10 A. M. Monday.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, March 10, 1873.

House met pursuant to adjournment. Prayer by Rev. Mr. Sweeney. Roll called, quorum present.

The following gentlemen failed to answer to their names:

Messrs. Ellett and Story.

The journal of yesterday was read and adopted.

Petitions and memorials being in order, Mr. Hester offered a petition of J. G. Morris. Referred to the Committee on Private Land Claims.

Also a petition of M. Dockery. Referred to the Committee on Private Land Claims.

On motion of Mr. Anderson, of McLennan, Senate bill repealing certain sections of an act to provide for the enrollment of the militia, the organization and discipline of the State guards, and for the public defense, approved June 24, 1870, and to repeal the first section of an act to amend an act to provide for the enrollment of the militia, the organization and discipline of the State Guards, and for public defense, approved June 24, 1870, approved April 12, 1871, was taken up out of its regular order.

A substitute offered by Mr. Anderson, of McLennan, under the same caption, was read and adopted.

Mr. Mills offered the following amendment:

Be it enacted by the Legislature of the State of Texas, That section first of the above entitled act be so amended as to read as follows: "That Judges of the Supreme Court, District Courts, Secretary of State, Auditor, Treas-

urer, and Comptroller of the State, clerks of the Supreme and District Courts, justices of the peace, postmasters who have care of the mails of the United States, post-riders, public millers, ferrymen on public roads, teachers and professors in academies, managers and telegraph operators, shall be exempt from military duty except in case of imminent danger, insurrection or invasion."

Adopted.

The bill was ordered engrossed.

On motion, the rule was suspended, the bill read a third time and passed.

Mr. Russell asked leave to present a report from the Committee on Privileges and Elections. Refused.

Mr. Morris offered a communication of J. M. Barton, asking a law for vaccination. Referred to the Committee on State Affairs.

Mr. Tom offered a petition of J. M. Rodriguez, formerly tax collector of Webb county. Referred to the Committee on Claims and Accounts.

Mr. Chambers offered a petition relating to the passage of a liquor law. Referred to Judiciary Committee No. 2.

Mr. Gillette offered a memorial of the citizens of Hill county asking for the removal of the county seat. Referred to Judiciary Committee No. 2.

Also, a protest from the people of Hill county against the removal of the county seat. Referred to Judiciary Committee No. 2.

Mr. Smith of Houston, offered a protest of citizens of Cherokee county against the creation of a proposed new county. Referred to the Committee on Counties and County Boundaries.

Mr. Westfall offered a memorial, asking for a law to enforce vaccination for protecting the citizens of the State from small pox. Referred to the Committee on State Affairs.

Mr. Armstrong offered a remonstrance of citizens of Polk county. Referred to the Committee on Counties and County Boundaries.

The Committee on Enrolled Bills reported as follows: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Your Committee on Enrolled Bills have carefully examined the following bills, to-wit:

No. 77, "An act permanently establishing the county

seat of Kinney county ;” No. 10, “An act to legalize and make valid the election in Wilson county ;” No. 85, “An act directing the publication of the expenditures, assets and indebtedness of the several counties ;” also, No. 127, “An act to authorize Isaac Franklin to erect a pontoon bridge over the San Antonio river, in Goliad county, Texas,” and find the same correctly enrolled, and have presented the same to the Governor for his approval at 11 o’clock.

SHAW, Chairman.

The Committee on Engrossed Bills reported as follows :
Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills have carefully examined House bill No. 308, “An act to authorize the county of Marion to audit and fund the debt of said county,” and find the same correctly engrossed.

BOOTY, Chairman.

A message from the Senate announced the passage by that body of the following Senate bills :

No. 18, to incorporate the city of Austin.

Joint resolution No. 22, authorizing the Governor to adjudicate the matter of the hypothecation of certain bonds with Williams & Guion, in the city of New York.

No. 100, to provide for the merging of the Waco and Northwestern Railroad Company, with its properties, rights, privileges and franchises, in the Houston & Texas Central Railway Company.

No. 142, validating an election held in Brazos county.

The Committee on State Affairs reported as follows :
Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on State Affairs herewith return and recommend the passage of bill No. 339, to authorize the County Court of Dallas county to issue bonds.

J. H. BROWN, Chairman.

The bill was read a second time and ordered engrossed.

On motion, the rules were suspended, bill read a third time and passed.

The Committee on State Affairs reported further as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on State Affairs have considered

bill No. 222, for the relief of early settlers, and entertain serious apprehensions that its passage would open the door for the validation of claims to land or land certificates not heretofore recognized by the State. They recommend, however, that the bill be referred to Judiciary Committee No. 2.

J. H. BROWN, Chairman.

Report adopted.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on State Affairs, in accordance with repeated precedents already established by the House, ask to be discharged from the further consideration of the petition of the County Court of Bell county asking the relinquishment of the State taxes for the purpose of building a jail.

J. H. BROWN, Chairman.

Report adopted.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on State Affairs herewith return and recommend the passage of bill No. 237, to authorize the Governor to appoint a registrar and boards of appeal and revision for certain unorganized counties therein named.

J. H. BROWN, Chairman.

The bill was read a second time and ordered engrossed.

The same committee reported further, as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on State Affairs return the petition of the County Court of Gillespie county in regard to road tax, and ask its reference to the Committee on Roads, Bridges and Ferries. Also, the petition and resolution from Colorado county, in opposition to what is known as the Ohio liquor law, and in favor of holding all drunkards responsible for their own acts, with the recommendation that it be referred to Judiciary Committee No. 2, which has charge of the subject referred to.

J. H. BROWN, Chairman.

Report adopted, and references made according to request.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on State Affairs, have considered House bill No. 274, "An act to amend an act to reorganize the town of Bryan, and incorporate said town as a city," and instruct me to report it back and recommend its passage.

J. H. BROWN, Chairman.

The bill was read a second time, and ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on State Affairs instruct me to report back and recommend the passage of bill No. 250, to authorize Cain and Gee to construct a toll bridge over the Sabine river, with the two accompanying amendments. The committee, however, are of the opinion, as heretofore reported, that such charters ought to be obtained under the general law concerning private corporations, approved December 2, 1871.

J. H. BROWN, Chairman.

First amendment—In fourteenth line of section third strike out the words "in specie."

Second amendment—In fourth line of section four strike out "twenty" and insert "fifteen."

BROWN, for Committee.

The amendments were adopted and the bill ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on State Affairs, in accordance with the action of the House on various similar cases, herewith return a bill allowing William Eubank, a blind man, to sell goods, wares and merchandise anywhere in the State, without paying any State, county or municipal tax, and recommend that it do not pass.

J. H. BROWN, Chairman.

Report adopted.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on State Affairs have considered a bill for the relief of assessors and justices of the peace in certain cases, for taking scholastic census, and instruct me to recommend its passage with the accompanying amendment.

J. H. BROWN, Chairman.

Amendment by committee :

Add to the first section the following proviso: "*Provided*, that the proper returns may have been subsequently made in due form.

Amendments adopted.

Mr. Mills moved to amend the bill by striking out "school fund," and inserting "State treasury." Lost.

The bill was then read a second time and ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed.

Further report from same committee, as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

Your Committee on State Affairs, to whom was referred House bill, supplemental to and amendatory of "An act to incorporate the Odd Fellows' and Building Association of Bryan, Texas," approved December 1, 1871, have carefully examined the same, and I am instructed to report the same back to the House and recommend that it do pass.

J. RUSSELL, for Committee.

The bill was read a second time and ordered engrossed.

Further report from the same committee, as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was referred the petition of John F. Elliot, have had the same under consideration, and herewith report the same back to the House, together with the bill accompanying said petition, and respectfully recommend that it do not pass, as your committee are unanimously of opinion that it is not a proper subject for special legislation or relief.

A. N. DENTON, of Committee.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was referred House bill No. 249, entitled "An act to change the names of certain persons therein named," have considered the same, and instruct me to report the same back and recommend that it do pass.

M. E. KLEBERG, for Committee.

The bill was read a second time and ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was referred House bill No. 298, entitled "An act to incorporate the Hempstead Hook and Ladder Company No. 1, of the city of Hempstead," having had the same under consideration, are of the opinion that the objects of said bill may be fully attained under the existing laws of the State. They have, therefore, instructed me to report the same back and recommend that it do not pass.

M. E. KLEBERG, for Committee.

The report was adopted.

Further report from the same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was referred Senate joint resolution No. 7, in reference to the interment of Texas soldiers who fell at the battles of Glocietta and Valverde, and also those who were buried at Socorro, Albuquerque and Santa Fe, in New Mexico, during the late war, having duly examined the same, instruct me to report it back with the recommendation that it do pass.

H. C. GHENT, for Committee.

The joint resolution was read a second time ; the rules suspended, read a third time and passed.

The Finance Committee reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives.

SIR: Your Committee on Finance, to whom was referred House bill No. 263, entitled "An act making an appropriation to pay the salary of Hon. Lipscomb Nor-

vell, as special Judge of the District Court of Tyler county," have considered the same and instruct me to report said bill back and request that the same be referred to the Committee on Claims and Accounts.

VAN ZANDT, for Committee.

The report was adopted, and the reference made as requested.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred House bill No. 244, entitled "An act to authorize the County Court of Kinney county to levy and collect a special tax for the term of six years, to build court house and jail at the county seat of said county," have considered same, and instruct me to report back the same with the following amendment, and respectfully recommend that said bill, so amended, may pass.

VAN ZANDT, for Committee.

Amendment proposed by the Committee on Finance to House bill No. 244. Insert as section two as follows:

Sec. 2. That said tax, when so collected, shall be paid over to the county treasurer, to be by him paid out upon the orders of the County Court, and for which services he shall receive the same compensation as for like services in other cases; *provided*, that before receiving said funds, the said treasurer shall enter into bond with good and sufficient sureties, in a sum equal to double the amount of the tax so levied and collected, payable to the presiding justice and his successors in office, for the faithful discharge of the duties imposed by this act.

The amendment was adopted, the bill read a second time and ordered engrossed.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee on Finance, to whom was referred a bill to be entitled, "An act to regulate the disbursement of the funds of the county treasurers," beg leave to report that they have carefully considered the same, and instruct me to report the same back, with the unanimous request that it do pass.

W. H. TILSON, for Committee.

The bill was read a second time, and, on motion of Mr. Powers, was referred to Judiciary Committee No. 1.

Further report from the same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on Finance, to whom was referred the account of the *Galveston News*, for printing done for the Comptroller of Public Accounts, together with the certificate of the Comptroller that the same is correct, and the account, so far as the committee can see, seems reasonable, have instructed me to report the accompanying bill and recommend its passage.

MORRIS, Chairman.

The accompanying account and letter from Comptroller were read.

The bill reported by the committee, "A bill making an appropriation to pay the printing account of Richardson, Belo & Co., for the Comptroller's office," was read.

The rules were suspended, the bill read a second time, and ordered engrossed.

On motion, the rules were further suspended, the bill considered engrossed, read a third time and passed by the following vote :

Yeas—Messrs. Speaker, Abbott, Adriance, Allen, Allison, Anderson of McLennan, Anderson of Montgomery, Armstrong, Bewley, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Davenport, Denton, Doyle, Eastland, Ford, Gallaway, Gaston, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Michael, Mills, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Salter, Sayers, Scott, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Venters, Washington, Watts, Wilder, Williams, Winkler and Wood
—75.

Nays—None.

Further report from the Finance Committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Finance, to whom was re-

ferred a bill to amend the third section of an act supplementary to "An act to provide for the payment of the public debt of the State of Texas," approved May 2, 1871, report the same back to the House, and recommend its reference to the Committee on State Affairs.

MORRIS, Chairman.

The report was adopted, and the bill referred to the Committee on State Affairs.

The Committee on Education reported as follows:
Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Education, to whom was re-committed House bill No. 340, making an appropriation for the payment of public school teachers, report that they have re-examined this bill, and having incorporated the necessary amendments to cover the objections made by members, at whose suggestion the bill was re-committed, do now unanimously recommend its immediate passage.

RAINEY, for Committee.

The bill as amended was adopted, read a second time and ordered engrossed.

Mr. Wood moved to amend by striking out the word "date" in line ten of section three of the printed bill, and inserting the words, "service, and that said warrants be thus paid by the treasurer."

Mr. Ireland moved to recommit the bill to the Committee on Education.

Mr. Mills moved the House go into Committee of the Whole upon the bill. Lost.

Mr. Winkler moved to amend Mr. Ireland's amendment by referring the bill to a special committee of five, of which Mr. Wood should be chairman.

Yeas and nays being called for, resulted as follows:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson of McLennan, Armstrong, Bewley, Booty, Bordeaux, Broadus, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Davenport, Denton, Doyle, Eastland, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Kleberg, Mabry, Manning, McDonald, Moore, Morris, Nelson, Phelps, Powers, Prendergast, Robb, Rosborough, Russell, Salter, Scott, Shaw, Smith of Houston, Thurmond, Tilson, Tivy, Tom. Westfall and Winkler—51.

Nays—Messrs. Abbott, Allen, Anderson of Montgomery, Berends, Ellett, Green, Hoffman, Lane, Leyendecker, Michael, Mills, Noeggerath, Payne, Rainey, Rimes, Roberts, Shelton, Smith of Colorado, Trolinger, Van Zandt, Venters, Washington, Watts, Wilder, Williams and Wood—26.

Whereupon the bill was ordered committed to a special committee.

The Speaker appointed the following gentlemen said committee: Mr. Wood, chairman; Ireland, Prendergast, Mills and Rainey.

By leave, Mr. Powers offered the following resolution:

Resolved, That the use of this hall be and is hereby granted, on Wednesday night, the twelfth instant, for an examination of the pupils of the Asylum for the Deaf and Dumb.

Adopted.

On motion of Mr. Mills the house adjourned until 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, March 11, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

The following gentlemen failed to answer to their names: Messrs. Michael and Noeggerath.

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

On motion, the Committee on Privileges and Elections were granted leave to report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Privileges and Elections, to whom was referred the contested case of election for Representatives in the Fourteenth Senatorial District, composed of the counties of Harris and Montgomery, wherein Elisha Schmidt, Gustave Cook, of Harris county, and A. S. Lipscomb, of Montgomery county, are the contestants, v. Richard Allen and F. A. Michael, of Harris county, and E. M. Anderson, of Montgomery county, contestants, have had the same under consideration, and I am

instructed by the committee to make the following report and submit it for the consideration of the House :

The testimony clearly convinces your committee that the entire registration of Harris county, from its commencement, has been conducted with the most unscrupulous partisanship, in the interest of the Republican party, and in a manner calculated to admit of the perpetration of great frauds, and to prevent its discovery or certain detection.

The aggregate number of registered voters, as appears by the registration books, is 7443, which, according to the usual method of estimating population, in the ratio of sixteen and two-thirds per cent. voters, would give to Harris county a population of 44,658, which is palpably erroneous when tested by the last census, and the knowledge common to us all. It appears by the evidence, clearly, that the registration of 1871 was conducted for the most part in secret ; that it occurred in numerous instances during registration ; that what were termed appropriately "skips" in the numbers of the registration papers, were made to the extent, as is certainly ascertained, of several hundred. It was done in this manner: Suppose, for instance, that at the closing of registration on the first day, the number on the last certificate issued should be 5000—the first one issued on the next morning would be 5050, thereby leaving a "skip" of fifty, which would be repeated at the noon adjournment, and so on day after day.

How these "skips" were ever filled does not appear, and yet the registration books show a continuous and regular succession of numbers and names, except, perhaps, one or two slight errors. The question naturally arises, what was the purpose of these "skips," and when, where, and by whom were they filled ?

Your committee have drawn their inference, which is by no means favorable to the purposes or party controlling the registration.

Again, the whole vote polled at the election for Congressman in 1871, in the county of Harris, which was an exciting and warmly contested election, amounted to less than 3700, or less than one half of the registration, while in the late election the highest vote claimed by any one to have been polled was 4175. If these votes afford any test, and they certainly comport more nearly with the

known population of the county, it establishes beyond doubt the fact that the registration books are fraudulent and incorrect and furnish the means for the perpetration of frauds which, we feel constrained to say, appear to have controlled the result of the election, which we are now investigating, and but for this contest would have thwarted the will of a majority of the legal voters of the entire district. And it further appears to your committee that in no registration which has been had in the county of Harris, has the spirit of partisanship been more clearly evinced than in that which occurred under the auspices of the board of appeals in the late election. The conduct of the presiding officer seems to have been peculiarly officious and arbitrary. He had been, during the entire ten days of registration, engaged, although a comparative stranger in the city of Houston and Harris county, in the business of bringing up colored men and vouching for them, when, as it most clearly appears, he knew very few, if any of them, frequently asking them their names and residences, and in the next breath vouching for them as citizens and residents, whom he knew to be entitled to vote. It appears that he did this in hundreds of cases, and was so engaged every day during the registration.

Such was the conduct of the man who was to preside, and did preside, at the board of appeals, and as chief officer of the election. During the sitting of the board, his demeanor was arrogant and tyrannical, refusing to allow any question to be asked the colored applicants, whom he registered without regard to qualification or objection made, suggesting to them what to answer to his questions, prompting them by words, gestures and nods, and even where they professed to live out of the district, suggesting to them that they "claimed Houston for their homes," and such like unfair and unlawful methods, procuring them to be registered when he must have known they were not entitled.

He refused to allow them to be asked even the preliminary question, "why they had not appeared before the registrar," and by every means in his power thwarted the efforts of those sitting with him to execute the law and perform their duties.

Where applicants professed to have been out of the county for more than six months, he would suggest, "you

have been temporarily absent," and "you always claimed Houston for your home, didn't you?" And this is the man who acted as presiding officer of the election, controlling, managing and directing it.

What might reasonably be expected from a partisan so unscrupulous, and, as some of the testimony shows, so "incompetent and unfair" in his management of the election, is only too plainly made manifest by the testimony in the case.

One of the first facts to which we call attention is that two hundred and forty-one persons were permitted to vote upon affidavit that they were registered voters of Harris county, and had lost their certificates of registration, three-fourths of whom, by the testimony, appear to have been colored men, and one-fourth white men.

It appears that these persons were allowed to vote, without examination of the registration books to see whether or not they were registered, and without being vouched for otherwise. The contestants, however, introduced the unimpeached testimony of more than one reliable witness to the fact that most, if not all of the white votes cast on affidavit, were those of old and well known citizens of the county. Before this no direct evidence was offered by the contestees as to the colored voters. Upon an examination of the registration books which contained the names of registered voters, and opposite to the names of those who voted, a clerk, who it seems from the evidence was the district clerk, a competent person, at the time of voting marked the letter V in red ink; two witnesses, who seem to be skillful and competent men also, were, two or three weeks after the election, able to find only the names of 3883 persons who had voted as appeared by the mark of the letter V in red ink, although the returns show that 4175 votes or ballots were counted out.

And even if we add the 241 votes cast on affidavit, yet there seems to have been only 4124 votes cast, showing fifty-one more ballots cast than could be accounted for. Besides the testimony introduced by contestees themselves, whose party friends, the officers of election, had been in possession of the books all the time subsequent to the election, admit that twenty-five of the names voting on affidavit were not to be found on the registration books at all. But it appears from the evidence that after the elec-

tion the registration books were being worked upon by some man who said they, the books, were "short," or "behind," and who was, as one witness testified, placing on the books the names of persons who voted on affidavit. And all this by the partisans and friends of the contestees working zealously to secure their election.

And may not this account for the entire filling up of the "skips" which had before that time been made in the registration? Your committee leave that for every fair and candid man to answer for himself, having themselves their own opinions.

It further appears by the testimony of different witnesses who testify to individual cases of illegal voting, that there were of that character of colored voters, whom, we may as well here remark, with the exception of ten or fifteen voted the Republican checkered-back tickets, which contained the names of the contestees, one hundred and fifty-seven distinct, well defined instances, besides an apparently considerable number not accurately pointed out, with the legal certainty which would place it beyond question that the parties actually voted.

It further appears that from fifty to seventy-five colored voters were registered and voted, who confessed, when applying, that they had not lived in Harris county within the six months next preceding, and whose votes were clearly illegal, who must be added to the 157 already stated.

Let us take the smaller number, fifty, and thus far we have two hundred and seven illegal votes cast for the contestees.

It further appears that at least twenty of the colored voters who cast the checkered-back tickets, notwithstanding they had produced, when offering to vote, registration papers from other counties, were allowed by the presiding officer, over all objection, to cast their ballots, which added makes two hundred and twenty-seven illegal votes. To these add fifty or seventy-five presenting registration papers calling for names other than the names given by the applicant to vote, but who were nevertheless allowed to vote by the very obliging presiding officer—take the smallest number, fifty, and we have two hundred and seventy-five illegal votes.

It is further clearly shown that from ninety to one hundred and fifty colored voters who applied to vote without

certificate or affidavit, and who were not identified or known to any one, and were not even sworn, but simply presented a little slip of paper with a number on it, were thus unlawfully permitted to vote, and did cast their votes according to the testimony for the contestees.

Add the smallest number, ninety, to the those heretofore set out, and it establishes three hundred and sixty-seven illegal votes given the contestees.

If it is a question of doubt as to the votes allowed by the presiding officer to be cast upon the affidavit of the party, as hereinbefore alluded to, and whether such votes are admissible at all, especially when they are admitted without even examining the registration list, it is certainly true that those whose names upon examination appear not to be on the list of registered voters, are not entitled.

The testimony shows a searching, patient and industrious examination of the registration list to have been made by skillful and competent men, as soon after the election as the registration books could be procured for the purpose, and yet after this examination and thorough testimony there seems to have been seventy persons who voted on affidavits whose names did not appear on the list.

It is very true that subsequently the names of all but twenty-five are found on those lists, but upon a thorough examination and careful weighing of the testimony, taking into consideration the suspicious working on those books by a man who is not pretended to be produced or examined by the parties whose interest and duty it was to explain the circumstances, we feel constrained to say that our conclusion is that the seventy names were not upon the registration books until subsequent to the election.

Allowing this 70 to be added, we have 437 illegal votes, which were cast and counted for the contestees. But this is not all. I we now add to the 3883 votes marked voted with the letter V in red ink, the 241 affidavit votes, less the 70 not on the registration books, which leaves 171 to be added, we have only 4054 votes polled at that election, while there were counted 4175 ballots from the box, which leaves 121 votes counted out that clearly could not have been lawfully placed in the ballot box. And how are we to explain this, and against whom do all the circum-

stances indicate that this evident fraud should be counted?

It is proved by more than one witness, though flatly denied by the presiding officer of the election, that this same presiding officer, Sheridan, proposed to secure the election of his party friends by stuffing the ballot box.

This was at a time when, from the count, it appeared that his friends were probably defeated. The person to whom he made the proposition, a supervisor by Federal appointment and representing the party supporting contestees, testifies that he refused to enter into the plan of Sheridan, and all the witnesses concur in stating that they knew nothing of any effort by Sheridan to execute his scheme, yet there are circumstances otherwise inexplicable, with reference to the appearance and assortment of the tickets when the ballot box was opened, which, taken in connection with the fact that an excess of tickets are counted out of the ballot boxes, go far, indeed, to authorize the belief that it is but a part of the wide spread system of fraud which seems to have pervaded the registration books and the whole machinery of registration, board of appeals, and elections in Harris county, where so much fraud and conspiracy to carry the election has been so clearly shown. We believe that we are fully authorized in concluding that this excess of one hundred and twelve ballots is a part of it. Some effort to impeach the testimony of some of the witnesses for the contestants has been made, but was directed chiefly against those who had been zealous supporters of the contestees in the election, and appear to be the result of vindictiveness against them, for the developments they have made, rather than for any real grounds of discredit, for the efforts appear puny and the results insignificant. It appears to the committee that a large proportion of these illegal voters are brought from the surrounding counties, where they seem to reside in convenient distance to be rapidly herded by certain lively whippers-in, who are maintained at the public expense, under guise of official positions, which seem to have been dispensed as rewards for that particular grade of patriotism.

There is a cloud of testimony, which, though general in character and not so specific as to be put down in figures in this report, is so significant as to justify us in the belief that we have not been able to compass by any

means the extent of the frauds committed in the county of Harris, at the election in November last.

If, however, we are correct in our estimates as far as attempted, and we feel not the slightest hesitancy in asserting the utmost confidence in the conclusions we have reached, it is manifest that at least five hundred and fifty-eight illegal and fraudulent votes were cast for the sitting members, contestees; and it appearing that by deducting that number from the votes of the sitting members, contestees, respectively, they would have, Richard Allen 2169 votes, E. M. Anderson 2183 votes, and F. Michael 2237 votes; and the contestants having received, E. F. Schmidt 2570 votes, Gustave Cooke 2554 votes, and A. S. Lipscomb 2510 votes, which are not denied to them, your committee beg leave to offer the following resolutions:

1. *Resolved*, That the sitting members in this House from the Fourteenth Senatorial District, composed of the counties of Harris and Montgomery, are not entitled to retain their seats in this House as Representatives of said district.

2. *Resolved*, That E. F. Schmidt, Gustave Cooke and A. S. Lipscomb having received the highest number of legal votes cast in said Fourteenth District, are entitled to seats in this House.

J. RUSSELL, Chairman *pro tem.*
 A. M. DENTON,
 D. M. PRENDERGAST,
 C. C. GALLAWAY,
 A. S. BROADDUS,
 H. O. GILPIN,
 A. S. THURMOND,
 O. N. HOLLINGSWORTH,
 Committee.

The undersigned, not hearing the evidence in this case, does not give in the above report.

D. M. SHORT,
 Chairman Committee on Privileges and Elections.

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The minority of the Committee on Privileges and Elections respectfully present the following report:

In the contest of Gustave Cooke *et al.* v. Richard

Allen *et al.*, from the Fourteenth Senatorial District, it was decided by the committee to rest this contest upon the sworn testimony taken before the Senate committee in the case of Stewart v. Tracy, involving the same facts and eliminating the same testimony.

For the past few days this committee has been engaged in hearing aforesaid testimony read, and from that evidence there is no possible reason to doubt that the election returning the contestees, who are now the sitting members from the Fourteenth Senatorial District in the House of Representatives of the Thirteenth Legislature of the State of Texas, was a fair, honest and impartial one ; that there was no violation of law in conducting it ; no intimidation on the part of Republicans ; no fraud or violence perpetrated, either by the sitting members or their political friends, and nothing to justify the contestants for appearing before this committee, or to excuse them for presenting so groundless a claim.

Nothing can be found in the evidence from beginning to end (if the testimony of Dupree is excluded) that does not go to show that the sitting members were fairly, honestly, and legally elected.

The evidence of Dupree is of itself not a denial of this fact, even if it were entitled to credit. From the official returns obtained from the office of the Secretary of State, the average majority of the sitting members was two hundred and sixteen (216), and no testimony has been adduced to set aside even the one-half of this decided majority, admitting all that has been sworn to in the case to be true.

But an examination of the testimony of Dupree discovers internal evidences of its falsity. It exhibits him as a purchased and suborned witness ; and if this internal evidence were wanting, the positive testimony of impartial, disinterested men, subsequently produced, clearly discloses that he was a paid pensioner of the contestant, who had promised him, in the event of his obtaining the seat he was contesting, the sum of five hundred dollars (\$500), and two dollars a day for wages for this hired service. The very men sworn to by this perjured witness as illegal voters, were in many instances subsequently produced, and proved his perjury ; and this evidence clearly brought out the facts that Col. Stewart, the contestant for Senator Tracy's seat, was at the bottom of all

the attempted frauds, intimidation and violence that was sought to be perpetrated, and was guilty of all the bribery and corruption that has been exposed.

No evidence stands upon the record that votes were imported. No evidence has been adduced to sustain a single charge in the memorial of contest; and from the voluminous mass of testimony only three votes are discovered that are even subject to suspicion. These three are believed to have been cast by minors.

Grounds for sustaining a contest are governed and limited by law, and there is no law that will set aside an election, unless the actual number of votes that secured the election of the contestant is clearly set forth and proven. In this case there is no positive testimony to more than three illegal votes, and it is not shown that these three illegal votes were cast for the sitting members. Mere allegations, that a large number of illegal votes had been cast, are not evidence. The hearsay and suspicion of witnesses have no weight. The plain hard facts must be shown that A and B and C voted or did not vote, as has been charged, before the will of the people is ignored, and their election set aside. Irregularities of form, the law distinctly says, cannot vitiate an election. The will of the people is not to be derided or denied by the incompetency or corruption of election clerks and officers, else there would be no security that such officers might not at pleasure prevent any election, and the law and all precedent have determined the exact way in which popular elections are to be set aside. With this law, and according to these precedents, there has, in this case, been no compliance, and the minority of this committee is willing to submit the decision of this case upon the law and the evidence.

An arbitrary report can only present the views of the gentlemen making it. It is the evidence alone that presents the facts material to the formation of a just verdict. This evidence the members of the House of Representatives have not had, and cannot have an opportunity to examine, unless it be printed and submitted to them for inspection.

The minority of this committee has been informed from the analogous committee of the Senate, that the testimony upon which this case will be decided will be printed in a few days, and it is respectfully suggested that the vote of

the House, involving the seats of three members and disfranchising their whole constituency, be delayed until all the evidence is printed and laid before the members of the House. In this way only can members vote understandingly, and avoid the suspicion that votes are cast at the behest of party and in violation of law and justice.

C. L. ABBOTT, Minority Report.

Mr. Abbott moved that the further consideration of the matter be postponed and make the special order on Saturday next, at 11 A. M. Carried.

The Committee on Engrossed Bills reported as follows:
Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined House bill No. 309, "An act to repeal the third, twenty-sixth and twenty-seventh sections, and to amend the first and eight sections of an act entitled an act to provide for the enrollment of the militia, the organization and discipline of the State guards, and for the public defense, approved June 24, 1870; and to repeal the first section of an act to amend an act to provide for the enrollment of the militia, the organization and discipline of the State guards, and for the public defense, approved June 24, 1870, approved April 12, 1871," and find the same correctly engrossed.

BOOTY, Chairman.

By special leave, Judiciary Committee No. 1 reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 283, entitled "An act regulating the survey of the land certificates of railroad and other private corporations, and declaring the law touching the sections reserved;" and also the substitute offered by the member from Dallas, have considered the same, and have directed me to report a bill as a substitute for them both, and that the same be adopted and passed.

SMITH, Chairman.

Substitute for House bill No. 283, "An act to set apart one-half of the public domain for the support and maintenance of public schools."

The substitute was read and adopted and ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed by the following vote :

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson of Montgomery, Anderson of McLennan, Armstrong, Berends, Bewley, Booty, Bordeaux, Broaddus, Brown of Dallas, Brown of Upshur, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ellett, Ford, Gaston, Gillette, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Salter, Sayers, Scott, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Story, Thurmond, Tilton, Tivy, Tom, Trolinger, Veal, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—77.

Nays—None.

The bill was declared to have passed.

A message from the Senate announced the passage by that body of the following House bills :

No. 57, "An act to prohibit the sale or giving away of intoxicating or spirituous liquors within one mile of the institution of learning situated at Caledonia, in Rusk county, Texas."

No. 185, "An act defining the duties of the Comptroller."

No. 255, "An act to prohibit the sale or gift of intoxicating or spirituous liquors within two miles of Leesburg Institute, in Upshur county, Texas."

Petitions and memorials being in order, Mr. Gillette offered a petition for a joint stock company for the purpose of building a court house and jail in Hill county. Referred to Judiciary Committee No. 2.

Mr. Anderson of McLennan presented a petition of citizens of Freestone and others for a new county. Referred to the Committee on Counties and County Boundaries.

A further report from the Senate announced the passage by that body of the following Senate bills :

No. 120, "An act amendatory of an act entitled an act to incorporate the Rio Grande Railroad Company, approved August 13, 1870."

No. 133, supplemental to an act entitled "An act to incorporate the Western Narrow Gauge Railway."

Reports of committees being in order, the Committee on Education reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Education recommend the passage of the following bills: Nos. 230, 229, and three others, prohibiting the sale of liquors at the following places: Jonesboro, Coryell county; Bluffton, Llano county; and Fairview, Williamson county.

RAINEY, for Committee.

House bill No. 329, "An act prohibiting the sale or disposal of intoxicating liquors within five miles of the academy in the town of Clifton, Bosque county," was read a second time and ordered engrossed.

On motion, the rules were suspended, the bill read a third time by caption and passed.

House bill No. 330, "An act prohibiting the sale of intoxicating liquors within two miles of Valley Mills Academy, in Bosque county," was read and ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed.

House bill No. 378, "An act to prohibit the sale of all intoxicating liquors within three miles of Fairview Academy, Williamson county," was read a second time and ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed.

House bill No. 377, "An act to prohibit the sale of all intoxicating liquors within three miles of Bluffton School, in Llano county," was read a second time and ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed.

House bill No. 348, "An act to prohibit the sale of intoxicating liquors within certain limits of Jonesboro school, in Coryell county," was read a second time and ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed.

The Committee on Public Lands and Land Office reported as follows:

m. M. D. K. Taylor, Speaker of the House of Representatives.

SIR: The joint committee of the Senate and House of

Representatives on Public Lands and Land Office, to whom was referred House bill No. 24, entitled "An act for the better protection of the archives and files in the General Land Office," respectfully report that said committee have had the subject under consideration, and have instructed us to report a substitute for said bill and recommend its passage.

A. J. BALL,

Chairman Senate Committee.

S. POWERS,

Chairman House Committee.

The substitute, being a bill for the better protection of the archives and files in the General Land Office, was adopted, and one hundred copies ordered to be printed.

On motion of Mr. Winkler, the chairman of Judiciary Committee No. 2 was granted leave to report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred House bill No. 35 and substitute, beg leave to report same back and recommend the passage of the substitute.

IRELAND, Chairman.

The substitute, being "An act to authorize parties in certain cases to sue in the district courts for headright certificates and bounty and donation warrants, and to provide for the issuance of such certificates and warrants," was adopted and ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed.

Further report from the Committee on Public Lands and Land Office, as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The joint committee of the Senate and House of Representatives on Public Lands and Land Office, to whom was referred House bill No. 51, entitled "An act to amend the first section of an act entitled and act supplemental and in relation to the location, survey and return of genuine land certificates, passed April 25, 1871, approved November 29, 1871," respectfully report that said committee have had the subject matter of the said bill under consideration, and have instructed us to report that the ends sought to be attained by the bill in question, are amply and properly provided for in the substitute

reported by us for House bill No. 24, entitled "An act for the better protection of the archives and files of the General Land Office." The committee therefore recommend that said bill No. 51 lie upon the table, and that the joint committee be discharged from its further consideration.

A. J. BALL,
Chairman Senate Committee.
S. POWERS,
Chairman House Committee.

The report was adopted.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : The joint committee of the Senate and House of Representatives on Public Lands and Land Office, to whom was referred Senate joint resolution No. 10, entitled "A joint resolution requiring Jacob Keuchler, Commissioner of General Land Office, to cause to be published certain land certificates, found in the office when he took possession of same," respectfully report that said committee have had the subject matter of said joint resolution under consideration, and have instructed us to report that the same be amended as follows : Amend first section by inserting in sixth line from bottom, after the word "claims," the words, "and all other certificates of a miscellaneous character, remaining unclaimed in said Land Office and not hitherto called for." Strike out of first section, after the word "claims," in sixth line from bottom, all down to the last word in line fourth from the bottom ; and that, amended as thus proposed, the committee recommend the passage of said joint resolution.

A. J. BALL,
Chairman Senate Committee.
S. POWERS,
Chairman House Committee.

The amendments were adopted, the joint resolution read second time and passed to a third reading. On motion the rules were suspended, the joint resolution read a third time and passed.

Further report from the same committee :

n. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Public Lands and Land

Office, to whom was referred House bill No. 265, entitled, "An act to authorize the Commissioner of the General Land Office to issue patents to J. S. Fairley and others," have had the same under consideration, and find that said Fairley and others, have settled on a league of the school lands of Milam county, located in the county of Hood, on the Brazos river, and claim rights as pre-emptors, on the ground that the portion of the league settled on by them is not embraced in the field notes set out in the survey of the land on the ground itself; but the committee find that, while this may be the case, yet the said league was located on the Brazos river as its front, with a general call for the meanders of the river, and therefore consider that the general rule of law prevails in this case, that a call for a natural object, as the Brazos river must and does, controls calls for course and distance; and the committee therefore unanimously instruct me to report the bill back to the House, with the recommendation that it do not pass.

S. POWERS, Chairman.

The report was adopted.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on Public Lands and Land Office, to whom was referred House bill No. 356, entitled "An act authorizing cancellation of titled lands in conflict, and issuance of certificates therefor," have had the same under consideration, and find that in the judgment of the committee it would be unwise and impolitic to engraft the provisions of this bill on the land system of this State, and therefore instruct me unanimously to report the bill back to the House with the recommendation that it do not pass.

S. POWERS, Chairman.

Report adopted.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on Public Lands and Land Office, to whom was referred House bill No. 369, entitled "An act for the relief of the heirs of Thomas A. Culton," have had the same under consideration, and have instructed me to report the said bill back to the House and recommend its passage with the accompanying amendments.

S. POWERS, Chairman.

Amend, first, by striking out the words "twelve hundred and eighty," in first section, and insert in lieu thereof the words "three hundred and twenty."

Amend, second, by adding to first section the following proviso: "*provided*, that the said heirs file with the Commissioner of the General Land Office the evidence of the services and discharge therefrom of the said Culton."

The amendments were adopted, the bill read a second time and ordered engrossed.

On motion the rules were suspended, the bill read a third time and passed by a two-thirds vote.

Further report from the same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on Public Lands and Land Office, to whom was referred a resolution of this House, instructing them to inquire by what authority the Commissioner of the General Land Office requires settlers to make their preliminary affidavits before the clerk of the District Court to procure the surveying of their pre-emption claims instead of before the county surveyor, have had the subject matter of said resolution under consideration, and have instructed me to report that the Commissioner of the General Land Office in explanation of said inquiry has furnished the accompanying reply, a letter from the Attorney General, and that we are satisfied that the exposition of the law contained in the letter of the Attorney General is correct, and that former law permitting the affidavits in question to be made before surveyors has been repealed. The committee therefore ask to be discharged from the further consideration of the subject.

POWERS, Chairman.

The report was adopted and the committee discharged as per request.

Further report from the same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on Public Lands and Land Office, to whom was referred Senate bill No. 28, entitled "An act to regulate the disposal of the public lands of the State of Texas," have had the same under consideration, and find that said bill proposes to change the policy of the State in regard to the disposal of the public lands to

actual settlers, in effect dispensing with the present requirement of three years occupation to entitle the settler to a patent. In this view of the case, the committee unanimously instruct me to report the bill back to the House with the recommendation that it do not pass.

POWERS, Chairman.

The report was adopted.

The Committee on Agriculture and Stock Raising reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Agriculture and Stock Raising, to whom was referred substitute bill No. 93, entitled "An act to better provide for the protection of agricultural interests," have examined the same, and unanimously recommend its adoption with the following amendment, to-wit: Insert in the second section of the bill after the word "shall," in second line, the words "open and." With this amendment I am instructed to report said substitute bill back to the House, with the recommendation that it do pass.

THURMOND, Chairman.

The bill was read a second time and ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Agriculture and Stock Raising, to whom was referred petition of sundry citizens of Medina county, having carefully examined the same, find their prayer fully answered in a bill already reported and recommended by your committee, the same being No. 155, entitled "An act for the protection of the farming interest of the State of Texas," and therefore instruct me to report said petition back, asking to be relieved from its further consideration.

THURMOND, Chairman.

The report was adopted.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Agriculture and Stock Raising, to whom was referred House bill No. 240, to be en-

titled "An act to incorporate the Grayson County Agricultural and Mechanical Association," having duly considered its objects, unanimously instruct me to report the same back and recommend that it do pass.

THURMOND, Chairman.

The bill was read a second time and ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed by a two-thirds vote.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Agriculture and Stock Raising, to whom was referred House bill No. 167, entitled "An act providing for the organization of enclosed or open pasture districts," have duly considered the same, and find its objects fully embodied in bill No. 273, entitled "An act to provide for the enclosure of commons for the pasturage of stock," and therefore instruct me to report back, asking that they be relieved from its further consideration, etc.

A. S. THURMOND, Chairman.

The report was adopted, and the committee discharged as per request.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Agriculture and Stock Raising, to whom was referred a resolution of the House instructing them to report at their earliest convenience the propriety of giving effect, in all the country west of the Trinity river, to the various provisions of an act entitled "An act to encourage stock raising and for the protection of stock raisers," have duly considered the same, and instruct me to report the same back to the House with the assurance that your committee hope at an early day, from the various bills before them, to prepare and report such a bill as will harmonize every seeming conflict of interest, and promote the general interest of the stock raisers of the State.

THURMOND, Chairman.

Report adopted.

Further report from same committee.

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Agriculture and Stock Raising, to whom was referred bill No. 273, to be entitled "An

act to provide for the enclosure of commons for the pasturage of stock," have had the same under consideration, and instruct me to report the same back, recommending that it do pass.

THURMOND, Chairman.

The bill was read a second time and one hundred copies ordered printed.

The Committee on Counties and County Boundaries reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Counties and County Boundaries, to whom was referred House bill No. 152, and the memorial of the Police Court of Hays county, have had the same under consideration, and have instructed me to report the bill back and recommend that it do pass.

NELSON, of Committee.

The bill, authorizing the County Court to levy and collect a special tax, was read a second time.

Mr. Hollingsworth moved to amend by inserting the figures "50" in place of the figures "75" wherever the latter occur. Adopted.

The bill was then ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed.

The Committee on Engrossed Bills reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills have carefully examined House bill No. 283, "An act to set apart one-half of the public domain for the support and maintenance of public free schools," and find the same correctly engrossed.

L. J. STORY, for Committee.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Counties and County Boundaries, to whom was referred sundry petitions, together with House bill No. 23, have had the same under consideration, and a majority of the committee have instructed me to report the bill back to this House, with the following amendments, and recommend that it do pass.

NELSON, for Committee.

Amendments offered by the committee :

1. Amend by striking out all after the word "county" in the tenth line of the first section, to the word "thence" in the sixteenth line of the same section, and insert, "thence northwardly in a direct line to a point one mile due west of the centre of Hallville; thence north in a direct line to the mouth of Page creek, on Little Cypress bayou."

2. Strike out "Roanoke," wherever it occurs in the bill, and insert "Gregg."

3. And that the following be inserted as section two of said bill: "That the citizens of Harrison, Rusk and Upshur counties, who may become citizens of the new county of Gregg, by reason of the organization of said county of Gregg, shall not be released from any railroad debts or subsidies that may exist, and for which said citizens are now liable, but that they shall be bound and liable for their *pro rata* share of said debts or subsidies, to all intents and purposes, as though they had remained attached to the said counties of Harrison, Rusk and Upshur."

The amendments were adopted and the bill read a second time.

The following minority report was submitted:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The undersigned, a minority of the Committee on Counties and County Boundaries, beg leave to submit the following as reasons for not concurring in the report of the majority of the committee recommending a new county to be formed of portions of Upshur, Harrison and Rusk counties, to be called Gregg, with Longview as the county site: Believing it a duty we owe to our constituents to represent their interests here, and there being large petitions and strong remonstrances from citizens of Rusk and Harrison counties—not only from citizens of these counties generally, but from many of their citizens included in the portions proposed to be cut off into the new county—we believe it our duty to protest against the same.

THOS. G. ALLISON.

P. R. SCOTT.

On motion of Mr. Story, the business before the House was suspended, and Senate bill No. 133, supplemental to an act entitled "An act to incorporate the Western Narrow Gauge Railway," was taken up, read and passed to a second reading.

On motion, the rules were suspended, the bill read a second time and passed to a third reading.

On motion, the rules were further suspended, the bill read a third time and passed by a two-thirds vote.

On motion, Mr. Van Zandt was excused for twelve days.

On motion of Mr. Bewley, the house adjourned until 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
 AUSTIN, TEXAS, March 12, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

The reading of the journal was dispensed with.

Invitations to the House, to be present at an examination of the pupils of the Deaf and Dumb Asylum on Wednesday night, and also to be present at the laying of the corner stone of the new Presbyterian Church, on the fifteenth instant, were read from the clerk's desk.

By special leave the Committee on Town and City Corporations reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on Town and City Corporations, to whom was referred House bill No. 299, to reincorporate the town of Liberty, in Liberty county, after a careful examination of the same, direct me to report the same back to the House and recommend that the same do pass.

W. D. WOOD, Chairman.

The bill was read, by caption, a second time and ordered engrossed.

On motion the rules were suspended, the bill read a third time and passed by a two-thirds vote.

By special leave a second report from the same committee was submitted:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred Senate bill No. 17, "An act to incorporate Rusk Masonic Institute, located at Rusk, Cherokee county, Texas," have considered the same, and recommend that the same pass. All of which is respectfully submitted.

WOOD, Chairman.

The bill was read a second time and ordered engrossed. On motion the rules were suspended, the bill read a third time and passed by a two-thirds vote.

By special leave a third report was submitted from the same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : Your Committee on Town and City Corporations, to whom was referred "An act to incorporate the town of Quitman, in Wood county," have examined the same, and instruct me to report the same back to the House, and recommend that the same do pass.

WOOD, Chairman.

The bill was read a second time and ordered engrossed. On motion the rules were suspended, the bill read a third time and passed by a two-thirds vote.

By leave Mr. Prendergast offered the following resolution :

Resolved, That the Superintendent of Public Instruction be, and he is hereby required to furnish to this House, within the next ten days, a full and complete statement of the amount of money collected in each county in this State, respectively, to "provide the necessary school houses in each district, and insure the education of all the scholastic inhabitants of the several districts," over and above the tax allowed by the eighth section of the tax law of April 22, 1871, or in other words, a full and complete statement of the amount collected of what is commonly known as the one per cent. school house tax, showing in such statement, in detail, the disposition made of such funds, and specifying particularly when, to whom, by whom and for what service paid out.

Adopted.

By leave, Mr. Mills called up House bill No. 374, "An act amendatory of an act to re-incorporate the city of Navasota," on its third reading.

The bill was read a third time and passed.

On motion of Mr. Brown of Dallas, the bill incorporating the Dallas and Wichita Railway Company was taken from the table and referred to the Committee on Internal Improvements.

On motion of Mr. Harrison, Senate joint resolution No. 22, authorizing the Governor to adjust the matter of the hypothecation of certain bonds with Williams & Guion,

in the city of New York, was taken up, read and passed to a second reading.

On motion, the rules were suspended, the bill read a second time and passed to a third reading.

On motion, the rules were further suspended, the bill read a third time and passed.

By special leave, the Committee on Town and City Corporations reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 169, have considered the same, and instruct me to report the same back to the House, with the recommendation that it do pass.

WOOD, Chairman.

The bill, being an act incorporating the town of Willis, in Montgomery county, Texas, was read a second time and ordered engrossed.

On motion, the rules were suspended, the bill read a third time, and passed by a two-thirds vote.

By special leave, Mr. Trolinger introduced a bill to authorize James P. Dumas, and such other persons as he may associate with him, and their successors, to construct, own and keep a toll bridge on, over and across Choctaw Bayou, in Grayson county, Texas. Referred to the Committee on Roads, Bridges and Ferries.

By leave, Mr. Morris introduced a bill authorizing the Comptroller of Public Accounts to employ additional clerks. Read and referred to the Committee on Comptroller's and Treasurer's Offices.

On motion of Mr. Killough, Senate bill No. 130, "An act to incorporate the Excelsior College, in Bastrop county," was taken up, read, and passed to a second reading.

On motion, the rules were suspended, the bill read a second time and passed to a third reading.

On motion, the rules were further suspended, the bill read a third time and passed.

Mr. Mills moved to take up all Senate bills on first reading. Lost.

On motion of Mr. Killough, Senate bill No. 63, "An act to prohibit the sale of intoxicating or spirituous liquors in the vicinity of Red Rock, in the county of

Bastrop," was then taken up, read, and passed to a second reading.

By leave, Mr. Bewley offered the following resolution :

Resolved, That in order to expedite the business of this House and prevent confusion, no more bills, resolutions or other papers be presented out of their regular order, and that this resolution remain in force until rescinded by a majority of nine-tenths of this House.

Read and laid over under the rules.

The Committee on Enrolled Bills reported as follows :
Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have examined the following bills: No. 311, "An act to make legal and valid an election for mayor, aldermen and constable of the town of La Grange;" also, No. 372, "An act to amend an act amendatory of and supplementary to an act to incorporate the city of Dallas, approved April 20, 1871," and find them correctly enrolled, and have this day presented the same to the Governor for his signature, at 11 o'clock A. M.

W. A. SHAW, Chairman.

On motion of Mr. Mills, the rules were suspended ten minutes to allow the introduction of bills and resolutions.

Mr. Nelson introduced a bill to incorporate the South Sulphur Bridge and Turnpike Company. Read by caption and referred to the Committee on Roads, Bridges and Ferries.

Mr. Cunningham presented a bill to incorporate the town of Ladonia, in Fannin county. Read by caption and referred to the Committee on Town and City Corporations.

Mr. Rimes presented a bill to repeal "An act to legalize an ordinance adopted by the convention of the twelfth day of December, 1868, authorizing a special tax to be levied for the Waco Tap Railroad in Falls and McLennan counties," approved June 18, 1870. Read and referred to Judiciary Committee No. 2.

Mr. Kemble introduced a bill to incorporate the Beaumont, Corsicana and Fort Worth Railway Company. Read and referred to the Committee on Internal Improvements.

Mr. Hester introduced a bill entitled "An act to authorize the County Court of Lavaca county to levy a

special tax for the purpose of building a court house, and appropriating money for that purpose." Read and referred to Judiciary Committee No. 1.

Mr. Gallaway offered the following resolution :

Resolved, That Judiciary Committee No. 1 be and it is hereby directed to take into consideration the propriety of passing "An act to secure to married women and minor children the proceeds derived from life assurance policies on the lives of husbands and fathers, free from administration and the debt of the assured," and to report by bill or otherwise at its earliest convenience.

Mr. Wood introduced a bill entitled "An act concerning the receiving, shipment and transportation of freight by common carriers in this State." Read and referred to Judiciary Committee No. 2.

Mr. Prendergast introduced a bill to be entitled "An act to validate a certain land certificate therein named." Read and referred to the Committee on Private Land Claims.

Mr. Gillette introduced a bill entitled "An act to incorporate the Public Building Company of Hill county." Read and referred to Judiciary Committee No. 2.

Mr. Gillette presented a second bill, entitled "An act to permanently locate the county seat of Hill county." Read and referred to Judiciary Committee No. 2.

Mr. Gillette presented a third bill, entitled "An act to repeal an act entitled an act authorizing the Governor to order an election to be held in Hill county for the permanent location of their county seat, approved August 12, 1870." Read and referred to Judiciary Committee No. 2.

Mr. Gaston presented a bill, to be entitled "An act to change the name Lelia Jane Price." Read and referred to Judiciary Committee No. 2.

Mr. Gaston presented a second bill to be entitled "An act to prevent the gift or sale of intoxicating liquors within two miles of Garden Valley Seminary in Smith county, Texas." Read and referred to the Committee on Education.

Mr. Gaston presented a third bill, to be entitled "An act to incorporate the Garden Valley Seminary, in Smith county, Texas." Read and referred to the Committee on Education.

Mr. Hollingsworth presented a bill to be entitled "An act providing for the establishment of the Texas Military

Institute and State Normal Academy." Read and referred to the Committee on Education.

Mr. Brown of Dallas presented a bill to be entitled "An act for the relief of Thomas F. and Anna G. McKinney." Read and referred to the Committee on Public Debt.

Mr. Brown of Dallas presented a second bill, to be entitled "An act amendatory of and supplemental to an act concerning private corporations, approved December 2, 1871." Read and referred to the Committee on Town and City Corporations.

Mr. Anderson of McLennan presented a bill granting H. M. Matthis, principal, and Col. L. D. DeLyon, Miss Mollie E. B. Beaver, Miss Fannie Bradford and Miss Nannie Hughes, assistant teachers of the Dangerfield High School, Dangerfield, Titus county, Texas, the privilege of granting diplomas to students who complete the course of study established by the principal and faculty of the institution. Referred to the Committee on Education.

Mr. Anderson of McLennan presented a second bill, supplementary to an act entitled "An act in relation to the Missouri, Kansas and Texas Railway Company, late Union Pacific Railway Company, southern branch," passed August 2, 1870. Read and referred to Judiciary Committee No. 2.

Mr. Tilson introduced a bill to regulate and control Fire, Marine, Inland and Life Insurance Companies in the State of Texas. Read and referred to Judiciary Committee No. 1.

Mr. Ireland presented bill to provide for the registration of births. Read and referred to Judiciary Committee No. 2.

Mr. Watts introduced a bill to be entitled "An act to amend an act entitled an act to establish a code of criminal procedure for the State of Texas, approved August 26, 1856." Read and referred to Judiciary Committee No. 2.

On motion of Mr. Payne, Mr. Armstrong was added to the Committee on Finance.

Mr. Ghent presented "An act to incorporate the Milan Real Estate and Emigration Association." Read and referred to the Committee on Town and City Corporations."

Mr. Tivy presented a bill to be entitled "An act for the relief of the heirs of John Short, deceased." Read and referred to the Committee on Private Land Claims.

Mr. Storey presented a bill to be entitled "An act for the relief of Thomas Williams." Read and referred to the Committee on Private Land Claims.

Mr. Salter presented a bill to be entitled "An act to amend an act approved August 13, 1870, incorporating the town of Bremond, approved December 1, 1871." Read and referred to the Committee on Town and City Corporations.

Mr. Kleberg presented a bill to be entitled "An act to provide for the payment of damages done by dogs." Read and referred to Judiciary Committee No. 2.

Mr. Rosborough presented a bill to be entitled "An act to incorporate the Central Texas Agricultural and Mechanical Fair Association." Read and referred to the Committee on Agriculture and Stock Raising.

Mr. Westfall presented a bill to be entitled "An act for the encouragement of irrigation." Read and referred to the Committee on Agriculture and Stock Raising.

Mr. Doyle introduced a bill to be entitled "An act to change the names of certain persons therein named." Read and referred to the Committee on State Affairs.

Mr. Joseph introduced a bill to be entitled "An act to amend an act to incorporate the Magnolia Grove Association, approved June 20, 1870." Read and referred to the Committee on Town and City Corporations.

Mr. Ireland presented a bill to be entitled "An act authorizing the Commissioner of the General Land Office to issue land certificates to E. B. Thomas." Read and referred to Committee on Private Land Claims.

Mr. Sayers offered the following resolution:

Resolved, That Judiciary Committee No. 2 be requested to inquire into the propriety of allowing insurance companies of all the States to be sued in Texas, and in any county where there is an agent of the company, and that service on them shall be sufficient, and report by bill or otherwise.

Adopted.

Mr. Berends offered the following resolution:

Resolved, That the Committee on Finance be and are hereby requested to inquire into and consider the expediency and necessity to amend "An act to give effect to the several provisions of the Constitution concerning taxes," approved April 22, 1871, in the following way, to-wit:

Section six, lines eleven and twelve, after the words "used for profit," instead of "two hundred dollars" insert "fifty dollars."

Lines thirteen and fourteen, after the words "used for profit," instead of "one hundred dollars" insert "seventy-five dollars."

Line sixty-four, after the words "less than \$25,000," add "and more than \$12,000."

Line six, instead of the words "in quantities less than a quart," insert "by the drink."

Line six, after the words "one hundred and fifty dollars," and before the word "provided," insert "for selling wine or beer by the bottle or beer by the glass, fifty dollars."

Line thirty-six (hotels), after the words "inhabitants or more," add "of the first class, one hundred dollars; of the second class, fifty dollars; of the third class, twenty-five dollars. A first class hotel is such which keeps twenty or more rooms for the accommodation of travelers; a second class hotel is such which keeps less than twenty and more than ten rooms; a third class hotel is such which keeps less than ten rooms."

Line forty-nine, after the words "five dollars," add "for every feed stable, five dollars."

Line seventy-seven, after the words "five thousand in population," strike out the words "two hundred and fifty dollars," and insert "if of first class, an annual tax of three hundred dollars; if of second class, two hundred dollars; if of third class, one hundred and fifty dollars. Such persons or firms whose average annual deposits are more than \$200,000 shall be considered of first class, and whose average annual deposits are less than \$200,000 and more than \$100,000 shall be of second class, and such whose average annual deposits are less than \$100,000 shall be of third class."

Line ninety, after the word "exists," add "from every intelligence office, an annual tax of ten dollars; from every transportation or supply contractor or firm, an annual tax of fifty dollars; from every building contractor, an annual tax of fifty dollars."

Section ten, in lines two, three and four, strike out the words "except the county occupation tax, which shall be collected by the county treasurer."

Section thirty, line seven, after the words "State tax,

(if not already repealed by an act supplemental to an act approved November 29, 1871),” add “*provided*, that the justices of the peace or their deputies, when assessing such taxes, shall not be allowed to charge any separate fee for administering the oath prescribed.”

The House proceeded to the unfinished business of yesterday, being the consideration of an act to create and provide for the organization of the county of Gregg, the question being on the motion of Mr. Morris to postpone indefinitely.

After discussion, Mr. Brown moved the previous question, which being seconded, was put and carried, and the bill ordered engrossed.

A message from the Senate announced the passage by that body of Senate bill No. 132, an act confirming the outstanding debt of the State of Texas, and providing for the settlement and payment of the same, as a substitute for House bill No. 181, “An act for the sale of State bonds to meet the liabilities due from the State of Texas.”

The following message from His Excellency the Governor was read :

EXECUTIVE OFFICE,
STATE OF TEXAS, AUSTIN, March 12, 1873. (

Hon. M. D. K. Taylor, Speaker of the House of Representatives of the State of Texas :

SIR : I have the honor to return to your House, where it originated, the act entitled “An act to legalize and make valid the recent election in Wilson county.” and ask that the same be reconsidered.

I ask the attention of the House to the provision of the Constitution contained in Article III, Section VI, “All elections for State, district and county officers shall be held at the county seats of the several counties.”

It was made known to the satisfaction of the board of returning officers that the election proposed to be validated by this act, was not held at the county seat of Wilson county, but at another place outside of the limits of the county seat.

If that election was legal, the courts, and only the courts, have the power and are the proper authority so to declare ; but if it was not legal, it is obvious that no subsequent act of the Legislature can make it so.

This act, then, proposes to compel the Secretary of

State and Governor to revise the action which, as they understood the Constitution, they felt bound to take regarding that election.

I will state that in order, as far as possible, to carry out the wishes of the people as expressed in the attempted election in Wilson county, the officers returned as having received the highest number of votes were appointed and commissioned by me to their respective positions before the repeal of the act of June 28, 1870, commonly called the "enabling act."

Perhaps the Legislature might, by such an act as this, ordain that the term of office of those so appointed shall continue for the full period allowed by the Constitution and laws to such officers.

Very respectfully,

(Signed) EDMUND J. DAVIS, Governor.

On motion of Mr. Denton, the message was read, and the bill being put on its passage, the vote stood as follows :

Yeas—Messrs. Speaker, Adriance, Allen, Allison, Anderson of Montgomery, Anderson of McLennan, Armstrong, Berends, Bewley, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carrol, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ellett, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Mills, Michael, Morris, Moore, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Salter, Sayers, Scott, Shaw, Shelton, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Veale, Venters, Watts, Westfall, Williams, Winkler and Wood—79.

Nays—Messrs. Abbott, Moore, Washington and Wilder—4.

Whereupon the bill having received a four-fifths majority, was declared to have passed over the veto of the Governor.

The following message was received from His Excellency the Governor :

EXECUTIVE OFFICE, AUSTIN, March 10, 1873.

To the Honorable Senate and House of Representatives of the State of Texas :

GENTLEMEN: I have the honor to inform you that the

following named acts and resolutions have been received by me and approved, to-wit:

Senate bill No. 9, An act making an appropriation for the mileage and per diem pay of the members, and the per diem pay of the officers and employés of the Thirteenth Legislature, approved January 27, 1873.

House bill No. 18, An act to amend the first section of article two of title two, of an act to incorporate the city of Galveston, and to grant a new charter to said city, and to repeal all acts heretofore passed incorporating said city, which may be in force by virtue of any existing charter, approved May 16, 1871, approved January 30, 1873.

House bill No. 71, An act to be entitled an act to authorize the Comptroller of Public Accounts to receive from the Secretary of the Treasury of the United States the balance remaining of the fund appropriated by the acts of September the ninth, 1850, and February the twenty-eighth, 1855, for the payment of the creditors of the late Republic of Texas, approved January 30, 1873.

House bill No. 44, An act to incorporate the city of Brenham, and to grant a new charter to said city, approved February 4, 1873.

Senate bill No. 23, An act to amend an act entitled an act to incorporate the city of Tyler, and to provide for the administration of its municipal affairs, approved April 26, 1871, approved February 7, 1873.

House bill No. 59, An act to amend an act entitled an act to reincorporate the city of Navasota, Grimes county, and to grant a new charter to said city, and to repeal an act approved October 27, 1866, incorporating the city of Navasota, approved February 8, 1873.

Senate bill No. 40, An act to renew and continue in force an act entitled an act to charter the Nacogdoches University, approved February 3, 1845, approved February 11, 1873.

House bill No. 198, An act requiring the next term of the District Court of Trinity county to be held at the town of Trinity, approved February 13, 1873.

House bill No. 186, An act to incorporate the town of Gainesville, in Cooke county, approved February 17, 1873.

House bill No. 106, An act to provide for the public printing, approved February 17, 1873.

House bill No. 22, An act to incorporate the city of

Fort Worth, in the county of Tarrant, approved February 17, 1873.

House bill No. 187, An act to amend section (7) seven of an act entitled an act prescribing the times of holding the District Courts in the several judicial districts in the State, approved August 10, 1870, approved February 17, 1873.

Senate joint resolution No. 5, Joint resolution to require the payment of Treasury warrants, without regard to date or number, approved February 19, 1873.

House bill No. 231, An act to authorize the county of Marion to issue interest bearing bonds for the building of a court house and jail in said county, approved February 22, 1873.

House bill No. 194, An act to incorporate the town of Pine Hill, in Rusk county, approved February 22, 1873.

Senate bill No. 37, An act to create the county of Rockwall, approved March 1, 1873.

House bill No. 8, An act to incorporate the city of Sulphur Springs, in the county of Hopkins, approved March 4, 1873.

Senate joint resolution No. 17, Joint resolution instructing and requesting our Congressional delegation to urge upon Congress the survey and construction of a ship canal across the peninsula of Florida, approved March 4, 1873.

Senate bill No. 69, An act to expedite the decision of criminal cases by the Supreme Court, approved March 4, 1873.

Senate joint resolution No. 18, Joint resolution authorizing the Governor to offer a reward of \$5000 for the apprehension and conviction of the murderer of the Hon. Louis Frankee, and making an appropriation therefor, approved March 4, 1873.

House bill No. 112, An act to amend an act prescribing the times of holding the District Courts in the several judicial districts in the State, approved August 10, 1870, approved October 13, 1871, approved March 4, 1873.

House bill No. 101, An act granting a charter to Hugh P. Clark, to create and keep and run a ferry boat at or near the northeast corner of the Hugh Neal survey, on Sabine river, in Van Zandt county, approved March 6, 1873.

House bill No. 201, An act to amend and consolidate

the several acts incorporating the town of Gonzales, approved March 6, 1873.

House bill No. 282, An act to authorize the levy and collection of a special tax in Gonzales county, approved March 6, 1873.

House bill No. 285, An act to incorporate the city of Denison, approved March 7, 1873.

House bill No. 157, An act amendatory of and supplementary to an act to incorporate the city of Dallas, approved April 20, 1871, approved March 8, 1873.

House bill No. 85, An act directing the publication of the expenditures, assets and indebtedness of the several counties, approved March 8, 1873.

House bill No. 77, An act to establish the county seat of Kinney county, approved March 8, 1873.

The following bills not having been returned by me to the House in which they originated, within the time prescribed by the Constitution, have become laws without my approval :

An act to repeal an act entitled an act to provide for the appointment by the Governor of certain officers to fill vacancies, approved June 28, 1870.

Joint resolution authorizing the Comptroller and Treasurer each to employ two additional clerks.

Very respectfully,

EDMUND J. DAVIS, Governor.

On motion of Mr. Mills, the special committee on the bill for payment of teachers of public free schools was granted leave to report, upon which they submitted the following:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your special committee, to whom was referred House bill No. 340, entitled "An act making an appropriation for the payment of the teachers of the public free schools of this State," have carefully considered the same and report the same back to the House, with the recommendation that the same do pass, with the accompanying amendments.

WOOD, Chairman.

The lines here referred to are those in the printed bill :

1. Amend caption as follows: "An act to ascertain the amounts due the teachers of the public free schools of this State, prior to the first day of March, A. D. 1873, and to provide for the payment of the same."

2. In the second line of section one, strike out "five" and insert "four." In same section strike out all after the word "approved" in the eighth line, and insert instead thereof "as hereinafter prescribed."

3. After the word "instruction," in section second, line four, insert, "whose duty it shall be to furnish such list in ten days after the passage of this act." In same section, fifth line, strike out "\$500,000," and insert "\$400,000." Same section, strike out all after the word "Comptroller," in the twelfth line.

4. In third section, strike out all in sixth line after the figures "1873," and all of the seventh line. Also in same section strike out all after the word "teacher," in the tenth line, and insert, "specifying the month of service, which shall be paid by the Treasurer according to seniority of service; *provided*, warrants may be paid at any time if sufficient funds be reserved to pay warrants for prior service."

5. Strike out section four, and insert in lieu thereof :
Sec. 4. That the teacher of any public free school in this State to whom money may be due for such service rendered prior to the first day of March, A. D. 1873, shall make out his account, showing the number of days and the average number of children taught in each month, which account shall be verified by the affidavit of such teacher, and the affidavit of at least two respectable patrons of the school, to the correctness of such account; and the teacher shall further swear that he has not been paid for the service claimed, or any part thereof, except as may be shown by said account; and the officer before whom such affidavits are made shall certify to the credibility of such parties, and append his official seal thereto; and any person swearing falsely concerning any matter or fact required by this section shall be deemed guilty of perjury, and upon conviction shall be confined in the penitentiary for a period of two years. Upon the presentation of the account verified as required in the preceding part of this section to the Comptroller, he shall audit the same and draw his warrant on the Treasurer in favor of the teacher for such amount as shall be due for such service under the law and regulations governing the payment of teachers.

6. Strike out section five and insert instead thereof :
Sec. 5. That it shall be the duty of the Superinten-

dent of Public Instruction immediately after the passage of this act, to furnish the Comptroller with a tabular statement showing all payments to teachers made without warrants previously issued therefor by the Comptroller, specifying the amounts, for what services and the person to whom paid; and it is also hereby made the duty of the treasurers of all county school boards who may have had in their hands any school fund to immediately forward to the Superintendent of Public Instruction, and also to the Comptroller of Public Accounts, a statement of the amount of school funds received by them, showing all payments made by them to teachers, with the amounts, date of payment, the persons to whom paid, and for what service, which statement shall be verified by the affidavit of the party making it before the clerk of the District Court. It is hereby further made the duty of the Superintendent of Public Instruction immediately on the passage of this act to notify the treasurers of the several school boards in the State of the requirements of this section; and should any party whose duty it is to furnish the statement required by this section fail to do so as herein provided, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty and not more than one thousand dollars.

The amendments were adopted, and the bill ordered engrossed.

On motion the rules were suspended, the bill read a third time and passed by the following vote.

Yeas—Messrs. Speaker, Abbott, Adriance, Allen, Allison, Anderson of Montgomery, Anderson of McLennan, Armstrong, Berends, Booty, Bordeaux, Broaddus, Brown of Dallas, Brown of Upshur, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ellett, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Michael, Mills, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Salter, Scott, Shaw, Shelton, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—80.

Nays—none.

On motion of Mr. Brown of Dallas, the Senate bill supplemental to an "Act amendatory of and supplemental to an act to incorporate the Sabine and Galveston Bay Railroad and Lumber Company, passed September 1, 1856, passed December 24, 1859, which act changed the name of said company to The Texas and New Orleans Railroad Company," was taken up.

The House refused to recede from its amendments thereto, and the Speaker appointed Messrs. Brown of Dallas, Bewley and Armstrong a committee of free conference to meet a like committee appointed by the Senate.

Mr. Nelson moved to suspend the rules and take up the bill creating the county of Gregg.

House refused to suspend.

Mr. Storey moved to make House bill No. 55, to protect the farming interests of the State, the special order for 10 o'clock A. M. to-morrow. Lost.

On motion, the House then adjourned until 9:30 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES, {
AUSTIN, TEXAS, March 13, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

Absent—Mr. Michael.

On motion the reading of the journal of yesterday was suspended.

On motion of Mr. Broaddus, Senate bill No. 142, "An act validating an election held in Brazos county," was taken up, read first time and passed to a second reading.

On motion, the rules were suspended, the bill read a second time, and on motion referred to Judiciary Committee No. 1.

On motion, Mr. Scott was excused for fourteen days, and the leave of absence of Mr. Bledsoe extended until Monday next.

Mr. Bewley offered a petition for a new county to be formed of parts of San Augustine and Nacogdoches counties. Referred to Committee on Counties and County Boundaries.

Mr. Payne offered a petition of citizens of Goliad county

in relation to a fence law. Referred to Committee on Agriculture and Stock Raising.

Mr. Gaston offered a petition of citizens of Smith county, asking relief for certain persons therein named. Referred to Judiciary Committee No. 2.

Mr. Story offered a petition of two hundred and thirty-one citizens of Caldwell county, asking the passage of what is known as the Ohio liquor law. Referred to Judiciary Committee No. 2.

Mr. Carroll offered a petition of citizens of Davilla, Milam county, praying for the prohibition of the sale of liquor within six miles of Davilla Institute, in Milam county. Referred to Committee on Education.

Mr. Winkler offered a letter of L. H. Durham of Navarro county, relating to the encouragement of fruit growing. Referred to Committee on State Affairs.

Mr. Kemble offered a petition of citizens of Ellis county. Referred to Committee on State Affairs.

Mr. Smith of Colorado offered a petition relative to the discovery of J. G. G. Garrett concerning the destruction of the cotton worm. Referred to Committee on Agriculture and Stock Raising.

Mr. Salter offered a petition from the citizens of Bremond. Referred to Committee on Town and City Corporations.

Mr. Ireland offered a memorial. Referred to Committee on Finance.

Mr. Anderson of McLennan offered a petition relative to the levying of a special tax in McLennan county. Referred to Judiciary Committee No. 2.

On motion of Mr. Tom, the following report from the Committee on Counties and County Boundaries was taken up:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred the petition of citizens of Medina and Bexar counties, asking for the extension of the boundary line of Medina county, together with House bill No. 314, beg leave to report that they have had the same under consideration, and instruct me to offer the accompanying substitute, and recommend its passage.

TROLINGER, Chairman.

The bill, being an act to enlarge the county of Medina,

was read, and a substitute of same caption submitted by the committee read and adopted. The bill was then ordered engrossed.

On motion, the rules were suspended, the bill considered engrossed, read a third time and passed.

On motion, Mr. Gallaway was excused for two weeks.

A message from the Senate announced the passage by that body of Senate bill No. 145, "An act to amend an act entitled an act for the relief of the Eastern Texas Railroad Company, passed the twentieth day of March, A. D. 1871."

Mr. Morris moved to take up the bill just received from the Senate. House refused.

The Committee on Engrossed Bills reported as follows: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Your Committee on Engrossed Bills have thoroughly examined the following House bills:

No. 329, a bill to be entitled "An act prohibiting the sale or disposal of intoxicating liquors within five miles of the academy in the town of Clifton, Bosque county."

No. 152, a bill authorizing the County Court of Hays county to levy and collect a special tax.

No. 93, a bill entitled "An act to better provide for the protection of agricultural interests."

No. 330, a bill entitled "An act prohibiting the sale of intoxicating liquors within two miles of Valley Mills Academy, in Bosque county."

No. 240, a bill to be entitled "An act to incorporate the Grayson County Agricultural and Mechanical Association."

No. 378, a bill to be entitled "An act to prohibit the sale of all intoxicating liquors within three miles of Fairview Academy, Williamson county."

No. 377, a bill to be entitled "An act to prohibit the sale of all intoxicating liquors within three miles of Bluffton school, in Llano county."

No. 275, a bill to be entitled "An act supplemental to and amendatory of an act entitled an act to incorporate the Odd Fellows' Hall and Building Association, of Bryan, Texas, approved December 1, 1871."

No. 142, "An act to enlarge the area of Menard county."

No. 174, "An act to amend and supplemental to an act

to provide for the incorporation of towns and cities, approved January 27, 1858."

No. 196, "An act to amend an act entitled an act to incorporate the city of Calvert, in Robertson county, approved April 12, 1871."

No. 238, "An act to authorize the levy of writs of executive attachment and sequestration on neat cattle as they run in the range."

No. 244, "An act to authorize the County Court of Kinney county to levy and collect a special tax for the term of six years to build a court house and jail at the county seat of said county."

No. 35, A bill to be entitled "An act to authorize parties in certain cases to sue in the District Courts for head-right certificates and bounty and donation warrants, and to provide for the issuance of such certificates and warrants."

No. 361, a bill to prevent the sale or disposal of spirituous liquors within three miles of Leesburg in Gonzales county.

No. 360, joint resolution concerning the summoning of male witnesses before the several committees of the two houses of the Legislature.

No. 337, "An act for the relief of the Hon. Nat. M. Burford."

No. 264, "An act to authorize the Police Court of Ellis county to levy and collect a special tax for the purpose of building a jail."

No. 287, "An act authorizing the County Court of Bosque county to levy a tax for the purpose of building a court house and jail."

No. 267, "An act to amend Articles 412 and 418 of the Penal Code, as amended by act passed May 11, 1871."

No. 250, A bill to be entitled "An act to authorize Thomas M. Cain and W. J. Ayce to construct a toll bridge across Sabine river."

No. 227, "An act for the relief of assessors and justices of the peace in certain cases, for taking scholastic census."

No. 274, A bill to be entitled "An act to amend an act entitled an act to reorganize the town of Bryan, in Brazos county, Texas, and incorporate said town as the city of Bryan."

No. 348. A bill to be entitled "An act to prohibit the

sale of intoxicating liquors within certain limits of Jonesborough School, in Coryell county."

No. 249, A bill to be entitled "An act to change the names of certain persons herein named."

No. 237, "An act to authorize the Governor to appoint a registrar and boards of appeal and revision in certain unorganized counties therein named."

No. 376, "A bill making an appropriation to pay the printing account of Richardson, Belo & Co., for the Comptroller's office."

No. 339, A bill to be entitled "An act to authorize the county of Dallas to issue bonds."

And find the same correctly engrossed.

BOOTY, Chairman.

Mr. Green moved to take up the bill creating the county of Hempstead. Carried.

The following report from the Committee on Counties and County Boundaries relative thereto was read.

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was recommitted petitions from citizens of Grimes, Harris and Austin counties, praying for the creation of a new county, together with protests from citizens of said counties, and House Bill No. —, beg leave to report that they have had the same under consideration, and a majority of the committee instruct me to return the same, and recommend the striking out of the amendment in relation to Grimes county, and the passage of the original bill.

TROLINGER, Chairman.

The recommendation of the committee striking out the amendment referred to was adopted by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Anderson of Montgomery, Anderson of McLennan, Bewley, Booty, Brown of Dallas, Brown of Upshur, Carroll, Cunningham, Davenport, Denton, Eastland, Ellett, Gaston, Gillette, Gilpin, Green, Harrison, Hoffman, Kemble, Killough, Mabry, Manning, McDonald, Nelson, Phelps, Rimes, Robb, Rosborough, Russell, Salter, Sayers, Scott, Shaw, Shelton, Smith of Houston, Thurmond, Tivy, Tom, Trolinger, Venters, Wilder, Williams and Wood—46.

Nays—Messrs. Allison, Armstrong, Berends, Bordeaux, Broaddus, Doyle, Hester, Joseph, Kleberg, Leyendecker, Mills, Moore, Morris, Noeggerath, Payne, Powers, Roberts, Smith, of Colorado, Storey, Washington, Westfall and Williams—22.

Mr. Mills offered the following amendment: Strike out "Beason Creek" and insert "on a straight line east and west from Reed's store."

Mr. Abbott moved to lay the amendment on the table.
Lost.

The question on the amendment was then put, and the amendment failed to carry.

Mr. Wood offered the following amendment: "*Provided*, the county seat of said new county shall be established within two miles of the geographical center of the territory of said county."

Mr. Killough offered the following substitute: Amend by striking out "Hempstead," and provide for the people to select their own county seat.

Mr. Payne moved the previous question, which, being seconded, was put and carried.

The bill was then ordered engrossed by the following vote:

Yeas—Messrs. Speaker, Abbott, Allen, Anderson of McLennan, Bewley, Brown of Upshur, Brown of Dallas, Carroll, Cunningham, Day, Ellett, Ford, Gallaway, Gaston, Gilpin, Green, Hoffman, Kemble, Killough, Lane, Mabry, Manning, McDonald, Nelson, Phelps, Powers, Robb, Salter, Smith of Houston, Thurmond, Tilson, Tivy, Trolinger, Venters, Watts, Westfall, Wilder and Winkler—38.

Nays—Messrs. Adriance, Allison, Armstrong, Berends, Booty, Broaddus, Denton, Doyle, Eastland, Gillette, Harrison, Hester, Ireland, Joseph, Kleberg, Leyendecker, Mills, Moore, Morris, Noeggerath, Payne, Prendergast, Rainey, Rimes, Roberts, Russell, Sayers, Scott, Shelton, Smith of Colorado, Storey, Washington, Williams and Wood—34.

On motion of Mr. Smith of Colorado, Judiciary Committee was granted leave to report upon House bill No. 224, which they did as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Judiciary Committee to whom was referred House bill No. 224, to incorporate the State Bank of

Texas, have had the same under consideration, and have instructed me to report the bill back, with an amendment, and to recommend its passage with the said amendment, accompanying the report.

GEO. W. SMITH, Chairman.

Amendment to House bill No. 224:

“SECTION 6. That before the election of the officers and organization of the company, as directed in section four, the amount that may be unpaid by each subscriber to the capital stock of the company shall be secured by his promissory note, executed to the company, with two or more good and sufficient securities, approved by the commissioners, or a majority of them, and made payable on the call of the board of directors of the company; and when the company shall have been organized, the said commissioners will turn over to its officers the amounts received by them in money and notes for stock subscribed as aforesaid.”

The amendment was adopted, the bill, thus amended, read a second time and ordered engrossed.

On motion, the rules were suspended for fifteen minutes to allow the introduction of bills and resolutions.

Mr. Bewley introduced a bill to incorporate the Sabine Pass and Red River Railway Company. Referred to the Committee on Internal Improvements.

Mr. Carroll presented a bill to prohibit the sale of spirituous liquors within six miles of Davilla Institute, Milam county, except for medical or sacramental purposes. Referred to the Committee on Education.

Mr. McDonald presented a bill to be entitled “An act to authorize the several county courts in this State to offer a premium for wolf scalps.” Referred to the Committee on Agriculture and Stock Raising.

Mr. Wood presented a bill to change the name of Harriet E. Wallace, to Benton. Referred to the Committee on State Affairs.

Mr. Armstrong presented a bill to be entitled “An act to provide for the better designation of certain county boundaries.” Referred to the Committee on Counties and County Boundaries.

Mr. Chambers presented a bill for the relief of G. W. Patterson and son.

Mr. Broaddus presented a bill to amend “An act entitled an act prescribing the times of holding the district courts

in the several judicial districts in the State," approved August 10, 1870. Referred to Judiciary Committee No. 1.

Mr. Mills presented a bill for the relief of Jacob Fifer. Referred to the Committee on Private Land Claims.

Mr. Rainey presented a bill to amend article two thousand and thirty of the criminal code. Referred to Judiciary Committee No. 1.

Mr. Booty presented a bill for the relief of the heirs of James N. Sheel, deceased. Referred to the Committee on Private Land Claims.

Mr. Westfall presented a bill to be entitled "An act for the relief of the heirs of William Garnett." Referred to the Committee on Private Land Claims.

Mr. Ford presented a bill to be entitled "An act to amend section one of an act concerning private corporations, approved December 2, 1871." Referred to Judiciary Committee No. 2.

Mr. Storey presented a bill to be entitled "An act to require justices of the peace when they issue citations in civil suits to furnish the officer to whom the writ is directed, a certified copy of the same to be served upon each defendant." Referred to Judiciary Committee No. 2.

Mr. Thurmond offered the following resolution :

Resolved, That Judiciary Committee No. 2, be instructed to prepare and report a bill to suppress the swindling of ignorant and unsuspecting persons under the disguise of what are commonly called gift enterprises, now prevalent in many towns in this State.

Adopted.

Mr. Killough offered the following resolution :

Resolved, That His Excellency E. J. Davis be requested to inform this House whether a State geologist has been appointed as provided by the act entitled "An act providing for a geological survey of the State of Texas," approved August 13, 1870, and if so, what he is doing.

Adopted.

Mr. Russell offered the following concurrent resolution :

Resolved by the House of Representatives the Senate concurring, That the present session of the Thirteenth Legislature will adjourn *sine die* on Tuesday the tenth day of April next.

Laid over, under the rules.

Mr. Rainey offered the following resolution :

WHEREAS, Since the God of battles has created every Texan a lord of his own domicile, and imagined lord of all he surveys, and filled his bosom with the desire to have the limits of his homestead designated as a county boundary; therefore be it

Resolved, That this spirit of individualism and aggrandizement shall be checked by declaration that hereafter this House will not vote for the creation of any new county with less area than nine hundred square miles.

Mr. Gaston moved to lay the resolution upon the table.

Division of the question being called, the vote was taken upon the resolution proper and resulted in laying it on the table by the following vote:

Yeas—Messrs. Speaker, Adriance, Allen, Allison, Anderson of McLennan, Armstrong, Booty, Broaddus, Brown of Upshur, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Ellett, Gallaway, Gaston, Gillette, Green, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Mabry, Manning, Nelson, Noeggerath, Phelps, Robb, Rosborough, Russell, Salter, Shelton, Thurmond, Tilson, Westfall, Williams and Winkler—43.

Nays—Messrs. Anderson of Montgomery, Bordeaux, Gilpin, Hester, Leyendecker, Mills, Moore, Morris, Payne, Powers, Prendergast, Rainey, Roberts, Scott, Smith of Colorado, Smith of Houston, Veale, Venters, Washington, Watts, Wilder and Wood—22.

The preamble was then laid on the table.

On motion, Judiciary Committee No. 2 was granted leave to report, which they did as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee to whom was referred Senate bill No. 18, "An act to incorporate the city of Austin," beg leave to report the same back and recommend its passage.

IRELAND, Chairman.

The bill was read a second time and laid on the table.

The Committee on Roads, Bridges and Ferries, by special leave, reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 81, "An act to es-

tablish a bridge across Choctaw Bayou, in Grayson county," have had the same under consideration and recommend that it do not pass, and the committee have instructed me to prepare the accompanying substitute and recommend its passage.

HARRISON, Chairman.

The substitute of same caption offered by the committee was adopted and ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed.

Second report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : Your Committee on Roads, Bridges and Ferries, to whom was referred a bill to be entitled "An act granting a charter to O. M. Airheart to create, keep and run a ferry boat at the Spivey crossing on Trinity river in Henderson county and Navarro county," have had the same under consideration. The committee have instructed me to report the bill back to the House and recommend its passage.

HARRISON, Chairman.

The bill was read a second time and ordered engrossed.

On motion the rules were suspended, the bill read a third time and passed.

Third report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : Your Committee on Roads, Bridges and Ferries, to whom was referred a bill to incorporate the Leon River Bridge Company, have had the same under consideration, and have adopted the accompanying amendments, and ask their adoption, and recommend the passage of the bill.

J. M. HARRISON, Chairman.

The bill was read a second time and ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed.

On motion of Mr. Armstrong, Senate bill No. 145, "An act to amend an act entitled an act for the relief of the Eastern Texas Railroad Company, passed March 20, 1871," was taken up and referred to the Committee on Internal Improvements.

On motion of Mr. Powers, Senate bill No. 120, "An

act amendatory of an act entitled an act to incorporate the Rio Grande Railway Company, approved August 13, 1870," was taken up and referred to the Committee on Internal Improvements.

The Committee on Roads, Bridges and Ferries reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred a bill to be entitled "An act granting a charter to James A. Mitcham and H. L. Gilmore to create, keep and run a ferry boat at Brazete Landing, or crossing, on the Trinity river, in Henderson county and Navaro county," have had the same under consideration, and the committee have instructed me to report the bill back to the House and recommend its passage.

J. M. HARRISON, Chairman.

The bill was read a second time and ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred a bill to be entitled "An act granting a charter to J. W. McCowen, of Milam county, to keep and run a ferry boat across Little River," have had the same under consideration, and have instructed me to prepare the accompanying substitute and recommend its adoption and passage.

HARRISON, Chairman.

The substitute of same caption offered by the committee was read, adopted and ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed.

Further report from the same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee, to whom was referred a bill to be entitled, "An act to authorize and empower the County Courts of Grimes and Washington counties to aid in the construction of a bridge across the Brazos river, at the town of Washington, Washington county, Texas," have had the same under consideration, and have in-

structed me to report it back to the House and recommend its passage.

HARRISON, Chairman.

The bill was read a second time and ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 214, to be entitled "An act to establish a ferry across Big Cypress on the county line between the counties of Marion and Harrison," have had the same under consideration, and have instructed me to report the bill back to the House and recommend its passage.

HARRISON, Chairman.

The bill was read a second time and ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed.

On motion of Mr. Killough, Senate bill No. 131, "An act reimbursing Bastrop county and appropriating the sum of two hundred and twenty-five dollars for that purpose," was taken up and read; the rules suspended, read a second time; the rules further suspended, the bill read a third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson of Montgomery, Anderson of McLennan, Armstrong, Berends, Bewley, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gaston, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Salter, Sayers, Scott, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tivy, Tom, Veale, Venters, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—70.

Nays—none.

The Committee on Enrolled Bills reported as follows

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 255, "An act to prohibit the sale or gift of intoxicating or spirituous liquors within two miles of Leesburg Institute, in Upshur county, Texas," also House bill No. 57, "An act to prohibit the sale of intoxicating or spirituous liquors within one mile of the institution of learning situated at Caledonia, in Rusk county, Texas," and find the same correctly enrolled, and have presented the same this day at eleven o'clock to the Governor for his signature.

SHAW, Chairman.

Mr. Washington moved to adjourn until 9:30 A. M. tomorrow. Lost.

By leave, the special committee on House bill No. 50 submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your special committee, to whom was referred House bill No. 50, to be entitled "An act concerning the practice of medicine," have maturely considered the same, and heartily approving the objects of said bill, and believing it a matter of vital importance to the people of the whole State, beg leave to report the accompanying substitute, and recommend its passage.

FORD, Chairman,
GHENT,
TROLINGER,
RUSSELL,
TIVY,
DOYLE,
DENTON.

The bill having been read, the substitute offered by the committee was read and adopted; read a second time, and one hundred copies ordered printed for the use of the House.

On motion of Mr. Brown of Dallas, the House proceeded to take up Senate bills and messages.

House bill No. 185, "An act defining the duties of the Comptroller," was taken up and referred, with the amendments offered thereto by the Senate, to Judiciary Committee No. 1.

House bill No. 181. "An act for the sale of State bonds

to meet the liabilities due from the State of Texas," was taken up and referred, with Senate bill No. 132, offered as a substitute therefor, to the Finance Committee.

House bill No. 233, "An act regulating elections," was then taken up, with the amendments offered thereto by the Senate. The amendments having been read, the House refused to concur therein.

The Committee on Engrossed Bills reported as follows: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Your Committee on Engrossed Bills have carefully examined House bills as follows: No. 23, "An act to create and provide for the organization of the county of Gregg;" No. 369, "An act for the relief of the heirs at law of Thomas E. Culton," and find the same correctly engrossed.

BOOTY, Chairman.

On motion of Mr. Hollingsworth, House bill for the protection of the farming interests and regulating enclosures, was made a special order for Friday next, at 10 A. M.

On motion of Mr. Denton, the House adjourned until 9:30 A. M. to-morrow.

HOUSE OF REPRESENTATIVES,)
AUSTIN, TEXAS, March 14, 1873.)

House met pursuant to adjournment. Prayer by Rev. Dr. Palmer, of New Orleans, Louisiana. Roll called; quorum present.

On motion, Mr. Rives, assistant sergeant-at-arms, was excused for six days, and Mr. Arbuckle, doorkeeper, for eight days.

The reading of the journal of yesterday was dispensed with.

On motion, Mr. Wilder was excused until next Tuesday.

Mr. Ireland offered a memorial from citizens of Guadalupe county, asking the impeachment of Henry Maney, judge of the Twenty-second Judicial District. Read and referred to the Committee on Judicial Districts.

Mr. Payne presented a bill to abolish the Twenty-

second Judicial District, and to attach the counties composing it to other districts. Read and passed to second reading. On motion the rules were suspended, the bill read a second time and ordered engrossed. On motion the rules were further suspended, the bill read a third time and passed.

Mr. Chambers offered a petition for a new county off of east Collin county. Referred to a special committee, consisting of Messrs. Booty, chairman; Carroll, Davenport, Gilpin and Westfall.

Mr. Booty offered a memorial from Panola Council, No. 253, I. O. O. F. Referred to Judiciary Committee No. 2.

Mr. Ireland offered a petition from Guadalupe county. Referred to Judiciary Committee No. 2.

Mr. Smith of Houston offered a protest of citizens of Cherokee county. Referred to the Committee on Counties and County Boundaries.

Mr. Watts offered a protest of Walker county against proposed dismemberment. Referred to the Committee on Counties and County Boundaries.

On motion Mr. Ireland was added to the Committee on Internal Improvements.

On motion of Mr. Ireland the regular order of business was suspended, and business on the Speaker's table was taken up.

The resolution of Mr. Bewley, changing the order of business, was read.

Mr. Mills moved to refer to the Committee on Rules.

Mr. Bewley moved to lay that motion on the table. Lost.

The resolution was then referred to the Special Committee on Rules.

The resolution of Mr. Russell to adjourn *sine die* on Tuesday, April 15, was taken up.

Mr. Manning offered the following amendment:

Provided, all necessary legislation for the general relief of the people from the obnoxious laws, under which they have been governed, has been accomplished.

On motion the resolution and amendment were postponed until April 1, 1873.

Senate bill No. 12, "An act to amend an act entitled an act to provide for appeals from interlocutory judgments in the District Courts of the State, approved November

1, 1871," was taken up, read a second time and referred to Judiciary Committee No. 2.

Senate concurrent resolution for the appointment of a joint committee to consider the propriety and necessity of establishing two additional lunatic asylums, was then read.

Mr. Brown of Dallas offered an amendment striking out that portion referring to the proposed situation of the additional asylums. Adopted.

The resolution thus amended passed.

Senate bill No. 48, "An act authorizing the patenting of a certain bounty warrant therein named, was read and referred to the Committee on Private Land Claims.

Senate joint resolution No. 21, awarding Winchester rifles to certain persons, was read, the rules suspended and read a second time.

Mr. Bordeaux offered the following amendment: Insert the names of George Stephens, of Wise county, and Creed Roberts, of Montague county. Adopted.

Mr. Winkler moved to amend by inserting the name of Col. J. B. Barry, of Bosque county. Adopted.

The joint resolution thus amended was passed to a third reading.

Senate joint resolution No. 13, authorizing and requiring the Comptroller of Public Accounts to receive and deposit in the treasury money belonging to the estate of Charles Kammer, deceased, and to cause to be escheated the land and other effects belonging to said estate, was read a second time and referred to the Committee on the Comptroller's and Treasurer's Offices.

Senate joint resolution No. 19, concerning the debt of Texas, was read and laid on the table.

By leave, Mr. Smith of Colorado introduced a bill to authorize the Governor to settle with Messrs. Williams & Guion, of New York City, for their claims against the State. Read, the rules suspended and read a second time.

Mr. Smith of Colorado offered the following amendment: That this act shall not include the forty-three bonds said to have been taken from Raymond & Whitis, or either of them. Adopted.

The bill was then ordered engrossed.

On motion, the rules were further suspended, the bill read a third time and passed.

Senate Joint Resolution No. 9, ratifying an amendment to section six of article ten of the Constitution of the State of Texas, proposed by joint resolution of the Twelfth Legislature of the State of Texas, passed May 17, 1871, was taken up.

Pending the discussion, the hour for the special order arrived, and it was taken up, being "An act for the protection of the farming interests of the State."

On motion, the House went into committee of the whole. Mr. Payne in the chair.

Pending the discussion, the committee rose to receive the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined House bill No. 427, "A bill to authorize the Governor to settle with Messrs. Williams & Guion, of New York City, for their claim against the State, and find the same correctly engrossed.

A. J. BOOTY, Chairman.

The discussion in the committee of the whole was then resumed.

After further discussion, the committee arose and reported no progress to the House, and recommended the reference of the bill to a special committee of five, which report was adopted by the House.

The Speaker appointed Messrs. Storey, chairman, Anderson of McLennan, Chambers, Killough and Robb, said committee.

The Committee on Engrossed Bills reported as follows:
Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined House bills as follows: Substitute for House bills No. 314, "An act to enlarge the county of Medina;" No. 340, "An act to ascertain the amounts due the teachers of the public free schools of the State prior to the first day of March, A. D. 1873, and to provide for the payment of the same;" No. 426, "An act to abolish the Twenty-second Judicial District and to attach the counties composing said district to other districts," and find the same correctly engrossed.

BOOTY, Chairman.

On motion of Mr. Harrison, the House adjourned until 9:30 o'clock, A. M., to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, March 15, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

On motion, the reading of the journal was dispensed with.

By leave, Mr. Rainey introduced out of the regular order, a bill to change the judicial relations of Houston county, which was read and passed to a second reading.

On motion, the rules were suspended, the bill read a second time and referred to Judiciary Committee No. 2.

The resolution ratifying the Constitutional amendment was taken up. The question being the motion to postpone its further consideration until Thursday next, at 11 A. M., the House refused to postpone by a rising vote of 36 nays to 35 yeas.

Mr. Brown of Dallas moved to postpone its further consideration until Wednesday next, at 11 A. M. Carried.

A message from the Senate announced the passage by that body of the following bills:

Senate bill No. 99, "An act to provide for the change of venue in civil cases in the District Courts of this State."

Senate bill No. 119, "An act authorizing the Commissioner of the General Land Office to employ additional draughtsmen and clerks."

Senate bill No. 13, "An act to consolidate the Houston, Tap and Brazoria Railway, the Huntsville Branch Railway, and the Victoria and Columbia Railroad with the Houston and Great Northern Railroad."

House bill No. 361, a bill to prevent the sale or disposal of spirituous liquors within three miles of Leesburg, in Gonzales county.

On motion, Mr. Smith of Colorado was added to the House conference committee on the Texas and New Orleans Railway.

The following communication was received from His Excellency the Governor:

EXECUTIVE OFFICE, STATE OF TEXAS,)
 AUSTIN, M^orch 14, 1873.)

Hon. M. D. K. Taylor, Speaker of the House of Representatives of the State of Texas :

SIR: In reply to the resolution of the House of Representatives of the thirteenth instant, requesting to be informed whether a State Geologist has been appointed, as provided for by "An act providing for a geological survey of the State of Texas," approved August 13, 1870, etc., I would state that no State Geologist has as yet been appointed.

Very respectfully,

EDMUND J. DAVIS, Governor.

The Committee on Engrossed Bills reported as follows:
Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills have examined the following engrossed bills: No. 347, a bill to incorporate Leon River Bridge Company; No. 169, a bill incorporating the town of Willis, in Montgomery county, Texas; No. 224, "An act to incorporate the State Bank of Texas, Galveston;" No. 200, a bill to be entitled "An act granting a charter to James A. Mitcham and H. L. Gilmore to create, keep and run a ferry boat at New Bazette landing or crossing, on the Trinity river, in Henderson county and Navarro county;" No. 299, a bill to be entitled "An act reincorporating the town of Liberty;" No. 214, a bill to be entitled "An act to establish a ferry across Big Cypress;" No. 259, "An act to authorize and empower the county courts of Grimes and Washington counties to aid in the construction of a bridge across the Brazos river at the town of Washington, Washington county, Texas;" No. 425, substitute for Senate bill No 81, a bill to establish a bridge across Choctaw Bayou, in Grayson county;" No. 243, a bill to be entitled "An act granting a charter to O. M. Airheart to create, keep and run a ferry boat at the Spivey crossing on Trinity river, in Henderson and Navarro counties;" No. 336, a bill granting a charter to J. W. McCown, jr., to keep and run a ferry boat across Little river;" No 338, "An act to incorporate the town of Quitman, in Wood county," and find the same correctly engrossed.

BOOTY, Chairman.

The Committee on Enrolled Bills reported as follows :
Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined the following bill: No. 361, "An act to prohibit the sale or disposition of spirituous, vinous or other intoxicating liquors within three miles of the town of Leesburg, in Gonzales county," and find the same correctly enrolled, and have presented the same to the Governor at 12 o'clock to-day for his approval.

SHAW, Chairman.

The following communication was received from the Superintendent of Public Instruction :

DEPARTMENT OF EDUCATION,
STATE OF TEXAS, AUSTIN, March 13, 1873.

To the Honorable House of Representatives of the State of Texas :

GENTLEMEN: In answer to a resolution passed by your body on the twelfth instant, calling on me for certain information regarding the collection and disbursement of the one per cent. school tax, I have the honor to call your attention to Exhibits F, I, J, and N, of my second annual report for the fiscal year ending August 31, 1872.

To give the additional information asked, or "to furnish this House with a full and complete statement of the amount of money collected in each county in this State respectively," * * * showing in said statement in "detail the disposition made of such funds, and specifying particularly whom, to whom, by whom, and for what service paid out," would require the additional employment of at least four clerks; and as a large part of this information would have to be procured from the different counties, it would take about two months to furnish it.

If the Legislature will authorize the employment of these additional clerks I will begin the work at once.

Very respectfully, your obedient servant,

J. C. DE GRESS,

Superintendent of Public Instruction.

Mr. Ireland moved to reject the communication.

The hour for the special order having arrived, on motion it was postponed for fifteen minutes.

Mr. Rimes moved the previous question, which being seconded, was put and carried.

The motion to reject was then put and carried.

Petitions and memorials being in order, Mr. Westfall offered a petition of citizens of Williamson county, asking the passage of the Ohio liquor law. Referred to Judiciary Committee No. 2.

Also a petition of heirs of M. Ruter. Referred to the Committee on Private Land Claims.

By leave Mr. Kleberg introduced a bill to authorize H. B. Boston, A. Hamilton and R. B. Boston to erect a pontoon bridge over the Guadalupe river at the town of Clinton, in DeWitt county, Texas. Referred to the Committee on Roads, Bridges and Ferries.

By leave Mr. Denton presented a bill to define the limits of Floresville, Wilson county. Referred to the Committee on State Affairs.

Mr. Manning offered a petition to incorporate Cotton Gin Seminary. Referred to the Committee on Education.

Mr. Hoffman offered a petition of E. Schramm. Referred to the Finance Committee.

Mr. Sayers offered a petition of the heirs of W. H. Lioning. Referred to the Committee on Private Land Claims.

Also, an act for the relief of Pedro Hernandez. Referred to the Committee on Private Land Claims.

Mr. Mills by leave presented a bill for the relief of Antonio Samario. Referred to the Committee on Private Land Claims.

By leave Mr. Prendergast introduced a bill to be entitled "An act regulating the salary and fees of district attorneys." Referred to Judiciary Committee No. 2.

Mr. Brown of Dallas offered a petition of citizens of Dallas county, against dismemberment. Referred to the Committee on Counties and County Boundaries.

By leave Mr. Hollingsworth presented a bill for the relief of Richard O. Hanlon. Referred to the Committee on Private Land Claims.

On motion, Mr. Noeggerath was excused for two days.

Mr. Denton offered the following resolution:

WHEREAS, It is well known that in some of the several departments of this government, persons have been appointed as clerks and other employments, who are foreigners and strangers in this State, and whose interests are in no wise identified with that of the people of this State, and

Whereas, It is contrary to established usage in this State, as well as sound public policy, to employ such persons to take charge of important interests involving the interest and welfare of the people; therefore,

Resolved, That Judiciary Committee No. 2 be instructed to inquire into the expediency and propriety of framing a bill, and reporting the same to this House, prohibiting the heads of departments of this government from employing any person or persons as clerks, or in any other capacity, who have not the qualifications of citizenship, which would entitle them to hold other subordinate official positions in this State; and until such persons shall have executed a bond to the State, with sufficient securities commensurate with the importance of the trust confided to them, and conditioned for the faithful performance of their duties as such employes.

Adopted.

The special order, being the report of the Committee on Privileges and Elections in the contested election case of Messrs. Allen, Michael and Anderson, of Montgomery, was taken up.

Mr. Mills moved to postpone its further consideration until Thursday next, at 11 A. M.

Mr. Denton moved to lay the motion on the table. The yeas and nays being ordered, resulted as follows:

Yeas—Messrs. Armstrong, Bordeaux, Carroll, Denton, Doyle, Eastland, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Kemble, Leyendecker, Mabry, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Russell, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom and Veale—32.

Nays—Messrs. Speaker, Abbott, Adriance, Allen, Allison, Anderson of Montgomery, Anderson of McLennan, Berends, Bewley, Booty, Broaddus, Brown of Dallas, Brown of Upshur, Chambers, Cunningham, Davenport, Ellett, Ford, Green, Ireland, Joseph, Killough, Kleberg, Lane, Manning, McDonald, Michael, Mills, Moore, Morris, Nelson, Phelps, Roberts, Rosborough, Salter, Sayers, Shaw, Shelton, Trolinger, Venters, Washington, Watts, Westfall, Williams, Winkler and Wood—46.

Whereupon the motion was declared lost.

The motion to postpone then carried.

On motion of Mr. Ireland, the use of the Representa-

tive Hall was granted to Rev. Dr. Palmer, of New Orleans, on Sunday and at night during his stay in the city, for divine services.

On motion of Mr. Killough the House adjourned until 10 o'clock A. M. Monday.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, March 17, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

The reading of the journal of Saturday was dispensed with.

By leave, Mr. Kemble introduced the following concurrent resolution:

Resolved by the House of Representatives, the Senate concurring, That all public school teachers, and all supervisors, and all inspectors, and all principals of the free schools of this State, be and they are hereby notified and requested to adjourn their labors on the first day of April next, until the first day of September next, or until the Legislature can agree on a better, and less complicated, and less expensive plan, with school funds better secured; and that teachers rely on private schools until there can be a general settlement, and until further notice be given.

Resolved further, That this Legislature will not cease its labors in endeavoring to agree on the best and most practicable plan of a public free school system, in keeping with the State Constitution and wants of the people.

Referred to the Committee on Education.

By leave the Committee on Internal Improvements reported, through Mr. Winkler, as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred Senate bill No. 145, entitled, "An act to amend an act entitled an act for the relief of the Eastern Texas Railroad Company, passed the twentieth day of March, A. D. 1871," have had the same under consideration, and have instructed me to report the same back to the House and recommend its passage.

C. M. WINKLER, Chairman.

Mr. Anderson of McLennan offered the following amendments: Strike out all of section one after the word "road," in line eighteen. Change section three to section four. Insert in section three as follows: That the State reserves the right at all times to regulate and control the charges on the said road for freight and passage, and to regulate the manner in which said road shall be conducted and run.

Mr. Smith of Colorado offered the following amendment:

That the company shall build and continue from the opening of their road for business, suitable freight and passenger depots within one mile of the court house in each town to which it is required to construct its road; and if any town has no court house within its limits, then within one mile of the center of the business part of the town.

The power is reserved to the State at any time to amend, alter, repeal or annul the charter of this company, and recall the franchises and privileges thereof, by an act of the Legislature, passed by two-thirds of the Senate and House of Representatives, on condition, nevertheless, that no such act shall annul or invalidate the contracts made by or with the corporation, so far as to collect and recover and dispose of their estate, real and personal, pay off their debts, and divide the surplus among those entitled to the same.

A message from the Senate announced that that body adheres to its amendment to House Bill No. 233, "An act regulating elections, and had appointed Senators Shelley, Henry, Dillard, Tendick and Saylor a committee of conference on the disagreement between the two Houses, and asked the appointment of a like committee on the part of the House.

Also, of the passage by that body of a joint resolution fixing the rate of compensation of two accountants, employed by the joint committee of investigation of the Treasurer's and Comptroller's departments.

On motion of Mr. Winkler, the joint resolution was taken up, read and passed to a second reading.

On motion the rules were suspended, the joint resolution read a second time.

Mr. Mills offered the following amendment:

Strike out "five hundred dollars" and insert "two hundred and forty dollars" per month.

Mr. Hoffman moved the previous question, which being seconded was put with the following result :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson of Montgomery, Anderson of McLennan, Bewley, Bordeaux, Brown of Dallas, Carrol, Davenport, Gaston, Gilpin, Hester, Hoffman, Hollingsworth, Joseph, Killough, Kleberg, Lane, McDonald, Michael, Morris, Payne, Powers, Roberts, Salter, Short, Thurmond, Tivy, Veale, Venters, Watts, Westfall, Williams, Winkler and Wood—36.

Nays—Messrs. Armstrong, Berends, Bledsoe, Booty, Broaddus, Brown of Upshur, Chambers, Cunningham, Day, Denton, Doyle, Eastland, Ellett, Ford, Ghent, Gillette, Green, Harrison, Ireland, Kemble, Leyendecker, Manning, Mills, Moore, Nelson, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Shaw, Shelton, Storey, Tilson, Tom, Trolinger, and Washington—38.

Whereupon it was declared the House refused to order the main question.

Mr. Rainey moved to reconsider the vote just taken.

Mr. Denton moved to lay the joint resolution, amendment and motion to reconsider on the table.

Yeas and nays being called for resulted as follows :

Yeas—Messrs. Abbott, Anderson of Montgomery, Armstrong, Berends, Broaddus, Denton, Ellett, Ghent, Harrison, Ireland, Manning, McDonald, Moore, Prendergast, Robb, Russell, Smith of Colorado, Storey, Tilson, Tom and Williams—21

Nays—Messrs. Speaker, Adriance, Allison, Anderson of McLennan, Bewley, Bledsoe, Booty, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Doyle, Eastland, Ford, Gaston, Gillette, Gilpin, Green, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Michael, Mills, Morris, Nelson, Payne, Phelps, Powers, Rainey, Rimes, Roberts, Rosborough, Salter, Sayers, Shaw, Shelton, Short, Thurmond, Tivy, Trolinger, Venters, Washington, Watts, Westfall, Winkler and Wood—56.

Whereupon the House refused to table the matter.

Mr. Bewley moved to lay the amendment upon the table.

The yeas and nays being called for resulted as follows :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson

of McLennan, Bewley, Booty, Bordeaux, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Davenport, Ford, Gaston, Gillette, Gilpin, Hester, Hoffman, Joseph, Killough, Kleberg, Lane, Michael, Morris, Payne, Phelps, Powers, Prendergast, Rainey, Roberts, Rosborough, Salter, Shaw, Short, Smith of Houston, Thurmond, Tivy, Tom, Veale, Venters, Watts, Westfall, Winkler and Wood—44.

Nays—Messrs. Abbott, Anderson of Montgomery, Armstrong, Berends, Bledsoe, Broaddus, Cunningham, Day, Denton, Doyle, Eastland, Ellett, Ghent, Green, Harrison, Hollingsworth, Ireland, Kemble, Leyendecker, Mabry, Manning, McDonald, Mills, Moore, Nelson, Rimes, Robb, Russell, Sayers, Shelton, Smith of Colorado, Storey, Tilson, Trolinger, Washington and Williams—36.

Whereupon the motion to table was declared to have carried.

Mr. Nelson offered the following amendment :

Strick out “\$500 ” and insert “\$250.”

Mr. Payne moved the previous question, which being seconded was put, with the following result :

Yeas—Messrs. Adriance, Allison, Anderson of McLennan, Bewley, Booty, Bordeaux, Brown of Dallas, Carroll, Chambers, Davenport, Ford, Gaston, Gillette, Hester, Joseph, Killough, Kleberg, Lane, Michael, Morris, Payne, Phelps, Powers, Rainey, Roberts, Rosborough, Salter, Shaw, Short, Smith of Houston, Tivy, Tom, Veale, Watts, Westfall, Winkler and Wood—37.

Nays—Messrs. Abbott, Anderson of Montgomery, Armstrong, Berends, Bledsoe, Broaddus, Brown of Upshur, Cunningham, Day, Denton, Doyle, Eastland, Ellett, Ghent, Green, Harrison, Hollingsworth, Ireland, Kemble, Leyendecker, Mabry, Manning, McDonald, Mills, Moore, Nelson, Prendergast, Rimes, Robb, Russell, Smith of Colorado, Storey, Tilson, Trolinger, Washington and Williams—36.

Whereupon the main question was ordered and the joint resolution passed to the third reading.

Mr. Mills moved to suspend the rules and put the joint resolution upon its third and final reading. Lost.

A message from the Senate announced the passage by that body of Senate bill No. 51, “An act for the relief of sureties upon official bonds.”

And House bill No. 283, “An act to set apart one-half

of the public domain for the support and maintenance of public schools.”

The discussion upon the act for the relief of the Eastern Texas Railway Company was then resumed.

On motion of Mr. Anderson, of McLennan, the House adjourned until 9:30 A. M., to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, March 18, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

On motion, Mr. Shaw was excused for twelve days.

On motion, Mr. Manning had leave to call up House bill No. 267, “An act to amend articles 412 and 418 of the Penal Code, as amended by act passed May 11, 1871.” The bill was read a third time and passed.

By special leave the Committee on Privileges and Elections submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on Privileges and Elections, to whom was referred the contested election from the Fifteenth Senatorial District, wherein M. Elmore *et al.* were the contestants, and J. H. Washington *et al.* were the contestees, have had the same under consideration, and a majority of said committee, composed of the members whose names are hereto subscribed, make the following report:

The said district is composed of the counties of Grimes, Walker and Madison. The county of San Jacinto is a new county, formed by the Legislature since the election districts were laid off; and formed of parts of the territory of Walker, Polk and Liberty counties, only a very small portion of the territory being taken from Walker county—say one-twentieth—the remaining and much larger portion of said San Jacinto county being taken from the counties of Polk and Liberty, which last named counties formed a part of the First Senatorial District. Sometime before the last general election, the Governor, by proclamation, ordered the voters in said San Jacinto county to vote with and in

the Fifteenth Senatorial District, and the voters of said county did so vote. Under the Constitution of the State the Governor had no such power, but, on the contrary, we regard the act as in direct violation of an express provision of the Constitution (see section twenty-four, article twelve of the Constitution). Under this view, the committee determined not to count the vote of San Jacinto county in this contest.

It appears from the evidence, that at the close of the polls in Grimes county, and upon the counting out the ballots, there were in the ballot box eighty-three more ballots than there were names of voters on the poll book. This state of things, if true, would have shown conclusively that the ballot box had been stuffed, and would have been sufficient evidence of fraud to have vitiated and vacated the election in that county; but the original poll book was produced before the committee and identified by the clerk of the election who kept it; and it was clearly ascertained, by counting the names of voters upon the poll book, that the apparent discrepancy grew out of the mistakes made by the clerk in numbering the names. The committee counted the names on the poll book, one by one, disregarding the numbers placed opposite the name by the clerk of the election, and found that the number of names on the poll book only lacked three of agreeing with the number of ballots found in the ballot box. This fact, or mode of explaining the apparent discrepancy in numbers between the ballot box and poll book, had not, it seems, been ascertained by either, the judges of the election or by either party in this contest. The judges of the election and returning officers, it seems had been governed, so far as the poll book was concerned by the number placed by the clerk against the name of the last voter, and the ballot box, when counted, showing eighty-three more ballots than the number placed by the clerk against the name of the last voter on the poll book. It was, in this view of the matter, unmistakable evidence of fraud and ballot box stuffing; and it was, so far as Grimes county is concerned, mainly on this ground that H. M. Elmore, *et al.*, placed the contest. There was, it is true, some irregularities and improper conduct in connection with the election in Grimes county, but, in the opinion of the majority of this committee, not sufficient to vacate the election. The majority for the sitting members in Grimes county was 432.

As to the election held in Madison county, it was proved that on the first day of the election the judges appointed by the Governor did not appear to open the polls for the election, but a board was organized by the sheriff, clerk and others present, and voting commenced. The proof showed that on that day, the first day of the election, with a board of judges thus organized, one hundred and fifty votes were cast, all of which votes, so far as could be ascertained from the color of the tickets, were cast for the contestants. The next day, early in the morning, the regular board of managers presented themselves and proposed to conduct the election from that time on, provided that it was agreed on all hands that the voting on the day before should not be counted; or in other words, they were to begin anew. This was agreed to by all present, and the polls were opened and the election progressed to its close. It was clearly proved that all those who voted on the first day returned and voted again, except thirty-seven who did not return to vote; so that one hundred and thirteen of those voting on the first day came back and voted afterwards, and their ballots were, as a matter of course, counted at the close of the election. The majority for the contestants in Madison county was 160. Add to that number the 37 who did not return after voting the first day, and the contestants' majority would be 197.

In Walker county it was proved that seventy-four men registered during the election and voted. Fourteen were for contestants, and sixty for contestees. It was further proved that six ex convicts voted, four of whom voted the Republican ticket, the other two voting the Democratic ticket. The majority for the contestees in Walker county was one hundred and sixty-eight. Take from the seventy-four who registered during the election the fourteen who cast their votes for the contestants, and it leaves an excess of illegal votes to be deducted from the Republican majority of sixty votes. Now, that number from one hundred and ninety-eight, the official majority for contestees in Walker, and it leaves 138; and then deduct the four votes of the ex-convicts who voted for the contestees, and we have the true majority—one hundred and thirty-four.

Irregularities and wrongs, it is true, were shown, other than those referred to above, in connection with the election both in Walker and Madison counties; but, in

the main, the testimony fails to show, according to our judgment, a sufficient amount of wrong and fraud to vacate the election.

The matter, in our judgment, stands thus :

Majority for the contestees in Grimes county, 434 ; Walker county 134. Total 366.

Majority for contestants in Madison county, 197 ; showing a majority in the district for contestees to be 369.

A majority, therefore, of your committee are constrained to say that, in our opinion, the sitting members J. H. Washington, R. Williams and J. S. Mills, are legally entitled to retain their seats in this House as the Representatives of the Fifteenth Senatorial District.

A. S. BROADDUS,

Chairman *pro tem.*

J. RUSSELL,

D. M. PRENDERGAST.

C. L. ABBOTT,

C. C. GALLAWAY,

O. N. HOLLINGSWORTH.

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

The undersigned, chairman of the Committee on Privileges and Elections, having heard the testimony in the case, fully concurs with the majority. He was prevented by the sickness of his son in making it out as ordered the committee, and the gentleman from Brazos kind consented to act in his stead.

D. M. SHORT,

Chairman Committee on Privileges and Elections

The following minority report was also submitted :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The undersigned, a minority of your committee on Privileges and Elections, which has for the past weeks had under consideration the contested election from the Fifteenth Senatorial District, dissenting from majority of the committee, beg leave to submit their views of the case to the House of Representatives, and country; the case being one of extraordinary importance involving the right of three members now occupying s

sic

in the House, to do so, as lawful representatives of the people.

It has received the patient attention of the committee, and we are proud to say has been considered in the light of truth and justice, wholly divested of party prejudice.

We respectfully submit:

1. That the entire vote of the county of San Jacinto was cast in the Fifteenth Senatorial District, while in fact that county was created since the constitutional apportionment, and nineteen-twentieths of which was taken from the territory of the First Senatorial District and was never attached by any law to the Fifteenth District; in fact, it could not be until a new apportionment, as such would be in violation of the Constitution. By this single wrong the contestants in this case, Messrs. Elmore, Innham and Goree, were defrauded to the extent of one hundred and three votes. So much for San Jacinto county.

2. Walker county shows, by the testimony of B. W. Walker, Federal supervisor, an unimpeachable witness, that, in contravention of law, registration was continued in Walker county during the election, and that (76) seventy-six persons registered during said election, sixty of whom have been proved to have voted for the sitting members, together with six persons from the penitentiary. The witness states that he kept a memoranda of names, dates and color, from which he testified.

Col. A. F. McKinney testifies to twenty other ex-convicts voting, footing up (79) seventy-nine illegal votes. (See article 6, section 1, of the Constitution of Texas.)

Judge J. M. Maxey's testimony is, that intimidation existed, and had existed for the last several years in Walker county, and to such an extent that colored men were afraid to exercise the elective franchise for any others than the Republican candidates, believing mobocracy to be fatal to colored Democracy.

Mr. M. H. Goddin, a witness for contestee, a resident of Huntsville, swears that intimidation prevailed for three months before, and up to the last election.

Col. A. T. McKinney of Huntsville further swears, that on the day of election there was intimidation, and that the armed police did take Democratic tickets out of the hands of colored men who desired to vote them, tear them up and give them Republican tickets, and vote them, in

violation of the Constitution and general election laws of the State of Texas. (See official returns sitting aside Presidio and El Paso counties; also Webb and others.)

3. In Madison county, contestants show by the testimony of M. Y. Randolph, Federal supervisor of the election board for Madison county, that the regularly appointed board of officers of election for that county did, all save one, absent themselves, and positively fail and refuse to open the polls for election in the town of Madisonville, in Madison county, on the first day of the general election, and that a new board was chosen and appointed by the district clerk, sheriff, and the remaining number of the old board; who did, about noon, proceed to open the polls and receive votes, and that day one hundred and fifty votes were polled for the contestants; and that they telegraphed the Governor of the refusal of the regularly appointed board to serve, and the Governor responded back that his appointees should hold the election. On Wednesday, the second day of the election, they did return and open the polls, throwing out all the votes cast on the previous day, which was one hundred and fifty; some of whom did return and vote again, though many did not, thereby being deprived of the right of suffrage. Whereupon the undersigned minority, being of opinion that said election was not held in conformity with either the spirit or intent of the law, and should be, in behalf of the people, declared void and remanded back.

4. In the county of Grimes contestants have shown; by the testimony of Mr. W. R. Thomas, Federal supervisor, and Mr. L. McDaniel, inspector, and Mr. E. A. Cabeen, presiding officer of the election, that the whole ballots of the county were spread out upon a table, and the red check-back tickets separated from the whites and counted, in violation of the protest of said Thomas and Cabeen, saying they did it to gratify the curiosity of the masses who were clamoring for the result of the vote, and it was said the probable result could be arrived at by separating and counting the numbers belonging to each color, as the two political parties voted different colored tickets, after which the tickets were again put back in the box, and the regular counting resumed, and upon finishing the count it was ascertained that there were eighty-three more ballots counted from the box than there were names on the clerk's rolls or poll books; and that, after trying to re-

concile the difference, and failing to do so, Mr. E. W. Bradey, the registrar, proposed to lock the box up in the clerk's office, and meet at 8 P. M., and renew their efforts to correct the discrepancy. Mr. Cabeen went at the appointed hour, but no one met him. He waited a reasonable time, and, no one coming, he went home.

The next morning, Tuesday, after the election, Mr. Cabeen returned to the court house at the usual hour, where he found the registrar, Mr. Bradey, Orange Smith, one of the judges, Mr. Shaw, one of the clerks, and Mr. Rodey, who held no official position, counting the ballots, whereupon, he, Cabeen, presiding officer of the election, protested against such proceedings, declaring that he would retire from the election board; and did so, going home. He was asked to sign the returns, but refused to do so, saying he would not be a party to such a fraud, and that he would not have anything more to do with the election.

He took a memoranda of the votes cast and properly counted, for a portion of the county and district candidates, and, from this memoranda in his own handwriting, Mr. Inham, one of the contestants, had received (1137) eleven hundred and thirty-seven votes, while we find the published list from the Secretary of the State to be only (1077) ten hundred and seventy-seven; and we find 1137 votes for Inham corroborated by Mr. Bradey's report, immediately after the first and only official count, published in the *Navasota Tablet*, a newspaper, published in the town of Navasota. He further shows, by his memoranda book, that while the printed report decreases the vote of the contestants, it increases the vote of the contestees at equal and even ratio rate.

5. We further find, upon our investigation, that the reputed election returns upon which members claim their seats, does not appear or purport to have been made at the county seat of Grimes county, as is required by law; but it purports to have been manufactured at a railroad depot called Navasota, on the Central Railroad. In fact, the undersigned minority of your committee could not be satisfied from all the record testimony that they have seen, outside of Cabeen's memoranda book, that there had ever been an election held in Grimes county. The roll of names presented as being the poll list of Grimes county, is without place, date, caption, signature or certificate, and so persistently urged upon your committee

as a proper poll book of Grimes county, was but an insult to the intelligence of the undersigned minority making this report; and since it has been amply proven to your committee that a majority of the clerks and judges of said election board were good, efficient business men it is suspiciously strange that there should be but one reputed signature, which was a cross mark authenticating the legality and validity of over 2500 voters; though it is in proof that Mr. Bradey called on Mr. Cabeen the second time to sign the returns, thereby showing that he (Mr. Bradey) knew the law required it. But Mr. Cabeen again refused, saying that he would not be a party to such a fraud. With these facts before our eyes, and sustained by the twelfth and thirty-third sections of the general election law, we, like Mr. Cabeen, will not be a party to such a fraud.

In conclusion, we say, in view of the multiplicity of irregularities, informalities and illegalities in the whole premises, and being of the opinion that while our statutes are ignored by legal authorities, legislation is an abortion and but a by-word. Though in dissenting from a majority of your committee, we do so without prejudice, but believing that, with the examples set by our Governor, Attorney General and Secretary of State, in their strict adherence to the letter of the law, in their compiled returns of the late general election, it would be dereliction of duty were we to treat the importance of this subject lightly; and in further consideration of the injustice that might be done by the seating or unseating of either party; and with the mountain of fraud and corruption that envelopes the entire premises, the whole of which we beg leave to submit, and recommend that the elections throughout the Fifteenth Senatorial District, for Representatives to the Thirteenth Legislature, was illegal and void, and that the same be so declared, and remanded back to the people. All of which is respectfully submitted.

A. S. THURMOND,
H. A. GILPIN,
ASHLEY N. DENTON.

Resolved by the House of Representatives of the Thirteenth Legislature of the State of Texas, That there being no lawfully elected Representatives from the Fifteenth Senatorial District, composed of the counties of Grimes

Walker and Madison, the seats from said district are hereby declared to be vacant, subject to be filled by a special election, to be held according to law.

On motion, the further consideration of the reports was postponed until the matter upon which the House adjourned on yesterday should be disposed of.

By special leave, Mr. Killough offered the accounts for the funeral and burial expenses of Hon. Louis Frankee. Referred to the Committee on Claims and Accounts.

A communication from the Superintendent of Public Instruction, J. C. DeGress, was received and read.

On motion of Mr. Taylor, Mr. Booty being in the chair, Judiciary Committee No. 1 was granted leave to report, and submitted the following :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

Sir: Judiciary Committee No. 1, to whom was referred House bill No. 15, entitled "An act to authorize the citizens of Marion county and of the city of Jefferson to construct a free bridge across Big Cypress bayou," have had the same under consideration, and instruct me to report a substitute for the bill and recommend its passage.

SMITH, Chairman.

The bill having been read, the substitute offered by the committee was read and adopted.

On motion of Mr. Taylor the rules were suspended, the bill read a third time and passed.

On motion of Mr. Sayers, Judiciary Committee No. 1 was granted leave to report, and submitted the following :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

Sir: Judiciary Committee No. 1, to whom was referred the petition of the citizens of Gonzales county, have considered the same, and have instructed me to report a bill entitled "An act to authorize the county of Gonzales to build a bridge across the Guadalupe river at or near the town of Gonzales," and to recommend that the same do pass.

SMITH, Chairman.

The bill was read by caption ; the rules suspended, read a second time and ordered engrossed.

On motion, the rules were further suspended, the bill read a third time and passed.

The discussion of the bill for the relief of the East Texas Railway Company was then resumed.

Mr. Hollingsworth moved the previous question, which being seconded was put and carried by a rising vote of 37 to 31.

The main question was then put and passed to a third reading.

On motion of Mr. Brown of Dallas, the Senate message announcing its adhering to its amendment to the House election bill, and the raising of a conference committee upon the question, was taken up, and the Speaker requested, by vote of the House, to appoint a like committee on the part of the House.

The Speaker appointed Messrs. Brown of Dallas, Smith of Colorado, Armstrong, Powers and Green.

Mr. Manning offered the following resolution :

Resolved, That the House of Representatives, after regular session, meet again at half-past three, for the purpose of disposing of bills on the Speaker's table.

Laid over under the rules.

On motion of Mr. Anderson of McLennan, the vote on passing the bill for the relief of the East Texas Railway Company, was reconsidered.

The question then being upon the adoption of the first amendment of Mr. Smith of Colorado, to the amendment offered by Mr. Anderson of McLennan, the first amendment was adopted.

sic

The second amendment offered by Mr. Smith of Colorado, was then put with the following result :

Yeas—Messrs. Abbott, Bledsoe, Broaddus, Carr, Davenport, Denton, Doyle, Eastland, Ghent, Gille Harrison, Hester, Ireland, Kemble, Kleberg, Leyendeck, Prendergast, Rainey, Rimes, Rosborough, Russ Sayers, Smith of Colorado, Storey, Tom, Westfall : Wood—27.

Nays—Messrs. Speaker, Adriance, Allen, Allison, Anderson of Montgomery, Anderson of McLennan, Armstrong, Berends, Bewley, Booty, Bordeaux, Brown, Upshur, Brown of Dallas, Chambers, Cunningham, Ford, Gaston, Gilpin, Green, Hoffman, Hollingsworth, Joseph, Killough, Lane, Mabry, Manning, McDonald, Michael, Moore, Nelson, Payne, Phelps, Powers, Roberts, Salter, Shelton, Short, Smith of Houston, T. mond, Tilson, Tivy, Trolinger, Veale, Washington, Williams and Winkler—50.

The amendment was declared lost.

Mr. Anderson of McLennan offered the following amendment to his amendment offered yesterday :

As provided by the general laws regulating and controlling the railroads of the State.

The Committee on Engrossed Bills submitted the following report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills have carefully examined House bill No. 15, to be entitled "An act to authorize the building of a free bridge across Big Cypress, in the corporate limits of the city of Jefferson," and find the same correctly engrossed.

BOOTY, Chairman.

The Committee on Enrolled Bills reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 283, "An act to set apart one-half of the public domain for the support and maintenance of public schools," and find the same correctly enrolled, and have presented the same this day, at 10:30 o'clock, to the Governor for his signature.

WOOD, for Committee.

Mr. Ghent moved to adjourn until 9:30 A. M., which was carried by a rising vote of thirty-seven to thirty-six ; Mr. Speaker casting the decisive vote.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, March 19, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

The following gentlemen were absent: Bledsoe, Ellett and Veale.

On motion the reading of the journal was dispensed with.

Special leave being granted, Mr. Ireland offered the following concurrent resolution :

WHEREAS, the committee charged with the duty of investigating the books and accounts of the Comptroller's and Treasurer's offices have an onerous duty to perform,

and it being important that said committee should employ good accountants, and men whose work will carry with it the conviction of correctness; therefore,

Resolved, That the Senate and House of Representatives reposing full faith in the judgment of the committee, will endorse any action of theirs in employing the required assistance.

Adopted.

Special leave having been granted, Mr. Winkler, chairman Committee on Internal Improvements, reported back with amendments House Bill No. 47, a bill to be entitled "An act to amend the second and thirteenth sections of an act entitled an act to incorporate the Rockport, Fulton, Laredo and Mexican Pacific Railroad Company, approved November 11, A. D. 1871," and recommended its passage.

Also a response to the House resolution of inquiry in regard to the sale of the Houston Tap and Brazoria Railway, transmitting communications received from the Governor relating to that matter.

Also the report of that committee recommending the passage, with amendments, of Senate bill No. 7, "An act to incorporate the Colorado, Austin and Lampasas Railway Company," all of which reports were, on motion, passed to the order of the day.

On motion of Mr. Anderson of McLennan the bill for the relief of the East Texas Railway Company was laid on the table.

Leave being granted for that purpose, Mr. Smith of Colorado introduced a bill for the relief of the Eastern Texas Railway Company, which was read and passed to the second reading.

On motion the rules were suspended and the bill ordered engrossed.

On motion the rules were further suspended, the bill read a third time and passed.

By special leave Judiciary Committee No. 2 reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Judiciary Committee No. 2, having considered an act entitled "An act to authorize the County Court of McLennan county to levy a special tax for the purpose of building a court house and jail, and to provide for the

safe keeping and disbursement of the revenue arising therefrom," instruct me to report the same back and recommend the adoption of the substitute accompanying this report.

J. M. ANDERSON, Chairman *pro tem*.

The bill having been read, the substitute was read and adopted and ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed.

Mr. Mills moved to take up all bills on their third reading on the Speaker's table. Carried.

House bill No. 16 "An act to amend the first section of an act entitled an act to amend the seventy-first and ninety-second sections of an act to regulate proceedings in the District Court, approved May 13, 1846," was taken up, read a third time and passed.

House bill No. 23, "An act to create and provide for the organization of the county of Gregg," was taken up.

The third reading of the bill having been dispensed with, Mr. Morris moved to recommit the bill to Judiciary Committee No. 1.

Mr. Mills moved the previous question, which, being seconded, was put and carried.

The bill being put on its final passage, was lost by the following vote :

Yeas—Messrs. Speaker, Adriance, Anderson of McLennan, Bewley, Broadus, Brown of Upshur, Brown of Dallas, Carroll, Cunningham, Day, Denton, Doyle, Gaston, Ghent, Gillette, Green, Hoffman, Hollingsworth, Joseph, Kemble, Layne, Leyendecker, Mabry, Manning, McDonald, Michael, Nelson, Phelps, Robb, Russell, Salter, Storey, Thurmond, Tilson, Tivy, Tom, Walker and Winkler—38.

Nays—Messrs. Allison, Anderson of Montgomery, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Davenport, Eastland, Gilpin, Hester, Ireland, Killough, Kleberg, Mills, Moore, Morris, Payne, Powers, Prendergast, Rainey, Roberts, Rosborough, Sayers, Shelton, Smith of Colorado, Smith of Houston, Trolinger, Watts, Westfall, Wilder, Williams and Wood—33.

House bill No. 79, "An act for the relief of the assignee of Antonio Manchaca," was read a third time and passed.

House bill No. 142, "An act to enlarge the area of Menard county," was read a third time and passed.

House bill No. 149, "An act to amend an act entitled an act incorporating the Galveston Artillery Company, approved January 30, 1841," was read a third time and passed.

House bill No. 156, "An act to validate the survey of John B. Dillard, and authorize patent to issue on the same," was read a third time and laid on the table.

House bill No. 203, "An act to establish a ferry across the Trinity river at Prewitt's old mill," was read a third time and passed.

House bill No. 196, "An act to amend an act entitled an act to incorporate the city of Calvert, in Robertson county, approved April 12, 1871," was read third time and passed.

A message from the Senate announced the passage by that body of House bill No. 436, for the relief of the Eastern Texas Railway company.

House bill No. 309, "An act to repeal the third, twenty-sixth and twenty-seventh sections, and to amend the first and eighth sections of an act entitled an act to provide for the enrollment of the militia, the organization and discipline of the State guards, and for the public defense, approved June 24, 1870, and to repeal the first section of an act to amend an act to provide for the enrollment of the militia, the organization and discipline of the State guards, and for public defense, approved June 24, 1870, approved April 12, 1871."

House bill No. 299, a bill to be entitled "An act re-incorporating the town of Liberty."

House bill No. 374, an act to be entitled "An act amendatory of an act to re-incorporate the city of Navasota," with amendment by the Senate.

Senate bill No. 191, "An act making an appropriation for the per diem pay of the members, and the per diem pay of the officers and employés of the Thirteenth Legislature of the State of Texas."

House bill No. 220, "An act to regulate the compensation of county treasurers," was taken up and read a third time.

Mr. Mills moved to strike out "\$600," and insert "\$1200."

Mr. Ireland moved to re-refer the bill to Judiciary Committee No. 1.

Mr. Mills moved to re-commit the bill to a special com-

mittee of five to be appointed by the Speaker, which carried.

The Speaker appointed the following gentlemen on said committee: Messrs. Ireland, chairman; Mills, Brown of Dallas, Prendergast and Bordeaux.

On motion Messrs. Smith of Colorado, and Green were added to the committee.

House bill No. 224, "An act to incorporate the State Bank of Texas, Galveston," was read a third time and passed.

House bill No. 237, "An act to authorize the Governor to appoint a registrar and boards of appeal and revision in certain unorganized counties therein named," was read a third time and passed.

House bill No. 238, "An act to authorize the levy of writs of execution, attachment and sequestration on neat cattle as they run in the range," was read a third time and passed.

House bill No. 244, "An act to authorize the County Court of Kinney county to levy and collect a special tax for the term of six years, to build a court house and jail at the county seat of said county," was read a third time and passed.

House bill No. 287, "An act authorizing the County Court of Bosque county to levy a tax for the purpose of building a court house and jail," was read a third time and passed.

House bill No. 275, a bill to be entitled "An act supplemental to and amendatory of an act entitled an act to incorporate the Odd Fellows Hall and Building Association, of Bryan, Texas, approved December 1, 1871," was read a third time and passed.

House bill No. 337, "An act for the relief of the Hon. Nat. M. Burford," was read a third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allen, Allison, Anderson of McLennan, Armstrong, Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Green, Harrisoh, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Leyendecker, Mabry, Manning, McDonald, Mills, Moore, Morris, Nelson, Payne, Phelps, Powers, Prendergast,

Rainey, Rimes, Roberts, Rosborough, Russell, Salter, Sayers, Shelton, Smith of Colorado, Smith of Houston, Storey, Tilson, Tivy, Tom, Trolinger, Veale, Venters, Walker, Washington, Watts, Westfall, Wilder, Williams and Winkler—73.

Nay—Mr. Anderson of Montgomery.

The Committee on Enrolled Bills submitted the following report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined the following bill, No. 436, "An act for the relief of the Eastern Texas Railroad Company," and find the same correctly enrolled, and have presented the same to the Governor, at 11:25 o'clock A. M. to-day, for his approval.

WOOD, Chairman.

The special order, being the joint resolution ratifying an amendment to section six of article ten of the Constitution of the State of Texas, proposed by joint resolution of the Legislature of the State of Texas, passed May 17, 1871, was taken up and read a third time.

Mr. Sayers moved a call of the House, which was sustained.

The following gentlemen were absent: Allen, Berends and Michael.

The sergeant-at-arms was dispatched for the absent members.

On motion the call of the House was suspended.

A message was received from his Excellency the Governor, announcing his approval of House bill No. 283, "An act setting apart one-half of the public domain for the maintenance and support of public schools."

The call being renewed the absent members were reported to have come in.

The yeas and nays being called, the joint resolution passed by the following vote :

Yeas—Messrs. Speaker, Abbott, Adriance, Allen, Allison, Anderson of Montgomery, Anderson of McLennan, Berends, Bewley, Bledsoe, Booty, Broadus, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Day, Eastland, Ellett, Ford, Gaston, Gilpin, Green, Harrison, Hoffman, Hollingsworth, Joseph, Killough, Kleberg, Lane, Mabry, Manning, McDonald, Michael,

Mills, Moore, Morris, Nelson, Phelps, Powers, Rainey, Robb, Roberts, Salter, Sayers, Shelton, Smith of Colorado, Smith of Houston, Thurmond, Tilson, Tivy, Trolinger, Venters, Walker, Washington, Watts, Wilder, Williams, Winkler and Wood—60.

Nays—Messrs. Armstrong, Davenport, Denton, Doyle, Ghent, Gillette, Hester, Ireland, Kemble, Leyendecker, Payne, Prendergast, Rimes, Rosborough, Russell, Storey, Tom, Veale and Westfall—19.

Mr. Bordeaux announced he and Mr. Van Zandt had paired off with Mr. Short.

Mr. Carroll announced he had paired with Mr. Shaw.

By special leave the Committee on Roads, Bridges and Ferries submitted the following report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 379, to be entitled "An act to authorize James P. Dumas and such other persons as he may associate with him, and their successors, to construct, own and keep a toll bridge on, over, and across Choctaw Bayou, in Grayson county, Texas," have had the bill under consideration, and have instructed me to report it back to the House and recommend its passage.

J. M. HARRISON, Chairman.

The bill having been read a second time, Mr. Ireland moved to strike out that clause which relates to the erection of another bridge within a given distance.

Mr. Bordeaux moved to lay that motion on the table. Carried.

The bill was then ordered engrossed.

On motion, the rules were suspended, the bill read a third time by caption and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred a bill to be entitled "An act to authorize the County Court of Gillespie county to levy a tax for repairing roads in said county," have had the same under consideration, and the committee have instructed me to report the bill back to the House and recommend its passage.

HARRISON, Chairman.

The bill was read the first time; the rules suspended, read a second time, and ordered to be engrossed.

On motion, the rules were further suspended, the bill read a third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 380, to be entitled "An act to incorporate the South Sulphur Bridge and Turnpike Company," have had the same under consideration, and the committee have instructed me to report the same back to the House with the accompanying amendments and ask their adoption and recommend the passage of the bill.

HARRISON, Chairman.

Amendment for section six :

That no bridge or ferry for toll shall be established within three miles above or three miles below said bridge and turnpike without the consent of the corporate body herein named; *provided*, however, that this act shall not be so construed as to prohibit neighborhood crossings within three miles of said bridge and turnpike.

Amend section eight by striking out "twenty" and inserting "fifteen" years.

The amendments were adopted; the bill read a second time and ordered engrossed.

Mr. Mills moved to suspend the rules and take up Senate bills and House bills on their second reading, on the Speaker's table.

The House refused to suspend the rules.

On motion of Mr. Prendergast, the Committee on Town and City Corporations were granted leave to report, and submitted the following :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Town and City Corporations, to whom was referred a memorial for an act to incorporate the town of Mexia, in the county of Limestone, beg leave to report to the House the accompanying bill incorporating the town of Mexia, and recommend that the same do pass.

WOOD, Chairman.

The bill was read first time; the rules suspended, read second time and ordered engrossed.

On motion, the rules were further suspended, the bill read a third time and passed.

Mr. Mills moved to adjourn until 10 A. M., to-morrow. Lost.

On motion of Mr. Hester, Judiciary Committee No. 1 was granted leave to report, and submitted the following: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 384, to levy a special tax in Lavaca county to build a court house, have considered the same, and have instructed me to report the bill back, with amendments, and to recommend that the bill pass, with the said amendments, herewith reported.

GEO. W. SMITH, Chairman.

The bill, being a bill to be entitled "An act to authorize the County Court of Lavaca county to levy a special tax for the purpose of building a court house, and appropriating money for that purpose," was read the second time.

The following amendments offered by the committee were adopted:

First—Insert at the beginning of the bill as follows, to-wit: "An act to levy and collect a special tax in Lavaca county to build a court house for said county."

Second—Strike out the tenth line and insert in lieu thereof as follows, to-wit: "and a poll tax of fifty cents on each male person."

The bill was then ordered engrossed.

On motion the rules were suspended, the bill read a third time and passed.

A message from the Senate announced the passage, by that body, of Senate bill No. 158, "An act amendatory of an act entitled an act incorporating the city of San Antonio, and other towns therein named, approved December 14, 1837, and also amendatory of an act entitled an act to amend an act incorporating the town of Bastrop, approved February 1, 1845."

Also, of Senate bill No. 179, "An act making appropriation for the payment of the expenses of the several contested election cases and special investigations before the present Legislature."

On motion of Mr. Storey, the special committee, to whom was referred the bill for the protection of the farm-

ing interests of the State, was granted leave to report, and submitted the following:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your special committee, to whom was referred printed House bill No. 155, entitled "An act for the protection of the farming interests of the State," beg leave to report that they have carefully examined the same, and I am instructed by a unanimous vote of the committee to report and recommend the adoption of the following amendments, and that the bill so amended do pass.

L. J. STOREY, Chairman.

First—Amend first section by striking out all after the enacting clause, and inserting the following: "That hereafter every person within the State of Texas who shall make a fence around his lands, at least five feet high and sufficiently close and strong to prevent all domestic animals, except sheep, goats and hogs, from passing through the same, the bottom rail or plank of which shall not be more than two feet from the ground, and no crack above the bottom rail or plank to be not more than twelve inches wide, shall be held and deemed to have a sufficient and lawful fence.

Second—Amend section second, by inserting after the word "crops," in third line, the words "so fenced."

Third—Amend section third, by striking out the words "ox or other," in third line and "colt" in fourth line.

Fourth—Amend section fourth, by inserting between fourteenth and fifteenth lines the following: "notifying all persons, that at a time and place to be stated in said advertisement, not less than ten days thereafter, that such stock will be sold."

Fifth—Amend section fifth, by striking out the words "such reasonable compensation as shall," in tenth and eleventh lines, and inserting the words "the actual value of the food or pasturage consumed by said sheep, goats or hogs to;" and insert after the word "farmers" the words "or freeholders," in twelfth line.

In twelfth and thirteenth lines strike out the words "pay over" and insert the words "and deliver."

In eighteenth line strike out the words "two years" and insert "one year."

In twenty-first line insert after the word "years" the words "and not thereafter."

In twenty-fifth line strike out the words "is hereby authorized to" and insert the word "shall."

Sixth—Amend section seven—In first line strike out the word "any" and insert the word "the."

In third line strike out the word "voters" and insert the word "freeholders."

Seventh—Amend section eight by striking out the word "which" in nineteenth line and inserting the word "and."

The bill having been read, Mr. Mills moved to take up the amendments, *seriatim*, which carried.

First amendment being under consideration, Mr. Wilder moved to lay the bill and amendments on the table, and have one hundred copies printed for the use of the House. Lost.

The first amendment was then adopted.

The second amendment was then taken up and adopted.

The third amendment being under consideration, Mr. Wood offered the following amendment: In line sixth, section fourth, after the word "the," insert "cultivated or enclosed." Adopted.

The amendment thus amended was adopted.

The fifth amendment was then adopted.

The sixth amendment being under consideration, Mr. Mills moved to strike out "freeholders," and insert "one hundred householders."

Mr. Kleberg moved the House adjourn until 9:30 o'clock A. M. to-morrow, which carried.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, March 20, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

On motion, the reading of the journal was dispensed with.

On motion, the unfinished business of yesterday was postponed temporarily, and Mr. Chambers was granted leave to introduce the following bill:

"An act to authorize the Police Court of the county of Collin to levy and collect a special tax for the purpose of building a court house and jail in said county."

The bill was read the first time; the rules suspended, read a second time and ordered engrossed.

On motion, the rules were further suspended, the bill read a third time and passed.

A message from the Senate announced the passage by that body of Senate bill No. 198, "An act making appropriation to defray the expense of distributing blank forms from the Comptroller's office for the assessment of taxes."

Also House bill No. 143, "An act to incorporate the Teutonia Association of Fayette county."

Mr. Booty moved to reconsider the vote by which the House on yesterday refused to pass the bill creating the county of Gregg.

Yeas and nays being called the vote was reconsidered by the following vote:

Yeas—Messrs. Speaker, Abbott, Allen, Allison, Bewley, Bledsoe, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Day, Denton, Doyle, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Mills, Nelson, Noeggerath, Phelps, Rainey, Robb, Russell, Salter, Shelton, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Walker, Watts, Westfall, Williams and Winkler—54.

Nays—Messrs. Anderson of Montgomery, Armstrong, Berends, Bordeaux, Davenport, Eastland, Ellett, Ford, Hester, Moore, Morris, Payne, Powers, Prendergast, Rimes, Roberts, Rosborough, Sayers, Short, Smith of Colorado, Smith of Houston, Venters, Washington, Wilder and Wood—25.

Mr. Morris called up Senate bill No. 198, "An act making appropriations to defray the expenses of distributing blank forms from the Comptroller's office for the assessment of taxes," which was read first time; rules suspended, read a second time, and ordered engrossed.

On motion the rules were further suspended, the bill read a third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Allison, Anderson of Montgomery, Anderson of McLennan, Armstrong, Berends, Bewley, Bledsoe, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ellett, Ford,

Gaston, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Mills, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Salter, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall, Wilder, Williams, Winkler and Wood—74.

Nay—Mr. Moore—1.

By leave Mr. Brown of Dallas introduced a bill to be entitled "An act to incorporate the Texas Mineral, Land and Mining Company." Read and referred to the Committee on Commerce and Manufactures.

By special leave the Finance Committee submitted the following report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on Finance beg leave to submit the accompanying bill making appropriations for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for deficiencies for the years 1870, 1871 and 1872.

Owing to the failure of the last Legislature to make the usual appropriations for the support of the State government, much inconvenience and want is felt by many of the officers and employés of the State. Your committee have embraced the earliest moment, after the receipt of the Comptroller's report containing the estimates of the necessary appropriations, to bring forward the bill herewith submitted, and for the reasons above stated unani- mously recommend its passage without delay.

W. W. MORRIS, Chairman.

The bill was read by caption, laid on the table, and one hundred copies ordered printed.

Mr. Hollingsworth moved to take up Senate bill No. 18, "An act to incorporate the city of Austin."

The House refused to take it up.

Mr. Thurmond moved to suspend the rules, and that he have leave to introduce a bill out of its regular order.

The House refused to suspend.

The Committee on Engrossed Bills submitted the following report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills have carefully examined the following House bills, to-wit :

No. 138, "An act to amend an act to dispense with the use of scrolls and seals in certain cases."

No. 411, a bill to be entitled "An act to create the county of Hempstead."

No. 435, a bill entitled "An act to authorize the county of Gonzales to build a bridge across the Gaudalupe river at or near the town of Gonzales."

No. 436, bill for the relief of the Eastern Texas Railroad Company, and find the same correctly engrossed.

BOOTY, Chairman.

The Committee on Enrolled Bills reported as follows :
Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined and compared bill No. 309 "An act to repeal the third, twenty-sixth and twenty-seventh sections, and to amend the first and eighth sections of an act entitled an act to provide for the enrollment of the militia, the organization and discipline of the State guards, and for the public defense, approved June 24, 1870, and to repeal the first section of an act to amend an act to provide for the enrollment of the militia, the organization and discipline of the State guards and for the public defense, approved June 24, 1870, approved April 12, 1871," and find the same correctly enrolled, and have this day, nineteenth of March, at one o'clock P. M., presented the same to the Governor for his signature.

WOOD, for Committee.

The unfinished business of yesterday, being the bill for the protection of the farming interests of the State, was then resumed.

Mr. Mills withdrew his amendment to the sixth amendment offered by the committee.

The amendment was then adopted.

The seventh amendment was adopted.

Mr. Wood offered the following amendment to the bill: In tenth line of eighth section strike out the word "majority" and insert instead thereof the words "three-fifths." Adopted.

Mr. Booty offered the following amendment:

Amend by adding at the end of section nine as follows: *Provided*, that the following named counties shall be excluded from the operations of this law: Chambers, Jefferson, Orange, Liberty, Hardin, Newton, Jasper, Tyler, Polk, San Jacinto, Trinity, Angelina, San Augustine, Sabine, Shelby, Nacogdoches, Cherokee, Houston, Anderson, Henderson, Smith, Rusk, Panola, Harrison, Marion, Upshur, Wood, Raines, Van Zandt, Hopkins, Delta, Lamar, Titus, Red River, Bowie and Cass.

Mr. Phelps moved to add the county of Fort Bend. Lost.

Mr. Robb offered the following amendment:

“Unless by a vote of two-thirds of all the votes polled of any one of the above counties on a petition of one hundred freeholders and registered voters of the county proposing to adopt the law.”

The further consideration of the matter pending was cut off by the announcement of the hour for the special order.

The following message was received from the Governor:

EXECUTIVE OFFICE,)

STATE OF TEXAS, AUSTIN, March 19, 1873. }

To the Honorable Senate and House of Representatives of the State of Texas:

GENTLEMEN: I have the honor to inform you that on yesterday I approved the act entitled “An act to set apart one-half of the public domain for the support and maintenance of public schools.”

Very respectfully,

EDMUND J. DAVIS, Governor.

The report of the Committee on Privileges and Elections in the contested election case from the Fourteenth Senatorial District, was taken up.

Mr. Ellett moved to have the report and evidence in the case read.

Mr. Bordeaux objected.

The objection was sustained.

Pending the discussion a message from the Senate announced the passage by that body of House bill No. 435, a bill entitled “An act to authorize the county of Gonzales to build a bridge across the Guadalupe river at or near the town of Gonzales.

The question was then upon the adoption of the following resolution offered by the committee:

1. *Resolved*, That the sitting members in this House

from the Fourteenth Senatorial District, composed of the counties of Harris and Montgomery, are not entitled to retain their seats in this House as representatives of said district.

2. *Resolved*, That E. T. Schmidt, Gustave Cook and A. S. Lipscomb having received the highest number of legal votes cast in said Fourteenth District, are entitled to seats in this House.

Mr. Booty offered the following resolution :

Resolved, That the argument in the contested election case of Gustave Cook *et al.* v. Richard Allen *et al.*, now pending in this House, shall be conducted as follows : The contestants in person, or by attorney, shall open the argument, the contestees in person, or by attorney, shall answer, and the contestants in person, or by attorney, shall close the argument.

Adopted.

In accordance with the above resolution Col. Gustave Cook opened the case by argument in his own behalf and that of contestants.

Mr. Ireland moved to adjourn until 3 P. M.

Mr. Abbott moved to adjourn until 9:30 A. M. to-morrow. Lost.

Mr. Ireland's motion then carried.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called quorum present.

The following gentlemen were absent :

Messrs. Ellett and Mills.

On motion, Mr. Brown, of Upshur, was excused for seven days from to-morrow, and Mr. Broaddus for seven days.

The unfinished business of the morning session was resumed.

Mr. Allen took the floor and made an argument in behalf of himself and colleagues.

Mr. Washington then moved to adjourn until 9:30 A. M. to-morrow. Lost.

Mr. Anderson, of Montgomery, then addressed the House.

Pending his argument, with his consent, Mr. Sayers moved to adjourn until 10 A. M. to-morrow, which carried.

HOUSE OF REPRESENTATIVES, }
 AUSTIN, TEXAS, March 21, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

On motion the reading of the journal of yesterday was dispensed with.

By leave, Mr. Payne offered the following concurrent resolution:

Resolved by the House of Representatives, the Senate concurring, That a committee of three from each house of the Legislature be appointed to examine into the accounts of contingent expenses of this Legislature, and report the result of their investigation to each house of this Legislature, at the earliest practicable moment.

Adopted.

On motion, Mr. Allison was excused for twelve days.

On motion, the bill to incorporate the city of Austin was taken up and made the special order for Monday next at 11 A. M.

By leave, Mr. Booty offered a petition of citizens of Panola and Harrison counties, asking the creation of a new county. Referred to the Committee on Counties and County Boundaries.

On motion of Mr. Winkler, the rules were suspended for fifteen minutes, to allow the introduction of bills and resolutions.

On motion of Mr. Thurmond, the rules were further suspended to allow the introduction of the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Agriculture and Stock Raising, to whom was referred House bill No. 234, to be entitled "An act to encourage stock raising, and for the protection of stock raisers," have for some time had the subject under consideration, and after much deliberation, for the harmony of the various and diversified interests of the State, have unanimously instructed me to report the same back, with the several amendments thereunto attached, and recommend that it do pass.

THURMOND, Chairman.

The bill and amendments submitted by the committee

were laid on the table and one hundred copies ordered printed.

Mr. Mills presented "An act to incorporate the Nava-sota River Bridge Company." Read and referred to the Committee on Roads, Bridges and Ferries.

Also, a joint resolution concerning the receipt of the public revenue by the Comptroller. Read by caption and referred to the Committee on Finance.

Mr. Westfall presented a bill to incorporate the Austin Trust Company. Read by caption and referred to the Committee on State Affairs.

Also, a bill to authorize the Police Court of Burnet county to issue coupon interest-bearing bonds, for the building of a court house for said county, and to levy a tax for the same. Read by caption and referred to Judiciary Committee No. 2.

Also, a bill making an appropriation for the payment of D. W. C. Baker for services rendered as inspector of the counties of Travis and Hays, in the Eighth Educational District. Read by caption and referred to the Committee on Claims and Accounts.

Mr. Bewley presented a bill to regulate the terms of the District Court. Read by caption and referred to Judiciary Committee No. 2.

Also, a bill further regulating the trial of criminal cases before mayors and recorders of towns and cities. Read by caption and referred to Judiciary Committee No. 2.

Mr. Armstrong presented a bill regulating taxation. Read by caption and referred to the Finance Committee.

Also, a bill amending "An act prescribing the mode of proceeding in district courts in matters of probate, approved August 15, 1870." Read by caption and referred to Judiciary Committee No. 2.

Mr. Wood presented a bill to prescribe the number of clerks to be employed in the Adjutant General's office. Read by caption and referred to Judiciary Committee No. 1.

Also, a bill to prescribe the number of clerks in the employ of the Superintendent of Public Instruction, and their compensation. Read by caption and referred to the Committee on Education.

Also, a bill to repeal section seven of "An act to organize a Bureau of Immigration." Read by caption and referred to the Committee on State Affairs.

Mr. Kleberg presented a bill to incorporate the town of Cuero, DeWitt county. Read by caption and referred to the Committee on Town and City Corporations.

Also, a bill to provide for the payment of John W. Harris for legal services rendered the State of Texas. Read by caption and referred to the Committee on State Affairs.

Mr. Storey presented a bill for the relief of Michael B. Bateham. Read by caption and referred to the Committee on Private Land Claims.

Mr. Thurmond presented a bill for the relief of the heirs of George W. Miller. Read by caption and referred to the Committee on Private Land Claims.

Mr. Winkler presented a bill to incorporate the Navasota Real Estate and Building Association of Texas. Read by caption and referred to the Committee on State Affairs.

Also, a bill to authorize the Commissioner of the General Land Office to issue certificates of unlocated balance in cases of confliction of Spanish claims, the same as in English records. Read by caption and referred to Judiciary Committee No. 2.

Mr. Hollingsworth presented a bill to prohibit the sale of intoxicating liquors within three miles of "Parson's Female Seminary." Referred to Committee on Education.

Mr. Walker offered a reply of Rev. J. K. Street to the protest of Edwin Bush *et al.* in relation to the creation of a new county out of Rusk and other counties. Referred to the Committee on Counties and County Boundaries.

Mr. Rosborough presented a bill to authorize the county of Bell to issue interest bearing bonds. Referred to Judiciary Committee No. 1.

Mr. Rimes presented a bill amendatory of "An act relating to railroads," passed February 4, 1854. Referred to Judiciary Committee No. 1.

Mr. Veale presented a bill for the relief of J. Lancaster. Referred to Committee on Private Land Claims.

Mr. Joseph presented a bill to incorporate the Farmers' Cotton Press Company. Referred to Committee on Town and City Corporations.

Also, a bill to compensate Aaron S. Mangum for services rendered as a soldier in the army of the Republic of Texas. Referred to the Committee on Private Land Claims.

Mr. Ford presented a bill to incorporate the Texas Library and Publishing Company. Referred to the Committee on State Affairs.

Mr. Ireland presented a bill to incorporate the West Texas Water Company. Referred to the Committee on Agriculture and Stock Raising.

Mr. Winkler introduced a bill to validate the acts of J. W. Irwin as county surveyor of Navarro county. Referred to Judiciary Committee No. 2.

Mr. Doyle presented a bill to incorporate the Sulphur Springs Male and Female College, in Hood county. Referred to the Committee on Education.

Also, a bill for the relief of certain persons therein named. Referred to the Committee on State Affairs.

Mr. Tilson presented a bill to amend the Penal Code of the State of Texas. Referred to Judiciary Committee No. 2.

Also, bill to authorize the Texas Pacific Railroad Company to change the point of junction of the Jefferson branch of the Southern Trans-Continental with its main line. Referred to the Committee on Internal Improvements.

Mr. Ireland offered the following resolution :

Resolved, That the Committee on Immigration be, and it is hereby requested to inquire into and report to this house, by bill or otherwise, the necessity and propriety of distributing the Texas Almanac through the States and countries from which we derive our main immigration.

Adopted.

Mr. Joseph offered the following resolution :

Resolved, That Judiciary Committee No. 1 be instructed to take under consideration the expediency of some legislation for the better protection of policy holders in life insurance companies, and report to this house by bill or otherwise.

Adopted.

The Speaker announced the following gentlemen appointed as the House committee to examine the accounts for the contingent expenses of this Legislature :

Messrs. Payne, Venters and Manning.

The special order, being the report and resolution offered by the Committee on Privileges and Elections in the contested case from the Fourteenth Senatorial District, was resumed.

Mr. Anderson, of Montgomery, concluded his defense.

Mr. Michael stated he should make no argument, but rest his case with the House.

Mr. Gustave Cook then took the floor in reply.

After speaking at some length, and it being near the usual hour of adjournment, Mr. Wood moved to adjourn until 3 P. M.

Mr. Mills amended by fixing the time at 7 P. M.

Amendment lost.

The House then adjourned until 3 P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called : quorum present.

The Committee on Enrolled Bills reported as follows :
Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined the following bill, No. 435, "An act to authorize the county of Gonzales to build a bridge across the Guadalupe river at or near the town of Gonzales," and find the same correctly enrolled, and have presented the same to the Governor, at 10:50 o'clock A. M. to-day, for his approval.

WOOD, Chairman.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 299, "An act reincorporating the town of Liberty;" also, House bill No. 143, "An act incorporating the Teutonia Association, of Fayette county," and find the same correctly enrolled, and have presented the same this day at 10:50 o'clock A. M. to the Governor for his signature.

WOOD, Chairman.

On motion, Mr. Venters was added to the Committee on Counties and County Boundaries.

On motion, Mr. Hoffman was excused for eight days.

The unfinished business of the morning was resumed. Col. Cook, contestant, took the floor and continued his address.

Having finished, Mr. Abbott moved a call of the House, which was sustained.

Messrs. Ellett, Killough, Mills and Wilder were absent. On motion, the sergeant-at-arms was dispatched for the absent members.

Mr. Anderson of McLennan moved a suspension of the call. The House refused to suspend.

The doorkeeper announced the arrival of Mr. Killough.

Mr. Chambers moved a suspension of the call.

The call was suspended.

Mr. Wilder was announced.

Mr. Abbott moved to divide the resolution offered by the committee unseating the sitting members from the Fourteenth Senatorial District and seating their contestants.

The first resolution was then put, with the following result :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson of McLennan, Armstrong, Berends, Bewley, Bledsoe, Booty, Bordeaux, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Salter, Sayers, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Veale, Venters, Walker, Watts, Westfall, Winkler and Wood—69.

Nays.—Messrs. Abbott, Green, Mabry, Moore, Phelps, Roberts, Washington, Wilder and Williams—9.

The first resolution was declared to have been adopted.

The second resolution was then read, and the vote being taken resulted as follows :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson of McLennan, Armstrong, Berends, Bewley, Bledsoe, Booty, Bordeaux, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Salter, Sayers, Shelton, Short, Smith of Colo-

rado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Veale, Venters, Walker, Watts, Westfall, Winkler and Wood—69.

Nays—Messrs. Abbott, Green, Mabry, Moore, Roberts, Washington, Wilder and Williams—8.

The second resolution was declared to have been adopted.

Mr Ireland moved to take up the report of the Committee on Privileges and Elections on the contested election case from the Fifteenth Senatorial District. Carried.

The reading of the majority report was dispensed with and the report adopted.

Mr. Wood moved to reconsider the vote adopting the majority report, which carried.

Mr. Thurmond then addressed the House in support of the minority report.

Mr. Wilson then took the floor, but yielded, claiming the floor at the next meeting, to the motion of Mr. Sayers to adjourn until 10 A. M. to-morrow, which carried.

HOUSE OF REPRESENTATIVES,)
AUSTIN, TEXAS, March 22, 1873. }

House met pursuant to adjournment. Prayer by Rev. Dr. Gwinn. Roll called; quorum present.

A message from the Senate announced the passage by that body of Senate bill No. 159, "An act to provide for frontier defense, and for the organization of a regiment of cavalry for that purpose."

Mr. Phelps was excused for ten days.

Mr. Mills was excused, pending the discussion of the contested election case in which he is a party.

Messrs. C. H. Randolph and L. E. Valentine, employed by the Committee to Investigate the Comptroller's and Treasurer's Offices, were sworn in as accountants.

Messrs. Cooke and Schmidt were sworn in as members of the House of Representatives from the Fourteenth Senatorial District.

On motion, Mr. Prendergast was added to the Finance Committee, and Messrs. Morris and Walker to the Committee on Internal Improvements.

The following resolution was then offered and adopted:

Resolved, That Mr. Schmidt, of Harris, be added to the committees on Immigration, Indian Affairs, and Education; that Mr. Cooke be added to the committees on Internal Improvements, Apportionment, and Judiciary No. 2; and that Mr. Lipscomb be added to the committees on Roads, Bridges and Ferries, Counties and County Boundaries, and Agriculture and Stock Raising.

On motion of Mr. Rainey, the rules were suspended and Senate bill No. 191, "An act making an appropriation for the *per diem* pay of the members, and the *per diem* pay of the officers and employés, of the Thirteenth Legislature of the State of Texas," was taken up, read, the rules suspended and read the second time.

On motion, the rules were further suspended, the bill read a third time and passed by the following vote:

Yeas—Messrs. Speaker, Armstrong, Berends, Bewley, Bledsoe, Booty, Bordeaux, Brown of Dallas, Carroll, Chambers, Cooke, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gilpin, Green, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Mooore, Morris, Nelson, Noeggerath Payne, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Salter, Shelton, Short, Smith of Colorado, Smith of Houston, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Veale, Venters, Walker, Washington, Watts, Wilder, Williams, Winkler and Wood—68.

Nays—Messrs. Abbott, Storey and Westfall—3.

By leave, the committee of conference on the election bill submitted the following report:

Hon. E. B. Pickett, President of the Senate, and Hon. M. D. K. Taylor, Speaker of the House of Representatives :

The joint committee of conference on the disagreement of the two houses on the bill to be entitled "An act regulating elections," have carefully considered the points of difference, with a sincere desire to remove every obstacle to the enactment of a law so generally demanded by the people of the State, and have unanimously agreed to the following propositions, and recommend their adoption, to-wit :

First. That the House shall agree to the following amendments to the House bill adopted by the Senate :

1. In line ten, section four, strike out "ten" and insert "twenty."

2. In line eight, section five, strike out the word "vacancy," and insert the words "unexpired term made vacant."

3. After the word "vacancy" in line two, section seven, insert the words "in his office."

4. After the word "clerks" in line eight, section eight, insert a comma.

5. After the word "act" in line three, section nine, insert the words "or in case no manager has been appointed."

6. Strike out the word "exceeding" in line twenty-four, section fifteen, and insert the words "less than fifty nor more than."

7. At the end of section fifteen, add "any presiding officer, judge or clerk of an election, who shall divulge how any person shall have voted at any election, from an inspection of the tickets, unless in a judicial investigation, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than fifty nor more than five hundred dollars."

8. After the word "get" in line five, section seventeen, insert "and shall continue such count without interruption, until all the ballots voted at such election are counted."

9. At the end of section twenty-four, add "and the Secretary of State shall be required to furnish to the presiding judge of election in each voting precinct in this State, a sufficient number of blanks, which shall be in form as follows: 'I, [A. B.] do solemnly swear that I am the identical person claimed to be registered, and that I have not voted at any other poll or voting place, and that I have not voted elsewhere at this election.' And the judge of election shall be required to furnish each person who is required to make oath, as herein provided, with one of said blanks, and to administer the oath."

10. After the word "in," in line three, section twenty-six, insert the words "any precinct in."

11. After the word "purposes," in line four, section twenty-six, insert "for any officer for whom he may be entitled to vote."

12. After the word "county," in line eight, section twenty-seven, insert "or by any constable whose special appointment is provided for by this act."

13. Between the words "elections" and "the," in line one, section thirty, insert "where not otherwise provided for by the charter of said city or town."

14. Strike out the word "or," in line three, section thirty-one, and insert "shall be deemed guilty of a felony and, on conviction, shall be confined in the penitentiary not less than two nor more than five years."

15. After the word "election," in line nine, section thirty-one, insert "or any person or persons who shall, by force or intimidation, obstruct, or attempt to obstruct, or influence any voter in his free exercise of the elective franchise."

16. In line sixteen, section thirty-one, strike out the word "fifty" and insert "one hundred," and in the same line strike out the word "one" and insert "five."

17. Amend the second amendment of the engrossed rider of the House by inserting the figure "one" after the figure "two" in the first line of said amendment.

As before stated the conference committee unanimously recommend that the House shall adopt the foregoing amendments. They also unanimously recommend that the Senate shall recede from the following amendments :

1. Strike out the words in seventeenth section, lines four and five, "of good report, and also of different politics, if convenient to get."

2. The Senate amendment to section thirty-five.

The committee also unanimously recommend the adoption of the following amendments to the bill, to-wit :

1. Strike out all after the words "guilty of a" in line twenty-five, section thirteen, and insert "felony, and shall be punished by imprisonment in the penitentiary not less than one nor more than two years."

2. That the following be substituted for section sixteen of the bill :

Section 16. That any person being a registered voter in the county of his residence, and wishing to vote out of the precinct in which he is registered, may do so on delivering to the presiding judge of the election a certificate of the clerk of the District Court of the county, with his seal of office impressed thereon, that the applicant is a registered voter of the county, and the applicant making oath before the presiding judge that he is the identical person named in the certificate, and that he has not and will not vote elsewhere in that election, for which certifi-

cate the district clerk shall be entitled to a fee of twenty-five cents from the receiver thereof; and any person who shall vote on any such certificate not issued to him, by using the certificate issued to another, shall be deemed guilty of a felony, and on conviction, shall be imprisoned in the penitentiary not less than one nor more than five years.

3. The Senate to recede from its amendment in line four, section eight, striking out the words, "so far as practicable" and inserting the words "if demanded," and in lieu thereof, after the word "parties" in said line, insert the words "if demanded, so far as practicable, and there be present a sufficient number of the party making the demand and willing to serve."

All of which is respectfully submitted.

N. G. SHELLEY,

Chairman on part of Senate.

JOHN HENRY BROWN,

Chairman on part of the House.

The report was adopted, and the bill as amended passed.

The unfinished business of yesterday, being the report of the Committee on Privileges and Elections on the contested election case from the Fifteenth Senatorial District, was resumed, and Mr. Denton took the floor and spoke in defense of the minority report.

Pending the discussion, a message from the Senate announced that that body had adopted the report of the conference committee upon the bill regulating elections.

After further discussion, Mr. Thurmond moved to lay the majority report, which retains the sitting members, upon the table.

The yeas and nays being called for resulted as follows:

Yeas—Messrs. Armstrong, Denton, Ghent, Gilpin, Payne, Rimes, Robb, Smith of Houston, Storey, Thurmond, Tivy, Tom and Walker—12.

Nays—Messrs. Speaker, Abbott, Adriance, Anderson of McLennan, Bledsoe, Booty, Bordeaux, Carroll, Chambers, Cunningham, Davenport, Day, Doyle, Eastland, Ellett, Ford, Gaston, Gillette, Green, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Moore, Morris, Nelson, Noeggerath, Powers, Prendergast, Rainey, Roberts, Rosborough, Russell, Salter, Say-

ers, Shelton, Short, Smith of Colorado, Schmidt, Tilson, Trolinger, Van Zandt, Veale, Venters, Watts, Westfall, Wilder, Winkler and Wood—59.

Messrs. Washington, Williams and Cook were excused from voting.

The motion to lay upon the table was declared lost.

The majority report was then adopted.

Mr. Hester offered a petition of the people of Lavaca county, asking for the Ohio liquor law. Referred to Judiciary Committee No. 2.

Mr. Westfall offered a petition of citizens of Burnet county, asking the passage of the Ohio liquor law. Referred to Judiciary Committee No. 2.

Also a petition from citizens of Bagdad, asking the passage of the Ohio liquor law; and a petition of same nature from citizens of Williamson county. Both referred to Judiciary Committee No. 2.

Mr. Kleberg offered a remonstrance by citizens of Yorktown, against the passage of the Ohio liquor law. Referred to Judiciary Committee No. 2.

The Committee on Engrossed Bills reported as follows: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Your Committee on Engrossed Bills have carefully examined the following House bills:

No. 379, a bill to be entitled "An act to authorize Jas. P. Dumas and such other persons as he may associate with him, and their successors, to construct, own and keep a toll bridge on, over and across Choctaw Bayou, in Grayson county, Texas."

No. 380, "An act to incorporate the South Sulphur Bridge and Turnpike Company."

No. 384, a bill to be entitled "An act to levy and collect a special tax in Lavaca county, to build a court house and jail in said county."

No. 438, a bill to be entitled "An act to authorize the County Court of Gillespie county to levy a tax for repairing roads."

No. 439, a bill to authorize the Police Court of Collin county to levy and collect a special tax for the purpose of building a court house and jail.

No. 442, a bill to be entitled "An act to incorporate the town of Mexia, in Limestone county."

BOOTY, Chairman.

On motion the rules were suspended to take up business on the Speaker's table.

Senate bill No. 74, "An act to incorporate the city of Lampasas, in the county of Lampasas," was taken up, read first time; rules suspended, read second time; the rules further suspended, read third time and passed.

Senate bill No. 13, "An act to consolidate the Houston Tap and Brazoria railway, the Huntsville Branch railway and the Victoria and Columbia railroad with the Houston and Great Northern railroad," was taken up, read first time and referred to the Committee on Internal Improvements.

House bill No. 99, "An act to amend section twenty-three of an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duty, approved August 13, A. D. 1870," was read third time and passed.

House bill No. 138, "An act to dispense with the use of scrolls and seals in certain cases," was read third time and passed.

House bill No. 411, a bill to be entitled "An act to create the county of Hempstead," was re-referred to the Committee on Counties and County Boundaries.

Senate joint resolution No. 21, awarding Winchester rifles to certain persons.

Mr. Westfall moved to amend by adding the names of Sanford Backnes of Blanco county, and J. W. Hogg of Wise county. Adopted.

The resolution was then read a third time and passed by a two-thirds vote.

Senate bill No. 100, "An act to provide for the merger of the Waco and Northwestern Railroad Company, with its properties, rights, privileges and franchises in the Houston and Texas Central Railway Company," was read first time and referred to the Committee on Internal Improvements.

Senate bill No. 119, "An act authorizing the Commissioner of the General Land Office to employ additional draughtsmen and clerks," was taken up, read first time; rules suspended and read second time.

The joint committee, to whom the bill had been referred, submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The undersigned joint committee of the Senate

and House of Representatives, to whom was referred Senate bill No. 119, entitled "An act authorizing the Commissioner of the General Land Office to employ additional clerks and draughtsmen," having carefully examined the same, instruct us to report it back with the recommendation that it do pass, with the accompanying amendments.

A. J. BALL,

Chairman Senate Committee.

S. POWERS,

Chairman House Committee.

Amend by inserting in section one, line four, after figure five (5), the word "additional," and also after figures ten (10) in line five, same word, "additional." And amend same section by adding after last word in section, "that said Commissioner shall discharge said clerks and draughtsmen whenever he may [think their services no longer needed in said office."

The report was adopted, the bill as amended read a third time and passed.

Senate bill No. 89, "An act to incorporate G. M. Johnson Lodge, No. 97, of the Independent Order of Odd Fellows," was read second time; rules suspended, read third time and passed.

Senate bill No. 22, "An act to incorporate the town of Kaufman, in Kaufman county," was read first time and referred to the Committee on Town and City Corporations.

Senate bill No. 95, "An act for the relief of Luke G. Lea," was read first time; rules suspended, read second time, and referred to Finance Committee.

Senate bill No. 158, "An act amendatory of an act entitled an act incorporating the city of San Antonio and other towns therein named, approved December 14, 1837, and also amendatory of an act entitled an act to amend an act incorporating the town of Bastrop, approved February 1, 1845," was read first time and referred to the Committee on Town and City Corporations.

Senate bill No. 99, "An act to provide for change of venue in civil cases in the district courts of this State," was read first time and referred to Judiciary Committee No. 2.

Senate bill No. 51, "An act for the relief of sureties upon official bonds," was read first time and referred to Judiciary Committee No. 1.

Senate bill No. 179, "An act making appropriations for the payment of the expenses of the several contested election cases, and special investigations before the present Legislature," was read and referred to the Committee on Contingent Expenses.

Senate bill No. 98, "An act to incorporate the town of Weatherford," was read first time and referred to the Committee on Town and City Corporations.

House bill No. 374, an act to be entitled "An act amendatory of an act to re-incorporate the city of Navasota," was taken up. The following amendment, made by the Senate, was read and adopted:

Amend section one by striking out "the fourth Monday in March," and inserting "the third Monday in April."

On motion, Mr. Green was excused until Wednesday, and Mr. Washington for six days.

On motion of Mr. Prendergast the House adjourned until 9:30 o'clock A. M. Monday.

HOUSE OF REPRESENTATIVES,)
AUSTIN, TEXAS, March 24, 1873. (

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

On motion, Mr. Wilder was excused for four days.

The reading of the journal was dispensed with.

By leave, Mr. Brown, of Dallas, on the part of the joint conference committee upon the election bill, submitted the following supplemental report:

Hon. E. B. Pickett, President of the Senate, and Hon. M. D. K. Taylor, Speaker of the House of Representatives:

The Committee of Conference on the bill to be entitled "An act regulating elections," take the earliest occasion to report that in their report made and adopted by each house on the last day they were in session, being Saturday the twenty-second instant, they inadvertently omitted one amendment agreed upon by the committee, designed to avoid confusion and allow for said act and the new registration bill, when approved, taking effect at the

same time. They therefore ask and recommend that the accompanying amendment be adopted as a part of their previous report.

N. G. SHELLEY,

Chairman on part of the Senate.

JOHN HENRY BROWN,

Chairman of Committee on part of the House.

Amendment to election bill :

Strike out the words "its passage" in the last line of the last section, and insert "the fifteenth day of May, A. D. 1873."

On motion of Mr. Brown, of Dallas, the House reconsidered the vote adopting the former report of the committee of conference on House bill No. 233, "An act to regulate elections."

The report was then amended by the adoption of the above amendment reported by the committee.

The House then adopted the report thus amended and the bill was considered passed.

Mr. Gillette offered a protest of citizens of Hill county against the removal of their county seat. Referred to Judiciary Committee No. 2.

Mr. Kemble offered a petition of citizens of Ellis county, to be included in the stock and hide inspection law. Referred to the Committee on Agriculture and Stock Raising.

Mr. Killough offered a petition for the relief of the heirs of C. S. Blanton. Referred to the Committee on State Affairs.

Mr. Brown of Dallas offered a memorial of citizens of Dallas county in favor of a hog law. Referred to the Committee on Agriculture and Stock Raising.

Mr. Watts offered a petition of citizens of Harris and Liberty counties praying for a new county. Referred to the Committee on Counties and County Boundaries.

Mr. Morris offered a communication from S. G. Swan. Referred to Judiciary Committee No. 1.

Mr. Prendergast offered a remonstrance of the citizens of Limestone county against its dismemberment. Referred to the Committee on Counties and County Boundaries.

Mr. Rimes offered a petition from citizens of Falls county, asking for a new county. Referred to the Committee on Counties and County Boundaries.

Mr. Ghent offered a petition asking for a law in regard to

compulsory vaccination. Referred to the Committee on State Affairs.

Mr. Ghent offered the following resolution :

Resolved by the House of Representatives of the State of Texas, That the Comptroller be and he is hereby required to report to this House an itemized account of all bills approved and filed in his office for contingent expenses of the Thirteenth Legislature. Said report to comprise all bills for stationery and other expenses, both of the House and Senate, showing to whom such bills have been allowed ; giving the amount, number and date of each warrant drawn by the Comptroller on the Treasury on such amount ; and further, that such report shall show in each item thereof whether the same is for the Senate or House of Representatives.

Resolved, further, That the Treasurer be required to furnish to this House a full statement of all warrants for stationery, and other contingent expenses of the Thirteenth Legislature paid at the Treasury, specifying in each item whether the same is for the Senate or House of Representatives, giving the date and number of each warrant, and in whose favor drawn, and to whom and when paid.

Adopted.

Mr. Hester offered the following resolution :

Resolved, That it is the sense of this House that the necessity heretofore existing requiring the services of more than three porters has expired, and that the Speaker be authorized to dismiss all such employés in excess of three.

Laid over under the rules.

Mr. Gillette offered the following resolution :

Resolved, That the Superintendent of the Bureau of Immigration for this State be and he is hereby requested to furnish this body with a report showing the amount of money drawn by him from the Treasury, and an itemized statement of the manner of its disbursement, showing when, where and to whom paid

Adopted.

Mr. Russell offered the following resolution :

Resolved, That Judiciary Committee No. 1 be requested to inquire into the propriety and necessity of so amending the laws regulating the duties of district courts as to take all that part pertaining to probate business and refer

the same to the police court of each county, and report by bill or otherwise.

Adopted.

A message from the Senate announced the passage by that body of Senate bill No. 136, "An act to amend article seven hundred and sixty-six of the Penal Code."

Mr. Powers offered the following resolution :

Resolved by the House of Representatives, That Wm. H. Howard, clerk of the committee for the investigation of the official acts and accounts of J. C. De Gress, Superintendent of Public Instruction, be required to aid in the enrolling or engrossing departments when not employed on his duties as committee clerk.

Adopted.

Mr. Ghent presented a bill to incorporate the Hearne, Belton and Northwestern Railroad Company. Read and referred to Committee on Internal Improvements.

Mr. Brown of Dallas presented a joint resolution in relation to the printing of railroad charters. Read first time; rules suspended, read second time and ordered engrossed.

On motion, the rules were further suspend, the resolution read third time and passed.

Mr. Ireland presented a bill to aid in the construction of the Columbus, San Antonio and Rio Grande Railway. Read and referred to Judiciary Committee No. 1.

Also, a bill to aid in the construction of the Gulf, Western Texas and Pacific Railway. Read and referred to Judiciary Committee No. 1.

Mr. Mills presented a bill to incorporate the Navasota Real Estate and Building Association. Read and referred to the Committee on State Affairs.

Mr. Wood presented a bill entitled "An act to validate a certificate for six hundred and forty acres, issued to N. W. Byers." Read and referred to the Committee on Private Land Claims.

Mr. Ireland presented a bill to authorize the Commissioner of the General Land Office to issue land warrants to William Caruthers. Read and referred to the Committee on Public Land Claims.

Mr. Van Zandt introduced a bill to be entitled "An act for the relief of James Rogers and James C. Weaver." Read first time and referred to the Committee on Private Land Claims.

Also, a bill to be entitled "An act to revive and supplemental to an act entitled an act to incorporate the Marshall Cemetery Company, approved December 12, 1850." Read and referred to the Committee on Town and City Corporations.

Mr. Killough presented a bill to aid the construction of the Columbus, Austin and Parker county Railroad. Read and referred to the Committee on Internal Improvements.

Mr. Tilson presented the charter of the Defiance Hook and Ladder Company No. 1, of Jefferson, Texas. Read and referred to Judiciary Committee No. 2.

Mr. Smith of Colorado presented a bill to be entitled "An act to regulate railroad and other corporations." Read and referred to the Committee on Internal Improvements.

Mr. Payne presented a bill relating to division fences between adjoining proprietors. Read and referred to the Committee on Agriculture and Stock Raising.

Mr. Thurmond presented a bill to be entitled "An act to incorporate the Trespalacios and Austin Railway Company. Read and referred to the Committee on Internal Improvements.

Mr. Tivy presented a bill to be entitled "An act to enable the several counties in this State to build court houses and jails." Read and referred to the Committee on State Affairs.

Mr. Walker presented a bill to aid in the construction of the Atlantic and Pacific Railway Company. Read and referred to the Committee on Internal Improvements.

Mr. Shelton offered the following resolution:

Resolved, That Judiciary Committee No. 2 be instructed to inquire into the propriety of electing justices of the peace in such manner as that each precinct shall elect its own justice, and that they report by bill or otherwise.
Adopted.

Mr. Williams offered the following amendment:

WHEREAS, In the State of Texas and county of Walker is known to be the place where the State prison is located, at the town of Huntsville; and

Whereas, The citizens, not only the people of the town of Huntsville, but the entire people of the county, feel that they are sorely oppressed by the surplus labor with which they are surrounded; and

Whereas. The people pray that this honorable body re-

lieve them of the heavy burden that is now upon them by this penitentiary; therefore, be it

Resolved, That this resolution be referred to Judiciary Committee No. 1, and that said committee report the same at as early a day as possible, with what legislation is necessary to alleviate their troubles.

Adopted.

Mr. Rimes offered the following amendment :

Resolved, That the Committee on Constitutional Amendments be requested to submit to this House, at its earliest convenience, an amendment to the Constitution abolishing article eleven of the Constitution, establishing a Bureau of Immigration, and substituting therefor a provision conferring on the Legislature power to appropriate part of the ordinary revenues, and of the public domain of the State, for the purpose of promoting and protecting immigration.

Adopted.

Mr. Thurmond offered the following resolution :

WHEREAS, There is a great amount of mail matter coming to this House, more than can be properly attended to with the present force of officers; therefore be it

Resolved, That the House of Representatives elect a postmaster, whose duty it shall be to receive all mail matter belonging to the House, and properly distribute the same, and also act as messenger.

Laid on the table.

Mr. Smith of Colorado offered the following resolution :

Resolved, That Judiciary Committee No. 2 take into consideration the memorial of Geo. W. Paschal, Jr., in which he proposes to sell this State a number of copies of the digest of the laws of this State, compiled by Geo. W. Paschal, and to report by bill or otherwise.

Adopted.

Mr. Ireland presented the following charges and specifications against the Hon. John G. Scott, Judge of the Tenth Judicial District :

WHEREAS, It has come to our knowledge that the Hon. John G. Scott, Judge of the Tenth Judicial District of the State of Texas, is and has been guilty of many acts of malfeasance in office, of corruption in and oppression and tyranny under color of his office, and, among others, the following are enumerated, charged and specified :

1. That in the county of Anderson, and State of Texas, at the December term of the District Court of the said county, 1871, the said John G. Scott, judge as aforesaid, quit the bench and went into the grand jury room and controlled the said grand jury, and coerced it into suppressing indictments against John H. Morrison and G. D. Kelley, and said and threatened the members of the said grand jury that if they returned indictments against the said Morrison and Kelley, he, the said John G. Scott, would imprison every one of them, and impose heavy fines upon them, and thereby prevented the said Morrison and Kelly, the favorites of the said John G. Scott, from being held responsible before the courts of the country for grave crimes and misdemeanors.

2. That at the said term of the said court, he, the said John G. Scott, unlawfully and corruptly suppressed indictments returned into open court against the said Morrison and Kelley, and would not permit cases for grave crimes and misdemeanors against them, to be placed upon the criminal docket of the said court.

3. That in violation of law and corruptly, the said John G. Scott retained in office the said G. P. Kelley as sheriff of the said county of Anderson, without bond, when bond had been required of the said Kelley by the Comptroller of the State, A. Bledsoe, from the first day of April 1871, until December, 1872, whereby the said Kelley embezzled large sums of money belonging to the said county, and the same became wholly lost to the said county, and that the said John G. Scott, with the view of favoring the said Kelley, and aiding him in his aforesaid acts of malfeasance and corruption in office, permitted and connived at the same.

4. That the said John G. Scott, in his capacity as judge as aforesaid, during his present term of office, has assumed to issue from the bench the edicts of an absolute potentate. That at the . . . term of the District Court of the said county of Anderson, 1872, he, the said John G. Scott, issued his order of banishment against G. R. Spaulding, a citizen of said county of Anderson, ordering him, the said Spaulding, to leave the Tenth Judicial District of the State of Texas inside of twenty-four hours, under heavy pains, when there was no legal charge of any kind against him in any court, thereby compelling him to flee his home.

5. That in the said county of Anderson, at the August term of the District Court of said county, he, the said John G. Scott, dismissed a number of felony cases against A. Towles, then a citizen of Anderson county, and by his decree from the bench banished him, the said Towles, from the said county, and ordered him to leave within twenty-four hours the Tenth Judicial District of the State of Texas.

6. That at the January term of the District Court of the said county of Anderson, 1872, he, the said John G. Scott, instructed the grand jury that as to some men who were violating the law in keeping gambling houses in the town of Palestine, to-wit, C. C. Rogers and J. W. Crooms, and the like, two or three bills of indictment were sufficient to find against them; but as to Jo Byre and W. H. McClellan, the court, through the grand jury, must break them off. That under the said charge, the grand jury, at the said term, returned two hundred and thirteen bills against the said McClellan; that thereupon the said John G. Scott had the said McClellan arrested and placed in jail without warrant, took possession of his grocery, billiard and pigeon-hole tables, bar room furniture, and everything he had, ordered T. D. Evans district attorney, to run the said grocery in the name and interest of the State of Texas, and to apply the proceeds to the payment of the officers' costs, which was accordingly done for the period of three months, in the name, but not in the interest of the State of Texas, but unlawfully and corruptly run and conducted in the interest of the said John G. Scott and his favorites. That at the August Term of the Court next thereafter, the said John G. Scott had the said McClellan re-arrested, because he refused to pay one thousand dollars on compromise, and placed in jail, and ordered the sheriff to sell everything belonging to him, even his private bedroom furniture, cook stove, sewing machine, etc., at public auction, without advertisement or any process whatever. That this being done, the said John G. Scott ordered District Attorney Evans to dismiss the cases against the said McClellan, and the sheriff to return the commitments in the cases tried (seventy-five in number), upon the condition that the said McClellan would leave the said county of Anderson; and that all these things were done as aforesaid by the said John G. Scott, unlawfully and corruptly, in his capacity

as judge as aforesaid, with the intention of oppressing the said McClellan, and extorting money out of him for the use and benefit of his, the said John G. Scott's favorites.

7. That at the December term, 1870, of the District Court of the said county of Anderson, the said John G. Scott, upon his own motion, unlawfully suppressed the venire for grand jury, on the grounds that C. L. Price and W. H. Tucker, members of the same, were prominent Democrats and politicians.

8. That at the . . . term, 1872, he, the said John G. Scott refused to hear a writ of *habeas corpus* in case of three women, to-wit, . . . confining them in jail from court to court, when there was no charge or evidence of guilt against them.

9. That at the July term of the District Court of Henderson county, 1872, and on the . . . day of July, he, the said John G. Scott, in open violation of law, in term time, armed himself with a revolver, and went into the court house of said county, and into a public assembly collected therein, and threatened the life of T. B. Greenwood, a man of peaceable disposition and a highly esteemed attorney of the Athens bar.

10. That in the county of Kaufman, on or about the twentieth day of October, A. D. 1871, he, the said John G. Scott, judge, etc., as aforesaid, did, after rendering judgments final in four certain cases then pending in the District Court of said county of Kaufman, wherein the State of Texas was plaintiff, and M. M. Gibbs *et al.* were defendants on *scire facias*, for the sum in the aggregate of twenty-two hundred and fifty dollars, corruptly and without authority of law remit twelve hundred and fifty dollars of the said judgments, and extend the time for the payment of the balance twelve months, and did, thereafter, to-wit, on or about the same day, to-wit, the twentieth day of October, 1871, being in need of money, demand of one Thomas D. Evans, then district attorney of the said judicial district, to get him, Scott, some money, five hundred dollars or about that sum; that being then answered by said Evans that he, Evans, had no money, he, the said Scott, judge, etc., then and there ordered the said Evans to apply to John G. Gibbs, one of the defendants in the four several cases above referred to in said judgments on *scire facias*, and to say to him that he must pay *instanter* five hundred

dollars on the one thousand dollars not remitted of said judgments; that the said Evans did as he was ordered to do by said Scott, judge etc., and applied to said John G. Gibbs for the said five hundred dollars; that the said John G. Gibbs did, on or about the said day, to wit, the twentieth of October, 1871, pay over to the said Evans four hundred and fifty dollars of the said thousand dollars; which said sum the said Evans did then and there pay over to the said Scott, and the said Scott did then and there corruptly receive the same from the said Evans. That thereafter, to wit, on or about the fifth day of June, 1872, the said John G. Scott, judge etc., as aforesaid, among others, did apply to Governor E. J. Davis for a remission of the one thousand dollars of said judgments, not remitted by him, the said Scott; he, the said Scott, representing in the said application to the Governor for remission, that he had been informed that the defendants in the aforesaid cases had paid the costs and some two or three hundred dollars, and that he thought that should remain as it was; that the said Governor listening to the recommendation of the said Scott and others, did remit the said one thousand dollars, all of said forfeiture beyond what had been paid and costs, and the further sum of fifty dollars in each case; that the said defendants in said judgments on *scirefacias*, afterwards paid the said balance on the said judgments not remitted by the Governor, to-wit, two hundred dollars, but that the said Scott now corruptly holds, and since the payment thereof to him by said Evans, corruptly held the said four hundred and fifty dollars, never having refunded the same to the said John G. Gibbs, nor paid it over to any person or officer authorized to receive the same, and all this in violation of law, his official duty and good morals.

It is respectfully asked that at any time it may be deemed necessary, an amendment of charges herein may be made, giving more specifically times, places, dates and names and circumstances of the crimes, misdemeanors and malafide acts of the said Scott.

Resolved, That the matters herein alleged be referred to a special committee to investigate the truth of the charges preferred, and that the said committee be empowered to send for persons and papers, and report by bill or otherwise.

The resolution was adopted, and the Speaker appointed.

the following gentlemen the committee called for thereby: Ireland, Chairman; Bewley, Cooke, Kleberg and Rimes.

A message from the Senate announced that that body had reconsidered the vote adopting the report of the conference committee on House bill No. 233, "An act to regulate elections," and amended their report by the adoption of the following amendment: Strike out the words "its passage," in the last line of the last section, and insert, "the fifteenth day of May, A. D. 1873," and so amended the Senate has adopted the report.

Also, that that body has passed House bill No. 224, "An act to incorporate the State Bank of Texas, Galveston."

The unfinished business of Saturday, being the bill for the protection of the farming interests of the State, was resumed, the question being upon the amendment of Mr. Robb to the amendment of Mr. Booty.

Pending the discussion, the special order, being the bill to incorporate the city of Austin, was announced, but on motion its consideration was postponed for one hour.

Mr. Salter was added to the Committee on Public Grounds and Buildings.

On motion, Mr. Salter was excused for eight days, and Mr. Rimes for four days.

Mr. Robb withdrew his amendment.

On motion of Mr. Ellett, the county of Red River was stricken from the amendment offered by Mr. Booty.

On motion of Mr. Watts, the counties of Polk, Liberty, Chambers and San Jacinto were stricken from the amendment of Mr. Booty.

On motion of Mr. Robb, Cherokee, Houston, Trinity and Angelina counties were stricken out of Mr. Booty's amendment.

On motion of Mr. Williams, Walker, Grimes and Madison counties were added to Mr. Booty's amendment.

On motion of Mr. Tom, the entire Thirtieth Senatorial District was added to said amendment.

Mr. Payne moved to lay all the amendments upon the table.

The House refused to table, and the amendment offered by Mr. Booty was adopted.

Mr. Prendergast offered the following amendment to section three:

Provided, That this section shall not be so construed as to authorize any person to maim, wound or kill any of the animals above specified, belonging to another, under any circumstances. Adopted.

Mr. Ireland offered the following substitute for section one: Every person shall make a good fence around his or her lands used or cultivated; *provided*, it shall not be necessary to fence against incursions of sheep, goats or hogs. Adopted.

Mr. Hester moved to insert the word "mule" after the word "horse," in line four, section three. Adopted.

Mr. Shelton offered the following amendment: Strike out in lines ten and eleven, section eight, the words, "a majority of the votes cast at said election," and insert, "three-fifths of the registered voters of the county."

Mr. Denton moved the previous question, which being seconded was put and carried, and the bill read a second time and ordered engrossed.

On motion the rules were further suspended, the bill read a third time and passed.

The special order, being the bill to incorporate the city of Austin, was then resumed. The bill was read a second time and ordered engrossed.

On motion the rules were suspended, the bill read a third time and passed.

Mr. Booty offered the following resolution:

Resolved, That John G. Scott, Judge of the Tenth Judicial District, be served through the mail with a copy of the charges preferred against him in this House to-day, and the action of the House thereon. Adopted.

Mr. Mills offered the following resolution:

Resolved, That hereafter until otherwise ordered, Tuesday, Thursday and Saturday afternoons of each week shall be set apart by this House for the consideration of local and special bills, and that each member of this House when his name being called, shall have the privilege of naming what bill shall then be taken up.

Read, and laid over under the rules.

On motion of Mr. Armstrong, the Committee on Education were granted leave to report, and submitted the following:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: A majority of the Committee on Education, to

whom was referred several bills concerning the establishment of a system of public free schools, have considered the same, and have instructed me to report and recommend the adoption of the accompanying substitute, entitled "An act to establish a system of public free schools for the State of Texas." The chairman is of the opinion that this substitute is not as simple or perfect in its plan as desired, but submits this substitute as an improvement upon the system now in force, and for the action of this House.

ARMSTRONG, Chairman.

On motion of Mr. Rainey, the bill was laid on the table, and one hundred copies ordered printed.

The Committee on Counties and County Boundaries reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was referred the petition of citizens of Kendall county, asking to be attached to the county of Kerr, beg leave to report that they have considered the same, and instruct me to recommend that the petition be granted and the passage of the accompanying bill.

TROLINGER, Chairman.

The bill, entitled "An act to define the boundary line between the counties of Kendall and Kerr," was read first time; rules suspended, read second time and ordered engrossed.

On motion, the rules were further suspended, the bill read a third time and passed.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was referred the petition of citizens of Llano, Burnet, Travis, Hays, Blanco and Gillespie counties, asking for the creation of a new county from portions of said counties, have had the same under consideration, and instruct me to recommend the petition be granted and the passage of the accompanying bill.

TROLINGER, Chairman.

The bill, to be entitled "An act to create the county of Lee and to provide for its organization," was read first

time and re-committed to the Committee on Counties and County Boundaries.

On motion of Mr. Denton, the House adjourned until 9:30 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, March 25, 1873. }

House met pursuant to adjournment. Prayer by the Rev. Dr. Barleson. Roll called; quorum present.

On motion of Mr. Rainey, the reading of the journal of yesterday was dispensed with.

Mr. Westfall offered a petition of citizens of Georgetown, Williamson county, asking the passage of the Ohio liquor law. Referred to Judiciary Committee No. 2.

Mr. Ford offered a memorial of citizens of Chambers, Liberty and Hardin counties, asking the enactment of a more efficient law for the protection of the interests of stock raisers. Referred to Judiciary Committee No. 2.

Mr. Prendergast offered a petition from citizens, Limestone, Falls and Robertson counties, praying for organization of a new county, to be called Lee. Referred to the Committee on Counties and County Boundaries.

Mr. Payne offered a petition of citizens of Goliad, Comanche and El Paso Railroad Company. Referred to Committee on Internal Improvements.

Mr. Van Zandt offered a petition of A. Thance, Ed. Hovenkaup. Referred to Committee on Education.

Mr. Speaker submitted a petition of J. Elam, which was read and referred to the Committee on Education. sic

A message from the Senate announced the passage by that body of House bill No. 338, "An act to incorporate the town of Quitman, in Wood county, to authorize the building of a public free bridge across Big Creek, in the corporate limits of the city of Jefferson."

House bill No. 15, "An act to authorize Howard Keys and his associates to construct a toll bridge across the Sabine river, at Crockett."

And House bill No. 269, "An act to authorize Howard Keys and his associates to construct a toll bridge across the Sabine river, at Crockett." petition for fixing the Mr. Hollingsworth offered

county site of Brown county: Referred to the Committee on Counties and County Boundaries.

Mr. Smith of Houston offered a petition of citizens of Houston county to prevent a division of said county. Referred to the Committee on Counties and County Boundaries.

Also, a petition of citizens of Trinity and Houston counties for a new county. Referred to the Committee on Counties and County Boundaries.

Mr. Watts offered the following resolution:

Resolved, That a committee of five be appointed by the Speaker, whose duty it shall be to take under consideration the modification of the existing pension law, and report by bill or otherwise.

Adopted.

The Speaker announced the following committee under the above resolution: Watts, chairman; Smith of Houston, Hester, Chambers and Nelson.

Mr. Ghent presented a bill to be entitled "An act authorizing the construction of a toll bridge over Pond creek, in Milam county." Referred to the Committee on Roads, Bridges and Ferries.

Mr. Brown of Dallas presented a bill to be entitled "An act regulating prison fees." Referred to Judiciary Committee No. 1.

Mr. Wood presented a bill for the relief of the heirs of James Burney. Referred to the Committee on Private Land Claims.

Mr. Watts presented a bill to be entitled "An act making certificates for jury service receivable for county taxes." Referred to Judiciary Committee No. 1.

Mr. Bordeaux presented a bill to be entitled "An act to provide for and regulate liens of mechanics, artisans, builders, laborers and contractors." Referred to Judiciary Committee No. 2.

Mr. Killough presented a bill to provide for the election of a State librarian. Referred to the Committee on State Affairs.

Also a bill for the relief of the heirs of Charles Forrester. Referred to the Committee on Private Land Claims.

Mr. Smith of Colorado presented a bill to be entitled "An act to amend section one of an act entitled an act concerning private corporations." Referred to Judiciary Committee No. 1.

Mr. Williams presented a bill to establish a normal school at Harmony, Walker county, Texas. Referred to the Committee on Education.

Mr. Cook presented a bill to incorporate Hibernia Fire Company No. 4, Houston, Harris county. Referred to the Committee on State Affairs.

Also a bill to be entitled "An act supplemental to an act entitled an act to incorporate the Pacific and Great Eastern Railway Company." Referred to the Committee on Internal Improvements.

Also a bill incorporating the town of Montgomery, in Montgomery county. Referred to the Committee on Town and City Corporations.

Mr. Van Zandt presented a bill to be entitled "An act to provide for the enrollment of judgments in the several courts of the State." Referred to Judiciary Committee No. 1.

Mr. Berends presented a bill to be entitled "An act for the relief of Charles Hummel." Referred to the Committee on Claims and Accounts.

Mr. Cook presented a bill to incorporate the Lynchburg Shipyard Company. Referred to the Committee on Commerce and Manufactures.

Also a bill to be entitled "An act to incorporate the Texas Tea Company." Referred to the Committee on Commerce and Manufactures.

Mr. Joseph presented a bill to amend "An act entitled an act to incorporate the Island City Real Estate and Homestead Association of Galveston, approved June 24, 1870, and an act amendatory thereof, approved December 1, 1871." Referred to the Committee on Town and City Corporations.

Mr. Smith of Colorado presented a bill to expedite business in the District Courts of Texas. Referred to Judiciary Committee No. 2.

On motion of Mr. Short, House bill No. 156, "An act to validate the survey of John B. Dillard, and authorize patent to issue on the same," was taken up, read a third time and passed.

The resolution of Mr. Mills changing the order of business, offered on the twenty-fourth instant, was taken up.

Mr. Harrison moved to lay the resolution on the table, which was carried by the following vote:

Yeas—Messrs. Abbott, Anderson of McLennan, Arm-

strong, Berends, Bewley, Bledsoe, Booty, Cook, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Gaston, Gillette, Gilpin, Harrison, Hester, Joseph, Killough, McDonald, Moore, Nelson, Noeggerath, Payne, Roberts, Schmidt, Smith of Colorado, Storey, Thurmond, Tilson, Tom and Winkler—34.

Nays—Messrs. Brown of Dallas, Carroll, Chambers, Ford, Green, Kemble, Kleberg, Lane, Leyendecker, Mabry, Manning, Mills, Morris, Powers, Prendergast, Robb, Rosborough, Russell, Shelton, Short, Smith of Houston, Tivy, Trolinger, Van Zandt, Venters, Watts, Westfall and Williams—28.

The resolution of Mr. Hester, looking to the reduction of the force of porters, was taken up.

Mr. Green moved to lay it on the table.

Yeas and nays being called, resulted as follows :

Yeas—Messrs. Abbott, Adriance, Ellett, Green, Mills, Moore, Short, Thurmond, Tivy and Williams—10.

Nays—Messrs. Anderson of McLennan, Armstrong, Berends, Bewley, Bledsoe, Booty, Bordeaux, Brown of Dallas, Carroll, Chambers, Cooke, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gaston, Gillette, Gilpin, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, McDonald, Morris, Nelson, Noeggerath, Powers, Prendergast, Rainey, Robb, Roberts, Rosborough, Russell, Sayers, Schmidt, Shelton, Smith of Houston, Storey, Tilson, Tom, Trolinger, Van Zandt, Venters, Watts, Westfall, Winkler and Wood—57.

The motion to lay upon the table was declared to have been lost.

The resolution was then adopted.

Hon. D. C. Giddings, Texas Representative in Congress, was invited to a seat within the bar, and the privileges of the House extended to him during his stay in the city.

The Committee on Counties and County Boundaries submitted the following report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Counties and County Boundaries, to whom was recommitted House bill No. 163, entitled "An act to validate the Brazoria county bonds voted by the people thereof, and paid out by the Commissioner's Court or County Court of the said county to

the Houston Tap and Brazoria Railway Company," have had said bill under consideration, and instruct me to return the same to the House, and ask to be discharged from further consideration of it, and recommend its reference to Judiciary Committee No. 2.

TROLINGER, Chairman.

The report was adopted, and reference made as requested.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : Your Committee on Counties and County Boundaries, to whom was referred House bill No. 254, entitled "An act to authorize the County Court of Upshur county to issue interest bearing bonds to finish paying for the building of the court house of said county, and to levy and collect a tax to pay the same," have had the same under consideration, and instruct me to return the bill to the House and recommend its passage.

TROLINGER, Chairman.

The bill was read second time and ordered engrossed.

A message from the Senate announced the passage by that body of House bill No. 68, "An act to authorize and require sheriffs and constables to execute process ordered by the Legislature or any committee thereof.

Further report from the same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : Your Committee on Counties and County Boundaries, to whom was referred House bill No. 114, entitled "An act to adjust and define the boundary lines between the counties of Aransas, Refugio, San Patricio and Nueces," have had the bill under consideration, and instructed me to report the same back to the House and recommend its passage.

TROLINGER, Chairman.

Mr. Thurmond offered the following amendment :

Amend by striking out from the words "Patillo grant" to the words "thence down said bay," exclusive, and insert "thence south ten (10°) west to the southwest corner of a six hundred and forty acre tract of land patented to John N. Seguin, fronting on the notheast bank of Nueces Bay, No. 4 on land plat." Adopted.

The question being upon the engrossment of the bill,

the House refused to order it to engrossment by a vote of thirty-one to twenty nine.

Report from Committee on Enrolled Bills :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills, to whom was referred House bill No. 224, entitled "An act to incorporate the State Bank of Texas, Galveston," have carefully compared the same, and find it correctly enrolled, and have this day, at 10:30 o'clock, A. M., presented the same to the Governor for his signature.

WOOD, for Committee.

- Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined and compared bill No. 374, "An act amendatory of an act to incorporate the city of Navasota," and find the same correctly enrolled, and have this day at 10:30 o'clock A. M., presented the same to his Excellency the Governor for his signature.

WOOD, for Committee.

Further Report from Committee on Counties and County Boundaries:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Counties and County Boundaries, to whom was referred petition and counter petition of citizens of Sabine county, beg leave to report that they have had the same under consideration, and are of the opinion that no legislation is necessary in the premises, and therefore instruct me to return the petitions, and recommend that the prayer be not granted.

All of which is submitted.

TROLINGER, Chairman.

Report adopted.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Counties and County Boundaries, to whom was referred the petition of citizens of Brown, Lampasas, Comanche and Hamilton counties, have duly considered the same, and instruct me to return

the same, and recommend that the prayer of the petitioners be not granted.

TROLINGER, Chairman.

Report adopted.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Counties and County Boundaries, to whom was referred petition of citizens of Comanche county, and House bill No. 320, entitled "An act to authorize the county court of Comanche county to issue bonds for certain purposes," have had the same under consideration, and instruct me to return the bill and recommend its passage.

TROLINGER, Chairman.

The bill was read a second time and ordered engrossed.

On motion of Mr. Westfall the rules were suspended, the bill read a third time and passed.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Counties and County Boundaries, to whom was referred a petition from citizens of Hunt county, and House bill 159, entitled "An act to amend the first section of an act to create the county of Raines," beg leave to report that they have had the same under consideration, and instruct me to return the same, and recommend that the bill do not pass.

TROLINGER, Chairman.

The bill was re-referred to the Committee on Counties and County Boundaries.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Counties and County Boundaries, to whom was referred the petitions of citizens of Atascosa, Bexar, Medina and Frio counties, asking for the creation of a new county from portions of said counties, together with protests from citizens of the aforesaid counties, and House bill No. 271, providing for the organization of the same, beg leave to report that they have duly considered the subject, and instruct me to return the papers to the House, and recommend that the bill do not pass.

TROLINGER, Chairman.

Report adopted.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was referred the petitions from citizens of Kaufman, Van Zandt and Hunt counties, asking for the creation of a new county, together with House bill No. 246, providing for the organization of said new county, beg leave to report that they have duly considered the subject, and instruct me to return the same to the House, and recommend that the bill do not pass.

TROLINGER, Chairman.

Report adopted.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred the petitions from citizens of Williamson, Bell, Burnet and Lampasas counties, praying for the creation of a new county, together with protests from citizens of said counties, and House bill No. 130, providing for the organization of said new county, beg leave to report that they have had the subject under consideration, and instruct me to return the same to the House, and recommend that the bill do not pass.

TROLINGER, Chairman.

Report adopted.

On motion of Mr. Winkler, Mr. Killough was added to the Committee on Finance.

A message from the Senate announced the adoption by that body of the following concurrent resolution:

Resolved by the Senate, the House concurring, That the committees of the Senate and House of Representatives, on the subject of reducing the number of judicial districts, be and the same are hereby consolidated a joint committee, and that they act accordingly.

The Committee on Military Affairs reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on Military Affairs, to whom was re-referred House bill No. 105, a bill to be entitled "An act for the relief of certain citizens of Limestone county," and the amendments thereto, instruct me to report the

same back, and recommend the accompanying amendment to the preamble of said bill, with the amendment referred, and that said accompanying amendment to the preamble do pass.

J. M. ANDERSON, Chairman.

Amendment offered by the committee :

Amend preamble by inserting after the word "county," in eighth line, the following words: "And in Walker county by proclamation of martial law, on the day of 1871;" and further amending by striking out the word "county" wherever it occurs in the preamble after the eighth line, and insert "counties."

Amendment adopted.

Pending the discussion, Mr. Rainey moved to adjourn until 9:30 A. M. to-morrow, which carried.

HOUSE OF REPRESENTATIVES, }
 AUSTIN, TEXAS, March 26, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

On motion, Mr. Davenport was excused for ten days, and Mr. Winkler indefinitely.

On motion of Mr. Hollingsworth the reading of the journal was dispensed with.

On motion of Mr. Westfall, Mr. Killough was added to the Committee on Internal Improvements.

Mr. Gillette offered a petition of citizens of Hill county asking for the passage of a law prohibiting the sale of intoxicating liquors in the vicinity of Pecan Grove Male and Female School. Referred to the Committee on Education.

Mr. Wood offered a petition of citizens of Robertson county to remove the county records to Owensville. Referred to the Committee on Counties and County Boundaries.

Mr. Rimes offered a remonstrance of citizens of Falls county against division of that county. Referred to the Committee on Counties and County Boundaries.

Mr. Gillette moved that Judiciary Committee No. 2 be allowed to report out of the regular order. Lost.

The Speaker submitted a statement of grievances from

citizens of El Paso county, which was read and referred to Committee on Judicial Districts.

Mr. Storey presented a bill to be entitled "An act to amend Article 186 of the Code of Criminal Procedure, approved August 26, 1856." Referred to Judiciary Committee No. 2.

Mr. Cooke presented a bill to be entitled "An act to encourage the erection of certain machinery." Referred to Committee on Commerce and Manufactures.

Mr. Tilson offered the following resolution :

Resolved, That a committee of three be appointed by the Speaker, whose duty it shall be to visit the State cemetery, and report whether any appropriations are necessary for its enclosure or preservation.

Adopted.

The Speaker appointed the following gentlemen under the resolution : Tilson, Venters and Ford.

Mr. Ghent presented a bill to be entitled "An act to authorize and empower the County Court of Milam county to levy and collect a special tax for the purpose of building a county jail. Referred to the Committee on State Affairs.

Mr. Gillette presented a bill to prohibit the sale of intoxicating liquors in the vicinity of Pecan Grove Male and Female School. Referred to the Committee on Education.

On motion of Mr. Ireland, Judiciary Committee No. 2 was allowed to report, and stated verbally that the committee recommended that a petition of citizens of Hill county, which had been referred to them, be referred to a special committee of five. The recommendation was adopted, and the Speaker announced the following gentlemen said committee : Russell, Thurmond, Gilpin, Lane and Kemble.

Mr. Bledsoe offered the following resolution :

Resolved, That the Select Committee on Treasurer's and Comptroller's Offices be instructed to discharge L. E. Valentine from their employ as clerk.

Yeas and Nays being called resulted as follows :

Yeas—Messrs. Armstrong, Berends, Bledsoe, Booty, Carroll, Chambers, Denton, Doyle, Gaston, Gillette, Hollingsworth, Ireland, Kemble, Lane, Manning, McDonald, Mills, Nelson, Rimes, Robb, Shelton, Short, Thurmond, Tom, Trolinger and Veale—26.

Nays—Messrs. Abbott, Adriance, Anderson of McLennan, Bewley, Bordeaux, Brown of Dallas, Cook, Cunningham, Davenport, Eastland, Ellett, Ford, Ghent, Gilpin, Green, Harrison, Joseph, Killough, Kleberg, Mabry, Moore, Morris, Noeggerath, Payne, Powers, Prendergast, Rainey, Rosborough, Russell, Sayers, Smith of Colorado, Smith of Houston, Schmidt, Storey, Tilson, Tivy, Van Zandt, Venters, Walker, Watts, Westfall and Williams—42.

The resolution was declared to have been lost.

Mr. Watts presented a bill to adjust and define the Western boundary line of San Jacinto county. Referred to the Committee on Counties and County Boundaries.

Mr. Bewley presented a bill to validate certain land titles. Referred to Judiciary Committee No. 2.

The following communication was received from his Excellency Gov. E. J. Davis, and referred to the Committee on Military Affairs :

EXECUTIVE DEPARTMENT, STATE OF TEXAS,)
AUSTIN, March 25, 1873. }

Hon. M. D. K. Taylor, Speaker of the House of Representatives of the State of Texas :

SIR: For the information of the Legislature, in regard to occurrences in Lampasas county, which have excited considerable public interest, I have the honor to enclose herewith a copy of the report made to me concerning the same, by Adjutant General F. L. Britton.

Very respectfully,

EDMUND J. DAVIS, Governor.

ADJUTANT GENERAL'S OFFICE, STATE OF TEXAS,)
AUSTIN, March 24, 1873. }

SIR: In obedience to your verbal instructions of the fifteenth instant, I started for Lampasas at 11 o'clock on the sixteenth instant, accompanied by twelve State policemen, to investigate the killing of Captain Thomas Williams, privates J. M. Daniels, Wesley Cherry, and the wounding of Andrew Melville, all State police.

Arriving within twenty-five miles of Lampasas the evening following my departure from Austin, my horses being very tired, and a number of the men having straggled behind, their horses not being able to keep up, owing to the rapidity of the march, I camped for the night. Here I was met by Lieutenant Lee, commander

of Company M, minute men, who, with one of his men, had started to Austin for reinforcements from State police. Lieutenant Lee informed me that his men were barricaded in stone houses in the town of Lampasas, hourly expecting an attack from the outlaws and their friends, whom they believed numbered forty or fifty strong. I at once mounted my men and proceeded to Lampasas, where I arrived at 5 A. M. on the seventeenth instant, and found that the worst state of affairs possible existed in the town and county. The citizens, panic stricken, had closed their stores, and all business had stopped in anticipation of an attack from the mob party. I immediately dispatched a courier to Burnet county with an order to Lieutenant John Alexander to report to me with his company instanter.

Obtaining the assistance of the sheriff of the county, I proceeded to investigate the disturbance, with the following result:

In obedience to my instructions, Captain Williams and his detachment of State police, seven in number, arrived in Lampasas on the fourteenth inst., at about one o'clock, to assist the officers of that county in the arrest of parties charged with an attempt to murder the sheriff of the county; shooting into the citizens' houses, etc. This party numbered, so far as is known, about twelve or fifteen men, whose occupation was the branding, killing and skinning of other people's cattle, living in and around Lampasas, some of them having no local habitation. They made their headquarters at the Lampasas Saloon, where they did their drinking, gambling, etc., and stored their arms and ammunition, when not in use. Their names, so far as I could learn, are as follows: Thomas Horrell, Martin Horrell, Merrit Horrell, Ben Turner, Joe Bolden, Al. Whitcraft, James Grizzell, Jerry Scott, Bill Bowen, Billy Gray, Bill Horrell. — Short, Jim Jenkins, Sam Sneed and Billy Sneed.

Within a short time after Captain Williams' arrival he arrested Billy Bowen, one of the above-named parties, for carrying a six-shooter. Bowen, under some pretense, persuaded Williams to enter the Lampasas Saloon, Privates Daniels, Cherry and Melville following them. Directly after they entered some twenty or more shots were fired, principally from Winchester carbines in the hands of Thomas Horrell, Martin Horrell, Merrit Horrell,

Ben Turner, Joe Bolden, Al. Whitcraft, James Grizzell, Jerry Scott, Bill Bowen and Bill Gray. Many of these parties had secreted themselves behind screens, doors, etc., so that they were not visible to Captain Williams and his men when they were decoyed into the saloon by Bowen. Captain Williams was killed, receiving two shots through the body and one through the head. Daniels received several shots through the head and body, and died instantly. Cherry was also killed instantly by a shot through the body. Melville received a bullet through the left lung, and at the time of my leaving Lampasas his case was considered hopeless by attending physicians.

The manner in which the assassins were stationed, and the accuracy of their fire, gave the policemen no chance to defend themselves against the cowardly attack.

After murdering the policemen in the saloon, the desperadoes came out and attacked the remaining four policemen, firing a number of shots at them. The fire was returned by the policemen, wounding Martin Horrell and Thomas Horrell. The former was shot in the back of the neck by policeman Eddy; the latter just below the shoulder blade.

Hereto attached, I send a copy of verdict of the jury of inquest; also a copy of the evidence before the same, which I beg to submit as a part of this report.

With the minute company of Lampasas county, under Lieutenant Lee, and a detachment of Burnet county minute men, under Sergeant W. H. Shelborn, a detachment of State police, under my immediate command, and a posse of citizens under the sheriff, I proceeded to scour the country for the murderers still at large. Burnet, Llano, Coryell and Williamson counties were visited, and every effort possible made for the capture of the murderers. Five days scouting, with such evidence as I could gain from other sources, convinced me that the outlaws had fled to the frontier. I then detailed Lieutenant Wear and ten men of State police to take station at Lampasas; had the four prisoners who were then under arrest and who were pronounced guilty by the jury, viz., Jerry Scott, Martin Horrell, Allen Whitcraft and James Grizzell, committed to the Travis county jail for safe keeping until the next term of the District Court, believing that if they were left in the Lampasas county jail their friends would

rescue them. I would here recommend that five hundred (500) dollars reward be offered for each of the bodies of the parties implicated by the verdict of the jury of inquest.

These men are of the very worst reputation, and are so feared by the citizens of the county in which they live, that one yell from them to "hide out" is sufficient to close all doors within hearing, and they have heretofore amused themselves daily by practicing with their six-shooters at the door knobs of those persons who had incurred their displeasure by assisting the sheriff or other officers of the county to bring to justice violators of the law. The office of Messrs. White & Gibson is a specimen of this character, having some twenty or thirty bullets fired through it by these parties; also, the *Dispatch* office, which had all of its windows broken out because it noted some of the atrocious acts of the "bunch" unfavorably; and other instances, too numerous to mention.

Before closing this report I desire to mention especially the valuable assistance rendered me by sheriff S. T. Denson, Lieutenant Lee and the Lampasas minute men, also many good citizens of the county.

The county paid the board of my men and horses, as well as that of the minute companies, while in the county, and in public meeting expressed their feeling toward same. A copy of the resolutions are hereto attached.

Very respectfully,

(Signed)

F. L. BRITTON,

Adjutant General and Chief of Police.

To his Excellency EDMUND J. DAVIS, Governor State of Texas, Austin, Texas.

We, the jury, from the evidence before us, find that Captain Williams, Wesley Cherry and J. M. Daniels, came to their death by gun and pistol shots, in the Lampasas Saloon, in the town of Lampasas, in the State of Texas, on Friday, the fourteenth day of March, 1873, from and by the hands of Thomas Horrell, Martin Horrell, Merit Horrell, Ben. Turner, Joe Bolden, Al. Whitcraft, James Grizzell, Jerry Scott, Bill Bowen and Billy Gray.

H. T. HILL,
W. J. STANDEEER,
R. W. HILL,

ALEX. J. NORTHINGTON,
W. W. EAST,
LOUIS BORLIO,

Jury.

I hereby certify the above is a verdict of the jury of inquest held over the bodies of the above named deceased policemen.

Given under my hand at office in the town of Lampasas, this the twentieth day of March, A. D. 1873.

(Signed)

THOMAS PRATT,
J. P. L. C. and Acting Coroner.

A true copy.

F. L. BRITTON,
Adjutant General and Chief of State Police.

LAMPASAS, March 21, 1873.

Pursuant to a call, a large number of the citizens of Lampasas county assembled in mass meeting to consider the state of the country. Gen. F. L. Britton, Adjutant General and Chief of State Police, addressed the meeting in a few eloquent, appropriate and well timed remarks, after which Dr. W. P. Beall was appointed chairman and J. P. Gibson secretary.

Short and appropriate speeches were made by Major Martin White, C. C. McGinnis, T. D. Hayworth, J. A. Homan, S. T. Denson, Lieutenant Wear, J. P. Gibson, C. Woolridge, Kit Williams and G. M. Haynie.

A committee of citizens were appointed to draft resolutions expressing the sentiment of the people, consisting of Z. A. Abney, A. J. Northington, and Moses Hughes, who offered the following resolutions, which were unanimously adopted :

Resolved, That the people of Lampasas county, in mass meeting assembled, present their thanks and kindly regards to General Britton, Chief of State Police, and the officers and men under him for their gentlemanly deportment while in our midst, and for their unceasing effort to restore order and the dominion of law in our county.

Resolved, That in future we pledge ourselves each to the other, and to the officers attempting to enforce the law, our unqualified support in bringing to justice any violator of the law of our county; and we further pledge ourselves to resist any injury to the person or property of any of our fellow citizens because of any zeal on their part in bringing to justice the lawless, as we would an injury done to ourselves individually.

Resolved, That we hold ourselves in readiness in the

future to aid the sheriff or the police that may be in our county rendering us protection, by giving him or them any information that we may have concerning the whereabouts of fugitives from justice, and personal aid in his or their attempts to secure the persons of all offenders, to the end that they may be dealt with according to law.

Resolved, That we earnestly ask the continuance of the State police in such numbers as to be efficient until such time as our local authorities shall feel able to hold in check the lawless of our county.

(Signed) W. P. BEALL, Chairman.

(Signed) J. P. GIBSON, Secretary.

A true copy,

F. L. BRITTON,

Adjutant General and Chief of Police.

The Committee on Enrolled Bills reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 338, "An act to incorporate the town of Quitman, in Wood county," and find the same correctly enrolled, and have presented the same this day at 10:40 A. M., to the Governor for his signature.

WOOD, Chairman.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined and compared the following bills, to-wit:

Bill No. 15, "An act to authorize the building of a free public bridge across Big Cypress in the corporate limits of the city of Jefferson."

Also "An act to authorize Howard Keys and his associates, to construct a toll bridge across the Sabine river at Crockett's bluff," and find the same correctly enrolled, and have this twenty-sixth day of March, at 10:40 A. M., presented them to the Governor for his signature.

WOOD, Chairman.

Mr. Storey presented a bill supplemental to "An act to incorporate the Western Narrow Gauge Railway Company, approved August 4, 1870, and an act supplemental thereto, approved October 13, 1871." Referred to Judiciary Committee No. 1.

A message from the Senate announced the passage by

that body of House bill No. 29, "An act to provide for the registration of voters."

On motion of Mr. Kleberg, the Committee on Town and City Corporations were granted leave to report, and submitted the following:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 443, entitled "An act to incorporate the town of Cuero, in DeWitt county," having carefully examined the same, direct me to report the same back with the recommendation that it do pass.

BLEDSON, for Committee.

The bill was read a second time and ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed.

The unfinished business of yesterday, being a bill to be entitled "An act for the relief of certain citizens of Limestone county," was resumed, and Mr. Prendergast addressed the House.

Pending the discussion, a message from the Senate announced the passage by that body of the following bills:

House bill No. 64, "An act in aid of the Financial condition of Cameron county."

House bill No. 179, "An act to authorize the County Court of Falls county to levy and collect a special tax for the purpose therein expressed."

House bill No. 339, to be entitled "An act to authorize the county of Dallas to issue bonds."

House bill No. 315, "An act to authorize the County Court of Goliad county to levy and collect a special tax for the purpose of building a court house."

Senate bill No. 190, "An act to incorporate the city bank of Sherman."

Senate bill No. 125, "An act to authorize the County Court of Parker county to levy and collect a special tax for the term of two years, to repair the old jail or build a new one, and to repair the court house, in the town of Weatherford, in said county."

Senate bill No. 194, "An act to incorporate Concrete College."

Senate bill No. 174, "An act to reorganize the town of Sherman, in Grayson county, Texas, and incorporate said town as the city of Sherman."

After further discussion, the bill was ordered engrossed.

On motion of Mr. Anderson of McLennan, the rules were suspended, the bill read a third time and passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Anderson of McLennan, Berends, Bledsoe, Booty, Bordeaux, Brown of Dallas, Carroll, Chambers, Cook, Davenport, Denton, Doyle, Eastland, Gaston, Ghent, Gillette, Gilpin, Hester, Joseph, Kemble, Killough, Kleberg, Leyendecker, Manning, McDonald, Morris, Noeggerath, Payne, Powers, Rainey, Rimes, Robb, Rosborough, Schmidt, Smith of Houston, Thurmond, Tilson, Tivy, Tom, Van Zandt, Veale, Walker, Westfall, and Wood—46.

Nays—Messrs. Cunningham, Day, Green, Ireland, Lane, Mabry, Moore, Nelson, Roberts, Russell, Shelton, Storey, Trolinger and Williams—14.

Mr. Harrison announced he had paired off with Mr. Winkler.

Messrs. Bewley, Hollingsworth, Venters and Watts came in during the roll call and desired to enroll their names in favor of the bill, but were not allowed to do so under the imperative rule of the House against it.

On motion of Mr. Brown of Dallas, House bill No. 29, "An act to provide for the registration of voters," was taken up.

The Senate amendments thereto were read and adopted, and the bill thus amended was passed.

On motion of Mr. Gilpin, the vote of yesterday on House bill No. 114, "An act to adjust and define the boundary line between the counties of Aransas, Refugio, San Patricio and Nueces," was reconsidered.

Mr. Thurmond offered as a substitute therefor a bill to be entitled "An act to amend the first section of an act entitled an act to provide for the creation of two counties out of the territory now embraced within the limits of Refugio county, and to provide for their organization, passed September 18, 1871."

The bill was read second time and ordered engrossed.

On motion the rules were further suspended, the bill read a third time by caption and passed.

Mr. Killough moved to take up Senate bill No. 7.

The House refused to suspend the rules.

The Committee on Military Affairs reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Military Affairs, to whom was re-referred House bill No. 115, "An act entitled an act to refund to J. J. Gathings a sum of money therein specified, and to provide for the payment of the same," do unanimously instruct me to report the same back to the House and recommend its passage.

J. M. ANDERSON, Chairman.

The bill was read a second time and ordered engrossed.

Mr. Anderson of McLennan moved to suspend the rules and put the bill on its third reading.

The House refused to suspend.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Military Affairs, to whom was referred House bill No. 366, a bill to be entitled "An act making an appropriation to pay Lieutenant J. A. Wright's company of minute men for extra services," instruct me to report the same back to the House, and recommend that it be referred to Judiciary Committee No. 1.

J. M. ANDERSON, Chairman.

Report adopted.

By special leave Mr. Brown of Dallas offered the following resolution:

Resolved, That after the adoption of this resolution the House will proceed, at fifteen minutes after 12 o'clock, to take up the unfinished business on the Speaker's table.

Laid over under the rules.

Mr. Anderson of McLennan moved to take up out of its order the Senate bill for the frontier defense.

The House refused to suspend the rules.

Report from the Committee on Town and City Corporations:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 469, entitled "An act to incorporate the Farmers' Cotton Press Company," have carefully examined the same, and direct me to report the same back, with the recommendation that it do pass.

BLEDSOE, for Committee.

The bill was read a second time and ordered engrossed. On motion the rules were suspended, the bill read a third time and passed.

Further report from the same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : Your committee to whom was referred House bill No 52, being "An act to establish a uniform time of holding municipal elections in the State of Texas," have carefully examined the same, and have unanimously instructed me to report the same back, with the following amendment, to-wit: Strike out "first Monday in April," wherever it occurs, and insert "first Tuesday in April," and ask that the same do pass.

W. H. TILSON, Chairman *pro tem.*

The amendment was adopted, the bill read a second time and ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : The Committee on Town and City Corporations, to whom was referred the bill to incorporate the town of San Marcos, in the county of Hays, have duly considered the same, and have instructed me to report the bill back and recommend its passage.

GASTON, for Committee.

On motion of Mr. Hollingsworth, the bill was laid on the table.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : Your Committee on Town and City Corporations, to whom was referred House bill No. 251, to incorporate Leesburg Institute, in Upshur county, have considered the same, and instruct me to report the same back to the House, with the recommendation that it pass. All of which is respectfully submitted.

WOOD, Chairman.

The bill was read a second time and ordered engrossed. On motion the rules were suspended, the bill read a third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on Town and City Corporations have carefully considered the bill No. 19, entitled, "An act concerning town and city corporations," and recommend that it pass, with the accompanying amendments.

JOSEPH, for Committee.

Amend by adding to section first the following proviso: *Provided*, that nothing herein contained shall prevent any town or city from taxing what is commonly known as mayor's or recorder's fees or costs, but the same shall accrue to the town or city, and when collected, be paid into the treasury thereof.

Amend by adding to section second :

That this act shall take effect and be in force in ninety days after its passage.

The amendments were adopted, the bill read a second time and ordered engrossed. On motion the rules were suspended, the bill read a third time and passed.

The Committee on Engrossed Bills reported as follows: *Hon. M. D. K. Taylor, Speaker of the House of Representatives :*

SIR: Your Committee on Engrossed Bills have carefully examined the following House bills :

No. 254, "An act to authorize the County Court of Upshur county to issue interest-bearing bonds to finish paying for the building of the court house of said county, and to levy and collect a tax to pay the same."

No. 320, "An act to authorize the County Court of Comanche county to issue bonds for certain purposes."

No. 484, joint resolution in relation to the printing of railroad charters.

No. 494, "An act to define the boundary line between the counties of Kendall and Kerr," and find the same correctly engrossed.

BOOTY, Chairman.

On motion of Mr. Wood, the House adjourned until 9:30 A. M., to-morrow.

HOUSE OF REPRESENTATIVES,)
 AUSTIN, TEXAS, March 27, 1873. }

House met pursuant to adjournment. Prayer by Rev. Dr. Carleton. Roll called; quorum present.

On motion, Mr. Rainey was excused for three days, Mr. Bewley for one day, and Mr. Joseph for one day.

The reading of the journal was dispensed with.

Mr. Cook offered a memorial of citizens of Harris county, against dismemberment of that county. Referred to the Committee on Counties and County Boundaries.

Mr. Robb offered a petition of citizens of Houston and Trinity counties, asking a change of county boundaries, and for the creation of a new county. Referred to the Committee on Counties and County Boundaries.

Mr. Manning presented a bill to prohibit the sale of intoxicating liquors within two miles of Cotton Gin Seminary, in Freestone county, Texas. Referred to the Committee on Education.

Mr. Brown of Dallas presented a bill to be entitled "An act to amend an act regulating elections," passed at the present session of the Legislature. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Brown of Dallas, the rules were further suspended, the bill read a third time and passed.

Mr. Tilson presented a bill for the relief of the heirs of John D. Groesbeck, assignee of Peter Effingham. Referred to the Committee on Private Land Claims.

Also a bill for the relief of the heirs of John D. Groesbeck, assignee of Cyrus B. Chrisman. Referred to the Committee on Private Land Claims.

Mr. Hollingsworth presented a bill for the relief of William H. Parker. Referred to the Committee on Private Land Claims.

Mr. Ghent presented a bill to release William Rice from paying State, county or city incorporation tax, on the sale of goods, wares and merchandise in the State of Texas. Referred to the Committee on State Affairs.

Mr. Booty presented a bill to amend section seven of "An act entitled an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved August 13, 1870." Referred to Judiciary Committee No. 2.

Mr. Payne presented a bill to validate a land certificate issued to John H. Allen. Referred to the Committee on Private Land Claims.

Mr. Anderson of McLennan presented a bill to prohibit the sale of intoxicating liquors within four miles of Bosqueville Male and Female College, situated at Bosqueville, McLennan county. Referred to Judiciary Committee No. 2.

Also a bill to incorporate the Hebrew Benevolent Association of Waco. Referred to Judiciary Committee No. 2.

Mr. Wood offered the following resolution :

Resolved, That the appointment of pages and porters for the House be left entirely to the Speaker of the House of Representatives, and that he is hereby authorized to appoint or employ such number of each as, in his judgment, may be necessary for the dispatch of business.

Adopted.

Mr. Rimes offered the following resolution :

Resolved, That hereafter this house will entertain no bill, or act or any matter of a private or local character, until the general business of the Legislature is disposed of.

Laid over under the rules.

Mr. Denton offered the following resolution :

WHEREAS, According to the terms of the Constitution of this State, section thirty-five, article twelve, it is made the duty of the Legislature to provide for the revision, digestion, arrangement and publication of the civil and criminal laws of this State, within five years after the acceptance of our present Constitution ; and,

Whereas, If this duty is delayed longer it will not be possible for this provision of the Constitution to be complied with ; therefore

Resolved, That Judiciary Committee No. 2 be instructed to take such steps as may by them be deemed expedient and proper, to carry into effect the section and article of the Constitution referred to in the preamble to this resolution.

Adopted.

Mr. Smith, of Colorado, introduced a bill amendatory of and supplementary to an act entitled "An act concerning private corporations," approved December 2, 1871. Referred to Judiciary Committee No. 2.

Mr. Ireland offered the following resolution :

WHEREAS, In 1870 the United States government refused to allow the Governor of Texas to organize and maintain a force in the field for frontier protection, and it is now made to appear that such a force is necessary; therefore,

Resolved, That the Governor be requested to communicate with the United States authorities at Washington, and ascertain whether Texas will now be permitted to place a force on our frontiers; and if so, whether the Federal government will not arm, equip and ration said force.

Mr. Veale moved to lay the resolution on the table. Lost.

The resolution was then adopted.

Mr. Booty introduced a joint resolution amending the joint resolution authorizing the Comptroller and Treasurer to employ two additional clerks. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Booty, the rules were suspended, the joint resolution read a third time and passed.

Mr. Cook presented a bill amendatory of and supplemental to "An act entitled an act to incorporate the Texas Transportation Company," passed September 26, 1866. Referred to the Committee on Internal Improvements.

Mr. Ireland presented a bill supplementary to "An act prescribing the mode of proceeding in the District Court in matters of probate." Referred to Judiciary Committee No. 2.

Mr. Armstrong offered the following resolution :

Resolved, That the Speaker appoint a special committee of five or more, whose duty it shall be to consider and report as to the expediency of modifying the tax laws and laws regulating fees of office not fixed by the Constitution, and costs arising in judicial proceedings, and report by bill or otherwise.

Adopted.

The following gentlemen were appointed by the Speaker the committee called for by the resolution : Payne, chairman ; Rosborough, Tilson, Wood, Robb, Armstrong and Cook.

Mr. Adriance offered the following resolution :

WHEREAS, It appears from the report of the Comptroller of Public Accounts that more than twenty millions of acres of land, to which the State has alienated her

title, are not rendered for taxation and actually assessed ; therefore be it

Resolved, That the Committee on Finance be and is hereby instructed to inquire whether any further legislation is required to insure the regular and full assessment and taxation of the lands of this State owned by individuals and corporations, and to report by bill or otherwise.

Adopted.

Mr. Kemble presented a bill to repeal "An act entitled an act changing the eastern boundary of Johnson county," approved March 25, 1871. Referred to Judiciary Committee No. 2.

Mr. Van Zandt presented a bill to authorize the Commissioner of the General Land Office to furnish county maps to the several counties of the State. Referred to the Committee on State Affairs.

The resolution offered on yesterday by Mr. Brown of Dallas, requiring unfinished business on the Speaker's table to be taken up daily at a quarter past 12 M., was adopted.

Report from the Committee on Town and City Corporations:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee on Town and City Corporations, to whom was referred House bill No. 402, have considered the same, and instruct me to report the same back to the House, and recommend that it do pass.

WOOD, Chairman.

The bill, being "An act to incorporate the Milam Real Estate and Immigration Association," was read second time and ordered engrossed.

On motion of Mr. Wood, the rules were suspended, the bill read a third time and passed.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 227, entitled "An act to re-incorporate the town of Denton, in the county of Denton," have considered the same, and instruct me to report the same back to the House, and recommend that it do pass.

WOOD, Chairman.

The bill was read a second time by caption, and ordered engrossed.

On motion, the rules were suspended, the bill read a third time by caption and passed.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 272, "An act to amend an act to incorporate the city of Rockport," have carefully considered the same, and instruct me to report the same back to the House, with the recommendation that it do pass.

WOOD, Chairman.

The bill was read a second time by caption and ordered engrossed.

On motion, the rules were dispensed with, the bill read third time by caption and passed.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 216, have considered the same, and instruct me to report the same back to the House and recommend that the same do pass.

WOOD, Chairman.

The bill, being a bill to be entitled "An act prohibiting the sale of spirituous liquors within two miles of the high school at Summerfield, Upshur county, Texas," was read second time and ordered engrossed.

On motion, the rules were suspended, the bill read by caption a third time and passed.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred Senate bill No 49, to amend the charter to the Galveston City College and Hospital, have carefully considered the same, and believe that sections eleven and fourteen are open to objections. Section eleven allows said hospital to charge one dollar per day for all citizens of Texas, not residents of the county of Galveston, who may be placed in said hospital upon the permits of the mayor of Galveston, and the presiding

justice of said county, and ten dollars fee for the burial expense of each patient who may die in said hospital. This tax to be a charge against the Treasury of the State. From the best information that the committee can obtain, the probability is, that this charge would run up against the State, per annum, from \$20,000 to \$24,000. Indeed, there is no limitation in the bill to the amount. In the depleted state of the Treasury the committee cannot recommend that such a charge be created against the State; indeed, they doubt the expediency of allowing any charge against the State. While it may be true that the city of Galveston receives over her share of the poor unfortunates of the State, it must be borne in mind that it is by the influx of the citizens of the State within the city limits, for business and pleasure, that the city of Galveston derives her thrift and profit; and while it is the duty, under the law, for each county to provide for the poor and destitute in their limits, they see no special reason why the State should relieve the city and county of Galveston of this charge. But, under the special circumstances, the committee recommend the adoption of section eleven, with the appended amendments.

As to section fourteen of the bill, which authorizes the dissection of the bodies of persons dying in the hospital, a majority of the committee cannot recommend it. While they admit the necessity for the benefit of medical science, they believe the feelings and sense of society will be less shocked by the college obtaining subjects for dissection as has usually been the custom heretofore, to-wit: in a clandestine manner.

Hence the committee recommend the passage of the bill with the accompanying amendmensts.

WOOD, Chairman.

1. Wherever "chief justice" occurs in the bill, strike out and insert "presiding justice."

2. Add to the end of section eleven, "*and provided further*, that the State shall not be liable in any event for charges mentioned in this section for more than five thousand dollars per annum."

3. Strike out section fourteen.

4. Add the following names of incorporators in section one: U. G. M. Walker, of Etna, Cherokee county; Sampson Egan and W. S. Rayfield, of Jefferson, Texas; and W. J. Goodman, of Tyler, Texas.

The amendments were adopted, the bill read a second time by caption and passed to a third reading.

On motion the rules were suspended, the bill read by caption a third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives of the State of Texas :

SIR: Your Committee on Town and City Corporations, to whom whom was referred House bill No 210, entitled "An act to incorporate the town of Whitesborough, in Grayson county," have carefully considered the same, and instruct me to report the same favorably, and recommend that the same pass.

WOOD, Chairman.

The bill was read by caption a second time and ordered engrossed.

On motion the rules were suspended, the bill read by caption a third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 256, "An act to incorporate the Hebrew Benevolent Society of Calvert, in Calvert, Robertson county," have considered the same, and instruct me to report said bill with the recommendation that it do pass.

WOOD, Chairman.

The bill was read by caption a second time and ordered engrossed.

On motion, the rules were suspended, the bill read a third time by caption and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House bill No. 218, to be entitled "An act to incorporate Pioneer Fire Company, No. 1, of the city of Corpus Christi," have examined the same, and instruct me to report it back and recommend that it do pass.

DAVENPORT, for Committee.

On motion, the bill was read by caption a second time and ordered engrossed.

On motion, the rules were suspended, the bill read by caption a third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Town and City Corporations, to whom was referred a bill to incorporate the town of Nelsonville, in the county of Austin, have considered the same and instructed me to report the same back to the House and recommend its passage.

WOOD, Chairman.

The bill was read by caption a second time and ordered engrossed.

On motion, the rules were suspended, the bill read a third time by caption and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Town and City Corporations, to whom was referred the petition of the citizens of the town of Helena, Karnes county, asking the passage of a law to prohibit the sale of liquor in the said town of Helena and in four miles of the same, have carefully considered the same, and have to say that to grant the prayer of said petitioners would be to violate the Constitution of the State, as that instrument expressly deprives the Legislature of the power to prohibit the sale of liquor at the county town; and however the committee might desire as a matter of public policy to grant the prayer of petitioners they have no power to do so. They therefore report unfavorable to the prayer of petitioners.

WOOD, Chairman.

The report was adopted.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 318, have considered the same, and instruct me to report the same back to the House, and recommend that it do pass.

WOOD, Chairman.

The bill, being "An act to repeal section sixty of an act entitled an act concerning private corporations, approved December 2, 1871," was read by caption a second time and ordered engrossed.

On motion, the rules were suspended, the bill read by caption a third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 357, have considered the same, and report the same back to the House, and recommend its passage with the following amendment.

WOOD, Chairman.

Amendment—Strike out the fourth section.

The bill, being “An act to incorporate Owensville High School,” was read a second time, the amendment offered by the committee adopted, and the bill ordered engrossed.

On motion, the rules were suspended, the bill read by caption a third time and passed.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 293, have considered the same, and instruct me to report the same back to the House and recommend that it do pass.

WOOD, Chairman.

The bill, being “An act to incorporate the Lee Fire Engine Company No. 5, of the city of Galveston,” was read by caption the second time and ordered engrossed.

On motion the rules were suspended, the bill read by caption a third time and passed.

Report from Committee on Roads, Bridges and Ferries:
Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred a bill to be entitled “An act to authorize H. B. Boston, Al. Hamilton and R. B. Hudson to erect a pontoon bridge over the Guadalupe river, in the county of DeWitt,” have had the same under consideration, and instruct me to report it back and recommend its passage.

HARRISON, Chairman.

The bill was read by caption a second time and ordered engrossed.

On motion the rules were suspended, the bill read by caption a third time and passed.

Report from the Committee on Claims and Accounts:
Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on Claims and Accounts, to whom

was referred a joint resolution making an appropriation to reimburse the committee, to-wit, A. T. Watts, J. T. Smith and Wm. Green, for expenses incurred in going to and returning from Madison county, have examined the same, and instructed me to report it back, and recommend its passage.

GASTON, Chairman.

The joint resolution making an appropriation for certain purposes, whose passage was recommended by the committee in the above report, was read a second time, and ordered engrossed.

On motion, the rules were suspended, the resolution read by caption a third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Anderson of McLennan, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Day, Denton, Doyle, Eastland, Ellett, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hollingsworth, Ireland, Kemble, Killough, Lane, Leyendecker, Mabry, Manning, McDonald, Mills, Moore, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rimes, Robb, Rosborough, Russell, Sayers, Shelton, Short, Schmidt, Smith of Colorado, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Veale, Venters, Walker, Westfall, Williams and Wood—67.

Nays—None.

Under the rule of the House, the unfinished business on the Speaker's table was taken up.

The following communication from the Comptroller of Public Accounts was read:

OFFICE OF COMPTROLLER OF PUBLIC ACCOUNTS,

AUSTIN, March 27, 1873. }

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: I have, in obedience to a resolution of the House of Representatives, the honor to hand you herewith copies certified of itemized accounts approved and filed in this office, for contingent expenses of the Thirteenth Legislature for both houses, etc.

Very respectfully,

A BLEDSOE, Comptroller.

The accompanying exhibits were referred to the Committee on Contingent Expenses.

The following communication from the Treasurer of the State was read, and the accompanying exhibits referred to the Committee on Contingent Expenses:

TREASURY DEPARTMENT, STATE OF TEXAS, }
AUSTIN, TEXAS, March 25, 1873. }

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: In obedience to the following resolution passed by your honorable body on the twenty-fourth inst., viz: "*Resolved, further, That the Treasurer be required to furnish to this House a full statement of all warrants for stationery and other contingent expenses of the Thirteenth Legislature paid at the Treasury, specifying in each item whether the same is for the Senate or the House of Representatives, giving the date and number of each warrant, and in whose favor drawn, and to whom, and when paid.*" I have the honor to submit the accompanying statement.

B. GRAHAM, State Treasurer.

House bill No. 64, to aid the financial condition of Cameron county, was taken up.

The following amendments offered by the Senate were adopted:

1. Amend section two, line three, before the word "tax" by inserting the word "license."

2. Amend same section, line six, after the word "states," by inserting the words "on the issuance of the license therefor."

The bill thus amended then passed.

Senate bill No. 11, "An act to repeal an act entitled an act to establish a State Police, and provide for the regulation and government of the same, approved July 1, 1870," was taken up and read second time.

House bill No. 236, "An act to repeal an act entitled an act to establish a State Police, and provide for the regulation and government of the same, approved July 1, 1870, also to repeal an act entitled an act to amend an act entitled an act to establish a State Police and provide for the regulation of the same, approved May 2, 1871," offered as a substitute for Senate bill No. 11, was read second time and ordered engrossed.

On motion the rules were suspended, the bill read by caption a third time and passed.

Senate concurrent resolution providing for the consolidation of the House and Senate committees on redistricting the State, was adopted.

House bill No. 179, "An act to authorize the County Court of Falls county to levy and collect a special tax for the purposes therein expressed," was taken up, the amendment offered thereto by the Senate concurred in, and the bill thus amended passed.

Senate bill No. 96, "An act to amend an act entitled an act to incorporate the town of Bonham, in Fannin county, approved August 13, 1870," was read by caption and referred to the Committee on Town and City Corporations.

Senate bill No. 102, "An act for the relief of the heirs of Anthony McGee," was read first time by caption, and referred to the Committee on Private Land Claims.

Senate bill No. 103, "An act to amend an act entitled an act to reduce into one, and amend the several acts concerning executions, passed January 27, 1842," was read first time by caption and referred to Judiciary Committee No. 1.

Senate bill No. 116, "An act for the relief of Lyncurgus E. Griffith," was read first time by caption and referred to the Committee on Private Land Claims.

Senate bill No. 136, "An act to amend article seven hundred and sixty-six of the Penal Code," was read first time by caption and referred to Judiciary Committee No. 2.

Senate bill No. 159, "An act to provide for frontier defense, and for the organization of a regiment of cavalry for that purpose," was read first time by caption and referred to the Committee on Military Affairs.

Senate bill No. 174, "An act to reorganize the town of Sherman, in Grayson county, Texas, and incorporate said town as the city of Sherman," was read first time by caption and referred to the Committee on Town and City Corporations.

Senate bill No. 125, "An act to authorize the County Court of Parker county to levy and collect a special tax for the term of two years, to repair the old jail or build a new one, and to repair the court house in the town of Weatherford, in said county," was read first time by caption and referred to the Committee on Town and City Corporations.

The Committee on Engrossed Bills reported as follows: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Your Committee on Engrossed Bills have carefully examined the following House bills:

No. 19, a bill to be entitled "An act concerning town and city corporations."

No. 52, "A bill to establish a uniform time for holding municipal elections in this State."

No. 115, an act entitled "An act to refund to J. J. Gathings a sum of money therein specified, and to provide for the payment of the same."

No. 155, a bill to be entitled "An act for the protection of the farming interest of the State."

No. 251, "An act to incorporate Leesburg Institute, in Upshur county, Texas."

No. 443, a bill to be entitled "An act to incorporate the town of Cuero, in DeWitt county."

No. 469, "An act to incorporate the Farmers' Cotton Press Company."

No. 532, a bill to be entitled "An act to amend an act regulating elections," passed at the present session of the Legislature."

And find the same correctly engrossed.

BOOTY, Chairman.

The Committee on Enrolled Bills reported as follows :
Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 68, "An act to authorize and require sheriffs and constables to serve process issued by either house of the Legislature, or by any committee thereof," and find the same correctly enrolled, and have presented the same this day at 12:15 o'clock P. M. to the Governor for his signature.

WOOD, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined the following bill, No. 233, "An act regulating elections," and find the same correctly enrolled, and have presented the same to the Governor at 1 o'clock, P. M., to-day, for his approval.

WOOD, for Committee.

On motion of Mr. Rimes, the vote of this morning, passing House bill No. 179, "An act to authorize the County Court of Falls county to levy and collect a special tax for the purpose therein expressed," was reconsidered, and the bill laid on the table.

House bill No. 115, an act entitled, "An act to refund to J. J. Gathings a sum of money therein specified, and to provide for the payment of the same," was taken up.

Pending the discussion, on motion of Mr. Payne, the House adjourned until 9:30 A. M., to-morrow.

HOUSE OF REPRESENTATIVES,
 AUSTIN, TEXAS, March 28, 1873.

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

On motion of Mr. Booty, the reading of the journal of yesterday was dispensed with.

Mr. Smith of Colorado offered a memorial of W. B. Scates, asking for relief. Read and referred to the Committee on Pensions.

Mr. Powers offered a memorial of M. M. Stevens. Referred to the Committee on Pensions.

Mr. Short offered a petition of citizens of Angelina county, for a new county. Referred to the Committee on Counties and County Boundaries.

Mr. Van Zandt presented a bill to repeal an act entitled "An act to prohibit the sale of intoxicating liquors within certain limits of Johnson Station high school, in the town of Johnson Station, in Tarrant county." Referred to the Committee on Education.

Mr. Robb presented a bill to change and define the boundary lines of Trinity county, and to provide for the further organization of the same. Referred to the Committee on Counties and County Boundaries.

Also, a bill to change the dividing line between the counties of Houston and Trinity. Referred to the Committee on Counties and County Boundaries.

Also, a bill to establish and organize the county of Naches. Referred to the Committee on Counties and County Boundaries.

Mr. Ireland presented a bill to repeal "An act supplemental to and amendatory of an act entitled an act to regulate proceedings in the district courts, approved October 20, 1866." Referred to Judiciary Committee No. 2.

Mr. Booty being in the chair, Mr. Taylor presented a bill to incorporate the city of Jefferson, in Marion county,

and to repeal all laws heretofore passed incorporating said city, or amendatory thereof.

On motion of Mr. Taylor, the reading of the bill was dispensed with and it passed to second reading.

On motion of Mr. Taylor, the bill was read second time by caption and ordered engrossed; the rules further suspended, bill read by caption a third time and passed.

Mr. Chambers presented a bill to incorporate the town of Farmersville, Collin county, Texas. Referred to the Committee on Town and City Corporations.

Also, a bill to incorporate the town of Plano, in Collin county, Texas. Referred to the Committee on Town and City Corporations.

Mr. Ireland offered the following concurrent resolution:

Resolved by the House of Representatives, the Senate concurring, That his Excellency the Governor be and he is hereby authorized to sell or hypothecate the State bonds now in the hands of Williams & Guion, in the city of New York, and apply so much of the proceeds as may be necessary to the liquidation of the indebtedness of the State to the said Williams & Guion, and place the remainder in the State Treasury to the credit of the general fund.

Adopted.

On motion of Mr. Hollingsworth, Mr. Broaddus was excused for one day.

A message from the Senate announced the passage by that body of House bills No. 437, "An act to authorize the County Court of McLennan county to levy a special tax for the purpose of building a court house and jail, and to provide for the safe keeping and disbursement of the revenue arising therefrom;" No. 154, "An act to provide for the election of city officers for the city of Columbus, and to regulate their duties," with amendments offered thereto by the Senate; and that the Senate had agreed to the amendments by the House to Senate bill No. 49, a bill supplemental to and amendatory of "An act to incorporate the Galveston Medical College Hospital, approved May 31, 1871."

By leave, Mr. Killough presented a bill to incorporate the Ledbetter and LaGrange Railway Company. Referred to the Committee on Internal Improvements.

The unfinished business of yesterday, being House bill No. 115, "An act entitled an act to refund to J. J. Gath-

ings a sum of money therein specified, and to provide for the payment of the same," was taken up.

The question being upon its passage, the yeas and nays being called, resulted as follows:

Yeas—Messrs. Anderson of McLennan, Armstrong, Bewley, Bledsoe, Bordeaux, Brown of Dallas, Doyle, Ford, Ghent, Gillette, Gilpin, Hester, Hollingsworth, Joseph, Kemble, Killough, Kleberg, Manning, Noeggerath, Payne, Prendergast, Rimes, Robb, Rosborough, Sayers, Smith of Houston, Thurmond, Van Zandt, Veale, Venters and Wood—31.

Nays—Messrs. Speaker, Abbott, Adriance, Berends, Booty, Carroll, Chambers, Cook, Denton, Eastland, Ellett, Gallaway, Gaston, Green, Harrison, Ireland, Lane, Mabry, McDonald, Moore, Nelson, Powers, Roberts, Russell, Schmidt, Shaw, Smith of Colorado, Storey, Tilson, Tivy, Trolinger, Watts, Westfall and Williams—34.

Whereupon the bill was declared to have failed on its passage.

Report from the Committee on Claims and Accounts:
Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on Claims and Accounts, to whom was referred a bill to be entitled "An act for the relief of C. R. Gibson, district clerk of Ellis county, and J. Em. Hawkins, district attorney," have examined the same and believe it to be just and correct, therefore they have instructed me to report it back and recommend its passage.

GASTON, Chairman.

On motion of Mr. Kemble, the bill was recommitted to the Committee on Claims and Accounts.

Further report from the same committee:
Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on Claims and Accounts, to whom was referred "An act for the relief of G. W. Patterson & Son," have considered the same and believe it just and correct, and have instructed me to report it to the House and recommend its passage.

GASTON, Chairman.

The bill was read second time by caption and ordered engrossed.

Further report from the same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Claims and Accounts, to whom was referred the petition of J. M. Rodrigues, of Webb county, praying to be released from the payment of the sum of \$654.35, United States currency, which he collected while tax collector of said county, and sent to his brother, A. A. Rodrigues, at San Antonio, who paid the same to one C. V. Picque, to be turned over to C. R. Johns & Co., Austin. But the said C. V. Picque failed to pay the same, and absconded to parts unknown. The committee have carefully examined the subject, and do not believe the facts will justify them in granting the prayer of petitioner, therefore they have instructed me to report it back and ask to be relieved from the further consideration of the same.

GASTON, Chairman.

The report was adopted and the committee discharged as per request.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives of the State of Texas :

SIR: Your Committee on Claims and Accounts, to whom was referred a bill to be entitled "An act making an appropriation to pay the salary of Hon. Lipscomb Norvell, as special Judge of the District Court of Tyler county," have duly considered the same, and instruct me to report it back to the House and recommend its passage.

GASTON, Chairman.

The bill was read second time by caption and ordered engrossed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Claims and Accounts, to whom was referred House bill No. 239, entitled "An act for the relief of W. M. Jackson," have carefully considered the same, and instruct me to report it back to the House, and recommend its passage.

JOHN ADRIANCE, for Committee.

The bill was read a second time and ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed by the following vote :

Yeas—Messrs. Speaker, Abbott, Adriance, Anderson, Armstrong, Berends, Booty, Bordeaux, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Day, Doyle, Denton, Eastland, Ellett, Ford, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Mills, Moore, Nelson, Noeggerath, Payne, Powers, Prendergast, Rimes, Roberts, Rosborough, Russell, Sayers, Schmidt, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Trolinger, Van Zandt, Veale, Westfall, Williams and Wood—65.

Nays—Messrs. Bledsoe, Tom and Venters—3.

Leave being granted, on motion of Mr. Rimes, House bill No. 179, "An act to authorize the County Court of Falls county to levy and collect a special tax for the purpose therein expressed," was taken up, the question being upon the amendment offered thereto by the Senate. The House refused to concur in the Senate amendment.

On motion of Mr. Hollingsworth, House bill No. 490, a bill to be entitled "An act to establish a system of public free schools for the State of Texas," was taken up and made the special order for Tuesday next, at 11 A. M.

Report from Committee on Printing and Contingent Expenses:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Printing and Contingent Expenses, to whom was referred Senate bill No. 179, entitled "An act making an appropriation for the payment of the expenses of the several contested election cases and special investigations before the present Legislature," having carefully considered the same, instruct me to report it back and recommend its passage.

J. N. DOYLE, Chairman *pro tem.*

On motion of Mr. Mills, the bill was referred to Judiciary Committee No. 1.

The Committee on Private Land Claims reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Private Land Claims have had under consideration Senate bill No. 48, "An act authorizing the patenting of a certain bounty warrant

therein named," and instruct me to report the same back to the House, with recommendation that it do pass.

C. L. ABBOTT, for Committee.

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

On motion the rules were suspended, the bill read a third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Private Land Claims have had under consideration Senate bill No. 5, "An act for the relief of the heirs and assigns of Haynes Crabtree, deceased," and instruct me to report the same back to the House, with recommendation that it do pass.

C. L. ABBOTT, for Committee.

The bill was read second time; the rules suspended, read third time by caption and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 344, validating a certain land warrant, have duly considered the same, and a majority of the committee have instructed me to report it back to the House and recommend that it do pass.

W. R. LANE, Chairman.

The bill was read second time and ordered engrossed.

On motion the rules were suspended, the bill read third time by caption and passed.

Further report from the same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives.

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 304, to validate bounty land warrant issued to John B. Fox, have carefully considered the same, and instruct me to report the same back to the House and recommend that the same do pass.

SMITH, for Committee.

The bill was read a second time and ordered engrossed.

On motion the rules were suspended, the bill read third time and passed.

Further report from the same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 421, for the relief of the heirs of James N. Shell, deceased, have considered the same, and a majority of the committee instruct me to report the same back to the House and recommend its passage.

LANE, Chairman.

The bill was read second time and ordered engrossed. On motion the rules were suspended, the bill read third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House bill No. 284, for the relief of L. W. Ludlow, have considered the same, and a majority of the committee instruct me to report the same back to the House and recommend that it do pass.

LANE, Chairman.

The bill was read second time and ordered engrossed. On motion, the rules were suspended, the bill read third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 403, entitled "An act for the relief of the heirs of John Short, deceased," had the same under consideration, and a majority of the committee instruct me to report the same back to the House and recommend its passage.

LEYENDECKER, for Committee.

The bill was read second time and ordered engrossed. On motion, the rules were suspended, the bill read a third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 468, for the relief of J. Lancaster, having had the same under consideration, beg leave to report the same back to the House and recommend its passage.

ROBB, for Committee.

The bill was read second time and ordered engrossed. On motion, the rules were suspended, the bill read a third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Private Land Claims, to whom was referred Senate bill No. 53, having had the same under consideration, unanimously direct the same to be reported back to the House and recommend its passage.

ROBB, for Committee.

The bill, being "An act for the relief of John H. Jenkins," was read second time and passed to the third reading.

On motion, the rules were suspended; the bill read a third time and passed by a two-thirds vote.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 420, having had the same under consideration, direct the same to be reported back to the House, recommending its passage.

ROBB, for Committee.

The bill, being "An act for the relief of the heirs of Wm. Garnett," was read second time and ordered engrossed.

On motion, the rules were suspended, the bill read third time and passed.

Further report from the same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Private Land Claims, to whom was referred House bill No., for the relief of the heirs of Rev. Martin Ruter, deceased, having had the same under consideration, direct that the same be reported back to the House, recommending its passage.

BOBB, for Committee.

The bill was read second time and ordered engrossed.

On motion, the rules were suspended, the bill read third time and passed by a two-thirds vote.

On motion of Mr. Tom, special leave therefor being granted, the Committee on Public Lands reported back

House bill No. 477, to authorize the Commissioner of the General Land Office to issue a land warrant to William Caruthers, and recommended its transfer to the Committee on Private Land Claims; which recommendation was complied with.

A message from the Senate announced the passage by that body of the following Senate bills :

No. 149, "An act to amend an act entitled an act incorporating the Galveston Artillery Company, approved January 30, 1841."

No. 217, "An act to authorize the County Court of Rusk county to issue bonds for the purpose of funding the indebtedness of said county, and to provide for their payment."

No. 169, "An act to authorize the Police Court of Grayson county to contract for the building of a court house in said county."

No. 160, "An act for the relief of Obadiah P. Reams."

No. 222, "An act supplementary to an act to amend the first section of an act entitled an act for the incorporation of the city of Paris, in the county of Lamar, approved August 10, 1870, approved May 23, 1871."

No. 221, "An act making an appropriation for the removal of the remains of Captain Thomas Williams and others, and their burial in the State cemetery."

No. 52, "An act to amend sections one, one hundred and fourteen, one hundred and ninety-two, two hundred and seventeen, two hundred and thirty-five, two hundred and forty, two hundred and forty-two, two hundred and fifty, two hundred and fifty-one, two hundred and fifty-two, two hundred and sixty-six, and three hundred and forty-one of an act entitled an act prescribing the mode of procedure in District Courts in matter of probate, approved August 15, 1870."

By leave, Mr. Brown of Dallas presented a joint resolution in relation to the rooms in the Capitol building, which was read first time; the rules suspended, read a second time by caption and ordered engrossed.

On motion of Mr. Brown of Dallas, the rules were further suspended, the bill read by caption a third time and passed.

Report from special committee upon the application of citizens of Collin county for a new county :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your special committee, to which was referred the petition of citizens of Collin county, praying for the creation of a new county out of a portion of the territory of Collin county, after carefully considering the same instruct me to submit the following report: That the boundaries of Collin county are perfectly regular, and that it contains less than nine hundred square miles; that the county seat of Collin county is very near the center of the county; that these facts alone constitute strong reasons why said county should not be dismembered.

The petitioners base their application to the creation of a new county mainly upon the grounds that they are separated from their county seat by three streams, which at certain seasons of the year are so swollen as to be very difficult to cross, thus subjecting the citizens of the eastern portion of Collin county—constituting the territory out of which they ask the creation of a new county—to great inconveniences in getting to their county seat and sometimes to a failure to get there at all to attend their courts. Your committee have ascertained that these streams are all spanned by substantial bridges, and during the greater portion of the year they constitute no impediment whatever in getting to and from the county seat. Your committee are of opinion that it would be far better for the county of Collin, whose lands are fertile, and which contains a dense and wealthy population, to build free bridges across the streams that give inconvenience to the citizens living east of them, than that it should be divided into two counties, each of which would be much smaller than what is thought by many lawyers to be an absolute constitutional requirement. Your committee think that there are many counties in the State which suffer greater inconveniences of the same nature than do the petitioners, whose claims are before us, and that to create this new county for the reasons on which this application is based would establish a precedent that would endanger the territorial integrity of almost every county in the State. The petition is herewith returned with a recommendation that the prayer of petitioners be not granted.

BOOTY, Chairman.

Report from the special committee upon the question of the power of the Legislature to sell the lands surveyed for the counties for the purposes of education :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your special committee, to whom was referred the question of the powers of the Legislature to sell the lands surveyed for the counties for the purposes of education, respectfully report that they have examined the question, and state that it is the unanimous opinion of your committee that it is in the power of the Legislature to sell said lands; and further report that your committee believe that it is to the general interests of the State, and the citizens thereof, that said lands be sold, and present herewith a bill providing for the sale of said lands, and recommend its passage.

NELSON, Chairman.

The bill, being "An act to provide for the sale of all lands heretofore given to counties for the purposes of education," was read first time, laid on the table, and one hundred copies ordered printed.

By leave, Mr. Ireland presented a bill making an appropriation to pay Frank E. McManus one months salary as special judge of the Fifteenth Judicial District.

The bill was read first time; the rules suspended, read second time and ordered engrossed.

On motion of Mr. Ireland the rules were further suspended, the bill read by caption a third time, and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Anderson, Bledsoe, Bordeaux, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Day, Denton, Doyle, Eastland, Ellett, Ford, Gaston, Gillette, Gilpin, Green, Harrison, Hester, Hollingsworth, Ireland, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Mills, Moore, Morris, Nelson, Payne, Powers, Prendergast, Rimes, Robb, Roberts, Rosborough, Russell, Sayers, Schmidt, Shelton, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Veale, Venters, Westfall, Williams and Wood—62.

Nays—None.

By special leave, Mr. Smith of Colorado offered the following resolution:

Resolved, That the Hon. Gustave Cook and Erick Schmidt, members of this House from the Fourteenth Senatorial District, be entitled to their per diem from the

fourteenth day of January, 1873, the day on which they presented their memorial, contesting the seats of the then seated members from that district, and that the clerk do issue certificates to them accordingly.

Adopted.

Report from Judiciary Committee No. 1:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 364, have considered the same, and have directed me to report the bill back to the House, with recommendation that it pass.

G. W. SMITH, Chairman.

The bill, being a bill to validate the quadruplicate certificate for one league and one labor, issued April 4, 1872, to the heirs of Nathan Nixon, deceased, was read second time and ordered engrossed.

On motion the rules were suspended, the bill read third time and passed.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 7, to provide for the resignation of Judges of the Supreme Court at the age of seventy years, with full pay for the residue of their respective terms, have considered the same, and have instructed me to report a substitute for the bill, which provides for the resignation of the present Chief Justice, on account of his physical inability to perform the duties of the office, which is thought to be permanent, and to recommend the passage of the said substitute, herewith reported.

G. W. SMITH, Chairman.

The bill having been read, the substitute offered by the committee, being a bill to allow the present Chief Justice of the Supreme Court of this State to resign and retire from the bench, with full pay, for the residue of his term, was read and adopted.

Mr. Morris moved to recommit the bill to Judiciary Committee No. 1.

Mr. Sayers moved the previous question, which being seconded, was put and carried, and bill then passed to engrossment.

On motion the rules were suspended, the bill read by caption third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Anderson, Bledsoe, Booty, Bordeaux, Brown of Dallas, Carroll, Chambers, Denton, Eastland, Ellett, Ford, Gallaway, Gaston, Ghent, Gilpin, Green, Hester, Hollingsworth, Ireland, Kemble, Kleberg, Mills, Moore, Payne, Powers, Prendergast, Rosborough, Sayers, Schmidt, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tom, Venters, Walker, Watts, Westfall and Wood—42.

Nays—Messrs. Cook, Cunningham, Day, Doyle, Kil-lough, Lane, Leyendecker, Mabry, Manning, McDonald, Morris, Nelson, Rimes, Roberts, Russell, Shaw, Shelton, Tilson, Tivy, Trolinger, Van Zandt and Williams—22.

By leave, Mr. Hollingsworth offered the following resolution :

Be it resolved by the House of Representatives, That the Speaker be authorized to appoint a committee of three to visit the State penitentiary for the purpose of inspecting the same and ascertaining the necessity for the establishment of one or more branch penitentiaries, and report to this House the result of their investigations by bill or otherwise.

Adopted.

The Speaker announced the following gentlemen appointed the special committee called for by the above resolution: Hollingsworth, Mills and Sayers.

Unfinished business on the Speaker's table :

Senate bill No. 194, to incorporate Concrete College, was read first time and referred to Committee on Town and City Corporations.

House bill No. 254, "An act to authorize the County Court of Upshur county to issue interest-bearing bonds to finish paying for the building of the court house of said county, and to levy and collect a tax to pay the same," was read third time and passed.

House bill No. 380, "An act to incorporate the South Sulphur Bridge and Turnpike Company," was read third time and passed.

House bill No. 154, "An act to provide for the election of city officers for the city of Columbus, and to regulate their duties," was taken up.

The amendments offered thereto by the Senate were read and concurred in, and the bill thus amended passed.

House bill No. 178, "An act to authorize the County Court of Navarro county to levy and cause to be collected

a special tax, and to apply the same," was read second time, and ordered engrossed.

On motion, the rules were suspended, the bill read third time by caption and passed.

House bill No. 197, "An act to authorize county courts to levy a road and bridge tax, and to improve roads and bridges," was read second time, laid on the table, and one hundred copies ordered printed.

On motion of Mr. Kleberg, Mr. Leyendecker was added to the Committee on Immigration.

On motion of Mr. Hester, Mr. Westfall was added to same committee.

House bill No. 173, "An act to prohibit the sale of intoxicating or spirituous liquors within two miles of the institution of learning situated at Woods, in Panola county, Texas," was read second time, and ordered engrossed.

On motion, the rules were suspended, the bill read third time and passed.

Senate bill No. 190, "An act to incorporate the City Bank of Sherman," was read second time, and referred to Judiciary Committee No. 2.

The Committee on Engrossed Bills reported as follow:
Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills have carefully examined the following House bills:

No. 213, a bill to be entitled "An act prohibiting the sale of spirituous liquors within two miles of the high school at Summerfield, Upshur county, Texas."

No. 218, an act to be entitled "An act to incorporate the Pioneer Fire Company No. 1, of the city of Corpus Christi, State of Texas."

No. 256, "An act to incorporate the Hebrew Benevolent Society of Calvert, Robertson county, Texas."

No. 293, "An act to incorporate the Lee Fire Engine Company No. 5, of the city of Galveston."

No. 318, "An act to repeal section sixty of an act entitled an act concerning private corporations, approved December 2, 1871."

No. 429, "An act to authorize H. B. Boston, A. Hamilton and R. B. Hudson to erect a pontoon bridge over the Guadalupe river, at the town of Clinton, in DeWitt county, Texas."

No. 539, "An act to incorporate the city of Jefferson, in Marion county, and to repeal all laws heretofore passed incorporating said city or amendatory thereof."

And find the same correctly engrossed.

BOOTY, Chairman.

On motion of Mr. Cunningham the House adjourned until 9:30 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
 AUSTIN, TEXAS, March 29, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

On motion of Mr. Doyle, the reading of the journal of yesterday was dispensed with.

Mr. Westfall offered a petition of citizens of Williamson and Bastrop counties, asking the creation of a new county. Referred to the Committee on Counties and County Boundaries.

Mr. Rimes offered a remonstrance against dividing Falls county. Referred to the Committee on Counties and County Boundaries.

Mr. Brown of Dallas offered a petition of citizens of Dallas county for private roads. Referred to the Committee on Counties and County Boundaries.

Mr. Payne offered a petition of citizens of Jackson county for the Ohio liquor law. Referred to Judiciary Committee No. 2.

Mr. Eastland offered a petition of citizens of Anderson county. Referred to the Committee on Counties and County Boundaries.

Mr. Prendergast offered a remonstrance of citizens of Limestone county against its dismemberment. Referred to the Committee on Counties and County Boundaries.

Mr. Bledsoe offered a memorial of citizens of Johnson county, asking for a law prohibiting the sale of intoxicating liquors within two and a half miles of the town of Grand View, in said county. Referred to the Committee on Education.

Mr. Gilpin offered a memorial of the city council of Brownsville. Referred to the Committee on Internal Improvements.

Mr. Booty offered a petition of citizens of Mount Enterprise, Rusk county. Referred to the Committee on Town and City Corporations.

Mr. Denton offered a petition of citizens of Wilson county, praying for the passage of a law prohibiting the sale of intoxicating liquors within five miles of Lavernia Male and Female Academy. Referred to Judiciary Committee No. 1.

Mr. Russell offered a petition of citizens of Wood county, for the relief of J. P. Williams, sheriff of said county. Referred to the Committee on State Affairs.

Mr. Bledsoe offered a memorial of citizens of Johnson county, asking the passage of a law prohibiting the sale of intoxicating liquors within two miles of Lee Academy. Referred to the Committee on Education.

Mr. Bordeaux offered a petition of citizens of Cooke county, asking authority for the County Court of said county to issue bonds for the purpose of building a court house and jail. Referred to the Committee on State Affairs.

Mr. Tom offered a copy of resolutions and petition of the City Council of Brownsville. Referred to the Committee on Internal Improvements.

On motion of Mr. Kleberg, Mr. Schmidt was excused for three days.

On motion of Mr. Denton, Mr. Anderson was excused for ten days.

Mr. Gallaway presented a bill to incorporate Gilmer Lodge No. 128, I. O. O. F., in Upshur county, Texas. Referred to the Committee on Town and City Corporations.

Mr. Manning presented a bill to prohibit the sale or gift of intoxicating liquors within two miles of Owensville High School, Robertson county, Texas. Referred to the Committee on Education.

Mr. Adriance presented a bill to incorporate the Texas Ice Company. Referred to the Committee on Commerce and Manufactures.

Mr. Carroll presented a bill to incorporate Davilla Institute, in Milam county. Referred to the Committee on Education.

Mr. Adriance presented a bill to amend the first section of "An act to incorporate the Texas Banking and Insurance Company, approved July 1, 1870." Referred to the Committee on Commerce and Manufactures.

Mr. Gaston presented a bill to establish a bridge or ferry across the Sabine river, at Green's crossing, in the counties of Smith and Wood. Referred to the Committee on Roads, Bridges and Ferries.

Mr. Killough presented a joint resolution for the relief of the widow of the late Hon. Louis Frankee, deceased. Referred to the Committee on State Affairs.

Mr. Bordeaux presented a bill to incorporate the Bridgeport Bridge Company, in Wise county. Referred to the Committee on Roads, Bridges and Ferries.

Mr. McDonald presented a bill to amend "An act entitled an act to regulate the estraying of stock in the State of Texas, approved October 26, 1866." Referred to the Committee on State Affairs.

Mr. Bledsoe presented a bill to amend section eight of "An act entitled an act concerning divorce and alimony, approved January 6, 1841." Referred to Judiciary Committee No. 2.

Mr. Powers presented a bill to incorporate the Brazos, Santiago and Rio Grande Canal Company. Referred to the Committee on Internal Improvements.

Mr. Storey, by bill, called up House bill No. 48, a bill to be entitled "An act regulating juries," to which he offered the following amendment:

Amend by inserting in line nine, section one, before the word "felony," the words "any theft or."

The amendment was adopted, the bill read a third time and passed.

A message from the Senate announced the passage by that body of the following bills and resolutions:

House bill No. 82, a bill to be entitled "An act to authorize the County Court of Maverick county to issue interest bearing bonds, and to levy a tax to pay the same."

House bill No. 81, "An act to amend an act to authorize the transcript of the records of the County Court of Bowie county."

House bill No. 164, "An act to prohibit the sale or otherwise disposing of intoxicating liquors within two miles of the Acton Masonic Institute, in Hood county."

House bill No. 279, "An act to prohibit the sale of intoxicating or spirituous liquors within two miles of Bird's creek school house, in Bell county, Texas."

House bill No. 278. "An act to prohibit the sale of vinous or spirituous liquors within two miles of Midway, Madison county, Texas."

House concurrent resolution, inviting 40,000 Menonites from the Crimea to settle in Texas.

Senate bill No. 195, "An act to regulate proceedings upon applications for *mandamus* and *quo warranto*."

Senate concurrent resolution, inviting Mr. Jefferson Davis to extend his visit to the capital, and instructing the President of the Senate to furnish him a copy of said resolution.

Mr. Veale rose to a personal explanation, disclaiming for himself and on behalf of the delegation from his district, the authorship of an article in the *State Journal* of the twenty-eighth inst., entitled "The Frontier and its Friends," signed "Palo Pinto." He also affirmed the full confidence of the people of his district in regard to the matter of frontier protection.

Report from Judiciary Committee No. 1 :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 354, entitled "An act to regulate the fees of office," have had the same under consideration, and have directed me to report the bill to the House with a number of amendments herewith reported, and to recommend the passage of the bill with the said amendments.

SMITH, Chairman.

1. Insert after the word "dollar" in line sixteen, section one, as follows: "except bonds of recognizance or obligations for costs, for which no fee shall be charged."

2. Add at end of the fourteenth line, on page eight, these words: "when ordered by the court on the application of either party to the suit."

3. Strike out the words "one dollar" in the seventh line from the bottom of page three.

4. Strike out the word "four" in the twelfth line from the bottom, on page five, and insert the word "five."

5. At the end of the fifth line on page six insert these words: "For traveling to serve subpoenas and attachments for witnesses, *caapias*, and writs of arrest, he shall be allowed mileage at the rate of two and one-half cents per mile, going and returning home, actually traveled over the most direct route; *provided*, he executes the writ or process; and when he executes two or more of them on the same trip, he shall charge mileage but once for the

distance actually traveled over the most direct route, and apportion it among the writs executed or served on that trip."

6. At the end of the fourth line in section four, on page six, insert: "When deemed necessary by the coroner, he shall summon some skillful surgeon or physician to aid in the *post mortem* examination, and it is made his duty to make such a thorough examination of the dead body as he, the coroner, or the jury, shall deem proper, and for his services he shall be entitled to a fee not to exceed ten dollars, to be allowed by the County Court and paid by the county treasurer."

7. That no county shall be held liable for any fees in any cause, civil or criminal, except as herein provided for by this act; *provided*, this shall not affect the liabilities of the counties for the board of prisoners, and juries in felony cases, as now provided for by law, and for conveying prisoners.

Mr. Westfall moved to amend by inserting in line eight, amendment six, after the words "ten dollars," "and mileage."

The House refused to adopt the amendment.

Mr. Morris moved to amend the fifth amendment by striking out all that portion allowing a sheriff mileage for serving the various processes from the courts.

Pending that motion, Mr. Ireland moved to lay the bill on the table, and have one hundred copies printed for the use of the House, which motion carried.

A message from the Senate announced the passage by that body of House bill No. 552, a bill to be entitled "An act to amend an act regulating elections, passed at the present session of the Legislature," with amendments offered thereto by the Senate.

By leave of the House, Mr. Watts called up Senate bill No. 195, "An act to regulate proceedings upon applications for *mandamus* and *quo warranto*."

The bill having been read first time, Mr. Ellett moved to lay it on the table and have one hundred copies printed, and make it the special order for Wednesday next, at 11 A.M.

Mr. Killough moved to reject the bill.

Mr. Rimes moved the previous question, which being seconded, was put, with the following result:

Yeas—Messrs. Speaker, Abbott, Adriance, Armstrong,

Berends, Bewley, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Day, Denton, Doyle, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Leyendecker, Mabry, Manning, McDonald, Mills, Moore, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rimes, Robb, Roberts, Rosborough, Russell, Sayers, Schmidt, Scott, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tom, Trolinger, Van Zandt, Veale, Venters, Walker, Washington, Watts, Westfall, Williams and Wood—72.

Nays—Messrs. Ellett and Tivy—2.

The main question was declared to have been ordered.

The main question, being the motion to reject the bill, was put and carried, by the following vote :

Yeas—Messrs. Abbott, Adriance, Armstrong, Bewley, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Day, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hollingsworth, Ireland, Kemble, Killough Kleberg, Leyendecker, Mabry, McDonald, Mills, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rimes, Robb, Roberts, Rosborough, Russell, Sayers, Schmidt, Scott, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tom, Trolinger, Van Zandt, Veale, Venters, Walker, Watts, Westfall, Williams and Wood—66.

Nays—Messrs. Berends, Ellett, Gallaway, Joseph, Moore, Tivy and Washington—7.

Mr. Mills moved to suspend the rules, take up House bill No. 441, making appropriation for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for deficiencies for the years 1870, 1871 and 1872, and make it the special order for Monday next at 11 A. M., which motion carried.

By leave, Mr. Russell offered the following resolution :

Resolved, That the special committee appointed by this House, to whom was referred the subject of the revision of the tax laws, fees of office, etc., be instructed to assume gold and silver money as the basis of any bill or bills which they may report to this House on the subject, and that they be further instructed to report at the ear-

liest day possible consistent with a careful discharge of the duty assigned them.

Mr. Wood moved to strike out the words "gold and silver," and insert instead "United States currency."

The discussion of the resolution was cut off by the arrival of the hour for taking up unfinished business.

House bill No. 532, a bill to be entitled, "An act to amend an act regulating elections," passed at the present session of the Legislature, was taken up and read by caption. The amendments offered thereto by the Senate were read and adopted, and the bill thus amended passed.

The Committee on Enrolled Bills reported as follows:
Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined and compared bill No. 29, "An act to provide for the registration of voters," and find the same correct, and have, this twenty-ninth day of March, at 10:30 o'clock, A. M., presented the same to the Governor for his signature.

SHAW Chairman.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined and compared the following bills, to-wit, No. 437, "An act to authorize the County Court of McLennan county to levy a special tax for the purpose of building a court house and jail, and to provide for the safe keeping and disbursement of the revenue arising therefrom;" bill No. 339, "An act to authorize the county of Dallas to issue bonds;" No. 315, "An act to authorize the County Court of Goliad county to levy and collect a special tax for the purpose of building a court house;" also, bill No. 64, "An act in aid of the financial condition of Cameron county," and find the same correctly enrolled, and have this, the twenty-ninth day of March, at 10:30 o'clock, A. M., presented the same to the Governor for his signature.

SHAW, Chairman.

The Committee on Engrossed Bills submitted the following report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills have examined the following :

No. 364, a bill entitled "An act to validate the quadruplicate certificate for one league and labor issued April 4, 1872, to the heirs of Naham Mixon, deceased."

No. 527, "House joint resolution amending joint resolution authorizing the Comptroller and Treasurer each to employ two additional clerks."

No. 262, an act to be entitled "An act to amend the seventh section of an act entitled an act to incorporate the city of Rockport, approved May 26, 1871."

No. 114, a bill to be entitled "An act to amend the first section of an act entitled an act to provide for the creating of two counties out of the territory now embraced within the limits of Refugio county, and to provide for their organization, passed September 18, 1871."

No. 344, "An act validating a certain land warrant."

No. 544, "Joint resolution in relation to the rooms in the capitol building."

No. 403, a bill to be entitled "An act for the relief of the heirs of John Short, deceased."

No. 420, "A bill for the relief of the heirs of William Garnett, deceased."

No. 468, "A bill for the relief of J. Lancaster."

No. 239, "A bill for the relief of W. M. Jackson."

No. 412, "An act for the relief of G. W. Patterson and son."

No. 357, "An act to incorporate Owensville High School."

No. 402, "An act to incorporate the Milam Real Estate and Emigration Association."

No. 178, a bill to be entitled "An act to authorize the County Court of Navarro county to levy and cause to be collected a special tax, and to apply the same."

No. 236, "An act to repeal an act entitled an act to establish a State police, and provide for the regulation and government of the same, approved July 1, 1870, also to repeal an act entitled an act to amend an act entitled an act to establish a State Police, and provide for the regulation of the same, approved May 2, 1871."

No. 7, a bill to allow the present Chief Justice of the Supreme Court of this State to resign and retire from the bench with full pay for the residue of this term.

No. 263, a bill to be entitled "An act to make an appropriation to pay the salary of Hon. Lipscomb Norvell as special judge of the District Court of Tyler county."

No. 545, a bill making an appropriation to pay F. E. McManus one month's salary as Judge of the Fifteenth Judicial District of the State of Texas."

No. 210, "An act to incorporate the town of Whitesboro, in Grayson county."

No. 533, a bill to be entitled "An act to incorporate the town of Nelsonville, in the county of Austin," and find the same correctly engrossed.

BOOTY, Chairman.

Senate bill No. 7, "An act to incorporate the Colorado, Austin and Lampasas Railway Company" was taken up.

The following report from the Committee on Internal Improvements relating thereto was read:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Internal Improvements, to whom was referred Senate bill No. 7, entitled "An act to incorporate the Colorado, Austin and Parker County Railway Company," have had the same under consideration, and instruct me to report the same back to the House and recommend its passage with the following amendments :

1. Strike out the word "Colorado" and insert "Columbus" in the caption of the bill.

2. Add to section eight the following proviso: "*Provided*, that the depots at Columbus shall be on the west side of the Colorado river; *and provided further*, that in case the citizens of Columbus and vicinity shall donate the necessary right of way for road and switches and at least four (4) acres of ground for depot purposes, the depots shall be located within half a mile of the court house.

3. Amend section sixteen by striking out the word "State" before the word "gauge," and insert instead the words "four feet eight and a half inches."

C. M. WINKLER, Chairman.

The bill having been read, the amendments offered by the committee were adopted, and the bill passed to a third reading.

On motion the rules were suspended and the bill read a third time.

Mr. Killough offered the following amendment :

Provided, said corporation shall be subject to all laws that are now in force, or that may be hereafter enacted by

the Legislature regulating railroads and railroad companies.

Adopted.

Mr. Ireland moved to amend section fifteen so as to give said road twenty sections land to the mile, which was adopted.

Mr. Rosborough offered the following amendment:

Amend so as to compel the road to make a depot in each and every county site in five miles of its line, and run regular trips to said depot.

Mr. Wood moved the previous question, which being seconded was put.

The House refused to order the main question.

On motion of Mr. Prendergast, the House then adjourned until 9:30 A. M. Monday morning.

HOUSE OF REPRESENTATIVES,)
AUSTIN, TEXAS, March 31, 1873. (

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

On motion of Mr. Veale, Mr. Ireland was excused for three days.

On motion of Mr. Bordeaux, Mr. Bewley was excused for one day.

On motion of Mr. Tivy, Mr. Cook was excused for one day.

On motion of Mr. Mills, Mr. Williams was excused for ten days on account of sickness in his family.

On motion of Mr. Brown of Dallas, an error in the journal of Saturday, occurring in the report of the Committee on Enrolled Bills, was corrected.

On motion of Mr. Washington, the reading of the journal of Saturday was dispensed with.

Mr. Kleberg offered a petition of citizens of Calhoun county, asking for the enactment of a law compelling stock raisers to keep their stock under herd or within enclosures. Referred to the Committee on Agriculture and Stock Raising.

Mr. Van Zandt, petition of A. Long of Hill county,

Mr. Smith of Houston, petition of Mrs. K. A. Corley for payment of claim. Both referred to the Committee on Claims and Accounts.

Mr. Cunningham, memorial of citizens of Fannin county, favoring the extension of the corporate limits of Bonham, Texas.

Also, memorial of citizens of Fannin county, protesting against the extension of the corporate limits of Bonham, Texas.

Mr. Bordeaux, petition of citizens of Wise county, asking the incorporation of Decatur, in that county. All referred to the Committee on Counties and County Boundaries.

Mr. Gilpin, memorial from Kinney and adjoining counties, asking protection from the Federal government.

Mr. Prendergast, memorial from G. F. Weissenberg, Superintendent Indian Affairs. Referred to the Committee on State Affairs.

Mr. Smith of Colorado, memorial from citizens of Colorado county. Referred to Judiciary Committee No. 1.

Mr. Venters, memorials from citizens of Wise county. Referred to the Committee on Roads, Bridges and Ferries.

Mr. Mabry, petition for the relief of Jesse Walker. Referred to the Committee on Private Land Claims.

Mr. Rosborough, petition of citizens of Bell county, asking the prohibition of the sale of intoxicating liquors within five miles of Mount Green High School. Referred to the Committee on Education.

Mr. Shaw, petitions of citizens of Cass county. Referred to the Committee on Counties and County Boundaries.

Mr. Gallaway presented a bill making valid the registration of certain deeds and other instruments of writing. Referred to Judiciary Committee No. 2.

Mr. Cunningham presented a bill to incorporate a Savings Bank, in Bonham, Fannin county. Referred to the Committee on Commerce and Manufactures.

Mr. Prendergast presented a bill to amend articles five hundred and twenty-seven and five hundred and twenty-seven *a* of the code of Criminal Procedure. Referred to Judiciary Committee No. 2.

Mr. Booty presented a bill to authorize the County Court of Panola county to levy and collect a special tax. Referred to Judiciary Committee No. 2.

Mr. Brown of Dallas presented a bill fixing the number of officers and employes of each House of the Legislature hereafter. Referred to the Finance Committee.

On motion of Mr. Payne, the special committee on the revision of the revenue laws were granted leave to sit during the session of the House.

On motion of Mr. Robb, Mr. Broaddus was added to the Finance Committee.

The unfinished business of Saturday, being the resolution offered by Mr. Russell, looking to the resumption of specie as a basis for all laws relating to taxes, fees of office, etc., in the State, was taken up, the question being upon the amendment offered by Mr. Wood, substituting United States currency for specie. The amendment was adopted, and the resolution thus amended was then adopted.

Judiciary Committee No. 1 reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 449, entitled "An act to prescribe the number of clerks to be employed in the office of the Adjutant General, and fixing the compensation of the same," have considered it, and have instructed me to report the bill back to the House, with request that the same do pass.

G. W. SMITH, Chairman.

The bill was read a second time and ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 473, entitled "An act to authorize the County Court of Bell county to issue interest-bearing bonds, and levy and collect a special tax for the payment of the same, for building a jail and poor house in said county," have considered the same, and have directed me to report the same back to the House, and to recommend its passage.

SMITH, Chairman.

The bill was read a second time and ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 222, entitled "An act for the relief of early settlers," have had the same under consideration, and have instructed me to report the bill back with request that it do not pass.

GEO. W. SMITH, Chairman.

The report of the Committee was adopted, and the bill indefinitely postponed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

Judiciary Committee No. 1 to whom was referred House bill No. 270, entitled "An act concerning the admission of attorneys and counsellors at law to practice in the Supreme Court," have considered the same and instruct me to report the bill back to the House with amendments herewith reported, with recommendation that it pass with said amendments.

SMITH, Chairman.

1. Insert in twelfth line, of section one, after the word "standing" as follows: "And the oath now required of attorneys of the Supreme Court, made before any notary public of any District Court of this State, and certified to by him with his seal of office."

2. Strike out these words, beginning in the fifth line from the bottom of the first page, after the word application, to-wit: "Nor shall he be required to take any additional oath or affirmation."

The amendments were adopted.

The bill thus amended read second time and ordered engrossed.

On motion the rules were suspended, the bill read third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Judiciary Committee No. 1 to whom was referred House bill No. 482, entitled "An act to aid the construction of the Galveston, Harrisburg and San Antonio Railroad Company," have considered the same, and have instructed me to report a substitute for the bill and recommend its passage.

SMITH, Chairan.

The substitute, of same caption, offered by the committee, was read and adopted.

On motion of Mr. Abbott the bill was laid on the table, one hundred copies ordered printed, and made special order for Wednesday, April 2, at 11 o'clock A. M.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 483, entitled "An act to aid in the construction of the Gulf, Western Texas and Pacific Railway," have considered the same and have instructed me to report a substitute for the bill and recommend its passage.

G. W. SMITH, Chairman.

The substitute, of same caption, was read and adopted.

On motion of Mr. Brown of Dallas, the bill was laid on the table, made special order for Wednesday, April 2, and one hundred copies ordered printed.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 271, entitled "An act to amend an act entitled an act to adopt and establish a penal code for the State of Texas, approved August 26, 1856," have had the same under consideration, and have directed me to report the bill back to the House with two amendments, and to recommend their adoption, and that it pass with the said amendments.

G. W. SMITH, Chairman.

1. In the first line of the bill, after the word "amend," insert, "article two hundred and eighty-four."

2. Strike out the last four lines of the bill, and at the end of the fifth line from the bottom of the bill, after the word "dollars," insert as follows:

"And may be imprisoned in the county jail not exceeding thirty days, at the discretion of the jury."

The amendments were adopted.

The bill was read a second time and ordered engrossed.

On motion the rules were suspended, the bill read a third time and passed.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Judiciary Committee No. 1, to whom was referred House bill No. 321, entitled "An act to amend article of Paschal's Digest, and to prescribe the caption of interrogatories and mode of service," have considered the same, and have directed me to report it back with the request that it do not pass.

GEO. W. SMITH, Chairman.

The report of the committee was adopted and the bill indefinitely postponed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Judiciary Committee No. 1., to whom was referred House bill No. 363, entitled "An act to amend an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved August 13, 1870," have considered the same, and direct me to report the bill back with the request that it do not pass. It only proposes to change the present law so as to increase the jurisdiction of justices of the peace from \$100 to \$500, which the committee think not advisable.

GEO. W. SMITH, Chairman.

The report of the committee was adopted and the bill indefinitely postponed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 185, entitled "An act defining the duties of the Comptroller," and also the amendment made by the Senate, have duly considered them and have directed me to state that the amendment will defeat the very object and purpose of the original bill, and to report them to the House with request that the said amendment be not concurred in, and that the House adhere to the original bill.

GEO. W. SMITH, Chairman.

The question upon the adoption of the amendment offered by the Senate being put, the House refused to concur in said amendment.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 125, entitled "An act to require certain owners of homesteads to designate and describe the same, to have said designation recorded and to prescribe the manner of so doing," have had the same under consideration and have instructed me to report the bill back to the House with a substitute for the same, and recommend that the substitute be adopted in lieu of the original bill, and that it pass.

GEO. W. SMITH, Chairman.

The substitute offered by the committee, being a bill to prescribe the mode and manner of designating exempted homesteads in certain counties, was read and adopted and ordered engrossed.

On motion of Mr. Wood, the rules were suspended, the bill read third time and passed.

A message from the Senate announced the passage by that body of the following Senate bills :

No. 129, "An act to authorize J. A. Cunningham and L. Thompson to construct, keep and maintain a toll bridge and ferry across the Colorado river."

No. 97, "An act to incorporate the Hallville Masonic Institute, at Hallville, Harrison county, Texas."

No. 88, "An act to amend the third section of an act entitled an act concerning divorce and alimony, approved January 6, 1841."

No. 216, "An act to authorize the surveyor of Rusk county to transcribe certain records in his office, and make a general index."

No. 173, "An act to prohibit the sale of intoxicating liquors within two miles of Linn Flat High School House, in Nacogdoches county."

No. 151, "An act to incorporate the Mechanics' Real Estate and Building Association of Harris county."

Report from Committee on Enrolled Bills :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 532, "An act to amend an act regulating elections," passed at the present session of the Legislature, and find the same correctly enrolled, and

have presented the same this day at 10:40 A. M. to the Governor for his signature.

SHAW, Chairman.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined and compared bill No. 149, "An act to amend an act entitled an act incorporating the Galveston Artillery Company, approved January 30, 1841," and find the same correct, and have this the thirty-first day of March, at 10:45 o'clock A. M., presented the same to the Governor for his approval.

SHAW, Chairman.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined and compared the following bills, to-wit, bill No. 164, "An act to prohibit the sale, or otherwise disposing of intoxicating liquors within two miles of the Acton Masonic Institute, in Hood county;" bill No. 81, "An act to amend an act to authorize the transcript of records of the County Court of Bowie county;" bill No. 278, "An act to prohibit the sale of vinous and spirituous liquors within two miles of Midway, Madison county, Texas;" bill No. 279, "An act to prohibit the sale of intoxicating or spirituous liquors within two miles of Bird's Creek School House, in Bell county, Texas;" bill No. 82, "An act to authorize the County Court of Maverick county to issue interest bearing bonds, and to levy a tax to pay the same;" also, bill No. 154, "An act to provide for the election of city officers for the city of Columbus, and regulate their duties," and find the same correctly enrolled, and have, this thirty-first day of March, at 10:45 o'clock, A. M., presented the same to the Governor for his signature.

W. A. SHAW, Chairman.

On motion of Mr. Denton the rules were suspended, and, leave being granted, the Committee on Military Affairs submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Military Affairs, to whom

was referred Senate bill No. 159, entitled, "An act to provide for frontier defense, and for the organization of a regiment of cavalry for that purpose," having considered the same, report the same back, and respectfully recommend its passage.

J. M. ANDERSON, Chairman.

On motion of Mr. Veale the reading of the bill was dispensed with. It was laid on the table, made the special order for Thursday, April 3, and one hundred copies ordered printed.

The hour having arrived, the special order was announced, being House bill No. 449, making appropriations for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for deficiencies for 1870, 1871 and 1872.

On motion of Mr. Wood, the bill was recommitted to the Committee on Finance.

Mr. Morris asked that one-third of the members of the Committee on Finance be considered a quorum for the transaction of business before that committee. Laid over under the rules.

Further report from Judiciary Committee No. 1 :

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 424, have considered the same, and have instructed me to report the bill back to the House with amendments, and to recommend that the bill with said amendments do pass.

SMITH, Chairman.

1. Before the word "be," in the fifth line on first page, add "section 1."

2. At the end of the bill add these words: "If there be any person confined in jail and not indicted, a *venire facias* shall issue to the sheriff to summon a grand jury immediately, who shall be impaneled forthwith to act as at other terms of court; and if a petit jury be needed in a civil or criminal case, one shall be summoned immediately, and shall be organized as at other terms of the court for the trial of all civil and criminal cases submitted to them."

The amendments were adopted, and the bill thus amended read second time and ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed.

A communication from the Fair Association of Jefferson was submitted by the Chair and read from the desk, inviting the members of the Thirteenth Legislature to attend the fair at that place, from May 26 to June 1, of the present year.

By leave, Mr. Sayers offered the following resolution :

Resolved, That it is the sense of this House that no appropriation be made by the Finance Committee for the support and maintenance of the police force of this State, for the present fiscal year, beginning September 1, 1872, and ending August 31, 1873.

Mr. Powers offered the following amendment :

Amend by inserting after the word "State," in the last line, the following: "From and after the first day of April, 1873."

Mr. Rainey offered the following amendment :

"Section 1. That for every policeman paid out of this appropriation, the sum of one thousand dollars shall be paid to the families of those who have been either killed or robbed by said policemen.

"Section 2. That policeman Gereaux, *alias* Goober-tooth, and the immortal Wm. V. Tunstall, of Houston county, be excluded from receiving any benefit from this appropriation."

Mr. Denton moved the previous question, which being seconded, was put and carried by the following vote :

Yeas—Messrs. Armstrong, Bewley, Bledsoe, Booty, Bordeaux, Brown of Dallas, Brown of Upshur, Carroll, Denton, Doyle, Eastland, Ford, Gaston, Gillette, Gilpin, Hester, Hollingsworth, Kemble, Killough, Kleberg, Lane, Manning, McDonald, Nelson, Payne, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Sayers, Scott, Shaw, Smith of Colorado, Smith of Houston, Schmidt, Storey, Thurmond, Tilson, Tivy, Tom, Van Zandt, Walker, Watts, Winkler and Wood—46.

Nays—Messrs. Speaker, Abbott, Adriance, Berends, Broaddus, Chambers, Cunningham, Ellett, Gallaway, Green, Joseph, Moore, Morris, Noeggerath, Powers, Roberts, Shelton, Trolinger, Venters, Washington, Westfall and Williams—22.

The main question, being the adoption of the resolution, was then carried by the following vote :

Yeas—Messrs. Armstrong, Bewley, Bledsoe, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cunningham, Day, Denton, Doyle, Eastland, Gaston, Gillette, Gilpin, Hester, Hollingsworth, Joseph, Kemble, Killough, Lane, Manning, McDonald, Morris, Nelson, Payne, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Sayers, Scott, Shaw, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tom, Van Zandt, Venters, Walker, Watts, Winkler and Wood—49.

Nays—Messrs. Speaker, Abbott, Adriance, Berends, Chambers, Ellett, Green, Harrison, Moore, Noeggerath, Phelps, Powers, Roberts, Shelton, Tivy, Trolinger, Washington, Westfall and Willims—19.

By leave, Mr. Sayers offered the following resolution :

Resolved, That it is the sense of this House that no appropriation be made for the maintenance and support of the Immigration Bureau, from and after April 1, 1873.

Mr. Powers offered the following amendment :

Amend by adding to the resolution the following :
“Beyond the sum of two thousand dollars for the salary of the superintendent.”

Mr. Payne offered the following amendment :

“Except for the superintendent of the Bureau of Immigration, and an appropriation not to exceed five thousand dollars.”

The hour for special business arrived.

Mr. Sayers moved to postpone unfinished business for twenty minutes. The House refused to suspend.

Senate bill No. 7, “An act to incorporate the Colorado, Austin and Lampasas Railway Company” was taken up, pending the amendment offered by Mr. Rosborough, as follows :

Amend by inserting at the end of the eighth section, the following : “If the route of the road shall run within five miles of any county site, then the road shall run through the county site ; *provided*, said county site shall donate to said road the right of way from the point of divergence toward said county site, to the point at which it will regain its main route, which divergence shall not exceed ten miles ; *and provided, further*, that said county site will donate to said company grounds sufficient for depot purposes, and for switches.”

Adopted.

Mr. Storey offered the following amendment :

Amend the caption by adding the words "and to aid in the construction of the same."

Adopted.

Mr. Killough offered the following substitute to section fifteen :

"Sec. 15. That this charter shall remain in force for the period of sixty years from the date of the completion of said railway, and the company shall be entitled to receive sixteen sections of land for each and every mile of railroad completed; and whenever the Governor shall be informed that ten miles of said road shall have been completed, he shall at once appoint some competent person to inspect the same, and if the report of the inspector shall be favorable, the Governor shall immediately notify the Commissioner of the General Land Office, whose duty it shall be to immediately issue to said company sixteen land certificates of six hundred and forty acres each, for each and every mile of road completed, and so on for every additional ten miles when completed; which said certificates shall be located, surveyed and patented according to the provisions of the general railway law on the principle of alternate sections; *provided*, that each succeeding section of ten miles shall be inspected in like manner as provided in this section for the first ten miles: *and provided further*, that said company shall not have the right to sell, rent, lease or consolidate with any parallel or competing railroads in this State; *and provided further*, that in no case shall the State be in any way liable for deficiency of vacant domain. Adopted.

On motion of Mr. Winkler, the bill was laid on the table, made the special order for Wednesday next at 11 A. M., and one hundred copies ordered printed.

House bill No. 47, a bill to amend the second and thirteenth sections of "An act entitled an act to incorporate the Rockport, Fulton, Laredo and Mexican Gulf Railroad Company," approved November 11, A. D. 1871, was taken up, and the following report relating thereto read: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Your Committee on Internal Improvements, to whom was re-referred House bill No. 47, have again considered the same, and have instructed me to report it back to the House and recommend that it pass with the following amendments:

1. Add to section one the following: *and provided further*, that the gauge of said road shall be four feet eight and a half inches.

2. Amend section two by striking out the words, "that a consolidation or connection with any other railroad shall be deemed a compliance with the terms of this charter," and inserting instead thereof the following: "If said company shall find it to their interest to terminate their road at any point on the line of any railroad running from San Antonio to the Rio Grande, the same shall be deemed a compliance with the terms of this act and the act to which it is amendatory, either as to the main line or branch, as the case may be."

3. Amend by adding an additional section, as follows:

SEC. 3. That the State reserves the right to regulate the rates of freight and passage on said road by any general law of the State applicable to railroads, and also to place the officers and employés of the same under the provisions of any general law which is now in force or may be hereafter enacted to prevent wrong towards passengers or other patrons of railroads.

C. M. WINKLER, Chairman.

The amendments offered by the committee were adopted.

Mr. Thurmond offered the following amendment:

Amend section first, after the word "named," in fifth line from bottom of section, and insert:

"The State of Texas, in aid of the construction of said railway, hereby donates sixteen sections of land, of six hundred and forty acres each, out of any of the unappropriated public domain of the State; *provided*, that said company shall survey the alternate or even sections of land for public schools, and return said surveys to the General Land Office of the State; *and provided further*, that said railway company shall be subject to all general laws that are now in force, or may hereafter be enacted in relation to donations of land to objects of internal improvements; *and provided further*, that said railway shall be completed in accordance with its charter, and shall not receive any lands until it shall have completed a section of at least ten consecutive miles or more of its road, and shall have given notice of the same to the Governor of the State, whose duty it shall be to appoint some skilled engineer, if there be no State engineer, to examine said section of road; and upon the report of said

engineer under oath, that said section of the road has been constructed in accordance with its charter, this act and the general laws governing railroads, thereupon it shall become the duty of the Commissioner of the General Land Office to issue to said company certificates of six hundred and forty acres each equal in amount to sixteen sections per mile of road so completed, which said certificates shall be located and surveyed in alternate sections, and field notes and maps to be returned to the General Land Office, and the odd sections patented to the said company, and all the alternate or even sections shall be reserved and held to be set apart and appropriated to and constitute a part of the common school fund as provided by law; and the lands granted to said company by virtue of the provisions of this act, shall be alienated by said company, except so far as may be necessary to the maintenance and running of its road, as follows, viz., one-fourth in six years, one-fourth in eight years, one-fourth in ten years, and one-fourth in twelve years, from time of acquiring such lands or real estate; *provided* such lands shall not be alienated, directly or indirectly, to any other corporation for its use, except so far as may be necessary for the proper use and convenience of the business of said corporation; and on failure to alienate said lands as herein directed, they shall be proceeded against as the laws in force may direct, and all laws enacted by the Legislature heretofore or that may be hereafter enacted regulating railroads and railroad companies.

The amendment was adopted.

On motion of Mr. Russell the bill was laid on the table, made special order for Thursday, April 3, at 11 A. M., and one hundred copies ordered printed.

The following communication was received from his Excellency the Governor:

EXECUTIVE OFFICE, STATE OF TEXAS,)
 AUSTIN, March 31, 1873.)

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: In conformity with the resolution adopted by the House on the twenty-seventh inst., I telegraphed to the Secretary of War on the twenty-eighth inst., and have received his reply. Copies of these telegrams are enclosed for the information of the House.

I also wrote the Secretary substantially as telegraphed, but as yet there has not been sufficient time for reply.

Very respectfully,

EDMUND J. DAVIS, Governor.

EXECUTIVE OFFICE, STATE OF TEXAS, }

AUSTIN, March 28, 1873. }

To Hon. Wm. W. Bellnap, Secretary of War, Washington, D. C. :

A measure is pending in Texas Legislature to raise a regiment of Texas volunteers to operate against Indians on our frontier. Our House of Representatives has passed a resolution to inquire whether the General Government will prevent the raising and operating of the regiment, if confined to the limits of Texas. And in case the government does not object to the raising of the regiment, whether it will aid the State therein, by supplying, equipping and arming the men.

Copy of resolution sent by mail. Please answer immediately.

(Signed) EDMUND J. DAVIS, Governor.

A true copy.

JOHN J. STEVENS, Private Secretary.

WASHINGTON, D. C., March 29, 1873.

Received; Austin, Texas, March 30, 1873, 8 A. M.

To Governor Davis, Austin, Texas :

Dispatch of yesterday received. The United States cannot pay or equip State troops to operate against Indians within the State. The Indians are all under the exclusive jurisdiction of the National Government, and national troops must have exclusive control. There would be no objection to your frontier counties having a small armed posse to assist the sheriff in pursuing, capturing and holding horse thieving Indians within the border of Texas, but these must be paid and supplied by the State or counties interested.

By order of the acting Secretary of War.

H. J. CROSBY, Chief Clerk.

A true copy.

JOHN J. STEVENS, Private Secretary.

On motion of Mr. Bordeaux, the frontier bill was withdrawn from the special orders, and recommitted, with the

message from the Governor, to the Committee on Indian Affairs.

By leave, Mr. Booty offered a bill to incorporate the Sabine Pass and Jefferson Railway Company, and to aid the construction of said railway. Referred to the Committee on Internal Improvements.

Mr. Bordeaux offered a bill to amend "An act entitled an act to muster into service minute men for the protection of the frontier," approved November 25, 1871. Referred to the Committee on Indian Affairs.

Mr. Chambers offered a bill in relation to unlawful and dangerous animals. Referred to the Committee on Agriculture and Stock Raising.

The Senate concurrent resolution, inviting Jefferson Davis to visit the capital, was adopted.

On motion of Mr. Brown of Dallas, Mr. Chambers was excused for the rest of the week.

On motion of Mr. Russell, Mr. Gallaway was added to the Hill County Committee.

On motion of Mr. Abbott, the House adjourned until 9:30 A. M., to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, April 1, 1873. }

House met pursuant to adjournment. Roll called; quorum present.

On motion the reading of the journal was dispensed with.

Mr. Carroll presented a petition from the citizens of Burleson county, praying for the creation of a new county.

Mr. Bordeaux presented a petition asking for the creation of the county of Wegefarth. Referred to the Committee on Counties and County Boundaries.

Mr. Rosborough presented a petition from the citizens of Bell county to prohibit the sale of intoxicating liquors within three miles of Cedar Grove Academy, in Bell county.

Mr. Westfall presented a petition from the citizens of Travis county, asking the passage of an act prohibiting the sale of spirituous liquors within two miles of Pleasant Hill Male and Female Academy. Also, a petition

from the citizens of Hoover's Valley, asking the passage of an act to prohibit the sale of intoxicating liquors within two miles of Quartz Hill, Hoover's Valley Institute. Referred to the Committee on Education.

Mr. Westfall presented a petition from the citizens of Milam, Williamson and Bell counties, asking the enactment of the Ohio Liquor Law in Texas. Referred to Judiciary Committee No. 2.

On motion of Mr. Killough the vote of yesterday passing House bill No. 424, a bill to amend an act entitled "An act prescribing the times of holding the district courts in the several judicial districts in the State," approved August 10, 1870, was reconsidered.

Mr. Killough offered the following amendment:

After the words "two weeks," in section one, insert "in the county of Fayette on the fourth Monday in April, and may continue in session two weeks, and on the first Monday in July and on the first Monday in November, and may continue in session until the business is disposed of. That at the terms of said court commencing on the first Monday in June and fourth Monday in April the court shall hear matters of probate, the trial of criminal cases, the hearing of motions and the trial of such civil cases as by the consent of parties may be tried."

The amendment was adopted and the bill, as thus amended, passed.

Mr. Watts presented a bill for the relief of James Hogue, sheriff of San Jacinto county.

Mr. Storey presented a bill to create a new land district.

Mr. Prendergast presented a bill to incorporate the Laboring Man's Association in Texas. Referred to the Committee on State Affairs.

Mr. Booty presented a bill to prevent the location and patenting of fraudulent land certificates. Also, a bill to prescribe the punishment for the location of fraudulent land claims within this State.

Mr. Bordeaux, bill creating the county of Wegefath. Referred to Judiciary Committee No. 2.

Mr. Ghent presented a bill for the relief of James Lansing, assignee of James Farris; also, bill for the relief of assignee of Walter Bootheoth; also, bill for the relief of James Lansing; also, bill validating donation certificate No. 139. Referred to the Committee on Private Land Claims.

Mr. Gilpin presented a bill in relation to the Corpus Christi Ship Canal. Referred to the Committee on Internal Improvements.

Mr. Sayers presented a bill for the relief of John T. Storey. Referred to Judiciary Committee No. 2.

Mr. Rainey presented a bill to validate the election held in the town of Crockett, Houston county. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Brown of Dallas, the rules were further suspended, the bill read third time and passed.

Mr. Veale moved to suspend the rules to take up House bill No. 234, a bill to be entitled "An act to encourage stock raising and for the protection of stock raisers," and make it the special order for Friday next, at 11 A. M., which carried.

Mr. Kleberg asked leave to take up House bill No. 273, to provide for the enclosure of commons for pasturage of stock, which was granted, and the bill read second time.

Mr. Kleberg offered the following amendment:

Strike out, in section three, lines nine and ten, the words, "not be liable for any damages," and insert in lieu thereof, "pay two cents for each head per day to the owner of such pasture." The amendment was adopted.

On motion of Mr. Kleberg, the bill was made the special order for Saturday, April 5, at 10 A. M.

On motion of Mr. Wood, the Committee on Public Lands and Land Office were granted leave to report.

They reported back House bill No. 305, a bill to authorize and require the Commissioner of the General Land Office to issue certain land certificates therein named, and recommended its reference to the Committee on Private Land Claims, which reference was made.

Judiciary Committee No. 1 made the following report:
Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 180, and also No. 122, each relating to the subject of theft, have had them under consideration, and directed me to report a bill as a substitute for them both, and to recommend its passage. Substitute herewith reported.

(GEO. W. SMITH, Chairman.

The substitute, being a bill to be entitled "An act to define and regulate the punishment of theft," was read and adopted.

On motion, the rules were suspended, the bill read second time and ordered engrossed.

On motion, the rules were further suspend, the bill read third time and passed.

On motion of Mr. Cunningham, the Committee on Town and City Corporations were granted leave to report, and submitted the following :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : Your Committee on Town and City Corporations, to whom was referred Senate bill No. 96, "An act to amend an act entitled an act to incorporate the town of Bonham, in Fannin county, approved August 13, 1870," have had the same under consideration, and have instructed me to report the same back with the recommendation that it do pass.

TILSON, for Committee.

The second reading of the bill having been dispensed with, it passed to engrossment.

On motion, the rules were further suspended, the bill read a third time and passed.

Further report from Judiciary Committee No. 1 :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : Judiciary Committee No. 1, to whom was referred House bill No. 225, entitled "An act to provide for transcribing county records," have considered the same, and instruct me to report the same back to the House with recommendation that it do pass.

G. W. SMITH, Chairman.

The bill having been read second time, Mr. Sayers moved to strike out "twenty" where the same occurs, and insert instead "fifteen." Carried.

The bill then passed to engrossment.

On motion, the rules were suspended, the bill read third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : Judiciary Committee No. 1, to whom was referred House bill No. 205, entitled "An act concerning the ac-

quisition and alienation of lands by railroad companies to prevent landed monopolies," have considered the same and have instructed me to report the bill back to the House with recommendation that it do pass.

G. W. SMITH, Chairman.

The bill was read second time and ordered engrossed.

On motion, the rules were suspended, the bill read third time and passed.

On motion of Mr. Ghent, the Committee on State Affairs reported back House bill No. 448, "An act to incorporate the Austin Trust Company," and recommended its reference to Judiciary Committee No. 1, which was done.

The Committee on Engrossed Bills reported as follows:
Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined the following bills:

No. 48, a bill to be entitled "An act regulating juries."

No. 304, a bill entitled "An act to validate bounty land warrant issued to John B. Fox."

No. 260, a bill to be entitled "An act concerning the admission of attorneys and counsellors at law to practice in the Supreme Court."

No. 449, a bill to prescribe the number of clerks to be employed in the office of the Adjutant General, and fixing the compensation of the same.

No. 300, Joint resolution making an appropriation for certain purposes.

No. 421, "An act for the relief of heirs of James N. Shell, deceased."

No. 284, a bill to be entitled "An act for the relief of L. W. Ludlow."

No. 543, a bill to be entitled "An act for the relief of the heirs of the Rev. Martin Ruter, deceased."

And find the same correctly engrossed.

BOOTY, Chairman.

Further report from Judiciary Committee No. 1:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Judiciary Committee No. 1, to whom was referred the petition of citizens of Hays, and also of Delta county, have instructed me to return them to the House,

with the request that they be referred to Judiciary Committee No. 2, who it is supposed have the subject of the petition (Ohio liquor law) more specially in charge, with many other petitions.

G. W. SMITH, Chairman.

The report was adopted and reference made as per request.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 219, entitled "An act concerning proceedings in the District Court," have duly considered the same, and instruct me to report it back to the House with the recommendation that it do pass.

GEO. W. SMITH, Chairman.

The bill was read a second time and ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed.

On motion of Mr. Bewley, the special committee to investigate the charges against the Hon. John G. Scott, was granted leave to sit during the session of the House :

Further report from Judiciary Committee No. 1 :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Judiciary Committee No. 1, to whom was referred the petition of Rev. O. Fisher, to be released from the payment of \$363.40 taxes, due on three tracts of land—one, a league and labor, was purchased by the State for the taxes of 1867—have had the same under consideration, and have directed me to report the same back to the House, with request that the petition be not granted; that the committee deems it impolitic to grant the relief prayed for, even on account of his advanced age and pious habits, for a great many others, whose claims to relief might not be less meritorious, we think could, and perhaps would, avail themselves of the precedent, and could not be well refused, though it might materially interfere with the revenues of the State, which should be borne equally by all according to their estates.

G. W. SMITH, Chairman.

The report was adopted, and the petition indefinitely postponed.

A message from the Senate announced the passage by

that body of the following House bills: No. 240, a bill to be entitled, "An act to incorporate the Grayson County Agricultural and Mechanical Association;" No. 308, "An act to authorize the county of Marion to audit and fund the debt of said county;" also, Senate bills No. 205, "An act to authorize the County Court of Montague county to levy a special tax for the purpose of building a court house and jail, and to provide for the safe keeping and disbursement of the revenue arising therefrom;" No. 123, "An act to authorize the County Court of Erath county to issue interest bearing bonds, and to levy a special tax to pay off said bonds, and all interest that may accrue therefrom;" No. 154, "An act to regulate the stoppage of passenger cars at railroad stations."

Further report from Judiciary Committee No. 1:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 124, entitled "An act to amend an act entitled an act to better define marital rights, approved March 13, 1848," have had the same under consideration, and have directed me to report a substitute for the bill, and recommend the adoption of the substitute.

G. W. SMITH, Chairman.

The discussion of the bill was cut off by the hour for the special order, House bill No. 490, a bill to establish a system of public free schools for the State of Texas.

The House went into committee of the whole, Mr. Nelson in the chair.

After some discussion, the committee rose, reported no progress, and asked that the bill be made the special order for Tuesday, April 8, at 11 A. M., and that one hundred copies of the Senate bill upon the same subject matter, be printed for the use of the House, which request was granted, and order made accordingly.

The discussion of House bill No. 124 was resumed.

The substitute offered by the committee was adopted.

On motion of Mr. Booty, the bill was laid on the table, and one hundred copies ordered printed.

The concurrent resolution offered by Mr. Russell, providing for adjournment of the present Legislature *sine die* April 15, was taken up, and on motion of Mr. Russell, was laid over until the twenty-fifth inst.

The resolution offered by Mr. Sayers, declaring it to be

the sense of the House to make no appropriation for the support of the Immigration Bureau, after April 1, 1873, was taken up, the substitute offered by Mr. Payne, providing for an appropriation not to exceed five thousand dollars, pending.

Pending the subject, a message was received from the Senate, announcing the passage of Senate bill No. 62, "An act to incorporate the Tyler Real Estate and Building Association."

Also of Senate joint resolution to adjourn *sine die* April 30, 1873.

Resuming the discussion, the House refused to adopt the substitute offered by Mr. Payne.

The amendment offered on yesterday by Mr. Powers was put and rejected.

Mr. Powers then offered the following amendment :

"Beyond the rate of two thousand dollars per year, to the present time, and for the balance of the fiscal year at the rate of two hundred and fifty dollars per year, as salary and pay for the superintendent."

The amendment was adopted.

The resolution thus amended was then adopted.

On motion of Mr. Mills, the House adjourned until 9:30 A. M. to-morrow.

HOUSE OF REPRESENTATIVES,)
AUSTIN, TEXAS, April 2, 1873. (

House met pursuant to adjournment. Prayer by Rev. Orceneth Fisher. Roll called; quorum present.

Absent—Mr. Ellett.

On motion of Mr. Manning, Mr. Armstrong was excused on account of sickness.

On motion of Mr. Harrison, Mr. Eastland and Mr. Kemble were excused for four days each.

On motion of Mr. Walker, Mr. Smith of Houston was excused for seven days.

On motion of Mr. Booty, the reading of the journal was dispensed with.

On motion of Mr. Trolinger, the Committee on Town and City Corporations were granted leave to report, and submitted the following :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on Town and City Corporations, to whom was referred House bill No. 395, to be entitled "An act amendatory of and supplemental to an act concerning private corporations, approved December 2, 1871," have had the same under consideration, and have unanimously instructed me to report the same back with the recommendation that it do pass.

W. H. TILSON, for Committee.

The bill was read second time and ordered engrossed.

On motion the rules were suspended, the bill read third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 381, to incorporate the town of Ladonia, in Fannin county, have carefully considered the same, and instruct me to report the same back to the House and recommend its passage with the following amendments :

WOOD, Chairman.

1. Add to section third, as follows: "*Provided*, that no person shall be qualified to hold office in said corporation, or to vote at any election under said corporation, who has not resided within the corporate limits within sixty days prior to his election, or appointment, or the holding of such election."

2. After the word "days" in line nineteen, of section four, add: "*Provided*, imprisonment shall be inflicted as a penalty, but only to coerce the payment of fine and costs, and when the same are paid said imprisonment shall cease."

The amendments were adopted.

The bill read a second time and ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed.

Further report from same committee.

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Town and City Corporations, to whom was referred bill entitled "An act to incorporate Decatur, in Wise county," have examined the same,

and instruct me to report it back and recommend its passage.

EASTLAND, for Committee.

The bill was read second time and ordered engrossed.

On motion of Mr. Bordeaux, the rules were suspended, the bill read a third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Town and City Corporations, to whom was referred Senate bill No. 158, "An act amendatory of an act entitled an act incorporating the city of San Antonio, and other towns therein named," etc., have had the same under consideration, and instruct me to report the same back and recommend that it do pass.

EASTLAND, for Committee.

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

On motion, the rules were suspended, the bill read third time and passed.

The Committee on Town and City Corporations submitted the following report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Town and City Corporations, to whom was referred Senate bill No. 174, "An act to reorganize the town of Sherman, in Grayson county, Texas, and incorporate the said town as the city of Sherman," have examined the same, and instruct me to report it back with the recommendation that it do pass.

WESTFALL, for Committee.

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

On motion, the rules were suspended, the bill read third time and passed.

A message from the Senate announced the passage by that body of the following House bills :

No. 314, substitute. "An act to enlarge the county of Medina."

No. 275, a bill to be entitled "An act supplemental to and amendatory of an act entitled an act to incorporate the Odd Fellows' Hall and Building Association of Bryan, Texas, approved December 1, 1871."

No. 253. "An act to prohibit the sale of intoxicating.

spirituous or vinous liquors within two miles of Hackberry Grove Academy, in Collin county."

No. 52, "An act prohibiting the sale of intoxicating, spirituous or vinous liquors within two miles of Pleasant Grove Academy, in Hunt county."

No. 58, "An act to incorporate the Odd Fellows' Male and Female College, at Pittsburg, Upshur county, Texas."

And the following Senate bills:

No. 201, "An act to amend section three of an act entitled an act supplementary to an act to provide for the payment of the public debt of the State of Texas, approved November 13, 1871."

No. 187, "An act for the relief of R. B. Reagan."

No. 170, "An act to incorporate the El Paso Real Estate, Trust and Immigration Company."

No. 109, "An act to incorporate the town of Giddings, in Washington county."

Also, of Senate substitute A, "An act to regulate the disposal of the public lands of Texas," and Senate substitute B, "An act for the benefit of the actual occupants of the public lands," both being substitutes for House bill No. 188, "An act supplementary to and amendatory of an act to regulate the disposal of the public lands of the State of Texas, approved August 12, 1870."

Also, Senate bill No. 155, "An act for the protection of the wool-growing interest of the State."

And House bill No. 162, "An act to authorize the County Court of Comal county to levy a special tax."

Mr. Broaddus rose to a personal explanation in regard to a matter before the Committee on Printing and Contingent Expenses. That Committee had contracted with the firm of Mordecai & Bradley for an amount of stationery at what they deemed a reasonable price, and the bill having been presented to him, as chairman of that committee, he, believing it to be correct, had approved it, and a warrant had been issued therefor. Subsequently he was informed by the sergeant-at-arms that the quantity contracted and paid for had not been received. He went immediately to a member of that firm and demanded that the quantity be made up at once. The firm, after inquiry, explained that a quantity of the paper sent to the House of Representatives had, by mistake, been delivered to the Senate. They recovered a considerable amount of it and

delivered it to the Printing Committee, and being unable to obtain the amount still requisite to fill the bill, very promptly and fairly refunded the money for the deficiency. He wished to know what disposition the House would make of the amount thus received, sixty-eight dollars.

By common consent of the House, the sixty-eight dollars in the hands of Mr. Broaddus was turned over to the sergeant-at-arms of the House to be expended in meeting contingent expenses.

On motion of Mr. Winkler, the Committee on State Affairs were granted leave to report and submitted the following :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on State Affairs, to whom was referred House bill No. 199, entitled "An act to incorporate the Central Texas Flouring, Grist and Manufacturing Company," have had the same under consideration, and herewith report the same back, and respectfully recommend that it do pass with the following amendment: In section four, line two, after the word "association," strike out the word "to" and insert the word "shall."

ASHLEY N. DENTON, for Committee.

The amendment having been adopted, the reading of the bill was dispensed with, and it passed to engrossment.

On motion of Mr. Winkler the rules were suspended, the bill read third time by caption and passed.

On motion of Mr. Kleberg the same committee were allowed to report further, when the following was submitted :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on State Affairs, to whom was referred a communication from the Governor and Attorney General, have had the same under advisement, and are of the opinion that the nature and importance of the subject demands its reference to a Judiciary Committee. They have, therefore, instructed me to report the same back to the House and to recommend its reference to Judiciary Committee No. 2.

M. E. KLEBERG, for Committee.

The report was adopted, and the reference made as per recommendation.

On motion of Mr. Berends the Committee on Immigration were granted leave to report, and submitted the following :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Immigration, to whom was referred a resolution to report to the House upon the expediency of taking the necessary steps to discontinue the Bureau of Immigration, have carefully considered the same, and instruct me to report that it is the sense of the committee that the Constitution should be so amended as to admit of abolishing the Bureau of Immigration, and that the Committee on Constitutional Amendments be requested to take into consideration the necessity for such constitutional amendment.

The committee further instruct me to report the resolution back, asking to be relieved from further consideration, and that the same be referred to the Committee on Constitutional Amendments.

JULIUS BERENDS, for Committee..

Minority report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The undersigned, a minority of the Committee on Immigration, to whom was referred a resolution to report to the House upon the expediency of taking the necessary steps to discontinue the Bureau of Immigration, respectfully represent that we cannot agree with the sense of the majority, to abolish the Bureau of Immigration, but it is the opinion that the bureau should be continued, and by a liberal appropriation be enabled to act for the good of the State, as intended by the Constitution.

JULIUS BERENDS.

M. E. KLEBERG.

Mr. Morris moved to reconsider the vote of yesterday, instructing the Finance Committee to make a certain appropriation for the support of the Immigration Bureau.

The vote was reconsidered.

On motion of Mr. Brown of Dallas, the whole matter was referred to the Committee on Finance.

Mr. Bordeaux moved to take the charges made against Henry Manney, Judge of the . . . Judicial District, from the Committee on Judicial Districts and refer it to a special committee of five, of which Mr. Cook should be chairman.

The motion was adopted, and the Speaker appointed the following gentlemen said committee: Cook, Abbott, Kleberg, Rimes and Tilson.

Leave being granted, Mr. Denton offered the following resolution:

WHEREAS, There is now pending in this body a large number of bills of a private nature, which impedes the more important legislation of a general character demanded by the people, and indispensable to the general welfare of the country; therefore

Resolved, That this body will hereafter hold evening sessions, beginning at 3 P. M., for the special purpose of disposing of said private bills.

Read and laid over under the rules.

The special order was then announced, to-wit: Senate bill No. 7, "An act to incorporate the Colorado, Austin and Lampasas Railway Company." It being on its third reading, the bill was read third time and passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Anderson, Berends, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Denton, Doyle, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Killough, Lane, Mabry, Manning, McDonald, Mills, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Roberts, Russell, Salter, Sayers, Shaw, Short, Storey, Thurmond, Tilson, Tivy, Tom, Van Zandt, Walker, Westfall, Wilder, Winkler and Wood—56.

Nays—Messrs. Abbott, Bordeaux, Cunningham, Leyendecker, Moore, Rosborough, Shelton, Trolinger, Venter and Washington—10.

Mr. Gaston moved to reconsider the vote of yesterday adopting the report of Judiciary Committee No. 1, adverse to the petition of Rev. Oreeneth Fisher.

The motion was carried.

On motion of Mr. Anderson, the petition referred to was referred to a special committee of three.

The Speaker appointed Messrs. Westfall, Harrison and Gaston said committee.

On motion of Mr. Payne, the rules were suspended, and leave being granted, he introduced a joint resolution authorizing the Comptroller of Public Accounts to notify the assessors in the several counties in this State to sus-

pend making out their rolls. Read first time and referred to the Committee on Finance.

Mr. Booty offered a petition from citizens of Panola county, protesting against the dismemberment of their county.

Also, a petition of citizens of Rusk, Panola, Shelby and Nacogdoches counties, asking the creation of a new county. Referred to the Committee on Counties and County Boundaries.

Mr. Shelton presented a petition of citizens of Lamar county, asking the passage of a law prohibiting the sale of liquor within one and a half miles of Sylvan Academy, in said county. Referred to the Committee on Education.

Mr. Wilder presented a memorial of the citizens of Giddings, in Washington county, asking a charter of incorporation. Referred to the Committee on Town and City Corporations.

Mr. Rainey presented a memorial from the bar and citizens of Houston county. Referred to the Committee on Judicial Districts.

Mr. Booty introduced a bill authorizing and requiring the Secretary of State to open the returns and make report thereof in cases of special election for the Legislature. Read first time, rules suspended and ordered engrossed. On motion the rules were further suspended, the bill read third time and passed.

Mr. Veale offered the following concurrent resolution:

WHEREAS, It is believed that an effort has been, or will be made, to procure the pardon of Satanta and Big Tree, two Indian Chiefs convicted on murder in the first degree in the District Court of Jack county, in 1872, and now in confinement for said offense in the penitentiary of this State; therefore be it

Resolved by the House of Representatives, the Senate concurring, That his Excellency Governor E. J. Davis be respectfully requested not to grant said pardon if application should be made therefor.

The resolution was adopted by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriaance, Allison, Berends, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cunningham, Day, Denton, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Hester, Hollingsworth, Ireland, Joseph,

Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rosborough, Russell, Salter, Scott, Shaw, Shelton, Smith of Colorado, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Veale, Venters, Washington, Westfall, Wilder and Wood—62.

Nays—None.

Mr. Westfall introduced a bill to be entitled, "An act to authorize the Police Court of Williamson county to levy and collect a special tax for the purpose of paying off outstanding liabilities, and repairing court house." Referred to Judiciary Committee No. 2.

Mr. Bordeaux introduced a bill to organize the county of Clay. Referred to the Committee on Counties and County Boundaries.

Mr. Joseph introduced a bill to incorporate the Texas University. Referred to the Committee on Town and City Corporations.

Mr. Leyendecker introduced a bill to authorize the Police Court of Colorado county to levy a special tax for the erection of a jail. Referred to Judiciary Committee No. 1.

Mr. Ireland introduced a bill to incorporate the San Antonio and Colorado Railroad Company. Referred to Judiciary Committee No. 1.

Mr. Gilpin introduced a bill for the relief of the heirs and assigns of James Walworth and Johanna Shaw. Referred to the Committee on Private Land Claims.

Mr. Ford introduced a bill to authorize the Police Court of Jasper county to levy and have collected a special tax for the purpose of building a jail in said county. Read first time; rules suspended, read second time and ordered engrossed.

On motion, the rules were suspended, the bill read third time and passed.

Mr. Gilpin introduced a joint resolution asking for telegraph lines on the frontier. Read first time; rules suspended, read second time and ordered engrossed.

On motion, the rules were further suspended, the resolution read third time and passed.

Mr. Denton introduced a bill to prohibit the sale or disposal of spirituous or other intoxicating liquors within two miles of Lavernia Male and Female High School.

Read first time; rules suspended, read second time and ordered engrossed.

On motion, the rules were suspended, the bill read third time and passed.

Mr. Storey introduced a bill to amend "An act to adopt and establish a penal code for the State of Texas," approved August 26, 1856. Referred to Judiciary Committee No. 2.

Mr. Killough introduced a bill making appropriation to supply deficits in the appropriations of the Twelfth Legislature. Referred to the Committee on Printing and Contingent Expenses.

Mr. Shaw introduced a bill to incorporate the St. Louis and Mexican Gulf Railway, and to grant land to aid in the construction thereof. Referred to the Committee on Internal Improvements.

On motion of Mr. Brown, of Dallas, the committee on apportionment of congressional districts was granted leave to report, and submitted the following:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on Apportionment, composed of one member from each Senatorial District, some time since agreed to the accompanying bill to divide the State into six Congressional Districts. It has been withheld by the undersigned so as to be introduced, as nearly as might be, with another bill to apportion Senators and Representatives in the Legislature, a duty imperatively resting upon this Legislature, and which we cannot avoid without an omission of our duty to support the Constitution. The committee hope, in a few days, to report a bill for that purpose, and in the meantime recommend the passage of the accompanying bill.

J. H. BROWN, Chairman.

The bill was read first time.

On motion of Mr. Brown of Dallas, the rules were suspended, the bill read a second time, laid on the table, and one hundred copies ordered printed.

On motion of Mr. Harrison, the rules were suspended, and leave granted the Committee on State Affairs to report, whereupon they submitted the following:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on State Affairs have considered

Senate bill No. 44, to incorporate the Palestine Fire Company, at two several sittings; and as it is a singular bill, susceptible, under the name of a fire company, to become a dealer in real estate, without tax on its property, and clothed with the extraordinary power of imposing fines on its members, and collecting them by suit before a justice of the peace, it is a fitting place in which again to call the attention of the House to the value of the general law, "concerning private corporations." One of the most expensive evils connected with our legislation is the multiplied cases of local and private enactments, wholly unnecessary, were wise and comprehensive general laws in force on a few general subjects. Under the act "concerning private corporations," were it in legal force, all such companies as this, insurance, bridge, school, college, cemetery, land and other private corporations and associations could be incorporated without application to the Legislature, or expense to the State. So long as the Legislature continues to grant these charters, so long will it continue to waste its time and the people's money unwisely. The undersigned some time since introduced, and the House promptly passed, a bill to remedy the legal defect in the aforesaid act concerning private corporations, but it has not yet become a law. Were it in force, the Committee on State Affairs would report against every bill for a private corporation. Often, in the hurry of legislation, the most pernicious principles, embodied in these private acts, are overlooked and enacted into laws, by which a few shrewd and unscrupulous men are enabled to commit wrongs in the communities in which they live; and now, when our whole time, minds and hearts should be engrossed alone in enacting laws to undo wrong, and restore our people to the full enjoyment of republican liberty, we are beset at every step with these petty applications for corporate rights, or some exclusive privilege for personal gain.

Beyond this, as an individual opinion of the undersigned, the idea of legislative incorporation of a fire company in a town or city, is wrong, and should be discountenanced. Fire companies should be organized and controlled by the town or city governments in which they exist. They should hold all their authority from the mayor and aldermen of the town, and be subject to their control.

These are general principles, endorsed by every member of the Committee on State Affairs, so far as known to the undersigned; yet, until the act concerning private corporations shall be vitalized into legal existence, we do not feel warranted in rejecting these applications. Nor do we wish to be understood as intimating a wrong intent on those who seek a charter for the Palestine fire company, but only to intimate our conjecture that the bill was drawn carelessly, or by an inexperienced person in matters of this kind.

The premises considered, the committee recommend the passage of the bill, with the accompanying amendments:

J. H. BROWN, Chairman.

1. Strike out all after the word "suspend" in the fourth line of section second, and insert "or expel any member of the company after first allowing a full and fair opportunity for explanation or defense."

2. Strike out the words "militia duty and," in the third and fourth lines in section third.

3. Strike out "section five" and insert in lieu thereof "Sec. 5. That the ground and house, if any, owned and used by said company for their engine and operations, and their meetings, so long as so used by the consent and under the control of the municipal government of Palestine, shall be exempt from State, county and municipal tax; *provided*, that this charter is granted with the express understanding that said fire company shall be subject to all rules, regulations and ordinances now in force, or hereafter enacted by the mayor and council of Palestine."

The amendments were adopted.

The bill read second time and passed to third reading.

On motion, the rules were further suspended, the bill read third time and passed.

Leave being granted, on motion of Mr. Killough, the Committee on Private Land Claims reported as follows: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 498, entitled "An act for the relief of the heirs of Charles Forrester," have had the same under consideration, and instruct me to report the same back to the House and recommend its passage.

LEYENDECKER, for Committee.

The bill was read second time and ordered engrossed. On motion, the rules were further suspended, the bill read a third time and passed by a two-thirds vote.

On motion of Mr. Shaw, he was allowed to withdraw a petition for the relief of Jesse Walker from the Committee on Private Land Claims.

The following communication from his Excellency the Governor was read :

EXECUTIVE OFFICE, STATE OF TEXAS,)
AUSTIN, April 1, 1873. }

To the Honorable Senate and House of Representatives of the State of Texas :

GENTLEMEN : I have the honor to inform you that the following named acts and resolutions have been received by me and approved, to-wit :

House bill No. 372, "An act to amend an act amendatory of and supplementary to an act to incorporate the city of Dallas, approved April 20, 1871," approved March 13, 1873.

Senate bill No. 63, "An act to prohibit the sale of intoxicating or spirituous liquors in the vicinity of Red Rock, in the county of Bastrop," approved March 13, 1873.

Senate bill No. 130, "An act to incorporate the Excelsior College, in Bastrop county," approved March 13, 1873.

Senate bill No. 15, "An act to incorporate the Rusk Masonic Institute, located in Rusk, Cherokee county, Texas," approved March 14, 1873.

Senate joint resolution No. 10, "Joint resolution requiring Jacob Keuchler, Commissioner of General Land Office, to cause to be published certain land certificates found in the office when he took possession of same," approved March 14, 1873.

Senate joint resolution No. 7, "Joint resolution in reference to the interment of the Texas soldiers who fell at the battles of Glorietta and Valverde, and also of those who were buried at Socorro, Albuquerque and Santa Fé, in New Mexico, during the late war," approved March 14, 1873.

House bill No. 57, "An act to prohibit the sale of intoxicating or spirituous liquors within one mile of the institution of learning situated at Caledonia, in Rusk county, Texas," approved March 14, 1873.

House bill No. 255, "An act to prohibit the sale or gift

of intoxicating or spirituous liquors within two miles of Leesburg Institute, in Upshur county, Texas," approved March 14, 1873.

House bill No. 361, "An act to prohibit the sale or disposition of spirituous, vinous or other intoxicating liquors within three miles of the town of Leesburg, in Gonzales county," approved March 15, 1873.

House bill No. 283, "An act to set apart one-half of the public domain for the support and maintenance of public schools," approved March 18, 1873.

House bill No. 436, "An act for the relief of the Eastern Texas Railroad Company," approved March 19, 1873.

Senate bill No. 131, "An act reimbursing Bastrop county, and appropriating the sum of two hundred and twenty-five dollars for that purpose," approved March 20, 1873.

House bill No. 143, "An act to incorporate the Teutonia Association of Fayette county," approved March 21, 1873.

House bill No. 299, "An act re-incorporating the town of Liberty," approved March 21, 1873.

Senate bill No. 191, "An act making an appropriation for the per diem pay of the members and the per diem pay of the officers and employes of the Thirteenth Legislature of the State of Texas," approved March 24, 1873.

House bill No. 224, "An act to incorporate the State Bank of Texas, Galveston," approved March 25, 1873.

House bill No. 15, "An act to authorize the building of a free public bridge across Big Cypress, in the corporate limits of the city of Jefferson," approved March 28, 1873.

House bill No. 68, "An act to authorize and require sheriffs and constables to serve process issued by either house of the Legislature, or by any committee thereof," approved March 28, 1873.

House bill No. 338, "An act to incorporate the town of Quitman, in Wood county," approved March 28, 1873.

Senate bill No. 119, "An act authorizing the Commissioner of the General Land Office to employ additional draughtsmen and clerks," approved March 28, 1873.

House bill No. 374, "An act amendatory of an act to re-incorporate the city of Navasota," approved March 28, 1873.

Senate joint resolution No. 21, "Joint resolution awarding Winchester rifles to certain persons," approved March 28, 1873.

House bill No. 435, "An act to authorize the county of Gonzales to build a bridge across the Guadalupe river at or near the town of Gonzales," approved March 28, 1873.

House bill No. 64, "An act in aid of the financial condition of Cameron county," approved March 29, 1873.

House bill No. 437, "An act to authorize the County Court of McLennan county to levy a special tax for the purpose of building a court house and jail, and to provide for the safe keeping and disbursement of the revenue arising therefrom," approved March 29, 1873.

House bill No. 339, "An act to authorize the county of Dallas to issue bonds," approved March 29, 1873.

House bill No. 315, "An act to authorize the County Court of Goliad county to levy and collect a special tax for the purpose of building a court house," approved March 29, 1873.

Senate bill No. 49, "An act supplementary and amendatory to an act entitled an act to incorporate the Galveston Medical College Hospital, approved May 31, 1871," approved March 29, 1873.

House bill No. 233, "An act regulating elections," approved March 31, 1873.

House bill No. 532 "An act to amend an act regulating elections, passed at the present session of the Legislature," approved April 1, 1873.

The following bills, not having been returned by me to the House in which they originated, within the time prescribed by the Constitution, have become laws without my approval, to-wit:

House bill No. 202, "An act for the relief of Wm. J. Russell," passed February 19, 1873.

House bill No. 311, "An act to make legal and valid an election for Mayor, aldermen and constable of the town of LaGrange," passed March 3, 1873.

House bill No. 212, "An act to authorize Alexander English to erect a toll bridge over Bois d'Arc creek, two miles east of the town of Bonham, in the county of Fannin, Texas," passed March 3, 1873.

House bill No. 160, "An act to incorporate the town of Greenville, in Hunt county, passed March 3, 1873.

House bill No. 341, "An act making an appropriation to defray the contingent expenses of the first session of the Thirteenth Legislature of the State of Texas," passed March 5, 1873.

House bill No. 127, "An act to authorize Isaac Franklin to erect a pontoon bridge over the San Antonio river, in the county of Goliad, Texas," passed March 6, 1873.

Senate bill No. 133, supplement to an act entitled "An act to incorporate the Western Narrow Gauge Railway," passed March 11, 1873.

House bill No. 339, "An act to repeal the third, twenty-sixth and twenty-seventh sections, and to amend the first and eighth sections of an act entitled an act to provide for the enrollment of the militia, the organization and discipline of the State Guards and for the public defense, approved June 24, 1870, and to repeal the first section of an act to amend an act to provide for the enrollment of the militia, the organization and discipline of the State Guards, and for public defense, approved June 24, 1870, approved April 12, 1871," passed March 18, 1873.

EDMUND J. DAVIS, Governor.

Senate joint resolution providing for adjournment *sine die* April 30, was, on motion of Mr. Short, postponed until April 25.

Senate bill No. 62, "An act to incorporate the Tyler Real Estate and Building Association," was read first time; rules suspended, read second time and passed to third reading.

On motion the rules were further suspended, the bill read third time and passed.

House bill No. 188, "An act supplementary to and amendatory of an act to regulate the disposal of the public lands of the State of Texas, approved August 12, 1870," was read, together with the following substitute, offered therefor by the Senate:

Substitute A—"An act to regulate the disposal of the public lands of Texas."

Substitute B—"An act for the benefit of the actual occupants of the public lands."

On motion the rules were suspended, the substitutes were read second time, and on motion of Mr. Harrison referred to the Committee on Public Lands and Land Office.

On motion of Mr. Powers, Mr. Russell was added to the Committee on Public Lands and Land Office.

On motion of Mr. Ghent, Mr. Denton was added to the Committee on Internal Improvements.

On motion of Mr. Manning, Mr. Carroll was added to the Committee on Counties and County Boundaries.

On motion of Mr. Ireland, Mr. Joseph was added to the Committee on Internal Improvements.

The resolution of Mr. Morris, providing that after due notice by the chairman of any standing committee of the time of any meeting thereof, one-third of the members thereof may constitute a quorum for the transaction of business, was adopted.

Senate bill No. 97, "An act to incorporate the Hallville Masonic Institute, at Hallville, Harrison county, Texas," was read first time and referred to the Committee on Town and City Corporations.

Senate bill No. 109, "An act to incorporate the town of Giddings, in Washington county," was read first time; rules suspended, read a second time and passed to a third reading.

On motion of Mr. Wilder, the rules were further suspended, the bill read a third time and passed.

Senate bill No. 88, "An act to amend the third section of an act entitled an act concerning divorce and alimony, approved January 6, 1841," was read first time and referred to Judiciary Committee No. 2.

Special leave being granted, Mr. Nelson introduced a bill amendatory of and supplementary to "An act entitled an act to organize and incorporate the East Line and Red River Railway Company, approved March 22, 1871." Referred to the Committee on Internal Improvements.

On motion of Mr. Westfall, Senate bill No. 221, "An act making an appropriation for the removal of the remains of Captain Thomas Williams and others, and their burial in the State cemetery," was taken up, read first time and referred to the Committee on Finance.

The Committee on Enrolled Bills reported as follows: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Your Committee on Enrolled Bills have carefully compared and examined bill No. 240, "An act to incorporate the Grayson County Agricultural and Mechanical Association," and find the same correctly enrolled, and have this second day of April, at 11 o'clock, A. M., presented the same to the Governor for his signature.

W. A. SHAW, Chairman.

Further report from the same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined and compared bill No. 52, "An act prohibiting the sale of intoxicating, spirituous or vinous liquors in two miles of Pleasant Grove Academy, in Hunt county;" also, bill No. 308, "An act to authorize the county of Marion to audit and fund the debt of said county," and find the same correctly enrolled and have this second day of April, at 11 o'clock A. M., presented the same to the Governor for his approval.

SHAW, Chairman.

The Committee on Engrossed Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills have carefully examined the following bills:

No. 105, a bill to be entitled "An act for the relief of certain citizens of Limestone and Walker counties."

No. 261, a bill to be entitled "An act to amend an act entitled an act to adopt and establish a penal code for the State of Texas."

No. 327, a bill to be entitled "An act to re-incorporate the town of Denton, State of Texas."

No. 125, a bill to be entitled "An act to prescribe the mode and manner of designating exempted homesteads in certain counties."

No. 205, a bill to be entitled "An act concerning the acquisition and alienation of lands by railroads, and to prevent landed monopolies."

No. 473, "An act to authorize the county of Bell to issue interest-bearing bonds."

No. 173, "An act to prohibit the sale of intoxicating or spirituous liquors within two miles of the institution of learning situated at Woods, in Panola county, Texas."

And find the same correctly engrossed.

BOOTY, Chairman.

On motion of Mr. Kleberg the House adjourned until 9:30 A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, April 3, 1873.

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

Absent—Mr. Ellett.

On motion of Mr. Doyle the reading of the journal was dispensed with.

Mr. Winkler asked leave for the Committee on Internal Improvements to report concerning the Southern Pacific Railway. The House refused to suspend the rules to allow the report to be submitted.

Mr. Short presented a petition of the citizens of Shelby county protesting against the division of that county; Mr. Nelson, petition of citizens of Hopkins and Titus counties for a new county; Mr. Wood, petition of citizens of Robertson county on the subject of the county seat. All referred to the Committee on Counties and County Boundaries.

Mr. Ghent presented a petition of citizens of Milan county asking the enactment of a law granting pensions to citizens of Texas, who were disabled in the service of the Confederate States during the late war. Referred to the Committee on Pensions.

On motion of Mr. Thurmond, Mr. Gilpin was excused on account of sickness in his family.

Mr. Cook introduced a bill to cure irregularities in the manner of submitting to vote, which was by law authorized to be voted on, and to cure and validate bonds issued by any county in this State, in cases where the majority, etc. Referred to Judiciary Committee No. 2.

Mr. Payne introduced a bill to incorporate the Corpus Christi and Rio Grande Railway Company, and to aid in the construction of the same. Referred to the Committee on Internal Improvements.

Mr. Kleberg introduced a bill for the relief of Samuel Andrews. Referred to the Committee on Private Land Claims.

Mr. Thurmond offered the following resolution:

WHEREAS, The accumulation of important matter in the hands of the several standing committees, claiming rotation in this Legislature, is very great; therefore be it

Resolved, That hereafter reports from the several standing committees shall be called for from the Speaker's stand at least once in every week.

Laid over under the rules.

On motion of Mr. Brown, leave being granted, the rules were suspended to allow the Committee on Internal Improvements to report concerning the Southern Pacific Railway Company, whereupon the following reports were submitted:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

Sir: Your Committee on Internal Improvements, to whom was referred House bill No. . . . , entitled, "An act amendatory of and supplemental to an act to encourage the speedy construction of a railway through the State of Texas to the Pacific Ocean, passed on the twenty-fourth day of May, 1871, passed November 1, 1871," and House bill No. 467, entitled, "An act to authorize the Texas and Pacific Railroad Company to change the point of intersection of the Jefferson Branch of the Southern Trans-Continental with its main line," have had the same under careful consideration, and have instructed me to report the accompanying substitute for the two bills aforesaid, and recommend its adoption in lieu thereof.

WINKLER, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives.

Sir: The undersigned members of the Committee on Internal Improvements find themselves constrained to dissent from the views expressed in the majority report on the Texas Pacific Railroad.

This is an incorporation chartered by the government of the United States, which, so far as this question is concerned, is a foreign government. The company has its principal office in Philadelphia. The members mostly reside beyond the limits of the State. Neither the company, as an organization, or the members thereof, reside in the State, nor are they subject to her laws.

This House, at an early day in the session, adopted the report of a committee which asserted the fact that Texas did not owe that incorporation a dollar.

The company now admit that the road cannot reach Fort Worth by the first day of January, 1874, and that it will therefore lose all *claim* even to land and money:

under the bills enacted by the Twelfth Legislature. We therefore propose to deal with this company exactly as if it was an original applicant here for a charter.

It is true that it proposes to run through a sparsely settled portion of our country. It is to ply between the Atlantic and the Pacific. Our territory is a natural bridge for it to pass over between these two oceans. Because the road is inclined to *use* our territory for this purpose, we propose in the bill reported to make a pet of this company. This bill proposes to give twenty sections of land to the mile, which, we presume, is four sections more than will be given to any other road. It does more than this; it ties up, by way of reservation, a belt of eighty miles in width to El Paso. Thus it will be seen that instead of settling up and populating our country, as is the peculiar mission of these roads, according to the philosophy of subsidists, it indefinitely ties that territory up, and when the descendant of one who gave his life to rescue this country from Mexico goes out to locate the headright of his father, he comes to this great belt of country eighty miles in width, and attempts to locate it; he is met by this Thomas A. Scott, a citizen of Pennsylvania, and told that he has a superior claim to this territory.

Again, if this is not a monopoly, we are at a loss to know what would be.

Section eighteen, article two, of the Constitution, reads thus: "Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed."

Again, section two, article two, says: "All freemen, when they form a social compact, have equal rights, and no man or set of men is entitled to exclusive separate public emoluments or privileges."

There are other objections to this bill which can not well be noticed here, without making this report longer than it should be.

Another objection urged by us is that there are not the same restrictions incorporated in this bill that is imposed upon other railroad companies.

JOHN IRELAND,
J. PAYNE,
A. N. DENTON,
JOHN W. CARROLL.

On motion of Mr. Brown of Dallas, the substitute offered by the committee was adopted.

On motion of Mr. Payne the bill was laid on the table, one hundred copies ordered printed, and made the special order for Monday, April 7, at 3 P. M.

On motion of Mr. Shelton, Mr. Day was excused for fifteen days; and on motion of Mr. Van Zandt, Mr. Mills was excused indefinitely after April 15.

Mr. Gillette offered the following concurrent resolution:

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the sheriffs of the various counties of the State be and the same are hereby required to suspend the collection of the one per cent. school tax until after the adjournment of the present session of the Legislature, or until a general law is perfected.

Mr. Rainey moved the previous question, which being seconded, was put and carried.

The resolution was then carried by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Cunningham, Day, Denton, Doyle, Ford, Gallaway, Gaston, Gillette, Harrison, Hester, Hollingsworth, Ireland, Joseph, Killough, Kleberg, Lane, Manning, Morris, Payne, Phelps, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Salter, Sayers, Schmidt, Scott, Shelton, Short, Smith of Colorado, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Veale, Westfall, Winkler and Wood—56.

Nays—Messrs. Berends, Green, Hoffman, Leyendecker, Mabry, Mills, Moore, Noeggerath, Roberts, Shaw, Washington and Wilder—12.

A message from the Senate announced the passage, by that body, of the following House bills:

No. 97, "An act to regulate the conduct of public affairs."

No. 442, a bill to be entitled "An act to incorporate the town of Mexia, in Limestone county."

No. 439, a bill to authorize the Police Court of Collin county to levy and collect a special tax for the purpose of building a court house and jail.

No. 121, "An act making an appropriation to pay the mileage and per diem of presidential electors."

Report from Judiciary Committee No. 1:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

Sir: Judiciary Committee No. 1, to whom was referred House bill No. 90, entitled "An act to authorize the appointment of county attorney," have had the same under consideration, and have directed me to report the bill back with two amendments, and to recommend the passage of the bill with the said amendments.

G. W. SMITH, Chairman.

Strike out section two, and in lieu thereof let it read as follows: "SEC. 2. That the county attorney shall only charge a fee for attending to those cases in the courts of justices of the peace that may be finally tried by said justice, and in which the defendant may be convicted, and in case of examination before justices of the peace, and in which the accused may be ordered to answer to the charge in the District Court. In such cases the county attorney, when he acted before the justice of the peace, shall aid the district attorney in the event the accused be indicted, and shall be entitled to one-half the fee of the district attorney in such case when he may aid as aforesaid."

After the word State, in the fourth line of section one, insert the words "if deemed proper to do so."

Discussion of the matter was cut off by the announcement of the special order, House bill No. 47, a bill to be entitled "An act to amend the second and thirteenth sections of an act entitled an act to incorporate the Rockport, Fulton, Laredo and Mexican Pacific Railway Company, approved November 11, 1871."

The bill having been read, Mr. Thurmond offered the following amendment :

Amend the caption so as to read as follows: "An act supplementary to and amendatory of an act entitled an act to incorporate the Rockport, Laredo and Mexican Pacific Railway Company, passed November 11, A. D. 1871."

Insert after the word "donates" in forty-second line, section one, the words "to said company;" and in same line after the word "land," insert "per mile;" and in eighty-ninth line, same section, after the word "law," insert "and upon the further completion of any other section of ten consecutive miles of said road, said company shall be in like manner entitled to the same amount of land certificates, to be issued upon the same conditions.

and in the same manner as hereinbefore provided for the first section of ten miles of road.

The amendments were adopted.

Mr. Manning offered the following amendment: Add at the end of section one: "*provided*, that in no case shall the State be in any way liable for deficiency of vacant domain."

Adopted.

Mr. Denton offered the following amendment: Strike out in lines twenty and twenty-one, of section one, the words "or some other eligible point."

Adopted.

Mr. Anderson offered the following amendments: Amend by inserting after the word "hereafter" in line twelve, section two, "the company shall never lease, rent nor sell their road, nor the franchises thereof, to any other railroad company whatever owing or controlling any other line of railroad, nor to any person or persons, firm or company for the use or benefit of said other railroad company."

Mr. Brown of Dallas offered the following substitute for the above amendment:

"*Provided, further*, that said company shall not have the right to right to sell, rent, lease or consolidate with any parallel or competing railroads in this State."

The discussion was cut off by the hour for unfinished business.

Mr. Mills moved to suspend the rules to allow him to introduce a bill. House refused to suspend.

The following resolution, offered on yesterday, was taken up:

WHEREAS, There is now pending in this body a large number of bills of a private nature which impedes the more important legislation of a general character demanded by the people, and indispensable to the general welfare of the country; therefore,

Resolved, That this House will hereafter hold evening sessions on Tuesdays and Thursdays, beginning at 4 o'clock P. M., for the special purpose of disposing of said private and local bills; *provided*, railroad bills shall not be considered of a private or local nature.

The resolution was adopted.

Mr. Winkler moved that the Committee on Internal Improvements be excluded from the general rule adopted

yesterday, making one-third of the members of any standing committee a quorum, after due notice of the meeting by the chairman. Carried.

Senate bill No. 154, "An act to regulate the stoppage of passenger cars at railroad stations." was referred to the Committee on Internal Improvements.

Senate bill No. 151, "An act to incorporate the Mechanics' Real Estate and Building Association of Harris county," was referred to the Committee on Commerce and Manufactures.

Senate bill No. 155, "An act for the protection of the wool-growing interest of the State," was referred to the Committee on Agriculture and Stock Raising.

Senate bill No. 160, "An act for the relief of Obadiah P. Reams," was referred to the Committee on Private Land Claims.

Senate bill No. 129, "An act to authorize J. A. Cunningham and L. Thompson to construct, keep and maintain a toll-bridge and ferry across the Colorado river." Referred to the Committee on Roads, Bridges and Ferries.

Senate bill No. 170, "An act to incorporate the El Paso Real Estate, Trust and Immigration Company." Referred to the Committee on Commerce and Manufactures.

Senate bill No. 169, "An act authorizing the Police Court of Grayson county to contract for the building of a court house in said county." Referred to the Committee on State Affairs.

Senate bill No. 173, "An act to prohibit the sale of intoxicating liquors within two miles of Linn Flat High Schoolhouse, in Nacogdoches county." Referred to the Committee on State Affairs.

Senate bill No. 187, "An act for the relief of R. B. Reagan." Referred to the Committee on Claims and Accounts.

Senate bill No. 205, "An act to authorize the County Court of Montague county to levy a special tax for the purpose of building a courthouse and jail, and to provide for the safe keeping and disbursement of the revenue arising therefrom." Referred to the Committee on State Affairs.

Senate bill No. 201, "An act to amend section three of an act entitled an act supplementary to an act to provide for the payment of the public debt of the State of Texas,

approved November 13, 1871." Referred to Judiciary Committee No. 1.

Senate bill No. 216. "An act to authorize the surveyor of Rusk county to transcribe certain records in his office, and make a general index." Referred to a special committee composed of the Rusk county delegation.

Senate bill No. 217. "An act to authorize the County Court of Rusk county to issue bonds for the purpose of funding the indebtedness of said county, and to provide for their payment." Referred to the Rusk county delegation committee.

Senate bill No. 222. "An act supplementary to an act to amend the first section of an act entitled an act for the incorporation of the city of Paris, in the county of Lamar, approved August 18, 1870, approved May 23, 1871." was read first time; rules suspended, read a second time; rules further suspended, read a third time and passed.

Senate bill No. 66. "An act to dedicate to the use of Travis county certain land in the city of Austin, on which to erect a court house and jail, and to enable said county to build the same," was referred to the Committee on State Affairs.

Senate bill No. 200. "An act to amend an act incorporating the Houston and San Jacinto Canal and Navigation Company, approved August 13, 1870." Referred to the Committee on Commerce and Manufactures.

House bill No. 263, a bill to be entitled "An act making an appropriation to pay the salary of Hon. Lipscomb Norvell, as special judge of the District Court of Tyler county," was read third time and passed by the following vote:

Yeas—Messrs. Speaker, Adriaance, Allison, Anderson, Armstrong, Berends, Bledsoe, Booty, Broaddus, Brown of Dallas, Brown of Upshur, Carroll, Cook, Cunningham, Day, Denton, Doyle, Gallaway, Gaston, Ghent, Gillette, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Killough, Lane, Mabry, Manning, McDonald, Mills, Moore, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Rosborough, Russell, Salter, Sayers, Scott, Schmidt, Shelton, Short, Smith of Colorado, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Veale, Venters, Washington, Watts, Westfall, Wilder, Winkler and Wood—63.

Nays—None.

House bill No. 412, "An act for the relief of G. W. Patterson and son," was laid on the table.

A communication was received from Mr. Gustave Loeffler, Superintendent of Immigration, enclosing a detailed statement of the expenditures of the Bureau of Immigration of the State of Texas, from July 21, 1871, to December, 1872. Referred to the Committee on Immigration.

The Committee on Enrolled Bills reported as follows:
Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 582, "An act authorizing and requiring the Secretary of State to open the returns and make report thereof in cases of special elections for the Legislature," and find the same correctly enrolled, and have this day at 12:30 o'clock presented the same to the Governor for his signature, and he has signed the same.

SHAW, Chairman.

The Committee on Engrossed Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined the following House bills:

No. 180, a bill to be entitled "An act to define and regulate the punishment of theft."

No. 219, a bill entitled "An act concerning proceedings in the District Court."

No. 225, "An act for transcribing county records."

No. 395, a bill to be entitled "An act amendatory of and supplemental to an act concerning private corporations, approved December 2, 1871."

No. 424, "An act to amend an act entitled an act prescribing the times of holding the District Courts in the several judicial districts in the State."

BOOTY, Chairman.

On motion, the House adjourned until 3 o'clock, P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

The following gentlemen were absent:

Abbott, Bewley, Ellett and Leyendecker.

Mr. Westfall introduced a bill amendatory of an act entitled "An act to incorporate the city of Austin," passed March, 1873.

The bill was read; rules suspended, read second time and ordered engrossed.

On motion of Mr. Westfall, the rules were further suspended, the bill read third time and passed.

Leave being granted, on motion of Mr. Veale, the Committee on Public Lands and Land Office reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The joint committee on Public Lands and Land Office of the Senate and House of Representatives, to whom was referred House bill No. 133, entitled "An act to accurately define the Land District of Palo Pinto, and to make valid the surveys and locations heretofore made therein," has had the same under consideration, and has instructed us to report the same back and recommend that it do pass, with the accompanying amendments.

A. J. BALL,

Chairman Senate Committee.

S. POWERS,

Chairman House Committee.

Amendment offered by the committee :

Amend by adding to section two the following : "*Provided*, that this act shall not affect locations nor surveys previously legally made in the said territory by surveyors of any of the districts to which it formerly belonged."

The amendment was adopted, the bill read second time and ordered engrossed.

On motion of Mr. Veale the rules were further suspended, the bill read third time and passed.

Leave being granted, Mr. Joseph introduced a bill to amend an act passed at the present session of the Legislature, entitled, "An act to amend an act entitled an act incorporating the Galveston Artillery Company, approved January 30, 1841."

The bill was read ; rules suspended, read second time by caption and ordered engrossed. On motion the rules were further suspended, the bill read third time and passed.

Mr. Cunningham introduced a petition asking for the incorporation of the town of Honey Grove, Fannin

County; also, a bill to incorporate the town of Honey Grove, in Fannin county. Referred to the Committee on Town and City Corporations.

Mr. Winkler introduced a bill creating the corporation of the Chambers Creek Bridge Company, in Navarro county, Texas. Referred to the Committee on Roads, Bridges and Ferries.

Mr. Shaw introduced a bill to authorize Ezra Carpenter to build and keep a toll bridge on Big Cypress. Referred to the Committee on Roads, Bridges and Ferries.

On motion of Mr. Berends, leave was granted the Committee on Town and City Corporations to report, whereupon they recommended the passage of House bill No. 310, "An act to incorporate the city of San Antonio, and grant a new charter to said city, and to repeal an act entitled an act to incorporate the city of San Antonio, approved July 17, 1856, and an act entitled an act to amend the act to incorporate the city of San Antonio, approved February 11, 1860, and an act entitled an act to incorporate the city of San Antonio, and grant a new charter to said city, approved August 13, 1870."

The bill was read second time by caption and ordered engrossed.

On motion the rules were suspended, the bill read third time and passed.

Mr. Mills introduced a bill to require the taxes, collected for the purpose of building school houses, to be paid to the county treasurers of the respective counties, and to appropriate the same for the purposes for which it is collected. Read by caption and referred to the Committee on Education.

On motion of Mr. Bordeaux, leave being granted to the Committee on Private Land Claims to report, they submitted the following:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

Sir: Your Committee on Private Land Claims, to whom was referred House bill No. 470, has duly considered the same, and a majority of the committee instruct me to report the same back to the House, and recommend that it do pass.

LANE, Chairman.

The bill, being a bill to be entitled an "An act to compensate Aaron S. Mangum for services rendered as a sol-

dier in the army of the Republic of Texas, was read second time and ordered engrossed.

On motion of Mr. Bordeaux, the rules were suspended, the bill read by caption the third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 457, having had the same under consideration, a majority of the same instruct me to report the same back to the House and recommend its passage.

ROBB, for Committee.

The bill, being a bill to be entitled "An act for the relief of Michael B. Botcham," was read second time and ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed.

On motion of Mr. Carroll, the Committee on Education was granted leave to report, and submitted the following :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Education, to whom was referred House bill No. 416, have considered the same, and instruct me to report the same back to the House and recommend that it do pass.

FORD, for Committee.

The bill, being a bill to be entitled "An act to prohibit the sale of spirituous liquors within six miles of Davilla Institute, Milam county, except for medicinal or sacramental purposes," was read second time and ordered engrossed.

On motion the rules were suspended, the bill read third time and passed.

Leave being granted, on motion of Mr. Russell, the Committee on Finance reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Finance, to whom was referred Senate bill No. 95, and also petition of A. T. Howell and Edward Hovenkamp, have instructed me to report them back to the House and ask their reference to the Committee on Claims and Accounts.

VAN ZANDE, for Committee.

The report was adopted and reference made as per recommendation.

On motion of Mr. Winkler, leave was granted to the Committee on Town and City Corporations to report, and they submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee, to whom was referred Senate bill No. 194, "An act to incorporate Concrete College," have examined the same, and instruct me to report it back with the recommendation that it do pass.

W. H. WESTFALL, for Committee.

The bill was read second time by caption and ordered engrossed.

On motion the rules were suspended, the bill read third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 13, to incorporate the city of Corsicana, Navarro county, have carefully considered the same, and instruct me to report the same back to the House with a substitute for the original bill, and recommend that said substitute do pass.

WOOD, Chairman.

The substitute was adopted, read second time and ordered engrossed.

On motion the rules were suspended, the bill read third time and passed.

Further report from the same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred Senate bill No. 22, to incorporate the town of Kaufman, have considered the same, and report the same back to the House and recommend that it do pass.

WOOD, Chairman.

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

On motion, the rules were suspended, the bill read third time and passed.

On motion of Mr. Storey, Mr. Smith of Colorado was excused for eight days, beginning with Saturday next.

On motion of Mr. Prendergast, the Committee on Private Land Claims reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on Private Land Claims, to whom was referred House bill No. 386, having had the same under consideration, unanimously direct the same to be reported back to the House, recommending its passage.

ROBB, for Committee.

The bill, being a bill to be entitled "An act to validate a certain land certificate therein named," was read second time and ordered engrossed.

On motion the rules were suspended, the bill read third time and passed.

On motion of Mr. Killough, the Committee on Counties and County Boundaries submitted the following report :
Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Counties and County Boundaries, to whom was referred a petition from the citizens of Falls county, praying for a division of said county, have had the same under consideration, and have instructed me to report the same back to the House and recommend that said petition be granted, provided that the accompanying bill, herewith submitted, be ratified by your honorable body.

KILLOUGH, for Committee.

The bill, being a bill to create that part of Falls county west of the Brazos river into a new county, was read first time and referred to Judiciary Committee No. 1.

On motion of Mr. Watts, the House adjourned until 9:30 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, April 4, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

On motion of Mr. Washington, Mr. Ellett was excused for twelve days.

Mr. Mills was excused on account of sickness.

On motion of Mr. Russell, Mr. Nelson was excused for same cause.

A message was received from the Governor returning House bill No. 29, "An act to provide for the registration of voters," together with his objections to the same.

On motion of Mr. Gillette the reading of the journal was dispensed with.

The following veto message from the Governor was then submitted:

EXECUTIVE OFFICE, STATE OF TEXAS,)
AUSTIN, April 3, 1873.)

Hon. M. D. K. Taylor, Speaker of the House of Representatives of the State of Texas :

SIR: I have to return to your house, where it originated, the act entitled "An act to provide for the registration of voters."

Among what seem to me objectionable features of this act, I must ask the attention of the House especially to the following:

1. It declares in the first section all previous registration within this State to be null and void. I suppose it might only intend in this to repeal the previous laws on that subject, but the repeal is provided for in the sixteenth section, and the declaration may be open to the construction of having a much more extensive purpose. It is certainly not competent for one Legislature to declare that the legislation of a previous Legislature is null and void.

2. It attempts to repeal the act relating to special elections under the act of May 31, 1871, without supplying a substitute therefor. It would thus be objectionable even if it did not otherwise violate the constitutional provision, article twelve, section seventeen, which directs that every law enacted by the Legislature shall embrace but one object, and that shall be expressed in its title.

There is reason to believe that the special registration act of May 31, 1871, was misused, and perhaps it should be repealed, but this ought to be by a separate act for that special purpose, and when repealed, some substitute should be provided for it. Probably the best substitute would be to require a general registry of all voters previous to each general election, which might then serve as a basis for ascertaining the number of voters required to make up the two-thirds who are necessary to the affirma-

tive of all questions of internal improvement submitted to the people of counties or towns. If the said act of May 31, 1871, be repealed, and no such general registry provided in its place, it would, in most counties, be impossible to get two-thirds of the registered voters, even though every actual voter of the county might vote. A general registry every two years of all the voters will, besides, have the good effect of purging the lists of the thousands of names which accumulate there of persons whose absence or death is never brought to the attention of the registering officers, and whose names may (and doubtless are) often, without much risk of discovery, be used by fraudulent voters.

3. The act returned seems, also, to be too complicated in its details. It could not be enforced in many parts of the State at all, and within nearly every county of the State the neglect or incompetency of any one of the numerous justices of the peace, who are made the registrars, might be expected to deprive many voters of the privilege of voting.

4. It requires each voter to state his age, nationality and color. The voter on registering, should be required to show that he is over twenty-one years of age, and to establish the place of his residence; but beyond this necessary information, further scrutiny into his private history, complexion or antecedents, should not be exacted of him and placed on record.

I have, therefore, to request that the same be reconsidered.

EDMUND J. DAVIS, Governor.

On motion of Mr. Brown of Dallas, the message and accompanying returned bill were referred to a special committee of five.

The Speaker appointed Messrs. Brown of Dallas, chairman, Green, Nelson, Powers and Winkler said committee.

On motion of Mr. Kemble, the special committee upon Hill county matters reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The select committee appointed to investigate the subject of permanently locating the county seat of Hill county, have duly considered the same, and I am instructed by the committee to offer a substitute for the

bill to locate the county seat of said county, and recommend its adoption and passage.

J. RUSSELL, Chairman.

The bill, being a bill to be entitled "An act to provide for an election to permanently locate the county seat of Hill county," was read second time and ordered engrossed.

Mr. Anderson moved to amend so as to read, "two-thirds of the votes cast." Carried.

The bill was then read third time and passed.

Mr. Broaddus moved to reconsider the vote of yesterday evening, passing the supplementary bill incorporating the city of Austin.

Yeas and nays being called resulted as follows :

Yeas—Messrs. Allison, Armstrong, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Denton, Doyle, Ireland, Joseph, Kemble, Killough, Lane, Powers, Prendergast, Rosborough, Russell, Salter, Sayers, Scott, Short, Smith of Colorado, Storey, Tom, Veale, Westfall, Winkler—28.

Nays—Messrs. Speaker, Abbott, Adriance, Anderson, Berends, Bledsoe, Booty, Bordeaux, Cunningham, Ford, Gallaway, Gaston, Gillette, Green, Harrison, Hester, Hoffman, Hollingsworth, Kleberg, Leyendecker, Mabry, McDonald, Moore, Morris, Noeggerath, Payne, Phelps, Robb, Roberts, Schmidt, Shaw, Shelton, Tilson, Tivy, Trolinger, Van Zandt, Washington, Watts, Wilder—39.

Whereupon the motion to reconsider was declared to have been lost.

On motion of Mr. Booty, Messrs. C. J. Stockbridge, member elect for the Sixteenth Senatorial District to fill a vacancy caused by the death of Hon. Peter Diller, and C. B. Sabin, member elect for the Twelfth Senatorial District, to fill a vacancy caused by the death of the Hon. Alex. Rossy, were sworn in members of the House of Representatives of the Thirteenth Legislature of the State of Texas.

Leave being granted, Mr. Shaw introduced a joint resolution declaring a forfeiture of the rights, privileges and franchises, and also of the land donation granted to the Houston and Great Northern Railroad from the town of Crockett, in Houston county, to the town of Clarksville, in Red River county. Referred to Judiciary Committee No. 2.

On motion of Mr. Morris the Finance Committee were allowed to report, and submitted the following:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on Finance, to whom was recommended the bill making appropriations for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for deficiencies for 1870, 1871 and 1872, have again considered the same, and a majority of the committee have instructed me to report the same to the House with the following amendments, and recommend that the same do pass.

W. W. MORRIS, Chairman.

Amendments recommended:

Executive Department—After line twenty-one, add “salary of one corresponding clerk, \$1600; repairing of Governor’s mansion and grounds, \$400; for repairs of Governor’s mansion, \$400.”

State Department—Line twenty-four, strike out “\$2000” and insert in lieu thereof, “\$1700.”

Line twenty-five, strike out “\$1500” and insert “\$1300.”

Line twenty-six, strike out “recording clerk, \$1000.”

Comptroller’s Office—Line fifty-eight, strike out “\$480” and insert “\$200.”

Add under line fifty-nine, “one pension clerk, \$750, to April 1, 1873.”

Treasury Department—Line sixty-five, strike out “\$2000” and insert “\$1700.”

Line sixty-nine, strike out all but “porter hire,” and add “\$200.”

Line seventy, strike out all and insert “wood, \$500.”

Adjutant General’s Department—After line one hundred and twenty-seven, add “for house rent for arms and military stores, \$750.”

Deaf and Dumb Asylum—Strike out lines one hundred and forty-eight and one hundred and forty-nine.

Judiciary—Line one hundred and fifty-seven, strike out “\$10,000” and insert “\$37,500.”

Line one hundred and sixty-one, strike out “\$10,000” and insert “\$37,500.”

Line one hundred and sixty-six, strike out “\$3600” and insert “to April 1, 1873, \$2100.”

Line one hundred and sixty-seven, strike out "\$1200" and insert "\$400."

Line one hundred and sixty-eight, strike out "\$800" and insert "\$600."

Line one hundred and seventy-one, strike out "\$1200" and insert "\$1000."

Strike out line one hundred and seventy-three.

Line one hundred and seventy-five, strike out "\$122,500" and insert after judges, "salaries to first of May, 1873, \$81,666.66 $\frac{2}{3}$."

Line one hundred and seventy-eight, strike out "\$42,000," and insert "salary to first of May, 1872, \$28,000."

After line one hundred and eighty-eight, add "for furniture for the Supreme Court rooms, \$1000."

The further consideration of the bill was cut off by the special order.

On motion of Mr. Wood, Mr. Prendergast was excused for seven days from to-morrow.

The special order, being House bill No. 234, "An act to encourage stock raising, and for the protection of stock raisers," was then taken up.

The amendments proposed by the committee were read and adopted.

Mr. Booty moved to reconsider the vote just taken adopting the amendments. Lost.

Mr. Gallaway offered the following amendment:

Amend by providing that the counties of Smith, Wood, Upshur, Titus, Red River, Harrison, Fort Bend and Washington be excepted from the operation of this act.

Mr. Payne moved to lay the amendment upon the table. Carried.

Mr. Smith of Colorado offered the following amendment: Strike out all after the word "majority," in the fifth line, to the word "asking," in the sixth line, and insert in lieu thereof as follows: "Of the tax payers of the district, who may assess for taxation as many as one hundred head of cattle." Adopted.

Mr. Russell offered the following amendment: Strike out all after the word "treasury," in line twenty, section ten, and insert instead, "shall be used as other county funds." Adopted.

Mr. Morris offered the following amendment:

Provided, That the provisions of this bill shall not apply to the county of Rusk.

Mr. Tom moved the previous question, which, being seconded, was put.

The House refused to order the main question.

Mr. Sayers moved to lay the amendment on the table. Carried.

Mr. Brown of Dallas read to the House a letter from District Attorney John T. Ault and the justices of the County Court of Dallas county, advocating a sound, simple and stringent stock law.

Mr. Leyendecker offered the following amendment:

Strike out all before the word "having," in line four, section six, and insert, "each inspector shall procure at his own expense the necessary seal of office." Strike out all after the word "for," in line thirteen, and before the word "shall," in line twenty-one, section six. Adopted.

Mr. Smith of Colorado offered the following amendment: All marks and brands of cattle shall be recorded in the county or counties in which they usually range; and when any stock of cattle is sold the fact shall be noted on the record, opposite or near the record of its mark and brand, giving the names of the vendor and vendee and date of sale, and then recorded again in the name of the purchaser, and this shall be done as often as there shall be a sale.

It is made the duty of the inspector to procure certified copies of the marks and brands of his county for himself and his deputies, and shall have added thereto monthly the marks and brands that may be recorded.

It is made the duty of the inspector and his deputies carefully and personally to inspect and examine each animal separately, so as to see and know himself the marks and brands, ages, sex and number of cattle inspected; and he shall not trust to the statement of any person, and shall also carefully examine the bills of sale and lists of marks and brands for the cattle inspected by him, and if satisfied that the person claiming the cattle inspected has correct bills of sale, or chain of transfer in writing from the recorded owner, or is the owner himself in whole or in part of the mark and brand of each animal in his charge, drove, or herd which shall be inspected, and that he has none in his said inspected herd, or under

his control to be carried with it, he will then, and not until then, make out a certificate under his hand and seal, containing the number of cattle in each mark and brand, with the respective ages and sexes thus inspected, and that they appear to be the property of the person for whom they were inspected, naming him or her, as appears by bills of sale from the recorded owner of the marks and brands on the cattle inspected by him, or the owner of the mark and brand himself or herself, and has none either in his herd or under his control, that should be inspected, and that he intends to drive or ship them to (naming the place in the State for sale or slaughter) or if out of the State, he shall name the place on the border of the State.

And when he reaches said place of destination in this State, before he shall sell, or slaughter, or ship any of the said cattle, he shall have them inspected there; and it is made the duty of that inspector or deputy to carefully inspect all the cattle belonging to the herd in the manner prescribed for the first inspector, and compare the certificate of the first inspector with the cattle; and if it appears he has none in his herd or under his control but those mentioned or described in the inspection certificate, he will so certify in duplicate under his hand and seal, giving the date of the first certificate, by whom made, in what county, and the number of cattle found by him in each mark and brand, with ages and sexes. One of these certificates the inspector will immediately remit by mail, postage paid, to the first inspector, and the party will deposit the other with him in two months from the date of the original inspection, both to be kept by him in his office. And the inspector at the point of destination shall carefully examine and know, if possible, whether he has cattle under his control other than originally inspected, and if he have, then he will take charge of the same and sell them as under execution; and if not voluntarily delivered to him, then he may sue for and sequester them without giving bond or security, and by order of the justice of the peace or district judge of the court where the suit may be instituted on application of said inspector or his successor, the cattle shall be sold in like manner, and the proceeds of the sale, less one-fourth retained by him for compensation and costs of suit, to be deposited with the county treasurer for the owner of the cattle sold, for

one year, and if not called for, to vest in the county; and he shall also file with the treasurer a statement of the number in each mark and brand sold, and the amount each sold for.

If the owner of the inspected herd should desire to sell, slaughter or ship the cattle, or any of them, at any other than the place of destination named in his certificate of inspection, he may do so by first having his herd inspected, and certificates made and returned in the manner prescribed at the point of destination so far as applicable, and the duties of such inspector shall be the same as those prescribed for inspectors at the place of destination.

Mr. Sayers offered the following amendment to the above amendment:

Provided, That when cattle are gathered near the county line the bills of sale of the same shall be recorded in both counties.

Adopted.

The amendment offered by Mr. Smith, of Colorado, was then adopted.

Mr. Morris offered the following amendment, to come in line fourteen from the top after the word "so:"

Whenever called on by the presiding justice of the county to do so, or with his consent and approbation.
Lost.

The bill amended as above was then ordered engrossed.

On motion, the rules were suspended, the bill read by caption third time and passed.

On motion of Mr. Bordeaux, the vote of yesterday passing the bill for the relief of Aaron S. Mangum, was reconsidered, and it was referred to Judiciary Committee No. 2.

The Committee on Enrolled Bills reported as follows:
Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined and compared the following bills:

No. 259, "An act to authorize the County or Police Courts of Washington and Grimes counties to aid in the construction of the Brazos bridge near the town of Washington, in Washington county, Texas."

Also bill No. 542, "An act making an appropriation to pay F. E. McManus one month's salary as Judge of the Fifteenth Judicial District of the State of Texas."

And find them correctly enrolled, and have this the fourth day of April, at 12:50 o'clock P. M., presented the same to the Governor for his signature.

SHAW, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined and compared the following bills, to-wit:

No. 253, "An act to prohibit the sale of intoxicating, spirituous or vinous liquors within two miles of Hackberry Grove Academy, Collin county."

No. 162, "An act to authorize the County Court of Comal county to levy a special tax."

No. 275, "An act supplemental to and amendatory of an act entitled an act to incorporate the Odd Fellows Hall and Building Association of Bryan, Texas, approved December 1, 1871."

No. 58, "An act to incorporate the Odd Fellows Male and Female College, located at Pittsburg, in Upshur county, Texas."

And find the same correctly enrolled, and have presented the same this day, at 11 o'clock, to the Governor for his signature.

W. A. SHAW, Chairman.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 442, "An act to incorporate the town of Mexia, in Limestone county."

Also House bill No. 439, "An act to authorize the Police Court of Collin county to levy and collect a special tax for the purpose of building a court house and jail."

Also House bill No. 97, "An act to regulate the conduct of public officers."

Also House bill No. 121, "An act making appropriation to pay the mileage and per diem of Presidential Electors."

And find the same correctly enrolled, and have presented the same this day, at 11 o'clock, to the Governor for his signature.

W. A. SHAW, Chairman.

A message from the Senate announced the passage by that body of the following House bills:

No. 545, "An act making an appropriation to pay F. E. McManus one month's salary as Judge of the Fifteenth Judicial District of the State of Texas."

No. 259, "An act to authorize the County or Police Courts of Washington and Grimes counties to aid in the construction of the Brazos bridge, near the town of Washington in Washington county, Texas."

No. 146, "An act to amend an act to incorporate Austin College, approved November 22, 1849," with amendments by the Senate.

Also, of the passage of the following Senate bills :

No. 178, "An act to incorporate the Texas Library and Publishing Company."

No. 181, "An act regulating contested elections."

No. 223, "An act to submit the permanent location of the county site of El Paso county to a vote of the people of said county."

Also, that the Senate concurs in the amendments made by the House to Senate bill No. 7, "An act to incorporate the Colorado, Austin and Lampasas Railway Company."

Also, of the passage of House bill No. 601, "An act amendatory of an act entitled an act to incorporate the city of Austin, passed March, 1873."

The Committee on Engrossed Bills submitted the following report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills have examined the following bills :

No. 457, a bill to be entitled "An act for the relief of Michael B. Boteham."

No. 602, "An act to amend an act passed at this session of the Legislature, amending the charter of the Galveston Artillery Company."

No. 199, a bill to be entitled "An act to incorporate the Central Texas Flouring, Grist and Manufacturing Company."

No. 601, "An act amendatory of an act entitled an act to incorporate the city of Austin, passed March, 1873."

No. 416, "An act to prohibit the sale of spirituous liquors within six miles of Davilla Institute, Milam county, except for medicinal and sacramental purposes."

No. 386, a bill to be entitled "An act to validate a certain land certificate therein named."

And find the same correctly engrossed.

BOOTY, Chairman.

Mr. Cook offered the following resolution :

Resolved, That the House has learned with deep regret of the death of Hon. A. S. Lipscomb, a member of this body from the Fourteenth Senatorial District.

Resolved, That although he has been prevented by the long and painful illness which terminated in his death from taking his seat among us, yet he is known and endeared to us by his high character as a useful citizen and a wise and devoted patriot.

Resolved, That this hall be draped in mourning for thirty days, and the House do now adjourn until 9:30 A. M. to-morrow in respect to the memory of the Hon. A. S. Lipscomb, and that these resolutions be placed upon the record of the House and a copy be forwarded to the family of the deceased.

The resolution was adopted and the House adjourned.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, April 5, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

Mr. Prendergast was absent.

On motion of Mr. Westfall, Mr. Davenport was excused indefinitely.

On motion, Mr. Nelson was excused on account of sickness, and Mr. Noeggerath until Wednesday next.

On motion of Mr. Payne, the reading of the journal was dispensed with.

On further motion of Mr. Payne, the rules were suspended to allow him to introduce the following bill: "An act requiring the Commissioner of the General Land Office to issue patents upon certain surveys therein mentioned." Referred to the Committee on Private Land Claims.

On motion of Mr. Sayers, he was excused from serving on the special committee to visit the penitentiary, the interests of his constituents requiring his presence here.

Mr. Westfall presented a remonstrance of citizens of Travis county against the passage of "An act to prohibit the sale of spirituous liquors at Pleasant Hill Academy." Referred to to the Committee on Education.

Mr. Robb presented a petition from the grand jury of Houston county, asking that the Third Judicial District be not abolished, etc.

Also, petition from Houston county, asking that the Third Judicial District be not abolished, etc. All read and referred to the Committee on Judicial Districts.

Mr. Brown of Dallas introduced a bill to incorporate the City Bank of Dallas. Referred to the Committee on State Affairs.

Mr. Powers, a bill to incorporate the Central Wharf and Warehouse Company of Corpus Christi. Referred to the Committee on Town and City Corporations.

Also, a bill to validate the acts of Charles Conley as surveyor of Presidio county for the year 1870, to and including 1873. Referred to the Committee on Public Lands and Land Office.

Mr. McDonald, a bill for the relief of the heirs of Henry A. Boyate, deceased. Referred to the Committee on Public Lands and Land Office.

Mr. Gallaway, a bill to create and define the boundary lines of county, and to provide for its organization. Referred to the Committee on Counties and County Boundaries.

Mr. Leyendecker, a bill for the relief of J. W. E. Wallace, assignee of John T. Smith.

Mr. Westfall, a bill for the relief of the heirs of John H. Scaggs, deceased.

Mr. Thurmond, a bill for the relief of the heirs of John W. Kenney, deceased.

Mr. Ghent, a bill authorizing the issuance of patent in the name of Thomas J. Allen.

Mr. Hollingsworth, a bill for the relief of John Steel and Wm. S. Williamson. All referred to the Committee on Private Land Claims.

Mr. Sabin, a bill in relation to filing abstracts of title in actions of trespass to try title to lands. Referred to Judiciary Committee No. 1.

Mr. Salter, a bill to authorize the county of Robertson to audit and fund the debt of said county. Referred to the Committee on Finance.

Mr. Winkler, a bill for the relief of Bayland Orphan's Home.

Mr. Hollingsworth, a bill to fund the debt of Hays county. Referred to the Committee on State Affairs.

Mr. Watts, a bill to amend article seven hundred and two of the act entitled "An act to establish a Code of Criminal Procedure for the State of Texas," approved August 26, 1856.

Mr. Cook, a bill to exempt the lands and real estate of citizens from forced sale and liability for debt hereafter contracted. Referred to Judiciary Committee No. 2.

Mr. Sayers, a bill to attach the counties of Concho and McCulloch to San Saba land district. Referred to the Committee on Public Lands and Land Office.

Mr. Winkler, chairman of Committee on Internal Improvements, asked leave to transfer House bill No. 349, to require railroad companies to renew their securities to the State for money borrowed from the State, to the Finance Committee, which request was granted, and reference made.

Mr. Schmidt presented a bill to incorporate the city of Houston. Referred to the Committee on Town and City Corporations.

Mr. Hollingsworth offered the following resolution :

Be it resolved by the House of Representatives of the Thirteenth Legislature, That the committee appointed to visit and inspect the penitentiary, be authorized and empowered to administer oaths, and to send for persons and papers.

Adopted.

Mr. Trolinger introduced a bill amendatory of "An act supplementary to an act authorizing the sale and disposition of the university lands, approved August 30, approved November 12, 1866." Referred to the following special committee: Messrs. Anderson, chairman; Allison, Ireland, Russell and Trolinger.

The special order was then taken up, being the bill making appropriations for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for deficiencies for 1870, 1871 and 1872, the question being upon the amendments offered by the Finance Committee.

The amendments were taken up *seriatim*.

Mr. Russell moved to lay the first amendment on the table.

Yeas and nays being called, resulted as follows :

Yeas—Messrs. Speaker, Anderson, Armstrong, Bledsoe, Booty, Bordeaux, Brown of Upshur, Carroll, Cook, Cunningham, Denton, Doyle, Eastland, Gallaway, Gaston, Ghent, Gillette, Harrison, Hester, Hollingsworth, Kemble, Killough, Lane, Manning, McDonald, Payne, Rainey, Rimes, Robb, Russell, Sayers, Schmidt, Scott, Shaw, Short, Storey, Thurmond, Tilson, Tom, Trolinger, Van Zandt, Veale, Venters, Walker and Westfall—46.

Nays—Messrs. Allison, Berends, Ford, Green, Hoffman, Joseph, Kleberg, Leyendecker, Mabry, Mills, Moore, Morris, Noeggerath, Phelps, Powers, Roberts, Rosborough, Sabin, Shelton, Tivy, Washington, Watts, Wilder, Winkler and Wood—25.

Whereupon the resolution to lay on the table was declared to have prevailed.

The second amendment was then adopted.

The third amendment was taken up and adopted.

The fourth amendment was then taken up.

Mr. Payne moved to amend by striking out "\$1700" and inserting instead "\$1800."

Mr. Winkler moved to lay the amendment and the amendment to the amendment on the table, which carried.

The fifth amendment was then rejected.

The last amendment to the appropriations to Executive Department was then taken up.

Mr. Payne moved to strike out "\$1000" and insert "\$1200."

Mr. Denton moved to lay that amendment on the table. Carried. The amendment offered by the committee was then adopted.

Comptroller's Office—The first amendment was adopted. The second amendment was adopted.

Treasury Department—Mr. Payne moved to lay the first amendment on the table. Carried. The second and third amendments were adopted.

Adjutant General's Department—The amendment offered to this section was adopted.

Deaf and Dumb Asylum—The amendment thereto was adopted.

Judiciary—The first amendment was adopted.

The second amendment was adopted.

The third amendment was adopted.

Mr. offered the following to the fourth amendment: Strike out "\$1200" and insert "\$1000." Adopted.

The fourth amendment was then adopted.

The fifth amendment was rejected.

The sixth amendment was adopted.

The seventh amendment was adopted.

The eighth amendment was adopted.

The ninth amendment was adopted.

The tenth amendment was adopted.

Mr. Mills offered the following substitute for that portion of the bill relating to the Attorney General's office: "For salary of the Attorney General, \$3000; for salary of chief clerk, who may act, when necessary, as Assistant Attorney General, \$2500; for salary of two clerks, \$3600; for books and stationery, \$1000; for postage, porter hire, wood and contingent expenses, \$500; for printing and copying briefs, \$500; for legal fees in all State cases, \$1500; for telegraphing and express charges, \$100; for depositions in civil causes in which the State is interested, to be drawn as needed, on requisitions by the District Attorneys with the approval of the Attorney General, \$500."

Mr. Sayers moved to lay the amendment on the table, upon which the vote stood as follow:

Yeas—Messrs. Speaker, Adriance, Anderson, Armstrong, Bledsoe, Booty, Bordeaux, Brown of Upshur, Carroll, Cook, Cunningham, Denton, Doyle, Eastland, Gaston, Ghent, Gillette, Harrison, Hester, Hollingsworth, Ireland, Killough, Kleberg, Manning, McDonald, Payne, Rainey, Rimes, Robb, Rosborough, Russell, Sayers, Schmidt, Scott, Shelton, Storey, Thurmond, Tilson, Tom, Trolinger, Van Zandt, Venters, Walker, Westfall, Winkler and Wood—46.

Nays—Messrs. Berends, Ford, Gallaway, Green, Hoffman, Joseph, Kemble, Lane, Leyendecker, Mabry, Mills, Moore, Morris, Phelps, Powers, Roberts, Sabin, Salter, Shaw, Short, Stockbridge, Tivy, Washington, Watts and Wilder.—26.

Whereupon the motion to table prevailed.

Mr. Powers offered the following substitute to the section of the bill relating to the General Land office:

"Salary of Commissioner, \$3000; salary of chief clerk, \$2000; salary of receiver, \$1,800; salary of one examining, one file and two corresponding clerks at \$1600 each

per annum, \$6400; salary of one recording and four patenting clerks, at \$1500 each per annum, \$7500; salary of two assistant clerks, at \$1400 each per annum, \$2800; salary of one translator, \$1800; salary of chief draughtsman, \$1800; salary of two compilers, at \$1700 each per annum, \$3400; salary of four assistant draughtsmen, at \$1600 each per annum, \$6,400; salary of four additional assistant draughtsmen, employed under act approved May 27, 1871, at \$1600 each per annum, \$6400; deficiency for last preceding four additional draughtsmen, employed under act approved May 27, 1871, being salary from May 1, 1872, to September 1, 1872, at \$1600 each per annum, \$2080; stationery, \$5000; deficiency for stationery for 1871 and 1872, \$2000; postage, porter hire, wood, contingent expenses, etc., \$2000; deficiency for 1871 and 1872, for postage, porter hire, wood and contingent expenses, \$1500; chemicals for photograph department, \$1000; office furniture, for desks, chairs, etc., \$2000; salary of five additional draughtsmen, to be employed under the law of the present Legislature, from April 1, 1873, to September 1, 1873, at \$1600 each per annum, \$3333.33; salary of ten additional clerks to be employed under the law of the present Legislature, from April 1, 1873, to September 1, 1873, at \$1500 each per annum, \$6250."

A message from the Senate announced the passage by that body of the following House bills:

No. 239, a bill to be entitled "An act for the relief of W. M. Jackson," with amendments by Senate.

No. 380, "An act to incorporate the South Sulphur Bridge and Turnpike Company."

Also, the passage of the following Senate bills:

No. 240½, "An act to incorporate the Burleson Male and Female Academy in Bastrop county."

No. 137, "An act to incorporate the Kaufman Savings Bank."

No. 124, "An act to incorporate the town of Granberry, in Hood county, State of Texas."

No. 101, "An act for the relief of the heirs of Daniel Donaho, deceased."

No. 106, "An act for the relief of Joseph Hoya."

Mr. Robb was added to the committee to visit and inspect the penitentiary, in place of Mr. Sayers, relieved.

On motion of Mr. Brown of Upshur, Mr. Green was excused indefinitely on account of sickness.

On motion of Mr. Denton, the House adjourned until 9:30 A. M. Monday.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, April 7, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

The following gentlemen were absent:

Messrs. Hollingsworth and Mills.

On motion of Mr. Powers, Mr. Nelson was excused on account of sickness; and on motion of Mr Killough, Mr. Noeggerath was excused for the same cause.

On motion of Mr. Harrison, the reading of the journal of Saturday was dispensed with.

On motion of Mr. Brown of Dallas, the special committee upon the Governor's veto of the registration bill was granted leave to report, and submitted the following:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The select committee to whom was referred the bill to provide for the registration of voters, and the veto of the Governor thereon, have carefully considered the subject, and instruct me to recommend to the House that said bill do lie upon the table, and that the accompanying bill, drawn by the undersigned at the request of the committee, be passed in lieu of said original bill.

The committee have sought to prepare as short, simple and fair a system of registration as seems to be attainable under the circumstances by which we are surrounded.

J. H. BROWN, Chairman.

The bill, being a bill to be entitled "An act to provide for registration of voters, and to repeal the act to provide for a special registration of voters preparatory to an election under the provisions of an act to authorize counties, cities and towns to aid in the construction of railroads, and other works of internal improvements, approved April 12, 1871," was read.

Rules suspended, the bill read second time by caption.

On motion of Mr. Ireland, the bill was laid on the table.

made special order for Thursday, April 10, at 11 o'clock A. M., and one hundred copies ordered printed.

Mr. Harrison offered the following resolution :

WHEREAS, The investigation of the charges in the matter of the State of Texas against John G. Scott, referred to a special committee of this House, has and may elicit evidence of the guilt of the said John G. Scott for other crimes and misdemeanors in office; therefore, be it

Resolved, That the committee now sitting in the said matter inquire into any other crimes and misdemeanors in office which may come to their knowledge in the course of their investigation, and amend the charges already preferred, either in form or substance, as the evidence may warrant.

Adopted.

Mr. Broaddus presented a bill to require sheriffs and other officers to advertise the time and place of sale of property seized by virtue of executions.

Also, bill to authorize the County Court of Brazos county to levy and collect a special tax of one-fourth of one per cent., to complete the court house and make more secure the jail in said county. Referred to Judiciary Committee No. 2.

Mr. Manning presented a bill for relief of James H. Bostick.

Mr. Bordeaux presented a bill for the relief of the heirs of Thomas Ward, deceased. Referred to the Committee on Private Land Claims.

Mr. Powers presented a bill to incorporate the Carijo Bridge and Ferry Company.

Mr. Shaw presented a bill to authorize Clark Welch to build a toll bridge over the Sulphur Fork of Red river. Referred to the Committee on Roads, Bridges and Ferries.

Mr. Payne presented a bill to authorize the County Court of Victoria county to levy a special tax to repair the jail in said county. Referred to Committee on State Affairs.

Mr. Hester presented a bill for the relief of James Walker, guardian of Julia M. Turner. Referred to Committee on Finance.

Mr. Morris offered a joint resolution providing for two additional clerks in the Comptroller's office. Read; rules suspended and ordered engrossed.

Mr. Winkler presented a bill to incorporate the Middle Texas Fair Association. Read; rules suspended, read second time and ordered engrossed.

On motion of Mr. Winkler, the rules were further suspended, the bill read third time and passed by a two-thirds vote.

Mr. Hoffman presented a bill authorizing the mayor and city council of New Braunfels to amend their charter, and to give them exclusive authority over streets, etc. Referred to Committee on Town and City Corporations.

Mr. Watts introduced a bill to authorize the County Court of Chambers county to levy and collect a special tax for the purpose of building a jail. Referred to Judiciary Committee No. 2.

Mr. Brown of Dallas introduced the petition of William B. Miller, John M. Crockett, T. J. Pollard, and a large number of other citizens of Dallas county, asking relief against a special act to incorporate the Dallas Bridge Company. Referred to a special committee composed of Messrs. Wood, chairman, Ford, Manning, McDonald and Thurmond.

Mr. Ford introduced a bill to incorporate the Orange, Jasper and Shelby Railroad Company, and to aid in the construction of the road.

Mr. Bledsoe introduced a bill to incorporate the Fort Worth, Cleburne and Waco Railway Company, and granting land in aid of its construction. Referred to the Committee on Internal Improvements.

Mr. Trolinger introduced a bill to regulate the registration of births, marriages and deaths.

Mr. Storey introduced a bill to amend an act entitled "An act to adopt and establish a Penal Code," approved August 28, 1856. Referred to Judiciary Committee No. 2.

Mr. Ireland introduced a bill authorizing the Police Court of Guadalupe county to levy a special tax to build a jail.

Mr. Cook introduced a bill to amend article one hundred and sixty-six of the Penal Code. Referred to Judiciary Committee No. 1.

Mr. Gilpin introduced a bill to incorporate the Nueces Bridge, Ferry and Turnpike Company. Referred to the Committee on Roads, Bridges and Ferries.

Mr. Sabin introduced a joint resolution asking Congress for the improvement of the bar and harbor of Gal-

veston. Referred to the Committee on Commerce and Manufactures.

Mr. Sabin introduced a bill providing for a pension for General Sydney Sherman, for eminent services in the war securing the independence of Texas. Referred to the Committee on State Affairs.

Mr. Bewley introduced a bill for the relief of Bernard Reilly. Referred to the Committee on Private Land Claims.

Mr. Thurmond introduced a bill to protect and encourage the agricultural interests of the State of Texas. Referred to the Committee on Agriculture and Stock Raising.

Mr. Wood offered the following resolution :

Resolved, That the Committee on Public Lands and Land Office be requested to inquire into the expediency of increasing the fees of the General Land Office, so as to make the same self-sustaining, and whether further appropriations are necessary to sustain the same. Also, the expediency of increasing the hours of labor in the Land Office to eight per day; and to inquire into the efficiency of the present attaches of said office; and to report how many of the pending patents to be issued are upon railroad certificates.

Adopted.

On motion of Mr. Winkler, Mr. Sabin was added to the Committee on Constitutional Amendments.

The special order, the bill to provide for the enclosure of commons for the pasturage of stock, was announced.

On motion of Mr. Storey, it was postponed until Saturday, April 12, at 11 A. M.

The appropriation bill upon which the House adjourned on Saturday was then taken up, the question being upon the amendment offered by Mr. Powers.

Mr. Wood moved to lay the amendment upon the table, which carried.

On motion of Mr. Morris, the House then went into committee of the whole upon the appropriation bill, Mr. Brown of Dallas, in the chair.

After considerable discussion the committee rose and reported the adoption of the following amendments :

1. Comptroller's Office—Add "for salary of pension clerk to April 1, 1873, \$875.00."
2. School Department—Strike out "For fees of scholastic census takers, \$1000."

3. Clauses, "for Lunatic, Deaf and Dumb, and Blind Asylum," stricken out.

4. Judiciary—"Porter hire, \$400."

5. Miscellaneous—All stricken out.

The above amendments adopted by the committee of the whole and reported to the House were adopted.

A message from the Senate announced the passage by that body of House joint resolution No. 590, asking for telegraphic lines on the frontier.

House bill No. 267, "An act to amend articles four hundred and twelve and four hundred and eighteen of the penal code as amended by act passed May 11, 1871."

No. 99, "An act to amend section twenty-third of an act to organize the courts of justices of the peace and County Courts, and to define their jurisdiction and duty, approved August 13, A. D. 1870."

The Committee on Enrolled Bills reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 380, "An act to incorporate the South Sulphur Bridge and Turnpike Company," and find the same correctly enrolled, and have presented the same this day at 11 o'clock to the Governor for his signature.

SHAW, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined the following bill, No. 314, "An act to enlarge the county of Medina," and find the same correctly enrolled, and have this...day of April, at one o'clock, presented the same to the Governor for his approval.

SHAW, Chairman.

The Committee on Engrossed Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have thoroughly examined the following bills, to-wit:

No. 498, "An act for the relief of the heirs of Charles Forrester."

No. 388, a bill providing for an election to permanently locate the county seat of Hill county.

No. 470, a bill to be entitled "An act to compensate

Aaron S. Mangum for services rendered as a soldier in the army of the Republic of Texas."

No. 580, a bill entitled "An act to incorporate the town of Decatur, in Wise county."

No. 588, a bill to be entitled "An act to authorize the Police Court of Jasper county to levy and have collected a special tax for the purpose of building a jail in said county."

No. 591, a bill to be entitled "An act to prohibit the sale or disposition of spirituous or other intoxicating liquors within two miles of Lavernia Male and Female High School."

And find the same correctly engrossed.

BOOTY, Chairman.

On motion of Mr. Sayers, Mr. Denton was added to the Committee on Public Lands and Land Office.

On motion of Mr. Brown of Dallas, the House adjourned until 3 o'clock P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

The special order, being House bill No. 467, "An act to adjust and define the rights of the Texas and Pacific Railway Company within the State of Texas, in order to encourage the speedy construction of a railway through the State to the Pacific Ocean," was taken up and read second time.

On motion of Mr. Ghent, the House went into committee of the whole to consider the bill.

After discussion, the committee arose, reported little progress, and asked leave to sit again at 3 P. M. Wednesday, April 9, which was granted.

On motion of Mr. Green, the House then adjourned until 9:30 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, April 8, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

The following gentlemen were absent: Messrs. Adrance, Cook, Joseph, Sabin and Short.

On motion of Mr. Doyle, the reading of the journal was dispensed with.

Mr. Salter presented a petition of citizens of Robertson county, in regard to the settling of the county site.

Mr. Rosborough presented a petition of citizens of Milam, Williamson and Bell counties, asking the formation of a new county to be called Davilla.

Mr. Killough presented a petition of citizens of Fayette county, protesting against dismemberment of that county. All referred to the Committee on County and County Boundaries.

Mr. Van Zandt presented a petition of citizens of Tarrant county, asking for repeal of "An act prohibiting the sale of spirituous liquors in the vicinity of the town of Birdville, in said county."

Mr. Westfall presented a petition of citizens of Bell and Coryell counties, asking passage of a law prohibiting the sale of intoxicating liquors in vicinity of Shiloh school house, in Coryelle county.

Mr. Rosborough presented a petition of citizens of Bell county, asking the passage of a law prohibiting the sale of intoxicating liquors within five miles of Pleasant Hill Institute. All referred to Committee on Education.

Mr. Trolinger presented petition of Rufus Johnson for relief.

Mr. Winkler presented petition of Ahrenbeck brothers for relief. Both referred to Committee on State Affairs.

Mr. Gallaway introduced a bill to authorize and require L. P. Harris, treasurer of the board of school commissioners of Upshur county, to pay over to the treasurer of said county, certain funds therein named for certain purposes. Referred to a special committee composed of the Upshur county representatives.

Mr. Salter introduced a bill for the relief of A. B. Silliman, deceased; also, for the relief W. S. Silliman, deceased.

Mr. Wood introduced a bill for the relief of heirs of James Erwin, James L. Erwin, John A. Erwin, Alexander K. Erwin and George G. Erwin. All referred to the Committee on Private Land Claims.

Mr. Hester introduced a bill to incorporate the Lavaca County Tap Railway Company.

Mr. Abbott introduced a bill to amend "An act amending sections two and twelve of an act to incorporate the Hempstead Eastern and Western Trunk Railroad Company. Both referred to the Committee on Internal Improvements.

Mr. Booty introduced a bill to authorize the employment of special bailiffs to serve grand juries. Referred to Judiciary Committee No. 2.

Mr. Berends introduced a bill to pay the expenses of the Immigration Company, and making appropriation therefor. Referred to Committee on Finance.

Mr. Abbott introduced a bill to promote and encourage manufacturing in the State of Texas. Referred to the Committee on Commerce and Manufactures.

Mr. Ireland introduced the following concurrent resolution:

Resolved by the House of Representatives, the Senate concurring, That a joint committee of three from the House and two from the Senate be raised, whose duty it shall be to take into consideration the question of a general election during the present year, and that said committee report by bill or otherwise.

Adopted.

Mr. Rainey introduced the following concurrent resolution:

Resolved, That the House of Representatives, the Senate concurring, do hereby declare that they desire an early adjournment, and in order to facilitate that kind of business which will benefit the whole State, do further declare that they will take up in consecutive order and dispose of the following measures, before acting upon other matters of a private nature, viz., "An act to establish a system of free schools;" "An act to reduce the number of judicial districts;" "An act to reapportion the State;" "An act for the benefit of stock raisers;" "An act concerning the general revenue;" "An act regulating agricultural contracts;" *provided further,* that this resolution shall only apply to the morning sessions.

Read and laid over under the rules.

Mr. Brown of Dallas offered the following resolution:

Resolved, That a select committee of five be appointed with instructions to take into consideration the propriety of adopting what is known as the Bayland's Orphan Home on Galveston bay, as a State institution, and trans-

ferring, for its endowment and support, the lands set apart by the State in the year 1856, for founding and endowing a State Orphan Asylum, and that they be instructed to report as early as may be practicable, by bill or otherwise.

Adopted, and the Speaker appointed the following gentlemen said committee: Joseph, chairman; Van Zandt, Walker, Kleberg and Broaddus.

Mr. Thurmond introduced a joint resolution directing that criminal proceedings against Santo Benavides, Major A. J. Hogan and others, for acts done by them under the authority of the United States government, be dismissed. Read and referred to the Committee on Military Affairs.

On motion of Mr. Westfall, the Committee on Indian Affairs reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Indian Affairs, to whom was referred Senate bill No. 159, "An act to provide for frontier defense, and for the organization of a regiment of cavalry for that purpose," have had the same under careful consideration, and instruct me to report it back and recommend the two accompanying bills as substitutes therefor.

VEALE, Chairman.

The original bill having been read, the first substitute, being a bill to remit certain taxes to the residents of Cooke, Wise, Parker, Hood, Erath, Hamilton, Lampasas, Burnet, Blanco, Kendall; Bandera, Medina, Frio, McMullen, Duval, Starr, and all the counties lying west and southwest of the same, was read first time; rules suspended, read second time and ordered engrossed.

On motion, the rules were further suspended, the bill read a third time and passed.

The second substitute, being "An act to provide for the protection of life and property in certain counties in the State," was read; the rules suspended and read by caption a second time.

Mr. Brown, of Dallas, moved to fill the blank in section second with "two thousand dollars." Adopted.

Mr. Bordeaux moved to fill the blank in section second, relating to term of office, with "two years." Adopted.

Mr. Bordeaux moved to fill the blank in section third, relating to the salary of assistant inspectors, with "one thousand each." Adopted.

The bill was then read second time and ordered engrossed.

On motion, the rules were suspended, the bill read by caption third time and passed.

The special order, being House bill No. 47, a bill to be entitled "An act to amend the second and thirteenth sections of an act entitled an act to incorporate the Rockport, Fulton, Laredo and Mexican Pacific Railway Company, approved November 11, 1871," was taken up, the question being the amendment offered by Mr. Anderson.

The amendment was adopted.

The bill was then passed by the following vote :

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Armstrong, Bledsoe, Booty, Broaddus, Brown of Dallas, Brown of Upshur, Carroll, Cook, Denton, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Ireland, Joseph, Kemble, Kil-lough, Kleberg, Lane, Mabry, Manning, McDonald, Moore, Morris, Payne, Phelps, Powers, Rainey, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Shaw, Shelton, Stockbridge, Storey, Thurmond, Tilson, Tivy, Tom, Van Zandt, Washington, Watts, Westfall, Wilder and Winkler—59.

Nays—Messrs. Cunningham and Leyendecker—2.

The second special order, being House bill No. 483, "An act to aid in the construction of the Gulf, Western Texas and Pacific railway," was then taken up.

After reading, Mr. Sayers moved to consider the bill by sections, which carried.

Mr. Manning moved to amend section one by adding the following proviso :

"*Provided*, that in no case shall the State be in any way liable for deficiency of vacant domain."

Adopted.

The second section was then adopted.

Mr. Kleberg moved to amend section third as follows: Strike out in section third, lines seven and nine, the words, "in the direction of," and insert the word "to."

Adopted.

Mr. Denton offered the following amendment :

"And the said company may establish and build a branch or main trunk road from Seguin to New Braunfels."

Mr. Ireland moved a call of the House, which being

seconded was made, and the following gentlemen failed to answer to their names :

Messrs. Abbott, Berends, Carroll, Hoffman, Leyendecker, Morris, Rimes, Schmidt, Veale, Venters and Wood.

The call was then suspended, a quorum being present.

The third section was then adopted.

Mr. Denton offered the following substitute for the first part of section third :

“That the said company shall alienate all lands granted by virtue of this act, or any other act of the Legislature, except so far as may be necessary for the running of its road, as follows, to wit: one-fourth in six years, one-fourth in eight years, one-fourth in ten years, and one-fourth in twelve years, from the location and survey of their certificates.”

Adopted.

The third section was then adopted.

The fourth section was then adopted.

Mr. Anderson offered the following amendment to section five :

“Said company shall never sell, lease nor give control of said railway, nor the franchise thereof, to any company owning any parallel or competing railway; and shall not purchase nor lease nor obtain control of any parallel or competing railway, under penalty of forfeiting the franchises herein and heretofore granted.”

Adopted.

Mr. Broaddus offered the following amendment: In section three, line six, after 1873, add, “and for every ten miles of road so completed the company shall be entitled to receive the sixteen sections of land per mile, as provided for in the second section of this act.”

Adopted.

Mr. Berends offered the following substitute for section two :

“SEC. 2. As soon as said company shall have completed and put in good running order, as provided in this act, that section of its road from its present terminus to the city of San Antonio, it may give notice to the Governor of this State, whose duty it shall be to appoint some skillful engineer, if there be no State engineer, to examine said section of road; and if, upon the report of said engineer under oath, it shall appear that said section of

the road has been constructed in a good and substantial manner, and in accordance with the provisions of the charter of this company, this act and the general laws of this State in force at the time regulating railroads, thereupon it shall be the duty of the Commissioner of the General Land Office to issue to said company certificates of six hundred and forty acres each, equal in amount to twenty sections per mile of road so constructed and completed, which said certificates shall be located and surveyed in alternate sections, field notes and maps returned to the General Land Office, and the odd sections patented to said company, and all the alternate or even sections shall be reserved, set apart and appropriated to and constitute a part of the common school fund, as provided by the laws of the State now or hereafter enacted; and whenever said company hereafter shall have completed and put in good running order a section of ten miles or more of its road consecutively, either beyond the city of San Antonio, in the direction to the Pacific, or from the city of Gonzales, through the town of Lockhart, in the direction of Austin, it may give notice to the Governor of this State, and certificates of six hundred and forty acres each, equal in amount to twenty sections per mile of road so constructed and completed, shall be issued in the same manner as before prescribed."

Section three, line six, strike out after the words first day of May, 1873, "and build its road," and insert the words "in the direction of Austin" (line ten).

A message from the Senate announced the passage by that body of the following Senate bills:

No. 189, "An act concerning private corporations."

No. 161, "An act to incorporate the Kaufman County Agricultural, Mechanical and Blood Stock Association."

No. 149, "An act to amend an act entitled an act to incorporate the German Casino of Columbus, Texas."

No. 146, "An act to amend an act entitled an act to adopt and establish a Penal Code for the State of Texas, approved August 26, 1856."

No. 10, "An act for the relief of the heirs of Luke A. Falvel, deceased."

The Committee on Engrossed Bills reported as follows:
Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have care-

fully examined the following bills, and find the same correctly engrossed :

House bill No. 234, entitled "An act to encourage stock raising and for the protection of stock raisers."

House joint resolution No. 634, "Joint resolution authorizing the Comptroller of Public Accounts to employ two additional clerks."

House bill No. 646, "An act to incorporate the Middle-Texas Fair Association."

BOOTY, Chairman.

Mr. Berends, yielding to a motion to adjourn, the House then, on motion of Mr. Hester, adjourned until 4 P. M. this evening.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called ; quorum present.

Senate bill No. 10, "An act for the relief of the heirs of Luke A. Falvel, deceased." Referred to the Committee on Private Land Claims.

Senate bill No. 101, "An act for the relief of the heirs of Daniel Donaho, deceased." Referred to the Committee on Private Land Claims.

Senate bill No. 124, "An act to incorporate the town of Granberry, in Hood county, State of Texas." Referred to the Committee on Town and City Corporations.

Senate bill No. 149, "An act to amend an act entitled: an act to incorporate the German Casino, of Columbus, Texas." Referred to the Committee on Town and City Corporations.

Senate bill No. 137, "An act to incorporate the Kaufman Savings Bank." Referred to the Committee on State Affairs.

Senate bill No. 106, "An act for the relief of Joseph Hoya." Referred to the Committee on Claims and Accounts.

Senate bill No. 161, "An act to incorporate the Kaufman County Agricultural, Mechanical and Blood Stock Association." Read first time ; rules suspended, read second time and passed to third reading. On motion of Mr. Winkler the rules were further suspended, the bill read third time and passed.

House bill No. 146, "An act to amend an act to incor-

porate Austin College, approved Nov. 22, 1849." Taken up and the House concurred in the amendments offered by the Senate. The bill thus amended then passed.

Senate bill No. 178, "An act to incorporate the Texas Library and publishing Company." Read first time; rules suspended, read second time and passed to third reading. On motion of Mr. Brown, of Dallas, the rules were suspended, the bill read third time and passed.

Senate bill No. 240½, "An act to incorporate the Burleson Male and Female Academy, in Bastrop county." Read first time and referred to the Committee on Town and City Corporations.

On motion of Mr. Brown of Dallas, Mr. Stockbridge was added to the committees on Internal Improvements and Town and City Corporations.

On motion of Mr. Payne the Committee on Internal Improvements was granted leave to report and submitted the following:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 247, entitled, "An act to incorporate the San Antonio River Valley Canal Company," have examined the same, and finding some defects in the original bill, have prepared a substitute therefor, and have instructed me to report the same to the House and recommend its adoption and passage instead of the original.

WINKLER, Chairman.

The substitute recommended by the committee was read and adopted.

Mr. Payne offered the following amendment, which was adopted:

Amend section twelve by striking out all after the word "section," in ninth line, and insert:

"That said canal company shall be entitled to and receive from the State a grant of sixteen sections of land for every mile of its canal constructed and put in good order; and whenever said company shall have completed and put in good order a section or sections aggregating ten miles or more of said canal, the company may give notice to the Governor of this State of such completion, whose duty it shall be to appoint some skillful engineer, if there be no State engineer, to examine said section of canal; and

if upon the report of said engineer, under oath, it shall appear that said section or sections of said canal has been constructed in a good and substantial manner, and in accordance with the provisions of this act, it shall be the duty of the Commissioner of the General Land Office to issue to said company certificates of six hundred and forty acres each, equal in amount to sixteen sections per mile of canal so completed; which said certificates shall be located and surveyed in alternate sections, and field notes and maps shall be returned to the General Land Office, and the odd sections patented to said company, and the alternate or even sections shall be reserved and held, and appropriated to and constitute a part of the public free school fund of the State.

“The lands herein granted to said company by virtue of the provisions of this act, said company shall proceed to alienate the same, except so far as may be necessary to the maintenance of its said canal, as follows, to-wit: One-fourth thereof in six years, one-fourth in eight years, one-fourth in twelve years, and one-fourth in sixteen years from the time of acquiring such lands; *provided, however,* that said lands shall in no instance be alienated to any other corporation, directly or indirectly, for its use, except so far as may be necessary for the proper use and conduction of the business of such company. And on failure to alienate the lands as herein provided, then the said company shall be proceeded against as provided by law now or hereafter to be enacted.”

Amend the caption by adding “and to grant lands in aid of the construction of the same.”

Mr. Ireland offered the following amendment which was adopted:

“*Provided,* that if said canal shall not be completed by the year 1885, then said company shall forfeit to the State all donations of land herein granted.”

Mr. Manning offered the following amendment:

“*Provided,* that in no case shall the State of Texas be responsible for deficiency of vacant domain.”

Adopted.

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

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Armstrong, Berends, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Denton,

Doyle, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Ireland, Joseph, Kemble, Kleberg, Leyendecker, Mabry, Manning, McDonald, Morris, Payne, Phelps, Powers, Rainey, Rimes, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Scott, Shaw, Shelton, Stockbridge, Storey, Thurmond, Tilson, Tivy, Tom, Van Zandt, Walker, Washington, Westfall, Williams, Winkler and Wood—62.

Nays—Messrs. Cunningham, Lane, Moore, Short, Trolinger and Wilder—6.

Leave being granted, Mr. Rimes introduced a bill amendatory of "An act entitled an act to incorporate the Falls County Turnpike, Road and Bridge Company," approved April 12, 1871, which was read; rules suspended, read second time and ordered engrossed.

On motion of Mr. Rimes, the rules were further suspended, the bill read third time and passed.

On motion of Mr. Bordeaux, the Committee on Roads, Bridges and Ferries was granted leave to report, and submitted the following:

Hon. M. D. K. Taylor, Speaker of the House of Representatives.

SIR: Your Committee on Roads, Bridges and Ferries, to whom was committed bill No. 552, to be entitled "An act to incorporate the Bridgeport Bridge Company, in Wise county," have carefully examined the same, and recommend that it pass with the accompanying amendments.

H. MANNING, for Committee.

In section one, tenth line, strike out "twenty-five" and insert "fifteen years."

In section two, third line, after the word "shall," insert "within twelve months."

Strike out section three, and in lieu thereof insert: "SEC. 3. That no bridge or ferry shall be established on or over said stream within three and one-half miles of said bridge, on which toll shall be charged or collected for crossing the same; *provided*, this section shall not prohibit or interfere with any free crossing or bridge."

In section nine, strike out "twenty-five" and insert "fifteen."

The amendments were adopted and the bill ordered engrossed.

On motion, the rules were dispensed with, the bill read a third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 605, "An act to authorize Ezra Carpenter and his associates and successors to construct, own and keep a toll bridge on Big Cypress," have had the same under consideration, and the committee have instructed me to report the same back to the House and recommend its passage.

HARRISON, Chairman.

The bill was read second time and ordered engrossed.

On motion, the rules were suspended, the bill read third time and passed.

The Committee on State Affairs made the following report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on State Affairs unanimously instruct me to return to the House Senate bill No. 72, for the relief of Bertha Staffel, of Kendall county, and recommend its passage.

J. H. BROWN, Chairman.

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

On motion, the rules were suspended, the bill read third time and passed.

The Committee on Town and City Corporations made the following report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred a bill to be entitled "An act to prohibit the sale of intoxicating or spirituous liquors within three miles of the institution of learning situated near Mount Enterprise, in Rusk county, Texas," have examined the same, and instructed me to report it back and recommend its passage.

GASTON, for Committee.

The bill was read second time and ordered engrossed.

On motion of Mr. Booty, the rules were suspended, the bill read third time and passed.

On motion of Mr. Harrison, the House then adjourned until 9:30 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, April 9, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

On motion the reading of the journal was dispensed with.

Mr. Payne moved that the committee to investigate the charges against Judge T. C. Barden, be allowed to sit during the session of the House. Carried.

Mr. Chambers presented two memorials from citizens of Collin county. Referred to Judiciary Committee No. 2.

House bill No. 483, a bill to aid in the construction of the Gulf, West Texas and Pacific railway, was taken up, pending the amendment offered by Mr. Berends.

The House refused to adopt the amendment.

Mr. Westfall offered the following amendment:

Insert in line ten, section three, after the word "depot," "on the east side of the Colorado river."

Mr. Denton offered the following substitute for section three:

"That this company shall not be entitled to the benefits of this act, unless it shall complete at the rate of at least ten miles of its railroad consecutively every four months from and after the first day of May, 1873, and build its road direct from the town of Cuero, the present terminus of said road, by the town of Sutherland Springs, in Wilson county, to San Antonio, and from the said town of Cuero to Gonzales, and from the said town of Gonzales to Seguin and New Braunfels; and also a branch from said town of Gonzales to Lockhart and Austin, and shall establish depots within one-half mile of the court house of each of said towns mentioned in this section."

The House refused to adopt the substitute.

The amendment offered by Mr. Westfall was then put and lost.

The bill was then ordered engrossed.

On motion of Mr. Denton, the rules were suspended, the bill read by caption third time and passed by the following vote:

Yeas—Messrs. Speaker, Allison, Adriance, Anderson, Armstrong, Berends, Bledsoe, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Denton, Doyle,

Eastland, Ford, Gallaway, Gaston, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Ireland, Joseph, Kil-lough, Mabry, Manning, McDonald, Morris, Nelson, Phelps, Powers, Rainey, Rimes, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Scott, Shaw, Shelton, Short, Stockbridge, Storey, Thurmond, Tilson, Tivy, Tom, Van Zandt, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—60.

Nays—Messrs. Leyendecker and Moore—2.

Special order, House bill No. 482, to aid in the construction of the Galveston, Harrisburg and San Antonio Railway, was taken up, and, on motion of Mr. Anderson, laid on the table.

Special order, House bill, No. 490, "An act to establish a system of public free schools in Texas," was taken up, and, on motion of Mr. Rainey, laid on the table, to await the action of the Senate on the same subject.

Mr. Storey moved that Judiciary Committee No. 1 be permitted to report. Lost.

Report from Judiciary Committee No. 1 :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Judiciary Committee No. 1, to whom was referred the petition of a number of citizens of Montague county, asking that a tract of eighty acres of land be donated to Dr. A. Gordon, near him, have had the same under consideration, and have instructed me to report that in their opinion section six of article ten of the State Constitution prevents the grant of the land to him as asked. It prohibits the grant of lands to any "person or persons, and also the sale of certificates to any person except actual settlers upon the same, and in lots not exceeding one hundred and sixty acres." There is no pretense that he is an actual settler on this land, and if there were he could then buy it as prescribed by law. Therefore the petition is reported back to the House, with the request that they be discharged from the further consideration of the same.

SMITH, Chairman.

Report adopted.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Judiciary Committee No. 1 have had under

consideration House bill No. 216, "An act to amend the charter of Baylor University," and report the original bill, with a substitute, and recommend the passage of the substitute.

SMITH, for the Committee.

The substitute offered by the committee was adopted, read second time and ordered engrossed.

On motion the rules were suspended, the bill read a third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 217, entitled "An act to incorporate the trustees of the Hempstead Baptist Church, in the town of Hempstead, Austin, county, Texas," have considered the same, and instruct me to report the bill back to the House, with two amendments herewith reported and to recommend its passage with the said amendments.

G. W. SMITH, Chairman.

1. After section four insert as follows: "SEC. 5. That this charter shall continue for fifty years, unless forfeited by non-user or other good cause."

2. Strike out the words "section five" and insert "section six."

The amendments were adopted, the bill read second time and ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 319, entitled "An act to provide for a change of venue in civil causes," have considered the same, and have instructed me to report the bill back to the House, with a substitute for the bill, and to recommend the adoption and passage of the said substitute herewith reported.

G. W. SMITH, Chairman.

The substitute was adopted and bill read second time.

Mr. Wood moved to strike out "five" in the first section, and insert instead "three." The amendment was adopted.

Mr. Ireland offered the following amendment: "That when there exists such a prejudice on the part of the presiding judge against the litigant or his attorney that he cannot get a fair and impartial trial before said judge for this cause for change of venue, it shall be sufficient, to procure said change, for the affidavit to be made by said party or his attorney; and in all cases when the venue is changed under the fifth specification of causes the case shall go to the nearest county site not in the same district."

The amendment was adopted, the bill read second time and ordered engrossed.

On motion of Mr. Broaddus, the rules were suspended, the bill read a third time and passed.

Further report from Judiciary Committee No. 1:
Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Judiciary Committee No. 1, to whom was referred House bill No., entitled "An act to amend an act entitled an act to incorporate the Merchants' Mutual Insurance Company," have had the same under consideration and have instructed me to report the bill back, with a substitute for the same, and to recommend that the said substitute be adopted and passed.

GEO. W. SMITH, Chairman.

The substitute was adopted, read second time by caption and ordered engrossed.

On motion of Mr. Joseph, the rules were suspended, the bill read third time and passed.

Report from Judiciary Committee No. 2:
Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Judiciary Committee No. 2, to whom was referred House bill No. 466, "An act to amend the penal code," etc., beg leave to report that they have carefully considered the same, and have instructed me to report the same back and recommend that it do pass.

TILSON, for Committee.

The bill was read second time.

Mr. Rainey moved to amend by adding Houston county. Adopted.

The bill was then ordered engrossed.

On motion, the rules were suspended, the bill read third time and passed.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Judiciary No. 2 have carefully examined House bill No. 135, entitled "An act for the protection of purchasers at sales made by executors and administrators, by requiring certain deeds to be recorded within a certain time," which was to said committee referred, and direct me to report the same, with the accompanying substitute, and recommend the passage of the substitute.

J. M. ANDERSON, Chairman, *pro tem.*

The substitute recommended by the committee was adopted, and bill read second time.

Mr. Wood offered the following amendment :

"*Provided, further*, if it should appear, after the purchase at such sale, and before the payment of the purchase money by the purchaser, it shall turn out that the intestate or testator had no title to the land so sold, on the establishment of such fact by the purchaser, and proof that he had no notice of such defect of title before the purchase, it shall be good defense to any suit to recover the purchase money."

Mr. Joseph moved to lay the bill and amendment on the table, make it special order for Monday, April 14, at 12 M., and that one hundred copies be printed. Carried.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Judiciary Committee No. 2, to whom was referred resolution requiring said committee to report a bill to prevent ignorant persons from being swindled by lotteries, etc., report the accompanying bill and recommend its passage.

J. M. ANDERSON, for Committee.

The bill, being "An act to amend title thirteen, chapter two, of the penal code—title of lotteries and raffles—and to prohibit all gift enterprises, dollar stores, sales of pictures on chance, and all other possible kinds of dealings in chances and lotteries and to define and punish the same," was read; rules suspended, read second time and ordered engrossed.

On motion of Mr. Anderson, the rules were suspended, the bill read third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Judiciary Committee No. 2, to whom was referred House bill No. 406, a bill to provide for the payment of damages done by dogs, have had the same under consideration, and have instructed me to report the accompanying substitute and recommend its passage.

WATTS, for Committee.

The substitute, being a bill to be entitled "An act imposing a tax on dogs, and fixing a penalty for its non-payment," was read and adopted.

Mr. Washington moved to table the bill. Lost.

Mr. Sayers moved to amend by providing that the revenue derived from the tax be paid over to the general school fund.

The discussion was cut off by the hour for unfinished business.

By leave, Mr. Manning offered the following resolution:

Resolved, That hereafter no member shall speak more than five minutes, and not more than twice, on any question without the unanimous consent of the House. Read and laid over under the rules.

The resolution offered by Mr. Rainey on yesterday providing for the taking up of business of a general nature in opposition to that of a private and local nature, was taken up.

Mr. Rainey offered the following substitute therefor:

Resolved, That the House of Representatives do hereby declare that the rules of this House from this date for the remainder of this session shall not be suspended in the morning session, except for purposes of a general interest, and that the regular order of business shall not be interfered with for the purpose of calling up railroad bills out of their regular order, except by unanimous consent of the House.

2. *Resolved,* That this resolution shall be read from the clerk's desk every morning after roll call.

Adopted.

House bill No. 634, "Joint resolution authorizing the Comptroller to employ two additional clerks," was read third time and passed.

Senate bill No. 189, "An act concerning private corporations," was referred to the Committee on Town and City Corporations.

Senate bill No. 146, "An act to amend an act entitled an act to adopt and establish a penal code for the State of Texas, approved August 26, 1856," was referred to Judiciary Committee No. 2.

Senate bill No. 181, "An act regulating contested elections," was referred to the Committee on Privileges and Elections.

Senate bill No. 223, "An act to submit the permanent location of the county site of El Paso county to a vote of the people of said county," was referred to the Committee on Counties and County Boundaries.

Report from Committee on Internal Improvements:
Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred a resolution of inquiry as to the proceedings had in reference to the sale of the Houston Tap and Brazoria Railway, have obtained the information sought, which is embraced in two several documents herewith submitted, marked Nos. 1 and 2. The first is a communication from his Excellency the Governor, and the second a copy of the bond of Moses Taylor and others, to the Governor of the State.

C. M. WINKLER, Chairman.

[No. 1.]

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, March 11, 1873.

Hon. S. Powers, Chairman of House Sub-Committee on Internal Improvements, Austin, Texas:

DEAR SIR: In compliance with the resolution recently adopted by the House of Representatives, and presented by you, calling on me for information in regard to the sale of the Houston Tap and Brazoria Railway, etc., I have to say, that in accordance with the "Joint resolution authorizing the Governor to dispose of the Houston Tap and Brazoria Railway," etc., approved May 18, 1871, I issued my proclamation, inviting bids for the purchase of the said road, and the charter rights of said company, etc., to be addressed to me up to July 21, 1871, and up to that time I received proposals for same.

On opening and examining the bids, I ascertained that the one most favorable to the State was that received from

Masterson & Wagley, of Houston, Texas, who proposed to purchase said road, etc., for the sum of \$130,000 in United States currency, payable within fifteen days after notice of acceptance by me of their bid, and binding themselves to retain said road intact, and repair and operate it for the use of the people on the line of said road. I accordingly accepted their bid, and on the tenth of August, 1871, the sum of \$130,000 in United States currency was received from them, and deposited in the State Treasury to the credit of the permanent school fund.

I enclose copy of the bond received from Moses Taylor, to whom said bid of Masterson & Wagley was transferred by my consent. I cannot say whether the conditions of this bond have been complied with or not, but presume they have.

EDMUND J. DAVIS, Governor.

[No. 2—Copy.]

Know all men by these presents, that we, Moses Taylor, of the city of New York, as principal, and B. A. Shepherd and William M. Rice, of the city of Houston, Texas, as sureties, are held and firmly bound unto Edmund J. Davis as Governor of the State of Texas, and his successors in office, in the sum of fifty thousand dollars, lawful money of the United States of America, to be paid to the said Edmund J. Davis, Governor of the State of Texas, or his successors in office, for which payment well and truly to be made, we bind ourselves, our heirs, executors and administrators, firmly by these presents, sealed with our seals, dated the eighth day of August, one thousand eight hundred and seventy-one.

The condition of the above obligation is such that, whereas, Masterson and Wagley, of Houston, Texas, did, on the twenty-first day of July, 1871, purchase the Houston Tap and Brazoria Railroad, their bid having been accepted by the Governor of the State of Texas; and whereas, by consent of said Governor, said bid was transferred to Moses Taylor by the said Masterson and Wagley; and whereas, by the terms of said acceptance said Masterson and Wagley were required to execute a bond to the Governor in the sum of fifty thousand dollars, conditioned to retain said road intact, and repair and operate the same for the use of the people on the line of

said road: Now, therefore, if the said Moses Taylor, assignee of the said Masterson and Wagley, shall retain said road intact, and repair and operate the same, furnishing the people on its line with the usual facilities and accommodations, then this obligation shall be void, otherwise to remain in full force and effect.

Signed, sealed and delivered in presence of

EDWIN F. COREY,	}	ss to l. ss	(Signed)	1. MOSES TAYLOR,
A. WONDON,				2. B. A. SHEPHERD,
WM. FULTON,	}	ss to c.		3. W. M. RICE.
A. WETTERMARK,				

The above bond approved August 18, 1871.

(Signed) EDMUND J. DAVIS, Governor.

UNITED STATES OF AMERICA, STATE OF NEW YORK, CITY AND COUNTY OF NEW YORK—ss.—I, Edwin F. Corey, Jr., Commissioner in said State, appointed by the Governor of the State of Texas to administer oaths and affirmations, and to take depositions, affidavits, and the acknowledgment and proof of deeds, etc., to be used or recorded in the said State of Texas, and duly commissioned and sworn, and dwelling in the city of New York, do hereby certify that Moses Taylor and Wm. M. Rice, who are to me well known, this day personally came before me, and acknowledged that they signed, sealed and delivered the annexed instrument of writing as the voluntary act and deed for the consideration and purposes therein expressed.

In testimony whereof I, Edwin F. Corey, Jr., commissioner as aforesaid, have hereunto set my hand and affixed my official seal as such commissioner the ninth day of August, A. D. 1871.

(Signed) EDWIN F. COREY, JR.,
Commissioner in the State of New York, appointed by the Governor of the State of Texas.

STATE OF TEXAS, COUNTY OF HARRIS.—Before me, John W. McDonald, justice of the peace and *ex officio* notary public in and for the State and county above named, this day personally came Benjamin A. Shepherd, to me personally well known, and signed and acknowl-

edged his signature to the foregoing instrument of writing, for the purposes therein contained.

Witness my hand and official seal, at the city of Houston, this eighteenth day of August, 1871.

(Signed) JOHN W. McDONALD,
Justice of Peace and *ex officio* Notary Public, Harris county, Texas.

Report from the conference committee on the Senate bill amending the charter of the Texas and New Orleans Railway Company :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee appointed to confer with a like committee from the Senate to take into consideration amendments proposed by the House to Senate bill No. 33, "An act amendatory of and supplemental to an act entitled an act amendatory of and supplemental to an act entitled an act to incorporate the Sabine and Galveston Bay Railroad and Lumber Company, passed September 1, 1856, passed December 24, 1859, which act changed the name of said company to the Texas and New Orleans Railroad Company," have had the same under consideration, and have agreed to recommend that the House recede from its amendment.

Your committee have agreed to recommend the following amendments :

1. Amend section two, in line fifteen, after the word "company," insert "coming from New Orleans, Louisiana, at the Texas line."

2. Add to section four the following : "Said company shall have no power to sell, rent or lease to or consolidate with any competing or parallel road in this State, and a violation of this provision shall work a forfeiture of its charter."

WEBSTER FLANAGAN,
Chairman Senate Committee.
JOHN HENRY BROWN,
Chairman House Committee.

The amendments were adopted and the bill passed. The discussion of the bill taxing dogs was then resumed. Mr. Shaw moved to strike out of Mr. Sayers' amendment the word "school" and insert instead "jury."

Yeas and nays being called resulted as follows :

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, An-

derson, Bordeaux, Broaddus, Brown of Upshur, Cook, Cunningham, Doyle, Eastland, Gallaway, Gaston, Gillette, Gilpin, Harrison, Hester, Hoffman, Ireland, Joseph, Killough, Manning, McDonald, Morris, Nelson, Rainey, Rimes, Russell, Sabin, Salter, Scott, Shaw, Shelton, Short, Smith of Houston, Thurmond, Tilson, Tivy, Van Zandt, Veale, Venters, Walker, Westfall and Williams—45.

Nays—Messrs. Berends, Bledsoe, Booty, Carroll, Chambers, Denton, Ford, Ghent, Green, Kemble, Kleberg, Leyendecker, Mabry, Moore, Payne, Phelps, Powers, Roberts, Sayers, Schmidt, Stockbridge, Storey, Tom, Trolinger, Washington, Watts, Wilder, Winkler and Wood—29.

The amendment was declared to have carried.

The amendment thus amended was then rejected.

Mr. Russell moved to strike out "two dollars per head," and insert, "dogs shall be assessed as all other property in this State upon the *ad valorem* system."

A message from the Senate announced the passage of House concurrent resolution providing for a joint committee to enquire into the expediency of holding a general election this year.

The Speaker appointed the following gentlemen said committee on the part of the House: Ireland, Shelton and Armstrong.

The Committee on Engrossed Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined the following House bills and find the same correctly engrossed:

No. 381, "An act to incorporate the town of Ladonia, in Fannin county."

No. 662, "An act to return certain taxes to the residents of Cooke, Wise, Parker, Hood, Erath, Hamilton, Lampasas, Burnet, Blanco, Kendall, Bandera, Medina, Frio, McMullen, Duval, Starr, and all the counties lying west and southwest of the same."

No. 663, "An act to provide for the protection of life and property in certain counties in this State."

And find the same correctly engrossed.

BOOTY, Chairman.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills have carefully examined the following House bills:

No. 552, "An act to incorporate the Bridgeport Bridge Company, in Wise county, Texas."

No. 605, "An act to authorize Ezra Carpenter to build and keep a toll bridge on Big Cypress."

No. 664, a bill to be entitled "An act to amend section three of an act entitled an act to incorporate the Falls county Turnpike Road and Bridge Company, approved April 12, 1871."

And find the same correctly engrossed.

BOOTY, Chairman.

On motion of Mr. Brown, of Dallas, the House then adjourned until 9:30 A. M. to-morrow.

HOUSE OF REPRESENTATIVES,)
AUSTIN, TEXAS, April 10, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

Absent—Mr. Wilder.

On motion of Mr. Booty, the reading of the journal was dispensed with.

The resolution governing course of business was read.

Mr. Broaddus moved to take up House bill No. 232, "An act supplemental to an act to provide for the establishment of the Agricultural and Mechanical College."

The House refused to suspend the rules.

Mr. Anderson moved to take up House bill No. 546, to provide for the sale of all lands heretofore given to counties for a public school fund, and make it special order for Tuesday, April 15, at 11 A. M. Carried.

On motion of Mr. Russell, the Agricultural and Mechanical College bill was made special order for Saturday, April 12, at 11 A. M.

On motion of Mr. Brown, of Dallas, House bill No. 467, "An act to adjust and define the rights of the Texas and Pacific Railway Company within the State of Texas, in order to encourage the speedy construction of a railway through the State to the Pacific coast," was made

special order for Friday, 3 P. M., April 11, and from day to day until disposed of.

Special business, House bill No. 406, a bill imposing a tax on dogs, and fixing a penalty for its non-payment, was announced, pending the amendment of Mr. Russell.

Mr. Russell asked to withdraw his amendment. Granted.

Mr. Gallaway moved to exclude Upshur and Gonzales counties from the operation of the bill.

Mr. Cook offered the following amendment:

"*Provided*, that the frontier counties, Cooke, Wise, Denton, Parker, Hood, Erath, Hamilton, Lampasas, Burnet, Blanco, Kendall, Bandera, Medina, Frio, McMullen, Duval, Starr, and all the counties lying west and south-west of the same, be excepted from the operation of the bill."

Mr. Sabin moved to lay the bill and amendments upon the table, which was carried by the following vote:

Yeas—Messrs. Abbott, Allison, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Chambers, Cook, Gallaway, Green, Hoffman, Kemble, Killough, Lane, McDonald, Moore, Morris, Noeggerath, Phelps, Powers, Rainey, Roberts, Russell, Sabin, Sayers, Schmidt, Short, Smith of Houston, Stockbridge, Tivy, Tom, Venters, Washington and Williams—37.

Nays—Messrs. Speaker, Adriance, Anderson, Brown of Dallas, Carroll, Cunningham, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Kleberg, Leyendecker, Mabry, Manning, Nelson, Payne, Rimes, Rosborough, Salter, Scott, Shaw, Shelton, Storey, Tilson, Trolinger, Van Zandt, Watts, Westfall, Winkler and Wood—36.

Mr. Brown of Dallas presented a petition of citizens of Lancaster, in Dallas county, asking a prohibitory liquor law for said town. Referred to the Committee on Town and City Corporations.

Mr. Westfall presented a petition of John D. Morrison.

Mr. Venters presented a petition of citizens of Denton county, asking authority to levy a special tax to build a court house.

Mr. Gillette presented a petition from the County Court of Hill county, asking authority to issue county bonds to fund the indebtedness of said county. Referred to the Committee on State Affairs.

Mr. Ghent presented a remonstrance against the prohi-

bition of the sale of intoxicating spirits within three miles of Carter's Institute.

Also, a petition asking the prohibition of the sale of intoxicating spirits within three miles of Carter's Institute, Milam county.

Mr. Rainey presented a petition of citizens of Houston county, asking relief for the building of a school house. Referred to the Committee on Education.

Mr. Taylor presented a communication from W. S. Biles, asking relief for W. C. Crawford. Referred to the Committee on Finance.

Mr. Booty introduced a bill to amend the sixth section of "An act to incorporate the Galveston and Eastern Texas Railway Company, approved December 1, 1871."

Mr. Gaston introduced a bill to grant lands to encourage the construction of the Tyler Tap Railway. Referred to the Committee on Internal Improvements.

Mr. Kleberg introduced a bill to amend section seven of "An act to organize the Bureau of Immigration, approved May 23, 1871."

Mr. Sabin introduced a bill to provide for the change of venue in the District Courts of this State in civil cases, for certain causes herein named. Referred to Judiciary Committee No. 1.

Mr. Winkler introduced a bill to provide for the newspaper publication of the opinions of the Supreme Court. Referred to Judiciary Committee No. 2.

Mr. Gillette introduced a bill to authorize the County Court of Hill county to issue interest bearing bonds for the purpose of funding the outstanding indebtedness of said county.

Mr. Brown of Dallas introduced a bill to incorporate the Mechanics' Real Estate, Building and Saving Association of Dallas. Referred to the Committee on State Affairs.

Mr. Abbott introduced a bill for the relief of Johnson Hensley. Referred to the Committee on Private Land Claims.

Mr. Sabin introduced a bill to provide artificial legs and arms to those who have lost their limbs, or any of them, in the late war in the United States, while serving in any army engaged therein. Referred to the Committee on Military Affairs.

Mr. Ghent introduced a bill authorizing the County

Court of Milam county to issue bonds for the purpose of aiding and encouraging immigration to said county. Referred to Judiciary Committee No. 1.

Mr. Russell offered the following resolution :

WHEREAS, By request of the engrossing clerk of the House of Representatives, the services of Dr. J. R. Mills were solicited to aid in said department ; and

Whereas, The said Mills has faithfully assisted, and has received no pay ; therefore be it

Resolved by the House, That the Speaker be, and he is hereby authorized to appoint the said Mills immediately to assist the engrossing clerk of the House in the duties of his office, and that he be allowed remuneration from April 10, 1873.

Adopted.

Mr. Powers offered the following resolution :

Resolved, That the special committee of investigation into the accounts and official conduct of the Superintendent of Public Instruction be authorized to have three hundred copies of their report and evidence printed for the use of the House.

Adopted.

On motion of Mr. Winkler, Mr. Wood was granted leave of absence for eight days, beginning with the eleventh inst.

A message from the Senate announced the passage by that body of House bill No. 384, to levy and collect a special tax in Lavaca county to build a court house and jail for said county, with amendments by the Senate.

A message from His Excellency the Governor submitted a communication from His Excellency James S. Smith, Governor of Georgia, relative to the proposed Atlantic and Great Western Canal.

Also returning "An act to authorize the County or Police Courts of Washington and Grimes counties to aid in the construction of the Brazos bridge near the town of Washington, in Washington county, Texas," with his objections thereto.

A message from the Senate announced the passage by that body of House bill No. 539, "An act to incorporate the city of Jefferson, in Marion county, and to repeal all laws heretofore passed incorporating said city, or amendatory thereof," with sundry amendments by the Senate.

On motion of Mr. Sayers, the House went into commit-

tee of the whole upon the bill making appropriations for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for deficiencies for 1870, 1871 and 1872, Mr. Brown, of Dallas, being called to the chair.

After due discussion the committee rose, and reported the following amendments adopted by the committee :

“Blind Asylum—For boys’ dormitory, \$4500.

“Deaf and Dumb Asylum—For amount expended for 1872, \$1600; for fencing for current fiscal year, \$400.

“Immigration Bureau—For salary of superintendent to May 1, 1873, \$1,333.33; for salary of four commissioners to May 1, 1873, at \$2333 each, \$9,333.32; for salary of agent at Galveston, \$800; for salary of one clerk, \$1000; for stationery, \$400; for foreign and domestic postage, \$1000; add at the end of the bill, to pay to health officers employed under quarantine laws at the stations on the Gulf coast, \$3000.

“School Department—For salary of Superintendent of Education, \$3000; for fees of scholastic census takers, \$10,000. The appropriation under the heading of school department to come out of the income of the school fund, and the receipts from taxes properly belonging to the school fund.

“Lunatic Asylum, 1873—Salary for superintendent, \$2500; for dry goods and clothing, \$6000; for groceries, \$17,000; for fuel and feed, \$4550; for furniture, \$3000; for medical supplies, \$1200; for lights, \$950; for laundries, \$800; for live stock, \$700; for tools and blacksmithing, \$760; assistant physician, \$2000; steward, \$1200; book-keeper and treasurer, \$1200; matrons, \$900; seamstress, \$240; night-watch, female, \$300; night-watch, male, \$480; house servant, \$240; eight attendants at \$300 each, \$2400; one chief attendant, \$360; four dining-room attendants at \$300 each, \$1200; coachman, \$360; first cook, \$480; second cook, \$360; first laundress, \$300; four laundresses at \$200 each, \$800; five laborers at \$300 each, \$1500; one hostler, \$360; one carpenter, \$600; one carpenter, \$480; one baker, \$600; one house servant, \$200; one painter, \$420; one mason, \$480; one gardener, \$480; one gardener, \$300; assistant seamstress, \$200; one teamster, \$300; one cook (private), \$300; three farm hands at \$240 each, \$720; printing, postage and stationery, \$400; garden implements and seeds, \$500; transportation of

patients, \$150; drayage and freights, \$640; sundries, \$1000."

The amendments were adopted.

Mr. Sabin offered the following amendment.

Strike out line one hundred and ten, and all subsequent lines down to and inclusive of line one hundred and twenty-seven, and insert in lieu thereof the following, viz :

"For salary of present Adjutant General, being for nine and one-half months, \$2850; for salary of chief clerk, \$2000; for salary of one clerk, \$1500; two clerks, at \$1400 salary for each, in all \$2800; for telegraphing and printing, \$1000; for books and stationery, \$1000; for postage and porter hire, \$1000; for rent of house as arsenal, \$750; for salary of arsenal keeper, \$600."

Mr. Payne moved to lay the amendment on the table.

Carried by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Berends, Bledsoe, Booty, Broadus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Chambers, Cunningham, Denton, Doyle, Eastland, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Morris, Nelson, Payne, Powers, Rainey, Robb, Rosborough, Russell, Salter, Sayers, Scott, Shaw, Shelton, Short, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Venters, Watts, Westfall, Winkler and Wood—62.

Nays—Messrs. Green, Mills, Moore, Phelps, Sabin, Stockbridge, Washington and Williams—8.

The bill was then ordered engrossed.

On motion of Mr. Payne, leave being granted, the following report was submitted :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your special committee, appointed to report as to the expediency of modifying the tax laws, etc., and to whom was referred, by your Finance Committee, House bill No. 453, entitled "An act regulating taxation," have had the same under consideration, and request me to report the accompanying bill as a substitute for House bill No. 453, with the recommendation that it do pass.

PAYNE, Chairman.

On motion of Mr. Payne the substitute was adopted; the bill laid on the table, made special order for Wednes-

day, April 16, at 10:30 A. M., and one hundred copies were ordered printed.

Mr. Sabin submitted the following communication :

AUSTIN, TEXAS, April 11, 1873.

Hon. C. B. Sabin, House of Representatives :

SIR: The committee of arrangements, whose duty it is to supervise the funeral rites of Captain Thomas W. Williams, deceased, respectfully invite the House of Representatives, through yourself, to participate in the ceremonies and attend the funeral in a body at 10 A. M. on Friday.

THOMAS F. PURNELL, for Committee.

And offered the following resolution :

Resolved by the House of Representatives of the State of Texas, That this House do accept the invitation to attend the funeral of Captain Thomas W. Williams, and will attend the same in a body at 10 o'clock A. M. on Friday, April 11, 1873, and that when we adjourn this day that we adjourn to meet at 2 o'clock P. M. to-morrow.

Mr. Cook called for division of the resolution.

Mr. Gillette moved to lay the whole matter on the table, which carried by the following vote :

Yeas—Messrs. Allison, Anderson, Armstrong, Bledsoe, Broaddus, Brown of Upshur, Carroll, Chambers, Cook, Cunningham, Denton, Doyle, Eastland, Gallaway, Gaston, Gillette, Gilpin, Hester, Ireland, Kemble, Killough, Leyendecker, Manning, Morris, Nelson, Payne, Rainey, Robb, Rosborough, Russell, Scott, Shaw, Shelton, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Venters, Watts, Westfall, and Wood—45.

Nays—Messrs. Speaker, Abbott, Adriance, Berends, Booty, Green, Joseph, Lane, Mabry, McDonald, Mills, Moore, Phelps, Powers, Roberts, Sabin, Salter, Sayers, Stockbridge, Washington, Williams and Winkler—22.

Special order, House bill No. 630, a bill to be entitled "An act to provide for the registration of voters, and to repeal an act to provide for a special registration of voters preparatory to an election under the provisions of an act to authorize counties, cities and towns to aid in the construction of railroads, and other works of internal improvement, approved April 12, 1871," was then announced, and taken up by sections, the bill having been printed.

Section one was adopted.

Mr. Ireland moved to amend section two by inserting after the word "refusing," in line thirteen, the words "willfully and corruptly."

Adopted.

The second section was then adopted.

Mr. Payne offered the following amendment to section three:

Amend by adding the following: "*Provided*, that should there be a special election in any county in this State before the next general election, the registration shall be conducted in said county in the same manner provided for general elections."

Adopted.

Mr. Sabin offered the following amendment:

Strike out section three and insert: "SEC. 3. The board of registration shall at all times be open for registration, in the office of the district clerk."

Lost.

Section three was then adopted.

Mr. Storey moved to amend section four as follows:

Add to section four: "And it shall also be the duty of said clerk, or his deputies, to enter the name of any person on the list of registered voters of the proper precinct, known by him to be entitled to register in said precinct, whether such person applies for registration or not."

Lost.

Mr. Ireland moved to strike out the words "to demand" in line two, section five. Adopted.

Section five was then adopted.

Section six was then adopted.

Section seven was adopted.

Mr. Wood moved to insert after the word "revision" in line eighteen, section eight, the words "willfully or corruptly." Adopted.

Mr. Sayers moved to insert the words "willfully or corruptly" after the word "or" in line twenty, same section. Adopted.

The eighth section was then adopted.

Mr. Joseph offered the following amendment: "After the word "conviction" in line twenty-two, insert "shall be guilty of a misdemeanor and."

Adopted.

Mr. Washington moved to adjourn until 4 P. M., this evening. Lost.

Section nine was then adopted.

Section ten was adopted.

Mr. Ireland moved to add the following to section eleven: "That any person who shall swear falsely under any of the provisions of this act, shall be deemed guilty of perjury, and on conviction shall be punished by confinement in the penitentiary for a term of two years."

Adopted.

Section eleven was then adopted.

Mr. Sabin offered the following amendment to section twelve:

Add as follows: "Provided, that such repeal shall in no case invalidate any registration heretofore lawfully had or made."

Lost.

Section twelve was then adopted.

Mr. Joseph moved to amend section two, line thirteen, by adding after the word "shall" the words "be guilty of a misdemeanor and." Adopted.

Mr. Brown of Dallas moved to strike out the figures "1873" in section three. Adopted.

Also to strike out "April 12" in the latter part of the caption, and also in section twelve, and insert "May 15." Adopted.

The bill thus amended was ordered engrossed.

On motion of Mr. Sayers, the rules were suspended, the bill read a third time by caption and passed.

The Committee on Enrolled Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined and compared the following bills, to-wit:

Bill No. 267, "An act to amend articles four hundred and twelve and four hundred and eighteen of the penal code, as amended by act passed May 11, 1871;" bill No. 99, "An act to amend sections twenty-three and twenty-four of an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved August 13, 1870;" also, joint resolution No. 590, asking for telegraphic lines on the frontier; and find them correctly enrolled, and have this day,

... of April, at 12 M. o'clock, presented the same to the Governor for his approval.

W. A. SHAW, Chairman.

On motion of Mr. Sayers, the House then adjourned until 4 o'clock, P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

The following gentlemen were absent :

Messrs. Leyendecker, Mills, Noeggerath, Rainey, Rimes, Shaw, Walker and Wilder.

On motion of Mr. Smith, of Houston, Mr. Green was excused for ten days.

Report from Judiciary Committee No. 1 :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on Judiciary No. 1, to whom was referred House bill No. 150, entitled "An act to amend an act incorporating the Home Insurance and Trust Company of Texas," have carefully examined the same, and report substitute for caption and first section, and recommend the passage of the bill thus amended.

POWERS, for Committee.

1. "An act amendatory of and supplementary to an act entitled an act to incorporate the Home Insurance and Trust Company of Texas, approved December 1, A. D. 1871.

2. "SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the first section of the above recited act shall be so amended as to read as follows: That R. D. Johnson, S. H. Gilman, A. Kory, S. K. Labatt, Selim Rinker, W. B. Sorley, Henry Pendleton, S. Heidenheimer, J. K. Speers and S. W. Sydnor, of the county of Galveston, and State of Texas, and their associates and successors be, and they are hereby, constituted a body corporate and politic, under the name and style of the Home Insurance and Banking Company of Texas, and under said name may sue and be sued, plead and be impleaded, defend and be defended in all courts whatsoever in this State, and make contracts and be contracted with, and may have and use a common seal, and do all other acts, and have all rights and privileges heretofore

granted said company under the name and style of the Home Insurance and Trust Company of Texas, and shall be bound by all the obligations and contracts existing in like manner as though said name had not been changed as herein provided, and shall in like manner be liable for every debt, due, demand and claim under the new as the former name."

The amendments were adopted, the bill read second time and ordered engrossed. On motion the rules were suspended, the bill read by caption third time and passed.

House bill No. 239, a bill to be entitled "An act for the relief of W. M. Jackson," was taken up, the amendments offered by the Senate were adopted and the bill passed.

House bill No. 384, a bill to be entitled "An act to levy and collect a special tax in Lavaca county to build a court house for said county," was taken up, the Senate amendments concurred in, and the bill passed.

House bill No. 539, "An act to incorporate the city of Jefferson, in Marion county, and to repeal all laws heretofore passed incorporating said city, or amendatory thereof," was taken up, the amendments offered by the Senate concurred in, and the bill passed.

On motion of Mr. Broaddus Judiciary Committee No. 1 was granted leave to report, and submitted the following:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

Sir: Your Judiciary Committee No. 1, to whom was referred House bill No. 171, beg leave to report that we have had the subject matter of the same under consideration, and the committee have instructed me to report the said bill back to the House and recommend its passage.

POWERS, for Committee.

The bill, being a bill to be entitled "An act amendatory of and supplementary to an act entitled an act to incorporate the Central Bank, passed March 31, 1871," was read second time and ordered engrossed.

On motion of Mr. Broaddus, the rules were suspended, the bill read third time and passed.

On motion of Mr. Green, the Committee on Counties and County Boundaries were granted leave to make a special report, and submitted the following:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Counties and County Boundaries, to whom was referred House bill No. 411, to be entitled "An act to create the county of Hempstead," have had the same under consideration, and have instructed me to report the bill back to the House with the accompanying amendments and recommend its passage.

NELSON, for Committee.

1. Amend by striking out all that portion of territory proposed to be taken from Harris county.

2. Strike out "Hempstead" wherever it occurs and insert "Waller."

3. In section two insert after the word "Austin" the word "or," and strike out "or Harris."

The amendments were adopted, the bill read by caption second time and ordered engrossed.

On motion of Mr. Abbott, the rules were suspended, the bill read third time and put upon its passage with the following result:

Yeas—Messrs. Speaker, Abbott, Allison, Booty, Broadus, Brown of Upshur, Brown of Dallas, Carroll, Cunningham, Doyle, Gallaway, Gaston, Gillette, Gilpin, Green, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Mabry, Manning, McDonald, Moore, Nelson, Phelps, Powers, Robb, Rosborough, Russell, Sabin, Salter, Shaw, Smith of Houston, Stockbridge, Storey, Thurmond, Tivy, Tom, Trolinger, Watts, Westfall, Williams and Winkler—44.

Nays—Messrs. Armstrong, Berends, Bledsoe, Eastland, Harrison, Hester, Ireland, Kleberg, Leyendecker, Payne, Rainey, Scott and Shelton—13.

Whereupon it was seen there was no quorum present.

Mr. Brown, of Dallas, moved a call of the House, which was seconded.

The call being made, the following gentlemen were found to be absent:

Messrs. Bordeaux, Cook, Denton, Ford, Mills, Noeggerath, Rimes, Roberts, Sayers, Schmidt, Short, Tilson, Venters, Walker, Washington and Wilder.

The call was suspended, the bill again put upon its passage, and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Allison, Booty, Broadus, Brown of Upshur, Brown of Dallas, Carroll, Cun-

ningham, Doyle, Gallaway, Gaston, Gillette, Gilpin, Green, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Mabry, Manning, McDonald, Moore, Nelson, Phelps, Powers, Rainey, Robb, Rosborough, Russell, Sabin, Salter, Shaw, Smith of Houston, Stockbridge, Thurmond, Tivy, Tom, Trolinger, Watts, Westfall, Williams, Winkler—44.

Nays—Messrs. Anderson, Armstrong, Berends, Bledsoe, Chambers, Eastland, Harrison, Hester, Ireland, Kleberg, Leyendecker, Morris, Payne, Scott, Shelton, Storey—16.

Further report from same committee.

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Counties and County Boundaries, to whom was referred a bill to create and provide for the organization of Gregg county, have had the same under consideration, and have instructed me to report the accompanying bill as a substitute and recommend that it do pass.

NELSON, for Committee.

The substitute recommended by the committee was read and adopted.

Mr. Winkler moved to amend the caption by adding "named in honor of the late General John Gregg." Adopted.

The bill was then ordered engrossed.

On motion the rules were suspended to put the bill on its third reading.

Mr. Ireland moved to adjourn until 9:30 A. M. to-morrow, there being no quorum present.

House refused to adjourn.

Mr. Russell moved a call of the House, which being seconded, was made, and the following gentlemen found to be absent :

Messrs. Ford, Ireland, Lane, Mills, Morris, Noeggerath, Roberts, Sayers, Schmidt, Short, Tilson, Walker, Washington and Wilder.

On motion of Mr. Broadus, the call was suspended, and the bill passed by the following vote :

Yeas—Messrs. Speaker, Abbott, Allison, Anderson, Booty, Bordeaux, Broadus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Cunningham, Doyle, Gallaway, Gaston, Gillette, Gilpin, Green, Harrison, Hollingsworth,

Joseph, Kemble, Killough, Mabry, Manning, McDonald, Moore, Nelson, Phelps, Powers, Rainey, Robb, Rosborough, Russell, Sabin, Salter, Scott, Shaw, Smith of Houston, Stockbridge, Thurmond, Tivy, Tom, Trolinger, Watts, Westfall, Williams and Winkler—48.

Nays—Messrs. Armstrong, Berends, Bledsoe, Chambers, Eastland, Hester, Hoffman, Kleberg, Leyendecker, Payne, Shelton, Storey, and Venters—13.

Mr. Rimes was excused from voting.

On motion of Mr. Anderson, Judiciary Committee No. 2, being granted leave to report, submitted the following: *Hon. M. D. K. Taylor, Speaker of the House of Representatives*:

SIR: Judiciary Committee No. 2, to whom was referred Senate bill No. 190, entitled "An act to incorporate the City Bank of Sherman," have carefully considered the same, and report the same and recommend its passage.

IRELAND, Chairman.

The bill was read third time.

The Committee on Engrossed Bills submitted the following reports:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined the following bills, and find the same correctly engrossed: House bill No. 310, entitled, "An act to incorporate the city of San Antonio, and grant a new charter to said city;" House bill No. 217, entitled, "An act to incorporate the Hempstead Baptist Church," and House bill No. 148, entitled, "An act amendatory of and supplementary to an act entitled an act to incorporate the Merchants' Mutual Insurance Company," and find the same correctly engrossed.

BOOTY, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined House bills as follows:

No. 216, "An act to amend an act incorporating the trustees of Baylor University, passed by the Congress of the Republic of Texas, February 1, 1845."

No. 247, "An act to incorporate the San Antonio River Valley Canal Company, and to grant lands in aid of the construction of the same."

No. 446, "An act to amend the penal code of the State of Texas."

No. 483, "An act to aid in the construction of the Gulf, West Texas and Pacific Railway."

No. 665, "An act to prohibit the sale of intoxicating or spirituous liquors within three miles of the institution of learning situated near Mount Enterprise, in Rusk county, Texas."

No. 666, "An act to amend title thirteen, chapter two, of the penal code, title of lotteries and raffles, and to prohibit all gift enterprises, dollar stores, sales of pictures or chance, and all other possible kinds of dealings in chances and lotteries, and to define and punish the same."

And find the same correctly engrossed.

BOOTY, Chairman.

On motion of Mr. Bordeaux, Mr. Veale was excused on account of sickness.

On motion of Mr. Hollingsworth, the House adjourned until 9:30 A. M., to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, April 11, 1873. (

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

On motion of Mr. Brown, of Dallas, some mistakes in the journal were corrected, and its reading was dispensed with.

On motion of Mr. Sayers, Senate bill No. 52, "An act to amend sections one, one hundred and fourteen, one hundred and ninety-two, two hundred and seventeen, two hundred and thirty-five, two hundred and forty, two hundred and forty-two, two hundred and fifty, two hundred and fifty-one, two hundred and fifty-two, two hundred and sixty-six and three hundred and forty-one of an act entitled an act prescribing the mode of proceeding in District courts in matters of probate, approved August 15, 1870," was taken up, read first time and referred to Judiciary Committee No. 1.

Senate bill No. 190, "An act to incorporate the City Bank of Sherman," was read by caption third time and passed.

Mr. Payne presented a petition of citizens of Washington county against a fence law. Referred to the Committee on Agriculture and Stock Raising.

Mr. Smith, of Houston, presented a petition of citizens of Cherokee county on division of said county. Referred to the Committee on Counties and County Boundaries.

Mr. Smith, of Houston, also presented a protest of citizens of Harrison county against division of that county. Referred to the Committee on Counties and County Boundaries.

Mr. Scott presented a petition of W. A. Johnson. Referred to the Committee on Private Land Claims.

Mr. Tom presented a bill to incorporate the Leona Irrigation and Manufacturing Company.

Mr. Doyle introduced a bill to be entitled "An act to incorporate the Cleburne Cross-Timber and Granberry Railway Company." Referred to the Committee on Internal Improvements.

Mr. Tilson introduced a bill to be entitled "An act to amend the first section of an act to regulate the fees of officers, approved February 1, 1850." Referred to the Committee on Public Lands and Land Office.

Mr. Russell introduced a bill to protect laborers on railroads and other works of internal improvement. Referred to the Committee on State Affairs.

Mr. Storey offered the following resolution :

Resolved, That hereafter bills and resolutions relative to internal improvement may be considered at evening sessions.

Read and laid over under the rules.

Mr. Thurmond introduced a bill to be entitled "An act legalizing certain locations in Nueces county." Referred to the Committee on State Affairs.

Mr. Anderson introduced a bill to authorize the mayor and board of aldermen of the city of Waco to assess and collect a tax on the real property situate within the fire limits of said city.

Mr. Eastland introduced a bill to be entitled "An act to prohibit the sale of intoxicating liquors within certain limits of Concord School House, in Anderson county, Texas." Referred to Committee on Education.

Mr. Thurmond introduced a bill to prevent the spread of disease. Referred to the Committee on State Affairs.

Mr. Brown of Upshur introduced a bill for the relief of

W. H. Payne and P. S. Harris, of Upshur county, Texas." Referred to the Committee on Claims and Accounts.

Mr. Kleberg offered the following resolution :

Resolved, That the Speaker be instructed to appoint a committee of five, to revise the present immigration laws of the State, and to reorganize the Bureau of Immigration.

Adopted.

The Speaker appointed the following gentlemen said committee, under the resolution: Killough, chairman; Ireland, Kleberg, Lane and Westfall.

The following message from the Governor was then submitted :

EXECUTIVE OFFICE, STATE OF TEXAS,)
AUSTIN, April 10, 1873.)

Hon. M. D. K. Taylor, Speaker of the House of Representatives of the State of Texas :

SIR: I return to your house, where it originated, the act entitled "An act to authorize the county or police courts of Washington and Grimes counties to aid in the construction of the Brazos bridge, near the town of Washington, in Washington county, Texas."

This act was inadvertently signed by me among a number of other bills. I find, on closer examination, that it is directly violative of section thirty-two of article twelve of the Constitution, which provides that county courts may aid works of internal improvement only after consent of two-thirds of the qualified voters of the county. My approval thus inadvertently given to this act I have erased.

I therefore ask that the act be reconsidered.

Very respectfully,

EDMUND J. DAVIS, Governor.

On motion of Mr. Brown of Dallas, the message and bill were referred to Judiciary Committee No. 2.

Report from Judiciary Committee No. 2 :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House bill No. 575, beg leave to report that they have considered said bill, and return the same to the House, and recommend that it do pass.

JNO. IRELAND, Chairman.

The bill, being a bill for the relief of the estate of John T. Storey, was read second time and ordered engrossed.

On motion of Mr. Sayers, the rules were suspended, the bill read a third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Judiciary Committee No. 2, to whom was referred House bill No. 163, have had the same under consideration, and instruct me to report, that if said bonds were originally legal, that they now require no legislative aid, and if illegally issued, they ought not to be legalized. The committee are informed that the legality of said bonds is now involved in a suit pending in the courts, and therefore report the bill back with the recommendation that it do not pass.

IRELAND, Chairman.

The report was adopted, and the bill, being a bill to validate the Brazoria county bonds, voted by the people thereof, and paid out by the commissioner's court of the said county, to the Houston Tap and Brazoria Railway Company, indefinitely postponed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Judiciary Committee No. 2, to whom was referred the memorial and petition and accompanying documents, for the relief of T. C. Jordan, in regard to one hundred and sixty acres of land situate in Hood county, being a part of the land surveyed for the purposes of education, for Milam county, have carefully considered the same, and instruct me to report the accompanying bill, entitled "An act to authorize T. C. Jordan to purchase one hundred and sixty acres of land situate in the county of Hood, being a part of the land surveyed for the county of Milam for the purposes of education," and recommend it passage.

ANDERSON, for Committee.

The bill was read ; rules suspended and read second time.

Mr. Bledsoe offered the following amendment :

"*Provided*, that nothing in this act shall be so construed as to affect the rights of any other person in and to said lands."

Adopted. The bill was then ordered engrossed.

On motion the rules were further suspended, the bill read third time and passed.

Further report from the same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Judiciary Committee No. 2, to whom was referred a resolution instructing said committee to inquire into the legality and expediency of enacting a general law to prohibit the sale of intoxicating liquors in certain localities, have carefully considered the same, and in response to said resolution, instruct me to report the accompanying bill, and recommend that it do pass.

W. H. TILSON, Chairman.

The bill, being a bill to prohibit the sale of spirituous liquors within certain localities in the State of Texas, was read first time; the rules suspended and read second time.

Mr. Harrison moved to amend by inserting after the words "county seat," the words "town or city."

Mr. Leyendecker moved to lay the bill on the table.

The House refused to table.

Mr. Brown, of Dallas moved to amend by inserting after the words "county seat," the words "any incorporated town or city."

Mr. Killough moved to recommit the bill and amendment to the Committee on State Affairs. Lost.

Mr. Brown, of Dallas, moved to recommit the bill and amendment to the Committee on State Affairs, which carried, and the bill was recommitted.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House bill No. 351, a bill to be entitled "An act to amend section ninety of an act entitled an act to regulate proceedings in the District Court, approved May 13, 1846," beg leave to report the same back and recommend its passage.

IRELAND, Chairman.

The bill was read second time and ordered engrossed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred a bill to be entitled. "An act to exempt certain property therein

named from forced sale," beg leave to report herewith a substitute for the original bill, and ask its passage.

IRELAND, Chairman.

The substitute was read and adopted. On motion the rules were suspended, and the bill read second time.

Mr. Allison moved that the bill be laid on the table, made special order for Wednesday, April 16, at 11 A. M., and that one hundred copies be printed. Lost.

Mr. Mills offered the following amendment:

"And enough of the products raised on the land upon the farm to clothe and feed the family, say five hundred dollars; *provided*, that nothing in this act shall impair the landlord's lien for the payment of rents due, or which may fall due."

The amendment was adopted.

Mr. Nelson moved to strike out the word "or," in section two, after the word "horses," and insert in lieu thereof the word "and," and to strike out after the word "oxen," in same section, the words, "or one horse and one yoke of oxen."

Yeas and nays were called, with the following result:

Yeas—Messrs. Adriaance, Bordeaux, Cook, Chambers, Cunningham, Denton, Doyle, Gillette, Gilpin, Hollingsworth, Joseph, Kemble, Lane, Mabry, Manning, Mills, Moore, Nelson, Noeggerath, Phelps, Powers, Rainey, Sabin, Salter, Smith of Houston, Stockbridge, Thurmond, Tivy, Washington, Wilder and Williams—31.

Nays—Messrs. Speaker, Allison, Anderson, Armstrong, Bledsoe, Broaddus, Brown of Upshur, Eastland, Ford, Gallaway, Gaston, Ghent, Harrison, Hester, Ireland, Killough, Kleberg, McDonald, Morris, Payne, Prendergast, Rimes, Robb, Rosborough, Russell, Saylor, Schmidt, Scott, Shaw, Shelton, Short, Storey, Tilson, Tom, Trolinger, Van Zandt, Veale, Venters, Watts, Westfall and Winkler—41.

Whereupon the amendment was declared to have failed to carry.

Mr. Manning offered the following amendment:

Strike out in city "five thousand" and insert "two thousand." Lost.

Mr. Storey offered the following amendment:

"*Provided*, that no property shall be exempt from forced sale under any judgment rendered on any note given, or account accruing for the purchase money of said property;

provided, that the property is in the hands of the original purchaser against whom the judgment is rendered."

Mr. Short moved to lay the amendment on the table. Lost.

Mr. Hester offered the following substitute for the bill and amendment:

"SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That all laws for the collection of debts contracted from and after the passage of this act be and the same are hereby abolished, and that from and after that date all debts contracted shall be deemed debts of honor.

"SEC. 2. That this act take effect and be in force from and after the first day of January, 1874."

Mr. Harrison moved to indefinitely postpone the bill, amendment and substitute. Lost.

Mr. Mills moved to lay the substitute on the table. Carried.

Mr. Watts moved the previous question, which, being seconded, was put, but the House refused to order the main question.

Mr. Morris offered the following substitute to the above amendment:

"*Provided*, that the contracts for the sale of personal property shall be recorded in the county where the contract is made."

Mr. Nelson moved that the bill and amendments be committed to a special committee of three.

The House refused to commit.

Mr. Payne moved to lay the substitute and amendment offered by Mr. Morris on the table. Carried.

The amendment offered by Mr. Storey was adopted.

Mr. Sayers offered the following amendment:

"*Provided*, that one year's provisions of corn shall not exceed three hundred bushels for each family."

Mr. Payne moved to lay the amendment on the table, which was carried.

Mr. Nelson offered the following amendment:

Strike out "five cows and calves" and insert "ten cows and calves."

Mr. Mills moved to lay the amendment on the table. Carried.

Mr. Prendergast moved the previous question, which being seconded, was put, the main question ordered, and the bill ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Bledsoe, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Cook, Chambers, Denton, Doyle, Eastland, Gallaway, Gaston, Ghent, Gillette, Gilpin, Hester, Hollingsworth, Ireland, Joseph, Killough, Lane, Mabry, Manning, McDonald, Mills, Morris, Payne, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Sayers, Scott, Shaw, Storey, Thurmond, Tilson, Tivy, Van Zandt, Veale, Venters, Westfall and Winkler—50.

Nays—Messrs. Abbott, Berends, Bordeaux, Cunningham, Ford, Harrison, Hoffman, Kleberg, Leyendecker, Moore, Nelson, Noeggerath, Phelps, Powers, Roberts, Sabin, Schmidt, Shelton, Short, Smith of Houston, Stockbridge, Trolinger, Washington, Watts, Wilder and Williams—26.

Mr. Cook moved to reconsider the vote of yesterday on the final passage of the registration bill. Carried.

On motion of Mr. Ireland, the bill was then made special order for 1 P. M., to-day.

On motion of Mr. Ireland, Senate bill No. 53, amending the probate laws of the State, was transferred from Judiciary Committee No. 2, to Judiciary Committee No. 1.

Further report from Judiciary Committee No. 2 :
Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee, to whom was referred House bill No. 382, a bill to legalize an ordinance adopted by the Convention on the twelfth day of December, 1868, authorizing a special tax to be levied for the Waco Tap Railway, in Falls and McLennan counties, approved June 18, 1870, beg leave to report the same back, and recommend its passage.

IRELAND, Chairman.

The bill was read second time and ordered engrossed.

On motion, the rules were suspended, the bill read third time and passed.

Leave being granted, Mr. Denton introduced a bill to be entitled "An act to prohibit all civil officers in this State from accepting free passes on railroads." Read and referred to Judiciary Committee No. 2.

Further report from the same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House bill No. 446, beg leave to report said bill back, and recommend its passage with the accompanying amendment.

IRELAND, Chairman.

Substitute for section third: "SEC. 3. *Be it further enacted*, That there is hereby levied an *ad valorem* tax on all the taxable property in said county, not exceeding one-half of one per cent., for the purpose of paying the interest and providing a sinking fund to meet the payment of the principal of said bonds. That said taxes shall be assessed and collected as other taxes are; *provided*, no tax shall be collected under this act until said bonds have been issued and placed on the market, and then only a sufficiency to meet the amounts required."

The amendment was adopted, the bill read second time and ordered engrossed.

On motion the rules were suspended, the bill read third time and passed.

Further report from the same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Judiciary Committee No. 2, to whom was referred the bill, No. 390, to change the name of L. Jane Price, are of opinion that the relief asked for can be obtained through the courts. (See act of February, 1856.)

The committee therefore recommend that the bill do not pass.

IRELAND, Chairman.

The report was adopted.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Judiciary Committee No. 2, to whom was referred House bill No. 209, "An act to regulate the issuance of land patents in certain cases." instruct me to report said bill back and recommend its passage.

IRELAND, Chairman.

The bill was read second time and ordered engrossed.

On motion the rules were suspended, the bill read third time and passed.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Judiciary Committee No. 2, to whom was referred House bill No. 462, validating acts of J. W. Irwin, surveyor of Navarro county, instruct me to report said bill back, with the recommendation that the same do pass.

IRELAND, Chairman.

The bill was read second time and ordered engrossed.

On motion, the rules were suspended, the bill read third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House bill No. 399, providing for the registration of births, instruct me to report the same back with some amendment and recommend its passage.

IRELAND, Chairman.

Amend third third section by making penalty five instead of thirty-five dollars, and giving six months instead of two months.

The amendment was adopted, the bill read second time and ordered engrossed.

On motion, the rules were suspended, the bill read third time and passed.

Leave being granted, Mr. Short offered the following resolution :

Resolved, That the Comptroller of Public Accounts be and he is hereby instructed to furnish this House with the amount expended for repairs and furniture of the Governor's mansion and for improving the mansion grounds, with the different items therefor, from August, 1866, to August, 1867, and the amount expended for like purposes since that time to the present, and also any expenditures that have been made that have not been paid for.

Adopted.

Mr. Storey moved that Judiciary Committee No. 1 be allowed to report upon the bill relating to probate matter.

The House refused to allow the report to be made.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House bill

No. 433 beg leave to report the same back and recommend that the same do not pass.

IRELAND, Chairman.

The report was adopted, and the bill, being a bill to be entitled "An act regulating the salary and fees of district attorneys," was indefinitely postponed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred petitions of citizens of Smith county beg leave to report same back with the remark that the prayer of the memorialists be not granted.

IRELAND, Chairman.

The report was adopted.

Further report from the same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee, to whom was referred the "Resolution of inquiry relative to suits against insurance companies," are informed that the subject matter of this resolution is now under consideration by Judiciary Committee No. 1. The committee therefore recommend the reference of the resolution to Judiciary Committee No. 1.

IRELAND, Chairman.

The report was adopted and reference made.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House bill No. 419, "An act to amend section one of an act concerning private corporations, approved December 2, A. D. 1871," beg leave to report the same back and recommend its passage.

IRELAND, Chairman.

The bill was read second time and ordered engrossed.

On motion, the rules were suspended, the bill read third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House bill No. 522, beg leave to report said bill back and recommend its passage.

IRELAND, Chairman.

The bill, being "An act to prohibit the sale of intoxicating liquors within four miles of Bosqueville Male and Female College, situated at Bosqueville, McLennan county," was read second time and ordered engrossed.

On motion, the rules were suspended, the bill read third time and passed.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee, to whom was referred House bill No. 525, beg leave to report said bill back and recommend its passage. IRELAND, Chairman.

The bill, being a bill to incorporate the Hebrew Benevolent Association of Waco, was read by caption second time and ordered engrossed.

On motion the rules were suspended, the bill read third time and passed.

Mr. Russell asked leave for the Committee on Public Lands and Land Office to make a report.

House refused to suspend its rules.

Further report from same committee.

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The committee to whom was referred a resolution of inquiry into the mode of electing justices of the peace, beg leave to state that the first section of the act of 1870, session acts of 1870, page 87, prescribes that each justice's precinct shall elect one justice of the peace.

IRELAND, Chairman.

Further report from same committee.

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The committee to whom was referred House bill No. 302, instruct me to report said bill back, with a substitute, and recommend its passage.

IRELAND, Chairman.

The substitute being a bill to amend section four of "An act to punish certain offenses committed on Sunday," was read and adopted.

The bill was then read second time.

Mr. Berends moved to lay the bill on the table; make it special order for Monday, April 21, and that one hundred copies be printed for the use of the House. Lost.

Mr. Mills offered the following amendment:

"In all cities and towns the markets on Sunday may be opened until nine o'clock for the sale of provisions and all marketing, but in no case shall any kind of spirituous or malt liquor be sold; *provided*, that all material for burial purposes shall not be prohibited at any time from being sold."

Mr. Powers moved to strike out "twelve o'clock Saturday night," and insert "nine o'clock Sunday morning."

Mr. Payne moved to lay the amendment on the table, which was carried by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Bledsoe, Booty, Broaddus, Brown of Upshur, Carroll, Chambers, Cunningham, Denton, Doyle, Eastland, Ford, Gaston, Gillette, Hester, Hollingsworth, Kemble, Manning, Moore, Nelson, Payne, Phelps, Prendergast, Robb, Roberts, Rosborough, Russell, Scott, Shaw, Shelton, Storey, Tilson, Trolinger, Van Zandt, Venters, Washington, Westfall, Wilder, Williams, Winkler—43.

Nays—Messrs. Anderson, Berends, Brown of Dallas, Cook, Gilpin, Harrison, Hoffman, Joseph, Kleberg, Lane, Lyendecker, Mabry, McDonald, Mills, Morris, Noeggerath, Powers, Rainey, Sabin, Sayers, Schmidt, Stockbridge, Thurmond, Tivy, Tom and Walker—26.

Mr. Venters moved to reconsider the vote just taken. House refused to reconsider.

Mr. Powers offered the following amendment:

"*Provided*, that the Third Senatorial District, the Twenty-ninth Senatorial District, and the counties of Galveston, Harris and Fort Bend be excepted from the provisions of this bill."

Mr. Ireland offered the following substitute for the bill and amendments: "That the city and town governments of this State may enact laws to enforce the observance of the Sabbath."

The Speaker then announced the special order, being the registration bill.

The Committee on Engrossed Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined the following House bills:

No. 23, "An act to create and provide for the organization of the county of Gregg."

No. 319, a bill to be entitled "An act to provide for a change of venue in civil cases."

And find the same correctly engrossed.

BOOTY, Chairman.

Mr. Leyendecker moved to adjourn until three P. M. this evening. Carried.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

The following gentlemen were absent:

Messrs. Anderson, Hoffman and Mills.

On motion of Mr. Nelson, Mr. Lane was excused for the evening.

On motion of Mr. Russell, Mr. Gallaway was excused until Tuesday.

The special order, being the Texas Pacific Railway bill, was taken up.

Pending the amendment offered by Mr. Payne, Mr. Denton moved that the House go into committee of the whole.

The House refused.

Mr. Rimes moved to postpone the further consideration of the bill, and make it the special order for Monday, April 14, at 12 M. Carried.

On motion of Mr. Denton, Mr. Rimes was granted leave of absence until Tuesday next.

The registration bill having been special order for 1 P. M. this day, was then taken up.

Mr. Brown, of Dallas, offered the following amendments:

Strike out of section three, all after the word "registered," in thirty-first line, and insert: "*Provided, however, that the first general registration under the provisions of this section shall commence not less than sixty nor more than ninety days from and after the passage of this act, to be conducted in all respects, as to notice, duration of time, revision by the board of revision, and otherwise, according to the provisions of this section; provided further, that the board of revision for the first registration shall assemble for such revision on the second Monday after the commencement of said first registration.*"

The amendment was adopted. The bill then passed by the following vote.

Yeas—Messrs. Speaker, Adriance, Allison, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Joseph, Kemble, Killough, Kleberg, Leyendecker, Mabry, Manning, McDonald, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Robb, Salter, Sayers, Schmidt, Scott, Shaw, Shelton, Short, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Veale, Venters, Watts, and Winkler—61.

Nays—Messrs. Abbott, Moore, Phelps, Roberts, Sabin, Stockbridge, Washington, Wilder and Williams—9.

Leave being granted, on motion of Mr. Sayers, Judiciary Committee No. 1 reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Judiciary Committee No. 1, to whom was referred Senate bill No. 52, entitled "An act to amend sections one, one hundred and fourteen, one hundred and ninety-two, two hundred and seventeen, two hundred and thirty-five, two hundred and forty, two hundred and forty-two, two hundred and fifty, two hundred and fifty-one, two hundred and fifty-two, two hundred and sixty-six and three hundred and forty-one, of an act entitled an act prescribing the mode of proceeding in district courts in matters of probate, approved August 15, 1870," have had the same under consideration, and report the same back with amendments and recommend its passage, as a substitute for House bills Nos. 88 and 76, referred to your committee.

W. B. SAYERS, for Committee.

The bill and amendments reported by the committee were, on motion of Mr. Sayers, laid on the table and one hundred copies thereof ordered printed.

On motion of Mr. Kemble, the Committee on State Affairs submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on State Affairs, to whom was referred House bill No. 367, entitled "An act to incorporate

Marvin College," having had the same under consideration, unanimously recommend that it do pass.

VENTERS, for Committee.

The bill was read second time and ordered engrossed.

On motion of Mr. Kemble, the rules were suspended, the bill read third time and passed.

Leave being granted, on motion of Mr. Westfall, the Committee on State Affairs submitted the following report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 448, entitled "An act to incorporate the Austin Trust Company," have had the same under consideration, and a majority of the committee have instructed me to report the bill back with the accompanying amendments and to recommend the passage of the bill with said amendments.

SMITH, Chairman.

Amend by adding to section nine the following :

"*Provided*, that the said company shall be under the control of the Legislature, and subject to such laws as shall from time to time be passed amendatory of the same."

The amendment was adopted.

The bill read second time and ordered engrossed.

On motion, the rules were suspended, the bill read third time and passed.

On motion of Mr. Bordeaux, leave being granted, the Committee on State Affairs reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was referred House bill No. 223, to be entitled "An act for the relief of A. T. Watts," have considered the same, and herewith report the same back to the House and recommend that it do pass.

DENTON, for Committee.

The bill was read second time and ordered engrossed.

On motion, the rules were suspended, the bill read third time and passed by the following vote :

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broadus, Brown of Upshur, Brown of Dallas, Carroll, Cham-

bers, Cook, Cunningham, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Leyendecker, Mabry, Manning, McDonald, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Robb, Roberts, Rosborough, Sabin, Salter, Sayers, Scott, Schmidt, Shaw, Shelton, Short, Smith of Houston, Stockbridge, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Veale, Venters, Washington, Westfall, Williams, and Winkler—71.

Nays—None.

Leave being granted, Mr. Booty introduced a bill making an appropriation for mileage for the recently elected and newly seated members of the House of Representatives. The bill was read first time; rules suspended, read second time and ordered engrossed. On motion of Mr. Booty the rules were further suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broadus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Leyendecker, Manning, McDonald, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Robb, Roberts, Rosborough, Salter, Sayers, Scott, Shaw, Shelton, Short, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Veale, Venters, Walker, Washington, Westfall, Winkler and Williams.—67.

Nays—None.

On motion of Mr. Brown of Dallas leave was granted the Committee on State Affairs to report, and they submitted the following:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on State Affairs have examined a bill to incorporate the Mechanics' Real Estate, Building and Savings Association of Dallas, and recommend its passage.

J. H. BROWN, Chairman.

The bill was read second time and ordered engrossed. On motion the rules were suspended, the bill read third time and passed.

Leave being granted, on motion of Mr. Kemble the Committee on Claims and Accounts submitted the following report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : Your committee to whom was referred House bill No. 211, for the benefit of C. R. Gibson, beg leave to report the same back and recommend the passage of the substitute herewith submitted.

GASTON, Chairman.

The substitute was read and adopted and ordered engrossed.

On motion of Mr. Kemble, the rules were suspended, the bill read third time and passed by the following vote :

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broadus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Mabry, Manning, McDonald, Moore, Morris, Nelson, Noeggerath, Phelps, Powers, Prendergast, Rainey, Robb, Roberts, Rosborough, Sabin, Salter, Sayers, Scott, Shaw, Shelton, Stockbridge, Thurmond, Tivy, Tom, Trolinger, Van Zandt, Veale, Venters, Walker, Washington, Watts, Westfall, Williams and Winkler—60.

Nays—Messrs. Leyendecker, Smith of Houston, Storey and Tilson—4.

On motion of Mr. Powers, the Committee on Internal Improvements submitted the following report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : Your Committee on Internal Improvements have had under consideration House bill No. 557, entitled "An act to incorporate the Brazos Santiago and Rio Grande Canal Company," and have instructed me to report the same back to the House and recommend its passage.

WINKLER, Chairman.

The bill was read second time and ordered engrossed.

On motion of Mr. Powers, the rules were suspended, the bill read third time and passed.

On motion of Mr. Broadus, the Committee on Private Land Claims reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Private Land Claims, to whom was referred the petition of Walter Campbell, for 370 $\frac{1}{2}$ acres of land, have carefully examined the evidence in said case, and report the accompanying bill, with the recommendation that it do pass.

P. R. SCOTT, for Committee.

The bill, being a bill to validate headright land certificate No. 102, dated February 15, 1838, issued to Walter Campbell for 369 acres of land, instead of 370 $\frac{1}{2}$ acres, as now stated in said certificate, was read second time and ordered engrossed.

On motion, the rules were suspended, the bill read third time and passed.

Mr. Rainey moved to reconsider the vote on the final passage of the bill creating the county of Waller. The House refused to reconsider.

On motion of Mr. Russell, the joint committee on House bill No. 188, submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The joint committee of the Senate and House of Representatives, on Public Lands and Land Office, to whom was referred Senate substitute for House bill No. 188, would respectfully report that we have had the subject matter of said bill under consideration, and said joint committee instruct us to report said substitute to the House, and recommend its passage by the adoption of the accompanying amendment, to stand as the first section of said bill, after the enacting clause; and that the actual sections comprising said substitute be numbered respectively, to correspond to the proposed amendment.

A. J. BALL,

Chairman Senate Committee.

S. POWERS,

Chairman House Committee.

Amendment offered by committee: "That any person who shall occupy any portion of the public domain as a homestead under existing law, shall have the same surveyed and the field notes returned to the Land Office within twelve months after settling upon the same, or as provided in section two of this act; and such person or

his assignee or assignees shall be entitled to a patent therefor upon filing in the Land Office an affidavit to the effect that such person or his assignees has occupied and improved said land for three years in good faith, and has complied with the requirements of this act, and paid all fees, which affidavit shall be corroborated by the affidavits of two disinterested and credible citizens of the county in which the land is situated, all of which affidavits shall be subscribed and sworn to before the district clerk, who shall certify to the same, and the credibility of said citizens, under the seal of his office."

The amendment offered by the committee was adopted.

The bill thus amended was read second time and ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed.

On motion of Mr. Gaston, the Committee on Education submitted the following report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Education, to whom was referred the petition of sundry citizens of Lamar county, asking the prohibition of the sale of spirituous liquors within one mile and a half of Sylvan Academy, in said county, have duly considered the same, and a majority of the committee instruct me to recommend the passage of the bill.

LANE, for Committee.

The bill was read second time and ordered engrossed.

On motion, the rules were suspended, the bill read third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Education, to whom was referred House bill No. 393, have had the same under consideration, but having doubts as to the constitutional right of the Legislature to make the appropriation as asked for in section one of said bill, have instructed me to report the same back to the House and ask its reference to Judiciary Committee No. 2 for their consideration and advice as to the authority of the Legislature to make said appropriation.

ARMSTRONG, Chairman.

The bill referred to was a bill providing for the establishment of the Texas Military Institute.

The report was adopted and reference made.

Further report from the same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Education, to whom were referred House bills Nos. 391 and 392, have considered the same, and instruct me to report said bills back to the House and recommend that the same do pass.

FORD, for Committee.

House bill No. 392, a bill to incorporate the Garden Valley Seminary, in Smith county, Texas, was read second time and ordered engrossed.

On motion the rules were suspended, the bill read third time and passed.

House bill No. 391, a bill to prevent the gift or sale of intoxicating liquors within two miles of Garden Valley Seminary, in Smith county, Texas, was read second time and ordered engrossed.

On motion the rules were suspended, the bill read third time and passed.

Ex-Governor Clark was invited to a seat within the bar of the House, and its freedom extended him during his stay in the city.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Education, to whom was referred House bill No. 566, a bill to be entitled, "An act to incorporate Cotton Gin Seminary," have considered the same, and instruct me to report said bill back to the House, and recommend that the same do pass.

FORD, for Committee.

The bill, being a bill to prohibit the sale of intoxicating liquors within two miles of Cotton Gin Seminary, in Freestone county, Texas, was read second time and ordered engrossed. On motion the rules were suspended, the bill read third time and passed.

House bill No. 682, a bill to incorporate Cotton Gin Seminary, was read ; rules suspended, read second time and ordered engrossed. On motion the rules were suspended, the bill read third time and passed.

On motion of Mr. Hollingsworth, the Committee on State Affairs submitted the following report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was referred House bill No. 617, entitled, "An act to fund the debt of Hays county," have considered the same, and instructed me to report the same back, with recommendation that it do pass.

VENTERS, for Committee.

The bill was read second time and ordered engrossed. On motion the rules were suspended, the bill read third time and passed.

Leave being granted, on motion of Mr. Tom, the Committee on Private Land Claims submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 477, to be entitled "An act to authorize the Commissioner of the General Land Office to issue land warrant to William Caruthers," have had the same under consideration, and instruct me to recommend the adoption and passage of the accompanying substitute in lieu of the original bill.

LEYENDECKER, for Committee.

The substitute was read and adopted and ordered engrossed.

On motion of Mr. Tom, the rules were suspended, the bill read third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives.

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 305, to be entitled, "An act to authorize and require the Commissioner of the General Land Office to issue certain land certificates therein named," have carefully examined the same, and instruct me to recommend the adoption and passage of the accompanying substitute in lieu of the original bill.

LEYENDECKER, for Committee.

The substitute was read and adopted and ordered engrossed.

Mr. Washington moved that the House adjourn until 9:30 A. M. to-morrow. House refused to adjourn.

Mr. Shaw moved to recommit the bill to Judiciary Committee No. 2. The House refused to recommit.

On motion of Mr. Tom, the rules were suspended, the bill read third time and passed.

On motion of Mr. Brown of Dallas, the House then adjourned until 9:30 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, April 12, 1873. }

House met pursuant to adjournment. Prayer by Rev. Mr. Sweeney. Roll called; quorum present.

Mr. Cook was absent.

On motion of Mr. Gillette, the reading of the journal of yesterday was dispensed with.

Messrs. Carroll and Russell were excused on account of sickness.

Mr. Stockbridge presented application of Wm. B. Royall, of Brenham, Texas, for legislative aid in introducing for the public benefit Royall's cotton worm destroyer. Referred to Committee on Agriculture and Stock Raising.

Mr. Rosborough presented a petition of citizens of Coryell county asking the passage of a law prohibiting the sale or otherwise disposing of intoxicating liquors within two miles of the Academy at Rainey's Creek Village, Coryell county. Referred to the Committee on Education.

Mr. Ghent presented remonstrance of citizens of Milam county against the division of that county. Referred to Committee on Counties and County Boundaries.

Mr. Joseph presented a memorial to the Legislature from Eliza Keenan. Referred to the Committee on Claims and Accounts.

Mr. Scott presented a protest of citizens of Cass county against the dismemberment of that county. Referred to the Committee on Counties and County Boundaries.

The unfinished business of the session of yesterday morning was resumed, being House bill No. 302, a bill to amend section four of an act to punish certain offenses committed on Sunday.

Pending the substitute offered by Mr. Ireland, and the amendments offered by Mr. Powers, Mr. Anderson moved to recommit the bill and amendments to a special committee of five, which carried.

The following gentlemen were appointed: Anderson, chairman; Booty, Moore, Nelson and Trolinger.

On motion of Mr. Killough, Mr. Cook was added to the committee; and on motion of Mr. Ireland, Mr. Hoffman was also added.

Mr. Booty introduced a bill to admit Edward Harris to practice law in the several courts of this State. Referred to Judiciary Committee No. 2.

Mr. Robb introduced a bill for the relief of Geo. Gibson, assignee of Webb. Wofford. Referred to Committee on Private Land Claims.

Mr. Kemble offered a concurrent resolution relative to the employment of a clerical force by the Superintendent of Public Instruction. Referred to Judiciary Committee No. 2.

Mr. Anderson introduced a bill to amend chapter three, title three, articles ninety-one and ninety-two of the Penal Code. Referred to Judiciary Committee No. 2.

Mr. Gillette introduced a bill for the relief of John S. Eads. Referred to the Committee on Claims and Accounts.

Mr. Prendergast introduced a bill to provide for the publication, in the official journal, of the general laws of the Legislature, and of abstracts of the decisions of the Supreme Court. Referred to Judiciary Committee No. 2.

Mr. Schmidt introduced a bill granting land to the Buffalo Bayou Ship Channel Company, in aid of the improvement of the navigation from Bolivar Channel, near the Gulf of Mexico, to the city of Houston. Referred to the Committee on Internal Improvements.

Mr. Kleberg introduced a bill granting authority to the Cuero Bridge Company to survey and open a public road between Cuero and San Antonio. Referred to the Committee on Roads, Bridges and Ferries.

Mr. Joseph introduced a bill to declare valid bounty land certificate No. 1784, for six hundred and forty acres of land, issued to William T. Austin, January 12, 1838, for services in the army of the Republic of Texas. Referred to the Committee on Private Land Claims.

Mr. Payne introduced a bill to authorize holders of conflicting land titles to sue the State. Referred to Judiciary Committee No. 2.

Mr. Westfall introduced a bill for the relief of George W. Poe. Referred to the Committee on Private Land Claims.

Mr. Hollingsworth introduced a bill regulating the order of paying off county scrip, etc. Referred to the committee on State Affairs.

Mr. Booty introduced a bill to amend article three hundred and ninety-four, chapter two, of the Penal Code. Referred to Judiciary Committee No. 2.

Mr. Leyendecker introduced a bill supplemental to "An act to adopt and establish a penal code for the State of Texas," adopted August 26, 1856. Referred to Judiciary Committee No. 1.

Mr. Prendergast introduced a bill to declare valid the acts of deputies of justices of the peace done after the repeal of the law authorizing their appointment, and before the official publication of such repealing law. Referred to Judiciary Committee No. 2.

Mr. Robb introduced a bill for the relief of John M. Haygood. Referred to the Committee on Private Land Claims.

Report from Judiciary Committee No. 2.

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee, to whom was referred House bill No. 355, instruct me to report the substitute here submitted and ask its passage.

IRELAND, Chairman.

The substitute, being a bill regulating the disposition of fines and forfeitures in the mayor's court of Waxahachie, was read and adopted, and ordered engrossed.

On motion the rules were suspended, the bill read third time and passed.

The resolution offered by Mr. Storey, allowing the consideration of matters relative to internal improvements at evening sessions, was adopted.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee, to whom was referred House bill No. 297, and proposed substitute, beg leave to report the same back and recommend a substitute for both bills.

IRELAND, Chairman.

The substitute offered by the committee, being a bill to be entitled "An act to prevent horse racing in certain places," was read and adopted, and ordered engrossed.

On motion the rules were suspended, the bill read third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The committee, to whom was referred House bill No. 428, beg leave to report the same back to the House with the recommendation that the same do not pass.

IRELAND, Chairman.

The bill, being a bill to change the judicial relation of Houston county, was read, the report adopted, and the bill indefinitely postponed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee, to whom was referred House bill No. 272, authorizing Mrs. L. A. Davenport to establish a ferry and toll bridge over Lake Fork of Sabine river, beg leave to report said bill back to the House with the recommendation that the same do pass.

IRELAND, Chairman.

The bill, being a bill to authorize Mrs. L. A. Davenport to keep and run a toll bridge over the Lake Fork of Sabine river, in Wood county, was read second time and ordered engrossed.

On motion, the rules were suspended, the bill read third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR. Your committee, to whom was referred House bill No. 343, to provide for pay to witnesses in certain cases, beg leave to report the same back with the recommendation that the same do not pass.

IRELAND, Chairman.

The report was adopted, and the bill, being a bill to provide for pay to witnesses in certain State cases, was indefinitely postponed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House bill No. 401, beg leave to report said bill back with the recommendation that the same do not pass.

IRELAND, Chairman.

The report was adopted, and the bill, being a bill to amend "An act entitled an act to establish a code of criminal procedure for the State of Texas, approved August 26, 1856," was indefinitely postponed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee, to whom was referred House bill No. 373, beg leave to report said bill back with a proposed amendment of the caption, and the passage of the bill as amended.

IRELAND, Chairman.

Amend caption so as to read as follows: A bill to be entitled "An act supplementary to an act entitled an act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane, approved February 5, 1858."

The amendment was adopted, the bill read second time and ordered engrossed.

On motion, the rules were suspended, the bill read third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House bill No. 229, beg leave to report the same back, with the recommendation that the same do pass.

IRELAND, Chairman.

The bill, being a bill to amend article one hundred and eighty-seven of "An act regulating attachments," approved January 16, 1850, was read second time and ordered engrossed.

On motion, the rules were suspended, the bill read third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House bill No. 242, beg leave to report same back and recommend its passage.

IRELAND, Chairman.

The bill, being a bill to secure good bonds from public officers, was read second time.

Pending the discussion, the hour for the special order arrived.

On motion of Mr. Ireland, the special order, being House bill No. 273, "An act to provide for the enclosure of commons for the pasturage of stock," was postponed and made special order for 12 M. to-day.

After further discussion, Mr. Kleberg moved to postpone the further consideration of the bill until Wednesday, April 10, 11 A. M. The House refused to postpone.

Mr. Watts moved the previous question, which, being seconded, was put, with the following result :

Yeas—Messrs. Speaker, Abbott, Allison, Anderson, Armstrong, Berends, Bledsoe, Bordeaux, Carroll, Chambers, Cunningham, Denton, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Ireland, Kemble, Kleberg, Leyendecker, Manning, McDonald, Moore, Morris, Nelson, Payne, Phelps, Powers, Prendergast, Robb, Roberts, Rosborough, Sayers, Schmidt, Scott, Shaw, Shelton, Stockbridge, Storey, Tilson, Tom, Trolinger, Van Zandt, Veale, Washington, Watts, Westfall, Williams and Winkler—54.

Nays—Messrs. Adriance, Booty, Broaddus, Brown of Upshur, Doyle, Hollingsworth, Joseph, Killough, Lane, Mabry, Noeggerath, Rainey, Sabin, Smith of Houston, Tivy, Walker and Wilder—17.

Whereupon the main question was ordered.

The bill was then ordered engrossed by the following vote :

Yeas—Messrs. Speaker, Allison, Anderson, Armstrong, Bledsoe, Bordeaux, Brown of Dallas, Carroll, Chambers, Denton, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Ireland, Kemble, Kleberg, Manning, McDonald, Nelson, Payne, Prendergast, Robb, Rosborough, Sayers, Schmidt, Scott, Shaw, Storey, Thurmond, Tilson, Tom, Trolinger, Van Zandt, Veale, Watts, Westfall and Winkler—43.

Nays—Messrs. Abbott, Adriance, Berends, Booty, Broaddus, Brown of Upshur, Cunningham, Doyle, Hollingsworth, Joseph, Killough, Lane, Leyendecker, Mabry, Moore, Morris, Noeggerath, Phelps, Powers, Rainey, Roberts, Sabin, Shelton, Smith of Houston, Stockbridge, Tivy, Walker, Washington, Wilder and Williams—30.

The special order, being bill to provide for the enclosure of commons for the pasturage of stock, was taken up.

On motion of Mr. Sayers, the bill was taken up by sections.

Mr. Kleberg offered the following amendment :

Add to section one as follows: "*Provided*, it be not otherwise agreed by the owner of the land, or if public land be enclosed, it shall be used only for grazing purposes, and not otherwise injured, and without prejudice to the right of the State to the land; and *provided further*, that the consent of the owner herein mentioned shall be given in writing, and duly recorded in the county in which the land is situated, and that this act shall not be construed to grant any exclusive privileges to or upon any vacant land." Adopted.

Mr. Brown, of Dallas moved to amend by adding in lines four and sixteen, of section first, after the word "him," the words "or her." Adopted.

The first section was then adopted.

Mr. Payne moved to strike out all in section two after the word "travelers," in line fourteen.

Mr. Sayers moved to lay the amendment on the table.

The House refused to table.

The amendment was then put, and failed to carry.

The second section was then adopted.

Mr. Kleberg offered the following amendment to section three: Strike out in lines nine and ten the words, "not be liable for any damages," and insert in lieu thereof, "pay two cents for each head per day to the owner of such pasture." Adopted.

Section three was then adopted.

Mr. Payne offered the following amendment to section four: Insert after the word "recover," in line fourteen, the words "and cost of suit." The amendment was adopted.

Mr. Kleberg offered the following amendment: After the word "evidence," in section fourth, line twelfth, add the words "and the verdict of the jury fixes the number of stock in the enclosure in excess of what the defendant may be entitled to have in the same." The amendment was adopted.

Mr. Killough offered the following amendment: Amend so that no one shall put in more than one head of stock to five acres.

Mr. Powers offered the following amendment thereto: "*Provided*, that head of cattle and head of horse-stock shall be deemed the medium proportion of this class of stock per league in such enclosure, unless otherwise ordered by the owners of such enclosure."

Mr. Powers then withdrew his amendment and offered the following substitute for Mr. Killough's amendment: Insert after line three, section fourth, as follows; "beyond the proportion which may be agreed upon by the parties owning or interested in said pasture," and strike out in the fourth line the words "his or their right of pasturage therein."

Mr. Sayers moved to lay the amendment and substitute on the table, which carried.

The fourth section was then adopted.

Mr. Ireland moved to strike out section five, which carried.

Section sixth was then adopted.

Section seventh was then adopted.

Mr. Allison offered the following amendment to the bill: Amend by exempting the counties of Tarrant, Palo Pinto, Parker, Panola, Rusk, Cass, Upshur, Fort Bend, Wood, Matagorda, Harrison, Brazoria, Lamar, Fannin and Red River.

Mr. Denton moved to lay the amendment on the table. Carried.

Mr. Leyendecker offered the following amendment: Strike out the words "materially" and "material" wherever they appear in section second. Strike out "may" in section two, line fourteen, and insert "shall if the public interest requires it." Strike out all after the word "gate" in line sixteenth and before the word "whose" in line seventeen, section two. Strike out "now" after the word "are" in line twenty-one, section four. Adopted.

Mr. Powers offered the following amendment: Add to the end of section first the following: "Provided, that the proportion of stock to be pastured therein shall be agreed on and specified in writing by the parties making such enclosure." Adopted.

Mr. Mills offered the following additional section: "SEC. 7. That it shall be lawful for the County Court at any time to open said gates when the owners fail to keep, as this act requires, porters at each gate where any public road runs through such pastures, upon the affidavit of two respectable persons."

Mr. Sayers moved to lay the amendment upon the table, which carried by the following vote:

Yeas—Messrs. Speaker, Adriance, Anderson, Arm-

strong, Bledsoe, Brown of Upshur, Brown of Dallas, Chambers, Denton, Eastland, Ford, Gaston, Gilpin, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, McDonald, Moore, Nelson, Payne, Powers, Prendergast, Rainey, Robb, Roberts, Rosborough, Sayers, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Watts, Westfall and Winkler—42.

Nays—Messrs. Abbott, Allison, Berends, Cunningham, Doyle, Gillette, Hoffman, Leyendecker, Mabry, Manning, Mills, Noeggerath, Sabin, Salter, Shelton, Van Zandt, Venters, Washington, Wilder and Williams—20.

Mr. Tivy offered the following amendment: "That if the owner or owners of any portion of lands so enclosed should not desire to avail themselves of the benefits of the use of their lands thus enclosed, and the parties enclosing the same have not made any agreement with such owners, then the parties shall pay to the owner or owners a yearly rent for the use of the same of twelve per cent. per annum upon the value of such lands, the value to be ascertained by reference to the price placed upon it on the assessment rolls."

The Committee on Engrossed Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined the following House bills, and find the same correctly engrossed, to-wit:

No. 411, a bill to be entitled "An act to create the county of Waller."

No. 441, a bill to be entitled "An act making appropriations for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for deficiencies for 1870, 1871 and 1872."

BOOTY, Chairman.

On motion of Mr. Smith of Houston, the House then adjourned until 9:30 A. M., Monday, April 14.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, April 14, 1873.

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

On motion of Mr. Williams, Mr. Washington was excused for this day.

On motion of Mr. Broaddus, Mr. Ghent was excused for four days, beginning with to-morrow.

On motion of Mr. Doyle, the reading of the journal of Saturday was dispensed with.

Mr. Carroll moved to reconsider the vote taken on Saturday, on the final passage of House bill No. 272, a bill to authorize Mrs. L. A. Davenport to keep and run a ferry, and build a toll bridge over the Lake Fork of Sabine river, in Wood county.

Mr. Russell exhausting the five minutes allowed for speaking by the rule of the House, asked leave to proceed for a very short time longer.

Mr. Mills moved that such leave be granted. The House refused further time.

The vote was reconsidered.

Mr. Russell offered the following amendment: "*Provided*, nothing herein contained shall in any way interfere with the bridge already built by Wood county, or with the use, possession and enjoyment thereof, and the control and management of the same by the proper authorities."

The amendment was adopted.

The bill thus amended then passed.

The consideration of House bill No. 273, to provide for the enclosure of commons for the pasturage of stock, was resumed, pending the amendment offered by Mr. Tivy.

Mr. Tivy withdrew his amendment.

Mr. Ireland offered the following amendment: "SEC. . . That no person shall fence up any public road, under the provisions of this act, when such fence or enclosure would deprive the stock of any neighborhood of free access to running water, when the stream constitutes the division lines between original surveys of land."

Mr. Mills moved to lay the bill and amendment on the table. The motion was lost.

The amendment was then adopted.

The bill was then ordered engrossed.

On motion of Mr. Sayers, the rules were suspended, the bill read third time by caption, and passed.

Mr. Doyle presented a petition of citizens of Hood county, asking a charter for a ferry on the Brazos river, at the stage crossing from Cleburne to Granberry. Referred to the Committee on Roads, Bridges and Ferries.

Mr. Carroll presented a remonstrance of citizens of Milam county, protesting against the passage of a law authorizing the County Court of said county to levy a tax for immigration purposes. Referred to Judiciary Committee No. 1.

Mr. Broaddus presented a remonstrance from citizens of Milam county, against authorizing the County Court of Milam county to issue bonds in aid of immigration to that county. Referred to Judiciary Committee No. 1.

Mr. Tivy presented a petition of citizens of Centre Point, Kerr county, asking for the prohibition of the manufacture or sale of spirituous liquors within three miles of that place. Referred to the Committee on Education.

Mr. Brown of Upshur moved to refer House bill No. 252, a bill to prohibit the sale or gift of intoxicating or spirituous liquors within two miles of Odd Fellows Male and Female College, located at Pittsburg, Upshur county, to the Committee on Education, which reference was made.

Mr. Payne introduced a bill to validate a land certificate of Stanford Lindsey. Referred to the Committee on Private Land Claims.

Mr. Thurmond introduced a bill to authorize the County Court of Refugio county to levy a tax to build a court house and jail at the county seat. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Thurmond, the rules were further suspended, the bill read a third time by caption, and passed.

Mr. Sabin introduced a bill relative to writs of garnishment. Referred to Judiciary Committee No. 2.

Mr. Ireland introduced a bill to be entitled "An act to amend the thirty-sixth section of an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved August 13, 1870." Read first time; rules suspended, read second time by caption and ordered engrossed.

On motion of Mr. Booty, the rules were further suspended, the bill read third time and passed.

Mr. Ireland introduced a bill granting land to the International Railway Company. Referred to the Committee on Internal Improvements.

Mr. Allison introduced a bill in relation to bonds of county surveyors. Referred to Judiciary Committee No. 2.

Mr. Storey introduced a bill to be entitled "An act in relation to certain land claims. Referred to Judiciary Committee No. 2.

Mr. Leyendecker introduced a bill to amend an act entitled "An act to establish a code of criminal procedure for the State of Texas," approved August 26, 1856. Referred to Judiciary Committee No. 1.

Mr. Sayers moved to take up House bill No. 441, to be entitled "An act making appropriations for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for deficiencies for 1870, 1871 and 1872." The bill was taken up and read third time.

Mr. Mills moved a call of the House. The call was not sustained.

Mr. Prendergast moved to postpone the further consideration of the bill until Monday, April 21, at 11 A. M. The House refused to postpone.

Mr. Kleberg offered the following amendment as a substitute for the appropriations in the bill for the immigration bureau: "Salary of agent at Galveston from March, 1872 to April, 1873, five months, at \$1500, \$625; salary of private clerk from December, 1872, to April, 1873, at \$1200, \$500; salary of superintendent from December, 1872, to April, 1873, at \$2000, \$833.33; for deficiencies for agents of Bureau of Immigration at Saint Louis, Great Britain, New York and Bremen, salaries and contingent expenses, \$6423.25." The amendment was adopted.

Mr. Denton moved to postpone the bill and amendment until Monday, April 21.

Yeas and nays being called, resulted as follows:

Yeas—Messrs. Armstrong, Bledsoe, Brown of Upshur, Carroll, Chambers, Cook, Cunningham, Davenport, Denton, Ford, Harrison, Ireland, Kemble, Manning, Prendergast, Rainey, Robb, Russell, Salter, Scott, Shaw, Shelton, Short, Smith of Houston, Storey, Tivy, Tom. Trolinger, Veale and Watts—30.

Nays—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Berends, Booty, Bordeaux, Broaddus, Brown of Dallas, Eastland, Gaston, Ghent, Gillette, Gilpin, Hester, Hoffman, Hollingsworth, Joseph, Killough, Kleberg, Lane, Lyendecker, Mabry, McDonald, Mills, Moore, Morris, Noeggerath, Payne, Phelps, Powers, Rosborough, Sabin, Sayers, Schmidt, Stockbridge, Thurmond, Tilson, Van Zandt, Venters, Walker, Westfall, Wilder and Winkler—45.

Whereupon the motion to postpone was declared to have been lost.

The bill then passed by the following vote :

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Berends, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Eastland, Gaston, Ghent, Gillette, Gilpin, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Kleberg, Lane, Lyendecker, Mabry, McDonald, Mills, Moore, Morris, Noeggerath, Payne, Phelps, Powers, Rainey, Roberts, Rosborough, Sabin, Salter, Sayers, Schmidt, Scott, Shaw, Shelton, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Trolinger, Van Zandt, Venters, Walker, Westfall, Wilder, Williams and Winkler—62.

Nays—Messrs. Armstrong, Bledsoe, Davenport, Denton, Doyle, Ford, Harrison, Ireland, Manning, Prendergast, Robb, Russell, Short, Tom, Veale and Watts—16.

Special order, House bill No. 232, a bill supplemental to "An act entitled an act to provide for the establishment of the Agricultural and Mechanical College, approved April 17, 1871," was taken up.

Mr. Payne moved that the House go into committee of the whole upon the bill. The House refused.

Mr. Broaddus offered the following amendment :

Amend by striking out the third section, and inserting in lieu thereof the following :

"SEC. 3. That the State of Texas hereby grants and donates to the State Agricultural and Mechanical College, located in the county of Brazos, in this State, two hundred sections of land of six hundred and forty acres each, out of the public lands of the State not already granted or otherwise disposed of ; and it is hereby made the duty of the Commissioner of the General Land Office to issue to the commissioners hereinbefore named, for the

sole use and benefit of the said college, certificates for the said two hundred sections of land; and the said commissioners are hereby authorized to select said land, have it surveyed, and the field notes returned to the General Land Office, and receive patents for the same for the sole use and benefit of said college; or, if in the judgment of said commissioners the interest of the college will be best promoted by a sale of a part or all of said land certificates, then they are hereby fully authorized and empowered to sell said certificates, or a part thereof, for the best price they can obtain, and assign and transfer such as may be thus sold to the purchaser or purchasers, and the money received from such sale shall be used by said commissioners in erecting and completing such buildings as may be needed for the use of said college; and after the erection and completion of all needed buildings for said college, should there be any unexpended balance of money or land, such money or land shall be used, under the direction of such officers hereafter to be appointed by the Legislature, to promote the objects for which said college is created."

Amend further by adding the following section as the fifth section, and changing the number of fifth section to sixth, and sixth to seventh:

"SEC. 5. The commissioners hereby appointed shall, at the end of every six months, from the time of the passage of this act, make a full report, under oath, to the Governor of all contracts made by them for the erection of buildings, the progress of the work on such buildings, and all sales of land certificates, the price obtained therefor, and the person or persons to whom sold, and the manner in which the money has been expended; and the Governor shall, at the commencement of each session of the Legislature, lay such reports before that body."

On motion of Mr. Denton, the bill and amendments were referred to Judiciary Committee No. 2.

On motion of Mr. Winkler, Mr. Kleberg was excused on account of sickness.

Special order, House bill No. 135, a bill for the protection of purchasers of real estate from executors and administrators, was then taken up, pending the amendment offered by Mr. Wood.

Mr. Armstrong offered the following amendments to the pending amendment:

1. In twenty-second line, after the word "actual," add the words "or constructive."

2. In twenty-third line, after the word "payment," add these words: "*And provided*, that the records of the courts of the county where the land lies, and all the proceedings of the court where such estate was administered, and order made and pertaining to such estate, shall be held as constructive notice to all purchasers at such sale, and those holding under them, of all illegalities and nullities that may be found in said proceedings; and such illegalities and nullities shall be held and determined against said purchasers, and those holding under them, in any suit or decision involving the possession or title to real estate claimed under, through, or by virtue of any such order of sale."

Mr. Sayers moved to lay the bill and amendments on the table.

Yeas and nays being called resulted as follows :

Yeas—Messrs. Abbott, Allison, Armstrong, Berends, Brown of Upshur, Carroll, Cook, Cunningham, Davenport, Denton, Doyle, Ford Gilpin, Harrison, Hoffman, Lane, Leyendecker, Manning, Mills, Moore, Morris, Payne, Phelps, Powers, Prendergast, Rainey, Roberts, Russell, Sabin, Sayers, Scott, Shelton, Short, Smith of Houston, Storey, Stockbridge, Thurmond, Tivy, Trolinger, Walker, Watts, Wilder and Williams—43.

Nays—Messrs. Speaker, Adriance, Anderson, Bledsoe, Booty, Broaddus, Chambers, Eastland, Gaston, Gillette, Hester, Hollingsworth, Ireland, Joseph, Kemble, Mabry, McDonald, Noeggerath, Robb, Rosborough, Salter, Schmidt, Shaw, Tilson, Tom, Van Zandt, Venters, Westfall and Winkler—29.

Whereupon the motion to lay upon the table was declared to have prevailed.

A message from the Senate announced the passage by that body of the following House bills :

No. 236, "An act to repeal an act entitled an act to establish a State police and provide for the regulation and government of the same, approved July 1, 1870; also to repeal an act entitled an act to amend an act entitled an act to establish a State police and provide for the regulation of the same, approved May 2, 1871."

No. 53, relating to appeals to Supreme Court from interlocutory judgments in the district courts.

The Committee on Enrolled Bills submitted the following reports :

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined bill No. 539, "An act to incorporate the city of Jefferson, in Marion county, and to repeal all laws heretofore passed incorporating said city or amendatory thereof," and find the same correctly enrolled, and have, this fourteenth day of April, presented the same to the Governor, at 12 o'clock M., for his signature.

SHAW, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined and compared the following bill, No. 146, "An act to amend an act to incorporate Austin College, approved November 22, 1849," and find the same correctly enrolled, and have, this twelfth day of April, at 12 o'clock M., presented the same to the Governor for his approval.

W. A. SHAW, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined and compared the following bills, to-wit:

No. 384, "An act to levy and collect a special tax in Lavaca county, to build a court house for said county."

No. 239, "An act for the relief of W. M. Jackson."

And find the same correctly enrolled; and have, this twelfth day of April, at 12 o'clock M., presented the same to the Governor for his signature.

W. A. SHAW, Chairman.

The Committee on Engrossed Bills submitted the following reports :

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have thoroughly examined the following :

No. 557, a bill to be entitled "An act to incorporate the Brazos, Santiago and Rio Grande Canal Company."

No. 691, "An act to prohibit the sale of intoxicating, spirituous or vinous liquors within one and one-half (1½) miles of Sylvan Academy, in Lamar county."

No. 171, a bill to be entitled "An act amendatory of and supplementary to an act entitled an act to incorporate the Central Bank, passed March, 31, 1871."

No. 566, a bill to prohibit the sale of intoxicating liquors within two miles of Cotton Gin Seminary, in Freestone county, Texas.

No. 690, "An act making an appropriation for mileage for the recently elected and newly seated members of the House of Representatives."

No. 150, "An act amendatory of and supplementary to an act entitled an act to incorporate the Home Insurance and Trust Company of Texas, approved December 1, A. D. 1871."

No. 617, "An act to authorize the County Court of Hays county to issue bonds for the purpose of funding the indebtedness of said county, and to provide for their payment."

No. 223, "An act for the relief of A. T. Watts."

No. 285, a bill to be entitled "An act to validate head-right land certificate No. 102, dated fifteenth of February, 1838, issued to Walter Campbell, for three hundred and sixty-nine acres of land, instead of three hundred and seventy and one-third acres as now stated in said certificate.

No. 211, a bill to be entitled "An act making an appropriation for C. R. Gibson."

No. 305, a bill to be entitled "An act authorizing and requiring the Commissioner of the General Land Office to issue certain land certificates therein named.

And find the same correctly engrossed.

BOOTY, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed bills have carefully examined the following bills :

No. 630, a bill to be entitled "An act to provide for the registration of voters and to repeal an act to provide for a special registration of voters preparatory to an election under the provisions of an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvement, approved April 12, 1871."

No. 419, "An act to amend section first of an act concerning private corporations, approved December 2, 1871."

No. 575, a bill to be entitled "An act for the relief of the estate of John T. Storey."

No. 525, "An act to incorporate the Hebrew Benevolent Association of Waco."

No. 209, "An act to regulate the issuing of land patents in certain cases."

No. 692, "An act to incorporate Cotton Gin Seminary."

No. 351, a bill to be entitled "An act to amend section ninety of an act entitled an act to regulate proceedings in the District Courts, approved May 13, 1846."

No. 399, "An act to provide for the registration of births."

No. 382, a bill entitled "An act to repeal an act to legalize an ordinance adopted on the twelfth day of December, 1868, authorizing a special tax to be levied for the Waco Tap Railroad in Falls and McLennan counties, approved June 18, 1870."

No. 367, "An act to incorporate Marvin College."

No. 188, "An act for the benefit of the actual occupants of the public lands."

No. 297, a bill to be entitled "An act to prevent horse-racing in certain places."

No. 242, a bill to be entitled "An act to secure good bonds from public officers."

No. 229, a bill to be entitled "An act to amend article one hundred and fifty-seven of an act regulating attachments," approved January 16, 1850.

No. 373, a bill to be entitled "An act supplementary to an act entitled an act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane, approved February 5, 1858."

And find the same correctly engrossed.

BOOTY, Chairman.

Special order, House bill No. 467, a bill to adjust and define the rights of the Texas and Pacific Railway Company within the State of Texas, in order to encourage the speedy construction of a railway through the State to the Pacific Ocean, then came up.

Mr. Brown, of Dallas, moved to postpone the bill until Wednesday, April 10, at 11 A. M.

Mr. Mills moved to amend by substituting Monday, April 21.

The motion to substitute was lost.

Mr. Brown, of Dallas, then withdrew his motion.

On motion of Mr. Ireland, Mr. Rhodes, sergeant-at-arms, was granted leave of absence for eight days.

On motion of Mr. Denton, the House then adjourned until 9:30 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, April 15, 1873. }

House met pursuant to adjournment. Prayer by the Rev. B. H. Carroll, of Waco. Roll called; quorum present.

On motion, Messrs. Nelson, Kleberg and Trolinger were excused for the day on account of sickness.

On motion of Mr. Doyle, the reading of the journal of yesterday was dispensed with.

Mr. Winkler presented a petition of Abraham Eddins for one third of a league of land. Referred to the Committee on Private Land Claims.

Also, a petition of the heirs of Theophilus Eddins for one-third of a league of land. Referred to the Committee on Private Land Claims.

Mr. Shelton introduced a bill regulating estrays. Referred to the Committee on Agriculture and Stock Raising.

Mr. Cook introduced a bill to be entitled "An act to make the clerk of the Supreme Court *ex officio* librarian, and to define the duties of the office. Referred to Judiciary Committee No. 1.

Mr. Hollingsworth introduced a bill to provide for the sale of alternate sections of school land reserved to the State." Referred to the special committee on school lands.

Mr. Payne introduced a bill for the preservation of the public health. Referred to a special committee, consisting of Messrs. Payne, chairman, Denton, Doyle, Trolinger and Westfall.

Mr. Anderson offered the following resolution :

WHEREAS, The county courts of this State have authority to grant charters for the building of bridges and the establishment of ferries; and

Whereas, Said county courts know better than the Legislature what amount should be charged for tolls and ferrriage; therefore,

Resolved, That this House will consider no more bills granting authority to construct bridges or establish ferries unless the cost of the same exceed five thousand dollars.

Mr. Winkler moved to refer the resolution to the Committee on State Affairs. The House refused to refer. The resolution was then adopted.

On motion of Mr. Smith of Houston, Mr. Manning was excused for two days, beginning with to-morrow.

Mr. Payne moved to suspend the rules and grant the special committee on the general tax law leave to report, which motion carried, and the committee submitted the following :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred the duty of drafting a general tax bill, regulating the assessment and collection of taxes in this State, beg leave herewith to report the accompanying bill for the consideration of the House.

TILSON, for Committee.

On motion of Mr. Payne, the bill, being a bill to regulate the assessment and collection of taxes, was laid on the table, and made the special order for Friday, April 18, at 11 o'clock A. M., and one hundred copies ordered to be printed.

Mr. Brown of Dallas introduced a bill to incorporate the Dallas Insurance Company. Read first time and referred to the Committee on State Affairs.

Mr. Walker offered the following resolution :

Resolved, That the Governor be requested to furnish this House the following information, to-wit :

1. The amount of State bonds which have been issued since the adoption of the present Constitution, under the several acts of the Legislature of this State.

2. The amount of each which have been sold, and at what rate.

3. The amount of State bonds which have been hypothecated, to whom, and the amount received for such hypothecation.

4. The names of the agents who have been entrusted with the sale, hypothecation and safe keeping of said bonds.

5. The amount and kinds of bonds which are yet unsold, and in whose possession they now remain.

6. The amount of commissions paid, and to whom paid, for the sale, hypothecation or custody of the said bonds.

7. The amount of cash recived from the sale and hypothecation of the bonds of the State, and the disposition made of the same.

Mr. Bledsoe offered the following as a substitute for the resolution :

Resolved, That the special committee charged with the investigation of the Treasurer's and Comptroller's offices, be also required to inquire into the sale and hypothecation of State bonds by the Governor, and also to examine the vouchers on file, in regard to the disbursement of the funds derived from the sale and hypothecation of said bonds, now on hand in any of the departments of this State, and to report such information to this house.

On motion of Mr. Morris, the resolution and substitute were referred to a special committee of three.

The Speaker appointed Messrs. Walker, Bledsoe and Morris said committee.

The special order, being the bill to adjust and define the rights of the Texas Pacific Railway in Texas, and to encourage the speedy construction of a railway through the State to the Pacific Ocean, was announced.

Pending the amendments offered by Mr. Payne, Mr. Sayers moved to take up the bill by sections, which carried.

Mr. Venters offered the following amendment to section first : Amend by striking out in section one, line thirty-two, all after the word "that" down to the word "and" in line thirty-six, and insert the following : "Said depots shall be erected in the towns of Bonham, Sherman, Pilot Point and Denton upon the grounds now agreed upon and donated to said railway company by said towns." The amendment was adopted.

Mr. Ireland moved to amend section one by striking out the preamble. The House refused to strike out the preamble.

Mr. Scott offered the following amendment by way of proviso : "That said railway company hereby releases all claim to any bonded subsidy heretofore pretended to be granted by any city, town or county along the line of said road." The amendment was lost.

Mr. Van Zandt offered the following amendment :

Strike out the words "or near" in lines twenty-three, fifty-two and fifty-six. The amendment was adopted.

Mr. Shelton offered the following amendment: Amend section one, line eighteen, by inserting "Honey Grove" between the words "Paris" and "Bonham." The amendment was adopted.

Mr. Veale offered the following amendment: Amend section one by inserting after the word "Weatherford," in line seventy-nine, "*provided*, that if the line of said road shall pass through any portion of the county of Palo Pinto, said company shall be required to make a depot within one-half mile of the public square of the present county site of said county, said county site donating to said company all necessary grounds for switches and depots, not to exceed twenty-five acres."

Mr. Watts offered the following substitute therefor: "*provided*, that if the direct and practicable route of said road shall be within five miles of the town of Palo Pinto, then said company shall establish a passenger and freight depot at said town; *provided*, said town shall donate to said company the necessary land for right of way, turn-outs, switches and depot buildings, not to exceed twenty acres."

Mr. Veale moved to lay the substitute on the table, which carried by a rising vote of forty to twenty-nine.

The amendment being put, yeas and nays were called, with the following result:

Yeas—Messrs. Allison, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Carroll, Cook, Cunningham, Davenport, Denton, Doyle, Eastland, Gillette, Hester, Ireland, Kemble, Lane, Leyendecker, Manning, Mills, Nelson, Payne, Powers, Prendergast, Rainey, Rimes, Russell, Salter, Sayers, Scott, Short, Smith of Houston, Storey, Tilson, Tom, Van Zandt, Veale, Washington, Wilder and Williams—43.

Nays—Messrs. Speaker, Abbott, Adriance, Anderson, Brown of Dallas, Chambers, Ford, Gaston, Gilpin, Harrison, Hollingsworth, Joseph, Killough, Mabry, McDonald, Moore, Morris, Noeggerath, Phelps, Robb, Roberts, Rosborough, Sabin, Schmidt, Shaw, Shelton, Stockbridge, Thurmond, Tivy, Walker, Watts, Westfall and Winkler—33.

Whereupon the amendment was declared to have been adopted.

A message from the Senate announced the passage, by that body, of the following House bills:

No. 152, authorizing the County Court of Hays county to levy and collect a special tax.

No. 340, to ascertain the amounts due the teachers of the public free schools of this State prior to the first day of March, A. D. 1873, and to provide for the payment of the same, with amendments by the Senate.

No. 690, making an appropriation for mileage for the recently elected and newly seated members of the House of Representatives.

No. 263, making an appropriation to pay the salary of Hon. Lipscomb Norvell as special judge of the District Court of Tyler county.

No. 260, "An act concerning the admission of attorneys and counsellors-at-law to practice in the Supreme Court."

No. 199, "An act to incorporate the Central Texas Flouring, Grist and Manufacturing Company."

No. 195, to authorize the County Court of Henderson county to levy a tax to pay the outstanding indebtedness, the repairing of bridges, the jail and court house, and for all other purposes for which the said County Court is by law authorized to levy a tax.

And that the Senate had amended the House concurrent resolution appointing a committee to take into consideration the subject of a general election this year, by striking out "two" and inserting "three" as a committee on the part of the Senate, and adopted the resolution thus amended, and appointed Senators Dohoney, Henry and Fountain said committee on the part of the Senate.

Also, the passage, by the Senate, of Senate bill No. 218, "An act to establish and maintain a system of public free schools in the State of Texas."

By consent of the House the consideration of the pending bill was temporarily suspended to take up the bills acted upon by the Senate.

House bill No. 340, to ascertain the amounts due the teachers of the public free schools of this State prior to the first day of March, A. D. 1873, and to provide for the payment of the same, was taken up, and the amendments offered thereto by the Senate read.

Mr. Rainey moved that the House refuse to concur to the Senate amendments. The motion was carried.

The concurrent resolution appointing a joint committee

to inquire into the propriety of holding a general election this year, was taken up and Senate amendment thereto read.

The House concurred in the amendment.

Senate bill No. 218, "An act to establish and maintain a system of public free schools in the State of Texas," was taken up.

Mr. Payne moved to lay the bill upon the table, make it the special order for Thursday, April 16, at 11 o'clock A. M., and that one hundred copies be printed for the use of the House, which motion carried.

The consideration of the Texas Pacific railroad bill was then resumed.

On motion of Mr. Russell the House adjourned until 4 o'clock P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

The following gentlemen were absent:

Messrs. Bledsoe, Hollingsworth, Noeggerath, Veale and Wilder.

On motion of Mr. Phelps, Mr. Washington was excused on account of sickness.

On motion of Mr. Robb, the Committee on Counties and County Boundaries were granted leave to report, and submitted the following:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was referred House bill No. 537, "An act to change the dividing lines between the counties of Houston and Trinity," having had the same under consideration, instruct me to report the same back to the House and recommend that it do not pass.

TROLINGER, Chairman.

The report was adopted, and the bill indefinitely postponed.

Further report from same committee.

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was referred House bill No. 538, "An

act to establish and organize the county of Neches," having had the same under consideration, instruct me to report the same back to the House, with a substitute, and unanimously recommend said bill as amended do pass.

TROLINGER, Chairman.

The substitute was read and adopted.

The bill was read second time and ordered engrossed.

On motion of Mr. Robb the rules were suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Cunningham, Davenport, Denton, Doyle, Ford, Gallaway, Gaston, Gillette, Gilpin, Harrison, Hoffman, Joseph, Kemble, Killough, Lane, Mabry, McDonald, Mills, Nelson, Noeggerath, Phelps, Powers, Robb, Rosborough, Russell, Sabin, Salter, Schmidt, Scott, Short, Storey, Thurmond, Tilson, Tivy, Tom, Walker, Watts, Westfall, Wilder, Winkler—51.

Nays—Messrs. Armstrong, Berends, Chambers, Eastland, Leyendecker, Manning, Moore, Payne, Prendergast, Rainey, Roberts, Sayers, Shelton, Smith of Houston, Van Zandt, Venters, Williams—17.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was referred House bill No. 536, "An act to change and define the boundary lines of Trinity county, and to provide for the further organization of the same," having had the same under consideration, unanimously instruct me to report it back to the House, with a substitute for the first section thereof, and recommend said bill, as amended, do pass.

TROLINGER, Chairman.

The substitute having been read, Mr. Rainey offered the following amendment to the substitute:

"*Provided*, that all of East Prairie, and all of that portion of Tyler prairie lying in Trinity county, including the town of Pennington, be added to Houston county."

The House refused to adopt the amendment.

The substitute to section one was then adopted, and the bill as thus amended, read a second time and ordered engrossed.

On motion of Mr. Robb, the rules were suspended, the

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

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Denton, Doyle, Ford, Gallaway, Gaston, Gillette, Gilpin, Hoffman, Ireland, Kemble, Killough, Lane, Mabry, Manning, McDonald, Nelson, Powers, Prendergast, Rainey, Robb, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Shaw, Storey, Stockbridge, Tilson, Tivy, Tom, Van Zandt, Walker, Watts, Westfall and Winkler—50.

Nays—Messrs. Armstrong, Berends, Eastland, Leyendecker, Mills, Moore, Noeggerath, Payne, Roberts, Shelton, Smith of Houston, Venters, Wilder and Williams—14.

On motion of Mr. Walker, the Committee on Counties and County Boundaries were granted further leave to report, and submitted the following :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Counties and County Boundaries, to whom was referred the petition of citizens of Cherokee county, asking for the creation of a new county to be called Dillard, from the northern portion of said county, together with a protest against the same, have duly considered the subject, and instruct me to recommend the passage of the accompanying bill.

TROLINGER, Chairman.

The bill was read ; rules suspended and read a second time.

Mr. Smith of Houston offered the following amendment: "*Provided*, said line of Dillard county shall not be so run or made to come less than twelve miles of Rusk, in Cherokee county."

The amendment was adopted.

Mr. Taylor moved to fill the blank in the last line of section two with the name of Dillard, which motion carried.

The bill was then ordered engrossed.

On motion of Mr. Bordeaux, the rules were suspended, the bill read by caption third time and put upon its passage with the following result :

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Bordeaux, Broaddus, Brown of Upshur, Carroll, Cook,

Cunningham, Davenport, Denton, Doyle, Gallaway, Gaston, Gillette, Gilpin, Harrison, Hoffman, Kemble, Mabry, McDonald, Moore, Nelson, Noeggerath, Powers, Rainey, Robb, Russell, Sabin, Salter, Shaw, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Walker, Watts, Westfall, Wilder, Williams and Winkler—44.

Nays—Messrs. Anderson, Armstrong, Berends, Chambers, Ireland, Leyendecker, Payne, Prendergast, Roberts, Shelton, Smith of Houston and Van Zandt—12.

Whereupon it was found a quorum was not present.

Mr. Russell moved a call of the House, which, being seconded, was made, and the following gentlemen found absent: Bledsoe, Ford, Hollingsworth, Killough, Lane, Manning, Mills, Morris, Phelps, Rimes, Sayers, Schmidt and Veale.

A quorum being present, the call was suspended.

The bill then passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Cunningham, Davenport, Denton, Doyle, Gallaway, Gaston, Gillette, Gilpin, Harrison, Hoffman, Joseph, Kemble, Mabry, McDonald, Moore, Nelson, Noeggerath, Powers, Rainey, Robb, Rosborough, Russell, Sabin, Salter, Scott, Shaw, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Walker, Watts, Westfall, Wilder and Winkler—50.

Nays—Messrs. Armstrong, Berends, Chambers, Hester, Ireland, Leyendecker, Payne, Prendergast, Roberts, Shelton, Van Zandt, and Williams—12.

Mr. Eastland was excused from voting.

On motion of Mr. Storey, Judiciary Committee No. 1 was granted leave to report, and submitted the following: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 577, entitled "An act supplemental to an act to incorporate the Western Narrow Gauge Railway Company, approved August 4, 1870, and an act supplemental thereto, approved October 13, 1871," have considered the same, and have instructed me to report a substitute for the original bill and recommend its passage.

GEO. W. SMITH, Chairman.

The substitute recommended by the committee was adopted.

Mr. Broadus moved to lay the bill on the table, make it the special order for Thursday, April 17, at 4 P. M., and have one hundred copies printed, which motion carried.

The Committee on Engrossed Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined the following bills:

No. 446, a bill to be entitled "An act to authorize the Police Court of Burnet county to issue coupon interest-bearing bonds, for the building of a court house for said county, and to levy a tax for the same."

No. 686, "An act to authorize T. C. Jordan to purchase one hundred and sixty acres of land situated in the county of Hood, being a part of the land surveyed for the county of Milam for the purposes of education."

No. 448, "An act to incorporate the Austin Trust Company."

No. 355, a bill to be entitled "An act to amend article eight hundred and seven of the code of criminal procedure."

No. 273, a bill to be entitled "An act to provide for the enclosure of commons for the pasturage of stock."

No. 462, a bill to be entitled "An act to validate the acts of J. W. Irwin as county surveyor of Navarro county."

No. 477, a bill to be entitled "An act to authorize the Commissioner of the General Land Office to issue land warrant to William Caruthers."

No. 272, a bill to be entitled "An act to authorize Mrs. L. A. Davenport to keep and run a ferry, and erect a toll bridge over the Lake Fork of Sabine river, in Wood county."

No. 711, a bill to be entitled "An act to amend the thirty-sixth section of an act to organize the courts of justices of the peace and County Courts, and to define their jurisdiction and duty, approved August 13, 1870."

No. 708, to authorize the County Court of Refugio county to levy a tax to build a court house and jail at the county seat.

And find the same correctly engrossed.

BOOTY, Chairman.

The Committee on Enrolled Bills submitted the following report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : Your Committee on Enrolled Bills have carefully examined and compared bill No. 199, "An act to incorporate the Central Texas Flouring, Grist and Manufacturing Company," and find the same correctly enrolled, and have this day of April, at 4 o'clock, P. M., presented the same to the Governor for his approval.

SHAW, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : Your Committee on Enrolled Bills have carefully examined the following bills, to-wit :

"An act to repeal an act entitled an act to establish a State police and provide for the regulation and government of the same, approved July 1, 1870 ; also, to repeal an act entitled an act to amend an act entitled an act to establish a State police and provide for the regulation of the same, approved May 2, 1871."

Also, bill No. 53, "An act relating to appeals to Supreme Court from interlocutory judgments in the District Courts."

And find them correctly enrolled, and have this day, fifteenth of April, at 12 o'clock M., presented the same to the Governor for his signature.

SHAW, Chairman.

Mr. Shaw asked leave for the Committee on Internal Improvements to report relative to the East Texas Railway bill.

Mr. Harrison moved that the House adjourn until 9:30 A. M., to-morrow, which motion carried, and the House adjourned.

HOUSE OF REPRESENTATIVES,)
AUSTIN, TEXAS, April 16, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

Absent—Messrs. Harrison and Killough.

On motion of Mr. Russell. the reading of the journal was dispensed with.

On motion of Mr. Russell, the rules were suspended to allow the Committee on State Affairs to report, when the following was submitted :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was referred House bill No. 680, entitled "An act to protect laborers on railroads and other works of internal improvement," have had the same under consideration and instruct me to report with a recommendation that it do pass.

VENTERS, for Committee.

The bill having been read second time, Mr. Bordeaux moved to strike out the words "similar to a mechanic's lien," in the first section.

Mr. Ireland moved to lay the bill upon the table, and that one hundred copies be printed, which motion was carried.

Mr. Westfall presented a petition of citizens of Florence, Williamson county, asking the passage of a law similar to the Ohio Liquor Law. Referred to Judiciary Committee No. 2.

Mr. Tilson presented a petition of the citizens of Cass county against the dismemberment of their county. Referred to the Committee on Counties and County Boundaries.

Mr. Salter presented a petition of the citizens of Bremond against the repeal of the city charter. Referred to the Committee on Town and City Corporations.

Mr. Brown, of Dallas, presented a petition of two hundred and sixteen citizens of Grimes county, remonstrating against the passage of "An act to authorize the counties of Washington and Grimes to build a bridge across the Brazos river." Referred to Judiciary Committee No. 2.

Mr. Adriance presented a petition of the County Court of Brazoria county in relation to the special tax levied for the year 1870. Referred to the Committee on Finance.

Mr. Ireland offered the following concurrent resolution:
WHEREAS, We view with alarm the overthrow of republican and constitutional government in our sister State of Louisiana by the decree of a Federal judge, and inasmuch as her degradation and the overthrow of her government erected by the people may be the fate of any other State in this Union; therefore,

Resolved, the two houses concurring, That we deeply sympathize with the people of our sister State, and we invite the earnest attention of the American people to this fatal blow at republican government.

The resolution was adopted by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Davenport, Denton, Doyle, Eastland, Ford, Gallaway, Gaston, Gillette, Gilpin, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Kleberg, Lane, Leyendecker, McDonald, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Salter, Sayers, Schmidt, Scott, Shaw, Shelton, Short, Smith of Colorado, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Veal, Venters, Watts, Westfall, Winkler—66.

Nays—Messrs. Abbott, Green, Mabry, Mills, Moore, Phelps, Roberts, Sabin, Stockbridge, Washington, Wilder, Williams—12.

Mr. Gilpin introduced a bill to incorporate the city of Corpus Christi.

Read first time by caption ; rules suspended, read second time by caption and ordered engrossed.

On motion of Mr. Brown of Dallas, the rules were further suspended, the bill read third time by caption and passed.

Mr. Gallaway introduced a bill to amend sections seven, ten, and twenty, of "An act entitled an act to incorporate the Tyler Tap Railroad Company, approved December 1, 1871." Referred to the Committee on Internal Improvements.

Mr. Mills asked the unanimous consent of the House to take up Senate bill No. 272, "An act for the relief of Stephen F. Minton." The House refused to take up the bill.

Mr. Anderson asked leave for the special committee upon the disposition of the University lands to report, which being granted the following was submitted :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your special committee to whom was referred House bill No. 615, entitled "An act supplementary to an act authorizing the sale and disposition of the University

lands," respectfully report the same, and recommend that the same lie on the table for the present, and that one hundred copies of the same be printed.

J. M. ANDERSON, Chairman.

The report was adopted, the bill laid on the table and ordered printed.

Mr. Sabin introduced "An act incorporating the Texas Sleeping Car Company." Referred to the Committee on Commerce and Manufactures.

Mr. Thurmond introduced a bill granting headright certificates to the heirs of Maria S. Smith, and of Timothy Hart, deceased. Referred to the Committee on Private Land Claims.

Also, a bill authorizing the Commissioner of the General Land Office to register and approve donation warrant No. 219, for six hundred and forty acres, issued to Lorenzo Zavala, and to patent to Samuel W. Wybrants, his heirs or assigns, headright certificate No. 87, for six hundred and forty acres, issued in error to his heirs. Referred to the Committee on Private Land Claims.

Mr. Shelton introduced a bill to prohibit the sale of intoxicating, spirituous or vinous liquors within three miles of Roxton Chapel and Seminary, in Lamar county. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Shelton, the rules were further suspended, the bill read third time and passed.

The special order, being the bill to adjust and define the rights of the Texas and Pacific Railway Company within the State of Texas, in order to encourage the speedy construction of a railway through the State to the Pacific Ocean, was then taken up.

Section one was adopted.

Mr. Payne offered the following amendment to section two: "Provided, that in no case shall the State be in any way liable for deficiency of vacant domain."

Adopted.

Mr. Ireland being in the chair, Mr. Taylor offered the following amendment: In line eight, section two, after the word "Jefferson," add the words, "by August, 1873." Adopted.

Section two was then adopted.

Mr. Watts offered the following amendment to section three: "Provided further, that for the sections of land.

to which said company may be entitled within the reservations continued and created by this act, certificates need not be issued; but when the lands are surveyed, and field notes and maps thereof returned to the General Land Office, patents for the odd sections shall issue as the road is completed along the same or parallel thereto." Lost.

Mr. Tilson offered the following amendment: Section three, line thirty-nine, after the word "certificates," insert the words, "in equal quantities." Strike out, in line forty-two, the word "equally," and insert, "as other railroad certificates." Insert after the word "assignees," in line forty-four, the words, "and one-half to the State." Adopted.

The third section was then adopted.

Mr. Payne offered the following amendment to the fourth section: Amend section four, line five, by striking out the word "eight," and inserting the word "six." In line six, strike out "twelve," and insert "ten." Also, in line seven, strike out "twelve" and insert "ten." Also, in line eight, strike out "twenty," and insert "sixteen."

Mr. Anderson offered the following amendment to the proposed amendment: Amend section fourth by inserting after the word "viz." in the fifth line, "all lands lying east of longitude ninety-nine west from Greenwich in eight years, and the remainder of said lands."

Mr. Anderson withdrew his amendment.

Mr. Russell adopted and renewed it.

The House refused to adopt the amendment.

The question then was upon the adoption of the amendment offered by Mr. Payne.

The House refused to adopt the amendment.

Mr. Prendergast offered the following amendment: Section fourth, line seventeen, after the word "corporation" insert as follows: "nor to any person, persons or company in trust for said railroad company, or to any company or firm of which any officer or stockholder of said railroad company is a member."

Mr. Cook offered the following amendment: "And the violation of this provision shall work a forfeiture of the charter of the company."

The amendment to the amendment was adopted.

The amendment was then adopted.

Mr. Prendergast offered the following amendment:

Section fourth, line twenty, after the word "subject" insert as follows: "or a violation of the provisions of this section, or said general laws."

The amendment was adopted.

The fourth section was then adopted.

Mr. Denton moved to strike out the fifth section.

Mr. Watts offered the following amendment to the amendment: Section five, line eleven, after the word "westwardly" strike out all to the word "are" in the twelfth line of the same section, and insert in lieu thereof the following: "to the Rio Grande river." Section five, line thirty-three, after the word "reservation" and before the succeeding word "shall" insert the following: "to a point opposite the southeast corner of New Mexico."

Mr. Denton having exhausted the allotted time, Mr. Sayers moved that the House grant him unanimous leave to proceed.

The House refused to grant the leave asked.

Mr. Denton moved that the House go into the committee of the whole.

The House refused by a vote of thirty-six to twenty-five.

Mr. Morris moved a reconsideration of the vote just taken.

The vote was reconsidered.

The motion to go into committee of the whole then carried, and Mr. Nelson was called to the chair.

A message from the Senate announced the passage by that body of the following Senate bills:

No. 272, a bill for the relief of Stephen F. Minton, requiring the Commissioner of the General Land Office to issue certain land certificates to him.

No. 78, "An act permanently locating the county site of Montgomery county."

No. 59, "An act for the relief of A. H. Cook,"

Also, House bill No. 443, a bill to be entitled "An act to incorporate the town of Cuero, in De Witt county," with amendments by the Senate.

After discussion, Mr. Broadus moved that the committee rise, report no progress, and ask leave to sit again at 8 P. M., which motion carried.

On motion of Mr. Brown of Dallas, the House then adjourned until 9:30 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, April 17, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

On motion of Mr. Williams, Mr. Washington was excused on account of sickness, and on motion of Mr. Denton, Mr. Tom was excused for same reason.

On motion of Mr. Joseph, Mr. Sabin was granted leave of absence for two days.

On motion of Mr. Harrison, the reading of the journal was dispensed with.

Mr. Nelson presented a remonstrance from citizens of Hopkins county against the dismemberment of said county. Referred to Committee on Counties and County Boundaries.

Mr. Watts offered the following resolution:

Resolved, That hereafter there shall be two daily sessions of this House (Sundays excepted), one beginning at 9 o'clock A. M., the other at 4 o'clock P. M.

Laid over under the rules.

Mr. Thurmond introduced a joint resolution for the relief of Rufus A. Upton, late sheriff of Refugio county. Read first time; rules suspended and read second time.

Mr. Mills moved to refer the joint resolution to the Committee on State Affairs. The House refused to refer.

The bill was then ordered engrossed.

On motion of Mr. Brown of Dallas, the rules were further suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Armstrong, Berends, Bledsoe, Booty, Bourdeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cook, Cunningham, Davenport, Doyle, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hollingsworth, Ireland, Joseph, Killough, Kleberg, Lane, Leyendecker, Mabry, McDonald, Mills, Moore, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Trolinger, Van Zandt, Veale, Venters, Walker, Watts, Westfall, Williams and Winkler—71.

Nays—Messrs. Scott, Shaw, Shelton, Short and Wilder—5.

On motion of Mr. Veale, unanimous consent was given to suspend the rules and take up Senate bill No. 272, "An act for the relief of Stephen F. Minton, requiring the Commissioner of the General Land Office to issue certain land certificates to him."

The bill was read: rules suspended and read second time.

On motion, the rules were suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Adriaance, Allison, Anderson, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broadus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Davenport, Denton, Doyle, Eastland, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Mills, Moore, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Scott, Short, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Trolinger, Van Zandt, Veale, Venters, Walker, Watts, Westfall, Williams and Winkler—73.

Nays—Messrs. Shaw, Shelton and Wilder—3.

Mr. Cook introduced a bill to be entitled "An act granting pensions to the veterans of the revolution which separated Texas from Mexico, and the Mier and Santa Fé prisoners, and making appropriations therefor."

The bill having been read first time, Mr. Cook moved to suspend the rules and put the bill on its second reading.

The House refused to suspend the rules.

Mr. Prendergast moved to commit the bill to the special committee on revision of the pension laws, with instructions to report thereon Monday next. The motion carried and the bill was referred.

Mr. Morris offered the following resolution:

Resolved, That Judiciary Committee No. 1, inquire into the expediency of further legislation in relation to appeal and writ of error bonds to the Supreme Court, and that they report by bill or otherwise.

Adopted.

Mr. Rainey offered the following resolution:

Resolved, That the special joint committee appointed by the Senate and House of Representatives, to examine the Comptroller's and Treasurer's offices, are hereby further empowered to sit as an examining committee, to send for persons and papers, and compel said persons to testify in regard to matters of fraud concerning any of the departments of State, including the offices of the Executive, Secretary of State, Attorney General, Adjutant General, Comptroller, Treasurer, boards of commissioners of the public buildings and grounds and boards of commissioners or visitors of any of the State public institutions.

Adopted.

Mr. Wilson introduced a bill for the relief of Moses Day. Referred to Committee on Private Land Claims.

Mr. Hoffman introduced a bill to declare valid certificate No. 612, for six hundred and forty acres of land, issued to J. B. Puir. Referred to the Committee on Private Land Claims.

Mr. Chambers introduced a bill to incorporate the city of McKinney. Referred to the Committee on Town and City Corporations.

Mr. Ford introduced a bill to incorporate the Jasper Joint Stock Circulating Library Association. Referred to the Committee on Education.

On motion of Mr. Watts Mr. Robb was excused indefinitely on account of sickness in his family.

Special order, House bill No. 546, to provide for the sale of all lands heretofore given to counties for the purposes of education, was taken up.

On motion of Mr. Bordeaux the reading of the bill was dispensed with, the bill having been printed.

Mr. Smith, of Colorado, moved to postpone the further consideration of the bill until Saturday next at 11 A. M., and make it special order for that hour. The motion was carried.

Senate bill No. 218, "An act to establish and maintain a system of public free schools in the State of Texas," was taken up, being special order for the hour.

Pending the bill, Mr. Ireland moved that the special committee to investigate the charges against John G. Scott, judge of the Tenth Judicial District, be allowed to report.

The motion was carried, and the committee submitted the following:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your select committee, to whom was referred the matters touching the official conduct of John G. Scott, judge of the Tenth Judicial District, have had the matter under investigation for some days, and after laborious investigation, by the aid of counsel for the respondent, beg leave to report that in the opinion of the court said John G. Scott, judge of the Tenth Judicial District, be impeached for high crimes and misdemeanors, and herewith submit formal articles of impeachment, and ask their adoption, and that his Excellency be informed of the action of this House. All of which is respectfully submitted, together with the evidence taken by said committee.

IRELAND, Chairman.

Articles exhibited by the House of Representatives of the State of Texas, in the name of themselves and all the people of the State of Texas, against John G. Scott, District Judge of the Tenth Judicial District, in the State of Texas, as maintenance and support of their impeachment against him for high crimes and misdemeanors in office.

ARTICLE I.

That the said John G. Scott, District Judge of the Tenth Judicial District, in the State of Texas, in the years of our Lord 1870, 1871 and 1872, has, at various and divers times, on the bench, while acting as such judge, and while off the bench, yet holding the said office of judge, been corruptly guilty of such acts, and has so tyrannically and oppressively demeaned himself as such judge, in term time and out of term time, that it has become, and is the general opinion among the people of said Tenth Judicial District, that the administration of the criminal laws of the State of Texas, in said Tenth Judicial District, under the administration of the said John G. Scott as judge, has become and is notoriously corrupt; and further, that under the administration of the said John G. Scott, judge as aforesaid, during the years aforesaid, in the said Tenth Judicial District, in the State of Texas, it became, and is the general opinion of

the people in said Tenth Judicial District, that every crime had its price, and that he who had money could evade or escape punishment, no matter how guilty of violations of the criminal laws, and whether such violations were misdemeanors or felonies, provided such violator of the law would make terms with the said John G. Scott, judge as aforesaid, and one Thomas D. Evans, who was district attorney of said judicial district from August, in the year of our Lord, 1870, until December, in the year of our Lord, 1872; and that the administration of the criminal law in the State of Texas in said Tenth Judicial District, under the administration of the said John G. Scott, judge as aforesaid, did become, and was, and now is notoriously corrupt, rendering life and rights insecure, and breaking down the confidence and trust of the people in the protection of the law and the fair and impartial administration of the law. Whereby and in view of the premises, the House of Representatives of the State of Texas do say, that the said John G. Scott, Judge of the Tenth Judicial District of the State of Texas, in the manner and in the years aforesaid, did commit and was guilty of a high misdemeanor in office, and did thereby render himself no longer fit to exercise the duties of a district judge under the laws and Constitution of the State of Texas.

ARTICLE II.

That the said John G. Scott, judge as aforesaid, at the December term, in the year of our Lord, 1870, of the District Court of Anderson county, without authority of law and corruptly, with intent to favor and shield from indictment G. D. Kelley, then sheriff of Anderson county, and J. H. Morrison, county treasurer of said county of Anderson, for crimes and misdemeanors committed by them in their respective offices aforesaid, did dismiss the venire for grand jurors which had been regularly and lawfully issued, returnable to said December term of the court, and the men named on said venire had been lawfully and regularly summoned to appear, and a quorum of whom had appeared, and did then and there corruptly order the said G. D. Kelley, sheriff, he being a half brother of the said J. H. Morrison, county treasurer, to summon talesmen from the bystanders to form and con-

stitute the grand jury for the said December term, in the year of our Lord, 1870, of the District Court of Anderson county, which said order the said Kelley then and there obeyed, summoning among others the said J. H. Morrison to act as one of the said grand jury; and that the said John G. Scott, judge as aforesaid, then and there corruptly appointed the said J. H. Morrison foreman of said grand jury, with the intent to corruptly and unlawfully favor the said G. D. Kelley and J. H. Morrison, well knowing at the time that he dismissed the said regular venire of grand jurors, and when ordering the summoning of talesmen to serve as grand jurors, and when appointing said J. H. Morrison as foreman of the newly constituted grand jury, that grave charges were pending against the said G. D. Kelley and J. H. Morrison, for crimes and misdemeanors in their said respective offices aforesaid, which said charges would naturally, properly and legally come before the grand jury at said December term, in the year of our Lord 1870, of the District Court of Anderson county for investigation; that the action of the said Scott in the premises was corrupt, and taken with the intent to favor the said Kelley and Morrison, contrary to law, and in violation of his official duty as a district judge of the State of Texas. Whereby, in view of the premises, the House of Representatives of the State of Texas do say that the said John G. Scott, in his capacity as district judge of the Tenth Judicial District, in the State of Texas, did commit and was guilty of a high misdemeanor in office, and thereby did render himself no longer fit to exercise the duties of a district judge under the Constitution and laws of the State of Texas.

ARTICLE III.

That at and before the first day of December, in the year of our Lord 1870, the said John G. Scott was the district judge of the Tenth Judicial District, in the State of Texas, which said district embraced, and now embraces the county of Anderson in said State; that at said time one G. D. Kelley was the sheriff of said Anderson county, and one J. H. Morrison was the county treasurer of said Anderson county; that at and before the said first Monday in December, in the year of our Lord 1870, which was the day on which the District Court of said county

would convene, the said John G. Scott, as judge, was informed that it was the general opinion of the people of said Anderson county that the said G. D. Kelley, as sheriff, and the said J. H. Morrison, as county treasurer of said Anderson county, had each been guilty of crimes and misdemeanors in office, of such a character as to subject them to indictment by the grand jury of Anderson county, at the said December term, in the year of our Lord 1870. of the court, and that witnesses would be sent before said grand jury to enable that body to investigate the facts touching the alleged crimes of the said Kelley and the said Morrison in their offices aforesaid; that the said jury did assemble at said December term of the District Court of Anderson county, and among other things did have under investigation the charges aforesaid against the said Kelley and the said Morrison, when the said John G. Scott, judge as aforesaid, did, in the county of Anderson, at the December term, in the year of our Lord 1870, unlawfully and corruptly, enter the grand jury room while the grand jury was in session, and did then and there unlawfully and corruptly, by his advice, directions and admonitions to said grand jury, prevent said grand jury from finding and returning into court true bills of indictment against the said G. D. Kelley and J. H. Morrison, for crimes committed by them in their respective offices aforesaid, with the intent on the part of him, the said John G. Scott, in his capacity as judge as aforesaid, to unlawfully and corruptly favor the said G. D. Kelley and J. H. Morrison, shield them from indictment and lawful punishment, and to defeat the due administration of the criminal law in the county of Anderson, and State of Texas. Whereby, in view of the premises, the House of Representatives of the State of Texas do say that the said John G. Scott, Judge of the Tenth Judicial District, in the State of Texas, did, in his capacity as judge as aforesaid, commit and was guilty of a high misdemeanor in office, and did render himself no longer fit to exercise the duties of a judge of the District Court in the State of Texas.

ARTICLE IV.

That the said John G. Scott, being judge of the Tenth Judicial District, in the State of Texas, in the county of

Henderson, it being one of the counties composing the said Tenth Judicial District, at the fall term of said court, in the year 1871, did, while on the bench, unlawfully and corruptly give countenance and support, in open court, to Thomas D. Evans, the then district attorney of said Tenth Judicial District, in compromising felony cases for money, when money was not receivable in payment or satisfaction of punishment for such crimes, lawfully, and did, then and there, in the court house in the town of Athens, in the county of Henderson, in open court, receive from the said Thos. D. Evans, district attorney as aforesaid, a part of money received by said Evans in open court, in compromise of felony cases then pending in the District Court of Henderson county, by good and sufficient indictments found and returned by the grand jury of said county, to wit: The State of Texas v. Andrew Bowles, for theft of cotton; The State of Texas v. Ashley Bowles, for theft of cotton; The State of Texas v. John P. Bowles, for theft of cotton; The State of Texas v. Josiah Bowles, for theft of cotton; The State of Texas v. Lewis Blankary, for theft of; The State of Texas v. R. H. or Bud Gose, for theft of cotton; The State of Texas v. Henry Bowles, for false imprisonment; and did then and there corruptly dismiss each and all of said felony cases from the docket and further prosecution, contrary to law, well knowing that they had been corruptly and unlawfully compromised by the said district attorney, Thomas D. Evans, for money, and that he had received the compromise money in open court, on a table in the court room, kept for the purpose of receiving money by said district attorney in cases compromised by him; and further, that in the compromise were included two cases of felony then pending in the District Court of Van Zandt county, viz., The State of Texas v. John P. Bowles, for horse stealing, and The State of Texas v. Josiah Bowles, for perjury, which said two cases were, by said Scott, as district judge, corruptly and unlawfully dismissed from the docket of the District Court of Van Zandt county under said compromise. Whereby, in view of the premises, the House of Representatives of the State of Texas do say that the said John G. Scott, Judge of the Tenth Judicial District in the State of Texas, did, in his capacity as judge as aforesaid, commit, and was guilty of, high misdemeanors in office, and did render himself no longer fit to exercise

the duties of a judge of a district court in the State of Texas.

ARTICLE V.

That the said John G. Scott, Judge of the Tenth Judicial District in the State of Texas, in the county of Kaufman, one of the counties of said district, in term time, and while court was in session, at the June term, in the year of our Lord 1871, corruptly, unlawfully, oppressively, tyrannically, and with the intent to intimidate other jurors in attendance upon court, and compel them to conform their verdicts to his will, pleasure or caprice, thus to render the administration of justice uncertain, insecure and partial, did disfranchise as jurors a panel of petit jurors, viz., M. A. Morris and eleven others, discharging them in what he designed to be obloquy and disgrace for returning a verdict of not guilty in favor of the defendants in the case of *The State of Texas v. George Daggett*, forbidding at the time that they, either or any of them should act as jurors at that term of the said court, or at any future term thereof, for twelve months; when in truth and in fact, the said panel of jurors had been guilty of no offense, no impropriety, no contempt, and no other matter, thing or act which authorized, justified or excused the said Scott, in his capacity as judge, for the aforesaid corrupt, unlawful, oppressive, tyrannical action taken with the intent to insult and oppress the jurors, disfranchised and intimidate other jurors then in attendance upon said court, and to compel them to conform their verdicts to his (the said Scott's) will, pleasure or caprice. Whereby, in view of the premises, the House of Representatives of the State of Texas do say, that the said John G. Scott, Judge of the Tenth Judicial District of the State of Texas, in the manner and form, and in the year aforesaid, did commit and was guilty of a high misdemeanor in office, and did thereby render himself no longer fit to exercise the duties of a district judge under the laws and Constitution of the State of Texas.

ARTICLE VI.

That the said John G. Scott, Judge of the Tenth Judicial District in the State of Texas, at the April term,

A. D. 1871, of the District Court of Anderson county, during the session of said court, in open court, did fraudulently, corruptly and unlawfully connive at the fraudulent and corrupt action of one Thomas D. Evans, the then district attorney of the said Tenth Judicial District, in this: There was, at said term of said court, pending a case wherein the State of Texas was plaintiff, and John Fulbright, Daniel Waggoner, Robert Porter, Jesse R. Porter, Robt. Petty, Henry Fields, *et als.*, were defendants, wherein judgment *nisi* had been entered on a forfeited bail bond for seven thousand dollars; that the said Thos. D. Evans compromised with the said Robert Petty for the sum of seventy-five dollars in gold, and agreed to dismiss said case as to said Petty; that the said Scott, conniving at the fraudulent act of the said Evans, did, in open court, corruptly dismiss said case, as to said Petty, and cause the order of dismissal to be entered on the minutes of the court, well knowing at the time that the action of said Evans had been and was fraudulent and corrupt; and, further, that during the said term of said court, the said John G. Scott, still conniving at the fraudulent and corrupt action of the said Thos. D. Evans, district attorney as aforesaid, did corruptly carry out and execute by the judgment of said court, the fraudulent, corrupt compromise of the said Thomas D. Evans, with the other of said defendants, viz., Daniel Waggoner, Robert Porter, Jesse R. Porter, C. L. Thompson and Henry Fields, to take a judgment against C. L. Thompson and Daniel Waggoner, for seventy-five dollars each, gold, and against R. C. Parker and Henry Fields for one hundred dollars each, gold, in satisfaction of said land and *nisi* judgment for seven thousand dollars, and did then and there effectuate said fraudulent and corrupt compromise by entering up the judgment of said court for the sums aforesaid, well knowing at the time that said compromise had been made by said Evans out of court, and that the same was unlawful, fraudulent and corrupt; and further, that said John G. Scott did fraudulently and corruptly permit execution to issue on said judgment during term time against the said Henry Fields, who afterwards and during the term, being in open court, was accosted from the bench by the said Scott, while sitting as judge, and was then and there unlawfully, fraudulently and corruptly ordered by the said Scott to

pay to the said Evans the said \$100 gold, during that day, or in default thereof that he, the said Fields, should be incarcerated in the county jail of Anderson county, and did, in truth and in fact, by said order, fraudulently and corruptly compel the said Fields to pay to said Evans the said sum of \$100 gold on the said day; and further, that thereafter, on application made to E. J. Davis, Governor of the State of Texas, for a remission of said judgment in behalf of said defendant, a remission was granted, and directions given in the said Governor's proclamation of remission, that all persons and officers of the District Court of Anderson county should refund to said defendant all moneys paid, and deliver up all notes given by said defendant to said Evans, because as on account of said bonds or judgments *nisi* or final; nevertheless, the said J. G. Scott unlawfully and corruptly refused to permit said proclamation of said Governor to be spread upon the minutes of the court, and did corruptly refuse to order or require the said Evans to refund the money paid to him by said defendant or any of them, or to deliver up the notes that said Evans had received from them, said defendant or any of them, but did fraudulently and corruptly permit and connive at the said Evans' retention of said money and notes in his possession. Whereby, in view of the premises the House of Representatives of the State of Texas do say that the said John G. Scott, Judge of the Tenth Judicial District, in the State of Texas, did, in his capacity of judge as aforesaid, commit, and was guilty of a high misdemeanor in office, and did render himself no longer fit to exercise the duties of a judge of the District Court in the State of Texas.

ARTICLE VII.

That the said John G. Scott, Judge of the Tenth Judicial District in the State of Texas, at the April term of the District Court of Anderson county, in the year of our Lord 1872, did, in open court, maliciously, oppressively, unlawfully and for corrupt purposes, require excessive bail of one W. H. McClellan, who was indicted by the grand jury of said county two hundred and ten times, for misdemeanor, at said term of said court, and by reason of such requirement, in effect and to every legal intent and purpose, refuse bail to said McClellan in crim-

inal cases, when bail was allowable under the law, and did then and there keep the said McClellan confined in jail for the space of ten days, after such refusal to grant bail, all of which was contrary to law and in violation of the Constitution and laws of the State of Texas. Whereby, in view of the premises, the House of Representatives of the State of Texas do say that the said John G. Scott, Judge of the Tenth Judicial District of the State of Texas, in the manner and form, and in the year aforesaid, did commit and was guilty of a high misdemeanor in office, and did thereby render himself no longer fit to exercise the duties of a district judge under the laws and Constitution of the State of Texas.

ARTICLE VIII.

That the said John G. Scott, Judge of the Tenth Judicial District, in the State of Texas, did, in the county of Anderson and State of Texas, on or about the . . . day of April, in the year of our Lord 1872, with force and arms, without legal authority or process of law, feloniously, corruptly and maliciously make an assault upon one Samuel A. Wilson, a citizen of the county of Cherokee, in the State of Texas, and him, the said Wilson, did, then and there, falsely imprison and restrain of his personal liberty for the space of one hour, contrary to the statute in such cases made and provided, and against the peace and dignity of the State of Texas. Whereby, in view of the premises, the House of Representatives of the State of Texas do say that the said John G. Scott, Judge of the Tenth Judicial District of the State of Texas, in the manner and form, and in the year aforesaid, did commit and was guilty of a high misdemeanor in office, and did thereby render himself no longer fit to exercise the duties of a district judge under the Constitution and laws of the State of Texas.

ARTICLE IX.

That the said John G. Scott, Judge of the Tenth Judicial District, in the State of Texas, has been guilty of oppression and tyranny on the bench, when sitting as a court, viz :

1. In fining and ordering to jail, one P. T. Tannehill,

Esq., at the . . . term of the District Court of Henderson county.

2. In fining Judge Samuel A. Wilson, and ordering him to jail, at the August Term, in the year of our Lord 1872, of the District Court of Anderson county.

3. In requiring of W. H. McClellan five hundred dollars bail in each of two hundred and ten misdemeanor cases, pending at one and the same time, in Anderson county, State of Texas.

4. In banishing W. H. McClellan from the county of Anderson, in the State of Texas, where his home was, at the August term, in the year of our Lord 1872, of the District Court of Anderson county, in the State of Texas.

5. In banishing one A. Towles from the county of Anderson, in the State of Texas, at the December term, in the year of our Lord 1872, of the District Court of said Anderson county, in the State of Texas.

6. In ordering Henry Fields to pay to District Attorney Thomas D. Evans the sum of \$107.50 on a judgment in a civil case, viz., *The State v. Fulbright et al.*, or go to jail within one hour in default of payment.

Whereby, in view of the premises, the House of Representatives of the State of Texas do say that the said John G. Scott, in his capacity as District Judge of the Tenth Judicial District, in the State of Texas, did commit and was guilty of a high crime and misdemeanor in office, and thereby did render himself no longer fit to exercise the duties of a district judge under the Constitution and laws of the State of Texas.

ARTICLE X.

That the said John G. Scott, Judge of the Tenth Judicial District, in the State of Texas, did, on or about the twenty-ninth day of April, in the year of our Lord 1871, in the county of Anderson, in the State of Texas, make an affidavit in writing before one Thomas D. Evans, District Attorney of said Tenth Judicial District, charging that "John G. Kirksey, in the county and State aforesaid, (Anderson county, Texas,) did unlawfully and willfully abuse him, the said John G. Scott;" and further, "that he (the said John G. Scott) is in great bodily fear of his person and life, from the hands of him, the said John G. Kirksey:" that thereafter, on the same day, the said

Kirksey was arrested and brought before the said John G. Scott, judge as aforesaid, for trial on said charge, when and where the said Scott unlawfully, corruptly and maliciously sat as judge in said case, when five justices of the peace were in said county and on duty, having been duly elected and qualified, and one of them, William T. Smith was justice of the peace in and for precinct No. 1. where said affidavit was made, each and all of whom, but particularly said Smith, had jurisdiction to try and order the law in said case, to try the said Kirksey, and did then and there unlawfully, maliciously and corruptly rule and order that the said Kirksey should instantly give a peace-bond in the excessive sum of fifteen thousand dollars to keep the peace toward him (the said Scott), or in default of such bond being executed in fifteen minutes, he, the said Scott, maliciously ordered that the said Kirksey should be incarcerated in the common jail of Anderson county; all of which actions and doings, and rulings and orders of said Scott were malicious, unlawful and corrupt, contrary to law and in violation of the Constitution of the State of Texas. Whereby, in view of the premises, the House of Representatives of the State of Texas do say that the said John G. Scott, Judge of the Tenth Judicial District, in the State of Texas, did, in his capacity as judge aforesaid, commit and was guilty of a high misdemeanor in office, and did render himself no longer fit to exercise the duties of a judge of the District Court in the State of Texas.

Mr. Sayers offered the following resolution :

Resolved, That the said articles of impeachment be transmitted to the Senate, and that a committee of five be appointed, of which the Hon. John Ireland shall be chairman, to go to the bar of the Senate in the name of the House of Representatives and of the people of Texas, to impeach John G. Scott, Judge of the Tenth Judicial District, of high crimes and misdemeanors in office, and that the committee demand that the Senate take order for the appearance of the said John G. Scott to answer said impeachment.

The resolution was adopted, and the Speaker appointed the following gentlemen the committee under the resolution: Ireland, chairman; Bewley, Payne, Sayers and Sabin.

The school bill was then resumed.

Mr. Gaston moved a call of the House, which being sustained, was made, and the following gentlemen were found absent :

Messrs. Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Doyle, Ford, Ghent, Hoffman, Hollingsworth, Kleberg, Leyendecker, Mills, Morris, Phelps, Rimes, Schmidt, Short, Veale, Venters, Wilder and Winkler.

On motion of Mr. Gaston the sergeant-at-arms was dispatched for the absent members.

A message from the Senate announced the passage by that body of House bill No. 534, authorizing the Comptroller to employ two additional clerks.

On motion of Mr. Gallaway, the House adjourned until 4 o'clock, P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called ; quorum present.

Absent—Messrs. Bewley, Short and Walker.

Special order, House bill No. 517, entitled "An act supplemental to an act to incorporate the Western Narrow Gauge Railway Company, approved August 4, 1870, and an act supplemental thereto, approved October 13, 1871," was taken up.

On motion of Mr. Sayers, the reading of the bill was dispensed with, and it was taken up by sections.

Mr. Cook offered the following amendment : After the word "counties," in line seven, insert the words "not more than three miles below San Felipe, nor eight miles above," and strike out all of section one after the words "New Braunfels," in line nine. The amendment was adopted.

Mr. Hollingsworth offered the following amendment : After the word "New Braunfels," in line nine, insert the words "San Marcos." Amendment adopted.

Section one was then adopted.

Mr. Prendergast offered the following amendment : Amend section two by adding as follows : "And said company shall alienate the lands hereby granted and donated, except so far as may be necessary for the ordinary uses and operations of said road, as follows, viz., one-fourth in eight years, one-fourth in twelve years, and

one-fourth in sixteen years, and the remaining one-fourth in twenty years from the date of the location of the certificates in such manner that the whole of such land shall not pass out of the hands of said company within twenty years after the date of their location; *provided*, that said lands shall not be alienated to any other railway company or corporation except so far as may be necessary for the proper use and conduct of the business of such company or corporation; nor shall said lands be alienated to any individual, firm or company in trust for said railway company, or to any firm or company of which any officer or stockholder is a member; and a failure to comply with the provisions of this act and the general laws of the State on the subject, or a violation of the provisions of this act and such general laws, shall work a forfeiture of all the benefits of this act."

Mr. Payne offered the following amendment to the amendment: Strike out the words "eight," "twelve," "sixteen" and "twenty," and insert in lieu thereof the words "six," "ten," "twelve" and "sixteen." The amendment to the amendment was lost.

The amendment was then adopted.

Mr. Berends moved to strike out the words "eight, twelve, sixteen and twenty," and insert in lieu thereof the words "six, eight, ten and twelve." The amendment was lost.

Section two was then adopted.

Mr. Payne offered the following amendment: Add to section three, "And the even sections being reserved to the State for the school fund." The amendment was adopted.

Section three was then adopted.

Mr. Manning offered the following amendment: Section four, line five, strike out "June" and insert "January." The amendment was adopted.

Mr. Cook offered the following amendment to section four: After the word "of," in line eight, insert the words "Pillsville, in Fort Bend county; San Felipe or Bellville, in Austin county." Also, insert after the word "court house," in line eleven, the words, "or principal business portion."

Add to section four the following: "That in case said company shall cross the Brazos river above the mouth

of Mill Creek, they shall establish a passenger and freight depot at or within one-half mile of the court house at Bellville; and in case the said road shall cross the Brazos river below the mouth of Mill Creek, they shall establish a freight and passenger depot within one-half mile of the business portion of San Felipe." The amendment was lost.

Mr. Hoffman offered the following amendment: Section four, line twelve, after the word "towns," insert "*Provided*, that the depot at New Braunfels shall be on the west side of the Guadalupe river." The amendment was adopted.

Section four was then adopted.

Mr. Ireland moved to strike out in section five all after the word "companies," in line four. The amendment was adopted.

Section five was then adopted.

Mr. Watts offered the following amendment to section six: Add to section six, "and the certificates issued to said company under the provisions of this act, not located, because the public lands are exhausted, shall constitute no claim against the State."

The House refused to adopt the amendment.

Mr. Ireland offered the following amendment to section six: "*Provided*, said company may arrange with any other company to run over or use its road for the rolling stock of the company." The amendment was adopted.

Mr. Cook offered the following amendment: Section six, line three, after the word "road," insert the words "and any violation of the provisions of this section shall operate to forfeit the charter of said company." The amendment was adopted.

Section six was then adopted.

Mr. Eastland offered the following amendment: Strike out "sixteen sections of land," wherever the same occurs in the bill, and insert "ten sections." The amendment was lost.

Mr. Nelson offered the following amendment: Strike out the second section of the bill.

Mr. Tilson moved to lay the amendment on the table, which motion was carried.

The bill was then ordered engrossed.

On motion the rules were suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Bledsoe, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Davenport, Denton, Doyle, Ford, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Killough, Kleberg, Mabry, Manning, McDonald, Moore, Morris, Noeggerath, Payne, Powers, Prendergast, Rimes, Roberts, Russell, Sabin, Salter, Sayers, Schmidt, Shaw, Smith of Colorado, Storey, Thurmond, Tilson, Tivy, Van Zandt, Watts, Westfall, Williams, Winkler—56.

Nays—Messrs. Armstrong, Chambers, Cunningham, Eastland, Lane, Mills, Nelson, Rainey, Scott, Shelton, Trolinger, Venters, Wilder—13.

Mr. Ireland introduced a bill to incorporate the Seguin Bridge Company. Also, a bill to incorporate the Seguin Savings Bank, both of which were referred to Judiciary Committee No. 1.

On motion of Mr. Shaw, the Committee on Internal Improvements being granted leave to report upon three bills, submitted the following report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The committee, to whom was referred House bill No. 594, "An act to incorporate the Saint Louis and Mexican Gulf railroad, and to grant land to aid in the construction thereof," have duly considered the same, and instruct me to report it back to the House with the recommendation that it do pass.

W. A. SHAW, for Committee.

On motion of Mr. Prendergast, the bill was laid on the table, made the special order for Monday, April 21, at 3 o'clock P. M., and one hundred copies ordered printed.

On motion of Mr. Watts, the Committee on Internal Improvements were granted leave to report upon all bills in their hands.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 201, entitled "An act to incorporate the Gulf, Colorado and Santa Fé Railway Company," have carefully examined the same, and recommend that with the accompanying amendments it do pass.

W. A. SHAW, for Committee.

Mr. Joseph moved that the bill and amendments be laid on the table, made special order for Monday, April 21, at 3 o'clock P. M., and that one hundred copies be ordered printed.

On motion of Mr. Payne, the House then adjourned until 9:30 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
 AUSTIN, TEXAS, April 18, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

On motion of Mr. Watts, Mr. Ireland was excused indefinitely on account of sickness in his family.

On motion of Mr. Salter, Mr. Killough was excused until Monday on account of pressing business.

On motion of Mr. Thurmond, Mr. Kleberg was excused indefinitely on account of sickness.

On motion of Mr. Williams, Mr. Washington was excused on account of sickness.

On motion of Mr. Booty, Mr. Walker was excused for eight days.

On motion of Mr. Kemble, the reading of the journal of yesterday was dispensed with.

The special committee to present the articles of impeachment against John G. Scott, judge Tenth Judicial District, to the Senate, reported that they had performed their duty, and that the Senate had acknowledged the receipt of the articles and had promised to take the necessary orders thereon.

The resolution of Mr. Watts declaring that the House will hereafter hold two daily sessions was again read.

Mr. Prendergast moved to amend by striking out "9" and inserting "9:30." The amendment was lost.

Mr. Green moved to amend by striking out "four" and inserting "three." The motion failed to carry.

Mr. Rainey offered the following amendment: "*Provided further, that in the morning session no measures shall be taken up and disposed of except bills of a general nature, until the most important measures shall have been disposed of.*"

Mr. Gallaway moved to amend by adding that the rules should not hereafter be suspended for any purpose.

Mr. Anderson moved to lay both amendments on the table, which carried.

The resolution was then adopted.

Mr. Anderson asked leave for the special committee on House bill No. 718 to report, which being granted, that committee submitted the following :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The special committee, to which was referred House bill No. 718, entitled "An act to provide for the sale of alternate sections of school land reserved to the State," report the same, and recommend that the consideration of the same be postponed for the present and that one hundred copies of the same be printed.

ANDERSON, for Committee.

The report was adopted, the bill laid on the table and one hundred copies ordered printed.

Mr. Denton offered two petitions from citizens of a portion of Guadalupe county, asking to be attached to Wilson county. Referred to the Committee on Counties and County Boundaries.

Mr. Hester presented memorial of the heirs of James Winters, deceased. Referred to the Committee on Private Land Claims.

Mr. Gallaway presented a petition of citizens of Upshur county praying for a new county. Referred to the Committee on Counties and County Boundaries.

Mr. Brown, of Dallas, presented a remonstrance of the people of Lancaster, Dallas county, against a prohibitory liquor law. Referred to the Committee on Town and City Corporations.

Mr. Rosborough presented a remonstrance of citizens of Bell county against the passage of a law prohibiting the sale of intoxicating liquor within five miles of Pleasant Hill Academy, in Bell county. Referred to the Committee on Education.

Mr. Storey introduced a bill supplementary to "An act to establish a penal code for the State," approved August 26, 1856. Referred to Judiciary Committee No. 1.

Mr. Bordeaux introduced a bill to create and define the boundaries of Montague land district. Referred to the Committee on Counties and County Boundaries.

Mr. Hester introduced a bill for the relief of the heirs of James Winters, deceased. Referred to the Committee on Private Land Claims.

Mr. Phelps introduced a bill prohibiting railway companies from making distinctions in the accommodations of first class passengers. Referred to the Committee on State Affairs.

Mr. Nelson introduced a bill to regulate and reduce the mileage and per diem of the members of the Legislature of the State of Texas. Referred to the Committee on State Affairs.

Mr. Cook introduced a bill supplemental to and amendatory of "An act entitled an act to incorporate the Houston Hook and Ladder Company No. 1, and Liberty Fire Company No. 2, in the city of Houston," approved December 31, 1859. Referred to the Committee on Commerce and Manufactures.

Mr. Joseph introduced a bill amendatory of "An act to incorporate the Galveston Agricultural, Horticultural and Industrial Association." Referred to the Committee on Town and City Corporations.

Mr. Nelson introduced a bill to authorize the Police Court of Hunt county to collect a special tax. Read first time, and on motion of Mr. Russell, the rules were suspended, the bill read second time and ordered engrossed.

On motion of Mr. Nelson, the rules were further suspended, the bill read third time and passed.

Mr. Trolinger introduced a bill for the relief of the purchasers of University lands. Referred to the special committee on the sale of University lands.

On motion of Mr. Prendergast, the Committee on Constitutional Amendments were granted leave to report, and submitted the following :

Hon. M. D. K. Taylor, Speaker of the House of Representatives.

SIR: The Committee on Constitutional Amendments, to whom was referred joint resolution No. 312, providing for the election of delegates to a Constitutional Convention, and fixing the time for the assembling of the same; and No. 362, a bill to provide for a revision of the Constitution of the State of Texas, having duly considered the same, have instructed me to report the accompanying

joint resolution as a substitute for said bill and joint resolution, and recommend its passage.

PRENDERGAST, Chairman.

The substitute recommended by the committee was read and adopted.

Mr. Prendergast offered the following amendment: Change the position of sections two and five, substituting section five for section two, and section two for section five. Amendment adopted.

Mr. Storey moved to strike out that portion relating to submitting the Constitution to a vote of the people.

Mr. Sayers moved to lay the motion on the table, which motion carried.

On motion of Mr. Anderson, the bill was laid on the table, made special order for Monday, April 21, at 4 P. M., and one hundred copies were ordered printed.

Mr. Kemble moved to take up Senate bill No. 218, "An act to establish and maintain a system of public free schools in the State of Texas," which motion carried.

Mr. Sayers moved that the House go into committee of the whole upon the bill. The motion was lost.

The bill was then taken up by sections.

Mr. Smith of Colorado offered the following amendment to section one: Strike out after the enacting clause all to the word "and," in the fourth line, and insert as follows: "That at the general election to be held in the State next before the expiration of the term of the present incumbent." The amendment was adopted.

The Speaker announced the hour for the special order, House bill No. 721, a bill to regulate the assessment and collection of taxes, had arrived.

On motion of Mr. Kemble, the special order was postponed until the pending bill should be disposed of.

Mr. Hollingsworth moved to adopt the bill as a whole.

Mr. Prendergast moved to lay that motion on the table, which motion carried.

Mr. Cook offered the following amendment to section one: Strike out of lines twelve and thirteen the words, "to be confirmed by the Senate." Also add to the end of section one, "for members of the lower house of the Legislature."

Division of the resolution having been called for, the first part was put and adopted. The second part was then put and lost.

Mr. Gallaway offered the following amendment to section two: Strike out the words "fifty thousand dollars," in line five, and insert the words, "one hundred thousand dollars."

Mr. Manning moved to lay the amendment on the table, which carried.

Mr. Berends offered the following amendment to section five: "It shall be his duty to travel in the different counties of the State, as far as possible without interfering with his other official duties, for the purpose of visiting schools, of consulting with the county superintendents, encouraging teachers' institutes, and looking after the general school interests; and the traveling expenses so incurred shall be allowed, audited and paid as other claims, out of the general school fund; *provided*, that the amount so expended shall not exceed one thousand dollars for any one year."

Mr. Payne moved to lay the amendment on the table, which motion carried.

Mr. Payne moved to strike out of line four, section five, the words, "and assistant." The House refused to adopt the amendment.

Mr. Sayers, offered the following amendment: Section ten, line eight, strike out "one" and insert "two." In line nine, same section, strike out "eighteen" and insert "fifteen."

Mr. Rimes moved to lay the amendment on the table, which carried.

Mr. Nelson moved to strike out of line ten, section ten, the word "eight" and insert instead the word "five." The motion was lost.

Mr. Berends offered the following amendment: Insert after section twelve the following:

"SEC. . . . Every county in this State, and every incorporated city of four thousand or more inhabitants, shall constitute a separate school district. The County Court and *respectively* the city council shall have the financial administration of all public schools. The County Court may, for the purpose of performing this duty, add one day more to their regular sessions, when the county school superintendent shall be invited to attend, and the County Court and superintendent shall receive per diem and mileage, as allowed them for similar duties. Before the beginning of the scholastic year on the first of Sep-

tember, each year, the County Court, upon the report of the county superintendent, shall proceed to make an average estimate of the number of schools within the county to be opened and taught, the teachers to be employed, and the necessary expenses to be incurred through the year ending thirty-first of July next. The court shall fix the salary of the teachers, the compensations to be allowed all other functionaries, and the cost of all probable expenses; it shall apportion the probable available school fund among the precincts or sub-districts of the county according to their scholastic population. At every regular session of the court the county treasurer and superintendent are required to lay before the same a report of the financial and educational condition of the public schools in the county, and at the end of the scholastic year a full and correct account and statement in such shape and form as the Superintendent of Public Instruction may prescribe, which, when found correct, the court shall approve for the transmissal to the Superintendent of Public Instruction. The County Court shall cause the county assessor to take at the same time with the assessment the census of the scholastic population, separate, for the several precincts or sub-districts, and shall allow the same such compensation as it may deem necessary and proper. The County Court shall have the power to finally settle all difficulties arising in the public schools between teachers and pupils, or their parents or guardians, and may remove teachers, and, as the case may be, annul their certificates for misfeasance, malfeasance, misconduct or incompetency, and expel a scholar for misbehavior, by a majority vote of the members.

“SEC. . . . The County Court shall have power, for the support of the public schools, to levy and collect, in the same manner as other taxes, a special school tax, not to exceed one-half of one per centum of the assessed valuation on all taxable property, and a poll tax of one dollar on every male inhabitant between the ages of twenty-one and sixty years: *provided*, that no tax shall be collected when a public school cannot be opened and maintained within two miles from the residence of a citizen of the county. The County Court is further allowed to receive for the school fund, donations of land for the sites of school houses, voluntary contributions and other donations, which shall be apportioned for the benefit of

such sub-district or school as the donor may designate. The County Court shall further have the right, for the purpose of erecting school houses and purchasing sites, to apply to the Legislature for the transfer to the county of such money as may have come to the State Treasury from the sale of school lands belonging to the county, and held in trust by the State for said county. The County Court may, by special legislation, for the same purpose, be authorized to issue bonds bearing interest; *provided*, that payment of interest and sinking fund be secured by special taxation; *provided further*, that in all such cases the deeds be made out and vested in the County Court; *and provided*, that the County Court, in distributing these funds, have particular care, as far as possible, to equally and proportionately benefit every precinct or the sub-district of the county."

Mr. Cunningham moved to lay the amendment on the table, which motion carried.

Mr. Payne offered the following amendment to section thirteen: Strike out "who shall preside," in line twelve, and insert "and the sessions of said board shall be." The amendment was adopted.

Mr. Gallaway offered the following substitute for section fifteen: "Sec. 15. That the County Court of each county in the State shall appoint some competent person whose duty it shall be to examine all persons applying for certificates to teach as teachers of free schools; and said person so appointed shall designate some time and place at the county seat of said county at which he will one day in every month examine applicants and give certificates as the law requires; and said examiner shall be entitled to receive from the county treasurer of his county, from the school fund, the sum of five dollars per day for his services; and any person applying to said examiner for a certificate at any time not designated by said examiner, shall pay the sum of two dollars and fifty cents to said examiner for his certificate.

Mr. Sayers moved to lay the amendment on the table, which motion carried.

Mr. Payne moved to strike out in lines eleven and twelve, section fifteen, the words "practical physiology and the laws of health;" also, strike out all after the word "branches," in line sixteen, to the end of the section.

Mr. Sayers moved to lay the amendment on the table. The motion to table failed.

The amendment was then withdrawn.

Mr. Brown of Dallas offered the following amendment to section sixteen: Strike out the words, "first Monday of November," in lines one and two, and insert "sixth Monday." The amendment was adopted.

Mr. Payne offered the following amendment to section twenty: "Insert after the word "elected," in line six, the words, "and qualified." The amendment was adopted.

Mr. Rainey offered the following substitute for section twenty-one. "SEC. 21. It shall be the duty of the district trustees to fix the time and place for holding an election in their respective districts, for the location or selection of school houses, within their respective districts, and to appoint a presiding officer. That the chairman of the board of trustees shall cause written notices of said election to be posted up for at least five days next preceding the election, in three public places in each school district. That the returns of said election shall be made within five days to the chairman of said board, who shall examine the same in the presence of his co-trustees; and a majority of the votes polled in a district shall be necessary to the permanent location of a school house; and no change of location of a school house thus located shall be made except by a majority of two-thirds of those voting in such election, taken, after due notice, as above provided." The House refused to adopt the amendment.

Mr. Ellett offered the following amendment to section twenty-two: Insert after the word "conducted," in line seventeen, the words, "and shall prescribe the number of months that the school shall be taught, which shall not be less than four months."

Mr. Bewley moved to lay the amendment on the table. Carried.

Mr. Cook offered the following amendment: Strike out all after the word "year," in line eighteen.

Mr. Bewley moved to lay that amendment on the table. Carried.

The Committee on Enrolled Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: I have the honor to report that I did, at forty-five

minutes past eleven o'clock of this day, present to his Excellency the Governor for his approval and signature House joint resolution No. 634, entitled "Joint resolution authorizing the Comptroller to employ two additional clerks."

PAYNE, for Committee.

The Committee on Engrossed Bills submitted the following reports:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills beg leave to report that they have carefully examined the following bills:

House bill No. 517, "An act supplemental to an act to incorporate the Western Narrow Gauge Railway Company, approved August 4, 1870;" and "An act supplemental thereto," approved October 13, 1871.

Also, joint resolution No. 729, "Joint resolution for the relief of Rufus A. Upton, late sheriff of Refugio county."

House bill No. 727, "An act to prohibit the sale of intoxicating, spirituous or vinous liquors within three miles of Roxton Chapel and Seminary, in Lamar county."

And find the same correctly engrossed.

BOOTY, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed bills have carefully examined the following bills, to-wit:

No. 536, "An act to change and define the boundary lines of Trinity county, and to provide for the further organization of the same."

No. 722, "An act to create and provide for the organization of the county of Dillard."

No. 671, "An act to incorporate the Mechanics' Real Estate and Savings Association of Dallas."

And find the same correctly engrossed.

BOOTY, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined the following bills:

No. 538, "An act to establish and organize the county of Neches."

No. 392, a bill to be entitled "An act to incorporate the Garden Valley Seminary, in Smith county, Texas."

No. 306, a bill to be entitled "An act to exempt certain property therein named from forced sale." Adopted substitute for House bill.

No. 522, "An act entitled an act to prohibit the sale of intoxicating liquors within four miles of Bosqueville Male and Female College, situated at Bosqueville, in McLennan county."

No. 391, a bill to be entitled "An act to prevent the gift or sale of intoxicating liquors within two miles of Garden Valley Seminary, in Smith county, Texas."

And find the same correctly engrossed.

BOOTY, Chairman.

A message from the Senate announced that that body adhered to its amendment to House bill No. 340, "An act to ascertain the amount due teachers of public free schools of the State of Texas prior to the first day of March, A. D. 1873, and to provide for the payment of the same," and had appointed Senators Shelley, Ruby and Dohoney a conference committee on the disagreement between the two houses, and asked the appointment of a like committee on the part of the House.

On motion of Mr. Hollingsworth, Mr. Prendergast was added to the committee to consider the subject of a general election, and Mr. Storey was substituted for Mr. Walker on the special committee of which that gentleman was chairman.

On motion of Mr. Brown, of Dallas, the House adjourned until 4 P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

Mr. Bewley was absent.

On motion of Mr. Trolinger, Mr. Bordeaux was excused on account of sickness.

On motion of Mr. Booty, Mr. Anderson was excused indefinitely on account of sickness in his family.

The discussion of the school bill was resumed.

Mr. Sayers offered the following amendments to section twenty-two: Strike out the last two words in line ten and insert the word "children." Strike out the last two

words in line twelve, and all of line thirteen, and insert the words, "good order, peace and harmony may be maintained in the schools." The amendments were adopted.

Mr. Rimes offered the following amendment: In line eighteen, after the word "year," insert: "*Provided*, the free schools may continue for a longer period than four months, if the amount of the school fund is sufficient, or if the citizens of the district or sub-district, by payment of tuition, or subscription, will supply the deficiency." The amendment was adopted.

Mr. Cook moved to strike out all after the word "year," in line eighteen, to the end of the section.

Mr. Westfall moved that the amendment be laid on the table.

Yeas and nays being called resulted as follows:

Yeas—Messrs. Abbott, Allison, Berends, Bewiey, Bledsøe, Brown of Dallas, Carroll, Chambers, Davenport, Eastland, Ford, Gillette, Green, Harrison, Hoffman, Joseph, Kemble, Lyendecker, Mabry, Mills, Moore, Morris, Noeggerath, Payne, Phelps, Roberts, Sabin, Sayers, Schmidt, Scott, Shaw, Shelton, Smith of Colorado, Storey, Stockbridge, Thurmond, Tilson, Van Zandt, Veale, Venters, Watts, Westfall, Williams and Winkler—43.

Nays—Messrs. Speaker, Adriance, Armstrong, Booty, Broaddus, Brown of Upshur, Cook, Cunningham, Denton, Doyle, Gaston, Gilpin, Manning, McDonald, Nelson, Powers, Prendergast, Rainey, Rimes, Rosborough, Salter, Short, Smith of Houston, Tivy, Tom and Trolinger—26.

Whereupon the motion to lay upon the table was declared to have carried.

Mr. Cook offered the following amendment: In line twenty-three, after the word "tax," insert, "not to exceed one-fourth of one per cent."

Mr. Watts offered the following substitute: Add to section twenty-two the following: "Not to exceed one-half of one per cent."

Mr. Payne moved to lay both amendment and substitute on the table, which motion carried.

Mr. Watts offered the following amendment: Amend by striking out of lines twenty-one and twenty-two, in section twenty-two, the words, "this purpose," and in-

sert in lieu thereof the following: "Maintaining such schools four months in each year." The amendment was adopted.

Mr. Rimes offered the following amendment: After the word "levy," in line twenty-two, insert as follows: "A poll tax of one dollar on every male person between the ages of twenty-one and sixty years, and." The amendment was lost.

Mr. Ellett offered the following amendment: Amend section twenty-three by striking out of lines five and six the words, "tax payers over twenty-one years of age," and insert, "registered voters."

Mr. Bewley moved to lay the amendment on the table, which motion carried.

Mr. Joseph offered the following amendment: "*Provided*, no *ad valorem* tax so levied shall exceed one-eighth of one per cent., and should the same be insufficient, any subsequent assessment must in like manner be voted for, and no more than one such assessment shall be made during any one year."

Mr. Bewley moved to lay that amendment on the table, which motion was carried.

Mr. Rainey offered the following substitute for section twenty-seven: "In any school district or sub-district the inhabitants, as a matter of economy, shall be allowed to furnish the necessary school houses at their own expense; but that in the event a house or houses are needed, and the inhabitants are unable or unwilling to pursue this course, then it shall be the duty of the board of school directors to order the levying, assessing and collecting of a poll tax, to be used for the purpose of building a school house or houses."

Mr. Mills moved to lay the amendment on the table, which was carried.

Mr. Sayers moved to reconsider the vote on Mr. Ellett's amendment. The vote was reconsidered.

The amendment was then adopted.

Mr. Payne offered the following amendment: "After the word "tax," in line two, add, "of one dollar on all male persons between the ages of twenty-one and sixty years of age."

Mr. Storey moved to amend the amendment by striking out "one" and inserting "two." The amendment failed to be carried.

Mr. Payne's amendment was then adopted.

Mr. Rainey offered the following amendment: "SEC. 22. It shall be the duty of the school trustees for each district, as early as practicable after their election, by giving due notice, to call a meeting of all the patrons of schools in the district, both of the white and the colored population. The trustees shall provide for schools for both races, separating the two; and at this meeting a majority of those present shall indicate to the trustees the length of time, during the year, they desire a school, the kind of a teacher they want, and the amount of salary they are willing to pay. If, upon examination, the trustees find that the number of scholastic children is not sufficient for the organization of a school and the employment of a teacher, then, if the number be as large as ten, the patrons shall be allowed a teacher; *provided*, they be willing to pay said teacher the balance to cover the stipulated salary after he shall have been allowed the *pro rata* share for each pupil of the school fund."

Mr. Ghent offered the following amendment to the amendment: Strike out "color," wherever it occurs, also "race."

Mr. Gallaway moved that the House adjourn. The House refused to adjourn.

Mr. Bewley moved to lay the amendment to the amendment on the table.

A rising vote being taken, resulted in thirty yeas and twenty-eight nays; whereupon it was evident a quorum was not voting.

On motion of Mr. Abbott, the House adjourned until 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, April 19, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

Absent—Mr. Short.

On motion of Mr. Tom, Mr. Salter was excused on account of sickness.

On motion of Mr. Kemble, Mr. Carroll was excused on account of sickness.

On motion of Mr. Cunningham, Mr. Brown of Upshur was excused until Thursday, April 24.

On motion of Mr. Brown of Dallas, the reading of the journal was dispensed with.

On motion of Mr. Brown of Dallas, the regular order was dispensed with, and the consideration of the school bill was resumed, pending the amendment offered by Mr. Ghent to the amendment of Mr. Rainey.

On motion of Mr. Sayers, Mr. Storey was excused for the day on account of important business.

Mr. Harrison moved to lay the amendment to the amendment on the table.

Yeas and nays were called, with the following result :

Yeas—Messrs. Adriance, Allison, Armstrong, Bledsoe, Booty, Bordeaux, Brown of Dallas, Chambers, Cunningham, Day, Denton, Doyle, Eastland, Gaston, Gillette, Gilpin, Harrison, Hester, Hollingsworth, Joseph, Kemble, Kleberg, Lane, McDonald, Morris, Powers, Rainey, Rimes, Rosborough, Russell, Sayers, Schmidt, Scott, Shelton, Smith of Colorado, Smith of Houston, Tilson, Tom, Trolinger, Van Zandt, Venters and Winkler—42.

Nays—Messrs. Broaddus, Ellett, Ford, Galloway, Green, Leyendecker, Mabry, Manning, Moore, Phelps, Prendergast, Roberts, Sabin, Shaw, Stockbridge, Thurmond, Washington, Watts, Westfall, Wilder, and Williams—21.

Whereupon the amendment to the amendment was laid on the table.

Mr. Rainey withdrew his amendment.

Mr. Denton offered the following amendment: Insert after the word "Spanish" in line twelve, "or any other languages."

The amendment was adopted.

Mr. Payne offered the following amendment: Section twenty-five, after the word "States" in line nine, insert "and practical physiology and the laws of health." The amendment was adopted.

Mr. Winkler moved to suspend the rules for a moment to take up the message from the Senate asking a conference committee upon House bill No. 340, to ascertain the amount due teachers of public free schools of the State prior to March 1, 1873, and to provide for the payment of the same, which motion carried.

Under instruction from the House, the Speaker appointed Messrs. Rainey, Mills and Kemble said committee on the part of the House.

Leave being granted, Mr. Winkler presented the following protests: From citizens of Springhill and vicinity against the dismemberment of Navarro county; protest from citizens of Raleigh, Navarro county, against dismemberment; protest from citizens of Dresden precinct, Navarro county, against dismemberment; all of which were referred to the Committee on Counties and County Boundaries.

Leave being granted on motion of Mr. Cook, Senate bill No. 78, to permanently locate the site of Montgomery county, was referred to the Committee on Counties and County Boundaries.

The consideration of the school bill was resumed.

Mr. Cook offered the following amendment: Section twenty-seven, after the words "private teacher" strike out "having a proper certificate of competency from the county superintendent," and insert in lieu "with the consent of the parent or guardian of such scholastic inhabitant."

The House refused to adopt the amendment.

Mr. Brown of Dallas offered the following amendment: Amend section twenty-seven by inserting after the word "Indians" in line six, the words "or by the prevalence of any contagious or infectious disease." The amendment was adopted.

Mr. Shelton offered the following amendment: In line twenty-two, section twenty-seven, after the word "schools," insert "except for causes heretofore specified." The amendment was adopted.

Mr. Berends offered the following amendment: Amend section twenty-nine, by adding after the word "determine" in line five: "No religious or sectarian tenets shall be taught in said schools; but one of the modern languages, German, Spanish or French, shall be regularly taught, as well as drawing and singing, if desired by the population; *provided*, that a competent teacher can be obtained, and that the lessons in such languages shall not occupy more than two hours a day."

Mr. Mills offered the following amendment to the amendment: "*Provided, further*, that all the counties in this State are excepted, save the county of Bexar."

Mr. Gillette moved to lay both amendments on the table, which carried.

Mr. Ghent offered the following amendment: In sec-

tion twenty-seven, strike out "shall" wherever it occurs, and insert "may." The House refused to adopt the amendment.

Mr. Joseph offered the following amendment: Amend by adding after "schools" in line eleven, the following: "And all sums of money that may come to this State from the sale of any portion of the public domain of the State of Texas." The amendment was adopted.

Mr. Cook offered the following amendment: Amend section thirty-two by striking out all after the word "year" in line six, and insert in lieu: "The deficiency may be supplied by the voluntary subscription of the friends of education, wherever dispersed, and the county board of directors shall take charge of and faithfully apply such subscription to supplying such deficiency."

Mr. Sabin moved to lay the amendment on the table, which carried by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Berends, Bledsoe, Bordeaux, Brown of Dallas, Eastland, Ford, Gallaway, Gillette, Green, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Mabry, Mills, Moore, Noeggerath, Payne, Phelps, Roberts, Sabin, Sayers, Schmidt, Scott, Shaw, Shelton, Smith of Colorado, Stockbridge, Tilton, Venters, Washington, Watts, Westfall, Wilder and Williams—39.

Nays—Messrs. Allison, Broaddus, Cook, Cunningham, Davenport, Day, Denton, Doyle, Gaston, Ghent, Gilpin, Harrison, Kleberg, Lane, Leyendecker, Manning, McDonald, Nelson, Powers, Prendergast, Rainey, Rimes, Rosborough, Russell, Smith of Houston, Thurmond, Tivy, Trolinger, Van Zandt, Winkler and Wood—31.

Mr. Prendergast offered the following amendment to section thirty-three: Line two, after the word "districts," insert "under the provisions of this act;" line three, after the word "directors," insert "and also money heretofore collected and paid over to the county school boards or to the treasurers of such boards, and not paid out before the passage of this act." The amendment was adopted.

Mr. Winkler offered the following amendment: Section thirty-four, after the words "county bonds," in line eight, the following: "To be approved by and payable to the County Court of the proper county;" in line nine, after the word "county," insert "conditioned that he will

faithfully receive and disburse all such funds as may come into his hands." The amendment was adopted.

Mr. Powers offered the following amendment to section thirty-six, by adding, "and that the collection of any and all taxes levied or assessed thereunder be and hereby are suspended." The House refused to adopt the amendment.

Mr. Allison offered the following amendment: Section thirty-seven, line four, after the word "Indians," add "sickness or other good cause." The amendment was adopted.

Mr. Gallaway moved to amend section thirty-eight as follows: "SEC. 38. That in any case where it may become desirable in any school district to have a high school taught, any principal of such high school shall have the privilege of blending the free school with the private school by the consent of a majority of the trustees of the former, said principal agreeing and contracting with said trustees to teach the children within the scholastic age. And said principal shall have the right to receive into his school and instruct any number of students who are over the scholastic age, at such rates of tuition as he may prescribe, and his patrons consent to pay, to the end that high schools may be established, with authority to confer degrees or give certificates of merit and scholarship."

Amend further by changing section thirty-eight so as to read section thirty-nine.

The Speaker announced the hour for the special order had arrived, the order being House bill No. 546, to provide for the sale of all lands heretofore given to counties for the purposes of education.

On motion of Mr. Brown of Dallas, the special order was postponed until the pending bill should be disposed of.

Mr. Russell offered the following amendment, which was accepted by Mr. Gallaway: "Provided, said high schools shall be under the control and supervision of the county board of directors."

The whole amendment was adopted.

Mr. Cook offered the following amendment: "That there is hereby levied upon all the taxable property in this State an *ad valorem* tax of twenty-five cents upon the one hundred dollars for the purpose of supplying any deficiency which may arise in any school district under sections twenty-two, twenty-three and thirty-two of

this act; *provided*, that said tax shall not be collected unless there shall be a deficiency, and the board of directors of the district shall deem the same necessary to be collected, when the said board may order the collection thereof, or so much as may be necessary to supply such deficiency, in the manner prescribed by law."

Mr. Rimes offered the following amendment to the amendment: "*Provided*, that no school house in such district shall cost exceeding five hundred dollars." The amendment was adopted.

Mr. Green moved to strike out of Mr. Cook's amendment the words "twenty-five," and insert instead "fifty."

A message from the Senate announced that that body had resolved itself into a high court of impeachment, and were ready to receive the committee on the part of the House to prefer charges against John G. Scott, Judge of the Tenth Judicial District. The Speaker gave notice that the committee would govern themselves accordingly.

The amendment offered by Mr. Green was then put, and failed to carry.

Mr. Rainey offered the following amendment, which was accepted by Mr. Cook: "*Provided*, that in any school district or sub-district, the inhabitants, as a matter of economy, shall be allowed to furnish the necessary school houses, at their own expense; but that in the event a house or houses are needed, and the inhabitants are unable or unwilling to pursue this course, then it shall be the duty of the board of school directors to order the collection of the tax hereinbefore provided for, to be used for the purpose of building a school house or houses."

Mr. Prendergast moved to strike out of the pending amendment the figures "22" and "32."

Mr. Green moved to lay the amendment and the amendment to the amendment upon the table.

The House refused to table.

Unanimous consent having been given. Mr. Booty offered the following resolution:

Resolved, That rule forty-four of this House shall hereafter read as follows: "The previous question shall be put in this form: 'Shall the main question now be put?' It shall only be admitted when seconded by ten members present, and, when carried, its effect shall be to put an

end to all debate, and bring the House to a direct vote; first, upon the pending amendment, and so on back to the first amendment offered; second, upon amendments reported by a committee, if any; and, third, upon the main question."

Laid over under the rules.

Leave being granted, Mr. Westfall offered the following resolution:

Resolved, That the use of this hall is hereby tendered the Austin fire companies from one to four o'clock P. M. on Monday, the twenty-first instant.

Adopted.

On motion, Mr. Booty was excused for five days, on account of pressing business.

The amendment offered by Mr. Prendergast was then adopted.

Mr. Hollingsworth moved to reconsider the vote just taken. The House refused to reconsider.

A message was received from the Senate informing the House that the Senate had passed the following bills originating in the House, viz.:

No. 287, "An act authorizing the County Court of Bosque county to levy and collect a tax for the purpose of building a court house and jail."

No. 395, "An act amendatory of and supplemental to an act concerning private corporations, approved December 2, 1871."

No. 261, "An act to amend an act entitled an act to adopt and establish a penal code for the State of Texas," approved August 26, 1856.

No. 552, "An act to incorporate the Bridgeport Bridge Company, in Wise county, Texas," with amendments.

And the following bills originating in the Senate, viz.:

No. 144, "An act to incorporate the Real Estate, Building and Savings Association, of Dallas, Texas."

No. 243, "An act for the relief of S. B. Buckley, late Assistant State Geologist."

And that the Senate had adopted House concurrent resolution expressing sympathy for the people of our sister State of Louisiana.

The secretary of the Senate also communicated to the House the following resolutions adopted by the Senate in the matter of impeachment of John G. Scott, Judge of the Tenth Judicial District of the State:

Resolved, That at twelve o'clock to-day the Senate will resolve itself into a court of impeachment, at which time the following oath or affirmation shall be administered by the secretary to the President of the Senate, and by him to each member of the Senate, to-wit: "I solemnly swear (or affirm, as the case may be,) that in all things appertaining to the trial of the impeachment of J. G. Scott, Judge of the Tenth Judicial District, I will do impartial justice according to law;" which court of impeachment, being thus formed, will, at the time aforesaid, receive the managers appointed by the House of Representatives to exhibit articles of impeachment in the name of themselves, and of all the people of the State of Texas, against J. G. Scott, Judge of the Tenth Judicial District, pursuant to notice given yesterday by the House of Representatives.

Resolved, That after the managers of the impeachment shall be introduced to the bar of the Senate, and shall signify that they are ready to exhibit articles of impeachment against John G. Scott, the President of the Senate shall direct the sergeant-at-arms to make proclamation; who shall, after making proclamation, repeat the following words: "All persons are commanded to keep silence, on pain of imprisonment, while the grand inquest of the State is exhibiting to the Senate of the State of Texas articles of impeachment against John G. Scott, Judge of the Tenth Judicial District;" after which the articles shall be exhibited, and then the President of the Senate will take proper order on the subject of the impeachment, of which due notice shall be given to the House of Representatives.

Also, that the Senate had passed House bill No. 93, a bill entitled "An act to better provide for the protection of agricultural interests."

And House bill No. 150, "An act amendatory of and supplementary to an act entitled an act to incorporate the Home Insurance and Trust Company of Texas, approved December 1, 1871."

The Committee on Enrolled Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

Sir: Your Committee on Enrolled Bills have carefully examined and compared bills, to wit:

No. 152, "An act authorizing the County Court of Hays county to levy and collect a special tax."

No. 263, "An act making an appropriation to pay the salary of Hon. Lipscomb Norvell as special judge of the District Court of Tyler county."

No. 690, "An act making an appropriation for the mileage for the recently elected and newly seated members of the House of Representatives."

No. 260, "An act concerning the admission of attorneys and counsellors at law to practice in the Supreme Court."

No. 195, "An act to authorize the County Court of Henderson county to levy a tax to pay the outstanding indebtedness, the repairing of bridges, the jail and court house, and for all other purposes for which the said County Court is by law authorized to levy a tax."

And find the same correctly enrolled, and have this the eighteenth day of April, at 11 o'clock A. M., presented the same to the Governor for his signature.

SHAW, Chairman.

On motion of Mr. Prendergast, the House adjourned until 4 o'clock P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

Absent—Messrs. Bewley, Bordeaux, Day, Ellett, Joseph, Kemble, Lane, Mills, Rainey, Short, Smith of Houston, Veale.

Leave being granted, Mr. Abbott offered a concurrent resolution authorizing and requiring the Governor, or Judge of the Twenty-first Judicial District, to appoint a clerk to fill the vacancy in that district caused by the death of the late incumbent.

Mr. Brown of Dallas moved to refer the resolution to Judiciary Committee No. 2, with instructions to report thereon as early as practicable, which motion was carried.

Leave being granted, Mr. Broadus offered the following resolution:

Resolved, That the witnesses before the House committee in the case of the State of Texas v. John G. Scott, be paid out of the contingent fund of this Legislature, upon the certificate of the chief clerk, signed by the

Speaker and chairman of the Committee on Printing and Contingent Expenses.

The resolution was adopted.

Leave being granted, Mr. Denton introduced a bill to change the boundary line between the counties of Guadalupe and Wilson, and to attach a part of the county of Guadalupe to Wilson county. Read by caption, and referred to the Committee on Counties and County Boundaries.

The consideration of the school bill was then resumed.

Mr. Cook withdrew his amendment, and offered the following in lieu thereof: Strike out the first six lines of section twenty-three, and insert in lieu thereof: "That there is hereby levied upon all taxable property in this State an *ad valorem* tax of twenty-five cents on each one hundred dollars, and a poll tax of one dollar upon all the male inhabitants between the ages of twenty-one and sixty years, for the purpose of building school houses in the several school districts; *provided*, that said tax shall not be collected unless a majority of the registered voters of the school districts shall instruct the board of directors to require the collection thereof, when said board of directors may order the collection of said tax in the manner prescribed by law; *provided*, that no school house in such district shall cost exceeding five hundred dollars; *and provided*, that in any school district or sub-district the inhabitants, as a matter of economy, shall be allowed to furnish the necessary school houses at their own expense; but that in the event a house or houses are needed, and the inhabitants are unable or unwilling to pursue this course, then it shall be the duty of the board of school directors to order the collection of the tax hereinbefore provided, to be used for the purpose of building a school house or houses."

The amendment was adopted.

Mr. Prendergast offered the following amendment: Amend section twenty-two by striking out all between the word "purpose" and the word "on," in line twenty-two, and insert after the word "district," in line twenty-four, as follows: "is hereby levied, to be collected as other taxes."

The amendment was adopted.

Mr. Tilson offered the following: Add to section twenty-five, "*Provided further*, that if any county superin-

tendent shall willfully or corruptly issue any certificate of competency to any school teacher, he shall be deemed guilty of a misdemeanor, and upon conviction before any court of competent jurisdiction, be fined in any sum not less than fifty nor more than one hundred dollars."

The amendment was adopted.

Mr Prendergast offered the following: Amend section thirty-two by striking out all between the word "year," line six, and the word "on," line seven, and insert after the word "officer," in line eleven, as follows: "is hereby levied, to be collected as other taxes."

The amendment was adopted.

Mr. Brown, of Dallas, offered the following: Amend section twenty-seven by inserting after the word "superintendent," in line eighteen, the words "or from the president, principal or faculty of any incorporated seminary, college or university in this State authorized to confer degrees.

The amendment was adopted.

Mr. Smith, of Colorado, offered the following: Add to the end of section thirty-six, "*Provided*, that the repeal of the said act shall not affect in any manner the legal liability of any person to pay any taxes claimed to be due for the year 1871, under either of them, but that the collection thereof is suspended until further legislation on the subject shall be made."

Mr. Harrison offered the following amendment to the amendment: Strike out all that relates to the suspension of the one per cent. tax.

The amendment to the amendment was adopted.

The amendment thus amended was then adopted.

Mr. Armstrong offered the following substitute for section thirteen: "SEC. 13. That the justices of the peace of the several counties of this State, by virtue of their respective offices, shall be, and are hereby constituted the county board of school directors. They shall, in each county, elect from themselves a president, who shall reside at the county seat, and he shall be *ex officio* county superintendent of public instruction."

Mr. Mills moved to lay the substitute on the table, which motion carried.

Mr. Allison moved to strike out section eighteen.

Mr. Russell moved the previous question, which being seconded, was put and carried.

The bill then passed to a third reading.

On motion of Mr. Brown of Dallas, the bill was read third time and passed.

The Speaker announced the following message from His Excellency the Governor :

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, April 19, 1873. }

SIR: I have to return to the House of Representatives, where it originated, the act entitled, "An act to repeal an act entitled an act to establish a State Police, and provide for the regulation and government of the same, approved July 1, 1870;" also to repeal "An act entitled an act to amend an act entitled an act to establish a State Police, and provide for the regulation and government of the same, approved May 2, 1871."

In the annual message which I had the honor to send to the Legislature at the commencement of your session, I stated, in speaking of the police, that "I decidedly do not think their services can yet be dispensed with." My opinion was based upon information in regard to the condition of the State, which was probably not within reach of the members. Having understood, unofficially, early in the session, that a majority of the houses differed in opinion from me on this subject, and that a bill for the unqualified repeal of the police laws was pending, I directed the Adjutant General to call upon the sheriffs of the counties for a statement of the number of homicides, and attempts at homicide, committed within their respective counties since the first day of the present year. So far as replies have come in, the information received from the sheriffs is transmitted in the accompanying report from the Adjutant General, dated the eighteenth instant.

It will be seen that official statements from twenty nine counties, and unofficial information from twenty-five others, show, since the first of the year, a total of seventy-eight homicides, and seventy-two attempts to kill in those fifty-four counties. The information from counties unofficially reported is probably short of the full number of crimes of that nature. Other classes of offenses are not noted.

If the proportion of cases of homicide or attempts to kill during those three months in the rest of the one hundred and thirty-five inhabited counties of the State averaged the same as in the fifty-four counties mentioned—and it will very likely rather be over than un-

der—then there were killed within the State, during the three months you have been in session, one hundred and ninety-five persons, and if the same proportion is continued throughout the year, seven hundred and eighty homicides will have been committed within the year. Whether this estimate is correct or not, we have the extraordinary fact presented that seventy-eight persons have met a violent death at the hands of their fellows, within a few more than a third of the counties of the State, and during an average of only three months. Owing to the repressive measures adopted in 1870 and 1871, including these police laws, the condition, as bad as it yet is, has greatly improved, as will be seen by a comparison with the criminal statistics of the State collected in 1869 by the then military authorities. But we still have a great deal to do toward civilizing our State, and so far from abolishing any of the means of bringing the law breakers to justice, it seems more advisable to strengthen and amplify that branch of the service.

To illustrate the lawless condition of our State, unfortunately still prevalent, and the extraordinary insecurity of life, I ask you to contrast the preceding facts with the returns of crime in the State of New York. For many reasons, which will be obvious to you, cities are liable to have a larger criminal population than rural districts. Experience shows, for instance, that the city of New York, with near a million of souls, has annually many more homicides than occur among the same number of people in the rural districts of New York. For the year 1860, the last year for which I have statistics before me, the total homicides, murderous or otherwise, within that State, were only thirty-seven, yet New York had then 3,880,735 people, of whom upwards of a million and a half inhabited cities. Texas, according to the census of 1870, had then only 818,579. In addition to the homicides committed since the first of January, the report of the Adjutant General shows that delegations of citizens, or the county officers of fourteen (14) counties have called upon the State authorities for assistance to overcome lawless combinations too strong for the local authorities. The names of these authorities are given.

In two counties since that date the public records have been taken by force and destroyed. In two other counties the court houses as well as the records have been

destroyed, and in a fifth, what is called the cattle record has been made away with. The names of these counties are also given.

This is a bad record for us, and one which we might well try to hide from the people of the outside world, whom we are inviting to come to our State; but it is neither manly or statesmanlike to shrink ourselves from its contemplation. It is, on the contrary, to the best interest of our State that we should fully understand and be ready to face and suppress this evil.

I suppose that all good citizens deplore the evil, and would wish to remedy it, and only differ as to the means. Some have advised giving the sheriffs more ample powers, others that large rewards should be offered for all offenders indiscriminately. A variety of other plans have been suggested. But all of these devices will cost as much, if not more, than the present system, and cannot be effective, because they all fail in the essential of having a paid and efficient body of men, under one head, ready at a moment to move in any direction either to assist the local authorities or to follow and arrest fugitives from justice.

The State police for many months has been less efficient than it otherwise might have been, had they received the compensation nominally allowed them by the State, but the result of their labors (crippled as they were) for the two and a half years ending on the first of January last, I partly showed the Legislature in my annual message. They had arrested, during that time, five hundred and eighty-one persons charged with murder, besides thousands of other offenders. But their services to the State have not been limited to those arrests. Many hundreds of murderers, horse and cattle thieves and other offenders, have fled the State to avoid arrest. Their services in this way I cannot estimate.

I am aware that in three or four instances the police are charged with having criminally taken the lives of citizens, and that these instances furnish an unending supply of texts for arguments against the system. Whether the police were to blame in all or any of these instances, and what the character for lawlessness might have been of the individuals whose lives were taken by the police, has never, I believe, in any case, been ascertained by the proper tribunals, so I will not discuss the question of innocence

or guilt. But letting it be granted that in these acts some members of the police were criminal, is their criminality a reasonable argument to use against the whole system? The same objection would apply to the sheriffs and their deputies, to city police or constables. Many instances of crime on the part of those officers have occurred, but it would very justly be considered unfair to argue therefrom that such officers ought to be dispensed with.

But it is noticeable that those who never fail to use the records of these alleged crimes against the police, altogether forget to say a kind word for the many gallant men of the force who have died or risked life in the enforcement of the laws. Fourteen have thus been killed outright, and many more wounded by the lawless.

I must, then, for the reason given, most earnestly urge a reconsideration of this act of repeal. The mere impression abroad that it would be passed has, in my belief, already emboldened law breakers and bad men. Coincident with the measures pending for its repeal, there has been an apparent swelling of the tide of lawlessness.

I trust that the State authorities may not be left without some substantial power to enforce the laws. If the police acts are defective, and if bad men have through such defect been appointed on the force; or if, in other respects they might be advantageously modified, let them be amended. I will be happy to co-operate with the Legislature in the adoption of such amendments, or in any other measure looking to the increased efficiency of the force.

Very respectfully,

EDMUND J. DAVIS, Governor.

Hon M. D. K. TAYLOR, Speaker of the House of Representatives, Austin, Texas.

The bill was read, and the question put, Shall the bill pass notwithstanding the objections of his Excellency the Governor?

Yeas and nays were called and resulted as follows:

Yeas—Messrs. Speaker, Adriance, Allison, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Chambers, Cook, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Kemble, Kleberg, Leyendecker,

Manning, McDonald, Nelson, Payne, Powers, Prendergast, Rainey, Rimes, Rosborough, Russell, Sayers, Scott, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Venters, Westfall, Winkler and Wood—58.

Nays—Messrs. Abbott, Mabry, Mills, Moore, Noeggerath, Washington and Williams—7.

Whereupon the bill was declared to have passed over the veto.

On motion of Mr. Rimes, the House adjourned until 9 A. M. Monday.

HOUSE OF REPRESENTATIVES,)
AUSTIN, TEXAS, April 21, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

Absent—Messrs. Bewley, Ellett and Stockbridge.

On motion of Mr. Leyendecker, Mr. Noeggerath was excused on account of sickness.

On motion of Mr. Hoffman, Mr. Schmidt was excused to-day on account of sickness.

On motion, Mr. Morris was excused on account of sickness.

On motion of Mr. Bledsoe, Mr. Veale was excused for ten days on account of pressing business.

On motion, Mr. Carroll was excused indefinitely on account of sickness.

On motion of Mr. Washington, the reading of the journal was dispensed with.

On motion of Mr. Powers, the Committee on Public Lands and Land Office was granted leave to sit during the session of the House.

Mr. Wesfall presented a petition of the mayor and aldermen of the town of Comanche, in Comanche county. Referred to the Committee on Town and City Corporations.

Also, a remonstrance of citizens of Williamson county against dismemberment. Referred to the Committee on Counties and County Boundaries.

Mr. Davenport presented a petition of Frederick Grimes. Referred to the Committee on Private Land Claims.

Mr. Manning introduced a bill to authorize the County Court of Freestone county to levy and collect a special tax for the purpose of repairing the court house and jail in said county. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Manning, the rules were further suspended, the bill read third time and passed.

Mr. Sabin introduced a bill to incorporate the Texas and European Beef Company, of Galveston, Texas. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Sabin, the rules were further suspended, the bill read third time and passed.

Mr. Chambers introduced a bill to incorporate the East Fork Plank and McAdamizing Road Company, Read first time by caption and referred to the Committee on Roads, Bridges and Ferries.

Mr. Bledsoe introduced a bill to donate one hundred and sixty acres of land to the county of Stephens for certain purposes. Read by caption and referred to Committee on State Affairs.

Mr. Ford introduced a bill to authorize the County Courts of Chambers, Orange, Newton and Polk to issue interest-bearing bonds for the purpose of funding the outstanding indebtedness of said counties. Read first time; rules suspended and read second time.

Mr. Gillette moved to amend by including Hill county, which motion carried.

Mr. Rainey moved to amend by including Houston county, which motion carried.

The bill was then ordered to engrossment.

On motion, the rules were further suspended, the bill read third time and passed.

Mr. Rainey introduced a bill for the relief of parties for whom the late Adjutant General James Davidson drew money from the treasury, in his official capacity, and failed to pay over, and to provide for the payment of the same. Read by caption, and referred to the Committee on Indian Affairs.

Mr. Russell introduced a bill for the relief of J. P. Williams, sheriff of Wood county. Read by caption, and referred to the Committee on State Affairs.

Mr. Wood introduced a bill to incorporate the Board of Trustees of the Centreville Academic School. Read by

caption; rules suspended, read second time by caption and ordered engrossed.

On motion of Mr. Wood, the rules were further suspended, the bill read third time and passed.

Mr. Wood introduced a bill to incorporate the Central Texas Real Estate and Banking Association. Read by caption and referred to Judiciary Committee No. 1.

On motion of Mr. Venters, the rules were suspended, and the Committee on State Affairs granted leave to submit the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred a bill to be entitled "An act to authorize Denton county to levy a special tax to build a court house," have duly considered the same, and I am instructed to report the bill back, and recommend its passage.

J. RUSSELL, for Committee.

The bill was read second time and ordered engrossed.

On motion the rules were suspended, the bill read third time and passed.

Mr. Payne asked leave for the Committee on State Affairs to make a report, authorizing the County Court of Victoria county to levy and collect a special tax. The House refused to grant leave.

The Speaker then announced the orders of the day.

House bill No. 552, "An act to incorporate the Bridgeport Bridge Company, in Wise county, Texas." The Senate amendment thereto was read and adopted and the bill passed.

House bill No. 443, a bill to be entitled "An act to incorporate the town of Cuero, in DeWitt county." The Senate amendments thereto were read and adopted and the bill passed.

House bill No. 261, to amend "An act entitled an act to adopt and establish a penal code for the State of Texas," approved August 26, 1856. The Senate amendments thereto were read and adopted and the bill passed.

The conference committee upon the bill to ascertain the amounts due the teachers of the public free schools of the State, prior to the first day of March, A. D. 1873, and to provide for the payment of the same, submitted a report which was adopted.

On motion of Mr. Rainey, the vote adopting the report was reconsidered and the report withdrawn.

Special order, House bill No. 721, a bill to be entitled "An act to regulate the assessment and collection of taxes," was then taken up.

Mr. Booty offered the following amendment to section two: In line six strike out "two" and insert "one."

Mr. Sayers moved to lay the amendment on the table, which carried.

Mr. Booty offered the following amendment to section two: In line forty-three, after the word "judge" insert "on petition of any citizen, and after due trial."

Mr. Payne moved to lay the amendment on the table, which carried.

Mr. Joseph offered the following amendment to section two: "*Provided*, such justice shall be first duly cited, and notified of the charges or complaint against him, and shall have an opportunity to make defense." The amendment was adopted.

Mr. Rainey offered the following amendment to section two: Insert after the word "judge," in line forty-three, the words "upon the petition of twenty citizens of any justice's precinct, who shall have proven the aforesaid necessary facts for his removal."

Mr. Kleberg moved to lay the amendment on the table, which carried.

Mr. Payne moved to strike out sections three, four, five, six, and seven, which motion carried.

Mr. Green offered the following amendment: Strike out in section eight, line five, "county treasurer" and insert "sheriff."

Mr. Smith, of Houston, moved to lay the amendment on the table, which carried.

Mr. Berends moved to amend section eight by striking out, in line three, all after the word "counties," to include the words "county treasurer," in line five.

Mr. Sayers moved to lay the amendment on the table, which carried.

Mr. Storey moved to reconsider the vote tabling Mr. Green's amendment.

Mr. Payne moved to lay that motion on the table. The House refused to table.

The vote was then reconsidered.

Mr. Smith of Colorado offered the following substitute for Mr. Green's amendment: Strike out all after "counties," in line three, to and inclusive of the word "treas-

urer," in line five, and insert as follows: "And so shall all occupation taxes, State and county."

The House refused to adopt the substitute.

Mr. Cook offered the following substitute: Strike out "shall," in line four, and insert "may," and add after "treasurer," the words, "or sheriff."

The House refused to adopt the substitute.

The amendment offered by Mr. Green was then put, and failed to carry.

Mr. Kemble offered the following amendment: Section nine, line three, after the word "owner," insert "or agent."

Mr. Payne offered the following amendment to section nine: "*Provided*, that when any person residing in one county, owns land in another county, such person shall be entitled to return a general description of the land to the assessor of taxes of the precinct in which such person resides, whereupon the assessor shall immediately furnish to the Comptroller of Public Accounts such general description, and the Comptroller of Public Accounts shall immediately forward the same to the County Court of the county where the land lies, with instructions, as soon as practicable, to assess the same at its fair value, and return to said Comptroller a certificate of such valuation, together with the amount of county taxes due thereon, which shall be signed by the presiding justice of the county, and attested by the district clerk. Upon the receipt thereof, the Comptroller shall forward the same to the assessor from whom he first received it, and such assessor shall thereupon place the assessment on his roll in its proper place; and such assessment shall be deemed and held just and valid, and the collector of taxes shall collect the taxes due thereon. That the assessment of value by the County Court, as provided in this act, may be made at a regular or called session, as may be most expeditious, and a meeting of the County Court shall be called and held as soon after the notification by the Comptroller as a quorum can conveniently be had to hold the same."

A message was received from the Senate reporting the passage of Senate bill No. 212, a bill making a new apportionment of the Representative and Senatorial Districts of the State of Texas, and Senate bill No. 208, a bill to appoint an agent to take charge of property bequeathed

to the State of Texas, for certain purposes, by Oscar L. Holmes, and to carry into effect said bequest.

The following additional message was also received through the secretary of the Senate :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: I am instructed to inform your honorable body that the Senate, sitting as a high court of impeachment, did, on Saturday last, the nineteenth of April, receive and have exhibited to it, from the managers appointed by the House for that purpose, articles of impeachment against John G. Scott, Judge of the Tenth Judicial District of Texas, and as such court, made the following order :

Ordered, that the secretary be directed to issue a summons, in the usual form, to John G. Scott, Judge of the Tenth Judicial District of the State of Texas, to answer certain articles of impeachment exhibited against him by the House of Representatives on this day, and that the summons be returnable here on Wednesday, the twenty-third day of April, at 12 o'clock M., and be served by the sergeant-at-arms, or some person deputed by him. Also, that the said John G. Scott, Judge of the Tenth Judicial District of the State of Texas, be furnished with a certified copy of articles exhibited against him.

On motion of Mr. Brown of Dallas, in order to allow the use of the hall to the survivors of the battle of San Jacinto, in their celebration of that event, the House then adjourned until 4 P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

The following gentlemen were absent :

Messrs. Abbott, Berends, Ellett, Green, Hester, Hollingsworth, Joseph, Noeggerath, Shaw, Short, Smith of Colorado, Smith of Houston.

On motion of Mr. Wood, the House adjourned until 9 A. M., to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, April 22, 1873. }

House met pursuant to adjournment. Prayer by the Rev. Dr. Fisher. Roll called; quorum present.

Absent—Mr. Ellett.

On motion of Mr. Cook, Mr. Bewley was excused on account of sickness.

On motion of Mr. Green, Mr. Shaw was excused on account of sickness.

On motion of Mr. Rainey, Mr. L. D. Miller, assistant doorkeeper, was excused for ten days on account of sickness in his family.

On motion of Mr. Denton, the reading of the journal of yesterday was dispensed with.

Mr. Bordeaux presented a petition of Allen Gordon. Referred to the Committee on State Affairs.

Mr. Scott presented a memorial of the citizens of Harrison county, praying that the territory in which they live be made a portion of Marion county. Referred to the Committee on Counties and County Boundaries.

Mr. Cook presented an invitation from the directors of the Texas State Fair to attend the fourth annual fair in Houston. Laid on the table and made special order for Tuesday, April 29.

Mr. Winkler presented a petition of veterans of 1835 and 1836. Referred to the special committee on the pension laws.

Mr. Ghent presented a petition of a number of citizens of Milam county, asking for a new county. Referred to the Committee on Counties and County Boundaries.

Mr. Killough presented a petition for the relief of the heirs of Richard Andrews. Referred to the Committee on Private Land Claims.

On motion of Mr. Storey, Mr. Denton was granted leave of absence for eight days from to-morrow.

Mr. Smith of Colorado offered the following resolution:

Resolved, That the Committee on Private Land Claims do take into consideration the claims of B. G. Adams of Colorado county, to one labor of land, part of his head-right, and also his claim to bounty land claim of three hundred and twenty acres, and to report by bill or otherwise.

The resolution was adopted.

On motion of Mr. Hollingsworth, the special committee to investigate the penitentiary was granted leave to report, and submitted the following:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your select committee, appointed under resolution of the House to visit and examine into the condition and management of the State Penitentiary at Huntsville, having visited said institution, beg leave to report as follows:

Our examination was not merely formal and superficial, but thorough and complete in every respect. We inspected the condition of the cells and bedding, the culinary and dispensary departments, the laundry, the hospital and dining room; and in the character and quality of the food, the remarkable cleanliness of the cells, and the appointments of the hospital and dispensary, discovered the true cause of the healthful and comparatively cheerful appearance of the convicts, and how it happened that out of six hundred and thirty-six convicts only two were in the hospital.

We witnessed the convicts at work in the various workshops, their strict discipline when at work and when at their meals, as well as the order of discipline in the manner of bringing them from their cells in the morning, and at the close of the day's labor committing them, after inspection, to their respective departments for the night. We also examined the new buildings and new machinery built and introduced by the lessees. A careful examination was made of the prison register and of the papers pertaining to the criminal business of the institution, and a comparison instituted as to the number of deaths and escapes, as between the present regime of the lessees and the State. We interrogated the prison officials appointed by the State, the lessees, and citizens of Huntsville, and the convicts themselves, upon all subjects pertaining to the object of our visit.

The penitentiary numbers, as is shown by the report of the inspector, nine hundred and seventy-two convicts; of these six hundred and thirty-six are in the prison, and the remainder, three hundred and thirty-six, are at work on the Great Northern and the Texas Pacific railroads. We found all the departments clean and quite free from the offensive odor so common to all classes of prisons;

the cells provided with ample bedding, and the convicts well clothed and uniformed. Of this whole number of convicts, there were but two, as before stated, confined to the hospital, and one of these was received from the sheriff of Navarro county, dangerously sick, the day before our arrival. We regard the discipline of the institution, satisfying as it does both the demands of humanity and the law, as nearly perfect as possible. Industry and cheerfulness obtain in every department.

The new buildings erected by the lessees were valued on the first of January last at forty thousand dollars; since then another building has been erected one hundred and twenty-five by fifty feet, two stories high, valued at twenty thousand dollars. A large sum has been expended in substituting new and improved machinery for the old. The lessees, by and with the consent of the directors, have obtained for the State the title to the street north of the prison (see the resolutions of the city authorities of Huntsville, herewith attached), and it is proposed to make this a part of the prison enclosure, thereby utilizing for prison purposes the buildings north of the prison, and formerly used as officers' quarters. This improvement, which we earnestly commend, will add greatly to the security of the institution, especially in the event of fire, and with the addition of a story to the cotton factory, and also to each of the cell buildings, with a double row of cells to each, will afford accommodations for about one thousand convicts. The necessity of this additional enlargement of the penitentiary will be obvious when it is known that there are at this time cell accommodations for only five hundred and eighty, and that it is necessary to put two in a cell in order to accommodate them. We would respectfully suggest, in view of these contemplated improvements, and those already made, that the annual payments of fifteen thousand dollars, as required by the terms of the lease, be charged to the lessees as an offset, in part, to these improvements, which the State is bound to receive and pay for at the expiration of said lease. We think this is due to the lessees for the reasons given, and in view of the facts that they subscribed and paid eleven thousand dollars in money to aid in constructing the Huntsville tap of the Great Northern Railroad, and now agree, in order to secure the title to the street above referred to, to open a new street, which will require the

construction, at considerable expense, of two bridges. Both the tap road and the additional grounds are a great advantage to the institution and the State.

For want of time we did not visit the convicts at work on the railroads, but we were informed by General Malloy, the inspector, whose report is herewith submitted, that he had returned from a recent official visit to the places where these convicts were at labor, and after diligent inquiries as to the complaints of bad treatment, was satisfied that the complaints had no foundation in fact. Grave and serious doubts are known to exist about the policy of employing convict labor upon railroads and works of public utility, as authorized by an act of a former Legislature; but experience teaches us that it is in harmony with sound public policy. The convicts at work on the railroads receive two dollars per month, which is either sent to their families, or given them at their discharge, as they may select. We are informed that the convicts at labor on the roads, who are mostly colored, and unadapted to mechanical labor requiring much skill, prefer laboring upon the roads to working within the shops of the prison.

The citizens of Huntsville and vicinity complain of the large and increasing number of discharged convicts in their midst, and have petitioned the Legislature for the passage of a law to relieve them of this danger. Your committee recognize the unfairness of turning so large a portion of our criminal population upon one community, and the danger which menaces the prison by their presence in such large numbers. All convicts, at the time of discharge, are furnished with a suit of new clothes, and paid the sum of twenty dollars, and there is no good excuse for their remaining in the vicinity of the town and prison after their discharge. We suggest this matter as a subject for serious consideration.

The law regulating the payment to sheriffs for the transportation of convicts is defective in many respects, and should be radically changed. Railroads insure speed and safety in conveying prisoners, and supersede, to a great extent, the large number of guards usually employed. Your committee would call attention to the fact that the titles to the two blocks of ground, one lying east and the other west of the penitentiary, are imperfect, and require an appropriation of four hundred and twenty-five

dollars to perfect the same, and we therefore recommend an appropriation for this purpose.

Regarding the purpose of a penitentiary as two-fold: first, the safety of society; and secondly, the reformation of the criminal; neither of which can be neglected or ignored without injury. The neglect of the latter would be an injury to the unfortunate criminal, and of the former a public calamity. We therefore recommend the passage of a commutation law, and also an appropriation now of five hundred dollars and hereafter an annual appropriation of one hundred dollars for a prison library.

The object of a commutation law is to inspire the convict with hope, and thereby stimulate him to industry, good conduct, and cultivation of virtuous principles and habits; it gives a credit of time based on good behavior and in a measure places the pardoning power in the convict's own hands.

It is a question with some as to the propriety of leasing the labor of convicts, but your committee are decidedly of the opinion that it is the only method by which convict labor can be made profitable to the State. On this subject we received much valuable information from the directors, some of whom have been residents of Huntsville since the location of the penitentiary and are familiar with its financial history. We would respectfully refer to the reports of the directors, and the other State officials connected with the penitentiary, for the years 1871 and 1872, as giving much valuable information. Their testimony discloses the fact that when the lessees assumed control of the prison it was bankrupt in means and totally insufficient in discipline.

In a large penitentiary like this, working nearly one thousand men in manufacturing cotton and woollen goods, boots and shoes, furniture and wagons, clothing, etc., requiring an immense capital and close, untiring attention more than any board could command or would practice, to make them all profitable to the State, and with only a capital contingent upon legislative appropriations, inadequate to the wants of the business or the number of men employed, there can be but one result—pecuniary loss.

It should be a source of congratulation to the people of the State that this institution, which has hitherto been a heavy drain upon the resources of the State, has at

length, under the faithful and skillful control of the present lessees, become not only self-supporting, but an actual source of revenue. .

Your committee do not hesitate to give it as their opinion, that so long as the present policy of leasing is pursued and continued in the hands of the present able, faithful and experienced parties, the tax payers will never be called upon to contribute to the support of the penitentiary. If any are disposed to doubt the correctness of this opinion or the leasing policy, let them visit our prison, witness its workings, observe its thorough discipline, and see the manufactured goods hourly turned off, and then turn to the appropriation acts of former Legislatures, and estimate the amounts appropriated for the support of this institution when under the direction of the State Board, and those doubts will be removed.

Your committee desire to call attention to the pressing necessity of the present Legislature taking such steps as will secure the establishment of one or more branch penitentiaries. The reason for such legislation is found in the cogent facts that the present penitentiary, as this report shows, is insufficient in capacity to accommodate the convicts now suffering the penalty of the law; that the prison register and criminal dockets of the courts show that according to the present ratio of the alarming increase of crime—the number of prisoners in one year and a half having increased from 607 to 944—within a few years the number of convicts will be swelled to at least 1500; that owing to our extended territory the sum annually expended in the transportation of prisoners would, in ten or fifteen years amount in the aggregate to a sum sufficient to meet the expense of building a new prison. Your committee would embrace this occasion to respectfully suggest that, in the location of a State prison, public interest demands that the determining features should be accessibility, market facilities, advantages for the profitable employment of convict labor, healthfulness, and an abundance of water for effectual drainage and propelling machinery. Moneyed or other subsidies, or political influences should not be allowed to have any weight in deciding upon the site for a State institution of this character.

We cannot close this report without saying a word on the great subject of prison reform. The treatment of

criminals is one of the great questions of the age. We are pleased to observe in our own State much interest is being manifested upon a subject that is to-day being agitated in every civilized and Christian government in the world.

In our penitentiary much has been done in this direction, notwithstanding all the unfavorable surroundings; but much remains to be done. To what extent can crime be checked, and how far may moral and reformatory means be relied upon in place of force, substituting kindly influences in place of walls, and what may be done for the discharged convict—whether he shall be taken back by society or the penitentiary—are questions of vital and absorbing interest to our people, and we submit them to the grave consideration of our philanthropists and legislators.

O. N. HOLLINGSWORTH,
Chairman.

S. T. ROBB,
J. S. MILLS.

The report was referred to the Committee on the Penitentiary.

The resolution offered by Mr. Booty, changing rule number forty-four, in relation to the effect of the previous question, was read second time and adopted.

On motion of Mr. Tilson, the special committee to visit and examine into the condition of the State cemetery, were granted leave to report, and submitted the following:
Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee, who were appointed in response to a resolution passed by this House, to visit and examine into the condition of the State cemetery of the State of Texas, respectfully submit that they have personally visited and inspected the same, and find the fencing, that encloses about four acres of the grounds set apart for that purpose, in a good state of preservation, being composed of cedar pickets; but your committee, at the same time, find that the two gates on the south and west, and which are the only means of ingress to said cemetery, are in a dilapidated condition and not sufficient to keep secure the enclosure; and that in the opinion of your committee it is highly necessary, and, indeed, we may say indispensable, that gates entirely new, and of substantial material, should be made and put up in their stead.

We further find, upon examination, that the last resting places of the heroes, statesmen and jurists of Texas, such as Burleson, Johnston and McCulloch, Scurry and Walker, Lipscomb and Hemphill, and others, men whose memory the people of Texas delight to cherish, are, in most instances, unmarked by any monument or inscription to tell who rests beneath, save an humble slab erected at the head of the tomb, bearing simply the name of the silent tenant.

The grave of General Ed. Burleson, deceased, is marked by a small monument with his name, birth and death inscribed thereon, which we find to be in a decaying and crumbling condition.

The grave of General Albert Sidney Johnson, deceased, is designated only by an humble slab at the head thereof, containing the name of that noble patriot and warrior, which was "placed there by some friend until a more suitable monument could be erected," and which is broken off about fourteen inches from the ground.

That of General McCulloch is surrounded by a good stone wall about three feet high, and surmounted by a simple slab at the head thereof, with no inscription thereon save his name, and seems to be in a little better state of preservation than the others.

The lamented Scurry and Ward, Gwin and Clark have no monuments erected or inscriptions carved to perpetuate their memories, save a small slab with only the names of the sleeping tenants inscribed thereon. And that the last resting places of the late distinguished jurists of Texas are not surmounted by any monuments to perpetuate their noble virtues, save an humble slab upon which the names only are inscribed. That of the late Honorable J. Hemphill has no immediate enclosure, and that of the late Honorable A. S. Lipscomb is immediately surrounded by a very frail and indifferent paling fence.

We would further say that there are a number of other graves of distinguished sons of Texas that should receive attention; and whenever, in the opinion of the Legislature, the time has arrived for so doing, we would earnestly recommend that a liberal appropriation be made for the purpose of enclosing the remainder of the cemetery grounds, for ornamenting and beautifying the same, and for erecting suitable monuments over the graves of departed worth.

Your committee would further recommend that an appropriation of not less than five hundred dollars be made for sexton's salary, for erecting new, substantial and suitable gates, and for attention to said grounds.

All of which is respectfully submitted.

W. H. TILSON, Chairman.

H. H. FORD,

S. A. VENTERS.

On motion of Mr. Venters, the report was referred to Finance Committee.

Mr. Armstrong introduced a bill to set apart and reserve territory of the State, including the Pan Handle, to be disposed of for the payment of debts incurred by the State in the administration of the State government, and in satisfaction of genuine land claims. Referred to a special committee of five, of which Mr. Prendergast was named chairman, Messrs. Armstrong, Russell, Stockbridge and Chambers being appointed said committee.

Mr. Chambers offered the following resolution :

Resolved, That the sum of sixty dollars be and the same is hereby appropriated, out of the contingent expense fund of the Thirteenth Legislature, to defray the expenses of the select committee appointed by the House of Representatives to visit the State penitentiary.

Adopted.

Mr. Kleberg offered the following resolution :

Resolved, That Nat. Q. Henderson, who served as committee clerk in the case of the State of Texas v. John G. Scott, from the first to the seventh day of April inclusive, seven days, be and is hereby entitled to eight dollars per day for said services, and the certificate of the chief clerk, approved by the Speaker, shall be sufficient evidence for the Comptroller to issue a warrant for the same.

Adopted.

On motion of Mr. Brown of Dallas the Committee on State Affairs were granted leave to report, and submitted the following :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on State Affairs instruct me to report back and recommend the passage of bill No. 531, to authorize the Commissioner of the General Land Office to furnish photographed county maps to the several counties of the State.

J. H. BROWN, Chairman.

The bill was read second time and ordered engrossed.

On motion, the rules were further suspended, the bill read third time and passed.

Mr. Wood introduced a bill to authorize holders of State warrants to surrender the same to the Treasurer and receive State bonds for the same. Referred to Committee on Finance.

Mr. Stockbridge introduced a bill to incorporate the Washington County Real Estate and Building Association. Referred to Committee on State Affairs.

Mr. Venters introduced a bill to authorize the Adjutant General to pay out certain funds heretofore appropriated for the frontier force of the State. Referred to Committee on State Affairs.

Mr. Ford introduced a bill for the relief of Mrs. Eliza Ayres, widow of Hiram Bunch, deceased.

Also a bill for the relief of the heirs of Alexander Buxton, deceased.

Also a bill for the relief of Prior Bryan, assignee of Pharaoh Buxton. All referred to Committee on Private Land Claims.

A message from the Senate announced the passage by that body of House bill No. 123, "An act to provide for prompt settlement of accounts by sheriffs with the State and counties," with amendments by the Senate.

On motion of Mr. Morris, the rules were suspended and House bill No. 358, "An act to make provision for the better protection of public funds in the treasury of the State," was taken up.

Mr. Smith of Colorado moved to amend by inserting after the word "individual" in line six, section one, the following words: "except in cases expressly provided for by law." The amendment was adopted.

Mr. Powers offered the following amendment: After the word "notice" in line thirteen, section three, add the following: "to furnish a sufficient new bond." The amendment was adopted.

Mr. Powers moved to amend the caption by striking out all after the word "funds," which motion carried.

Mr. Joseph moved to amend section six by striking out after the word "office" in line five, to the word "and" in line seven, and insert instead these words: "and all others in this act mentioned and so offending, shall be fined in a sum of five hundred dollars." Amendment adopted.

Mr. Tilson offered the following amendment: After the word "Governor," in line seven, section four, insert "and who when." Amendment adopted.

Mr. Mills moved to amend section three by inserting after the word "State" in line two, the words "with the Comptroller." Amendment adopted.

The bill was ordered engrossed.

On motion of Mr. Morris, the rules were suspended, the bill read third time and passed.

The Speaker then announced the bill pending on adjournment on yesterday, a bill to regulate the assessment and collection of taxes, pending the amendments offered by Messrs. Kemble and Payne.

A message from the Senate announced that that body had reconsidered House bill No. 236, "An act to repeal an act entitled an act to establish a State police and provide for the regulation and government of the same, approved July 1, 1870; also to repeal an act entitled an act to amend an act entitled an act to establish a State police, and provide for the regulation of the same, approved May 2, 1871," this day, April 22, 1873, and had passed the same by a two-thirds vote, notwithstanding the objections of His Excellency the Governor.

Mr. offered the following amendment, which was accepted by Mr. Payne: Strike out "to be assessed by the County Court," and insert, "when said list is procured by the court, the justices of the peace of such county shall assess and fix the value upon all land in his precinct."

Mr. Bledsoe moved to lay the amendment, and the amendments thereto, on the table.

Mr. Russell called for a division of the question.

The House refused to table the amendment offered by Mr. Kemble.

The amendment offered by Mr. Payne was then put, with the following result:

Yeas—Messrs. Allison, Bledsoe, Broaddus, Brown of Upshur, Chambers, Cunningham, Davenport, Doyle, Eastland, Ford, Ghent, Gillette, Green, Harrison, Hester, Kemble, Lane, Manning, McDonald, Nelson, Rainey, Rimes, Rosborough, Russell, Salter, Scott, Shelton, Smith of Colorado, Tilson, Trolinger, Van Zandt, Venters, Westfall and Winkler—34.

Nays—Messrs. Speaker, Abbott, Adriance, Armstrong,

Berends, Bewley, Bordeaux, Brown of Dallas, Cook, Day, Gaston, Hoffman, Hollingsworth, Joseph, Killough, Kleberg, Mabry, Moore, Morris, Noeggerath, Payne, Phelps, Powers, Prendergast, Roberts, Sabin, Sayers, Storey, Stockbridge, Tivy, Washington, Wilder, Williams and Wood—34.

Whereupon the motion to lay upon the table was declared to have failed.

The question of the adoption of the amendment to the amendment was then put, with the following result :

Yeas—Messrs. Speaker, Abbott, Adriance, Armstrong, Bewley, Bordeaux, Brown of Dallas, Cook, Day, Gaston, Gilpin, Hollingsworth, Joseph, Killough, Kleberg, Morris, Noeggerath, Payne, Phelps, Powers, Prendergast, Sabin, Sayers, Storey, Stockbridge, Thurmond, Tivy, Washington, Wilder, Williams and Wood—31.

Nays—Messrs. Allison, Berends, Bledsoe, Booty, Broadus, Brown of Upshur, Chambers, Cunningham, Davenport, Doyle, Eastland, Ford, Gallaway, Ghent, Gillette, Green, Harrison, Hester, Hoffman, Kemble, Lane, Mabry, Manning, McDonald, Mills, Moore, Nelson, Rainey, Rimes, Roberts, Rosborough, Russell, Salter, Scott, Shelton, Smith of Colorado, Tilson, Trolinger, Van Zandt, Venters, Westfall and Winkler—42.

Whereupon it was declared the House refused to adopt the amendment.

The question then recurred to the amendment offered by Kemble.

Mr. Smith of Colorado offered the following substitute for the amendment and section :

Substitute for section nine : “That all property shall be assessed and taxes paid in the county where the owner resides, or if a non-resident of this State, then in any county in which the property may be situated, or with the Comptroller ; *and further provided*, that in order to equalize the valuation of all property in this State, the Comptroller shall make out and transmit to each justice of the peace of this State, by January 1, 1874, and every year thereafter, the average valuation of the lands in each county the year preceding. And in making assessments of property out of his county each justice shall be governed by this assessed valuation furnished by the Comptroller the year preceding, unless it be shown that the land proposed to be assessed should be assessed

at a different valuation; and the Comptroller shall be governed by the same rule when a non-resident shall offer to assess with him as herein provided."

Mr. Sayers moved to lay the amendment on the table, which carried.

The amendment of Mr. Kemble was then adopted.

Mr. Joseph then offered the following amendment: "*Provided*, That any non-resident tax payer shall have the right to pay his or her taxes on any land outside of the county of his or her residence to the Comptroller, in which case such land shall not be assessed by the justice where the land is situated."

The Committee on Enrolled Bills submitted the following reports:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined and compared the following bills:

No. 281, "An act to amend an act entitled an act to adopt and establish a penal code for the State of Texas, approved August 26, 1856."

No. 552, "An act to incorporate the Bridgeport Bridge Company, in Wise county, Texas."

And find them correctly enrolled, and have this the twenty-second day of April, at 10:30 o'clock A. M., presented same to the Governor for his signature.

WOOD, for Committee.

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have returned to his Excellency, the Governor of the State, House bill No. 236, being "An act entitled an act to repeal an act to establish a State police, and provide for the regulation and government of the same, approved July 1, A. D. 1870; also to repeal an act entitled an act to amend an act entitled an act to establish a State police, and provide for the regulation of the same, approved May 2, A. D. 1871," and which said bill was vetoed by the Governor, and on the nineteenth day of April inst., passed by the House of Representatives by a two-thirds vote over the Governor's objections; and on the twenty-second day of April, A. D. 1873, passed by the Senate by a two-thirds vote over the Governor's objections, on this the twenty-second day of

April, A. D. 1873, to be disposed of by him in accordance with law.

W. D. WOOD, for Committee.

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined the following House bills, and find the same correctly enrolled, to-wit:

Bill No. 93, "An act to better provide for the protection of agricultural interests."

Bill No. 287, "An act to authorize and empower the County Court of Bosque county to levy and collect a special tax for the purpose of building a court house and jail, and to validate a tax already levied."

Bill No. 395, "An act amendatory of and supplementary to an act concerning private corporations, approved December 21, 1871."

Bill No. 150, "An act amendatory of and supplementary to an act entitled an act to incorporate the Houston Insurance and Trust Company of Texas, approved December 1, A. D. 1871."

They did on April 21, A. D. 1873, at 12:15 o'clock P. M., present the same to his Excellency the Governor, for his approval.

WOOD, for Committee.

The Committee on Engrossed Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills have carefully examined the following bills:

No. 747, a bill to authorize the County Court of Freestone county to levy and collect a special tax to repair the court house and jail in said county.

No. 749, a bill to be entitled "An act to authorize the County Courts of Chambers, Orange, Newton, Polk, Hill and Houston counties to issue interest bearing bonds for the purpose of funding the outstanding indebtedness of said counties."

No. 756, "An act to authorize Denton county to levy a special tax to build a court house."

No. 748, "An act to incorporate the Texas and European Beef Company of Galveston, Texas."

No. 744, "An act to authorize the Police Court of Hunt county to collect a special tax.

No. 756, a bill to incorporate the Board of Trustees of the Centreville Academic School.

And find the same correctly engrossed.

BOOTY, Chairman.

On motion of Mr. Prendergast the House then adjourned until 4 P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called.

The following gentlemen were absent :

Abbott, Adriaance, Bewley, Bordeaux, Brown of Dallas, Ellett, Kleberg, Short, Stockbridge, Van Zandt and Word.

Mr. Smith of Colorado moved to suspend the rules and take up the Texas Pacific Railway bill, which motion carried.

Mr. Sayers moved a call of the House, which was sustained.

The call having been made, the following gentlemen were absent :

Abbott, Bordeaux, Brown of Dallas, Ellett, Kleberg, Short and Stockbridge.

Mr. Mills moved a suspension of the call. The House refused to suspend the call.

The sergeant-at-arms was dispatched for the absent members.

Mr. Joseph moved to suspend the call. The call was suspended.

The Texas Pacific Railway bill was then taken up, pending an amendment offered by Mr. Watts, as a substitute for an amendment offered by Mr. Denton.

Mr. Nelson asked leave to present and have read remonstrances against the extension of time asked for by the Texas Pacific Railway Company. Leave was granted, and the remonstrances read.

Mr. Sayers moved that the House go into committee of the whole upon the bill. The House refused.

After a lengthy discussion, Mr. Washington moved that the House adjourn. The House refused to adjourn.

Mr. Mills then moved that the House adjourn. The House refused to adjourn.

Mr. Hoffman moved to lay the amendments on the table.

Mr. Prendergast moved a division of the question.

The amendment offered by Mr. Denton was then put, with the following result :

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Bewley, Booty, Bordeaux, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Davenport, Day, Eastland, Ellett, Ford, Gallaway, Gaston, Ghent, Gilpin, Greene, Harrison, Hoffman, Hollingsworth, Joseph, Killough, Lane, Mabry, McDonald, Moore, Morris, Nelson, Noeggerath, Powers, Prendergast, Rainey, Roberts, Rosborough, Sabin, Schmidt, Shaw, Shelton, Smith of Colorado, Stockbridge, Thurmond, Tilson, Tivy, Trolinger, Van Zandt, Venters, Washington, Westfall, Williams and Winkler—54.

Nays—Messrs. Armstrong, Berends, Bledsoe, Broadus, Cook, Denton, Doyle, Gillette, Hester, Kemble, Leyendecker, Manning, Payne, Rimes, Russell, Salter, Sayers, Scott, Short, Smith of Houston, Storey, Tom and Wood—23.

Whereupon the amendment was declared to be laid on the table.

The amendments offered by Mr. Watts were then tabled by the following vote :

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Armstrong, Bewley, Booty, Bordeaux, Brown of Dallas, Chambers, Cunningham, Davenport, Day, Denton, Eastland, Ellett, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Lane, Leyendecker, Mabry, Manning, McDonald, Moore, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Scott, Shaw, Shelton, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Venters, Washington, Westfall, Williams, Winkler and Wood—69.

Nays—Messrs. Berends, Bledsoe, Broadus, Brown of Upshur, Cook, Doyle, Rimes and Short—8.

On motion of Mr. Sayers the House adjourned until 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, April 23, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

Absent—Mr. Noeggerath.

On motion of Mr. Wood, the committee on the Comptroller's and Treasurer's offices were granted leave to sit during the evening sessions.

On motion of Mr. Doyle the reading of the journal was dispensed with.

Mr. Stockbridge introduced a bill for the relief of the heirs of James L. Holmes, and to authorize the issuance of a certain land certificate. Referred to the Committee on Private Land Claims.

Mr. Sabin introduced a bill authorizing the city of Galveston to issue her bonds to the amount of five hundred thousand dollars in aid of the bar and harbor improvement of Galveston, and to provide a tax of one-fourth of one per cent. for a sinking fund, wherewith to pay the principal and interest of said bonds. Referred to the Committee on Commerce and Manufactures.

Mr. Leyendecker introduced a bill to allow parties to intervene in suits in the courts of the State. Referred to Judiciary Committee No. 1.

Mr. Lane introduced a bill to incorporate the Paris, Greenville and Cleburne Railway Company. Referred to the Committee on Internal Improvements.

Mr. Adriance introduced a bill to confirm to the heirs of W. S. Orr, deceased, the right to six hundred and forty acres of land out of the public domain. Referred to the Committee on Private Land Claims.

Mr. Stockbridge introduced a bill to amend "An act to incorporate the city of Brenham, and to grant a new charter to said city." Referred to the Committee on Town and City Corporations.

Mr. Bewley introduced a bill for the relief of the heirs of K. L. Anderson. Referred to the Committee on Private Land Claims.

Mr. Tom offered the following resolution :

Resolved, That the notary public who served before the Committee on Privileges and Elections be paid out of the fund set aside for contingent expenses of the Thirteenth

Legislature. Referred to the Committee on Contingent Expenses.

On motion of Mr. Prendergast, the special committee to take into consideration the question of a general election during the present year, were granted leave to report, and submitted the following:

Hon. E. B. Pickett, President of the Senate, and Hon. M. D. K. Taylor, Speaker of the House of Representatives:

GENTLEMEN: The undersigned members of your joint committee of the Senate and House of Representatives, to whom was referred the concurrent resolution of the two houses "to take into consideration the question of a general election during the present year, and to report by bill or otherwise," have had the same under careful consideration, and herewith report the same back with the accompanying bill, and respectfully recommend its passage.

E. L. DOHONEY,

JNO. L. HENRY,

Senate Committee.

D. M. PRENDERGAST,

E. J. SHELTON,

JAMES ARMSTRONG,

House Committee.

The bill, being a bill prescribing the times of holding general elections in this State, was read first time and passed to the second reading.

On motion of Mr. Winkler, the unfinished business of yesterday was suspended, and Senate bill No. 212, "An act making a new apportionment of the Representative and Senatorial Districts of the State of Texas," was taken up and read first time.

On motion of Mr. Payne, the rules were suspended and the bill read second time.

Mr. Wood moved to lay the bill on the table, make it special order for Thursday, April 24, at 11 A. M., and that one hundred copies be printed. Carried.

Mr. Hollingsworth moved that in view of the absence, or indefinite leave of absence, of Mr. Ireland, chairman of the committee of managers of impeachment in the case of the State of Texas against John G. Scott, Judge of the Tenth Judicial District, the Chair appoint a member in his place. Carried.

The Speaker appointed Mr. Smith of Colorado.

That gentleman asked to be excused, but by a unanimous vote the House refused to excuse him.

The tax bill was then resumed, pending the amendment offered by Mr. Joseph.

Mr. Green moved to lay the amendment on the table. Carried.

Mr. Prendergast offered the following amendment: Amend section nine by adding as follows: "or at the option of the owner, in the county of his residence, should he reside in the State."

Mr. Gallaway moved to lay the amendment on the table. Motion carried.

Mr. Manning moved to reconsider the vote of yesterday tabling the amendment offered by Mr. Payne.

Mr. Green moved to table that motion.

Yeas and nays were called with the following result:

Yeas—Messrs. Abbott, Berends, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Chambers, Cunningham, Day, Eastland, Ellett, Gallaway, Ghent, Gillette, Green, Hester, Kemble, Lane, Leyendecker, Mabry, McDonald, Moore, Nelson, Phelps, Rainey, Rimes, Roberts, Rosborough, Russell, Scott, Shaw, Shelton, Smith of Colorado, Stockbridge, Tilson, Trolinger, Van Zandt, Venters, Washington, Westfall, Wilder, Williams and Winkler—43.

Nays—Messrs. Speaker, Adriance, Armstrong, Cook, Davenport, Doyle, Ford, Gaston, Gilpin, Hollingsworth, Joseph, Killough, Kleberg, Manning, Morris, Noeggerath, Payne, Prendergast, Salter, Sayers, Schmidt, Short, Storey, Thurmond, Tivy, Tom and Wood—27.

Whereupon the motion to table was declared to have carried.

Mr. Leyendecker offered the following amendment: Add to section nine: "Every person owning land in any other county than where he resides shall, on or before the first day of March, 1874, and every year thereafter, make out, or cause to be made out, a descriptive list of such land and forward the same to the presiding justice of the county where such land is situated; and on the first Monday in April, 1874, and every year thereafter, the justices of the peace shall meet at the county seat, place such land on the inventory book of the justice of the peace in whose precinct the same, or the greater portion thereof, may be situated, together with the name

of the postoffice of the owner, value the same at its actual cash value, and assess the taxes due thereon; the owner or his agent, after the rendition of such land for taxes, shall, on or before the first day of September following, pay the taxes due, either to the sheriff of the county where the land is situated and rendered for taxes, or to the Comptroller of Public Accounts; and it is hereby made the duty of the Comptroller, upon the receipt of any money for taxes by him received from a tax payer, immediately to forward a certificate of payment of taxes to the sheriff of the county where such taxes are due, specifying the name of the tax payer and the amount of State and county taxes by him received, and upon the receipt of such certificates, the sheriff shall charge the amount of county taxes so paid to the Comptroller to the State, and take a like amount of the State funds on hand and pay it into the county treasury, and said certificate shall be a sufficient voucher for the sheriff in his settlement with the Comptroller for the amount of county taxes therein specified.

Mr. Cook offered the following amendment to the amendment: Add to section nine as follows: "*Provided*, that no land belonging to a resident of this State, non-resident in the county in which the land lies, shall be sold for taxes except in pursuance of a judgment obtained in a court of competent jurisdiction, after personal service upon the owner of such land, in the same manner as in other civil suits."

Mr. Rosborough moved to lay the amendments on the table. Motion carried.

Mr. Joseph offered the following amendment: Add after "and," section nine, line two, the words "the tax thereon." Amendment adopted.

Mr. Green offered the following amendment to section ten: Add "that all the property in this State subject to taxation may be rendered and assessed in any precincts situate in the county by owner or agent."

Mr. Sayers moved to table the amendment. Motion carried.

Mr. Cook moved to amend by striking out of line four, section ten, the words, "or at the county seat." Amendment lost.

Mr. Leyendecker moved to amend as follows: Insert after the word "thereof," in line seven, section eleven,

“and if any person liable for any tax be absent from his residence at the time the justice of the peace calls, and there be no person on the premises authorized to act for such person, the justice of the peace shall leave or cause to be left at his residence, with a member of his family over fourteen years of age, or if there be no such person on the premises, shall otherwise cause to be delivered to such person, forms to make out statements of all property, moneys, or any other kind of property liable for taxes which such person is required by law to render. He shall annex in the form aforesaid the valuation of such property and take and subscribe to such statement the oath prescribed by law, and within ten days from the day on which such form was left with the member of his family or other person, return the same to the justice of the peace; and if any such person shall fail or refuse to make out and deliver said statement to the justice of the peace within the time aforesaid, the justice of the peace shall proceed to assess and value all the taxable property owned by such person according to the best information he can obtain.” The House refused to adopt the amendment.

Mr. Hester offered the following amendment: Section twelve, line ten, insert after the word “others” the words “in this county.” Amendment adopted.

Mr. Armstrong offered the following amendment: Section thirteen, line eight, strike out all after the word “acres” and insert the words “of improved and unimproved lands, in what county situate and value thereof.”

Mr. Gallaway offered the following amendment thereto: Amend by striking out in section thirteen all after the word “granted,” in line seven. The House refused to adopt the amendment to the amendment.

The amendment was then put and failed to carry.

A message from the Senate announced the passage by that body of the following bills:

House bill No. 38, to incorporate the Falls County Real Estate and Savings Association.

Senate bill No. 163, “An act for the relief of Wm. W. Wallace.”

Senate bill No. 298, “An act to authorize the judge of the Tenth Judicial District of the State to hold a special term of the District Court in and for the county of Anderson in said Tenth District.”

On motion of Mr. Prendergast, the pending matter was informally suspended, and Senate bill No. 298, caption above given, was taken up, read first time, rules suspended and read second time.

On motion of Mr. Prendergast, the rules were further suspended, the bill read third time and passed.

The tax bill being resumed, Mr. Scott moved to amend section thirteen by inserting in line seven, after the word "thereof," the words, "if known." Amendment adopted.

Mr. Wood offered the following amendment: "*Provided further*, that when the assessment is completed, and before the collection rolls are made out, the County Court shall assemble and revise, and equalize the values of the property rendered on the assessment books for their respective precincts, so as to make such values of the property assessed equal and just; *and provided further*, that said court shall not receive pay for more than five days service while engaged in this duty."

Mr. Morris offered the following amendment to the amendment: Strike out "County Court," and insert, "the justices of the county." Amend so as to read, "that the justice of the peace of each precinct shall correct his assessment accordingly."

Mr. Sayers moved the previous question, which was seconded, and the main question was ordered.

The amendment of Mr. Morris was then put and carried.

The amendment by Mr. Wood, as amended by Mr. Morris, was then put and lost.

Mr. Prendergast moved to strike section eighteen from the bill. Motion carried.

A message from the Senate announced the following order by that body: Ordered, that the Secretary inform the House of Representatives that the Senate is now sitting as a high court of impeachment, for the trial of John G. Scott, and that seats are provided for the accommodation of members of the House in the Senate Chamber.

The Speaker gave notice that the managers on the part of the House would govern themselves accordingly.

The tax bill being resumed, Mr. Cook offered the following amendment: Section nineteen, in line five, strike out "such," and add after the word "certificate," the words, "entitling the owners thereof to lands out of the public domain of this State." Amendment adopted.

Mr. Manning moved to fill the blank in line nine, section twenty-three, with the word "ten."

Mr. Cook moved to amend by substituting therefor "twelve." Amendment lost.

The amendment by Mr. Manning was then adopted.

On motion of Mr. Prendergast, section twenty-four was stricken out.

Mr. Leyendecker offered the following amendment: Add to section twenty-six: "That for the purposes of more effectually securing the taxes due on land, it is hereby made the duty of every justice of the peace to purchase a well bound record book of good quality, at the expense of the county, which shall be known as the "land register," and shall contain on the left hand or debtor's page, an alphabetical list of all the titled and patented lands in his precinct, in the following order:

"1. The number as taken from the printed abstract of titled and patented lands.

"2. The class of claim, stating whether headright, and number of class of same, donation, scrip, etc.

"3. Name of original grantee, placing the surname of such grantee first in order.

"4. Size of the tract, which it is imperatively necessary shall be stated in acres; and in order to reduce Spanish into English measure, it is hereby made the duty of the Comptroller of Public Accounts to furnish a table for that purpose to each justice of the peace.

"5. The widest column practicable will be left for a description of the survey or grant; and it is hereby made the duty of the Comptroller of Public Accounts to furnish each justice of the peace, as early as practicable, with printed copies of such abstract, and also a manuscript copy of all patented since its publication, and up to the first day of January next, and every year thereafter. In making these entries, twelve or more lines will be left blank between each league tract, six or more between each half or third league tract, and four or more between each lesser tract; and said register shall be kept in a neat and legible hand. Following the above, and on the same side of the register shall be entered a complete list of all the lots and blocks, in numerical order, in each city or town, stating the name of the owner, number of lot, and number of block, and name of the city or town. The assessment of lands will then be taken up, and credi-

ted on the register opposite the tracts debited therein, in the following order :

- “ 1. State the abstract number.
- “ 2. By whom rendered.
- “ 3. Name of county and postoffice of the person rendering.
- “ 4. Number of acres rendered.
- “ 5. Value.
- “ 6. Description of tract rendered, which will likewise be done with the lists as received from the other counties, and if any lands rendered do not appear on the register, but are held by surveys only, the justice of the peace will nevertheless enter them in the same order as the above, but beginning at the end of the register, after reversing it, and enter them successively for future reference.”

The House refused to adopt the amendment.

Mr. Bledsoe moved to reconsider the vote refusing to adopt the amendment.

A rising vote being taken, the result showed that a quorum was not present.

Whereupon, on motion of Mr. Prendergast, the House adjourned until 4 o'clock P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

The following gentlemen failed to answer to their names :

Messrs. Bewley, Bordeaux, Ellett, Hoffman, Morris, Shaw and Short.

On motion of Mr. Smith, of Houston, indefinite leave of absence was granted Mr. Green, on account of sickness in his family.

Leave being granted, on motion of Mr. Sayers that gentleman offered the following resolution :

Resolved, That the Governor be informed of the fact that the House has presented articles of impeachment against John G. Scott, Judge of the Tenth Judicial District of the State of Texas, to the Senate, and that the managers notify the Governor of the same.

Resolution adopted.

Leave being granted, Mr. Broaddus introduced a joint

resolution granting leave of absence to J. M. Onins, Judge of the Twenty-eighth Judicial District. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Broaddus, the rules were further suspended, the joint resolution read third time and passed.

The consideration of the tax bill was then resumed, pending the motion to reconsider the vote by which the House refused to adopt the amendment offered by Mr. Levendecker. The vote was reconsidered.

The House then refused to adopt the amendment.

Mr. Smith of Colorado offered the following amendment to section twenty-eight, clause one: Insert before the word "all," in line one, the words "the property of." Amendment adopted.

Mr. Rimes moved to strike out of lines two and three, same clause, the words, "and owning property." Amendment adopted.

Mr. Winkler offered the following amendment: "*Provided*, that this clause shall not apply to real estate belonging to or held in trust for any such company; *and provided further*, that such real estate shall be rendered the same as if it were individual property in the county where situated."

Mr. Westfall offered the following substitute for clause one, section twenty-eight: "All railway and telegraph companies situated in this State shall be assessed for the purpose of taxation on its road bed or line, including equipments of every kind necessary to the running and operating the same, by the justice of the peace of the precinct where the principal office or agency of such company may be situated; *provided*, that no tax shall be assessed or collected on any part of such road or line, until such part is completed and put in running order.

The Committee on Enrolled Bills reported as follows: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Your Committee on Enrolled Bills have carefully examined bill No. 443, "An act to incorporate the town of Cuero, in De Witt county," and find the same correctly enrolled, and have this, twenty-third day of April, at 12:40 o'clock P. M., presented the same to the Governor for his signature.

WOOD, for Committee.

On motion of Mr. Winkler, the House then adjourned until 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES,)
AUSTIN, TEXAS, April 24, 1873. }

House met pursuant to adjournment. Prayer by Rev. Dr. Fisher. Roll called; quorum present.

The following gentlemen failed to answer:

Messrs. Ellett and Smith of Colorado.

On motion of Mr. Morris, the reading of the journal was dispensed with.

On motion of Mr. Morris, the rules were suspended, and leave being granted, the Committee on Finance submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on Finance, to whom was referred a bill, No. 760, to be entitled "An act to authorize the holders of State warrants to surrender the same to the Treasurer and receive State bonds for the same," have considered the same, and instructed me to report the same to the House and recommend its passage.

MORRIS, Chairman.

The bill was read second time.

Mr. Killough, moved to amend by striking out ten per cent. and inserting twelve and a half per cent.

Mr. Wood moved that the bill lie on the table, be made special order for 4 P. M. to-morrow and that one hundred copies be printed, which carried.

Mr. Stockbridge presented a petition of the citizens of Brenham asking amendments to the city charter. Referred to the Committee on Town and City Corporations.

Mr. Tom introduced a bill for the relief of the heirs of John Tomlinson, senior. Referred to the Committee on Private Land Claims.

Mr. Winkler introduced a bill to prohibit a sale of fire-arms to minors, the carrying of which is contrary to the laws of the State. Referred to Judiciary Committee No. 2.

Mr. Wood offered the following resolution:

Resolved, That the Judiciary Committee No. 1 be, and

are hereby directed to inquire into the facts as to the treasury of the State passing into the hands of the present incumbent, and under what order, if any, and from what source emanating, and by whom and how executed; also to ascertain what judicial proceedings are now pending, and where pending, in relation to said office; and how such proceedings were carried into the court where they may be now pending, and what orders, if any, have been made; and by whom, inconsistent with, and in disregard of the rights of appeal of any party to such proceedings or pending suit, and to report to this House at the earliest day practicable, what legislation, if any, may be necessary.

Resolution adopted.

The conference committee upon House bill No. 340, "An act to ascertain the amount due teachers of the public free schools of this State prior to the first of March, 1873, and to provide for the payment of the same." submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee of conference on House bill No. 340, entitled "An act to ascertain the amount due teachers of the public free schools of this State prior to the first of March, 1873, and to provide for the payment of the same," have met a like committee from the Senate and agree as follows, viz.:

That the Senate recede from its first two amendments to section three of said bill, and that the House adopt amendments proposed by the Senate to section four. Said amendments are herewith attached to this report. And they further agree in section four to strike out in line seven the words "to the correctness of such account," and insert in lieu thereof the following: "that the services were actually rendered;" in line twelve, section four, insert the following: "*provided*, that an approved voucher in accordance with the law now in force shall be taken as the account herein provided for."

The following by agreement is substituted for section two:

"**SEC. 2.** It shall be the duty of the Governor, immediately after the passage of this act, to direct the teachers of the public free schools throughout the State, by proclamation, to forward their claims, in person or by attor-

ney, to the Comptroller for examination, which proclamation shall contain an exact copy of section four of this act, for the information of teachers."

SHELLEY,
Chairman Senate Committee.
RAINEY,
Chairman House Committee.

The report was adopted and the bill passed.

Mr. Storey, introduced a bill to prevent the herding of stock upon certain lands therein named. Referred to Judiciary Committee No. 1.

The following message from his Excellency the Governor was submitted to the House :

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, April 23, 1873. }

Hon. M. D. K. Taylor, Speaker of the House of Representatives of the State of Texas :

SIR: I return to the House of Representatives, where it originated, the joint resolution, entitled "Joint resolution authorizing the Comptroller to employ two additional clerks."

I think that the Legislature has been misinformed as to the management of the Comptroller's office, and as to the necessity there of this increased force.

While it may be proper enough that a liberal clerical force to carry on the work of the different offices of the government should be allowed, yet when it is apparent in the management of any one of those offices that the public does not get a fair share of service from the employes, or that incompetent employes are knowingly kept in position, I do not think that such management should be encouraged by additions made to an already unnecessary force of clerks.

The Comptroller's office for the years 1867 and 1868 had but six clerks. For 1870 his clerical force, at his request, was increased to seven. By the act of March 27, 1871, a pension clerk was added to his office, whose services in that respect were really unnecessary. Again, by act of May 19, 1871, four other clerks were added, making in all, up to this time, thirteen clerks, being nearly twice as many as were necessary in 1870, according to his own estimates then made.

I cannot imagine any increased business in that office that would warrant this constant increase of the force,

and, if the office is properly conducted, I am sure increase is not wanted. The Comptroller requires of his force, during five days of the week, six hours daily attention to the public duties (including meals, probably about five hours of actual daily duty), and on Saturdays about three hours (from 9 A. M. to 12 M.), being about twenty-eight hours per week. He has insisted upon this practice, notwithstanding my objection, and my request to extend the daily service. Further than this, four of the clerks now employed by him, at salaries aggregating \$5600 per annum, are his sons or relatives, and, I may reasonably presume, have been put in office only because of such relationship, as I am informed that they are incompetent for the duties they are paid to perform. (On this point I refer the House to the evidence taken before the select committee of seven, appointed by the House of Representatives of the Twelfth Legislature to investigate the alleged misconduct of the present Comptroller.)

If the Comptroller would require a reasonable daily service from his clerks, and would replace by others those who are incompetent, I am satisfied that his present force would be amply sufficient to carry on the office, and, in fact, that the force might be reduced.

Very respectfully,

EDMUND J. DAVIS, Governor.

M. Booty moved that the message be referred to the special committee on the Comptroller's and Treasurer's offices.

Mr. Killough moved to refer it to the standing committee on the same subject, which motion carried.

Mr. Armstrong introduced a bill amendatory of and supplemental to "An act to incorporate the Texas Lumber and Prairie Railway Company," approved August 15, 1870. Referred to the Committee on Internal Improvements.

House bill No. 123, "An act to provide for prompt settlement of accounts by sheriffs with the State and counties," with amendments by the Senate was announced.

The House agreed to the Senate amendments, and the bill passed.

Senate bill No. 59, "An act for the relief of A. H. Cook," was read first time and referred to the Committee on Claims and Accounts.

Senate bill No. 78, "An act to permanently locate the county site of Montgomery county," was read first time and referred to the Committee on Counties and County Boundaries.

Senate bill No. 144, "An act to incorporate the Real Estate, Building and Savings Association of Dallas, Texas," was read first time; rules suspended and read second time.

On motion of Mr. Brown of Dallas, the rules were further suspended, the bill read third time by caption and passed.

Senate bill No. 163, "An act for the relief of Wm. W. Wallace," was read first time; rules suspended and read by caption second time.

On motion, the rules were further suspended, the bill read by caption third time and passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Bledsoe, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Cunningham, Davenport, Day, Doyle, Eastland, Ellett, Ford, Gallaway, Gaston, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Lane, Leyendecker, Manning, McDonald, Moore, Noeggerath, Phelps, Powers, Prendergast, Rainey, Rimes, Roberts, Rosborough, Russell, Sabin, Sayers, Schmidt, Scott, Shelton, Short, Smith of Houston, Storey, Stockbridge, Tilson, Tivy, Trolinger, Van Zandt, Washington, Westfall, Williams, Winkler and Wood—60.

Nays—Messrs. Armstrong, Mills, Smith of Colorado, and Wilder—4.

Mr. Mills asked to be excused from voting, but the House refused.

Senate bill No. 208, "An act to appoint an agent to take charge of property bequeathed to the State of Texas for certain purposes by Oscar L. Holmes, and to carry into effect said bequest," was read first time; rules suspended and read second time.

On motion, the rules were further suspended, the bill read third time and passed.

Senate bill No. 243, "An act for the relief of S. B. Buckley, late Assistant State Geologist," was read first time and referred to Committee on State Affairs.

House bill No. 242, a bill to be entitled "An act to secure good bonds from public officers," was announced, being on third reading.

The bill having been read, Mr. Mills moved to lay the bill on the table.

The House refused to table by the following vote :

Yeas—Messrs. Adriance, Berends, Gallaway, Joseph, Killough, Lane, Leyendecker, Mills, Moore, Noeggerath, Phelps, Powers, Roberts, Sabin, Shelton, Short, Stockbridge, Tivy, Washington, Wilder and Williams—21.

Nays—Messrs. Speaker, Allison, Anderson, Armstrong, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Cunningham, Davenport, Day, Doyle, Eastland, Ellett, Ford, Gaston, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Kemble, Kleberg, Manning, McDonald, Nelson, Payne, Prendergast, Rainey, Rimes, Rosborough, Russell, Salter, Sayers, Schmidt, Scott, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tom, Trolinger, Van Zandt, Venters, Westfall, Winkler and Wood—51.

Mr. Gallaway offered the following amendment :

Amend by striking out the word "securities" wherever it occurs in the bill.

Mr. Prendergast moved to lay the amendment upon the table, which motion carried.

Mr. Allison offered the following amendment : "*Provided*, that such securities shall not be liable for a greater amount on such bond than the value of the property he certifies to owning, free from encumbrance."

Mr. Sayers moved to lay that amendment upon the table, which motion carried.

The bill then passed by the following vote :

Yeas—Messrs. Speaker, Allison, Anderson, Armstrong, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Davenport, Doyle, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Hester, Hoffman, Hollingsworth, Kemble, Kleberg, Manning, McDonald, Nelson, Payne, Prendergast, Rainey, Rimes, Rosborough, Russell, Sayers, Schmidt, Scott, Short, Smith of Houston, Storey, Thurmond, Tivy, Tom, Trolinger, Van Zandt, Venters, Westfall, Winkler and Wood—46.

Nays—Messrs. Abbott, Adriance, Brown of Upshur, Cunningham, Day, Ellett, Gallaway, Joseph, Killough, Lane, Leyendecker, Mills, Moore, Morris, Noeggerath, Phelps, Powers, Roberts, Sabin, Salter, Shelton, Smith of Colorado, Stockbridge, Tilson, Washington and Williams—26.

The special order, Senate bill No. 212, "An act making a new apportionment of the representative and senatorial districts of the State of Texas," was then announced.

Mr. Broadus offered the following amendment: Strike out "Madison," in line ninety-three, and strike out "three," in line ninety-five, and insert "two" in lieu thereof.

Amend further by inserting the words "and Madison," in line one hundred and eleven, after the word "Brazos," and by striking out the word "two," in line one hundred and thirteen, and inserting the word "three" instead thereof.

Mr. Brown, of Dallas, moved to lay the amendment on the table, which was carried by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Anderson, Armstrong, Bledsoe, Booty, Bordeaux, Brown of Dallas, Cunningham, Davenport, Day, Eastland, Ford, Gaston, Gilpin, Harrison, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Moore, Payne, Rainey, Rimes, Roberts, Rosborough, Russell, Sabin, Schmidt, Scott, Shelton, Smith of Colorado, Smith of Houston, Thurmond, Tilson, Trolinger, Van Zandt, Venters, Westfall, Winkler—47.

Nays—Messrs. Berends, Broadus, Brown of Upshur, Doyle, Ellett, Gillette, Mabry, Mills, Morris, Nelson, Noeggerath, Phelps, Prendergast, Sayers, Short, Storey, Stockbridge, Tivy, Tom, Washington, Wilder, Williams, Wood—23.

Mr. Gillette offered the following amendments: Amend line fifty-six by inserting after the word "of" the word "Hill." Line fifty-nine, strike out the word "three" and insert the word "four." Line one hundred and forty-six, strike out the word "Hill." Line one hundred and forty-nine, strike out "three" and insert "two."

Mr. Mills moved the previous question, which, being seconded, was put and the main question ordered.

The House then refused to adopt the amendments.

The bill then passed to third reading.

Mr. Brown, of Dallas, moved a suspension of the rules, and that the bill be put upon its final passage.

Mr. Ellett offered the following amendment: Add to section eight, "*provided*, one representative shall be elected by the voters of Red River county, and one by the voters of Titus county, and one by the joint vote of each of the counties of said district.

Mr. Kleberg moved to lay the amendment on the table, which motion carried.

Mr. Short offered the following amendments: Strike out "Panola" and insert "Angelina," in line fourteen. Strike out "four" and insert "three," in line sixteen.

Mr. Morris offered the following amendment thereto: Strike out "Harrison county" and insert "Panola" in lieu thereof, so as to read Rusk and Panola for the Fifth District.

Mr. Brown of Dallas moved to lay both amendments on the table, which motion was carried.

Mr. Tivy offered the following amendment: In clause thirty, after the words "Bexar District," insert "not otherwise attached."

The House refused to adopt the amendment.

The bill then passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Anderson, Armstrong, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur,† Brown of Dallas, Cook, Cunningham, Davenport, Day, Doyle, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Kleberg, Lane, Mabry, Manning, McDonald, Moore, Nelson, Noeggerath, Payne, Phelps, Prendergast, Rimes, Roberts, Rosborough, Russell, Sabin, Sayers, Schmidt, Scott, Shelton, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Trolinger, Van Zandt, Venters, Washington, Westfall, Wilder, Williams and Winkler—64.

Nays—Messrs. Allison, Ellett, Morris, Powers, Short, Stockbridge, Tom and Wood—8.

Unfinished business, being the tax bill, was then announced, pending amendment by Mr. Westfall, with amendment thereto by Mr. Winkler. The House refused to adopt the amendment to the amendment.

Mr. Prendergast offered the following substitute for clause one and the amendment of Mr. Westfall: "The property of all railway and telegraph companies situated in this State shall be assessed, for the purposes of taxation, by the justices of the peace of the precincts where such property may be situated, except the entire rolling stock and road beds of any railway company, which may be assessed by the justice of the peace of the precinct where the principal office or place of business of such railway company may be situated; *provided*, telegraph companies

may render for assessment to the justice of the precinct where their principal office or place of business may be situated, their entire line of wire."

The substitute was adopted.

Mr. Smith of Colorado offered the following substitute for the entire section:

"SEC. . . . That it is made the duty of each railroad and telegraph company in this State to make a statement in writing, on the first day of July next, of the whole amount of the gross earnings of the company from January 1, 1873, to that date, on their respective railroad and telegraph lines, per mile, including the entire road or line in this State, and return the same to the Comptroller of Public Accounts in ten days thereafter, signed and sworn to by the president or vice-president, the treasurer and secretary, or clerk of such company, before any officer of this State having a seal and authorized to administer oaths, to be a full and correct statement of the whole of the gross earnings of such company per mile of its whole railroad or telegraph line in this State for the time and length of road or line as specified in the statement, which oath shall be certified to by such officer under his hand and seal of office affixed. And a similar statement shall be made every three months after the first of July, 1873, giving the whole amount of the gross earnings in each instance for the then passed three months, and returned to the Comptroller in ten days thereafter, signed and sworn to as above provided.

"SEC. . . . That upon the return of any statement provided for in the foregoing section, should the Comptroller not be satisfied with the correctness of the same, or if any company fails to make such returns, he shall select some suitable and disinterested person, resident of the county in which the company may have its domicile or principal office, and the company another such person, who, after being sworn by some officer having authority to administer oaths, that they will fairly and impartially perform the duties imposed upon them by this act, shall fully and faithfully inspect all the books and papers of the company proper for them to examine in order to determine the amount of the gross earnings of the company for the time directed by the Comptroller, and they shall have authority to summon all persons before them, whether connected with the company or not, swearing them, and to

compel them to testify to all they may know appertaining to said gross earnings; and they may fine and imprison any person who may refuse to testify as here directed, in like manner as in the District Court. And after such examination and inspection they shall make due return in writing to the Comptroller without delay the result of such inspection, stating the amount of the gross earnings of such company for the past three months, or the time as directed by the Comptroller. And if they be not able to agree on the amount, they shall select a third suitable and disinterested person, to be sworn as they were, and a report of a majority of the three shall be taken and accepted as the true amount.

“These inspectors shall each be entitled to five dollars per day while engaged as here directed, this amount to be added to their report, and charged to the company with the taxes in favor of the State. The Comptroller will issue a warrant on the Treasurer for the amount due each of them.

“If any such company, after having been notified by the Comptroller that the return of any statement made by them is not satisfactory, and that a board of inspection will be appointed, fail for five days thereafter to appoint an inspector, as here provided, or shall fail or refuse to exhibit all the books and papers of the company to the inspectors that may be desired by them, or if any member of such company should refuse or avoid testifying to what he may know for the purposes of inspection, then the Comptroller shall assess and cause to be collected the taxes on such company on the sum of \$3000 per mile, as the gross earnings thereof for the time not reported as aforesaid, and ten per cent. damages thereon.

“SEC. . . . That the railroads and telegraph lines, rights of way, and all depots, buildings, offices, station houses, cars, rolling stock, and all sorts of property that may be actually used and necessary to the running and regular business operations of the road or line of such company shall not be liable by this act to any other taxation than here provided for. But all other property of such companies shall be assessed and taxes thereon paid as is provided for other persons in this act on like property and trade.

“SEC. . . . That upon each return of such statement, it shall be the duty of the Comptroller to assess the tax due

thereon at the rate of one per cent. on each \$100 of the gross earnings of each company as therein reported; and that this tax shall be due and payable at the office of the Comptroller in ten days after the return of the statement shall have been made, or when no return shall be made, then in ten days after the taxes may be assessed by the Comptroller. And a failure of any such company to pay the same, when due, as aforesaid, or at such place as the Comptroller may direct, then he shall make out a statement of the amount due for taxes, penalty and costs, under his hand and seal of office, directed to any sheriff or constable of this State, with orders to collect the same of such delinquent tax paying company, and any property of such company may be levied upon by virtue of such statement and order, and sold as under execution to pay said taxes, penalty and costs, and also costs of levy and sale; and it shall be the duty of such sheriff or constable collecting the same to pay it over to the Comptroller immediately, less his fees for collecting, who will pay the same into the treasury, and keep proper account thereof.

“SEC. . . . That one-half of the taxes herein provided to be collected of railroad and telegraph companies shall be the State tax; one-fourth for ordinary county tax; one-eighth for county, road and bridge tax, and one-eighth for incorporated city and town tax of the counties wherein the railroad or telegraph line of such company may be situate; and that portion of it which is levied and collected for the counties and incorporated cities and towns shall be apportioned by the Comptroller amongst all the counties in which the road and telegraph line may be situate, the proportion to the length of the road or line in each county, and shall be paid over to the Treasurer of the State, subject to the order of the County Court of each of said counties; and the County Court of each of said counties shall cause to be paid over to the treasurer of each incorporated city or town situated on such railroad or telegraph line in the county, such proportion of the amount received as they may be entitled to respectively, according to the population of each at the time; and shall retain the residue for the county and road and bridge tax purposes, as aforesaid.

“SEC. . . . That when a special tax is levied by any county, or portion thereof, or any incorporated city or

town situated on such railroad or telegraph line, then the Comptroller, upon being notified thereof by the presiding justice of such county, or the mayor of such city or town, of the amount of such special tax, shall levy and collect the same in the same manner as herein provided for the assessment and collection of the general tax on railroad and telegraph companies in this act; and when collected it shall be paid over by the Comptroller to the county treasurer, or treasurer of the city or town, to be held for the purpose intended by said levy and collection; *provided*, this special tax shall not exceed one-half of one per cent. on each one hundred dollars of that portion of the gross earnings of the road or line to which the county may be entitled.

“SEC. . . . That in order to secure a faithful compliance with this act by railroad and telegraph companies, it is enacted that no such company shall receive any bonus or donation lands from this State, nor shall any certificates or patents be issued to them for any lands, while it fails to comply with this act; and the Commissioner of the General Land Office will not issue any such certificate or patent to any such railroad company, until such company shall have procured and filed with him a certificate from the Comptroller that said company has complied with the provisions of this act, and is not in default for the passed three months; that these certificates of the Comptroller shall not operate longer than the date here fixed for such company to make its next return statement of its gross earnings.

“SEC. . . . And should any of the officers of such railroad or telegraph companies willfully fail or refuse to make the return of the gross earnings to the Comptroller, as here directed, or to exhibit the books and papers of the company to the board of inspection, as prescribed by this act, he shall be guilty of a misdemeanor, and fined on conviction not less than \$500 nor over \$5000, and may be imprisoned in the county jail not exceeding sixty days.”

A message from the Senate announced the passage, by that body, of House bill No. 250, to authorize Thomas M. Cain and W. J. Agee to construct a toll bridge across Sabine river; House bill No. 138, “An act to amend an act to dispense with the use of scrolls and seals in certain cases;” Senate bill No. 167, “An act to incorporate the Jefferson Institute, located in the city of Jefferson, in the

county of Marion, in the State of Texas ;" Senate bill No. 301, "An act making an appropriation for the payment of the State police and employés ;" Senate bill No. 140, "An act making an appropriation to pay the contingent expenses of the Thirteenth Legislature of the State of Texas ;" joint resolution No. 23, instructing our Senators and requesting our Representatives in Congress to urge upon the Federal government the propriety of removing certain tribes of hostile Indians from the frontier of Texas ; also, that the Senate has adopted the report of the conference committee upon House bill No. 340, to ascertain the amount due the teachers of the public free schools of Texas prior to the first day of March, 1873, and to provide for the payment of the same ; also, that the Senate had passed House joint resolution, granting leave of absence from the State to J. M. Onins, judge of the Twenty-eighth Judicial District.

Mr. Killough moved that that section, and the substitute offered by Mr. Smith of Colorado, be referred to a special committee of five, of which Mr. Smith of Colorado should be chairman.

Mr. Sayers moved to lay that motion on the table. The House refused to table.

On motion of Mr. Brown of Dallas, the House then adjourned until 3 o'clock this evening.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called ; quorum present.

The following gentlemen failed to answer : Allison, Anderson, Bledsoe, Booty, Chambers, Doyle, Ellett, Mills, Moore, Rimes, Salter, Short, Tivy and Winkler.

On motion of Mr. Stockbridge, Mr. Wilder was excused until Tuesday next.

On motion of Mr. Harrison, Mr. Eastland was granted leave of absence for seven days.

The Texas Pacific Railway bill was then taken up.

Mr. Sayers moved to strike out section six.

Mr. Sabin moved to lay that motion on the table. Carried.

Mr. Cook offered the following amendment to section five :

" *Provided*, that the reservation of lands made by this

act for the benefit of the Texas and Pacific Railway Company shall not operate or be construed to exclude from location upon the territory within the limits of said reservation any actual settler, under the provisions of section eight, article ten, of the Constitution of the State of Texas, nor the location of any genuine certificate or scrip which entitles the owner or owners thereof to land out of the public domain of the State of Texas, save and except any certificate or scrip which has been, or may be hereafter issued under general or special laws of the State of Texas granting lands to encourage the construction of railroads, canals or other internal improvements or machinery by the donations of lands, which are intended by this exception to be expressly excluded from location upon the reservation created by this act."

Mr. McDonald moved to lay the amendment on the table, which motion carried by the following vote :

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Booty, Brown of Dallas, Davenport, Day, Eastland, Ellett, Gallaway, Gaston, Harrison, Hoffman, Hollingsworth, Joseph, Killough, Lane, Mabry, McDonald, Moore, Morris, Phelps, Roberts, Rosborough, Sabin, Schmidt, Shaw, Shelton, Smith of Colorado, Stockbridge, Thurmond, Tilson, Tivy, Trolinger, Van Zandt, Venters, Washington, Westfall, Wilder and Williams—41.

Nays—Messrs. Armstrong, Berends, Bledsoe, Bordeaux, Broadus, Brown of Upshur, Cook, Cunningham, Doyle, Ghent, Gillette, Gilpin, Hester, Kemble, Leyendecker, Manning, Nelson, Noeggerath, Payne, Prendergast, Rimes, Russell, Salter, Sayers, Scott, Short, Smith of Houston, Tom and Wood—30.

Mr. Winkler stated he was paired with Mr. Denton.

Mr. Bordeaux offered the following amendment : "*Provided*, this shall not hinder or estop actual settlers from settling upon the same as pre-emptors or otherwise."

Mr. Washington moved to lay the amendment on the table, which carried by the following vote :

Yeas—Messrs. Speaker, Abbott, Adriance, Booty, Brown of Dallas, Chambers, Davenport, Day, Eastland, Ellett, Ford, Gallaway, Gaston, Harrison, Hoffman, Hollingsworth, Joseph, Killough, Lane, Mabry, McDonald, Moore, Morris, Phelps, Roberts, Rosborough, Sabin, Schmidt, Shaw, Shelton, Smith of Colorado, Stockbridge, Thurmond, Tilson, Tivy, Van Zandt, Washington, Westfall, Wilder and Williams—40.

Nays—Messrs. Allison, Armstrong, Berends, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Cook, Cunningham, Doyle, Ghent, Gillette, Gilpin, Hester, Kemble, Leyendecker, Manning, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Russell, Salter, Sayers, Scott, Short, Smith of Houston, Tom, Trolinger, Venters and Wood—34.

M. Winkler stated that he was paired with Mr. Denton.

Mr. Prendergast offered the following amendment to section eight: Strike out all after the word "created," line six, down to the word "reservations" line fourteen, and strike out the words "and" and "further" same line, and strike out the words "the remainder of" line seventeen.

Mr. Bewley moved to lay the amendment on the table, which carried.

Mr. Smith of Colorado, offered the following amendment: After the word "certificates" in line twenty-three, insert "with the corresponding sections for the common school fund." Amendment adopted.

Mr. Nelson offered the following amendment: In section nine, line thirty-seven, after the word "against," amend by inserting "counties and towns."

Mr. Sayers moved to lay the amendment on the table, which carried by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Armstrong, Berends, Bewley, Bledsoe, Booty, Bordeaux, Brown of Dallas, Chambers, Davenport, Eastland, Ellett, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Mabry, Manning, McDonald, Mills, Moore, Morris, Payne, Phelps, Powers, Prendergast, Rimes, Rosborough, Sabin, Salter, Sayers, Schmidt, Shaw, Smith of Colorado, Stockbridge, Thurmond, Tivy, Tom, Trolinger, Van Zandt, Venters, Washington, Westfall, Wilder, Williams, Winkler and Wood—58.

Nays—Messrs. Broaddus, Brown of Upshur, Cunningham, Day, Doyle, Lane, Leyendecker, Nelson, Noeggerath, Rainey, Russell, Scott, Shelton, Smith of Houston and Tilson—15.

Mr. Smith of Colorado offered the following amendment: Add to the end of section nine: "And that all the property of the said corporations, or either of them,

now or hereafter situated in this State, shall be hereafter subject to taxation by the laws of this State."

Mr. Prendergast moved to lay the amendment on the table.

The House refused to table by the following vote :

Yeas—Messrs. Armstrong, Berends, Bewley, Booty, Davenport, Hollingsworth, Joseph, Killough, Mills, Moore, Prendergast, Rimes, Salter, Schmidt, Smith of Houston and Washington—16.

Nays—Messrs. Speaker, Abbott, Adriance, Allison, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Day, Doyle, Eastland, Ellett, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Kemble, Lane, Leyendecker, Mabry, Manning, McDonald, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Rainey, Rosborough, Russell, Sabin, Sayers, Scott, Shaw, Shelton, Smith of Colorado, Stockbridge, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Westfall, Wilder, Williams, Winkler and Wood—57.

The amendment was then adopted.

Mr. Payne offered the following amendment, to be called section ten :

"That all railroads in this State, constructed or that may be hereafter constructed, to intersect said Texas Pacific railroad, shall have a right to connect with that line; that no discrimination in regard to charges for freight or passengers, or in any other matter, shall be made by said Texas Pacific Railway Company against any of the said connecting roads, but that the charges per mile as to passengers and freight passing from the said Texas Pacific Railroad over any of said connecting roads, or passing from any of said connecting roads over any part of said Texas Pacific Railroad, shall be governed and controlled by the laws of the State now or hereafter to be enacted; and said railroad company shall not have the right or power to consolidate with, or sell, rent or lease the same to any other railroad in this State, nor enter into any combination in the nature of a partnership, or to purchase or lease any railroad in this State that would in any way or manner give said company the power or right to control the rates of freight and passage on said road so purchased or leased; and should the provisions of this section be violated by said company, it shall work a forfeiture of the charter herein granted."

Mr. Smith of Houston moved to adjourn. The House refused to adjourn.

Mr. Brown of Dallas moved to postpone the further consideration of the matter pending until 10 A. M. to-morrow, which carried.

On motion of Mr. Powers, Mr. Cook was excused for three days.

On motion of Mr. Brown, of Dallas, the House adjourned until 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, April 25, 1873. }

House met pursuant to adjournment. Prayer by Rev. Dr. Sneed. Roll called; quorum present.

. Absent—Messrs. Ellett and Winkler.

On motion of Mr. Cunningham, the reading of the journal was dispensed with.

Mr. Storey stated that he was absent from the evening session of yesterday on Committee business, and asked to record his vote in the negative on the motion of Mr. Washington to lay upon the table the amendment of Mr. Bordeaux providing that actual settlers should not be estopped or hindered from settling as pre-emptors or otherwise on the Texas Pacific Railway reservation.

The rules did not permit his vote to be recorded.

Mr. Stockbridge presented a memorial from the citizens of Washington county protesting against the sale of spirituous liquors within three miles of Evergreen, Washington county. Referred to the Committee on Education.

Mr. Payne presented a petition of citizens of Karnes county for relinquishment of State tax, in order to build a jail. Referred to the Committee on State Affairs.

Mr. Sabin introduced a bill for the relief of the heirs of Henry Wilkey. Referred to the Committee on Private Land Claims.

Mr. Hollingsworth offered a concurrent resolution, inviting Gov. Osborn, of Kansas, and party, now on a visit to Texas, to extend their tour to the capital. Resolution adopted.

Mr. Hollingsworth also offered the following resolution:

Resolved, That this House hold a night session on next Monday night, and every night thereafter, Sunday excepted, until adjournment, beginning at 8 o'clock, P. M.

Laid over under the rules.

Mr. Prendergast introduced a bill to regulate the fees to be charged by the Commissioner of the General Land Office. Referred to the Committee on Public Lands and Land Office.

Mr. Shelton introduced a bill to provide against the evils resulting from the sale of intoxicating liquors in the State of Texas. Referred to a select committee composed of the following gentlemen: Anderson, chairman; Brown of Upshur, Ireland, Rainey and Shelton.

Mr. Rainey introduced a bill providing for the establishment of the Texas Military Institute and State Normal Academy. Referred to the Committee on Education.

Mr. Winkler offered the following resolution:

Resolved, That the Committee on State Affairs be instructed to inquire into and report, by bill or otherwise, whether any, and if so what, legislation is necessary in relation to railroad and telegraph companies, their agents and employés.

Adopted.

Mr. Mills offered the following resolution:

Resolved, That no member shall voluntarily absent himself from the House more than thirty minutes, without permission of the Chair, during the business of this body.

Laid over under the rules.

Senate joint resolution No. 23, instructing our Senators and requesting our Representatives in Congress, to urge upon the Federal government the propriety of removing certain tribes of hostile Indians from the frontier of Texas, was referred to the Committee on Indian Affairs.

Senate bill No. 140, making an appropriation to pay the contingent expenses of the Thirteenth Legislature of the State of Texas, was read; rules suspended, read second time and passed to third reading.

On motion, the rules were suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Armstrong, Berends, Bewley, Bledsoe, Booty, Broadus, Brown of Upshur, Brown of Dallas, Cham-

bers, Cunningham, Day, Doyle, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Mabry, Manning, McDonald, Mills, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Prendergast, Rainey, Rimes, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Scott, Shelton, Short, Smith of Colorado, Storey, Stockbridge, Thurmond, Tom, Trolinger, Van Zandt, Venters, Washington Westfall, and Winkler—63.

Nay—Mr. Leyendecker—1.

Senate bill No. 301, making an appropriation for the payment of the State Police and employes, was read by caption first time. Mr. Russell moved to refer it to the Committee on Finance, which carried.

On motion of Mr. Sayers Mr. Short was added to the Committee on Finance.

Mr. Mills introduced a bill to alter and change the time of holding the District Courts of the Thirtieth Judicial District, and legalize process therein. Read first time; rules suspended, read second time and referred to the Committee on Judicial Districts.

On motion of Mr. Russell House bill No. 680, to protect laborers on railroads and other works of internal improvement, was taken up and read second time.

Pending the amendment of Mr. Bordeaux to strike out the words "similar to a mechanic's lien," the special order, being the Texas Pacific Railway bill, was announced.

On motion of Mr. Mills the special order was postponed until the pending bill was disposed of.

The amendment offered by Mr. Bordeaux was then adopted.

Mr. Story offered the following amendment to the amendment: "*Provided*, that no sub-contractor or laborer shall have any lien as against the railroad, canal or telegraph company, unless said company has been informed of the claim of said laborer or sub-contractor prior to the payment by said company to its immediate contractors for such work."

Mr. Sayers moved the previous question, which being seconded was put, and the main question ordered. The House then refused to adopt the amendment.

Mr. Rimes offered the following amendment: "SEC. 6. That all railway companies in this State shall be required

to employ a superintendent, whose duty it shall be to settle with contractors and sub-contractors upon such contractors or sub-contractors presenting such superintendent a 'pay roll,' duly signed by the laborers in his or their employ, that such laborers have received their pay for said work." Amendment adopted.

The bill was then ordered engrossed.

The bill having been read third time, Mr. Sabin offered the following amendments: Amend the caption by adding the words "and farms;" and section one, line six, after the words "telegraph line," by inserting "farm, plantation or ranch;" and also section four, line two, after the word "company," by inserting the words "or farmer or owner of the lands;" and line five, section four, after the word "roads," add "or farms," and amend section five, line two, after the word "canal," insert the word "farm."

Mr. Leyendecker moved to lay the amendments on the table, which was carried by the following vote:

Yeas—Messrs. Speaker, Allison, Armstrong, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Chambers, Cunningham, Davenport, Day, Doyle, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Lane, Leyendecker, Manning, McDonald, Mills, Nelson, Noeggerath, Payne, Prendergast, Rainey, Rimes, Rosborough, Russell, Salter, Sayers, Scott, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tom, Trolinger, Van Zandt, Venters, Westfall, Winkler, Wood—56.

Nays—Messrs. Abbott, Adriance, Mabry, Moore, Phelps, Roberts, Sabin, Schmidt, Stockbridge, Washington, Williams—11.

Mr. Ireland moved to amend section four, line four, by inserting after the word "laborers" the words "contractors and sub-contractors." Amendment adopted.

Mr. Ireland moved to amend section five, line eight, by inserting after the word "performed" the words "or where said company may have its principal office." Amendment adopted.

The bill then passed.

A message from the Senate announced that that body had refused to agree to some of the House amendments to Senate bill No. 218, "An act to establish and maintain

a system of public free schools in the State of Texas," and had agreed to others, and had appointed Senators Dohoney, Finlay, Sayers, Franks and Tracy a committee of conference on the part of the Senate to consider the disagreement between the two houses, and asks a like committee on the part of the House.

Also, the following communication :

MEMPHIS, TENN., April 18, 1873.

Hon. E. B. Pickett, President of the Senate of Texas :

SIR: I have the honor to acknowledge yours of the thirty-first ult., with the concurrent resolution of the Legislature of Texas, inviting me to extend my visit to the capital of the State from the city of Galveston. I had expected to have gone to Galveston in the early part of this month, but have been unavoidably detained here. I still hope to make the projected trip, and if so, will with great pleasure accept the invitation to visit the capital of your State. There are many memories very dear to me connected with the people of Texas. Associations of war and of peace have caused me to feel a peculiar interest in the welfare of your State, and the kind consideration shown to me by her Legislature is most gratifying. Few, if any, have marked with more satisfaction than myself the rapid progress of Texas in material development and prosperity ; and few, if any, will rejoice more at the fulfillment of the high expectations which her brief history justifies. Let me ask of you to return my grateful acknowledgments to your associates, and to accept for yourself the regard and esteem with which I am, very respectfully, yours,

JEFFERSON DAVIS.

The Committee on Enrolled Bills reported as follows :
Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 38, "An act to incorporate the Falls County Real Estate and Savings Association," and find the same correctly enrolled, and have this the twenty-fifth day of April, at 10:35 o'clock A. M., presented the same to the Governor for his signature.

WOOD, Chairman.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined the following :

House bill No. 123, "An act to provide for prompt settlement of accounts by sheriffs with the State and counties."

House bill No. 138, "An act to amend an act to dispense with the use of scrolls and seals in certain cases."

House bill No. 250, "An act to authorize Thomas M. Cain and W. J. Agee to construct a toll bridge across Sabine river."

And find the same correctly enrolled, and have presented the same to the Governor for his signature this day at 10:35 o'clock A. M.

WOOD, Chairman.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined joint resolution No. 72, granting leave of absence from the State to J. M. Onins, judge of the Twenty-eight Judicial District, and find the same correctly enrolled, and have this, the twenty-fifth day of April, at 10:35 o'clock A. M., presented the same to the Governor for his signature.

WOOD, Chairman.

By request of Mr. Williams, he was excused from further service on the committee to redistrict the State into judicial districts, and Mr. Mills was appointed in his stead.

The following communication was received from his Excellency the Governor:

EXECUTIVE OFFICE, STATE OF TEXAS,)
AUSTIN, April 25, 1873. (

To the Honorable Senate and House of Representatives :

GENTLEMEN: I have the honor to inform you that the following named acts have been received by me, and approved, to-wit:

House bill No. 314, "An act to enlarge the county of Medina," approved April 2, 1873.

House bill No. 240, "An act to incorporate the Grayson County Agricultural and Mechanical Association," approved April 2, 1873.

House bill No. 82, "An act to authorize the County Court of Maverick county to issue interest bearing bonds, and to levy a tax to pay the same," approved April 3, 1873.

House bill No. 273, "An act to prohibit the sale of vinous or spirituous liquors in the vicinity of the village of Midway, Madison county, Texas," approved April 3, 1873.

House bill No. 81, "An act to amend an act to authorize the transcript of the records of Bowie county," approved April 3, 1873.

House bill No. 164, "An act to prohibit the sale, or otherwise disposing of intoxicating liquors within two miles of the Acton Masonic Institute, in the county of Hood," approved April 3, 1873.

House bill No. 582, "An act authorizing and requiring the Secretary of State to open the returns, and make report thereof, in cases of special elections for the Legislature," approved April 3, 1873.

House bill No. 279, "An act to prohibit the sale of intoxicating or spirituous liquors within two miles of Birds Creek School house, in Bell county, Texas," approved April 3, 1873.

House bill No. 52, "An act to prohibit the sale of intoxicating, spirituous or vinous liquors within two (2) miles of Pleasant Grove Academy, in Hunt county," approved April 3, 1873.

House bill No. 154, "An act to provide for an election of city officers for the city of Columbus, and regulate their duties," approved April 3, 1873.

Senate bill No. 18, "An act to incorporate the city of Austin," approved April 5, 1873.

House bill No. 253, "An act to prohibit the sale of intoxicating, spirituous or vinous liquors within two miles of Hackberry Grove Academy, Collin county," approved April 7, 1873.

House bill No. 121, "An act making appropriation to pay the mileage and per diem of Presidential electors," approved April 7, 1873.

House bill No. 275, "An act supplemental to and amendatory of an act entitled an act to incorporate the Odd Fellows Hall and Building Association, of Bryan, Texas, approved December 1, 1871," approved April 7, 1873.

House bill No. 58, "An act to incorporate the Odd Fellows Male and Female College, located at Pittsburg, Upshur county, Texas," approved April 7, 1873.

House bill No. 601, "An act amendatory of an act entitled an act to incorporate the city of Austin, passed March, 1873," approved April 7, 1873.

House bill No. 162, "An act to authorize the County Court of Comal county to levy and collect a special tax," approved April 7, 1873.

House bill No. 97, "An act to regulate the conduct of public officers," approved April 7, 1873.

Senate bill No. 158, "An act amendatory of an act entitled an act incorporating the city of San Antonio and other towns therein named, approved December 14, 1837; and also amendatory of an act entitled an act to amend an act incorporating the town of Bastrop, approved February 1, 1845," approved April 7, 1873.

Senate bill No. 22, "An act to incorporate the town of Kaufman, in Kaufman county," approved April 7, 1873.

House bill No. 442, "An act to incorporate the town of Mexia, in Limestone county," approved April 7, 1873.

House bill No. 99, "An act to amend sections twenty-three and twenty-four of an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved August 13, 1870," approved April 9, 1873.

House bill No. 267, "An act to amend articles four hundred and twelve and four hundred and eighteen of the Penal Code as amended by act passed May 11, 1871," approved April 9, 1873.

House joint resolution No. 590, "Joint resolution instructing our Senators and requesting our Representatives in Congress to secure telegraphic communication between the United States frontier posts of this State," approved April 9, 1873.

Senate bill No. 222, "An act supplementary to an act to amend the first section of an act entitled an act for the incorporation of the city of Paris, in the county of Lamar, approved August 10, 1870, approved May 23, 1871," approved April 9, 1873.

Senate bill No. 194, "An act to incorporate Concrete College," approved April 9, 1873.

Senate bill No. 72, "An act for the relief of Bertha Staffel," approved April 11, 1873.

Senate bill No. 62, "An act to incorporate the Tyler Real Estate and Building Association," approved April 11, 1873.

House bill No. 539, "An act to incorporate the city of Jefferson, in Marion county, and to repeal all laws heretofore passed incorporating said city or amendatory thereof," approved April 15, 1873.

Senate bill No. 33, "An act amendatory of and supplemental to an act entitled an act amendatory of and supplemental to an act entitled an act to incorporate the Sabine and Galveston Bay Railroad and Lumber Company, passed September 1, 1856, passed December 24, 1859, which act changed the name of said company to the Texas and New Orleans Railroad Company," approved April 15, 1873.

House bill No. 146, "An act to amend an act entitled an act to incorporate Austin College, approved November 22, 1849," approved April 15, 1873.

House bill No. 199, "An act to incorporate the Central Texas Flouring, Grist and Manufacturing Company," approved April 15, 1873.

House bill No. 263, "An act making an appropriation to pay the salary of Hon. Lipscomb Norvell as special judge of the District Court of Tyler county," approved April 18, 1873.

House bill No. 195, "An act to authorize the County Court of Henderson county to levy a tax to pay the outstanding indebtedness, the repairing of bridges, the jail and the court house, and for all other purposes for which the said County Court is by law authorized to levy a tax." approved April 18, 1873.

House bill No. 260, "An act concerning the admission of attorneys and counsellors-at-law to practice in the Supreme Court," approved April 18, 1873.

House bill No. 690, "An act making an appropriation for mileage for the recently elected and newly seated members of the House of Representatives," approved April 18, 1873.

House bill No. 53, "An act relating to appeals to the Supreme Court from interlocutory judgments in the District Courts," approved November 1, 1871, approved April 18, 1873.

Senate bill No. 161, "An act to incorporate the Kaufman County Agricultural, Mechanical and Blood Stock Association," approved April 18, 1873.

Senate bill No. 109, "An act to incorporate the town of Giddings, in Washington county," approved April 18, 1873.

Senate bill No. 74, "An act to incorporate the city of Lampasas, in the county of Lampasas," approved April 18, 1873.

The following bills not having been returned by me to the house in which they originated within the time prescribed by the Constitution, have become laws without my approval, to-wit :

Senate bill No. 198, "An act making an appropriation to defray the expense of distributing blank forms from the Comptroller's office for the assessment of taxes," passed March 20, 1873.

House bill No. 269, "An act to authorize Howard Keys and his associates to construct a toll bridge across the Sabine river at Crockett's Bluff," passed March 24, 1873.

House bill No. 149, "An act to amend an act entitled an act incorporating the Galveston Artillery Company, approved January 30, 1841," passed March 27, 1873.

Senate bill No. 5, "An act for the relief of the heirs and assigns of Haynes Crabtree, deceased," passed March 28, 1873.

Senate bill No. 48, "An act authorizing the patenting of a certain bounty warrant therein named," passed March 28, 1873.

Senate bill No. 53, "An act for the relief of John H. Jenkins," passed March 28, 1873.

House bill No. 308, "An act to authorize the county of Marion to audit and fund the debt of said county," passed March 31, 1873.

House bill No. 439, "An act to authorize the Police Court of the county of Collin to levy and collect a special tax for the purpose of building a court house and jail in said county, passed April 1, 1873.

Senate bill No. 96, "An act to amend an act entitled an act to incorporate the town of Bonham, in Fannin county, approved August 13, 1870," passed April 1, 1873.

Senate bill No. 174, "An act to reorganize the town of Sherman, in Grayson county, Texas, and incorporate said town as the city of Sherman," passed April 2, 1873.

Senate bill No. 7, "An act to incorporate the Columbus, Austin and Parker County Railway Company, and to aid in the construction of the same," passed April 2, 1873.

House bill No. 545, "An act making an appropriation to pay Frank E. McManus one month's salary as special judge of the District Court of the Fifteenth Judicial District," passed April 3, 1873.

House bill No. 380, "An act to incorporate the South Sulphur Bridge and Turnpike Company," passed April 4, 1873.

House bill No 239, "An act for the relief W. M. Jackson," passed April 4, 1873.

House bill No. 384, "An act to levy and collect a special tax in Lavaca county to build a court house for said county," passed April 9, 1873.

Senate bill No. 190, "An act to incorporate the City Bank of Sherman," passed April 11, 1873.

Very respectfully,

EDMUND J. DAVIS, Governor.

The consideration of the Texas Pacific Railway bill was then resumed, pending the additional section offered by Mr. Payne.

Mr. Payne moved to amend the section by striking out the word "charter," near the close of the section, and inserting in lieu thereof the words "rights and privileges." Amendment adopted.

The section thus amended was then adopted.

Mr. Anderson moved to amend section ten by striking out, in lines three and four, the words "by the twenty-fifth April, A. D. 1873," and insert the words "by telegraph within ten days from the date of approval of this act." Strike out, in lines seven and eight, "and by thirtieth day of April, 1873," and insert "within twenty days from the date of the approval of this act."

The amendment was adopted.

Mr. Tilson moved to amend section one, line seventeen, by striking out "through" and inserting the word "to," and by inserting, in line eighteen, after the word "Clarks-ville," the words "by the first day of December, A. D. 1873, and to the towns of."

Mr. Ellett offered the following substitute for the amendment: "*Provided*, the said road shall be completed and put in running order to the town of Clarks-ville, in Red River county, by the first day of December, 1873, and shall build and maintain a depot within one-half mile of the court house in said town."

The substitute was adopted.

Mr. Smith, of Colorado, offered the following amendment: Add to section eight, "and no land certificate issued under the provisions of this act, which may not be located by reason of the exhaustion of the public domain, shall ever constitute any claim against the State."

The amendment was adopted.

The bill was then ordered engrossed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Booty, Bordeaux, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Davenport, Day, Ellett, Ford, Gaston, Ghent, Gilpin, Harrison, Hoffman, Hollingsworth, Ireland, Joseph, Killough, Lane, Leyendecker, Mabry, McDonald, Moore, Morris, Nelson, Noeggerath, Powers, Rainey, Roberts, Rosborough, Russell, Sabin, Sayers, Schmidt, Shelton, Smith of Colorado, Stockbridge, Thurmond, Tilson, Tivy, Trolinger, Van Zandt, Venters, Westfall—50.

Nays—Messrs. Armstrong, Berends, Bledsoe, Broadus, Doyle, Gillette, Hester, Kemble, Kleberg, Manning, Mills, Payne, Phelps, Prendergast, Salter, Scott, Short, Smith of Houston, Storey, Tom, Washington, Williams, Wood—23.

Mr. Winkler stated that he was paired off.

Mr. Brown of Dallas moved to suspend the rules and put the bill upon its final passage. Carried.

Mr. Brown of Dallas moved a call of the House. Call sustained.

The roll having been called, Mr. Bewley alone was found absent.

Mr. Ireland moved that Mr. Bewley be excused, as he was known to be unwell. The House refused to excuse him.

Mr. Sayers moved that the House adjourn. The House refused to adjourn.

The sargeant-at-arms was dispatched after Mr. Bewley.

On motion of Mr. Ellett, Mr. Shaw was also sent for.

Mr. Sayers moved that the House adjourn. The House refused to adjourn.

Mr. Abbott moved to suspend the call. The House refused to suspend the call.

Mr. Abbott moved that Mr. Bewley be excused. The House refused to excuse.

Mr. Brown of Dallas moved to suspend the call. Carried.

The bill was then put upon its passage, with the following result :

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Booty, Bordeaux, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Davenport, Day, Ellett, Ford, Gallaway, Gaston, Gilpin, Harrison, Hoffman, Hollingsworth, Joseph, Killough, Lane, Mabry, Manning, McDonald, Moore, Morris, Nelson, Noeggerath, Phelps, Powers, Rainey, Roberts, Rosborough, Russell, Sabin, Sayers, Schmidt, Scott, Shelton, Smith of Colorado, Stockbridge, Thurmond, Tilson, Tivy, Trolinger, Van Zandt, Venters, Washington, Westfall and Williams—53.

Nays—Messrs. Armstrong, Berends, Bledsoe, Broadus, Doyle, Ghent, Gillette, Hester, Ireland, Kemble, Kleberg, Mills, Payne, Prendergast, Rimes, Salter, Smith of Houston, Storey, Tom and Wood—20.

Mr. Short stated he was paired off in the negative with Messrs. Bewley and Shaw.

Mr. Leyendecker stated he was paired off in the negative with Mr. Eastland.

Mr. Winkler stated he was paired off with Mr. Denton.

The bill was declared to have passed by the requisite two-thirds majority.

A message from the Senate announced the rejection by that body of House bill No. 7, to allow the present Chief Justice of the Supreme Court of this State to resign and retire from the bench with full pay for the residue of his term.

The Committee on Enrolled Bills submitted the following report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills have carefully examined the following bills :

No. 358, an act to be entitled "An act to make provisions for the better security of the public funds."

No. 772, "Joint resolution granting leave of absence from the State to J. M. Onins, Judge of the Twenty-eighth Judicial District."

No. 531, a bill to be entitled "An act to authorize the Commissioner of the General Land Office to furnish pho-

topographic county maps to the several counties of this State.

And find the same correctly engrossed.

BOOTY, Chairman.

On motion of Mr. Brown of Dallas, the House adjourned until 4 o'clock P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

Absent—Messrs. Anderson, Bewley, Ellett, Killough, McDonald, Salter and Storey.

The concurrent resolution to adjourn *sine die* April 30 was taken up.

Mr. Booty moved to postpone the day of adjournment until May 10.

Mr. Hollingsworth moved to lay the resolution on the table, which carried by the following vote:

Yeas—Messrs. Speaker, Adriance, Armstrong, Berends, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Davenport, Day, Doyle, Ford, Gallaway, Ghent, Gillette, Gilpin, Hollingsworth, Ireland, Joseph, Kleberg, Lane, Manning, Morris, Prendergast, Sabin, Sayers, Schmidt, Short, Smith of Colorado, Thurmond, Tom and Winkler—36.

Nays—Messrs. Abbott, Bledsoe, Gaston, Harrison, Hester, Hoffman, Leyendecker, Mabry, Mills, Moore, Nelson, Noeggerath, Phelps, Rainey, Rimes, Roberts, Rosborough, Russell, Scott, Shelton, Smith of Houston, Storey, Stockbridge, Tilson, Trolinger, Van Zandt, Washington, Westfall and Williams—28.

Leave being granted, Mr. Morris offered the following resolution:

Resolved, That his Excellency the Governor be requested to give this House such information as he may possess as to the amount and character of State warrants or claims obtained by the late Adjutant General Davidson for police pay, how obtained, and whether by authority of law, and any other information deemed applicable to a fair settlement of legally created claims against the State for police services, and payment of the same to the persons legally entitled thereto.

The resolution was adopted.

On motion of Mr. Broaddus, the Committee on Counties and County Boundaries were granted leave to make a special report, and submitted the following :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : Your Committee on Counties and County Boundaries, to whom was referred the petition of citizens of Robertson county, asking for the passage of an act permanently locating the county seat of said county, have considered the same, and instruct me to present the accompanying bill, and recommend its passage.

TROLINGER, Chairman.

The bill, being a bill providing for permanently locating the county seat of Robertson county, was read first time ; rules suspended, read a second time, and ordered engrossed.

On motion of Mr. Broaddus, the rules were further suspended, the bill read third time and passed.

The special order, House bill No. 760, a bill to authorize the holders of State warrants to surrender the same to the State Treasurer, and receive State bonds in lieu thereof, was then announced, pending the amendment offered by Mr. Killough.

Mr. Killough withdrew his amendment.

Mr. Payne offered the following amendment : After the word " denomination," in line five, insert " not less than fifty dollars nor more than."

Mr. Ireland offered the following substitute for the bill and amendment, excepting the enacting clause : " That all valid Treasury warrants that are now in existence, and all warrants hereafter issued on certificates, valid claims against the State, shall draw ten per cent. interest per annum from this date, and, when they are paid at the Treasury, said interest shall be paid also, and said bills shall be exempt from taxation, and be receivable for all taxes due the State."

Mr. Morris moved to refer the bill and substitute to Judiciary Committee No. 2.

Mr. Payne moved the previous question, which being seconded, was put, and the main question ordered.

The House refused to refer the bill.

The House then refused to adopt the substitute offered by Mr. Ireland.

The amendment offered by Mr. Payne was then put, and failed to carry.

Mr. Kleberg moved to adjourn. The House refused to adjourn.

Mr. Smith of Colorado offered the following amendment to section two: After the word "bond," in line thirteen, insert: "And the Comptroller shall issue to the holder of the warrants renewed, a warrant for any fractional amount there may be, less than one hundred dollars."

Mr. Payne moved to lay the amendment on the table. The House refused to table.

The House then refused to adopt the amendment.

Mr. Ireland offered the following amendment:

"SEC. 6. *Be it further enacted,* That any holder of a warrant for less than one hundred dollars shall be entitled to interest on the same at the rate of ten per cent., which shall be paid in the same manner as the face of the warrant; said fractional interest shall be transferable, and receivable for all taxes due the State."

Mr. Sayers offered the following substitute for the amendment: After the word "bond," in line thirteen, add: "That the Comptroller shall issue to the holder of any warrants surrendered, a warrant for any fractional amount less than one hundred dollars, and credit the same on the warrant surrendered, and including the said fractional amount."

The yeas and nays were called upon the adoption of the substitute, with the following result:

Yeas—Messrs. Speaker, Adriance, Berends, Booty, Bordeaux, Chambers, Davenport, Ford, Gallaway, Hoffman, Joseph, Lane, Morris, Phelps, Rosborough, Sayers, Scott, Shelton, Smith of Colorado, Van Zandt and Wood—21.

Nays—Messrs. Abbott, Armstrong, Bledsoe, Broaddus, Brown of Dallas, Cunningham, Day, Doyle, Gaston, Ghent, Gillette, Gilpin, Hester, Hollingsworth, Ireland, Killough, Leyendecker, Mabry, Manning, McDonald, Moore, Nelson, Noeggerath, Payne, Prendergast, Rainey, Rimes, Roberts, Russell, Sabin, Schmidt, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tom, Trolinger, Washington, Westfall and Williams—41.

Whereupon the House refused to adopt the substitute.

On motion of Mr. Prendergast, the House adjourned until 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, April 26, 1873. J

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

The following gentlemen failed to answer to their names: Messrs. Bewley, Short, Smith of Houston, and Storey.

On motion of Mr. Thurmond, Mr. Brown of Dallas was excused on account of sickness.

On motion of Mr. Berends, Mr. Noeggerath was indefinitely excused on account of family sickness.

On motion of Mr. Lane, the reading of the journal was dispensed with.

On motion of Mr. Ford, Mr. Watts was granted further leave of absence until Monday.

Mr. Shaw presented a petition from the people of Titus and Hopkins counties, for a new county. Referred to the Committee on Counties and County Boundaries.

Mr. Kleberg introduced a bill to amend section two of an act to incorporate the town of Yorktown. Referred to the Committee on Town and City Corporations.

Mr. Nelson offered the following resolution:

WHEREAS, the committees of this House have not been called in their regular order for some weeks past; and

Whereas, most, if not all of said committees have reports ready to be submitted to the House for its consideration; therefore, be it

1. *Resolved*, That on the first day of May next, the committees of this House shall be called in their regular order, and that the call be continued until all the committees have been called and reported; and

2. That on the third day of May next, the roll of this House shall be called, and that each member, upon the call of his name, shall be permitted to call up *one private bill* for the consideration of the House; and

3. That no new business shall be presented or entertained after the third day of May, unless by a vote of four-fifths of the House so voting.

Laid over under the rules.

Mr. Gallaway introduced a bill authorizing David Seal to establish a toll bridge across Richland creek, in Upshur county. Referred to the Committee on Roads, Bridges and Ferries.

Mr. Hollingsworth introduced a bill to encourage convicts in the penitentiary in habits of industry and correct deportment. Read first time; rules suspended, read second time and referred to the Committee on Penitentiaries.

Also, a bill to authorize the County Court of Brown county to issue bonds, etc. Read first time and referred to the Committee on Counties and County Boundaries.

Mr. Armstrong introduced a bill to amend an act entitled "An act supplemental to an act in relation to the location, survey and return of genuine land certificates, passed April 25, 1871." Referred to the Committee on Public Lands and Land Office.

Mr. Leyendecker introduced a bill validating bounty warrant No. 9560, issued to Benard Reilly. Referred to the Committee on Private Land Claims.

Mr. Russell introduced a bill to place a certain amount of the general laws of the Twelfth and Thirteenth Legislatures of the State within the control of the respective counties in this State. Referred to the Committee on Printing and Contingent Expenses.

The Speaker announced a message from the Senate stating that that body had adopted some of the House amendments to the Senate school bill, disagreed to others, and appointed a conference committee on the disagreement, with a request for a like committee on the part of the House. Under instructions from the House the Speaker appointed the following gentlemen such conference committee on the part of the House: Kemble, chairman; Chambers, Killough, Rainey and Roberts.

The resolution of Mr. Mills preventing members leaving the House for more than thirty minutes during business hours, except by leave of the Chair, was taken up.

Mr. Joseph moved to lay the resolution on the table, which carried.

The resolution offered by Mr. Hollingsworth declaring that the House will hold night sessions, was taken up.

On motion of Mr. Washington the resolution was laid on the table. On motion of Mr. Anderson, that gentleman was allowed to withdraw House bill No. 266, a bill for the relief of Miller and Dowell, from the Committee on Private Land Claims.

Mr. Ireland in the chair.

Senate bill No. 167, "An act to incorporate the Jeffer-

son Institute, located in the city of Jefferson, in the county of Marion, in the State of Texas," was taken up, read first time; rules suspended and read second time.

Mr. Taylor offered the following amendment:

Add the following proviso to section four: "*Provided*, all diplomas heretofore granted by said principal shall be as valid and have the same force and effect as those hereafter granted."

The amendment was adopted.

On motion of Mr. Taylor, the rules were further suspended, the bill read third time and passed.

The unfinished business of yesterday, being "An act to authorize the holders of State warrants to surrender them to the State Treasurer and receive State bonds in lieu thereof," was resumed, pending the substitute offered by Mr. Ireland.

Mr. Killough moved to reconsider the vote refusing to adopt the amendment offered by Mr. Sayers.

Mr. Booty moved the previous question, which was seconded, and the main question ordered, by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Berends, Bledsoe, Booty, Bordeaux, Broaddus, Chambers, Davenport, Ford, Gallaway, Gaston, Ghent, Gilpin, Harrison, Hoffman, Joseph, Killough, Kleberg, Lane, McDonald, Morris, Payne, Powers, Prendergast, Rainey, Rimes, Roberts, Rosborough, Sayers, Schmidt, Scott, Shelton, Short, Smith of Colorado, Smith of Houston, Stockbridge, Thurmond, Tilson, Tivy, Van Zandt, Venters, Washington, Westfall and Winkler—47.

Nays—Messrs. Anderson, Armstrong, Brown of Upshur, Cunningham, Day, Doyle, Gillette, Hester, Hollingsworth, Ireland, Kemble, Leyendecker, Mabry, Manning, Mills, Moore, Nelson, Russell, Sabin, Salter, Storey, Tom, Trolinger, and Williams—24.

The House then reconsidered the vote by which it refused to adopt the amendment offered by Mr. Sayers, by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Berends, Bledsoe, Booty, Bordeaux, Brown of Upshur, Chambers, Cunningham, Davenport, Day, Ellett, Ford, Gallaway, Ghent, Gilpin, Harrison, Hoffman, Joseph, Killough, Kleberg, Lane, McDonald, Morris, Payne, Prendergast, Rainey, Rimes, Rosborough, Salter, Sayers,

Schmidt, Scott, Shelton, Short, Smith of Colorado, Smith of Houston, Stockbridge, Thurmond, Tivy, Van Zandt, Venters and Winkler—44.

Nays—Messrs. Abbott, Anderson, Armstrong, Broadus, Doyle, Gaston, Gillette, Hester, Ireland, Kemble, Leyendecker, Mabry, Manning, Mills, Moore, Nelson, Phelps, Roberts, Russell, Sabin, Storey, Tilson, Tom, Trolinger, Washington, Westfall and Williams—27.

The amendment was then adopted.

The House refused to adopt the additional section offered by Mr. Ireland.

The amendment offered by Mr. Sayers was then adopted as part of the bill, and the bill ordered engrossed.

On motion of Mr. Booty, the rules were suspended, and the bill read third time.

Mr. Payne moved to amend section one by inserting, after the word "annum," in line eleven, the words "in gold."

Mr. Booty moved to lay the amendment on the table, which carried.

Mr. Smith of Colorado moved to amend by inserting, after the word "outstanding," in line fifteen, section four, as follows: "And also on the first day of January, annually, after the issuance of any of the said bonds, set apart the two per cent. as a sinking fund for the redemption of the principal, as required by the twenty-third section of article twelve of the State Constitution." The amendment was adopted.

Mr. Prendergast moved to amend section five by striking out all after the word "thereof," line three, and inserting, "by indorsement." The amendment was adopted.

The bill then passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Berends, Bledsoe, Booty, Bordeaux, Broadus, Brown of Upshur, Chambers, Cunningham, Davenport, Doyle, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Hester, Hoffman, Joseph, Kemble, Killough, Kleberg, Lane, Lyendecker, McDonald, Moore, Morris, Payne, Phelps, Powers, Prendergast, Rimes, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Scott, Shelton, Smith of Colorado, Smith of Houston, Storey, Tilson, Tivy, Tom, Trolinger, Van Zandt, Westfall, Williams, Winkler and Wood—58.

Nays—Messrs. Armstrong, Ellett, Harrison, Hollingsworth, Ireland, Mabry and Mills—7.

A message from the Senate announced the passage, by that body, of Senate bill No. 268, "An act to authorize the County Court of Lamar county to contract for the building of a court house and jail in said county, and to issue and sell the bonds of the county for that purpose;" joint resolution No. 37, granting leave of absence from the State to I. N. Everett, judge of the Twenty-sixth Judicial District; No. 296, "An act prescribing the times of holding general elections in this State;" also, the adoption of a concurrent resolution, recommending the adoption of the University Series of school books for the use of the schools of the State.

The Committee on Engrossed Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined the following bills:

No. 723, a bill to be entitled "An act to incorporate the city of Corpus Christi."

No. 680, a bill to be entitled "An act to protect laborers on railroads and other works of internal improvement."

And find the same correctly engrossed.

BOOTY, Chairman.

The Committee on Enrolled Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined the following:

House bill No. 340, "An act to ascertain the amounts due the teachers of the public free schools of this State prior to the first day of March, A. D. 1873, and to provide for the payment of the same,"

And find the same correctly enrolled, and have presented the same to the Governor for his signature this day at 9:30 o'clock A. M.

WOOD, for Committee.

The Speaker announced that committees would be called under the regular order of business.

Mr. Payne moved to suspend the rules and take up the

tax bill, which motion carried, and the consideration of the bill was resumed, pending the substitute offered by Mr. Smith of Colorado, for section twenty-eight.

Mr. Killough moved to refer section twenty-eight and the substitute offered therefor to a select committee of five.

Mr. Kleberg moved to lay that motion on the table, which carried.

The House then refused to adopt the substitute.

Mr. Payne offered the following amendment: Add to clause twenty-two: "That all steamboats, sail boats and other water-craft engaged in trade within the State, on the rivers, bays or waters thereof, be, and they are hereby made liable to taxes as other property, and shall be rendered for taxation in the county where the owner resides, or whose principal office, if there be any on shore, is situated, and when the owner or agents of such shall fail, neglect or refuse to render for taxation, or pay the taxes on any such steamboat, sail boat or other water-craft, the collectors of taxes are authorized to proceed to collect the same by such process as is authorized for the collection of the taxes on personal property." The amendment was adopted.

Mr. Wood offered the following amendment: In section twenty-eight, clause seventeen, line four hundred and twenty-three, strike out "presiding;" line four hundred and forty-four insert "fourteen;" line four hundred and sixty-five insert "fourteen." The amendment was adopted.

Mr. Tilson offered the following amendment: Section twenty-nine, line four, strike out the word "or." Amendment adopted.

On motion of Mr. Rainey, the House adjourned until 4 P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called.

The following gentlemen were absent:

Messrs. Bewley, Ellett, Ireland, Short and Winkler.

On motion of Mr. Storey, the rules were suspended and Judiciary Committee No. 1 was granted leave to make a special report.

The following was then submitted:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on Judiciary No. 1, to whom was referred Senate bill No. 179, making appropriation for the payment of the expenses of the several contested election cases and special investigations before the present Legislature, have had the same under consideration, and instruct me to report the same to the House and recommend its passage.

POWERS, for Committee.

The bill was read second time, and motion of Mr. Booty, was recommitted to Judiciary Committee No. 1.

On motion of Mr. Mills, Senate bill No. 296, prescribing the times of holding general elections in this State, was made special order for Tuesday, April 29, at 11 A. M., and one hundred copies were ordered printed.

The consideration of the tax bill was then resumed.

Mr. McDonald offered the following amendment: Amend section thirty-one by adding at the end of line thirty-six as follows: "*Provided*, that the provisions of this section shall not be so construed as to include and apply to lands sold under the provisions of any previous law for the sale of lands for taxes, where the same were purchased by individuals and not redeemed according to the provisions of said law." Amendment adopted.

Mr. Sabin moved to amend by striking out "five times" and inserting "one time."

Mr. Winkler moved to amend the amendment by inserting "three" in lieu of "one."

Mr. Russell moved to lay the amendment and the amendment thereto upon the table, which was carried.

Mr. Tilson offered the following amendment: "*Provided*, no person shall be required to pay more taxes than are actually due." The amendment was adopted.

Mr. Payne moved to amend section thirty-one, line thirteen, by inserting between the words "State and county" the word "or," and by striking out "special or municipal." The amendment was adopted.

Mr. Abbott moved to adjourn. The House refused to adjourn.

Mr. Sabin moved to amend section thirty-one, line five, by striking out "five" and inserting "two."

Mr. Abbott moved to adjourn. The House refused to adjourn.

Mr. Abbott moved a call of the House. The call was sustained.

Mr. Payne moved to adjourn until 9 A. M., Monday, which motion was carried.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, April 28, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

The following gentlemen failed to answer: Messrs. Ellett, Noeggerath and Short.

On motion of Mr. Lane, Mr. Bewley was excused on account of sickness.

On motion of Mr. Chambers, Mr. Brown of Dallas was excused for same cause.

On motion of Mr. Hoffman, Mr. Schmidt was excused on account of sickness in his family.

On motion of Mr. Harrison, the reading of the journal was dispensed with.

Mr. Sabin introduced a bill defining a further cause of continuance in civil causes. Read first time; rules suspended, read second time and ordered engrossed.

On motion, the rules were further suspended, the bill read third time and passed.

Mr. Storey introduced a bill for the relief of the heirs of Frederick Rowe. Referred to Judiciary Committee No. 2.

Mr. Joseph introduced a bill to promote the speedy construction of a canal between the waters of Galveston Bay and Sabine Lake, and in aid thereof. Referred to the Committee on Internal Improvements.

Mr. Tom introduced a bill to organize the county of McMullen. Referred to the Committee on Counties and County Boundaries.

Mr. Anderson introduced a bill to amend section seven of an act entitled "An act to incorporate the city of Waco, approved April 26, 1871." Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Anderson, the rules were further suspended, the bill read third time and passed.

A message from the Senate announced the passage by that body of the following House bills :

No. 123, "An act to incorporate the city of Corpus Christi."

No. 262, "An act to amend the seventh section of an act entitled an act to incorporate the city of Rockport, approved May 26, 1871."

No. 347, "An act to incorporate Leon River Bridge Company."

No. 1379, "An act to authorize James P. Dumas, and such other persons as he may associate with him, and their successors, to construct, own and keep a toll bridge on, over and across Choctaw Bayou, in Grayson county, Texas."

No. 254, "An act to authorize the County Court of Upshur county to issue interest bearing bonds to finish paying for the building of the court house of said county, and to levy and collect a tax to pay the same."

No. 448, "An act to incorporate the Austin Trust Company."

No. 305, "An act authorizing and requiring the Commissioner of the Land Office to issue certain land certificates therein named."

No. 402, "An act to incorporate the Milam Real Estate and Immigration Association."

No. 420, "An act for the relief of the heirs of William Garnett, deceased."

No. 662, "An act to release certain taxes to the residents of Cooke, Wise, Parker, Hood, Erath, Hamilton, Lampasas, Burnet, Blanco, Kendall, Bandera, Medina, Frio, McMullen, Duval, Starr, and all the counties lying west and southwest of the same," with amendments by the Senate.

No. 133, a bill entitled "An act to accurately define the land district of Palo Pinto, and to make valid the surveys and locations heretofore made therein," with amendments by the Senate.

Also, the adoption of the concurrent resolution inviting Governor Osborn and party of Kansas to visit Austin, with amendments by the Senate.

Judiciary Committee No. 2, being permitted to report, on motion of Mr. Ireland, submitted the following:
Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House bill

No. 526, "An act amendatory of and supplementary to an act concerning private corporations, approved December 2, 1871," beg leave to report the same back, with the remark that it is an important bill, and a very voluminous one, and the committee recommend the passage of the bill with a view to having it printed and more carefully examined.

IRELAND, Chairman.

The report was adopted, and one hundred copies ordered printed.

Mr. Wood introduced a bill to provide for the improvement of the navigation of the Trinity river. Referred to the Committee on Internal Improvements.

Mr. Armstrong introduced the following resolution, accompanied with specifications thereto pertinent:

WHEREAS, grave complaints have been preferred against the Hon. William Chambers, Judge of the First Judicial District of the State of Texas, by the members of the bar of said district and the people thereof, charging the said Chambers with oppression, corruption, perjury and embezzlement; and

Whereas, It is due to the people of said district that said charges be investigated; therefore, be it

Resolved, That a committee of three be appointed by the Speaker to consider said charges, and to report at an early moment to this House whether there exist sufficient grounds for the impeachment of William Chambers, Judge of the First Judicial District of the State of Texas, for high crimes and misdemeanors.

The specifications having been read, the resolution was adopted, and the Speaker appointed the following committee under the resolution: Messrs. Cook, chairman, Rimes and Watts.

The resolution offered by Mr. Nelson, changing the order of business and forbidding the introduction of new business after May 3, except by consent of four-fifths of the House, was taken up.

Mr. Booty offered the following substitute:

Resolved, That during the evening sessions of Mondays, Wednesdays and Fridays, each district shall be called, and each member from the district called shall be entitled to call up one bill.

The substitute was accepted by Mr. Nelson.

Mr. Rainey moved the previous question, which being seconded, was put, and the main question ordered.

The resolution was then adopted.

Senate concurrent resolution recommending the use of the University series of school books in the schools of Texas, was taken up and adopted.

Senate joint resolution granting leave of absence from the State to I. N. Everett, Judge of the Twenty-sixth Judicial District, was read.

On motion of Mr. Westfall, the rules were suspended and the resolution read second time.

On motion of Mr. Hollingsworth, the rules were further suspended, the resolution read third time and passed.

Senate bill No. 268, to authorize the County Court of Lamar county to contract for the building of a court house and jail in said county, and to issue and sell the bonds of the county for that purpose, was taken up.

On motion of Mr. Shelton, the reading of the bill was dispensed with, the rules suspended, the bill read by caption second time and passed to third reading.

On motion of Mr. Shelton the rules were further suspended, the bill read third time and passed.

The unfinished business of Saturday, being House bill No. 721, a bill to regulate the assessment and collection of taxes, was resumed, pending the amendment offered by Mr. Sabin.

Mr. Kemble offered the following substitute for the amendment: Line seven, after the word "paid," insert: "If the delinquent only owes one, two, three, four or five years, he shall only pay what he owes; if for a longer time than five years, a payment of five times the one assessment shall free the delinquent from all back taxes."

Mr. Sabin accepted the substitute.

Mr. Prendergast moved to lay the substitute on the table, which was carried.

Mr. Ireland offered the following amendment to section thirty-two: In lines eighteen and nineteen strike out the words "on the order of the County Court." Amendment adopted.

Mr. Sayers offered the following amendment to section thirty-two: In lines six and seven strike out the words "on or before the first day of December of each and every year" and insert "every three months."

Mr. Powers offered the following amendment to the

amendment: Amend by inserting after the word "received," in line six, the words "and shall pay the same over as he shall be directed by the Comptroller."

Mr. Mills moved a call of the House. The call was not sustained.

The House refused to adopt the amendment.

Mr. Wood offered the following as a substitute for the amendment offered by Mr. Sayers: Add to the end of section thirty-two: "*Provided*, it shall be the duty of the sheriff to pay to the Treasurer all moneys due the State as shown by his quarterly reports, as the Treasurer may draft on him for such amounts if he deem it proper, and he shall pay such drafts." The substitute was adopted.

The amendment was then adopted.

Mr. Wood offered the following amendment: Amend section thirty-four by adding to the end of the same: "*Provided*, that the fees for assessing taxes in no county in this State shall exceed the sum of \$2700 for any one year, nor shall the fees for collecting the taxes paid to the sheriff for any one year in any county in this State exceed the sum of three thousand dollars; *and provided further*, that of the whole amount due for assessing the taxes for any one year in any county in this State, the State shall pay two-thirds, and the county one-third; also the State and county shall pay at the same rate for collecting the taxes for the State and county. The amount due by the State for assessing in any county in this State to each justice, respectively, shall be settled by the Comptroller drawing his warrant in favor of each justice, respectively, on the Treasurer of the State, which said warrant shall be paid by the sheriff of the county out of the first State taxes collected by him on such assessment; and the sheriff shall be allowed to retain his commissions in his hands for collecting; *provided*, if in any county in this State the commissions allowed by this act, on the whole amount of the taxes, would exceed the maximum amount allowed to such sheriff for collecting the taxes by this act, he shall only be allowed to retain in his hands three-fourths of the fees due him until he make final settlement for all the taxes for the said year, with the State and county." The amendment was adopted.

Mr. Rimes offered the following amendment to section thirty-four: In line twenty-seven, after the word "to,"

insert "make his annual settlement." The amendment was adopted.

Mr. Ireland offered the following amendment to section thirty-seven: "If from any cause the taxes in any county in this State are not assessed and collected by the time prescribed in this act, said taxes shall be assessed and collected as soon thereafter as possible." The amendment was adopted.

Mr. Anderson offered the following amendment to section thirty-nine: Add to the end as follows: "And shall be a lien on the property of the principal, and all property exhibited by said securities." The amendment was adopted.

Mr. Prendergast offered the following amendment to section thirty-nine: Lines one and two, strike out the words "lands or tenements" and insert "property." The amendment was adopted.

Mr. Sayers offered the following amendment to section forty-one: "All acts and parts of acts in conflict herewith are hereby repealed." The amendment was adopted.

Mr. Wood offered the following: Amend section twenty-nine, line one, by inserting after the word "on," the words "real or." Line five, same section, amend by striking out after the word "levying" the words "thereon, and seizing the same," and insert in lieu thereof the words "on and seizing any personal property belonging to such defaulting tax payer, not exempt by law from taxation." The amendment was adopted.

Mr. Payne offered the following: Amend section thirty-two, line seven, by inserting after the word "of" the words "June and." The amendment was adopted.

Mr. McDonald offered the following: Amend section thirty-two by striking out in line five all after the word "taxes" to the word "and" in line six.

Mr. Kleberg moved to lay the amendment on the table, which carried.

Mr. Kleberg offered the following amendment: Section thirty-nine, after the word "office," in line thirty-nine insert "but shall perform the duties of his office until his successor shall have qualified." The amendment was adopted.

Mr. Wood offered the following substitute for section thirty: "When any person, firm, corporation or association shall fail or refuse to pay the tax due from and

payable by them in accordance with the requirements of law, whether such taxes be State or county, or whether they are general or special, or whether such tax be a poll, *ad valorem*, occupation, license or income tax, and whether such person, persons, firm, corporation or association be known or unknown, resident or non-resident, and there shall be no personal property belonging to such person or persons, firm, corporation or association in the county where such tax is assessed or is due and payable, out of which such tax can be made by the sheriff or other collecting officer, then the sheriff of the county where such tax is assessed or is due and payable shall enter all of such taxes on a delinquent list, stating the name of the person or persons, firm, corporation or association from whom such taxes are due and payable, if known, with the place of their residence, if known. If the residence or name of such persons are unknown, then the name and residence of the agent or attorney, if known; and if such sheriff knows of any personal property belonging to such person or persons, firm, corporation or association, subject to the payment of such taxes in this State, he shall state the same on said list, with the county where it is situated. If any of the delinquent taxes are upon property not rendered by the owner, his agent or attorney, but rendered and assessed by the officers of the law, he shall state such fact in said list, and shall also enter a brief description of the personal property so assessed, with the number of acres, name of the original grantee, and, if patented, the abstract number of the patent of all land so assessed, or if town lots, the number of lot and block; and when such list is so completed, he shall certify that the same is correct, under his hand, and forward a copy thereof to the Comptroller, reserving a copy, which he shall file in the office of the district clerk of his county. On the reception of such delinquent list, the Comptroller, should it appear therefrom, or from the records of his office, that any of the defaulting tax payers on said list are the owners of personal property in any other county in this State, subject to the payment of such tax, he shall at once certify to the amount of the tax so due and unpaid, as appears from such list, and forward the same to the sheriff of the county where such personal property is situated, with an order to such sheriff to seize and sell so much of the property of such de-

faulting tax payer as may be necessary to pay said taxes, all interests on same, and all costs and fees accruing; and such sale of personal property shall be on the same terms as all other sales of personal property authorized by this act, and the order of the Comptroller shall be full authority for such sale. The Comptroller shall charge the sheriff, to whom he forwards such order, with all taxes, and interest on same, included in said order, and said sheriff shall pay said taxes, when collected, to the Comptroller; and all county taxes thus paid to the Comptroller he shall deposit with the Treasurer of the State, to the credit of the proper county, and draw his warrant for the same, in favor of the county treasurer of such county. If no personal property can be found by the officers, out of which to make the taxes due from such delinquents, then the Comptroller shall, at such times, and in such manner as may be prescribed by law, order the sheriffs of the proper counties to collect such delinquent taxes by sale of real estate; *provided*, the delinquent taxes, as appear to be due, State, county, general and special, and interest due on same, may be paid to the Comptroller at any time before proceedings are instituted to sell real estate to pay the same, and the Comptroller's receipt shall be evidence of such payment for any delinquent taxes in any court of this State; and county taxes collected by the Comptroller shall be disposed of in same manner as those paid to him by sheriffs." The substitute was adopted.

Mr. Payne offered the following: At head of section twenty-eight, after the words "railroad and telegraph companies" insert "steamboats and other water craft." Amendment adopted.

Mr. Kemble offered the following amendment to section forty: Add to section forty "That this act shall take effect from and after its passage; *provided*, it do not invalidate any assessment already made in any county in this State." Amendment adopted.

Mr. Smith, of Colorado, offered the following: Insert the words "double the" after the word "probable" in line forty-seven, section thirty-nine, and also the words "special and others" after the word "county" in line forty-seven, and "taxes" for "tax" in said line. Amendment adopted.

Mr. Smith, of Colorado, offered the following amend-

ment: Insert after the word "court" in line ten, section thirty-five, as follows: "and any other taxes to the officer entitled to receive the same;" and after the word "treasurer" in line eleven, insert "and other officer." Amendment adopted.

Mr. Killough offered the following as a substitute for section nine: "SEC. 9. That all personal property and real estate shall be assessed in the county where it or the greater part thereof is situate or ranging, and the taxes thereon may be collected in said county, or at the Comptroller's office."

Mr. Rimes moved to lay the amendment on the table, which carried by the following vote:

Yeas—Messrs. Bledsoe, Booty, Broaddus, Brown of Upshur, Chambers, Cunningham, Day, Denton, Ellett, Gallaway, Ghent, Gillette, Harrison, Hester, Hoffman, Hollingsworth, Kemble, Lane, Leyendecker, Mabry, Manning, McDonald, Mills, Morris, Payne, Rainey, Rimes, Roberts, Rosborough, Russell, Scott, Shaw, Shelton, Smith of Houston, Tilson, Trolinger, Van Zandt and Winkler—38.

Nays—Messrs. Adriance, Allison, Armstrong, Berends, Davenport, Ford Gaston, Gilpin, Ireland, Joseph, Killough, Kleberg, Moore, Phelps, Powers, Prendergast, Sabin, Salter, Sayers, Short, Smith of Colorado, Storey, Stockbridge, Thurmond, Tivy, Tom, Washington, Westfall and Williams—29.

Mr. Armstrong offered the following amendment: Section thirteen, line eight, strike out all after the word "acres" and add "stating in the descriptive list such tract or tracts of land as are improved, and the county in which all the lands are situated, and the value of each tract, and the lands which are improved shall be entered in distinct lines of the lists, and in case any tract of land lies across the boundary of a county, the same shall be rendered in the county where the larger portion of such tract is situated." The House refused to adopt the amendment.

Mr. Smith, of Colorado offered the following amendment: Add to section one, "And they shall make a return to the County Court, every three months, of all persons in their precincts subject to an occupation tax, which return shall be preserved by said court."

Mr. Kleberg moved the previous question, which being

seconded, was put and carried. The bill was then ordered engrossed.

On motion of Mr. Russell the rules were further suspended, the bill read third time and passed.

The following communication was received from the Comptroller.

OFFICE OF COMPTROLLER OF PUBLIC ACCOUNTS, {
AUSTIN, April 28, 1873. }

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Agreeable to resolution of the House of Representatives of April 25, 1873, I have to state that the requisitions made by the late Adjutant General James Davidson, amount, in the aggregate, to three hundred and ninety-one thousand, six hundred and eighty-six (\$391,686) dollars.

The original law concerning disbursements for police, gave to the Comptroller some supervisory control; but the amended act of May 2, 1871, took the control entirely out of the hands of the financial officer of the State, so far as drawing warrants on the Treasury is concerned.

Section one, page seventy-one, general laws, first session, Twelfth Legislature, provides "That the chief of State police, with the approval of the Governor, shall make requisition from time to time for such sums of money as may be necessary to pay said police, out of any funds in the Treasury appropriated for that purpose, which shall be sufficient authority for the Comptroller to issue a warrant; and the chief of police shall, on disbursing each requisition, file his vouchers with the Comptroller of Public Accounts." All requisitions were made in exact accordance with the law in force at time of procuring warrants, and said requisitions are approved by the Governor.

Vouchers have been filed against all sums drawn, except the last requisition of twenty thousand (\$20,000) dollars, against which there is a balance of nineteen thousand, ninety-three dollars and twenty-three cents (\$19,093.23), for which no vouchers have been filed.

The last requisition, like all the others, was drawn in bulk in the body of requisition, but for the last twelve months the warrants on the Treasury were made in small amounts to correspond with the different sums represented to be due policemen, etc. The same rule has been

substantially observed by the successor of General Davidson.

The charge heretofore made by the Governor that there would have been no loss to the State, had I obeyed his instructions, will be found without foundation, in fact, when it is recollected that the Treasurer, and not the Comptroller, pays money out of the Treasury.

Very respectfully,

A. BLEDSOE, Comptroller.

A message from the Senate announced the passage by that body of House bill No. 790, "An act defining a further cause of continuance in civil causes;" and No. 630, a bill to be entitled "An act to provide for the registration of voters, and to repeal an act to provide for a special registration of voters preparatory to an election under the provisions of an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvement, approved April 12, 1871," with an amendment by the Senate.

The last named bill was taken up, the Senate amendment concurred in and the bill passed.

Report from Judiciary Committee No. 2:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Judiciary Committee No. 2, to whom was referred House bill No. 481, have had the same under consideration, and instruct me to report the same back, with the recommendation that it do pass.

WATTS, for Committee.

The bill, being a bill to charter Defiance Hook and Ladder Company No. 1, of Jefferson Texas, was read second time and ordered engrossed.

On motion of Mr. Armstrong, the rules were suspended, the bill read third time and passed.

The Committee on Engrossed Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined following House bills:

No. 467, "An act to adjust and define the rights of the Texas and Pacific Railway Company within the State of Texas, in order to encourage the speedy construction of a railway through the State to the Pacific ocean."

No. 790, "An act defining a further cause of continuance in civil causes."

No. 782, a bill providing for the permanent location of the county seat of Robertson county.

And find the same correctly engrossed.

BOOTY, Chairman.

Further report from Judiciary Committee No. 2:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Judiciary Committee No. 2, to whom was referred Senate bill No. 136, have had the same under consideration, and instruct me to report the same back with the accompanying amendment, and recommend the adoption of the amendment and the passage of the bill.

WATTS, for Committee.

Amend by striking out all after the word "the," in tenth line, in article seven hundred and sixty-six, and inserting in lieu thereof the following: "penitentiary for not less than one nor more than two years."

The bill, being "An act to amend article seven hundred and sixty-six of the Penal Code," was read second time, amendment adopted, and passed to its third reading.

On motion the rules were suspended and the bill read third time.

On motion of Mr. Roberts, the House adjourned until 4 o'clock P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

Absent—Messrs. Day, Ellett, Gilpin, Ireland, Mills, Salter, Shaw, Short, Smith of Houston, Thurmond and Winkler.

On motion, Mr. Tom was excused for the evening.

Under the rule District No. 1 was called.

Mr. Armstrong called up Senate bill No. 271, "An act for the relief of C. C. De Witt and other persons therein named."

The bill was read first time; rules suspended, read second time and referred to the Committee on Private Land Claims.

Mr. Ford called up House bill No. 50, "An act to regulate the practice of medicine." The bill having been read second time.

Mr. Ford offered a substitute therefor under the same caption. The substitute was read and adopted.

Mr. Washington moved to strike out "five," in section five, and insert "ten."

Mr. Denton moved the previous question, which, being seconded, was put, and the main question ordered.

The House then refused to adopt the amendment.

The bill was then ordered engrossed.

On motion of Mr. Denton, the rules were suspended and the bill read third time.

Mr. Gallaway offered the following amendment: "That not more than one of the examiners shall be of the same class of physicians."

Mr. Denton moved to lay the amendment on the table, which carried.

Mr. Gaston offered the following amendment: In the proviso to section five strike out "State" and insert "in their respective counties five years prior to the passage of this act." Amendment adopted.

Mr. Storey offered the following amendment: Amend by striking out the words "Police Court" wherever they occur in the bill and insert in lieu thereof the words "County Court." The amendment was adopted.

The bill, thus amended, was adopted and passed.

Leave being granted, Mr. Abbott offered the following resolution:

Resolved, That this House adjourn at 1 P. M. to-morrow until 9:30 A. M., thirtieth instant.

Laid over under the rules.

Mr. Phelps moved to adjourn. The House refused.

Mr. Rainey called up House bill No. 393.

Thereupon Judiciary Committee No. 2 submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred House bill No. 393, beg leave to report the same back with the remark that in the opinion of the committee there is no authority for converting the common school fund to the purposes indicated in the bill, and the committee therefore recommend that said bill do not pass.

IRELAND, Chairman.

The bill, being a bill to provide for the establishment of the Texas Military Institute, was read second time, and

on motion of Mr. Anderson, the report was laid on the table.

The bill having been read second time, Mr. Rainey offered the following amendment: Section one, line ten, after the word "of" add "any money in the State Treasury not otherwise appropriated," and strike out "the available school fund of the State."

Mr. Kleberg moved that the House adjourn until 9 A. M. to-morrow, which carried.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, April 29, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

On motion, Messrs. Berends and Bewley were excused on account of sickness.

On motion of Mr. Rimes, Mr. Cook was excused for the day.

On motion of Mr. Hoffman, Mr. Schmidt was excused on account of sickness in his family.

On motion of Mr. Westfall, the reading of the journal was dispensed with.

Mr. Adriance presented a petition of the County Court of Matagorda county, to levy a special county tax. Referred to the Committee on Finance.

Mr. Hoffman introduced a bill to amend "An act to incorporate the Pecos Irrigation, Manufacturing and Live Stock Company," approved December 1, 1871. Referred to the Committee on Agriculture and Stock Raising.

Mr. McDonald introduced a bill to define the powers of the County Courts of this State in relation to *ex officio* services of sheriffs and district clerks. Referred to Judiciary Committee No. 2.

Mr. Joseph introduced "An act to incorporate the Phoenix Hook and Ladder Company No. 2, of the city of Galveston." Referred to the Committee on Town and City Corporations.

Mr. Adriance introduced a bill to be entitled "An act to aid in the construction of the railroad of the Galveston and Colorado Railway Company." Referred to the Committee on Internal Improvements.

Also a bill for the relief of the heirs of Alexander S. Green, deceased. Referred to the Committee on Private Land Claims.

Mr. Sayers introduced a bill to amend "An act of limitations, adopted on the fifth day of February, 1841." Referred to Judiciary Committee No. 2.

Mr. Wood offered the following resolution :

Resolved, That the Speaker of this House be authorized to employ, from time to time, such additional assistance for the engrossing and enrolling clerks of this House as he may deem necessary, and at such compensation as he may agree upon.

Adopted.

Mr. Broadus offered the following resolution :

Resolved, That the daily newspapers furnished the members of the House of Representatives, from the commencement of the session, up to the sixth of March last, be paid for out of the contingent fund of the present Legislature.

Mr. Mills moved to insert after the word "for" the words "at the rate of five cents per copy."

Mr. Washington moved to strike out "five," and insert in lieu thereof "eight." Amendment lost.

The amendment of Mr. Mills was then adopted, and the resolution, thus amended, was adopted.

Mr. Brown of Dallas introduced a bill to be entitled "An act to enable certain towns and cities to erect hospitals." Read first time ; rule suspended, read second time.

Mr. Wood moved to strike out of section two the words, "and also indigent transient patients, should the State hereafter enact a law providing for paying for such patients." The motion carried.

The bill was then ordered engrossed.

On motion of Mr. Brown of Dallas, the rules were further suspended, the bill read a third time and passed.

The resolution providing for adjourning this day at 1 P. M. until 9 A. M. thirtieth instant was read.

Mr. Manning moved to lay the resolution on the table, which carried.

Senate bill No. 136, "An act to amend article seven hundred and sixty six of the Penal Code," was taken up on third reading, pending the amendment offered by the committee. The amendment was adopted. The bill was then read third time and passed.

Report from Judiciary Committee No. 2 :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : Judiciary Committee No. 2, to whom was referred Senate bill No. 88, entitled "An act to amend the third section of an act entitled an act concerning divorce and alimony, approved January 6, 1841," have had the same under consideration, and a majority of said committee instruct me to report the same back with the recommendation that it do not pass.

WATTS, for Committee.

The bill having been read, Mr. Anderson moved to lay the report on the table. The House refused to table.

The report was then adopted, and the bill indefinitely postponed.

Further report from the same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : Judiciary Committee No. 2, to whom was referred House bill No. 560, have had the same under consideration and instruct me to report the same back with the recommendation that it do pass.

WATTS, for Committee.

The bill, being a bill to be entitled "An act to amend articles 527 and 527a of the Code of Criminal Procedure," was read second time and ordered engrossed.

On motion, the rules were suspended, the bill read third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : Your committee to whom was referred House bill No. 228, beg leave to report same back to the House and recommend its passage.

IRELAND, Chairman.

The bill, being a bill to be entitled "An act to amend article four hundred and thirty-five of the Code of Criminal Procedure," was read second time and ordered engrossed.

On motion of Mr. Anderson, the rules were suspended, the bill read third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : Your committee to whom was referred House bill

No. 332, "An act supplemental to and amendatory of the several acts concerning injunctions," beg leave to report the same back, and recommend its passage.

IRELAND, Chairman.

The bill was read second time and ordered engrossed.

On motion of Mr. Ireland, the rules were suspended, the bill read third time and passed.

Further report from same committee :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred Senate bill No. 85, beg leave to report the same back, with the recommendation that said bill do not pass.

IRELAND, Chairman.

The report was adopted, and the bill, being "An act concerning proceedings in the District Court," indefinitely postponed.

The special order, being Senate bill No. 296, "An act prescribing the times of holding general elections in this State," was then announced.

On motion of Mr. Booty it was referred to a special committee of five.

The Speaker appointed the following gentlemen said committee under the motion: Messrs. Ireland, chairman, Booty, Morris, Smith of Houston and Winkler.

Mr. Payne moved to suspend the rules and take up House bill No. 453, "An act regulating taxation," which motion carried.

The bill was taken up by sections.

Mr. Armstrong offered the following amendment: Section one, line four, strike out the word "one-fourth" and insert "one-fifth."

Mr. Sayers moved that the amendment lay on the table, which motion carried.

Mr. Payne offered the following amendment: Amend section one by adding "one-fourth of the aforesaid tax shall be for the benefit of public schools and three-fourths for the support of the State government, as may be directed by law. Amendment adopted.

Mr. Payne offered the following amendment: Add to section two "for the use of public schools."

The House refused to adopt the amendment.

Mr. Armstrong offered the following amendment: Section third, line ten, strike out the words "and fifty."

Mr. Cook offered the following amendment to the amendment: Section third, line ten, by striking out "one" and inserting "two."

The House refused to adopt the amendment to the amendment.

Mr. Watts offered the following amendment to the amendment: Amend section three by striking out all after the word "follows" in line seven, to the word "For" in line fourteen, and insert in lieu thereof as follows: "For selling spirituous and alcoholic liquors in quantities less than ten gallons, two hundred dollars; *provided*, that this section shall not be so construed as to include such liquors when sold by druggists for medical purposes; and for selling vinous and malt liquors in any quantities, fifty dollars; *provided*, that this shall not include any wines or beer manufactured in this State."

The House refused to adopt the amendment to the amendment.

The amendment was then put and failed to carry.

Mr. Cook offered the following amendment: Line one hundred and forty-nine, strike out from word "from" to word "dollars," in line one hundred and fifty-six, inclusive.

Mr. Russell offered the following amendment to the amendment: Strike out all in section three that levies an occupation tax upon hotels, eating houses, cook-shops, etc., and on merchants selling dry goods, hardware, etc., and on lawyers and physicians.

A message from the Senate announced the passage by that body of the following Senate bills:

No. 302, "An act to incorporate the town of McDade, in Bastrop county, Texas."

No. 274, "An act to validate and supplement the charter of the Bastrop Coal Company of Texas."

No. 306, "An act to incorporate the town of Wharton, in Wharton county."

On request of Mr. Cook, he was excused from service on the committee to investigate the charges against William Chambers, Judge of the First Judicial District.

The Speaker appointed Mr. Prendergast in his stead.

On motion of Mr. Gallaway, the House adjourned until 4 o'clock P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

The following gentlemen failed to answer to their names:

Messrs. Abbott, Booty, Ellett, Gillette, Noeggerath, Wilder and Winkler.

On motion of Mr. Anderson, joint resolution No. 312, providing for a vote of the people of the State calling a Convention to frame a new Constitution for the State, and providing for the election of delegates thereto, and the time for the convening thereof, was taken up and read second time.

Mr. Morris offered the following amendment: "*Provided*, that the delegates shall be elected from the senatorial districts as organized, from which the members of this Legislature were elected."

Mr. Mills moved to lay the amendment and the joint resolution on the table.

Division being called for, the question was first put upon the amendment.

Yeas and nays were called with the following result:

Yeas—Messrs. Adriance, Anderson, Armstrong, Broadus, Brown of Upshur, Brown of Dallas, Cook, Cunningham, Davenport, Day, Denton, Doyle, Ford, Gallaway, Gaston, Ghent, Gillette, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kleberg, Lane, Manning, McDonald, Mills, Payne, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Scott, Shaw, Shelton, Smith of Colorado, Smith of Houston, Storey, Tilson, Trolinger, Van Zandt, Venters, Washington, Westfall and Williams—50.

Nays—Messrs. Allison, Bledsoe, Bordeaux, Gilpin, Harrison, Mabry, Moore, Morris, Nelson, Phelps, Powers, Prendergast, Schmidt, Short, Thurmond, Tivy, Tom, Watts, Wilder and Wood—20.

Whereupon the House refused to table the amendment.

The House then refused to table the joint resolution by the following vote:

Yeas—Messrs. Mabry, Mills, Moore, Morris, Phelps, Roberts and Washington—8.

Nays—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Bledsoe, Bordeaux, Broadus, Brown of Up-

shur, Brown of Dallas, Cook, Cunningham, Davenport, Day, Denton, Doyle, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kleberg, Lane, Manning, McDonald, Nelson, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Scott, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Venters, Watts, Westfall, Wilder, Winkler and Wood—64.

Mr. Ireland moved to strike out the preamble, which carried.

Mr. Brown of Dallas moved to amend so as to make the number of delegates from any district the same as it is in the Legislature.

Mr. Wood offered the following substitute for the amendment, and section three: "That the said Convention shall be composed of two delegates from each senatorial district of this State, to be elected by the qualified voters of each district at the same time when voting on the call for a convention."

Mr. Hollingsworth moved the previous question, which being seconded, was put and carried.

The House then refused to adopt the amendment offered by Mr. Brown.

The substitute offered by Mr. Wood was then adopted.

The bill thus amended was then adopted and ordered engrossed.

On motion of Mr. Anderson, the rules were suspended, the bill read third time by caption, and passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Anderson, Armstrong, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Cook, Cunningham, Davenport, Day, Denton, Doyle, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kleberg, Lane, Manning, McDonald, Nelson, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Scott, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Venters, Watts, Westfall, Winkler and Wood—62.

Nays—Messrs. Allison, Mabry, Mills, Moore, Morris,

Phelps, Roberts, Stockbridge, Washington, Wilder and Williams—11.

On motion of Mr. Brown of Dallas, the Committee on State Affairs were granted leave to make a special report, and submitted the following :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on State Affairs have considered a bill for the relief of Bayland Orphan's Home, and instruct me to report the accompanying substitute, entitled "An act to aid Bayland Orphan's Home," and recommend its passage. This is one of the noblest institutions in the State; in its purely benevolent character it has no superior. Wholly unsectarian, the only passports to admission are orphanage and destitution. Over a hundred boys and girls are now being nurtured, clothed and educated by it, entirely by voluntary private contributions. Its officers and directors are gentlemen widely known for their integrity and moral worth. The donation proposed by the bill, though small in intrinsic value, will cheer the friends and managers of the institution to renewed efforts in building up the school, and diffusing its blessings among those whose dependent condition appeals to the purest emotions of the human heart.

J. H. BROWN, Chairman.

The substitute recommended by the committee was adopted.

Mr. Ireland offered the following amendment: After the word "acres" add "of land heretofore set apart for the benefit of orphan asylums."

Mr. Anderson moved to recommit it to a special committee of three, which motion carried.

The Speaker appointed Messrs. Ireland, Anderson and Smith of Colorado said committee.

The Committee on Enrolled Bills submitted the following reports:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 790, "An act defining a further cause of continuance in civil causes," and find the same correctly enrolled, and have this the twenty-ninth day of April, at 10:30 o'clock A. M., presented the same to the Governor for his signature.

W. A. SHAW, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined and compared House bill No. 630, "An act to provide for the registration of voters, and to repeal an act to provide for special registration of voters preparatory to an election under the provisions of an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvement, approved May 31, 1871," and find it correctly enrolled, and have this the twenty-ninth day of April, at 12:10 o'clock P. M., presented the same to the Governor for his signature.

W. A. SHAW, Chairman.

On motion of Mr. Ireland, the House then adjourned until 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, April 30, 1873. {

House met pursuant to adjournment. Prayer by Rev Dr. Pendleton of Virginia. Roll called; quorum present. Absent—Messrs. Ellett, Payne and Robb.

On motion of Mr. Harrison, Mr. McDonald was excused for eight days, on account of business.

On motion, Mr. Kleberg was excused on account of sickness.

On motion of Mr. Morris, the reading of the journal was dispensed with.

On motion of Mr. Morris, leave was granted the Finance Committee to make the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Finance, to whom was referred Senate bill No. 132, entitled "An act consolidating the outstanding debt of the State of Texas, and providing for the settlement and payment of the same, substituted for House finance bill No. . . . , have considered the same, and have instructed me to report the bill back to the House, and recommend that it do not pass.

The committee deem it not out of place to briefly note the following objections to the bill under consideration:

1. It proposes an issue of two millions of State bonds, and creates a permanent financial agent, with an annual salary at the rate of seven thousand five hundred dollars, with his expenses in the sale of the bonds added.

2. It compels the Governor to have the bonds prepared and delivered to the agent, at such times and in such amounts as said agent may demand; and here the authority of the Governor or other State authority ceases, as to the sale or exchange of the bonds.

3. It proposes an official bond for an agent with power to control two millions of bonds, in the sum of only one hundred thousand dollars.

4. It confers on the agent unrestricted authority to dispose of the bonds on his own terms, and in like manner to deal with and settle the outstanding obligations of the State, without the usual supervising control of the Governor or other State authority.

5. It compels the agent to consolidate Texas bonds having long to run, and tested because of no default of payment of interest to the holder. This, it is believed, cannot be done without a positive loss to the State, and with no corresponding advantage.

Your committee will only add that to put two millions of State bonds on the market at this time for any purpose, would, in their opinion, be unwise, and attended with unsatisfactory results. Instead of such a course, it is hoped that the Legislature will adopt such measures as will restrict the outstanding liabilities of the State to the lowest point consistent with the demands that should be provided for, without delay. Your committee confidently hopes that pending measures looking to this desirable result will be speedily perfected, doing ample justice to the creditors of the State.

W. W. MORRIS, Chairman.

The report was adopted, and the bill indefinitely postponed.

Mr. Trolinger presented a petition of John Bodin for relief. Referred to the Committee on State Affairs.

On motion of Mr. Mills, the special committee to investigate the office of Superintendent of Public Instruction, were granted leave, and submitted the following report:

Hon. E. B. Pickett, President of the Senate, and Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Special Joint Committee, to whom was referred concurrent resolution directing inquiry into the official conduct and accounts of the Superintendent of Public Instruction, and of his subordinates in office, have performed the duties assigned them to the best of their ability, and report the following as the result of their investigation, to-wit:

1. In the appointment of W. B. Bonner, of Limestone notoriety," and of Geo. W. Smith, commonly known as "Brenham-burner Smith," as inspectors of schools for Grimes county, your committee are of the opinion that the Superintendent of Public Instruction did, in these appointments, evince a wanton disregard of public opinion, and a criminal disposition to make the power, with which he is vested, a means by which to reward party fealty at the expense of the common good. The character of these men, and the gross outrages with which they were charged, certainly could not have been unknown to the Superintendent, and their selection to fill so high and important a position as that of inspector of schools, does not indicate that true devotion to the best interests of the department over which he presides that was desired, if not expected by the people. The testimony of B. A. Strange (No. 9), himself an appointee as a member of the board of school directors for the same county, discloses the singular fact that Smith left the county as soon as the Republican nomination had been made, which circumstance, taken in connection with the further fact that he was at the same time postmaster at Corsicana, and while inspector was not known to visit a single school in Grimes county, leads the mind to the inevitable conclusion that his appointment was made for political purposes, and not in the interest of the people of the county to which he was sent. What merits these men possessed beyond those which the notoriety they enjoy throughout the whole country warrants in attributing to them, the evidence does not show, and your committee feel justified in the belief that the power was used, in this instance, for the purpose of promoting the success of that party of which the Superintendent is so prominent a member, and in whose efforts to control the country he has played so conspicuous a part.

2. By reference to the statement of A. S. Reed (No. 11), it will be perceived that notwithstanding the Superintendent was, more than once, notified of the character and conduct of the board of school directors of Tarrant county, no investigation was ever directed into the truth of the charges made against them, by their superior in office (the witness), and for aught your committee know, these very same men are still retained in the position to which they were originally assigned. Your committee can find no excuse for the conduct of the Superintendent in this matter, and deem it their duty to invite the special attention of this honorable Legislature to so palpable and unjustifiable a failure upon the part of the Superintendent to maintain the good character of the common school system, and to remove from official position such unworthy persons as comprise the board of school directors of which the witness speaks.

3. The testimony of L. P. Rucker and T. J. Lockett (Nos. 8 and 10, respectively), subjects the Superintendent to another charge of a very grave and serious character, that is, partiality in the payment of teachers. Your committee have failed to discover any good reason why teachers of colored schools, even though they had come from the North, should receive salaries larger than those of the same grade who teach white schools. It will be seen from the evidence of Lockett that six teachers of colored schools, who were ladies from the North, received pay at the rate of ninety dollars per month, while all other teachers, who held the same character of certificates, were paid only seventy-five dollars per month. That the Superintendent was cognizant of this fact is beyond all doubt—the vouchers of all teachers, upon which alone payment could be made, being subject to his approval. The rules and regulations adopted by the Board of Education under the act of November 29, 1871, prescribing the salaries of teachers, allowing those who have second class certificates seventy-five dollars per month, but authorizing the Superintendent, in special cases, to increase their salaries to ninety dollars per month. Why this discrimination was made does not appear in the evidence, except for the reason that these favored teachers had large schools. But they were not without assistants, and surely the character of the schools to which they were assigned did not require qualifications

superior to those necessary to be possessed by teachers of white schools.

By Rucker the fact is established that the voucher of Washburne, a teacher of a colored school, was reduced by him to seventy-five dollars per month, and forwarded to the Superintendent, who, for some reason unknown to witness, returned it, increasing Washburne's pay to ninety dollars per month. True it is that Washburne's school was large, yet the evidence shows that he was assisted by three others, all of whom taught the elementary branches in the same room.

The witness, who held a first class certificate, and was teaching a white school ranging from fifty to eighty scholars, received only the pay of a second class teacher.

Your committee respectfully submit that the Superintendent, being by virtue of the present school law, vested with almost despotic power, and requiring, with the disposition of an inquisitor, the submission of every official act of his subordinates to his own critical inspection, should be held to a strict responsibility for every piece of impropriety which may have come to his knowledge, and which he has not sought to correct.

4. The purchase of slates through the intervention of A. S. Mair (No. 2) raises a very grave suspicion in the minds of your committee that a great fraud was practiced in that matter upon the State, and, furthermore, that said fraud was committed within the knowledge and with the connivance, or through the negligence of the Superintendent. The witness, Mair, was instructed to purchase from a particular quarry a certain number of slates. It is not to be presumed that the Superintendent would have restricted the witness to a single quarry without knowing what would be the cost. In compliance with these instructions, Mair purchased four hundred and six slates, giving in payment therefor New York acceptances, due ninety days after shipment. Within twenty-five days after leaving the place of manufacture, and more than sixty days before the acceptances fell due, the slates reached Galveston and Jefferson, at a total cost to Mair of \$5434.24, when Mair was paid for them the sum of \$8275, thus realizing a net profit of \$2830.76 on so small an adventure, in so short a time, without having paid one dollar in advance. Comment is unnecessary; and while it may be true, as the witness as-

serts, that the Superintendent was not interested with him in the purchase, yet, inasmuch as he was restricted to a particular quarry, and not permitted to go into the market generally, the committee are clearly of the opinion that the Superintendent is justly censurable for permitting so great a loss to the State, when it might have been so easily avoided by direct purchase by the Superintendent or his subordinates.

In the testimony of W. C. Philips (No. 21, page 64), it will be seen that in the purchase of school registers \$1973 were expended, when books of the same kind and of as good quality could have been purchased of the *Galveston News* for \$960, and the State saved a useless expenditure of more than \$1000.

5. On pages sixty-two and sixty-nine respectively it will be observed that George W. Smith, W. H. Griffin and John N. Shafter received pay amounting to more than \$1300 for services as officers of the militia in Limestone and Freestone counties, and during the very same time also drew salaries as officers of the public free schools. (See pages sixty-two to sixty-five inclusive, and also page sixty-nine.) Your committee are of the opinion that the Superintendent, in permitting these men to draw "double pay," acted in utter disregard of the public interest, and was guilty of a favoritism for which no satisfactory apology can be offered. Nor can he shelter himself behind the opinion of the Attorney General that a position in the militia was not such an office as debarred one from being an officer in the public free schools. If Griffin, Smith and Shafter were rendering actual service in the field (to which fact the unfortunate people of Limestone and Freestone counties will testify), they certainly were not performing their duties at the same time and at a different place as officers of the free schools; and such being the case, we know of no law or rule of equity or principle of morality that authorizes their payment for services that they did not and could not perform. Upon the Superintendent rests the responsibility of thus expending the public moneys. Such conduct cannot be too severely reprehended. It indicates a looseness of official morality that stands in strange contrast with that of the officials of other days, and is the more conspicuous because it is exhibited in the conduct of one whose example should be worthy of all imitation.

According to the testimony of E. J. Davis (page eighty-seven), it will be seen that these men were directed to refund their commutation money. Their pay proper was retained. By reference to the report of the Adjutant General, giving an abstract of the disbursements of moneys, etc., it will be observed that the fuel commutation of these men did not amount to more than one hundred dollars; so that the pay they received as militia officers, after returning the commutation money, exceeded twelve hundred dollars. While upon the subject of the improper disbursement of public funds, which were under the exclusive control of the Superintendent, your committee would invite the further attention of this honorable Legislature to the following facts, as disclosed in the testimony of W. C. Philips (No. 21), J. D. McCall (pages sixty-nine to seventy-nine inclusive), W. D. Moore (No. 27), David Sheeks (No. 28), H. O. Hefster (No. 26), to-wit:

First. The appointment of Charles Parker by the Superintendent, as examiner in the Bureau of Education, and his payment as such, while he was in the service of the United States as a detective, and for which he drew pay from the general government.

Second. That Stanley Welch was paid as an employé in the Superintendent's office from the twenty-first day of December, 1872, and to the twenty-first of January, 1873, and at the same time he was in the employment of the *State Journal* office, at Austin, Texas.

Third. That the Superintendent himself drew double pay for the month of January, 1872, which was not rectified until discovered in the office of the Comptroller.

Fourth. That notwithstanding the Superintendent was furnished with a free ticket over the Central railroad, yet for trips on said road he drew, upon an average, more than twelve dollars per day for traveling expenses.

Fifth. That without the authority of law, he employed and caused to be paid out of the school fund, attorneys, when there were district attorneys to represent the State. From a careful examination of the evidence it will be discovered that there is no testimony tending to disprove the facts which have been last enumerated.

Mr. Welch (No. 38) says that he left the employ of the Educational Department on the twenty-second day of last January, but does not deny that he was, before leaving, in the employment of the *State Journal*, and Mr.

Newcomb (No. 41), one of the proprietors, himself testifies that Mr. Welch assisted him "in book-keeping matters" before formally employed—that is, before the twenty-second of January last. In order to justify the employment of attorneys we cannot think that the Superintendent will be permitted to plead the authority of the Board of Education. Your committee, after a most careful examination, have wholly failed to discover any law permitting the expenditure of the school fund for such a purpose; nor can your committee conceive the necessity for so doing, there being an attorney in each district whose duty it is to represent the State in all matters, civil as well as criminal.

Sixth. The unjustifiable diversion of the one per cent. school tax from the purposes for which it was designed by the law exhibits a character singularly willful and arbitrary, and has established a precedent hitherto unknown to the civil history of this country—that the law is to be respected only when it comports with the will of the officer, and whenever the necessity, however slight, occurs, affords no protection to the citizen, though its language be ever so strong.

7. As an evidence of the extravagance of the Superintendent, your committee invite attention to the cost of the "clerical force" in his office. (Page 122.) This does not include other expenses, which, if corresponding with the items above mentioned, would increase the cost of maintaining the central office of the department of public schools to an amount truly alarming.

8. ~~That the high and responsible office of Superintendent of Public Instruction has been used for political purposes, and made to subserve partisan ends, will, in the opinion of your committee, be the conclusion of every candid mind, from a careful survey of the evidence which your committee present for the consideration of this honorable Legislature. The testimony of Warren Norton (page 47) and C. Caldwell (No. 36), places the fact beyond dispute, and your committee are forced to the painful conclusion, that the department of public instruction, which ought to be entirely free from all political influences whatever, has been so contaminated by partyism, and the maladministration of its chief, as to be, in its present condition, a curse rather than a blessing to the people. Section three of the act of November 29, 1871.~~

gives the Superintendent an unlimited control of that portion of the school fund which is paid into the State Treasury ; and, availing himself of that provision in the law, he has not hesitated to withdraw from the possession of the proper custodian of the public money, large sums, and afterwards filing vouchers to cover the same. Statement No. 51 of the Comptroller shows that on the fourteenth day of August, 1871, the Superintendent drew, upon requisition, the sum of fifty thousand dollars, but did not obtain a corresponding credit until April, 1873, more than seven months afterwards. The Superintendent, having been permitted to draw moneys, by requisition, from the Treasury, thus relieving the Comptroller from duties which are particularly incident to his office, it has been entirely impracticable for your committee to ascertain whether or not any frauds have been practiced, other than such as appear in the evidence. Certainly, there was every opportunity, through the mode adopted for speculating with the public funds, and imposing upon those who may have held such accounts and vouchers as were payable out of said funds. It is not, therefore, to be presumed that, from the failure of this committee to bring to light any other irregularities and improprieties upon the part of the Superintendent and his subordinates, except those which are disclosed in the testimony, none others were perpetrated. Your committee have confined themselves to the presentation of such facts as are not contradicted, and with which the Superintendent is directly connected. There are many other facts contained in the evidence, equally pertinent with those that have been cited, which establish, beyond all dispute, the criminality of those engaged in their accomplishment.

In conclusion your committee say that the Superintendent of Public Instruction has been guilty of the most palpable abuse of his official position, doing those things which he ought not to have done, and leaving undone those things which he should have done, as is manifest from the testimony ; that with millions of dollars, subject to his own exclusive control, and every officer and teacher throughout the whole State utterly defenseless against the gratification of his slightest whim, however unreasonable and undeserved, his exercise of power has been such as is peculiar to tyrants only, and his expenditures of the public money reckless and extravagant beyond all prece-

dent. Your committee do not think it necessary to recommend any particular character of action by this honorable Legislature in regard to the Superintendent of Public Instruction. The facts presented are pregnant with suggestions as to the course that should be pursued. No crime should be held in greater abhorrence by the legislative department of any government than the willful abuse of a public trust.

JOS. D. SAYERS,
Chairman Senate Committee.

H. J. AVINGER,

A. J. BALL,

Committee on the part of the Senate.

J. S. MILLS,

Chairman House Committee.

K. M. VAN ZANDT,

STEPHEN POWERS,

J. W. KEMBLE,

L. E. GILLETTE,

W. D. WOOD,

J. PAYNE,

JAS. M. ANDERSON.

Senator Hall, a member of the special joint committee to investigate the official conduct and accounts of the Superintendent of Public Instruction, and of his subordinates, submitted the following minority report:

Hon. E. B. Pickett, President of the Senate, and Hon. M. D. K. Taylor, Speaker of the House of Representatives:

It would be perhaps sufficient for the minority of the ~~special joint committee of investigation to say~~, that from the moment the majority of your committee decided to take all evidence against the Superintendent of Public Instruction in secret and *ex parte*, they hardly deemed it proper or just that they should attend the committee, as it seemed to have already settled upon their report by such action; but when the doors of the committee room were open to the Superintendent, and he was refused, as we think, an impartial investigation; when he was not allowed a clerk, and the rulings of the committee were against established rules of law, your minority remained away, with the exception of a few meetings, altogether. However, we desire to lay before the honorable Legislature a few facts in the testimony and action of the com-

mittee, and ask your attention thereto. We give appended hereto the different protests of the Superintendent of Public Instruction, which, in our opinion, should have been made part of the proceedings of the committee.

Regarding the evidence of Mr. Strange, as to Mr. Smith's reputation, establishes nothing. He states George W. Smith was known by reputation as the officer who commanded the Federal troops at Brenham when Brenham was burned. It was also well known that General Sheridan personally investigated this matter, and exonerated Smith. Smith being an educated man, fully capable of filling the position of inspector, received that appointment. That Mr. Strange does not know of his own knowledge that Smith ever examined a school in Grimes county, does not prove that he did not. If the committee believed he had not, why did they not establish this fact by sending for and examining some of the teachers?

As to W. B. Bonner having been charged with stuffing the ballot box in the election of Limestone and Freestone counties, Mr. Strange gives as a rumor, but the country well knows that out of a registered Republican vote of about six hundred, the Republican candidate only received twenty-eight votes; so, if Mr. Bonner stuffed the ballot box of Limestone county, of which county we are reliably informed he was registrar, he must have done so for the Democratic party.

We find, upon a careful perusal of the testimony, nothing whatever to show that the Superintendent corruptly or otherwise used the school money or any portion thereof; but, on the contrary, we find that he has made complete settlement with the Comptroller, as per statement attached to testimony, marked No. 51. This statement shows that he drew the last requisition on August 14, 1872, amounting to \$50,000, and settled that requisition in April, 1873. If the committee had any doubt as to what had been done with this money, why did they not apply to the State Treasurer, where they would have found that not one dollar of this amount had been drawn from the Treasury, except when paid to teachers and employes, after the Comptroller had audited their vouchers. Further, if the committee believed that any of the school funds had been used except for their legitimate purposes, it was well known that all school money drawn on

requisition had been deposited with Messrs. Raymond & Whitis, of Austin, whose evidence could have been procured at any moment.

The transaction of the purchase of slates seems to your minority committee, as far as the Superintendent is concerned, a legitimate transaction. We refer to the testimony in the cross-examination of Mr. A. S. Mair, page 7. And it will be further seen by the testimony of Hon. Wm. Alexander, Attorney General and member of the Board of Education, as well as by the testimony of Governor E. J. Davis, that the Attorney General recommended to the Board of Education the purchase of these slates, and called the attention of the board to this particular quarry. (See page 98 of the testimony.)

Two hundred and thirty-five thousand dollars were drawn by the Superintendent on requisition, and that amount has been settled by him to the satisfaction of the accounting officer of the State, the Comptroller. This is the only money which could, according to the laws of our State, pass through the Superintendent's hands, and not the millions spoken of by the majority of your committee.

How, then, can it be even intimated that he has speculated with public funds when there is not one iota of evidence to sustain such a charge?

As to the evidence of Messrs. Rucker and Lockett, where it is charged by the majority of your committee that the Superintendent has shown partiality in the salaries of teachers of white and colored schools, it is not true; he has allowed in the county of Washington six teachers, teaching colored schools, old rate salary, as he is permitted to do by regulations of Board of Education, as shown in the testimony of Mr. Rucker, page twenty-five. And in this matter we refer to the evidence of Rev. J. G. Lieb (No. 42), which shows that not a white person in Washington county could have been procured to teach a colored school, and it is well known throughout the State that it has been impossible to procure the services of Texans to teach colored schools at any price. Every witness of whom the question was asked, stated they did not know of any partiality having been shown by the Superintendent of Public Instruction to teachers; also that he never asked, either before or after their appointment, the politics of school directors, teachers, principals or in-

spectors, nor is it anywhere shown in the evidence that the Superintendent had used his office for political purposes, but it is shown to the contrary whenever the question was asked. (See evidence of Governor Davis, Senator Baker, Colonel Morrison, Governor Flanagan and others.)

As to the statement of Mr. Reed, principal of schools of Parker and Tarrant counties, he must have known that the law gave supervisors the power to appoint and remove school directors; so his complaints, if any were made, should have been to that officer, but in examining the list of witnesses whom the Superintendent requested to have summoned, and to which list he was required by the committee to make oath as to what he expected to prove by them, we find that he requested the summons of Hon. A. B. Norton, of Dallas, for the purpose of proving the character of the board of directors of Tarrant county, and that the statement of Mr. Reed in regard to the board was not correct; that he also requested the summons of Dr. Ewing and Mr. E. Hovencamp to prove the statements made by Mr. Reed were not correct.

The testimony of Mr. Maxwell, accountant of the Superintendent's office, shows that, in the examination and approval of about thirty thousand accounts, but five mistakes had been made in their examination—that is, five accounts had been approved twice. The evidence of Mr. McCall shows that these errors were rectified—the Superintendent's among the rest.

As to the evidence of Mr. Philips, regarding the purchase of teacher's registers, it is shown by the evidence of Mr. Raven (No. 45, page 116) that the ruling and binding alone could be done at his establishment at one dollar and fifty cents apiece—this without the paper and printing—while the State only paid one dollar apiece for them. It will, also, be seen, by the evidence of Mr. Philips, that he asked one of the proprietors of the *Galveston News* at what price they would furnish another department with certain books, and, after ascertaining the price, did not notify the Superintendent. What his object could have been we cannot conjecture.

Before closing this report we desire to call the attention of the Legislature to the fact that the committee was in session over two and one-half months; that during this time it sat in secret, and took evidence *ex parte* for about

three weeks, and gave the Superintendent, for the purpose of having his witnesses brought here and examined, eight days—that is, they gave him from the second of April to the ninth of April (originally to the eighth), subpoenaing witnesses in the city of Austin on the third, and giving him subpoenas for the witnesses for the State at large on the morning of the fourth of April, after the mail had left, thereby leaving him (excluding Sunday) four days in which to bring witnesses from long distances, and different parts of the State. Attention is especially invited to this action of the committee, and to his statement under oath as to what he desired to prove by his witnesses. The labors performed by the Superintendent of Public Instruction, in opening to the youth of the State two thousand and sixty-seven free schools, employing two thousand six hundred and twenty-five teachers, and placing into these schools over one hundred and twenty-seven thousand children, at an actual cost to the State of about one dollar and forty cents per scholar per month, with all expenses paid, in the first year of the operation of the school law, speaks for itself.

The testimony, in our opinion, shows that the Superintendent has performed his duty fully under the law which he has sworn to execute; if this law is not one the majority of your committee approves, it is not his fault.

The Superintendent had, no doubt, the power to make political capital with his office, but no evidence has been produced to show that he has done so, except that of Judge Caldwell, and he speaks of street rumors; he had also opportunities to speculate with school money, but no evidence has been elicited to show that he has done so; but on the contrary, the committee, while in secret session, and once afterwards (see evidence of Thomas H. Sharp, page 61, re-examination), did ask different witnesses questions affecting the honesty and integrity of the Superintendent, and were in all instances answered in his favor; but this evidence was not recorded, except in the case of Sharp.

We here call attention to the evidence of Mr. Philips (page 64, cross-examination), which shows that Col. Parker was never indebted to the State.

The superintendent, before approving the vouchers of Col. Parker and Col. Smith, traveling examiners, and Major Griffin, supervisor, while the two latter were serv-

ing as militia officers, and the former in the United States revenue service, asked the opinion of the Attorney General as to the justice of their claim as school officers ; upon his opinion (see page 98) their vouchers were approved. We also refer to the Attorney General's evidence, on pages 97 and 98, and of Mr. Eggleston, No. 44.

We call attention to the statement of Major John N. Shafter (page 101), who swears that he did not draw pay as supervisor and major of militia for the same time. Major Welch was an employé of the Superintendent's office to the twenty-first of January, 1873, which is shown by the testimony of Major Welch (No. 38, page 110), and also by Hon. J. P. Newcomb (No. 40, page 112), and nothing to the contrary is shown, except that he was in the *State Journal* office before that time, which may have been true, but it is not shown that he did not perform his services in the Superintendent's office ; he may have worked at the *Journal* office after office hours ; nothing is produced to show that he worked there during office hours.

The evidence of Warren Norton should not be taken into consideration. He states that Mr. Ribble was supervisor of schools when he taught at Sherman ; but the report of the Superintendent shows that Ribble had been discharged nearly a year before that time. (See testimony, page 46.) His entire testimony and letters, attached thereto, show that he is not reliable.

The majority of your committee refer to the employment of attorneys to represent the State in school tax cases, and blame the Superintendent severely for such action, when it is shown on page 100 that the Board of Education directed the Superintendent to so employ an attorney, and fix his salary. This has no doubt been done under section five of the school act, approved April 24, 1871. In justice to the Superintendent, we desire to state, that on the first day of the meeting of the Senate committee, he informed the chairman, Hon. J. D. Sayers, that newspapers had made serious charges against him regarding the purchase of slate blackboards, furniture and school books, taking the ground that he was interested in their sale. He requested the chairman then, and afterwards, to send interrogatories to the different houses from whom these articles were purchased, and ascertain whether these rumors were based on facts ; but this was

not done. The reason why this was not done, we cannot give, as the committee certainly should have sent to the fountain head to get facts, and not receive street rumors, and accept hearsay as evidence.

The minority of your committee deem hardly worth noticing that portion of the report of the majority of your committee which refers to the Superintendent drawing traveling expenses when he had a free pass over the Central Railroad, when it is well known that in this, as well as all other States, passes are given to persons by railroads, and not to offices they may occupy; and we have yet to learn that any member of the Legislature holding a free pass has ever refused to accept his mileage.

The suspicions the majority of your committee seem to entertain in reference to certain purchases, could, we opine, have been easily cleared up, if they had so desired, by sending interrogatories to the places of purchase.

In conclusion, we desire to say that the testimony, although taken in a great measure *ex parte*, fails to sustain the charges and insinuations contained in the report of the majority of your committee.

P. W. HALL,

For Minority of Committee.

The report was laid on the table for examination.

Mr. Sabin introduced a joint resolution providing for the publication of a volume of reports concerning the cases decided by the Supreme Court of the Republic of Texas. Referred to Judiciary Committee No. 1.

Also, joint resolution relative to our Senators and Representatives in Congress. Read first time, and referred to the Committee on Federal Relations.

Mr. Tom introduced a bill for the relief of John Henderson. Read first time; rules suspended, read second time and ordered engrossed. The bill was read third time.

Mr. Russell moved to refer it to the Committee on Private Land Claims. The House refused to refer.

On motion of Mr. Tom, the bill was then referred to the Committee on Private Land Claims.

Mr. Mills moved to reconsider the vote of yesterday, fixing the rate of pay for newspapers furnished up to March 6 at five cents per copy. The House refused to reconsider.

Mr. Watts introduced a bill to prohibit the sale or giving away of spirituous, vinous, malt, or other intoxicating liquors at certain places therein named. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Watts, the rules were further suspended, the bill read third time and passed.

Mr. Powers presented a bill to incorporate the Texas detective police agency. Referred to the Committee on State Affairs.

The conference committee upon Senate bill No. 218, "An act to establish and maintain a system of public free schools in the State of Texas," submitted the following report:

Hon. E. B. Pickett, President of the Senate, and the Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIRS: Your committee of free conference of the two houses, to whom was referred the questions of difference between the Senate and House of Representatives on Senate bill No. 218, to be entitled "An act to establish a system of public free schools in the State of Texas," have had the same under careful consideration, and beg leave to make the following report, viz:

That the House shall recede from the first and second amendments to section one.

That the House shall recede from the House amendment to section sixteen.

That the House shall recede from the third and fourth amendments to section twenty-two.

That the House shall recede from the amendment to section twenty-three, and that said section be stricken out and the following be inserted in lieu thereof:

SEC. 23. An *ad valorem* tax for the scholastic year commencing September 1, 1873, of twenty-five cents upon each one hundred dollars of taxable property, is hereby levied for the purpose of building and repairing school houses, which shall be collected in the same manner as other taxes are collected in the several school districts of the several counties; *provided*, that this tax, or any portion thereof, may be relinquished (before collection) to the tax payers of any district, by the board of directors, upon information from the board of trustees of said district that no such tax is necessary; *and provided further*,

that the tax herein provided for shall not go into the public school fund, but shall be expended in the district in which it may be collected; *and provided further*, that no district shall be taxed for the building or repairing of school houses situate in any other district; *and provided further*, that this tax shall not be collected in any district wherein no public free school is established, or proposed to be established.

That the House shall recede from the first amendment to section twenty-five.

That the Senate shall concur in the second amendment to section twenty-five.

That the House shall recede from the third amendment to section twenty-five.

That the Senate shall concur in the second amendment to section twenty-seven.

That the House shall recede from the first amendment to section thirty-two.

That the House shall recede from the second amendment to section thirty-two.

That the Senate shall concur in the second amendment to section thirty-four.

That the Senate shall concur in the amendment to section thirty-seven.

That the Senate shall concur in the House substitute for section thirty-eight.

That section thirty-eight shall be section thirty-nine.

E. L. DOHONEY,
Chairman Senate Committee.
J. W. KEMBLE,
Chairman House Committee.

Mr. Wood moved to postpone the further consideration of the matter until May 2.

Mr. Harrison moved to lay that motion on the table, which motion carried.

The report was then adopted and the bill thus amended passed.

The following communication was ordered to be spread upon the journal :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The undersigned being called off on yesterday evening upon the conference committee of the two Houses when the vote was taken upon the joint resolution calling

a constitutional convention, would respectfully ask that their names appear on the journal as voting for the proposition.

(Signed)

J. G. KILLOUGH,
ED. CHAMBERS,
J. W. KEMBLE.

The Speaker announced House bill No. 662, An act to release certain taxes to the residents of Cooke, Wise, Parker, Hood, Erath, Hamilton, Lampasas, Burnet, Blanco, Kendall, Bandera, Medina, Frio, McMullen, Duval, Starr and all the counties lying west and southwest of the same," with amendments by the Senate. The amendments were concurred in and the bill passed.

Senate bill No. 246, "An act to amend an act to organize the courts of justices of the peace and County Courts, and to define their jurisdiction and duties, approved August 13, 1870;" and to repeal so much of section three of said act as gives an appeal from justices's courts in judgments rendered in cases of forcible entry and detainer, was referred to Judiciary Committee No. 2.

Senate bill No. 274, "An act to validate and supplement the charter of the Bastrop Coal Company of Texas," was referred to the Committee on State Affairs.

Senate bill No. 302, "An act to incorporate the town of McDade, in Bastrop county, Texas," was taken up.

On motion of Mr. Anderson, the reading of the bill was dispensed with.

The bill was then read by caption, rules suspended, the bill read second time and passed to third reading.

On motion, the rules were further suspended, the bill read third time and passed.

Senate bill No. 306, "An act to incorporate the town of Wharton, in Wharton county," was taken up.

Reading dispensed with.

Rules suspended, read second time; rules further suspended, read third time by caption and passed.

The consideration of House bill No. 453, a bill regulating taxation, was then resumed, pending the amendment offered by Cook and the amendment thereto by Mr. Russell. Mr. Kleberg moved to lay the amendment to the amendment on the table, which carried.

Mr. Payne moved to lay the amendment on the table, which carried.

Mr. Cook offered the following amendment: Line one

hundred and eighty-eight, insert after the word "every" the word "protecting." Amendment adopted.

Mr. Sayers offered the following: Section three, line sixty-seven, strike out "fifty dollars" and insert "twenty-five dollars;" in line sixty-nine strike out "twenty-five dollars" and insert "fifteen dollars."

Mr. Sabin offered the following substitute for the amendment and section: "SEC. 3. That all occupations not mechanical or agricultural shall be taxed as follows: All occupations twenty-five dollars per annum, and all persons following the same shall pay the same before engaging therein."

Mr. Denton moved to lay the amendment and substitute on the table.

Division being called for, the question was put upon the substitute. The House tabled the substitute by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Chambers, Cook, Davenport, Day, Denton, Ellett, Gaston, Ghent, Gillette, Gilpin, Hester, Hoffman, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Manning, Nelson, Payne, Powers, Prendergast, Rainey, Robb, Rosborough, Sayers, Scott, Shaw, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Van Zandt, Watts, Westfall, Winkler and Wood—49.

Nays—Messrs. Abbott, Booty, Brown of Dallas, Carroll, Cunningham, Doyle, Mabry, Mills, Moore, Morris, Noeggerath, Phelps, Roberts, Russell, Sabin, Salter, Schmidt, Shelton, Stockbridge, Tivy, Tom, Trolinger, Washington, Wilder and Williams—25.

Mr. Sayers then withdrew his amendment.

Mr. Brown of Dallas offered the following: Strike out the words "fifty" in line sixty-seven and "twenty-five" in line sixty-nine, and insert in each place the words "thirty-seven and a half;" strike out the words "fifty" in line seventy-three and "twenty-five" in line seventy-five, and insert in each case "thirty-seven and a half." The House refused to adopt the amendment.

Mr. Storey offered the following: Amend section three by inserting in line one hundred and fifty-seven, after the word "auctioneer," the words "in every town or city of not less than two thousand inhabitants;" and in line one hundred and fifty-eight, after the word "dollars," insert

the following: "And on all other auctioneers an annual direct tax of ten dollars." The House refused to adopt the amendment.

Mr. Anderson offered the following: Section three, line twenty, strike out "two hundred and fifty" and insert "five hundred."

Mr. Sayers moved to lay the amendment on the table, which carried.

Mr. Anderson offered the following: Line one hundred and seventeen, strike out "traveling agent," and insert "person." Amendment adopted.

Mr. Prendergast moved to reconsider the vote just taken. The vote was reconsidered.

Mr. Anderson then offered the following amendment to his amendment: Insert "traveling" before "person." Amendment adopted.

Mr. Anderson offered the following amendment: Lines one hundred and eighteen and one hundred and nineteen, strike out "patent or specific medicines," and insert after the word "dollars," in line one hundred and nineteen, "from every traveling person selling patent or other medicines by retail five hundred dollars, and the person so selling shall pay said tax before engaging therein."

Mr. Rainey offered the following substitute for the amendment: "From every person traveling through any county selling or bartering patent recipes or patent or specific medicines, five hundred dollars; *provided*, that this provision shall not be so construed as to apply to agents traveling for mercantile houses in any town or city."

The House refused to adopt the substitute. The amendment was then adopted.

Mr. Smith of Colorado offered the following: Strike out all of section three after the word "dollars," in line one hundred and fifty-eight, and insert in lieu thereof as follows: "For every practicing physician having a permanent home in this State, ten dollars, and for every physician or surgeon having no permanent home in this State, five hundred dollars in each county where he may practice his profession."

The Committee on Engrossed Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SEN: Your Committee on Engrossed Bills have carefully examined the following bills:

No. 332, "An act supplemental to and amendatory of the several acts concerning injunctions."

No. 794, "An act to amend section seven of an act entitled an act to incorporate the city of Waco."

No. 50, a bill to be entitled "An act to regulate the practice of medicine."

No. 560, a bill to be entitled "An act to amend articles five hundred and twenty-seven and five hundred and twenty seven *α* of the code of criminal procedure."

And find the same correctly engrossed.

BOOTY, Chairman.

A message from the Senate announced the passage by that body of the following House bills:

No. 23, "An act to create and provide for the organization of the county of Gregg."

No. 411, a bill to be entitled, "An act to create the county of Waller."

No. 399, "An act to provide for the registration of births."

Also, of the following Senate bills:

No. 254, "An act to incorporate the city of El Paso."

Joint resolution No. 32, instructing our Senators and requesting our Representatives in Congress to endeavor to secure the improvement of the harbor of Galveston, and requesting for the memorial of the mayor and board of aldermen of the city of Galveston, upon that subject, the early and favorable consideration of the Congress of the United States.

No. 275, "An act to organize the county of Green."

No. 255, "An act to incorporate the Paris Street Railway Company."

No. 248, "An act to empower the Commissioner of the General Land Office to issue Willett Homes a headright certificate of one league and one labor of land."

No. 207, "An act to incorporate the Shelby County Agricultural, Mechanical and Industrial Association."

No. 184, "An act to incorporate the Germania, of Columbus."

Also, that the Senate had adopted the report of the Conference Committee upon the school bill.

On motion of Mr. Morris, the House then adjourned until 4 P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called, quorum present.

The following gentlemen were absent :

Messrs. Bewley, Day, Doyle, Ellett, Lyendecker and Phelps.

On motion, Mr. Hester was granted leave of absence for six days.

Mr. Hester moved to reconsider the vote of this morning, tabling amendments to the bill regulating taxation, offered by Messrs. Cook and Russell.

By consent, the matter was postponed until to-morrow morning.

The Texas Military Institute bill was then resumed, being unfinished business of yesterday.

Pending an amendment offered by Mr. Rainey, Mr. Mills submitted the following minority report upon the bill :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: We, the minority of your Committee on Education, respectfully present this as our report on House bill No. 393, "An act providing for the establishment of the Texas Military Institute and State Normal Academy."

After maturely considering the provisions of said bill, and after investigating the condition and workings of said institute, we are convinced that the objects to be obtained by said bill are very meritorious, and of great importance to the State.

1. It supplies what is now considered, and universally acknowledged to be the great want in our educational system—a normal school for the education of teachers.

2. It turns over to the control of the State, as a great head to its educational system, an organization which the State could only establish by years of experience and vast expenditures of money.

3. In full running order it will keep within the State \$100,000 gold, which would otherwise be taken out of the State for educational purposes.

4. Would furnish in due time educated men in the profession of arms to officer and discipline her volunteers and militia throughout the State. Every State should labor to have an efficient militia system. This end

would be attained without any additional expense to the State.

5. It is the duty of all parties to forward the higher education of the youth of our State; and we think State-aid is as much due to the advancement of great educational enterprises as to internal improvements; and while we vote millions to subsidize vast monied corporations, can we not, to advance the material prosperity of the State, contribute this miserable pittance to advance the moral and intellectual standard of the young men of our glorious commonwealth? The appropriation asked is not a bonus to the present owners of the institution, but every county in our State is beneficiary; the spending of every dime is securely guarded, as all funds have to pass through the hands of visitors, two of whom are to be members of this honorable body.

All buildings, apparatus, etc., invested in for the institution, are to be held by them in trust for the State. The proprietors are only aided in being able to furnish additional accommodations and superior facilities to their students. They have already done as much as can be done by private means and private credit; and shall we let such an enterprise fail for the want of a few dollars, when we have millions appropriated and set aside for school purposes?

As to the constitutionality of said appropriation, we think it can be made, as the establishing and maintaining of a normal school is indirectly, if not directly, supporting the common school system. If the appropriation cannot come from that source, we recommend that it be taken from any funds in the Treasury not otherwise appropriated, until proper constitutional enactments are adopted looking to a provision from the school fund for normal purposes.

This institution opened the doors of its halls four years ago, and in its first session matriculated twenty-eight cadets. This session it has matriculated one hundred and fifty, and if sufficient accommodations had been provided would have numbered upon its rolls at least two hundred. This speaks well for the management and for the mental culture obtained there. We think its history without a parallel in that of the private schools of the country, and it is the duty of the State to encourage and foster such enterprises in her limits. Other States set us a noble example: witness Virginia, Louisiana, Rhode

Island and Mississippi what aid they give to such institutions. This is not a local enterprise as almost the entire patronage is from a distance. More than fifty counties have representatives within her walls.

We must, therefore, respectfully recommend that the bill pass.

J. S. MILLS.

Mr. Ireland moved to re-commit the bill to Judiciary Committee No. 2.

Mr. Rainey moved to amend the motion by requiring that the committee be required to report thereon on Monday next. The motion carried, and the bill was re-committed.

Mr. Smith, of Houston, called up House bill No. 594. "An act to incorporate the St. Louis and Mexican Gulf Railway, and to grant land in aid of the construction thereof."

The bill was taken up by sections.

Mr. Smith, of Colorado, offered the following amendment: Add at the end of section first "necessary to the construction, maintenance and business operations of the road and for depot purposes, except land received from the State of Texas." Amendment adopted.

On motion of Mr. Shaw, the name of Marshall Marsh, of Newark, Ohio, was added to the list of incorporators.

Mr. Rainey offered the following amendment to section two: After the word "of" in line twenty-two add "the court house or business centre of." The amendment was adopted.

Mr. Ireland moved to amend by inserting in line seven, section two, after the word "gauge," the words "of not less width than four feet eight and a half inches." Amendment adopted.

Mr. Russell offered the following amendment: "*Provided*, should the road in direct line run within five miles of any county town, then it shall run to and establish a depot for passengers and freight within one-half mile of the business portion of said town, the town giving right of way and sufficient land for depot purposes." Amendment adopted.

Mr. Wood offered the following amendment: Add to section three, "within the limits of the right of way herein granted out of the public domain of the State."

Mr. Morris moved to lay the amendment on the table, which carried.

Mr. Smith of Colorado offered the following: Add to section six: "*Provided*, the rail-roads and franchises, depots and shops shall not be mortgaged or hypothecated without a vote of a majority of the stockholders of the company, previously given in its favor." The House refused to adopt the amendment.

Mr. Manning moved to amend section seven by adding: "*Provided*, that in no case shall the State be in any way liable for deficiency of vacant domain." The amendment was adopted.

Mr. Smith offered the following amendment: Section nine, line twelve, after the word "road" insert "or as otherwise provided by law." The amendment was adopted.

Mr. Smith of Colorado offered the following: Section seven, line forty-two, after the word "company" insert: "the even sections shall be reserved to the common school fund, as provided by law." The amendment was adopted.

Mr. Shaw offered the following: Section ten, line nine, strike out "fifty" and insert "seventy-five." The House adopted the amendment.

Mr. Brown of Dallas offered the following: After the word "enacted," line twelve, section ten, insert "in relation to railroads." The amendment was adopted.

Mr. Smith, of Colorado, moved to amend section eleven, line eighteen, by inserting after the word "other" the word "railroad."

The amendment was adopted.

Mr. Prendergast offered the following: Section eleven, line eighteen, strike out all after the word "corporation" and insert the following: "and shall not be conveyed in trust for said railroad company, nor to any firm or company of which any officer or stockholder of said railroad company is a member, and a violation of the provisions of this act, or the general laws on the subject of railroads, or a failure to comply with the requirements hereof, and of such general laws, shall work a forfeiture of the benefits of this act.

The amendment was adopted.

Mr. Abbott moved to amend section twelve, line eight, by striking out "that," and inserting in lieu thereof "any." Amendment adopted.

Mr. Brown, of Dallas, moved to amend as follows:

“SEC. 13. That the said company shall not be allowed to rent, lease or sell to, or consolidate with any converging, competing or parallel railroad, and a violation of this provision, judicially ascertained, shall work a forfeiture of its charter.” Change section thirteen to fourteen.

The amendment was adopted.

Mr. Anderson moved to amend section seven by inserting after the word “mentioned,” in line ten, the words “within the State of Texas.”

The House adopted the amendment.

Mr. Storey moved to amend section seven by adding: “*Provided*, that this section shall not be construed so as to give said company more than sixteen sections of land per mile, on account of any part of said road being built double track.” Amendment adopted.

Mr. Ireland moved to amend section nine, line three, by inserting after the word “point” the words “in the State of Texas.”

The amendment was adopted.

Mr. Anderson moved to amend section two by inserting after the word “thereof,” in line twenty, the words “thence to Red River.”

The House adopted the amendment.

Mr. Smith, of Colorado, offered the following substitute for section twelve: “That this company shall not take any land from the State under this act for any part of its road that may be run on the road bed of the East Texas Railway Company, or parallel thereto, and within five miles thereof, and for which part of the road of the latter company bonus lands have heretofore been issued by the State. The commissioners appointed to inspect and receive said road shall, in their report, state the amount of land to be deducted, if any, to be made on account of lands heretofore received by the said East Texas Railway Company as aforesaid.”

The House refused to adopt the amendment.

Mr. Ireland moved to amend by adding to section twelve: “All lands heretofore granted to the East Texas Railway Company not alienated in good faith on the first day of April, 1873, shall hereby revert to the State.”

Mr. Washington moved the previous question, which being seconded, was put. The House refused to order the main question.

Mr. Anderson offered the following substitute for the

amendment: "Provided, that this company shall not receive any lands from the State heretofore granted to the East Texas Railroad."

The substitute was adopted, and the amendments adopted into the bill.

Mr. Brown of Dallas moved to amend section ten by striking out the word "September," in lines four and eight, and inserting in lieu thereof "November." The amendment was adopted, and the bill, thus amended, adopted.

The bill was then ordered engrossed.

On motion of Mr. Brown of Dallas, the rules were suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Armstrong, Bledsoe, Booty, Brown of Upshur, Brown of Dallas, Carroll, Cook, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Hollingsworth, Ireland, Manning, Mills, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Robb, Russell, Sabin, Salter, Sayers, Schmidt, Scott, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Van Zandt, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—63.

Nays—Messrs. Bordeaux, Chambers, Harrison, Hoffman and Trolinger—5.

On motion of Mr. Washington, the House adjourned until 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, May 1, 1873.

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

Absent—Messrs. Bewley, Mills and Payne.

On motion of Mr. Kleberg, Mr. Leyendecker was excused for six days.

On motion of Mr. Bledsoe, the leave of absence of Mr. Veale was extended for five days.

On motion of Mr. Ireland the reading of the journal was dispensed with.

On motion of Mr. Ireland, Judiciary Committee No. 2 was granted leave to report, and submitted the following :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Judiciary Committee No. 2, to whom was referred joint resolution asking the appointment of a clerk of the District Court of Austin county, beg leave to report a bill herewith as a substitute for said resolution, and ask the passage of said bill.

IRELAND, Chairman.

The bill, being "An act to enable the district judges to make temporary appointments of clerks of the district courts in cases of vacancies," was read and adopted.

Rules suspended, read second time and ordered engrossed.

On motion, the rules were further suspended, the bill read third time and passed.

On motion of Mr. Anderson, the special committee upon the Bayland Orphans' Home bill was granted leave to report, and submitted a substitute bill, recommending its passage.

The bill, "An act to aid the Bayland 'Orphans' Home, situated on Galveston bay, in Harris county," was read first time and adopted.

Rules suspended, bill read second time and ordered engrossed.

On motion of Mr. Anderson, the rules were further suspended, the bill read third time and passed by the following vote :

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ellett, Ford, Gallaway, Gaston, Gillette, Gilpin, Harrison, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Mabry, Manning, Mills, Moore, Nelson, Noeggerath, Phelps, Powers, Prendergast, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Salter, Schmidt, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Trölinger, Van Zandt, Venters, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—74.

Nays—None.

Mr. Sabin introduced a bill providing for the condemnation and sale of lands for taxes, which, upon his motion, was laid on the table, and one hundred copies were ordered printed.

Mr. Westfall presented a petition for the relief of the legal representatives of James Day and Sam T. Allen. Referred to the Committee on Private Land Claims.

Mr. Denton introduced a bill to enlarge the boundaries of Concho county.

Read first time ; rules suspended, read second time and ordered engrossed.

On motion of Mr. Denton, the rules were further suspended, the bill read third time and passed.

Mr. Adriance introduced a bill for the relief of the heirs of John A. Wharton, deceased. Referred to the Committee on Private Land Claims.

Also "An act for the relief of Timothy Hoyt." Referred to the Committee on Private Land Claims.

Mr. Roberts offered the following resolution :

Resolved, That the five minutes rule as to speaking on any question, be so changed as to admit of ten minutes, and that the same be, and is hereby changed from five to ten minutes.

Laid over under the rules.

Mr. Booty introduced a bill to provide for the purchase of Paschal's Annotated Digest, and payment for the same.

Read first time ; rules suspended, read second time.

Mr. Smith of Colorado moved to strike out "one thousand" and insert "five hundred."

Mr. Tilson moved to lay the motion on the table, which carried.

Mr. Morris moved to strike out "one thousand" and insert in lieu thereof "one copy for each organized county in the State."

Mr. Mills moved to amend the amendment by providing that "each justice of the peace be furnished with a copy of said digest."

Mr. Rainey moved the previous question, which being seconded was put, and the main question ordered.

The House then refused to adopt the amendment to the amendment.

The amendment was then put and failed to carry.

The House then refused to engross the bill.

Mr. Washington introduced a bill for the relief of Madison county. Referred to the Committee on Finance.

Mr. Shaw introduced a bill for the relief of R. D. Smith. Referred to the Committee on Private Land Claims.

Mr. Thurmond introduced a bill to incorporate the National Rio Grande and El Paso Railway and Telegraph Company. Referred to the Committee on Internal Improvements.

Mr. Hollingsworth introduced a bill to provide for an election of a commission to select a site for a branch penitentiary, etc. Read first time, laid on the table; made special order for Saturday, May 3, 10 A. M., and one hundred copies were ordered printed.

Mr. Denton moved to reconsider the vote passing the bill enlarging the boundaries of Concho county, which motion carried.

Mr. Brown of Dallas offered the following amendments: Amend by striking out all from the word "west," in line twelve, to the word "fifty," in line fourteen. Strike out the words, "parallel with the south boundary line," and insert in lieu thereof, "due west of the southwest corner of Concho county." Add to section one: "Thence north with the west line of Concho county to the beginning." The amendments were adopted, and the bill passed.

Mr. Anderson moved to suspend the rules, and take up House bill No. 546, "An act to provide for the sale of all lands heretofore given to counties for the purposes of education," which carried.

On motion of Mr. Anderson, the bill was laid on the table, and made special order for May 2, at 10 A. M.

Mr. Joseph introduced "An act to authorize the County Court of Galveston county to levy a special tax to build a jail and court house addition, and to issue bonds for that purpose." Referred to the Committee on Town and City Corporations.

Mr. Russell asked that his name appear as the author of the amendment to the amendment to House bill No. 453, instead of that of Mr. Wood, as erroneously appears in the morning journal; also, that his name appear as the author of the amendment requiring the St. Louis and Mexican Gulf Railway Company to establish a freight and passenger depot within one half mile of the

business portion of any county town within five miles of its direct route, instead of that of Mr. Wood, as appears in the evening journal of April 30. The corrections were made.

Mr. Hollingsworth moved to reconsider the vote of yesterday, indefinitely postponing Senate bill No. 132, "An act confirming the outstanding debt of the State of Texas, and providing for the settlement and payment of the same." The House refused to reconsider.

Senate bill No. 275, "An act to organize the county of Green," was read first time and referred to the Committee on Counties and County Boundaries.

Senate bill No. 255, "An act to incorporate the Paris Street Railway Company," was read first time and referred to the Committee on Internal Improvements.

Senate bill No. 207, "An act to incorporate the Shelby County Agricultural, Mechanical and Industrial Association," was read first time and referred to the Committee on Town and City Corporations.

Senate bill No. 248, "An act to empower the Commissioner of the General Land Office to issue to Willet Holmes a headright certificate of one league and one labor of land," was read first time and referred to the Committee on Private Land Claims.

Senate bill No. 319, "An act for the relief of the heirs of James W. Dickson, deceased," was read first time; rules suspended, read second time, and on motion of Mr. Prendergast, referred to the Committee on Private Land Claims.

Senate bill No. 184, "An act to incorporate the Germania of Columbus," was read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Smith of Colorado, the rules were further suspended, the bill read third time and passed.

Senate joint resolution No. 32, instructing our Senators, and requesting our Representatives in Congress to endeavor to secure the improvement of the harbor of Galveston, and requesting for the memorial of the mayor and board of aldermen of the city of Galveston, upon that subject the early and favorable consideration of the Congress of the United States, was read first time; rules suspended, read second time and passed to a third reading.

On motion, the rules were further suspended, the joint resolution read third time and passed.

On motion of Mr. Wood, Mr. Kleberg was excused for the remainder of the day, on account of sickness.

Mr. Westfall was granted leave to withdraw a petition from the Committee on State Affairs.

Mr. Bledsoe moved to take up House bill No. 133, to accurately define the land district of Palo Pinto, and to make valid the surveys and locations heretofore made therein, which motion was carried.

The Senate amendments thereto were read and concurred in and the bill passed.

Mr. Mills moved to suspend the rules and take up bills reported by committees upon the Speaker's table. The House refused to suspend.

Unfinished business, House bill No. 453, a bill regulating taxation, was then resumed, pending an amendment offered by Mr. Smith of Colorado.

Mr. Hester moved to reconsider the vote by which the House refused to adopt the amendment offered by Mr. Cook, and the amendment thereto by Mr. Russell.

Mr. Sayers moved to suspend the five minute's rule, so far as Mr. Russell was concerned. The House refused to suspend.

After discussion, Mr. Mills moved the previous question, which, being seconded, was put, and the main question ordered. The House then refused to reconsider.

The amendment offered by Mr. Smith of Colorado, was then adopted.

Mr. Killough offered the following amendment: Amend section three, line one hundred and twenty-seven, by adding after the word "dollar," "from every traveling fortune teller one hundred dollars, and from every traveling spiritualist, clairvoyant, mesmerist, or medium so called, who plies his or her vocation for money, five hundred dollars." The amendment was adopted.

Mr. Smith of Colorado moved to amend the amendment just adopted by striking out the word "traveling," which amendment was adopted.

Mr. Allison offered the following amendments: Section three, add after the word "dollars," in line one hundred and two, the following: "and more than twelve thousand dollars;" strike out lines one hundred and three and one hundred and four, and the following words in line one hundred and five, "of the fourth class," and substitute the following: "and a fourth class retail merchant is one

whose annual purchases amount to less than twelve thousand dollars." The amendments were adopted.

Mr. Kemble offered the following amendment: Add to line fourteen, section three, "And should any one who obtains a license under this act knowingly sell adulterated spirits or drugs, he shall forfeit his license and be deemed guilty of a misdemeanor, and on conviction before a proper court, be punished by a fine of not less one hundred nor more than five hundred dollars, and shall not obtain license to sell spirits or drugs in this State for five years, and this provision shall be embodied in the license hereafter granted to sell spirits or drugs; *and provided further*, should any fines be collected under this provision, the amount thereof shall be placed to the credit of the jury fund of the county where collected." The amendment failed to carry.

Mr. Armstrong offered the following: Section three, line seventeen, strike out the word "fifty" and insert "twenty-five;" line twenty strike out the words "and fifty."

Mr. Wood moved to lay the amendments on the table, which carried.

Mr. Cook offered the following amendment: Section three, line one hundred and eight, strike out from the word "from" to the end of line one hundred and sixty-one.

Mr. Payne moved to lay the amendment on the table, which carried.

Mr. Berends offered the following amendment: Amend section three, in line sixty-seven, in place of "fifty" insert "twenty-five;" in line sixty-nine, in place of "twenty-five" insert "fifteen," and in line seventy-one, after the word "dollars," add "*Provided*, that no boarding house shall be considered liable to occupation tax."

Mr. Gaston moved to lay the amendment on the table, which carried.

Mr. Sayers moved to amend section three by adding: "For every dentist ten dollars." The amendment was adopted.

Mr. Booty offered the following amendment: Add to section three the following: "For every person not a lawyer who practices conveyancing, or files inventories or appraisements of community or other estates, or does other things legitimately belonging to the practice of law,

ten dollars; and the acceptance of a fee for any such services shall be deemed to bring the party accepting the same within the provisions of this act."

Mr. Shaw moved to lay the amendment on the table, which carried.

Mr. Russell offered the following amendment: Strike out all after the word "occupation," in line twenty-eight, section three, to the word "or" in line thirty, and insert: "For every traveling vendor of fruit trees, ten dollars in each county in which he may pursue such occupation; *provided*, said trees were not raised within the State."

Mr. Tom moved to lay the amendment upon the table, which carried.

Mr. Anderson moved to amend section three, line twenty-one, by striking out "ten" and inserting "twenty-five." Line twenty-four, strike out "twenty-five" and insert "fifty." Line twenty-six, strike out "fifty" and insert "one hundred."

Mr. Payne moved to lay the amendments upon the table, which carried.

Mr. Sayers offered the following amendment: Section three, line one hundred and twenty-one, after the word "exchange" insert, "or discounting paper."

Mr. Gallaway moved to adjourn. The House refused to adjourn.

A message from the Senate announced the passage by that body of the following bills:

Senate bill No. 319, "An act for the relief of the heirs of James W. Dickson, deceased."

Senate bill No. 327, "An act supplemental to an act reimbursing Bastrop county, and appropriating the sum of two hundred and twenty-five dollars for that purpose, approved March 20, 1873."

A message from his Excellency the Governor was received, returning House bill No. 340, "An act to ascertain the amounts due the teachers of the public free schools of this State prior to the first day of March, A. D. 1873, and to provide for the payment of the same," with his objections to the same.

Also, enclosing a communication from F. L. Britton, Adjutant General, containing information asked by the House, relative to the defalcation of James A. Davidson, late Adjutant General.

Mr. Rainey moved to suspend the business before the

House, and take up the message of His Excellency the Governor, vetoing House bill No. 340, "An act to ascertain the amounts due the teachers of the public free schools of this State prior to the first day of March, A. D. 1873, and to provide for the payment of the same," which motion carried, and the message was read and ordered spread upon the journal.

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, May 1, 1873. }

Hon. M. D. K. Taylor, Speaker of the House of Representatives of the State of Texas:

SIR: I return to the House of Representatives, where it originated, the act entitled, "An act to ascertain the amounts due the teachers of the public schools of this State prior to the first day of March, A. D. 1873, and to provide for the payment of the same," and ask that it be reconsidered.

There is a constitutional objection to the terms of this act that in itself renders the act void. The money herein appropriated is declared in section one to be "out of the available school fund. Now, the only available school fund we have is that derived from interest on the permanent school fund, and the income derived from from taxation for school purposes; but the Constitution, in section nine, article nine, expressly directs that the Legislature shall annually appropriate the money on hand from these sources to be equally distributed among all the scholastic population of the State. The money appropriated in this act is not intended to be distributed according to scholastic population. On the contrary, the wording of sections one, three and five, taken in connection with the fact that a provision originally in the act (as I am informed) directing such distribution was stricken out, makes it apparent that this money is not to be thus distributed, but is to be paid out at Austin, without regard to the rights of the respective school districts.

This misappropriation of the school fund should certainly not be permitted by the Legislature. It is manifestly unfair that the people of certain counties where the payment of the school tax has been evaded, and where, therefore, the teachers have not been paid, should be permitted to make up the deficiency out of that part of the available fund which of right belongs to counties where

the people have paid the tax, and thus owe nothing to their teachers. That Travis county, for instance, where wealthy people have evaded the tax by taking advantage of legal technicalities, and which is thus upwards of twenty-two thousands of dollars short in what is due its teachers, should take the quota of the school fund belonging to Williamson, Upshur, or Matagorda, where the people have promptly paid their tax, and thus owe nothing. This would be a species of injustice not to be supposed to have been within the contemplation of the Legislature in the passage of this act, yet the act can only be so construed.

Beyond this defect, however, there is another and very suspicious feature of the act, which must have been overlooked by the Legislature. It will be perceived that section four lays down a number of regulations which must be complied with by teachers before they can draw any pay under it. The numerous prerequisites are so many obstacles in the way of the teacher, that it is doubtful whether any considerable number of them would ever succeed in getting the Comptroller to pay their accounts; but not so with the speculator who has preyed upon the necessities of the teacher. By the interpolation of the brief proviso in that section four, that an approved voucher in accordance with the law now in force shall be taken as the account herein provided for, it is plain that the speculator who has, perhaps, purchased some starving teacher's approved voucher at a discount of twenty five or fifty per cent., is not to be put to any delay about the cashing of the voucher, while the teacher himself, if he has kept his voucher, may be sent to a distant part of the State, and be put to a delay of months in getting proof of service called for in that section.

When it is understood that the amount due teachers throughout the State, up to the first of March, is upward of \$600,000 (not \$400,000 as appropriated by this act), that the amount of available school fund, in cash now in the Treasury, to be distributed is considerably less than \$300,000, and that this act leaves it entirely within the discretion of the Comptroller to say who shall or shall not be paid, it will be apparent how wide the door is open to speculation and fraud, and how slight the prospect that the teachers will get any relief from this act.

But, though this act is impracticable and objectionable,

it need not stand in the way of a legitimate appropriation of the available school fund. The amount on hand should be distributed to the districts at once, there to be used in paying teachers and other expenses. The apportionment should be made by the Superintendent according to the ratio of the last scholastic census, and the act of appropriation might provide that vouchers in teachers' hands or in the hands of those who have paid the teachers at par for them should have a preference in payment.

I therefore request, if these suggestions be favorably considered, the early passage of such an act. The teachers may thereby, within a few days, receive substantial relief to the extent of the money in the Treasury.

Very respectfully,

EDMUND J. DAVIS, Governor.

Mr. Ellett moved to refer the bill and message to Judiciary Committee No. 1.

Mr. Smith of Houston moved to lay the motion on the table, which carried.

Mr. Killough moved that the bill do pass, notwithstanding the objections of his Excellency the Governor.

The bill then passed by the following two-thirds vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Booty, Bordeaux, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Galloway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Lane, Manning, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Rosborough, Russell, Salter, Sayers, Schmidt, Scott, Shaw, Shelton, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall, Winkler and Wood—61.

Nays—Messrs. Abbott, Ellett, Mabry, Moore, Morris, Phelps, Robb, Roberts, Sabin, Stockbridge, Washington, Wilder and Williams—13.

The Committee on Engrossed Bills submitted the following report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined following House bills:

No. 802, a bill to be entitled "An act to enable certain towns and cities to erect hospitals."

No. 721, a bill to be entitled "An act to regulate the assessment and collection of taxes."

No. 594, "An act to incorporate the St. Louis and Mexican Gulf Railroad Company; and to grant land to aid in the construction thereof."

No. 228, a bill to be entitled "An act to amend article four hundred and thirty-five of the code of Criminal Procedure."

No. 312, House joint resolution providing for a vote of the people calling a convention to frame a new Constitution for the State, and providing for the election of delegates thereto, and the time for the convening thereof.

And find the same correctly engrossed.

BOOTY, Chairman.

The Committee on Enrolled Bills submitted the following reports:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined the following:

Bill No. 23, "An act to create and provide for the organization of the county of Gregg;" also, bill No. 411, "An act to create the county of Waller," and find the same correctly enrolled, and have this the first day of May, at 10 o'clock A. M., presented the same to the Governor for his signature.

W. A. SHAW, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined and compared the following bills:

No. 254, "An act to authorize the County Court of Upshur county to issue interest-bearing bonds to finish paying for the building of a court house of said county, and to levy and collect a tax to pay the same."

No. 305, "An act authorizing and requiring the Commissioner of the General Land Office to issue certain land certificates therein named."

No. 448, "An act to incorporate the Austin Trust Company."

No. 347, "An act to incorporate the Leon River Bridge Company."

No. 420, "An act for the relief of the heirs of William Garrett, deceased."

No. 379, "An act to authorize James P. Dumas and such other persons as he may associate with him, and their successors, to construct and keep a toll bridge on, over, and across, Choctaw bayou, in Grayson county, Texas."

And find them correctly enrolled, and have this the thirtieth day of April, at 12 o'clock M., presented the same to the Governor for his signature.

W. A. SHAW, Chairman.

On motion of Mr. Denton, the House adjourned until 4 o'clock P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

Absent—Messrs. Anderson, Ellett, Hoffman and Winkler.

The following message from His Excellency the Governor, with accompanying communication from the Adjutant General, were read and referred to the Committee on Finance:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, May 1, 1873. }

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Enclosed please find a communication from F. L. Britton, Adjutant General, containing the information called for in the resolution adopted by your honorable body on the twenty-fifth of April.

This is all the information I can give on this subject, there being none in the Executive office proper.

Very respectfully,

EDMUND J. DAVIS, Governor.

ADJUTANT GENERAL'S OFFICE, STATE OF TEXAS, }
AUSTIN, April 30, 1873. }

SIR: In compliance with your request, I have the honor to furnish the following statement with reference to amount of funds embezzled by the late Adjutant General James Davidson, on account of frontier defense fund, and support of State police, as taken from my report for year 1872. (See page 5.)

Cash drawn from State Treasury on account of frontier defense fund, for which no vouchers were filed	\$2,907 27
Cash drawn from State Treasury on account of frontier defense fund, for which vouchers were filed, and stoppages made from pay of frontier forces, not paid over to proper parties (see exhibit marked "B" hereto attached).....	10,701 08
Warrants drawn from Comptroller's office for support of State police, for which no vouchers have been filed.....	19,093 23
Warrants drawn from Comptroller's office for which vouchers were filed and stoppages made, which have not been paid over to proper parties (see exhibit marked "D")	2,038 09
Total	\$34,739 67

Very respectfully, your obedient servant,
F. L. BRITTON,

Adjutant General State of Texas,
 To His Excellency EDMUND J. DAVIS, Governor State of Texas. Austin, Texas.

Exhibit "B." (Page 222.)—Statement of stoppages from pay of frontier forces still due at Adjutant General's office.

COMPANY "D," F. F.

John R. Kelso, stoppages from company, not to be paid until Kelso accounts for five mules, etc., (on hand).....	\$534 59
Stanley Welch, (on hand)	56 00
Half & Levy, (on hand).....	549 86
Brown & Martin	87 90
Total	\$1,228 35

COMPANY "E," F. F.

H. J. Richarz, certificate of indebtedness, stated by H. J. Richarz to have been stolen from him, presented by R. & W., not to be paid until real owner is found, (on hand).....

	\$643 80
Jas. Lamon.....	356 70
John Keinle.....	209 90
Joe Bader, from pay of Aug. Haller.....	19 25
E. A. Bates & Son, from pay of Aug. Haller...	19 25
Jos. Ney, from pay of Jesse Bacon.....	10 60
Bates & Son, from pay of Jesse Bacon.....	27 00
Brown & Martin, from pay of Jesse Bacon.....	16 50
<hr/>	
Total.....	\$1,344 25

COMPANY "F," F. F.

D. T. Smith, from pay of J. R. Enirs.....	\$10 00
A. M. Swift, from pay of J. Garner.....	10 00
J. W. Reid, from pay of J. M. Fitzgerald.....	130 00
E. B. Seglers, from pay of J. R. Eners.....	30 00
J. P. Townsend, from pay of D. T. Smith.....	10 00
Jas. Sheeler, from pay of C. Robinson.....	66 00
A. M. Swift, from pay of D. T. Smith.....	10 00
A. L. Lewis, from pay of E. B. Segler.....	45 00
— Estes, from pay of F. M. Sorrels.....	125 00
J. M. Chesser, from pay of A. J. Wilhart.....	125 00
S. Ripstein, from pay of E. H. Cobb.....	6 00
D. P. Baker, from pay of C. H. Figuires.....	10 00
A. C. Hill, from pay of C. H. Figuires.....	122 50
J. T. Segler, from pay of C. H. Figuires.....	11 00
S. Ripstein, from pay of C. H. Figuires.....	6 00
C. H. Figuires (himself).....	51 94
S. Brown & Co., from pay of J. W. H. Breaker,	17 53
S. Ripstein, from pay of J. W. H. Breaker...	6 00
S. Brown & Co., from pay of J. P. Townsend...	79 28
N. Hobson, from pay of J. P. Townsend.....	130 22
S. Ripstein, from pay of J. P. Townsend.....	6 00
D. P. Baker, balance stoppages in his favor....	115 26
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Total.....	\$1,122 73

Total, brought forward.....	\$1,122 73
Less overcoats and blankets paid for the following men of Company F, who have not yet signed vouchers for settlement of their accounts:	
W. Archer.....	\$19 50
W. Caruthers.....	15 50
J. E. Henry.....	15 50
E. B. Woodruff.....	5 25
George McPhail.....	13 75
Charles Bronn.....	12 00
John Hoyer.....	12 00
George Jackson.....	12 00
A. M. Swift.....	7 50--\$113 00
	<hr/>
	\$1,009 73

COMPANY "T," F. F.

Toppermin, from stoppages from H. Biberstein..	\$47 70
Kuhn.....	22 50
Koenig.....	67 00
Kline.....	28 00
Behrends.....	83 00
Lequer.....	7 00
Elmendorff & Co.....	34 69
Ed. Braden.....	41 30
L. Heith.....	23 00
	<hr/>
Total.....	\$354 19

COMPANY "H," F. F.

A. Rice, from stoppage of Peter Kleid (on hand)	\$90 00
Robt. Guering, certificate of indebtedness.....	314 06
	<hr/>
Total.....	\$384 06

COMPANY "P," F. F.

George Lee, from pay of D. S. Ogle.....	\$19 00
W. B. Pace, from pay of J. E. Sliven.....	2 54
L. Levysen, from pay of J. Coffield.....	5 70
G. T. Gage, from pay of S. P. Elkins.....	17 10
	<hr/>
Total.....	\$74 34

COMPANY "D," F. F.

Half & Levy, from company.....	\$284 37
Brown & Martin, from company.....	83 06
J. Kuykendall, from Geo. Davis.....	30 00
Geo. Davis from W. Gearhart.....	12 12
Fitch, Frost & Bro.; from N. Newton.....	5 17
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Total.....	\$414 72

GENERAL ACCOUNTS.

Theodore Garza, services, Company A.....	\$295 00
Elmendorff & Co., quartermaster stores, Com- pany H.....	33 48
J. W. Wixon, transportation, Company H....	130 00
John Markwood, rations, Company K.....	200 64
Brown & Martin, transportation, Company H..	44 40
C. A. Patton, transportation, Company C.....	100 00
J. W. Sanson, ordnance stores, Company C...	77 48
D. P. Baker, quartermaster stores, Company F.	75 00
F. Radcliff, quartermaster stores, Company G.	22 00
Manerman & Co., ordnance stores, Company D.	263 50
H. L. Nelson, transportation, Company C.....	55 00
Diffendorffer & Co., transportation, Comp'y D.	4,594 96
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	\$5,891 46
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Total.....	\$10,701 08

Exhibit D—Stoppages due Sundries, from pay of State Policemen.

W. H. Thiell, retained from October pay.....	\$60 00
Robert Smith, " " " ".....	60 00
H. E. Smith, " " " ".....	60 00
M. M. Pinner, " " " ".....	60 00
J. H. Mounts, " " September and Octo- pay.....	118 00
J. F. Jennings, retained from October pay.....	60 00
A. C. Brown, " " " ".....	10 00
Z. T. Hudson, " " " ".....	80 00
Robert Ferguson, " " " ".....	60 00
S. W. Davis, " " " ".....	60 00

Daniel Arwine, retained from October pay.....	60 00
J. M. Redmon, " " " ".....	80 00
John S. Coffey, " " Septemb'r ".....	65 00
J. C. Farley, " " October ".....	60 00
J. Q. A. Carter, " " Septemb'r ".....	10 00
J. B. Porter, " " " ".....	18 00
Leroy Lee, " " " ".....	10 00
N. L. Hunter, " " October ".....	60 00
Jos. Schmerber, " " " ".....	40 00
Geo. W. Farrow, stopped from James Houston.	11 20
John R. Kelso, balance on December pay.....	4 00
B. S. Wilson to J. M. Arivarte, from March pay.	32 50
W. S. Durham, balance on August pay.....	40 00
Nat. Moore, from Simp. King.....	\$5 00
Nat. Moore, from J. J. Hollander.....	9 00
	<hr/>
	14 00
Less, paid on account.....	2 00
	<hr/>
	12 00
C. T. Allen, from Jocelyn.....	22 00
Jones & Stelfox, from O. E. Morgan.....	0 50
B. S. Wilson, from W. C. Slade.....	42 90
S. G. Kingsbury, from J. J. L. Hollander.....	12 00
John McClane, from G. F. B. Vega.....	20 00
J. L. Viguers, from G. F. B. Vega.....	11 25
J. E. Taylor, sundries.....	72 12
A. B. Hall, from W. Marshal.....	50 00
J. J. Kendrick, sundries.....	14 28
Pat. Rafferty, balance on October pay.....	20 00
George Thompson, reimbursement from George W. Smith.....	12 00
Taylor Watts, reimbursement from George W. Smith.....	12 00
Andrew Barrett, reimbursement from George W. Smith.....	12 00
W. H. Morris, from George Graves.....	28 00
W. Kluge, from H. M. Ryan.....	22 75
J. G. Tracy, for sundries to H. U.....	12 00
Deats & Sherdin, from L. Birdsell.....	23 07
John B. Rhodes, sundries.....	23 80
J. B. Farris, balance on Dan Taylor and P. Teague.....	7 00
P. G. Milstead, sundries.....	26 40
Charles Haughn, sundries.....	2 50

M. Delgada, balance October pay.....	2 00
George P. Buell, from W. Green.....	60 00
W. M. Waddell, from R. D. Johnson.....	18 00
M. York, balance August pay.....	7 62
W. H. Bell, from Irving Moore.....	70 25
J. K. McKenna, from E. P. Duke.....	41 75
A. G. Malloy, from W. W. Lewis.....	100 00
C. Welch, from W. W. Lewis.....	35 00
E. A. Quick, subs. sundries.....	21 00
W. Bonnet, balance October pay.....	3 00
J. E. Hollingsworth, balance on August pay of sundries.....	37 10
Ed. Creary, balance on December pay.....	17 00
Charles Jung, balance on September pay.....	6 00
Thomas Carson, balance on September pay.....	19 00
H. O. Rogers, balance on October pay.....	8 00
J. T. Watson, balance on October pay.....	12 00
T. Cooper, balance an October pay.....	3 00

\$2038 09

On motion of Mr. Berends, Judiciary Committee No. 1 were granted leave to make a special report, and submitted the following :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Judiciary Committee No. 1, to whom was referred House bill No. 586, to incorporate the San Antonio and Austin Railroad Company, have had the same under consideration, and instruct me to report the same back to the House, with a substitute for section eight as an amendment thereto, and as thus amended, to recommend its passage.

POWERS, for Committee.

Substitute for section eight offered by the committee :
 "That said company shall receive sixteen sections of six hundred and forty acres each for every mile of road built and put in running order by it ; that certificates for such land shall be issued to said company upon the completion of each ten miles of said road. Upon the completion of the first ten miles and each successive ten miles the president of said road may report the fact of such completion to the Governor of the State under oath, whose duty it shall be at once to appoint a competent engineer to inspect the road so completed and reported, and if on inspection

the said engineer shall find the road so reported built and finished in a proper manner and in running order, he shall report the same to the Governor, who shall certify the fact to the Commissioner of the General Land Office, whose duty it shall then be, upon demand, to issue to said company sixteen certificates for six hundred and forty acres each for each mile of road so built, inspected and certified as above directed; *provided*, said company shall alienate the lands it may get under this act, one-third in six, one-third in twelve, and one-third in eighteen years from the date of location, and said company shall be subject to all general laws governing railway companies. That the certificates issued by this act shall be located and surveyed in alternate sections, and the odd sections to be patented to the company and the even alternate sections set apart for the use of the common school fund, as provided by law for the location, survey and returning maps thereof to the General Land Office of lands granted to railroad companies." The substitute was adopted.

The bill was laid on the table, made special order for Tuesday, May 6, 1873, at 4 P. M., and one hundred copies were ordered printed.

On motion of Mr. Bledsoe, the Committee on Internal Improvements were granted leave to make the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 638, have had the same under consideration, and instruct me to report it back, with the recommendation that it do pass.

WATTS, for Committee.

The bill, being a bill to incorporate the Fort Worth, Cleburne and Waco Railway Company, and granting land in aid of the construction of said railway, was laid on the table and one hundred copies were ordered printed.

Mr. Brown of Dallas moved to suspend the rules and take up House bill No. 66, a bill to amend "An act to incorporate the Dallas and Wichita Railroad Company;" No. 111, a bill to incorporate the Dallas, Palestine and Southeast Texas Railway Company; No. 291, a bill to incorporate the Gulf, Colorado and Santa Fé Railway Company; No. 383, a bill to incorporate the Beaumont,

Corsicana and Fort Worth Railway Company ; No. 474, a bill to incorporate the Hearne, Belton and Northwestern Railroad Company, and aid in constructing the same ; No. 599, "An act to incorporate the Corpus Christi and Rio Grande Railway Company, and to aid in the construction of the same ;" and Senate bill No. 120, "An act amendatory of an act entitled an act to incorporate the Rio Grande Railway Company, approved August 13, 1870," and No. 654, "An act to amend an act amending sections two and twelve of an act to incorporate the Hempstead, Eastern and Western Railway Trunk Company," and act upon them according to priority of date, which motion carried.

Mr. Mills moved to lay the bills just taken upon the table, which motion carried.

On motion of Mr. Rimes, the Committee on State Affairs were granted leave to make a special report, and submitted the following :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was referred a bill, No. 610, entitled "An act to incorporate the City Bank of Dallas," have duly considered the same and beg leave to report the same back with the recommendation that it do pass.

RUSSELL, for Committee.

On motion, the reading of the bill was dispensed with, and the bill was ordered engrossed.

On motion the rules were further suspended and the bill was read third time.

Mr. Morris offered the following amendment: Add to section two the following: "*Provided*, that said company shall not be empowered to purchase more real estate than may be necessary to carry on a legitimate banking business."

The amendment was adopted.

Mr. Morris offered the following amendment: "*Provided*, said company shall not be authorized to take any mortgage on property, unless it be to secure bad or doubtful debts previously contracted." The House refused to adopt the amendment.

The bill then passed.

Mr. Winkler moved that the Committee on Internal Improvements be allowed to report upon Senate bills :

No. 13, "An act to consolidate the Houston Tap and Brazoria railway, the Huntsville Branch railway, and the Victoria and Columbia railroad, with the Houston and Great Northern railway."

No. 100, "An act to provide for the merger of the Waco and Northwestern Railway Company, with its properties, rights, privileges and franchises, in the Houston and Texas Central Railway Company."

No. 154, "An act to regulate the stoppage of passenger cars at railroad stations."

The motion was adopted.

The Committee on Internal Improvements submitted the following report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 45, entitled, "An act to consolidate the Houston Tap and Brazoria railway, the Huntsville Branch railway, and the Victoria railroad, with the Houston and Great Northern railroad," and Senate bill No. 13, on the same subject, have considered the same, and have instructed me to recommend that House bill No. 45 lie on the table, and that Senate bill No. 13 be passed.

WINKLER, Chairman.

The bill was read second time and ordered engrossed. On motion of Mr. Ireland, the rules were further suspended and the bill read third time.

Mr. Mills offered the following amendment: "*Provided*, that the Houston Tap Railroad and Huntsville Branch Railway shall not have any lands given to them from the State counted in the main line of said Houston and Great Northern Railway."

Mr. Joseph moved to lay the amendment on the table, which carried. *

Mr. Abbott moved to lay the bill on the table and have one hundred copies thereof printed. Mr. Ireland moved to lay that motion on the table, which motion carried. The bill then passed.

Leave being granted, Mr. Ireland offered the following resolution :

Resolved, That hereafter the committees shall be called in their order, and no other business shall be done until all the business reported by said committees is disposed of, unless by a four-fifths vote.

Laid over under the rules.

Leave being granted, Mr. Smith, of Colorado, offered the following resolution :

Resolved, That the rules fixing the time of the meeting of this House be so changed that there shall hereafter be held two meetings per day, Sunday excepted, as follows : one beginning at nine o'clock A. M. and the other at half-past seven P. M., for the residue of this session.

Laid over under the rules.

Mr. Gallaway offered the following resolution :

Resolved, That hereafter the House of Representatives shall proceed in strict accordance with the rules of the House as adopted at an early day of its session, and that said rules shall not be suspended in any case during the present session without a vote of four-fifths of the House, and that all resolutions heretofore adopted in regard to the order of business be, and the same are hereby, rescinded, annulled and set aside.

Laid over under the rules.

On motion of Mr. Sayers, the House then adjourned until 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, May 2, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called ; quorum present.

Absent—Messrs Bewley, Cook and Smith of Colorado.

On motion of Mr. Bordeaux, Messrs. Van Zandt and Trolinger were excused on account of sickness.

On motion of Mr. Russell, Mr. Scott was excused for the day, on account of sickness.

On motion, the reading of the journal was dispensed with.

Mr. Morris submitted the following personal explanation, which was ordered spread upon the journal :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: It will be recollected that in the passage of the act to ascertain the amount due the teachers of public schools, and to provide for its payment, through this House, it received at every stage my cordial support. My atten-

tion was not directed, until the reading of the veto message, to the ninth section, article nine, of the Constitution, which expressly directs that the fund proposed to be appropriated by the bill shall be "*equally* distributed among the scholastic population of the State." In my view, the proposed act violates that provision of the Constitution; and, however great the just desire for the payment of the teachers of the public schools, on reconsideration of the measure, I felt constrained, under my construction of that instrument, to sustain the Governor's veto. The call of the previous question having precluded this explanation at the time of giving my vote, I avail myself of the constitutional right of placing this brief note of the same on the journal of the House of Representatives.

W. W. MORRIS.

Mr. Winkler moved to reconsider the vote which refused to engross House bill No. 813, a bill to provide for the purchase of Paschal's Annotated Digest, and payment for the same.

Mr. Ireland moved the previous question, which was seconded, put and carried.

The vote was reconsidered by the following vote:

Yeas—Messrs. Abbott, Adriance, Allison, Anderson, Bledsoe, Booty, Carroll, Cook, Doyle, Eastland, Ellett, Ford, Gallaway, Gilpin, Harrison, Ireland, Joseph, Kemple, Kleberg, Mabry, Phelps, Powers, Prendergast, Roberts, Sabin, Sayers, Storey, Stockbridge, Thurmond, Tilson, Tom, Venters, Washington, Watts, Westfall and Winkler—36.

Nays—Messrs. Speaker, Armstrong, Berends, Bordeaux, Broadus, Brown of Upshur, Cunningham, Dav-enport, Day, Denton, Gaston, Ghent, Gillette, Hoffman, Killough, Manning, Moore, Morris, Nelson, Noeggerath, Payne, Rainey, Rimes, Robb, Rosborough, Russell, Salter, Schmidt, Shelton, Short, Smith of Colorado, Smith of Houston, Tivy, Wilder and Wood—35.

On motion of Mr. Winkler, the bill was then referred to a special committee of five.

The Speaker appointed the following gentlemen on the committee: Messrs. Winkler, chairman, Booty, Broadus, Ireland and Joseph.

Mr. Armstrong moved to reconsider the vote which passed House bill No. 340. "An act to ascertain the

amounts due the teachers of the public schools of this State prior to the first day of March, A. D. 1873, and to provide for the payment of the same," notwithstanding the objections of his Excellency the Governor. The House refused to reconsider.

Mr. Nelson presented a petition from the citizens of Hopkins county, asking for the passage of a law prohibiting certain stock from running at large. Referred to the Committee on Agriculture and Stock Raising.

Upon his request leave was granted Mr. Kleberg to withdraw a petition for the relief of A. S. Thurmond, from the Committee on Military Affairs, and it was referred to the following special committee appointed by the Speaker: Messrs. Armstrong, chairman, Bordeaux, Gilpin, Short and Watts.

Mr. Killough introduced a bill amendatory of "An act entitled an act to incorporate the Bastrop Casino Association," approved October 27, 1866. Read first time, and, on motion of Mr. Killough, the rules were suspended, the bill read second time and ordered engrossed.

On motion of Mr. Killough the rules were further suspended, the bill read third time and passed.

Mr. Ireland introduced a bill to regulate sales of landed property made under decrees of courts. Read first time, and, on motion of Mr. Ireland, the rules were suspended, the bill read second time and referred to the following special committee: Messrs. Smith of Colorado and Powers.

The special order was then announced, being House bill No. 546, "An act to provide for the sale of all lands heretofore given to counties for the purposes of education."

Mr. Sayers moved to suspend the consideration of the special order, and take up the bill regulating taxation, resuming the special order when the tax bill should have been disposed of. The House refused to postpone.

Leave being granted, Mr. Winkler offered the following resolution:

Resolved, That Judiciary Committee No. 2 be directed to inquire into the propriety and expediency of so amending existing laws on the subject as to permit sheriffs holding properly audited warrants for services rendered by themselves, or their deputies, to the State, to retain in their hands of any money that may come into

their hands belonging to the State such amounts on settlement with the Treasury, and report by bill or otherwise.

The resolution was adopted, and referred to the Committee on the Penitentiary.

The special order was then taken up, and, on motion of Mr. Anderson, the House went into committee of the whole upon the bill.

After discussion, the committee arose, and through its chairman, Mr. Booty, reported no progress.

Mr. Ireland offered the following as a substitute for the pending bill: "An act to authorize the County Courts to dispose of the school lands."

Mr. Bordeaux offered the following amendments: Strike out the word "cash," and insert, "on five years credit, payable one-fifth annually, with ten per cent. interest." In section one, line five, insert the words, "without regard to the value of any improvements upon the same, and the settler shall be entitled to take the same at the highest bid."

Mr. Wood moved the previous question, which being seconded, was put, and the main question ordered by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Armstrong, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Davenport, Day, Denton, Eastland, Gallaway, Gaston, Ghent, Gillette, Gilpin, Hollingsworth, Ireland, Joseph, Kemble, Killough, Manning, Mills, Moore, Payne, Powers, Prendergast, Rainey, Rosborough, Russell, Sayers, Shelton, Short, Smith of Houston, Storey, Thurmond, Tivy, Tom, Washington, Watts, Winkler and Wood—45.

Nays—Messrs. Anderson, Berends, Bordeaux, Cook, Cunningham, Doyle, Ellett, Ford, Harrison, Hoffman, Lane, Mabry, Morris, Nelson, Phelps, Robb, Sabin, Shaw, Smith of Colorado, Stockbridge, Tilson, Westfall, Wilder and Williams—24.

The House then adopted the substitute by the following vote:

Yeas—Messrs. Adriance, Allison, Armstrong, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Davenport, Day, Denton, Eastland, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Ireland, Joseph, Kemble, Killough, Manning, Mills, Payne, Powers,

Prendergast, Rainey, Russell, Sayers, Shelton, Short, Smith of Houston, Storey, Thurmond, Tivy, Tom, Washington, Watts, Winkler and Wood—41.

Nays—Messrs. Anderson, Berends, Booty, Bordeaux, Cook, Cunningham, Doyle, Ellett, Ford, Hoffman, Hollingsworth, Lane, Mabry, Moore, Morris, Nelson, Phelps, Robb, Rosborough, Sabin, Shaw, Smith of Colorado, Stockbridge, Tilson, Westfall, Wilder and Williams—27.

On motion of Mr. Wood, the bill was then referred to the following special committee, appointed by the Speaker: Messrs. Ireland, chairman; Bordeaux, Cunningham, Doyle and Westfall.

Mr. Ireland moved to reconsider the final vote passing Senate bill No. 13, "An act to consolidate the Houston, Tap and Brazoria Railway, the Huntsville Branch Railway, and the Victoria and Columbia Railway with the Houston and Great Northern Railway."

Action upon the motion was postponed until the bill could be obtained.

A message from the Senate announced the passage by that body of House bill No. 125, a bill entitled "An act to prescribe the mode and manner of designating exempted homesteads in certain counties," with amendments by the Senate.

House bill No. 468, a bill for the relief of J. Lancaster, with amendments by the Senate.

Senate bill No. 292, "An act to incorporate the Sherman, Tyler and Henderson Railway Company, and to grant lands to aid in the construction thereof."

Senate bill No. 311, "An act to incorporate the Bastrop Turn Verein."

On motion of Mr. Booty, the House then adjourned until 4 P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

On motion of Mr. Booty, Mr. Walker was excused indefinitely, on account of sickness in his family.

On motion of Mr. Trolinger, Mr. Doyle was excused for the evening, being in attendance on a sick friend.

On motion of Mr. Shelton, Mr. Robb was excused on account of official business.

On motion of Mr. Gallaway, Mr. Salter was excused for the evening on account of pressing business.

On motion of Mr. Allison, Mr. Morris was excused for five days from to-morrow.

Mr. Watts called up House bill No. 383, "An act to incorporate the Beaumont, Corsicana and Fort Worth Railway Company," with which was submitted the following report from the Committee on Internal Improvements :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : Your Committee on Internal Improvements, to whom was referred House bill No. 383, entitled "An act to incorporate the Beaumont, Corsicana and Fort Worth Railroad Company," have had the same under consideration, and have instructed me to report the same back to the House, and recommend the passage of the bill with the accompanying amendments.

WINKLER, Chairman.

1. Amend by striking out all after the word "provided," on second page, and inserting the following: "That said company shall establish a passenger and freight depot within one-half mile of the business portion of each of said towns; *provided*, said towns respectively shall donate to said company sufficient land for right of way, switches, side tracks and depot buildings, not to exceed in each case fifteen acres."

2. In latter part of section two, strike out all after the word "thereof" and insert in lieu thereof the following: "That said company shall commence the construction of their said road at Beaumont or Concord, and shall complete and put in good substantial running order fifty miles of said road by the first day of January, A. D. 1876, and shall thereafter annually construct and put in good, substantial running order twenty-five miles of said road, and upon failing to comply with the provisions of this section said company shall forfeit all right to the lands herein donated except upon completed road."

3. In first part of section eleven strike out all after the word "corporation" in line five, to the word "the" in line eight, and insert in lieu thereof the following: "And so soon as two hundred and fifty thousand dollars of the capital stock of said corporation shall be subscribed, and five per cent. thereof paid in and the balance thereof secured by promissory note."

4. In section nineteen strike out all after the word "require" in line four, to the word "the" in line six.

5. Strike out section twenty-three.

6. Strike out the word "consolidation" wherever it occurs in the bill.

7. Strike out section twenty-four, and insert the following as section twenty-three: "SEC. 23. That the State of Texas hereby donates and grants to said company sixteen sections of land, of six hundred and forty acres each, for each and every mile of road completed and put in good, substantial running order on said line, as hereinafter provided; that whenever and as often as said company shall construct and put in good, substantial running order a section of ten miles or more of said road, may inform the Governor of the fact, and it shall be his duty to appoint some skillful engineer to examine said section of road, and if upon the report of such engineer made to the Commissioner of the General Land Office, under oath, it shall appear that said road has been constructed and put in good, substantial running order, and in accordance with this act, and of the laws of this State, thereupon it shall be the duty of the Commissioner of the General Land Office to issue to said company sixteen land certificates of six hundred and forty acres each for each mile of such completed road. That all land certificates issued to said company under the provisions of this act may be located upon any of the unappropriated public domain of the State, and shall be surveyed in alternate sections; that is to say, said company shall cause to be surveyed for each certificate so issued, two sections of land of six hundred and forty acres each adjoining, and shall return to the General Land Office the field notes and maps of the same, and the Commissioner of the General Land Office shall thereupon number said sections so surveyed and shall cause to be issued to said company patents to the odd sections, the even sections being reserved to the school fund. *Provided*, that the State of Texas shall not be responsible for any deficiency in public land upon which to locate such certificates, and any of such certificates not located because the public lands are exhausted, shall constitute no claim against the State of Texas."

8. Strike out section twenty-five and insert the following as section twenty-four: "SEC. 24. That said com-

pany shall alienate the lands hereby donated except so far as may be necessary to the maintenance and running said road, as follows: One fourth in eight years, one-fourth in twelve years, one-fourth in sixteen years, and the remaining one-fourth in twenty years from the date of the certificates, in such manner that the whole of such land shall pass out of the hands of said company within twenty years from the date of the certificates; *provided*, that said lands shall in no instance be alienated to any other railroad company except so far as may be absolutely necessary for the use and conducting the business of such company; nor to any other corporation or company of which any of the officers or stockholders of this company are members; nor to any other corporation, company, person or persons in trust for this company; and upon failure to comply with, or a violation of the provisions of this section, the company shall forfeit all right to such lands not alienated as herein required. That said company shall be subject to the laws of this State regulating railroads and railroad companies, now or hereafter to be in force."

9. Add as section twenty-five: "SEC. 25. That said company shall not have the right to consolidate with, or sell or lease to, or purchase or lease any competing, parallel or converging railroad line; and the violation of this section shall work a forfeiture of all rights secured by this act."

The amendments were adopted.

On motion of Mr. Mills, the reading of the bill was dispensed with, and it was passed to a second reading.

On motion of Mr. Brown of Dallas, the vote dispensing with the reading was reconsidered.

The bill was then taken up by sections.

Mr. Winkler moved to amend section nine by filling the first blank with the words "two years," and the second blank with the words "first day of July." The amendments were adopted.

Mr. Prendergast moved to amend section twenty-four by inserting after the word "with" as follows, "or a violation of." The amendment was adopted.

Mr. Brown of Dallas moved to amend section twenty-five, line four, by inserting after the word "converging" the word "railroad." The amendment was adopted.

The bill was then ordered engrossed.

On motion of Mr. Brown of Dallas, the rules were suspended, the bill read third time, and passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Bledsoe, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Davenport, Day, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Mabry, Manning, Morris, Nelson, Noeggerath, Powers, Prendergast, Rainey, Roberts, Rosborough, Russell, Sabin, Sayers, Shaw, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Watts, Westfall and Winkler—55.

Nays—Messrs. Bordeaux, Chambers, Cunningham, Denton, Mills, Moore, Shelton, Trolinger and Williams—9.

Mr. Bewley's name having been called, Mr. Brown of Dallas asked to be permitted to call up a bill for that gentleman, who had made a written request of him to that effect. The House refused to allow him to call up the bill.

Mr. Eastland called up House bill No. 474, a bill to incorporate the Hearne, Belton and Northwestern Railroad Company.

The following report thereon was submitted by the Committee on Internal Improvements:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 474, have considered the same, and beg leave to report the accompanying substitute, and recommend its passage.

FORD, for Committee.

Mr. Cook moved to lay the substitute on the table and have one hundred copies thereof printed. The House refused to print.

The substitute was then read and adopted.

Mr. Ireland offered the following amendment: Insert in section two, after the word "Constitution," the words "or laws." The amendment was adopted.

Mr. Nelson offered the following amendment: Amend by striking out "ninety-nine" and inserting "sixty." The amendment was adopted.

Mr. Prendergast offered the following amendment: Add

to section thirteen the following: "*And provided further*, that the lands hereby granted shall not be alienated to any other corporation or company, except so far as is necessary for the proper use and conducting of the business of such corporation or company, or to any person, firm or company, in trust for said railroad company; or to any company, corporation or firm, of which any officer or stockholder of said railroad company is a member; and a failure to comply with, or a violation of the provisions of this section, or of the general laws of this State concerning railroad companies, shall forfeit all benefits under this section." The amendment was adopted.

The bill was then ordered engrossed.

On motion of Mr. Eastland, the rules were suspended and the bill read by caption third time.

Mr. Cook offered the following amendment: "*Provided*, that in no event shall said Hearne, Belton and Northwestern Railway Company, or their successors, be allowed to sell or lease to, or consolidate said Hearne, Belton and Northwestern Railway Company with the Houston and Texas Central or International Railway Companies, or either of them, or to their successors; and any such sale or lease to, or consolidation with, either of said companies or their successors, shall operate as a forfeiture of the charter, chartered rights and franchises of said Hearne, Belton and Northwestern Company." The amendment was adopted.

The bill was then passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Davenport, Day, Denton, Eastland, Ford, Gallaway, Gaston, Ghent, Gilpin, Harrison, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Mabry, Manning, Mills, Morris, Nelson, Noeggerath, Powers, Prendergast, Rainey, Roberts, Rosborough, Russell, Sabin, Sayers, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Watts, Westfall, Williams, Winkler and Wood—59.

Nays—Messrs. Chambers and Moore—2.

The Committee on Engrossed Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills have examined the following bills :

No. 760, "An act to authorize the holders of State warrants to surrender the same to the Treasurer, and receive State bonds for the same."

No. 610, a bill to be entitled "An act to incorporate the City Bank of Dallas."

No. 819, "An act amendatory of an act entitled an act to incorporate the Bastrop Casino Association, approved October 27, 1866."

No. 808, bill to enable the district judges to make temporary appointments of clerks of the District Courts in cases of vacancies.

No. 812, a bill to be entitled "An act to enlarge the boundaries of Concho county."

No. 618, a bill to aid the Bayland Orphans' Home, situated on Galveston Bay, in Harris county, Texas.

And find the same correctly engrossed.

BOOTY, Chairman.

The Committee on Enrolled Bills submitted the following reports :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 662, "An act releasing certain frontier counties from taxation for certain reasons therein named," and find the same correctly enrolled, and have this the second day of May, at 4:30 o'clock P. M., presented the same to the Governor for his signature.

SHAW, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 133, "An act to accurately define the land district of Palo Pinto, and to make valid the surveys and locations heretofore made therein," and find the same correctly enrolled, and have this day at 1 o'clock P. M., presented the same to the Governor for his signature.

SHAW, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined the following bill, to-wit: Bill No. 399, "An act to provide for the registration of births," and find the same correctly enrolled, and have this the first day of May, at 1 o'clock P. M.; presented the same to the Governor for his signature.

SHAW, Chairman.

A message from the Senate announced the passage by that body of the following bills:

House bill No. 13, "An act to incorporate the city of Corsicana," with amendments by the Senate.

House bill No. 594, "An act to incorporate the Saint Louis and Mexican Gulf Railway Company, and to grant land to aid in the construction thereof," with amendments by the Senate.

House bill No. 517, a bill to be entitled "An act supplemental to an act to incorporate the Western Narrow Gauge Railway Company, approved August 4, 1870, and an act supplemental thereto, approved October 13, 1871," with amendments by the Senate.

On motion of Mr. Rainey, the House then adjourned until 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, May 3, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

Absent—Messrs. Bewley, Cook, Ellett and Short.

On motion of Mr. Kemble, Mr. Gillette was excused on account of sickness.

On motion of Mr. Roberts, Mr. Phelps was excused until the evening of the seventh instant, on account of family sickness.

On motion of Mr. Wilder, Mr. Washington was excused on account of important business.

On motion of Mr. Smith of Colorado, Mr. Mills was excused on account of sickness.

On motion of Mr. Harrison the reading of the journal was dispensed with.

On motion of Mr. Bordeaux, an amendment offered by him to House bill to authorize the county courts to dispose of the school lands, was ordered spread upon the journal of yesterday.

Mr. Abbott introduced a bill to authorize the County Court of Waller county to issue coupon interest-bearing bonds, for the building of a court house and jail, and transcribing deeds, etc., and to levy a tax for the same. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Abbott, the rules were suspended and the bill read third time.

Mr. Killough moved to refer the bill to the Committee on Counties and County Boundaries. The House refused to refer. The bill then passed.

Mr. Powers introduced a bill for the relief of Wm. H. Russell. Referred to Judiciary Committee No. 2.

Mr. Schmidt introduced a bill to incorporate the Deutsche Volksfest Verein of Houston. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Schmidt, the rules were further suspended, the bill read third time and passed.

Mr. Hollingsworth introduced a bill requiring the Commissioner of the General Land Office to furnish the surveyor's office of Hays county with a transcript of the surveys of said county up to 1869, and give original efficacy to them in the courts. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Hollingsworth, the rules were suspended and the bill read third time.

Mr. Hollingsworth offered the following amendment: Section one, strike out of lines twelve and thirteen the words "from its organization." The amendment was adopted.

The bill then passed.

Mr. Sabin introduced a bill relating to the sale of county school lands. Referred to the select committee upon the bill authorizing the county courts to dispose of the school lands, Ireland, chairman.

Mr. Brown of Dallas introduced a bill to validate a certain bounty land warrant. Referred to Judiciary Committee No. 2.

Mr. Ireland offered the following resolution:

Resolved, That the report of the joint committee on the conduct of the Superintendent of Public Instruction be referred to a select committee of three to examine and report to this House by resolution or otherwise. That said committee be composed of Messrs. Kleberg, Bledsoe and Killough.

The resolution was adopted.

Mr. Westfall introduced a bill for the preservation of birds and game. Referred to the Committee on State Affairs.

Mr. Cook introduced a bill authorizing certified copies of deeds in certain cases to be recorded, and making certified copies of such records admissible in evidence. Referred to Judiciary Committee No. 1.

Also, a bill to incorporate the Crittenden Business College, of Houston, Harris county, Texas. Referred to the Committee on Town and City Corporations.

Mr. Adriance introduced a bill for the relief of John Robinett. Referred to the Committee on Private Land Claims.

Mr. Broaddus introduced a bill for the relief of Chester S. Corbet. Referred to the Committee on Private Land Claims.

Mr. Brown of Dallas offered the following resolution :

Resolved, That a special committee of five be appointed to take into consideration the necessity of re-arranging and re-publishing the various abstracts of land titles, including all titles issued since the last publication, and that they report by bill or otherwise.

The resolution was adopted.

Mr. Kemble introduced a concurrent resolution concerning the payment of scholastic census takers. The resolution was adopted.

The following communication was received from the Superintendent of Public Instruction, and referred, with the accompanying documents, to the special committee upon the report of the joint committee upon the official conduct of said Superintendent, said committee consisting of Messrs. Kleberg, Bledsoe and Killough.

On motion of Mr. Denton, Mr. Cook was added to the above committee.

DEPARTMENT OF EDUCATION, STATE OF TEXAS, }
 AUSTIN, May 2, 1873. }

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: I have the honor to transmit herewith, in compliance with a resolution of your honorable body, dated March 12, 1873, a complete transcript from the books of my office, showing all accounts certified by members of boards of school directors, and approved by me, payable out of the proceeds of the one per cent. school tax.

There are now filed in this office for examination and approval, vouchers amounting to \$274,685.48, which have accumulated since the passage of the above resolution, to which should be added an estimate for the month of April, of \$90,000.

The reports of sheriffs not being complete as yet, I am unable to state the total amount collected of the one per cent. school tax; but so far as the reports of treasurers of boards of school directors have been received, they acknowledge the receipt of \$942,258.19, and report the disbursement of \$742,087.87.

The proceeds of the one per cent. school tax remain in the counties where it has been collected; and my only sources of information as to the disbursement of these proceeds are contained in the reports of the treasurers of boards. Of these reports I can furnish copies, if so desired.

I have the honor to be, very respectfully,

Your obedient servant,

J. C. DE GRESS,

Superintendent of Public Instruction.

House bill No. 13, "An act to incorporate the city of Corsicana," was taken up, the Senate amendments thereto read and concurred in, and the bill, thus amended, passed.

House bill No. 517, a bill to be entitled, "An act supplemental to an act to incorporate the Western Narrow Gauge Railway Company, approved August 4, 1870, and an act supplemental thereto, approved October 13, 1871," was taken up, the Senate amendments thereto read and concurred in, and the bill passed.

Senate amendments to House bill No. 594, "An act to incorporate the Saint Louis and Mexican Gulf Railroad Company, and to grant land to aid in the construction

thereof," were read and adopted, and the bill, thus amended, passed.

The resolution offered by Mr. Ireland, May 1, changing the order of business, having been read, Mr. Cook offered the following substitute therefor :

Resolved, That hereafter the committees shall be called in their established order, and each committee shall make report of that matter committed to it, upon which the committee is ready to report, and having precedence by number, and no other business shall be done until the matter reported by the committee is disposed of, when the next committee shall be called, and so on until the business in the hands of committees is disposed of, and this rule shall be inserted in the order of business so as to follow the call for bills and resolutions each morning.

On motion of Mr. Ireland the resolution and substitute were postponed until Monday, May 5.

The resolution offered by Mr. Smith of Colorado, changing the evening to a night session, was read.

Mr. Kleberg offered the following substitute therefor :

Resolved, That the rule fixing the daily sessions of this House be so changed that there shall hereafter be held one session per day, Sundays excepted, beginning at 9 o'clock A. M., and closing at 3 P. M., for the remainder of this session.

Mr. Harrison moved to lay the resolution and substitute on the table, which carried.

Resolution offered by Mr. Gallaway, changing the order of business, was read.

On motion of Mr. Chambers it was laid on the table.

Mr. Anderson offered the following resolution :

Be it resolved, That as J. C. De Gress, Superintendent of Public Instruction, designates himself in his communications to this House "the obedient servant" of the House, that granting him that position, it is the will of this House that he resign his position, as the public service would thereby be greatly subserved.

Mr. Ireland moved the previous question, which was seconded, put and carried.

The House then adopted the resolution by the following vote :

Yeas—Messrs. Speaker, Adriance, Anderson, Armstrong, Bledsoe, Booty, Broadbus, Brown of Upshur, Brown of Dallas, Chambers, Cook, Cunningham, Daven-

port, Day, Denton, Doyle, Eastland, Gallaway, Gaston, Ghent, Gilpin, Harrison, Hollingsworth, Ireland, Joseph, Kemble, Killough, Lane, Manning, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Robb, Roberts, Rosborough, Russell, Sabin, Sayers, Schmidt, Scott, Shaw, Shelton, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall, Winkler, Wood—58.

Nays—Messrs. Abbott, Berends, Ford, Mabry, Moore, Stockbridge, Wilder, Williams—8.

On motion of Mr. Trolinger, Mr. Bordeaux was excused for the remainder of the day to allow him to attend a sick friend.

Report from Judiciary Committee No. 2 :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred Senate bill No. 12, "An act to amend an act entitled an act to provide for appeals from interlocutory judgments in the district courts of the State, approved November 1, 1871," instruct me to report said bill back, with the recommendation that the same do not pass.

IRELAND, Chairman.

Mr. Powers moved to recommit the bill to Judiciary Committee No. 2.

The House refused to recommit.

The report was then adopted and the bill indefinitely postponed.

House bill No. 453, a bill regulating taxation, was then taken up, pending an amendment offered by Mr. Sayers.

Mr. Sayers withdrew his amendment and offered the following substitute therefor: Amend by adding after the word "dollars," section three, line one hundred and twenty-seven, the following: "From every person, firm, or association of persons, discounting and shaving paper, or engaged in business as money brokers in any city or town exceeding five thousand inhabitants, an annual tax of one hundred dollars; and from every such person, firm, or association of persons, in any city or town of less than five thousand inhabitants, an annual tax of twenty-five dollars; *provided*, that no such person, firm, or association of persons, who have paid a tax for dealing in stocks or bills of exchange, shall be so taxed."

The amendment was adopted.

Mr. Prendergast offered the following amendment: Section three, strike out the words "each and every county" and "each county" wherever they occur. The amendment was lost.

Mr. Denton offered the following amendment: Section three, line fourteen, after the word "purposes" insert "*and provided further*, that this section shall not be so construed as to authorize druggists to sell spirituous or intoxicating liquors, except alcohol, except upon prescription of some practicing physician."

Mr. Trolinger offered the following substitute for the amendment: Section three, line thirteen, after the word "when" insert "such spirituous, vinous or malt liquors are." The House refused to adopt the substitute.

The amendment was then adopted by the following vote:

Yeas—Messrs. Adriance, Anderson, Bledsoe, Booty, Broaddus, Brown of Upshur, Cook, Davenport, Denton, Doyle, Eastland, Ford Gaston, Ghent, Hoffman, Kemble, Lane, Manning, Payne, Powers, Prendergast, Rainey, Rimes, Roberts, Rosborough, Sayers, Smith of Colorado, Smith of Houston, Storey, Tivy, Tom, Venters, Watts, Westfall, Winkler and Wood—36.

Nays—Messrs. Speaker, Allison, Armstrong, Berends, Brown of Dallas, Carroll, Chambers, Cunningham, Day, Harrison, Ireland, Joseph, Killough, Kleberg, Mabry, Moore, Nelson, Noeggerath, Russell, Sabin, Salter, Schmidt, Scott, Shaw, Shelton, Short, Stockbridge, Thurmond, Tilson, Trolinger, Wilder and Williams—32.

Mr. Berends offered the following amendment: Section three, line ten, strike out "ten gallons" and insert in lieu thereof "one quart."

Mr. Venters offered the following amendment to the amendment: Strike out line ten, section three, and insert "one quart two hundred dollars, and for quantities of one quart or more one hundred dollars." The House refused to adopt the amendment to the amendment.

The amendment was then put and failed to be carried.

Mr. Killough offered the following amendment: Section three, line ten, strike out "ten" and insert "one."

Mr. Wood called for a division of the question.

The motion to strike out "ten" was then put and failed to be carried, whereupon the amendment was declared to have been lost.

Mr. Ireland offered the following amendment: After "the purposes," in line fourteen, insert, "and for selling in quantities of ten gallons and over, one hundred dollars." The amendment was adopted.

Mr. Watts moved to amend section three, in line thirty, by inserting after the word "trees" the words "or books, pictures, maps and charts." The amendment was lost.

Mr. Denton moved to amend section three by striking out all after the word "follows," line seven, to the word "dollars," line, and inserting the following: "For selling vinous, malt or other intoxicating liquors in quantities less than one quart, two hundred and fifty dollars; in quantities over one quart and less than ten gallons, one hundred and fifty dollars."

Mr. Gallaway moved to lay the amendment on the table. The House refused to table.

The special order, House bill No. 816, "An act to provide for an election of a commission to select a site for a branch penitentiary," was announced.

Mr. Sayers moved to postpone the consideration of the special order until the pending bill should be disposed of, which motion was carried.

Mr. Harrison moved the previous question upon the amendment and section.

The previous question having been put and carried, the House then refused to adopt the amendment by the following vote:

Yeas—Messrs. Adriance, Anderson, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Davenport, Denton, Doyle, Eastland, Ellett, Gaston, Ghent, Hollingsworth, Kemble, Lane, Manning, Moore, Powers, Prendergast, Robb, Roberts, Rosborough, Sayers, Shelton, Smith of Colorado, Smith of Houston, Storey, Tom, Venters and Westfall—31.

Nays—Messrs. Speaker, Allison, Armstrong, Berends, Bledsoe, Booty, Chambers, Cook, Cunningham, Day, Gallaway, Gilpin, Harrison, Hoffman, Ireland, Joseph, Killough, Kleberg, Nelson, Noeggerath, Rainey, Russell, Sabin, Schmidt, Scott, Shaw, Stockbridge, Thurmond, Tilson, Tivy, Trolinger, Watts, Wilder, Williams, Winkler and Wood—36.

Mr. Ellett offered the following amendment: Add to section four: "That the County Courts of each county shall set apart out of the county revenues derived from

occupations a sufficient amount to pay the grand and petit jurors and their bailiffs for each year, and no part of such tax shall be used for any other purpose until such jurors and bailiffs are provided for."

Mr. Wood moved to lay the amendment on the table, which carried.

Mr. Powers moved to add to section four as follows: "*And provided further*, that the provisions of this act shall not be deemed to affect the provisions of any law especially authorizing any County Court to levy a different rate of tax." The amendment was adopted.

Mr. Watts moved to amend section four, line sixteen, by striking out the words "the true receipt from" and insert the following in lieu thereof: "the receipt of." The amendment was adopted.

Mr. Wood moved to amend section four by inserting after the word "amount," in line four, the words "of State tax." The amendment was adopted.

Mr. Tilson moved to amend section four, line seven, by inserting after the word "taxes" "only." The amendment was adopted.

Mr. Killough moved to amend by adding to section six: "*Provided*, that the taxes so collected on persons and property in cities or towns shall be turned over to the council of said city or town where said property is situated, to be expended on the streets of the same."

Mr. Harrison moved to strike out section six.

Mr. Sayers moved to lay the motion on the table, which carried.

On motion, of Mr. Sayers, the amendment offered by Mr. Killough was laid on the table.

Mr. Brown of Dallas offered the following amendment: "*Provided*, that the taxes so collected in towns may, when deemed fair and equitable by the County Court, in whole or in part, be expended on the highways within such town or towns." Amendment lost.

Mr. Harrison moved to amend section six, line two, by striking out "five," and inserting "eight." Amendment lost.

Mr. Tilson moved to insert after the word "of," in line eight, section six, "not less than." The amendment was lost.

Mr. Ellett offered the following substitute for section seven: "That there shall be levied an annual direct

ad valorem tax of twenty-five cents upon the one hundred dollars, on the value of all property subject to taxation, for the purpose of paying grand and petit jurors, and their bailiffs, and such tax shall not be used for any other purpose."

On motion of Mr. Wood the substitute was laid on the table.

Mr. Watts moved to amend by adding to section seven as follows: "*Provided*, that all *ad valorem* county tax, except that levied in section six of this act, may be paid in the jury and county scrip of their respective counties." The amendment was adopted.

Mr. Gaston moved to amend section eight, clause fourteen, by inserting after the words, "State bonds," the words, "and county bonds given as railroad subsidies." The amendment was adopted.

Mr. Kleberg moved to amend the third proviso of section eight as follows: "*And provided further*, that books, pictures, paintings, statuary, and works of art, belonging to the family, shall not be taxed." The amendment was adopted.

Mr. Sabin moved to amend by striking out "\$300," and inserting in lieu thereof "\$750." The amendment was lost.

Mr. Brown of Dallas moved to amend section eight by inserting, in the third line from the bottom, after the word "apparatus," the words "city or county hospitals, their grounds, medicines, furniture and fixtures." The amendment was adopted.

Mr. Kemble moved to insert, after the word "earrings," line twenty-three, section eight, the words, "also gold headed canes." The amendment was adopted.

Mr. Harrison moved to amend by inserting in page ten ninth line from bottom, the words, "and other articles." The amendment was lost.

Mr. Rainey moved to strike out the word "asses," in section eight, page ten, line twenty-seven, which motion carried.

Mr. Storey moved to strike out clause ten. The House refused to strike out.

Mr. Storey moved to amend, by adding after the word "family," "all implements of husbandry, tools, implements and books belonging to any trade or profession." The amendment was lost.

Mr. Berends moved to amend by inserting in third line from the bottom, after "their," the word "property." The amendment was adopted.

Mr. Hoffman moved to amend section nine, line twenty, by striking out, after the word "profit," "two hundred and fifty dollars," and inserting in lieu thereof "fifty dollars."

On motion of Mr. Wood, the amendment was laid on the table.

Mr. Powers moved to insert before the word "*provided*," in section three, line twenty-eight, the following: "*Provided* that no license tax for pursuing the occupation of a peddler shall be collected from any veteran who served in the army of the Republic of Texas during the year 1836, nor from any citizen of Texas who may have lost an arm or limb in the service of either army during the late war, or who was otherwise permanently disabled. The amendment was adopted.

Mr. Brown of Dallas offered the following amendment to section nine: "That all laws and parts of laws in conflict with this act be and are hereby repealed, and that this act shall take effect and be in force from and after its passage. The amendment was adopted.

Mr. Sayers moved the previous question, which carry- ing, the bill was ordered engrossed.

On motion, the rules were suspended and the bill read third time.

Mr. Gallaway moved to reconsider the vote engrossing the bill. The House refused to reconsider.

Mr. Cook moved to strike out the amendment offered by Mr. Powers, which motion carried, and the amend- ment was stricken out.

Mr. Berends offered the following amendment: Amend section three by striking out in line sixty-five, from the words "for every" to the word "dollars" in line seventy-one, and insert in lieu thereof "for every cook shop, eating house or boarding house fifteen dollars; *provided*, that no house be considered a boarding house unless there are kept as many as four regular boarders at one time, exclusive of all school children; *and provided further*, that no house shall be considered a boarding house whose annual income is less than three hundred dollars."

The House refused to adopt the amendment.

Mr. Thurmond offered the following amendment: "*Provided*, meerschaum pipes presented by distinguished friends are not exempt from an *ad valorem* tax by this act."

The House refused adopt the amendment.

Mr. Scott moved to amend by striking out of section three, line one hundred and eighty-eight, the word "ten" and insert "one hundred."

The House refused to adopt the amendment.

Mr. Schmidt moved to amend section three, line one hundred and eighty-eight, by striking out the word "ten" and inserting in lieu thereof "twenty-five."

The House refused to adopt the amendment. The bill then passed.

The special order, House bill No. 810, "An act to provide for an election of a commission to select a site for a branch penitentiary," was then announced.

On motion of Mr. Hollingsworth, it was postponed and made special order for Monday, May 5, 10 A. M.

On motion of Mr. Sayers, Senate bill No. 52, "An act to amend sections one, one hundred and fourteen, one hundred and ninety-two, two hundred and seventeen, two hundred and forty, two hundred and forty-two, two hundred and fifty, two hundred and fifty-one, two hundred and fifty-two, two hundred and sixty-six and three hundred and forty-one of an act entitled an act prescribing the mode of proceeding in District Courts in matters of probate, approved August 15, 1870," was made special order for Tuesday, May 6, 10 A. M.

A message from the Senate announced the passage by that body of House bill No. 618, "An act to aid the Bayland Orphans' Home, situated on Galveston Bay, in Harris county, Texas."

House bill No. 467, "An act to adjust and define the rights of the Texas and Pacific Railway Company within the State of Texas, in order to encourage the speedy construction of a railway through the State to the Pacific Ocean," with amendments by the Senate.

House bill No. 819, "An act amendatory of an act entitled an act to incorporate the Bastrop Casino Association, approved October 27, 1866."

And House bill No. 211, "An act for the relief of C. R. Gibson, of Ellis county."

The Committee on Enrolled Bills submitted the following reports :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined the following bill, to-wit:

No. 618, "An act to aid the Bayland Orphans' Home, situated on Galveston bay, in Harris county, Texas."

And find the same correctly enrolled, and have this the day of May, at 12:30 o'clock P. M., presented the same to the Governor for his signature.

SHAW, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined the following bills:

No. 402, "An act to incorporate the Milam Real Estate and Immigration Association."

No. 262, "An act to amend the seventh section of an act entitled an act to incorporate the city of Rockport, approved May 26, 1871."

And find the same correctly enrolled, and have this day, the of May, at 11 o'clock A. M., presented the same to the Governor for his signature.

SHAW, Chairman.

On motion of Mr. Harrison, the House adjourned till 4 P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present:

The following gentlemen were absent:

Messrs. Anderson, Bewly, Booty, Ellett, Ireland, Salter and Short.

On motion of Mr. Smith, of Houston, Mr. Rimes was excused on account of sickness.

On motion of Mr. Brown, of Upshur, Mr. Abbott was granted leave of absence until Monday next.

The Speaker announced the following committee on the resolution to re-arrange and republish abstracts of land titles: Messrs. Brown, of Dallas, chairman, Carroll, Ellett, Hoffman and Lane.

On motion of Mr. Nelson, the Committee on Internal Improvements were granted leave to make a report upon House bill No. 296, and submitted the following:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 596, entitled "An act amendatory of and supplementary to an act entitled an act to incorporate the East Line and Red River Railroad Company, approved March 22, 1871," have had the same under consideration, and a majority have instructed me to report the same back to the House and recommend that the bill pass, with the accompanying amendments.

WINKLER, Chairman.

In lieu of the bill and amendments, the committee offered a substitute bill of the same caption, which was read and adopted.

The bill was then read second time.

Mr. Brown, of Dallas, offered the following amendment: In section five, after the words "twenty years," insert "from the passage of this act."

The amendment was adopted.

Mr. Smith of Colorado offered the following amendment: In section four, second line, before the end of the section, after the word "State," insert "nor shall any other railroad company take, own or purchase any stock in this company; nor shall it sell, lease, transfer or consolidate their road or the management thereof to any other railroad company."

Mr. Sabin moved to lay the amendment on the table, which motion carried.

Mr. Nelson moved to amend by inserting after the word "county," in section one, line nineteen, "and thence to Greenville, in Hunt county." The amendment was adopted.

Mr. Nelson offered the following amendment: "*And provided further*, that nothing in this act shall be so construed as to require the people of Hopkins county to pay the money subsidy heretofore voted to the said East Line and Red River Railroad by the people of said county." The amendment was adopted.

The bill was then ordered engrossed.

On motion of Mr. Winkler, the rules were suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Berends, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Davenport, Day, Denton, Doyle, East-

land, Ellett, Ford, Gaston, Ghent, Gilpin, Harrison, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Kleberg, Lane, Mabry, Manning, Moore, Nelson, Noeggerath, Powers, Prendergast, Rainey, Robb, Roberts, Rosborough, Russell, Sabin, Sayers, Schmidt, Scott, Shaw, Shelton, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Watts, Westfall, Wilder, Williams, Winkler and Wood—60.

Nays—Messrs. Armstrong, Payne, Trolinger, and Venters—4.

The Committee on Engrossed Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills have carefully examined House bill No. 474, "An act to incorporate the Hearne, Belton and Northwestern Railroad Company, and aid in constructing the same," and find it correctly engrossed.

BOOTY, Chairman.

On motion of Mr. Kleberg, the Committee on State Affairs was granted leave to report upon House joint resolution No. 553, for the relief of the widow of the late Hon. Louis Frankee, deceased.

The following report was submitted:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on State Affairs, to whom was referred joint resolution No. 553, "For the relief of the widow of the late Hon. Louis Frankee, deceased," have considered the same and instruct me to report the accompanying substitute and recommend its passage.

KLEBERG, for Committee.

The substitute, being joint resolution authorizing Hon. J. G. Killough to draw the pay of Hon. Louis Frankee, deceased, was read and adopted.

The joint resolution was then read second time and ordered engrossed.

On motion the rules were suspended, the bill read third time and passed.

The following communication was received from his Excellency the Governor :

EXECUTIVE OFFICE, STATE OF TEXAS, }
 AUSTIN, May 3, 1873. }

*To the Honorable Senate and House of Representatives
 of the State of Texas :*

GENTLEMEN: I am just in receipt of a communication from his Excellency Marsh Giddings, Governor of New Mexico, replying to my communication of the fourteenth of March, 1873, written in compliance with a joint resolution of the Legislature, approved same date, inquiring whether the remains of Texas soldiers, who fell at the battle of Glorietta and Valverde, and of those who were buried at Albuquerque and Santa Fé, in New Mexico, during the late war, require further interment, and he informs me "that no action is requisite in the matter, as all those who fell in battle, and all those in regard to whom information is sought, have been decently and properly interred in the public cemeteries of the territory of New Mexico."

Very respectfully,

EDMUND J. DAVIS, Governor.

Mr. Prendergast moved that the House adjourn. The House refused to adjourn.

On motion of Mr. Harrison, the Committee on Internal Improvements were granted leave to make a special report, and submitted the following :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 111, "An act to incorporate the Dallas, Palestine and Southeast Texas Railway Company," have had the same under consideration, and have instructed me to report the same back to the House with the following amendments, and on the adoption of the same recommend that the bill do pass.

PAYNE, for Committee.

Amendments offered by the committee: Add to section seven: "Thereupon it shall become the duty of the Commissioner of the General Land Office to issue to said company certificates of six hundred and forty acres each, equal in amount to sixteen sections per mile of road so completed, which said certificates shall be located and surveyed in alternate sections, and field notes and maps to be returned to the General Land Office, and the odd sections patented to said company, and all the alternate

or even sections shall be reserved and set apart and appropriated to, and constitute a part of the common school fund as provided by law; and the lands granted to said company by virtue of the provisions of this act shall be alienated by said company except so far as may be necessary to the maintenance and running of its road, as follows, to-wit: one-fourth in eight years, one fourth in ten years, one-fourth in twelve years, and one-fourth in sixteen years from the time of acquiring of said lands; *provided*, said lands shall not be alienated directly nor indirectly to any other corporation for its use, except so far as may be necessary for the proper uses and convenience of the business of such corporation, and on failure to alienate said lands as herein directed, they shall be proceeded against as the laws in force may direct; *and provided further*, that the State of Texas shall not be held liable for a deficiency in the lands hereinbefore mentioned."

Add the following section: "SEC. . . . That the State reserves the right to regulate the rates of freight and passage on said road by any general law of the State applicable to railroads, and also to place the officers and employés of the same under the provisions of any general law which is now in force or may hereafter be enacted to prevent wrong towards passengers or other patrons of the road; and said company shall be subject to any law now in force or hereafter enacted in relation to railroads in this State."

The amendments were adopted and the bill read second time.

Mr. Winkler offered the following amendment: Amend as to the duration of the charter by striking out "ninety-nine," and inserting in lieu thereof, "sixty." The amendment was adopted.

Mr. Brown of Dallas moved to amend section seven by inserting after the words "favorable report," the words, "under oath." The amendment was adopted.

Mr. Prendergast offered the following amendment: Amend section seven by inserting after the word, the following, "except as far as may be necessary for its proper uses, and conducting its business, nor to any person, firm or company in trust for said railroad company, or to any firm or company of which any officer or stockholder of said railroad company is a member, and a

failure to comply with, or a violation of the provisions of this section, shall work a forfeiture of all the benefits of this act." The amendment was adopted.

The bill was then ordered engrossed. On motion the rules were suspended, and the bill read third time.

Mr. Cook offered the following amendment: "Nor shall said Dallas, Palestine, and Southeast Texas Railway Company, or their successors, be allowed to sell or lease to, or consolidate with any other railroad company, without the consent of the Legislature, and any such sale or lease to, or consolidation with any other railroad company, without such consent, shall work a forfeiture of the charter, chartered rights and franchises of the said company."

Mr. Booty moved to lay the amendment on the table, which motion carried.

The bill then passed by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Berends, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Davenport, Eastland, Ford, Galloway, Gaston, Ghent, Gilpin, Harrison, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Lane, Mabry, Manning, Nelson, Noeggerath, Payne, Powers, Robb, Roberts, Rosborough, Russell, Sabin, Sayers, Schmidt, Scott, Shaw, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Watts, Westfall, Wilder, Williams and Winkler—51.

Nays—Messrs. Armstrong, Cook, Cunningham, Day, Ellett, Moore, Shelton, Short, Trolinger and Wood—10.

Mr. Sayers moved that the Committee on Private Land Claims be allowed to report on Senate bill No. 271. The motion was lost.

Mr. Smith of Colorado moved to take up House bill No. 482, "An act to aid in the construction of the Galveston, Harrisburg and San Antonio Railway." The motion carried.

Mr. Roberts moved that the House adjourn until 9 A. M. Monday, which motion carried.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, May 5, 1873. }

House met pursuant to adjournment. Roll called; quorum present.

Absent—Bewley, Brown of Dallas, Cook and Mills.

On motion of Mr. Allison, Mr Booty was excused on account of pressing business.

On motion of Mr. Carroll, Mr Gillette was excused indefinitely on account of sickness, and Mr. Kemble to attend his sick friend.

On motion of Mr. Wilder, Mr. Stockbridge was excused for the day on account of sickness.

On motion of Mr. Kleberg, the reading of the journal of Saturday was dispensed with.

Mr. Thurmond moved to reconsider the vote taken on Saturday upon the final passage of House bill No. 596, entitled "An act amendatory of and supplementary to an act entitled an act to incorporate the East Line and Red River Railroad Company, approved March 22, 1871."

The vote was reconsidered by the following vote :

Yeas—Messrs. Adriance, Allison, Anderson, Armstrong, Berends, Bledsoe, Bordeaux, Broaddus, Brown of Dallas, Chambers, Cook, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ellett, Ford, Gaston, Gilpin, Harrison, Hoffman, Hollingsworth, Ireland, Joseph, Killough, Kleberg, Mabry, Nelson, Noeggerath, Powers, Prendergast, Rainey, Robb, Rosborough, Salter, Sayers, Schmidt, Shelton, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tivy, Tom, Trolinger, Venters, Watts, Westfall and Winkler—51.

Nays—Messrs. Speaker, Brown of Upshur, Carroll, Gallaway, Lane, Manning, Moore, Roberts, Russell, Sabin, Scott, Shaw, Tilson, Wilder, Williams and Wood—16.

On motion of Mr. Bordeaux the bill was then made special order for Tuesday, May 6, at 5 P. M.

Mr. Kleberg offered a concurrent resolution authorizing and requiring the Speaker of the House of Representatives and the President of the Senate to adjourn their respective Houses *sine die* May 15, 12 M., 1873.

On motion of Mr. Kleberg the resolution was postponed until Tuesday, May 6, at 10 A. M.

Mr. Ireland introduced a bill providing compensation for persons examining railroads. Read first time; rules suspended and read second time.

Mr. Anderson moved to amend by inserting after the word "performed," third line from the end, the following: "to be paid into the treasury in advance."

The motion carried and the amendment was made.

The bill was then ordered engrossed.

On motion of Mr. Ireland the rules were further suspended, the bill read third time and passed.

Mr. Ireland introduced a second bill, providing for the trial and removal from office of certain officials. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Ireland the rules were suspended, the bill read third time and passed.

Mr. Watts introduced a bill to be entitled "An act for the relief of railroad companies." Read first time; rules suspended, read second time, laid on the table and one hundred copies ordered printed.

Mr. Galloway introduced a bill to amend section four of "An act to authorize Adam Sullivan to construct a bridge across the Sabine river." Read first time and referred to Judiciary Committee No. 1.

Mr. Sayers offered the following resolution:

Resolved, That the Committee on Constitutional Amendments be requested to report on the various amendments that have been submitted to it, to the end that this House may determine upon those that should be submitted to the people at the next general election.

Adopted.

Mr. Cook introduced a bill to provide for the institution and prosecution of proceedings in the nature of *quo warranto* against railroad and other incorporated companies. Read and referred to Judiciary Committee No. 2.

Mr. Hollingsworth introduced a bill to incorporate the San Marcos, Guadalupe and Galveston Canal Company. Read first time, laid on the table and one hundred copies ordered printed.

Mr. Smith of Colorado introduced a bill for the relief of sheriffs. Read first time and referred to Judiciary Committee No. 2.

Mr. Winkler introduced the following resolution:
Resolved, That the Committee on State Affairs be in-

structed to inquire into the propriety and necessity of providing by law for the office of State Engineer, and report by bill or otherwise.

Adopted.

Mr. Nelson offered the following resolution :

Resolved, That the use of this hall be tendered to Dr. W. C. Hurley, of Hopkins county, on next Thursday evening at 8 o'clock, for the purpose of delivering a lecture, the subject to be upon the "Races of Men."

Adopted.

On motion of Mr. Kleberg, Mr. Smith of Colorado was added to the special committee upon the report on the official conduct of the Superintendent of Public Instruction.

The Speaker announced House bill No. 467, "An act to adjust and define the rights of the Texas Pacific Railway Company within the State of Texas, in order to encourage the speedy construction of a railway through the State to the Pacific ocean," with amendments by the Senate.

The amendments having been read, on motion of Mr. Smith of Colorado the House refused to concur therein.

The Committee on Engrossed Bills submitted the following report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed bills have carefully examined the following bills, to-wit :

No. 553, substitute offered by Committee on State Affairs for joint resolution No. 553, authorizing Hon. I. G. Killough to draw the pay of the Hon. Louis Frankee, deceased.

No. 383, a bill to be entitled "An act to incorporate the Beaumont, Corsicana and Fort Worth Railroad Company."

And find the same correctly engrossed.

BOOTY, Chairman.

A message from the Senate announced the passage by that body of the following House bills :

No. 218, "An act to be entitled an act to incorporate the Pioneer Fire Company No. 1, of the city of Corpus Christi, State of Texas."

No. 808, "An act to enable the district judges to make temporary appointments of clerks of the district courts in cases of vacancies."

No. 747, "An act to authorize the County Court of Freestone county to levy and collect a special tax to repair the court house and jail in said county."

Special order, House bill No. 816, "An act to provide for an election of a commission to select a site for a branch penitentiary," was then announced.

On motion of Mr. Sayers, its consideration was postponed until Senate bill No. 52 should be disposed of.

Senate bill No. 52, "An act to amend sections one, one hundred and fourteen, one hundred and ninety-two, two hundred and seventeen, two hundred and thirty-five, two hundred and forty, two hundred and forty-two, two hundred and fifty, two hundred and fifty-one, two hundred and fifty-two, two hundred and sixty-six and three hundred and forty-one of an act entitled an act prescribing the mode of proceeding in District Courts in matters of probate, approved August 15, 1870," was then taken up and considered by sections, pending amendments offered by the committee, which were printed with the bill.

Mr. Ireland moved to amend section one by striking out of line sixteen, the words "habitual drunkards." The amendment was adopted.

Mr. Ireland moved to amend further by striking out of line forty, section one, the word "at," and inserting in lieu thereof "or," which motion carried.

Mr. Smith of Houston moved to strike out of line thirty-seven, section two, the word "ten," and insert in lieu thereof the word "twenty," which motion carried.

The second amendment offered by the committee, as follows: Change the number of section two to seven, and strike out section three; change section four to fourteen, was adopted.

Mr. Ireland moved to strike out of section five, line four, the words, "for the payment of debts," which motion carried.

The following amendments offered by the committee were adopted:

3. After word "posted," in line seven of section five, amend by inserting "in three public places in the county, one of which shall be at the court house door, for ten days prior to the granting of such order;" and change section five to fifteen; change section six to sixteen; change section seven to seventeen.

4. Strike out sections eight and nine.

5. Change section ten to twenty-one, and amend it as follows: After the word "filing," in third line, strike out all to the word "of," in fifth line; after the word "accounts," in sixth line, insert, "or exhibits shall be."

6. Change the number of section eleven to twenty-two, and twelve to twenty-six.

7. Add: "SEC. 2. That section twenty of said recited act shall be amended to hereafter read as follows: SEC. 20. That in every question of disputed fact, any party interested in the estate or administration shall, on demand, be entitled to a jury."

"SEC. 3. Section forty-three of said act shall be so amended as to hereafter read as follows: SEC. 43. What are called temporary letters of administration in this act, to-wit, such as are issued by the clerk in vacation, without previous notice, shall continue in force and effect till the appointment and qualification of a permanent administrator or executor; and should there be no application to the clerk in vacation for permanent letters, and no such application pending before the court in term time, if there is no opposition, the court may, by order, without any notice, appoint such temporary administrator permanent administrator, exacting a new bond if the same be necessary."

Further amendment offered by the committee:

"SEC. 4. Said recited act shall be amended, to-wit: Section forty-five of same to read hereafter as follows: SEC. 45. After four years have elapsed, the presumption is, that no debts exist against the estate, or that they are barred by limitation, and that the property has gone into the hands of the heirs at law, or such persons as are entitled to receive the same. However, if debts exist, the creditor has his remedy, by suit in a court of competent jurisdiction, against the heir or other party in possession of the property of the testate or intestate; *provided* such property, at the time suit commenced, would, if administration be permitted, be assets in the hands of the administrator or executor, or liable to be reduced by possession as assets to pay debt; and if such creditor shall establish his debt, he shall recover judgment against the heir or other party in possession of the property, to the amount of his debt; *provided, however, that such judgment shall never exceed in amount the value of the property so held by the heir or other party.* In all cases applicable, the

State shall have the same remedy as any other creditor for the recovery of a debt or of escheated property. And it is hereby declared that the lawful and *bona fide* debts of the testate or intestate are a lien and charge upon his property in the hands of the heir or legatee, or any other person whose possession or title to the same is not acquired *bona fide* and for a valuable consideration."

Mr. Kleberg offered the following amendments to the amendment: Line four, strike out "is" and insert in lieu thereof "shall be;" line nine, strike out "has" and insert in lieu thereof "may have." The amendments were adopted.

Mr. Ireland offered the following amendment: Line sixteen, strike out "by" and insert in lieu thereof "to." The amendment was adopted.

Mr. Powers moved to amend by striking out of line twenty-eight, section four, the word "of" and inserting in lieu thereof "due by," and by changing "testate" to "testator," which amendment was adopted.

The amendment thus amended was adopted.

Further amendment by the committee: "SEC. 5. That subdivision three of section sixty-three of said recited act shall be amended to hereafter read as follows: Subdivision 3. If he neither resided, at the time of his death, nor died in the State, then in the county where one or more of his nearest relatives reside; or if he left no relative in the State at the date of his death, then in the county where the principal portion of his estate is situated."

Mr. Prendergast moved to amend by inserting after the word "resided," line four, the words "in the State," which amendment was adopted.

The amendment thus amended was then adopted.

The following amendments were adopted: "SEC. 6. That section sixty-eight of said act shall be amended to hereafter read as follows: Sec. 68. When bond shall be filed and approved and oath taken, an order shall be entered on the minutes of the court by the clerk to that effect, and he shall deliver to the party a certificate to that effect, under his hand and the seal of the court.

"SEC. 8. Section one hundred and twenty-nine of the aforesaid act shall be amended to read as follows: Sec. 129. The appraised value shall be set opposite each item in the inventory, and the real property shall be computed

separate from the personal, to which said appraisement and inventory the appraisers, or a majority of them, shall subscribe their names, and make affidavit before some officer authorized to administer an oath, that said appraisement and inventory is just and correct, to the best of their knowledge and belief; that they are disinterested parties, and not of kin to the administrator or executor.

“SEC. 9. That section one hundred and thirty-nine of the said act shall be amended to read as follows: SEC. 139. The report of the commissioners shall be signed by them, or a majority of them, to which shall be attached their sworn statement, made before some officer authorized to administer an oath that the partition made by them as set out in their report is just and fair, to the best of their knowledge and information; that they have no interest in said partition; that they are not kin to any of the parties to the partition; or, as the case may be, that they believe no just division of the land can be made, or other property.”

Further amendment by the committee: “SEC. 10. That section one hundred and forty-six of said act shall be amended so as to read as follows: Sec. 146. It follows from the preceding sections that executors and administrators may sue and be sued for possession of real property; and when ordered by the court may bring trespass to try title, any other character of suit in which the title to land may be decided, and in such case the judgment of the court shall bind the heir, distributee or legatee, except the proceedings be tainted by fraud. In all cases where the testate or intestate has sued or been sued for the title in his lifetime, such suit shall not abate by reason of the death of any of the parties, but the same may revive by or against their executors, or administrators, and the case proceed to judgment, and the same shall be as binding on the heirs, legatees, and distributees as if rendered in the lifetime of the testate or intestate.”

Mr. Wood moved to amend by striking out of line fifteen the word “revive” and inserting in lieu thereof “be revived,” which amendment was adopted.

Mr. Kleberg moved to change “testate” in lines twelve and twenty to “testator,” which motion was carried.

The amendment thus amended was then adopted.

Further amendment by the committee: “SEC. 11. That section one hundred and seventy-six of said act shall be amended to read as follows: Sec. 176. The executor or

administrator shall within one month after his qualification notify all persons concerned to present their claims for allowance, within the period of twelve months from date of such notice, otherwise if presented after that date they will be postponed in payment till those presented within that date are paid, which notice shall be published for three weeks in a newspaper, if one be published in the county, if not by posting in three public places in the county, the court house door being one of the places."

Mr. Tilson moved to amend by striking out in line eight the word "in" and inserting in lieu thereof "for," which amendment was adopted.

The section thus amended was adopted.

The following amendments offered by the committee were then adopted: "SEC. 12. That section one hundred and eighty-two of said act shall be so amended as to read as follows: Sec. 182. The administrator or executor shall not allow any claim, or the court or clerk approve the same, unless it shall have an affidavit attached, made by the owner, his agent or attorney, before some officer having a seal of office and generally authorized to administer oaths, to the effect as follows: That said claim is a just debt against the estate, and that the same is due and unpaid, after deducting all payments credits and setoffs to affiant known.

"SEC. 13. Section one hundred and ninety-two of said recited act shall be amended to read hereafter as follows: Sec. 192. That at each term of the court all claims which have been accepted by the administrator or executor and filed, and not approved by the clerk in vacation, shall be examined by the court and approved or rejected, in whole or in part, by endorsement on same, signed by the court; and such approval or disapproval by the court, or by the clerk in vacation, shall have the effect of a judgment or decree by the court, and shall bind the administrator, executor, heirs, legatees and distributees until avoided and set aside by due course of law. All claims which have been presented, whether allowed or approved or not, shall be assigned to their proper class. Claims may be referred by the court to an auditor and the action of the court based on his report."

Further amendment by the committee: "SEC. 18. Section two hundred and forty-three of the aforesaid

act shall be amended to read hereafter as follows: Sec. 243. All sales of real estate made by the order or decree of the District Court in matters of probate shall be conducted, as to advertisement, time and place of sale, in accordance with the law governing and regulating sales made of similar property on execution. The executor or administrator shall make return of all sales of real estate in manner and form, as is required in section one hundred and sixty-three, for the sale of personal property. Any person bidding off any property, real or personal, at any administrator's or executor's sale, and shall fail to comply with the terms of sale in five days, then the executor or administrator shall proceed to advertise and sell the same again; and if, at such second sale, said property does not bring the amount bid by the antecedent purchaser, such antecedent purchaser shall forfeit and pay to the executor or administrator, for the benefit of the estate, the difference between what he bid and what said property brought at said second sale; and, in addition thereto, ten per cent. damages, to be sued for and recovered for the benefit of the estate, before any court of competent jurisdiction; and if such purchaser, on the day of sale, shall manifest his intention not to take such property by complying with the terms of sale, the executor or administrator may, if there is time, put said property up the second time on the same day, and sell same. The ten per cent. damage given in this section is on the amount of the defaulting purchaser's bid."

Mr. Anderson moved to amend by striking out of lines fifteen and sixteen the words, "in five days," and inserting in lieu thereof, "on day of sale." Line eighteen, strike out "advertise and;" and after the word "again," same line, insert as follows: "On same day, or in his discretion, re-advertise and sell the same on some succeeding sale day." The amendments were adopted.

Mr. Anderson offered the following amendment: Section eighteen, insert after the word "executor," wherever it occurs, the words "or guardian." The amendment was adopted.

Mr. Ireland moved to amend by striking out the word "ten," wherever it occurs in the section, and insert in lieu thereof "twenty," which amendment was adopted.

Mr. Wood offered the following amendment: Strike

out from the top of page fifteen to the words "execution" inclusive, and insert in lieu thereof as follows: "All sales of real estate made by the order or decree of the District Court in matters of probate, shall be advertised by posting written or printed notices of the time and place of sale in at least three public places in the county where the land is situated, one of which places shall be the court house door, and such notices shall contain a brief description of the property to be sold, and terms of sale. If the land is sold in a county other than the county where administration is pending, such sale shall be advertised as herein required in the county where the land is situated, and where administration is pending as herein required." The amendment was adopted.

The section thus amended was then adopted.

The following amendments were then adopted: "Sec. 19. That section two hundred and forty-six (246) of said recited act shall be amended to hereafter read as follows: Sec. 246. The terms of sale of all real estate, when made on a credit—and the court may, if it deems proper, order such credit to be twelve months—are that the purchaser give a note with approved personal sureties and to execute a mortgage on the land to secure the payment of the purchase money, which said mortgage it shall be the duty of the administrator or executor to have recorded in the proper county; but if he fails to perform this duty, the notes for the purchase money, till paid, shall have preference and priority over any right, title or claim the purchaser at the sale, by virtue of such purchase and the deed from the executor or administrator, can confer on any third person; and all such purchasers shall be deemed to have full notice of the lien in favor of the estate for the purchase money.

"Sec. 20. Section two hundred and fifty-one of said aforecited act shall be so amended as to read as follows: Sec. 251. Every account or exhibit presented by an executor or administrator to the court shall be acted on by the court at the time of filing, if the same have not been acted on by the clerk, except a final account or exhibit, which shall not be acted on finally till the proper publication as to the same has been made.

"Sec. 23. Section two hundred and ninety-one of the aforecited act shall be amended to hereafter read as follows: Sec. 291. Such sales shall be made, advertised,

returned, confirmed and completed, as is directed by section two hundred and forty-three of said recited act, as amended by this act, and terms of sale same as is required in section two hundred and forty-six as amended by this act.

SEC. 217. That sections one hundred and twenty-seven, two hundred and thirty-one, two hundred and thirty-two, two hundred and fifty and two hundred and fifty-one of said aforecited act be and the same are hereby repealed, and all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed; and that this act take effect and be in force from and after its passage."

Further amendment offered by the committee: Amend caption: "An act entitled an act to amend an act prescribing the mode of proceeding in district courts in matters of probate, approved August 15, A. D. 1870." The amendment was adopted.

Mr. Ireland moved to add to section six, page twelve, the following: "Which shall be proof of his fiduciary character in all the courts of this State." The amendment was adopted.

On motion of Mr. Hollingsworth, Mr. Anderson was excused for the remainder of the day on account of pressing business.

Mr. Sayers offered the following amendment: Amend sections thirty-three and three hundred and four, of the act entitled, "An act prescribing the mode of proceeding in District Courts in matters of probate, approved August 15, 1870," so as hereafter to read as follows, respectively: "SEC. 33. When the wife dies, her husband surviving, administration is unnecessary, except as to any separate estate which may have belonged to her. The husband continues to have the same power of disposition over the community property which he possessed during the continuance of the marriage; but he shall be required to return an inventory and appraisement of all such property, and to file a bond, signed by one or more sureties, to be approved by and payable to the district clerk of the county, in an amount equal to the value of the whole of the community property, to the effect that he will faithfully administer the same, and pay over one half of the surplus, after the payment of the debts, with which the whole is properly chargeable, to such person or per-

sons as shall be entitled to receive it; *provided*, that this section shall not apply to community property of estates where the surviving husband or wife, prior to the passage of the act to which this is an amendment, obtained the right to manage, control and dispose of said community property, under and by virtue of the provisions of the act entitled, "An act supplementary to the act of March 13, 1848, entitled, an act better defining the marital rights of parties, approved August 26, 1856;" and such surviving husband or wife shall manage, control and dispose of such community estate, and make settlement and partition thereof, under and in accordance with the provisions of said act, approved August 26, 1856, as though the same had not been repealed."

"SEC. 304. All proceedings in relation to the settlement, partition and distribution of estates of deceased persons that now remain unsettled in the county courts where the administration has been commenced shall be transferred to the district court of the same county, and shall be concluded under the provisions of this act; *provided*, this section does not apply to community estates where the surviving husband or wife, prior to the passage of an act to which this is an amendment, obtained the right to manage, control and dispose of the community property without administration; *provided further*, that no remedy to which a creditor is entitled under the provisions of the laws heretofore in force shall be impaired by this act. Proceedings heretofore had in the county courts, in matters of probate, may be revised by motion in the district court, specifying the errors or irregularities sought to be corrected, giving ten days' notice thereof to the party or parties adversely interested."

Mr. Powers moved to lay the amendment on the table, which motion carried.

Mr. Cook moved to strike out of section one, lines twenty-one and twenty-two, the words "to probate wills."

Mr. Wood moved to lay the amendment on the table, which motion carried.

Mr. Ireland moved to strike out of section thirteen the following: "Nor shall it be competent for a deputy to exercise the powers and authority herein conferred upon the clerk."

The amendment was adopted.

Mr. Ireland moved to amend by inserting the following additional section: "That all temporary letters of administration shall be granted on the first and third Mondays in each month, and at no other time."

Mr. Sayers moved the previous question, which was seconded, put and carried.

The amendment offered by Mr. Ireland was then adopted.

The bill was then ordered engrossed.

On motion of Mr. Wood the rules were suspended and the bill read a third time.

Mr. Powers moved to amend section nine by transposing the words "or other property" at the end of the section, and placing them after the word "land," in last line but one, which amendment was adopted.

Mr. Mills moved the previous question, which was seconded, put and carried. The bill then passed.

Mr. Mills offered a concurrent resolution declaring that this Legislature will adjourn *sine die* on the thirty-first day of May, A. D. 1873.

A message from the Senate announced the passage by that body of Senate joint resolution No. 140, authorizing and requiring the sheriff of Williamson county, by himself or deputy, to summon a *posse* for the purpose of pursuing and arresting certain persons accused of crime, and providing rewards for such arrests.

Mr. Ireland moved to suspend the consideration of the special order, being House bill No. 816, "An act to provide for an election of a commission to select a site for a branch penitentiary," etc., until Tuesday, May 6, 11 A. M., and take up the message just received from the Senate, which motion carried.

The joint resolution was then read first time; rules suspended and read a second time.

Mr. Ireland offered as a substitute therefor a concurrent resolution authorizing and requiring the Governor to offer a reward of two hundred dollars each for the arrest and conviction of the parties who broke open the jail in Williamson county on the second instant, and an appropriation of three thousand dollars therefor.

A message from the Senate announced that that body refused to recede from its amendments to House bill No. 467, to adjust and define the rights of the Texas and Pacific Railroad Company within the State of Texas, in

order to encourage the speedy construction of a railroad through the State to the Pacific Ocean, and had appointed Senators Planagan, Ball and Latimer a conference committee on the disagreement between the two Houses.

On motion of Mr. Winkler, the House then adjourned until 4 o'clock P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

Absent—Messrs. Kleberg and Tivy.

On motion of Mr. Brown of Upshur, Mr. Gallaway was excused for four days, on account of pressing business.

A message from the Senate announced the passage by that body of the following Senate bills:

No. 258, "An act to amend sections seven, ten and twenty, of an act entitled an act to incorporate the Tyler Tap Railroad Company, approved December 1, 1871, and to grant land to said company to aid in the construction of its road."

No. 331, "An act to prohibit the sale of intoxicating liquors within two miles of Pattonville, in Lamar county."

No. 39. "Joint resolution memorializing Congress to provide for the improvement of the entrance into Mataorda Bay."

Mr. Cook, on behalf of himself and co-signers, presented the following protest, which was ordered spread upon the journal of the House of Representatives:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The undersigned members of the House respectfully claim the right to have entered upon the journal of this House their protest against the bill, No. 52, originating in the Senate, being "An act entitled an act to amend an act prescribing the mode of proceeding in district courts in matters of probate," which this day passed this House. While we do not desire to appear conspicuous, our conscientious convictions of the palpable unconstitutionality of the act, as well as the manifest tendency to place the management of the estates of deceased persons entirely under the control of the district clerks, make it due to ourselves that we claim our constitutional privilege of entering this, our protest, against the passage of

said act, upon the journal of the House of Representatives.

The great evils which we feel convinced must result from the enforcement of the act, compel us to take this step in order that we may be in no way held responsible for its passage. With the greatest deference for the opinions of this House, from which we feel thus obliged to express our dissent, we beg leave to subscribe ourselves,

JAMES ARMSTRONG,
GUSTAVE COOK,
A. S. BROADDUS,
W. H. TILSON,
W. H. WESTFALL,

Leave being granted, Mr. Brown of Dallas offered the following resolution :

Resolved, That after the adoption of this resolution at the afternoon session of the House, the roll of members shall be called as follows :

1. The first name on the list.
2. The last name on the list.
3. The second name on the list.
4. The name next to the last on the list.

And so on from the top and bottom alternately until all the names shall be called, and as each member's name may be called, he shall have the right to call up any bill he may prefer for the action of the House.

Resolved, That all existing rules contrary to the provisions of the foregoing resolution are hereby revoked.

Laid over under the rules.

Mr. Robb, called up Senate bill No. 173, "An act to prohibit the sale of intoxicating liquors within two miles of Linn Flat High School House, in Nacogdoches county."

The Committee on State Affairs submitted the following report upon the bill :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 173, entitled "An act to prohibit the sale of intoxicating liquors within two miles of Linn Flat High School House, in Nacogdoches county," have considered the same, and recommend its passage.

VENTERS, for Committee.

The bill was read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Robb, the rules were further suspended, the bill read third time and passed.

Mr. Harrison called up House bill No. 291, to incorporate the Gulf, Colorado and Santa Fé Railway Company.

The following amendments offered by the Committee on Internal Improvements were read and adopted :

1. Amend section eight by inserting in line ten, after the word "to," the words "the town of Caldwell, in Burleson county, thence to the town of Cameron, in Milam county, thence to the town of."

2. Amend same section by inserting in line eleven, after the word "county," the words "and in event that the citizens of each of said towns shall donate to said company the necessary right of way for road, switches and turnouts to and through said towns, and sufficient grounds for depot purposes, the depot shall be located within half a mile of the court house in each of said towns."

3. Amend section ten by adding thereto, "wherever said railway shall be constructed over any part of the public domain of this State, the right of way not exceeding two hundred feet in width along such portion of said line, and all necessary grounds for depots, buildings, turn-tables, turnouts and side tracts, is hereby granted to said company ; and also the right to take from said public domain and use all rock, timber, earth or other material thereon, necessary in the construction and maintenance of such portion of said railway."

4. Amend section thirteen by striking out the word "thirty" in line five, and inserting in lieu thereof the word "sixty."

5. Amend section fourteen by striking out all after the word "receive," line five, and inserting the following : "And the State of Texas hereby grants and donates to the said Gulf, Colorado and Santa Fé Railway Company, sixteen sections of land for each and every mile of said road completed ; and whenever the Governor shall be informed that ten miles of said road shall have been completed, he shall at once appoint some competent person to inspect the same ; and if the report of the inspector be favorable, the Governor shall immediately notify the Commissioner of the General Land Office, whose duty it shall be immediately to issue to said company sixteen land certificates, of six hundred and forty acres each, for

each and every mile of road completed, and so on for every additional ten miles of road completed, which said certificates shall be located, surveyed and patented according to the provisions of the general railroad law on the principle of alternate sections; *provided*, that each succeeding section of ten miles, after the first, shall be inspected in like manner, as provided in this section for the first ten miles; *provided further*, that in no case shall the State be in any way liable for deficiency of vacant domain; *and provided further*, that this company shall not have the right to sell, rent, lease to or consolidate with, any parallel or competing railroad in this State; *and provided further*, that said company shall alienate the lands hereby granted and donated, except so far as may be necessary for the ordinary uses and operating said road, as follows, viz.: one-fourth in eight years, one-fourth in twelve years, one-fourth in sixteen years, and the remaining fourth in twenty years from the date of the issuance of the certificates, in such manner that the whole of such lands shall pass out of the hands of said company within twenty years from the date of the certificates; *provided*, that said lands shall not be alienated to any other railroad corporation, except so far as may be necessary for the proper use and conducting of the business of such corporation; and, on failure to comply with the provisions of this section, and the general laws of the State on this subject, the said company shall forfeit all right to lands secured by this act, not alienated as required by law."

The bill was then considered by sections.

Mr. Sabin moved to amend section one by inserting the following names: "George Lawrence, Wm. R. Smith, N. B. Yard, C. E. Broussard." The amendment was adopted.

Mr. Westfall moved to amend section fourteen by inserting after the word "inspector" the words "made under oath." The amendment was adopted.

Mr. Ireland moved to amend section twelve by striking out of line seven the word "called," which amendment was adopted.

Mr. Prendergast moved to amend section fourteen as follows: Amend the amendment of the committee as follows: Insert after the word "railroad," line forty-seven, the words "or other;" also, insert after the word "corporation," line fifty of same amendment, as follows: "Nor shall land be conveyed to any person, firm or com-

pany in trust for said railroad company, or to any firm or company of which any officer or stockholder of said railroad company is a member;" also, in line fifty-one of the same amendment, after the word "with," insert the following: "or a violation of." The amendments were adopted.

Mr. Smith of Colorado moved to amend section fourteen by striking out all after the word "date," in line three, and inserting in lieu thereof "of this act." The amendment was adopted.

Mr. Sayers moved to amend section fourteen by inserting after the word "corporation," in line fifty, the words "*and provided further*, that said company shall not alienate its stock to any other railroad company." The House refused to adopt the amendment.

Mr. Cook moved to insert the following as an independent section to follow section fourteen: "That in no event shall the said Gulf, Colorado and Santa Fé Railway sell or lease to or consolidate with any other railway company unless by the consent of the Legislature of Texas, first had and obtained; and any such sale, or lease to or consolidation with any other railway company shall be otherwise invalid, but shall work a forfeiture of the charter, chartered rights and franchises of the said Gulf, Colorado and Santa Fé Railway Company."

Mr. Rosborough moved to lay the amendment on the table, which motion carried.

Mr. Nelson offered the following proviso to section fourteen: "*And provided further*, that no land shall be donated to that portion of this road lying east of the county of Burleson."

Mr. Sayers moved to lay the amendment on the table, which motion carried.

Mr. Joseph moved to amend by striking out all after the word "not," in line three, section fifteen, to include the word "inches" in line five, and inserting in lieu thereof, "not less than four feet eight and one-half inches." The amendment was adopted.

Mr. Prendergast offered the following amendment to section sixteen: Amend by adding as follows: "And the right is expressly reserved to the Legislature to fix the rate of charges for freight and passage on said railroad." The amendment was adopted.

Mr. Cook moved to amend section sixteen by striking out of line four the words "the company deem," and in-

serting in lieu thereof, "be." The amendment was adopted.

Mr. Ireland moved to amend section sixteen by inserting after the word "exceed," in line six, as follows: "Those that may be established by law." The amendment was adopted.

Mr. Smith of Colorado moved to amend section seventeen by striking out in line six, "thirty," and inserting in lieu thereof "fifty." The amendment was adopted.

Mr. Watts offered the following: Amend section seven by inserting after the word "miles," in line four, the following: "Of their said railroad." The amendment was adopted.

Mr. Winkler moved to amend section twelve by striking out of lines two and three the words, "or other bills of credit." The amendment was adopted.

Mr. Booty moved to amend by inserting in section three, line three, before the word "five," the words "not less than," and by striking out all after the word "in" in line four. The amendment was adopted.

Mr. Westfall moved to add to section eight as follows: "*Provided*, that when the direct route of said railway shall run within five miles of any county site, then said road shall run to said county site, and establish and maintain a freight and passenger depot at such town; *provided*, said town shall donate to said road the right of way for a single track, with all the necessary switches, turn-outs, side-tracks, etc., together with sufficient grounds for depot purposes, not to exceed ten acres."

The amendment was adopted.

Mr. Scott offered the following amendment: Strike out all after the word "building," in section ten, line thirteen.

The amendment was adopted.

Mr. Brown, of Dallas, moved to insert, in section eight, after the word "there" the word "after," so as to make it read "thereafter."

The House refused to adopt the amendment.

Mr. Smith, of Colorado, moved to add to the end of section three as follows: "*Provided*, it be on the right of way of the company."

The House refused to adopt the amendment.

The bill was then ordered engrossed.

On motion of Mr. Joseph the rules were suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Bewley, Betsy, Broadus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Cunningham, Davenport, Day, Doyle, Ford, Gaston, Ghent, Gilpin, Harrison, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Lane, Mabry, Manning, Noeggerath, Powers, Prendergast, Rainey, Robb, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Scott, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Watts, Westfall, Wilder, Williams, Winkler—56.

Nays—Messrs. Armstrong, Chambers, Denton, Eastland, Moore, Nelson, Shelton, Tom, Trolinger, Wood—10.

A message from the Senate announced the passage by that body of House bill No. 47, "An act supplemental to and amendatory of an act entitled an act to incorporate the Rockport, Fulton, Laredo and Mexican Pacific Railroad Company," passed November 11, 1871.

The Committee on Enrolled Bills submitted the following reports:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined and compared the following bills:

No. 517, "An act supplemental to an act to incorporate the Western Narrow Gauge Railway Company, approved August 4, 1870, and an act supplemental thereto, approved October 13, 1871."

No. 13, "An act to incorporate the city of Corsicana, in Navarro county, Texas."

And find them correctly enrolled, and have this the fifth day of May, at 4:45 o'clock P. M., presented the same to the Governor for his signature.

W. A. SHAW, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

Sir, Your Committee on Enrolled Bills have carefully examined the following bills to-wit:

No. 594, "An act to incorporate the St. Louis and Mexican Gulf Railroad Company, and to grant land to aid in the construction thereof."

No. 819, "An act amendatory of an act entitled an act to incorporate the Bastrop Casino Association, approved October 27, 1866."

And find them correctly enrolled, and have this the fifth day of May, at 11 o'clock A. M., presented the same to the Governor for his signature.

SHAW, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

Sir: Your Committee on Enrolled Bills have carefully examined House bill No. 211, entitled "An act making an appropriation for C. R. Gibson," and find the same correctly enrolled, and have this, the fifth day of May, at 11 o'clock, presented the same to the Governor for his signature.

SHAW, Chairman.

The following communication was received from His Excellency the Governor, ordered spread upon the journal, and, on motion of Mr. Winkler, referred to the Committee on Counties and County Boundaries :

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, MAY 5, 1873.. }

Hon. H. B. Pickett, President of the Senate, and Hon. M. D. K. Taylor, Speaker of the House of Representatives :

GENTLEMEN: I call your attention to the two bill sent me on the first instant, providing for the organization of the two new counties, Waller and Gregg.

These two proposed counties are in area largely less than the constitutional limit, and they also leave the counties from which they are taken of such less area, but as they passed both houses of the Legislature by a vote very considerably larger than the constitutional requirement of two-thirds, I have not thought it advisable to return them with objections. But the creation of such counties is clearly contrary to good policy; the county organization must necessarily be too weak for efficiency, and will probably continue so for many years, this remark applying to the newly created counties as well as the counties from which they are taken. It must be remembered that there are scarcely a half dozen counties in the State having good jails and court houses, and the excuse for this is constantly given that the counties are too weak in population and wealth.

I seriously doubt whether the people in the old or new counties affected by these changes have any particular desire that they should be made.

At any rate, I would make the suggestion that the question of the creation of these new counties be submitted by a supplemental bill to a vote of those people before they are allowed to take effect. The same suggestion might apply to the other counties created at this session.

I ask the consideration of this matter by the houses.

Respectfully,

EDMUND J. DAVIS, Governor.

Under instructions from the House the Speaker appointed the following gentlemen a conference committee on the part of the House, upon the disagreement of the two houses upon House bill No. 467, known as the Texas and Pacific bill: Messrs. Smith, of Colorado, Tilson and Ireland.

The committee were instructed to report on Thursday, May 8, at 4 P. M.

On motion of Mr. Kemble, House bill No. 286, "An act to suppress gambling," was taken up, laid on the table, and made special order for Tuesday, May 6, at 10 A. M.

The Committee on Engrossed Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined the following bill:

No. 111, a bill to be entitled "An act to incorporate the Dallas, Palestine and Southeast Texas Railroad Company,"

And find the same correctly engrossed.

BOOTY, Chairman.

The invitation from the directors of the Houston State Fair to the Legislature, to attend the fourth annual fair, was taken up.

Mr. Sabin moved to accept the invitation.

Mr. Ireland moved to amend so as only to return the thanks of the House of Representatives for the invitation.

Mr. Killough moved to amend so as to appoint a committee of five on the part of the House of Representatives to attend the fair officially.

Division of the question being called for, the House refused to raise the committee by the following vote:

Yeas—Messrs. Adriance, Booty, Cook, Doyle, Harrison, Hoffman, Hollingsworth, Joseph, Killough, Mabry,

Mills, Prendergast, Sabin, Salter, Schmidt, Short, Smith of Colorado, Thurmond, Winkler and Wood—20.

Nays—Messrs. Speaker, Armstrong, Berends, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Eastland, Gaston, Ghent, Gilpin, Ireland, Kemble, Manning, Moore, Nelson, Noeggerath, Powers, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Sayers, Scott, Shaw, Shelton, Smith of Houston, Storey, Tilson, Tivy, Tom, Trolinger, Venters, Westfall, Wilder and Williams—44.

On motion of Mr. Russell, Mr. Short was granted an indefinite leave of absence after Monday, May 12, to allow him to attend the State Fair.

Mr. Cook asked for an indefinite leave of absence for Mr. Doyle for the same time and purpose.

There being no quorum voting, on motion of Mr. Sayers, the House then adjourned until 9 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, May 6, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

Absent—Messrs. Ellett and Killough.

On motion of Mr. Denton the reading of the journal was dispensed with.

On motion of Mr. Brown of Dallas, the special committee upon Senate bill No. 296, "An act prescribing the times of holding general elections in this State," was granted leave to report, and submitted the following:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee, to whom was referred Senate bill No. 296, beg leave to report the same back with the recommendation that it do pass.

IRELAND, Chairman.

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

On motion of Mr. Brown of Dallas, the rules were suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Bewley, Bledsoe, Booty, Broadus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gilpin, Harrison, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Kleberg, Lane, Manning, Mills, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Salter, Sayers, Schmidt, Scott, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Trolinger, Van Zandt, Venters, Watts, Westfall, Williams, Winkler and Wood—68.

Nays—Messrs. Mabry, Moore, Roberts, Sabin, and Wilder—5.

Mr. Westfall presented a petition for relief for W. G. Hall, a soldier of the Texas Revolution. Referred to the Committee on Private Land Claims.

Mr. Kleberg presented a petition from citizens of Calhoun county, protesting against the passage of a fence law. Referred to the Committee on Agriculture and Stock Raising.

Mr. Payne presented a petition for relief of William M. Cook. Referred to the Committee on Private Land Claims.

Mr. Rainey moved to dispense with the call for bills and resolutions and take up House bill No. 595, "An act to divide the State of Texas into six congressional districts.

The House refused to dispense with the call.

Mr. Payne introduced a bill to provide for the filling of vacancies in the office of sheriff. Referred to Judiciary Committee No. 1.

Also, a bill for the relief of William M. Cook. Referred to the Committee on Private Land Claims.

Also, a joint resolution proposing an amendment to section eight of article nine of the Constitution of the State of Texas. Referred to the Committee on Constitutional Amendments.

Mr. Thurmond introduced a bill for the relief of William T. Townsend. Referred to the Committee on Private Land Claims.

Mr. Joseph introduced a bill granting a donation warrant to the heirs of David N. Burke, deceased. Referred to the Committee on Private Land Claims.

Mr. Williams introduced a bill to authorize the County Court of Walker county to levy a special tax to repair the court house and jail in said county. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Williams, the rules were further suspended, the bill read third time and passed.

Mr. Chambers introduced the following resolution :

Resolved, That the Speaker of the House be, and he is hereby, authorized to appoint a special committee of five, to which shall be referred all railroad bills now pending, and that it shall be the duty of said committee to revise said bills and to guard them with the uniform restrictions which have become the settled policy of this body.

Resolved further, That Hon. D. M. Prendergast be appointed chairman of said committee.

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

The House refused to table.

The resolution was adopted, and the Speaker appointed the following gentlemen said committee: Bledsoe, Manning, Storey and Watts.

Mr. Brown, of Dallas, moved to take up the congressional apportionment bill, No. 595. The motion carried.

Mr. Rainey offered the following substitute therefor: "A bill making a new apportionment of the congressional districts of the State of Texas."

On motion of Mr. Winkler, the bill was laid on the table and one hundred copies ordered printed, and both bill and substitute were made the special order for Thursday, May 8, at 10 A. M.

On motion of Mr. Short, the Committee on Privileges and Elections were granted leave to make a special report, and submitted the following :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on Privileges and Elections, to whom was referred Senate bill No. 181, entitled "An act regulating contested elections," have had the same under consideration, and have ordered me to report the same back to the House and recommend that it do pass.

SHORT, Chairman.

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

On motion of Mr. Short, the rules were suspended, the bill read third time and passed.

On motion of Mr. Smith of Houston the standing committee on the Comptroller's and Treasurer's offices were granted leave to sit during the sessions of the House for this day.

The special order was then announced, House bill No. 816, "An act to provide for the election of a commission to select a site for a branch penitentiary."

On motion of Mr. Sayers, it was postponed temporarily to take up House bill No. 286, "An act to suppress gambling."

The bill was then considered by sections.

Mr. Wood offered the following amendment to section three: "Every person whose usual business is gambling, and who follows no laudable occupation for a livelihood, or has no other visible means of support, shall be held and deemed a common gamester, within the meaning of this act."

On motion of Mr. Sayers, the amendment was laid on the table.

Mr. Prendergast offered the following amendment: Section four, line one, after the word "possessions," insert the words "and control."

The amendment was adopted.

Mr. Sabin moved to strike out section five.

The House refused to strike out.

Mr. Anderson moved to amend section two by inserting after the word "cards," in line two, the following: "in any public place or place of public business."

Mr. Cunningham moved to lay the amendment on the table, which carried.

Mr. Payne moved to strike out of section five all of said section from the word "days," in line five.

The amendment was adopted.

Mr. Storey offered the following amendments: Amend section five by striking out the word "fifty," in line three, and insert in lieu thereof "twenty-five." Strike out all after the word "dollars," in line four.

Mr. Sayers moved to lay the amendment on the table, which carried.

Mr. Anderson moved to amend section five by striking out of lines three and four the words "one hundred" and inserting in lieu thereof "five hundred."

The House refused to adopt the amendment.

Mr. Kleberg moved to strike out section ten.

The House refused to strike out.

Mr. Ireland moved to amend section eleven by inserting after the word "same" the words "under oath."

The amendment was adopted.

Mr. Anderson moved to amend section ten by inserting in line one, after the words "any person," the words "or the parents or guardian or next friend of any minor, or the wife of any person."

The House adopted the amendment.

Mr. Kemble moved to add to section thirteen as follows: "This act to take effect and be in force thirty days from and after its passage."

Mr. Robb moved to amend the amendment by striking out the word "thirty."

The House refused to strike out.

The amendment was then adopted.

Mr. Storey moved to amend section six by striking out the words "not more than two thousand," in line seven.

The House refused to adopt the amendment.

Mr. Storey moved to amend section eight by striking out all after the word "found," in line sixteen, to "and," in line seventeen.

The House refused to adopt the amendment.

Mr. Tivy offered the following amendment: "Any person convicted a second time of a violation of any of the provisions of this act, shall be liable to double the penalties specified in the preceding sections." The House refused to adopt the amendment.

The bill was then ordered engrossed.

On motion of Mr. Booty the rules were suspended, and the bill read third time.

The yeas and nays were called upon its passage, with the following result:

Yeas—Messrs. Speaker, Anderson, Bledsoe, Booty, Bordeaux, Brown of Upshur, Chambers, Cook, Cunningham, Davenport, Day, Doyle, Eastland, Ford, Gaston, Ghent, Hoffman, Kemble, Mabry, Manning, Nelson, Prendergast, Robb, Roberts, Rosborough, Russell, Sayers, Scott, Shelton, Smith of Houston, Tilson, Tivy, Tom, Watts, Westfall and Winkler—36.

Nays—Messrs. Armstrong, Denton, Ellett, Harrison, Ireland, Joseph, Kleberg, Lane, Moore, Morris, Noeggerath, Powers, Sabin, Salter, Schmidt, Storey, Stockbridge, Trolinger, Washington, Wilder, Williams and Wood—22.

Whereupon it was evident there was no quorum present.

Mr. Watts moved a call of the House, which was seconded.

The roll being called the following gentlemen failed to answer to their names: Messrs. Berends, Bewly, Brown of Dallas, Carroll, Hollingsworth, Killough, Manning, Mills, Rainey, Rimes, Short and Venters.

On motion of Mr. Denton the call was suspended.

The bill then passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Anderson, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Chambers, Cook, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gilpin, Hoffman, Ireland, Kemble, Mabry, Nelson, Payne, Phelps, Prendergast, Robb, Roberts, Rosborough, Russell, Sayers, Scott, Shelton, Smith of Houston, Tilson, Tivy, Tom, Watts, Westfall, Wilder and Winkler—43.

Nays—Messrs. Abbott, Allison, Armstrong, Ellett, Harrison, Joseph, Kleberg, Lane, Moore, Morris, Noeggerath, Powers, Sabin, Salter, Schmidt, Shaw, Smith of Colorado, Storey, Stockbridge, Thurmond, Trolinger, Washington, Williams and Wood—24.

Special order, No. 816, "An act to provide for an election of a commission to select a site for a branch penitentiary," was then announced.

On motion of Mr. Anderson, the bill was laid on the table.

Mr. Anderson moved to suspend the regular order of business and allow the special committee upon the Ohio liquor bill to report. The House refused to suspend the rules.

On motion of Mr. Cook, Judiciary Committee No. 2 submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred House bill No. 619, entitled "An act to exempt the land and real estate of citizens from forced sales and liability for debts hereafter contracted," beg leave to report the same back with the recommendation that the same do pass.

IRELAND, Chairman.

On motion of Mr. Cook, the bill was laid on the table and made the special order for Thursday, May 8, 10 A. M.

Report from Committee on Engrossed Bills:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills have carefully examined the following bills:

No. 291, a bill to be entitled "An act to incorporate the Gulf, Colorado and Santa Fé Railway Company."

No. 453, a bill entitled "An act regulating taxation."
And find the same correctly engrossed.

BOOTY, Chairman.

Report from Committee on Enrolled Bills.

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined the following bills, to-wit:

No. 47, "An act supplemental to and amendatory of an act entitled an act to incorporate the Rockport, Fulton, Laredo and Mexican Pacific Railroad Company, passed November 11, 1871."

No. 218, "An act to incorporate the Pioneer Fire Company, No. 1, of the city of Corpus Christi."

No. 808, "An act to enable district judges to make temporary appointments of clerks of the district courts in cases of vacancies."

No. 747, "An act to authorize the County Court of Freestone county to levy and collect a special tax to repair the court house and jail in said county."

And find the same correctly enrolled, and have this day, the sixth of May, at 11 o'clock A. M., presented the same to the Governor for his approval.

SHAW, Chairman.

Unfinished business, Senate amendments to House bill No. 468, "An act for the relief of J. Lancaster," was read and concurred in, and the bill passed.

The resolution offered by Mr. Roberts on May 1, changing the five minutes rule, was read.

Mr. Rosborough moved to strike out "ten" and insert in lieu thereof "two."

Mr. Westfall moved to lay the resolution and amendment on the table, which carried.

The concurrent resolution offered by Mr. Kleberg, to adjourn *sine die* May 15, was read.

On motion of Mr. Winkler, the resolution was laid on the table.

The concurrent resolution offered by Mr. Mills, to adjourn *sine die* May 31, was read.

Mr. Shaw moved to lay the resolution on the table, which carried by the following vote :

Yeas—Messrs. Speaker, Adriance, Anderson, Armstrong, Booty, Bordeaux, Broaddus, Brown of Upshur, Chambers, Cook, Cunningham, Davenport, Denton, Eastland, Gaston, Gilpin, Harrison, Hoffman, Ireland, Joseph, Manning, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Robb, Rosborough, Russell, Salter, Sayers, Scott, Shaw, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Watts, Westfall, Winkler and Wood—45.

Nays—Messrs. Abbott, Allison, Berends, Bledsoe, Day, Doyle, Ellett, Kemble, Mabry, Mills, Moore, Phelps, Roberts, Sabin, Schmidt, Shelton, Stockbridge, Trolinger, Washington, Wilder and Williams—21.

The resolution offered by Mr. Brown of Dallas, changing the order of the call of districts in afternoon sessions, was read.

Mr. Ireland moved to strike out "name" and insert in lieu thereof "district."

Mr. Mills moved to amend so as to prevent a second call of those whose names have already been called.

Mr. Shaw moved to lay the resolution and amendments on the table, which was carried.

The Speaker then announced he would hereafter, at the evening sessions devoted to that purpose, have the districts called from the bottom and top of the list alternately, excluding those already called.

Mr. Cook moved to suspend the rules and take up the resolution offered by Mr. Ireland, changing the order of business at the morning session. The House refused to suspend.

Senate joint resolution No. 39, memorializing Congress to provide for the improvement of the entrance into Matagorda bay, was taken up and read first time; rules suspended, read second time, and passed to a third reading.

On motion of Mr. Payne, the rules were further suspended, the bill read third time and passed.

Senate bill No. 311, "An act to incorporate the Bastrop Turn Verein," was read first time by caption; rules suspended, read by caption second time, and passed to a third reading.

On motion the rules were further suspended, the bill read third time and passed.

Senate bill No. 258, "An act to amend sections seven, ten and twenty of an act entitled an act to incorporate the Tyler Tap Railroad Company, approved December 1, 1871, and to grant land to said company to aid in the construction of its road," was taken up and referred to the special committee on railways.

Senate bill No. 292, "An act to incorporate the Sherman, Tyler and Henderson Railway Company, and to grant lands to aid in the construction thereof," was taken up and referred to the special committee on railways.

Senate bill No. 327, "An act supplemental to an act entitled an act reimbursing Bastrop county, and appropriating the sum of two hundred and twenty-five dollars for that purpose, approved March 20, 1873," was read first time.

Mr. Morris moved to refer to the Committee on Claims and Accounts. The House refused to refer.

The bill then passed to second reading.

Senate bill No. 331, "An act to prohibit the sale of intoxicating liquors within two miles of Pattonville, in Lamar county," was read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Shelton, the rules were further suspended, the bill read third time and passed.

The motion to reconsider the vote passing Senate bill No. 13, "An act to consolidate the Houston Tap and Brazoria, the Huntsville Branch Railway, and the Victoria and Columbia Railway with the Houston and Great Northern Railway," was put. The House refused to reconsider.

House bill No. 125, a bill to be entitled "An act to prescribe the mode and manner of designating exempted homesteads in certain cases," was taken up, the Senate amendment thereto concurred in, and the bill passed.

Senate joint resolution No. 40, authorizing and requiring the sheriff of Williamson county, by himself or deputy, to summon a *posse* for the purpose of pursuing and arresting certain persons accused of crime, and providing rewards for such arrests, was taken up, pending the substitute offered therefor by Mr. Ireland.

Mr. Mills moved to lay the substitute on the table. The House refused to table.

Mr. Kleberg moved the previous question, which was seconded, put and carried.

The House then adopted the substitute by the following vote:

Yeas—Messrs. Speaker, Adriance, Anderson, Armstrong, Berends, Booty, Bordeaux, Chambers, Cook, Cunningham, Davenport, Denton, Eastland, Gaston, Ghent, Harrison, Hoffman, Ireland, Kemble, Lane, Manning, Nelson, Powers, Prendergast, Robb, Rosborough, Russell, Sayers, Shelton, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Westfall, Winkler and Wood—37.

Nays—Messrs. Abbott, Allison, Bledsoe, Broaddus, Brown of Upshur, Carroll, Day, Ellett, Ford, Joseph, Kleberg, Mabry, Mills, Moore, Noeggerath, Payne, Phelps, Sabin, Salter, Schmidt, Scott, Shaw, Stockbridge, Tivy, Trolinger, Washington, Watts, Wilder and Williams—29.

Mr. Powers moved to amend by substituting the word "five" before the word "hundred" wherever it occurs, in place of the word "two."

The amendment was adopted by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Bledsoe, Booty, Broaddus, Carroll, Chambers, Cook, Davenport, Eastland, Ford, Hoffman, Joseph, Kleberg, Lane, Mills, Moore, Morris, Nelson, Noeggerath, Phelps, Powers, Prendergast, Roberts, Rosborough, Sabin, Salter, Scott, Shaw, Smith of Colorado, Smith of Houston, Stockbridge, Tilson, Tivy, Venters, Washington, Watts, Wilder, Williams and Winkler—42.

Nays—Messrs. Anderson, Armstrong, Berends, Bordeaux, Brown of Upshur, Brown of Dallas, Cunningham, Day, Denton, Doyle, Gaston, Ghent, Gilpin, Harrison, Ireland, Kemble, Manning, Payne, Robb, Russell, Sayers, Schmidt, Shelton, Short, Storey, Thurmond, Tom, Westfall and Wood—29.

Mr. Mills moved to amend by striking out "three thousand" wherever found in the resolution, and inserting in lieu thereof "nine thousand."

Mr. Payne moved to lay the amendment on the table.

The House refused to table by the following vote:

Yeas—Messrs. Anderson, Armstrong, Berends, Bordeaux, Brown of Upshur, Cunningham, Davenport, Day, Denton, Gaston, Ghent, Gilpin, Harrison, Ireland, Joseph, Kemble, Manning, Payne, Prendergast, Robb, Russell,

Schmidt, Shelton, Short, Thurmond, Tom, Trolinger and Westfall—28.

Nays—Messrs. Abbott, Adriance, Allison, Bledsoe, Booty, Broaddus, Carroll, Chambers, Doyle, Eastland, Hoffman, Kleberg, Lane, Mills, Moore, Morris, Nelson, Noeggerath, Phelps, Powers, Roberts, Rostorough, Sabin, Salter, Sayers, Scott, Shaw, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Tilson, Tivy, Venters, Washington, Watts, Wilder, Williams, Winkler and Wood—40.

Mr. Denton moved that the House adjourn. The House refused to adjourn.

The amendment was then adopted.

The resolution was then adopted by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Berends, Bledsoe, Booty, Bordeaux, Broaddus, Carroll, Chambers, Cunningham, Davenport, Day, Hoffman, Joseph, Kleberg, Lane, Mabry, Mills, Moore, Morris, Nelson, Noeggerath, Phelps, Powers, Prendergast, Roberts, Rosborough, Sabin, Salter, Sayers, Scott, Shaw, Smith of Colorado, Smith of Houston, Stockbridge, Tivy, Venters, Washington, Watts, Wilder, Williams and Winkler—44.

Nays—Messrs. Anderson, Armstrong, Brown of Upshur, Denton, Doyle, Eastland, Gaston, Ghent, Gilpin, Harrison, Ireland, Kemble, Manning, Payne, Robb, Russell, Schmidt, Shelton, Short, Storey, Thurmond, Tilson, Tom, Trolinger, Westfall and Wood—26.

On motion of Mr. Denton, the House then adjourned until 4 P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called: quorum present.

The following gentlemen were absent: Messrs. Abbott, Anderson, Bewley, Ellett, Kleberg and Winkler.

Leave being granted, Mr. Denton offered the following resolution:

Resolved, That the rules of this House be so changed as to require the afternoon session to begin at 3 P. M. instead of 4 P. M., for the remainder of the session.

Laid over under the rule.

The special order, House bill No. 586, "An act to in-

corporate the San Antonio and Austin Railroad Company," was then taken up by sections.

On motion, the following names were inserted: L. W. Mitchell, J. G. Storey, George W. Sampson of Austin, and W. G. Kingsbury.

On motion of Mr. Ireland, the word "Colorado" in line fifteen of section one was stricken out, and "Austin" inserted in lieu thereof.

On motion of Mr. Denton, the word "Colorado" was inserted before the word "river" in line six of section three.

Mr. Cook moved to amend by inserting the following as a separate section to follow section six: "That in no event shall the San Antonio and Austin Railway Company, or their successors, sell or lease to, or consolidate with any other railway company, unless with the consent of the Legislature of Texas first had and obtained; and any such sale or lease to, or consolidation with any other railway company shall be otherwise invalid, but shall work a forfeiture of the charter, chartered rights and franchises of said company." The amendment was adopted.

Mr. Smith of Colorado moved to strike out of section five, wherever it occurs, the word "consolidation," and all after the word "company," in line nine.

Mr. Berends offered the following amendment to section eight: Amend section eight by striking out all after the word "provided" in line twenty-six, to the word "that" in line thirty-two, and insert the following in lieu thereof: "Said company shall alienate the lands it may get under this act, as follows: One-fourth in eight years; one-fourth in twelve years; one-fourth in sixteen years, and the remaining one-fourth in twenty years from the date of the certificate, except so far as is necessary for the proper use and conducting the business of said railway; *provided*, said company shall not alienate its said land to any other railway company, except so far as may be necessary for the proper use and conducting the business of such other railway company; nor shall such company alienate its said land to any other company or firm of which any of the stockholders or officers of said company are members, nor to any person, firm or company, trust or partnership, for said company; and on failure to comply with the provisions of this section, said company shall

forfeit all lands received by virtue of this act, not alienated as required by law." The amendment was adopted.

Mr. Manning moved to add to section eight: "*Provided*, that the State of Texas shall not be held responsible for any deficit of public land upon which to locate said certificates." The amendment was adopted.

Mr. Smith of Colorado moved to amend by inserting in section eight, line seven, after the word "ten," the word "consecutive," which amendment was adopted.

Mr. Payne moved to insert in line three, section three, after the word "railroad," the words, "of four feet and eight and one half inches gauge." The amendment was adopted.

Mr. Prendergast moved to amend section ten by adding thereto the following: "*Provided*, that the right is expressly reserved to the Legislature to regulate the rate of charges for freight or passage on said road, and to prescribe the rights, duties and responsibilities of the officers and employes of said railroad company as a common carrier."

Mr. Mills moved to lay the amendment on the table. The House refused to table. The amendment was then adopted.

Mr. Brown of Dallas moved to add section eleven, as follows: "That this act shall take effect and be in force from and after its passage." The amendment was adopted.

Mr. Payne moved to amend by striking out all after the word "same," in line twenty, section one, and insert: "Said corporation shall continue for sixty years from the passage of this act." The amendment was adopted.

Mr. Winkler moved to amend by striking out all after the words "New Braunfels," in line thirteen of section three, to the end of the section. The House refused to adopt the amendment.

Mr. Smith of Colorado moved to insert in section two, line nineteen, after the word "company," "at some point on their main line."

Mr. Ireland offered as a substitute therefor the following: Insert "any point in the State."

The substitute was adopted and the amendment then adopted.

Mr. Payne moved to add the following section: "Said company shall commence the construction of their road

within two years from the passage of this act; and in case they should fail so to do, they shall forfeit all right to the provisions of this act." The amendment was adopted.

Mr. Scott moved to amend by inserting at the end of section three as follows: "*provided*, that said company shall not be entitled to any grant of land for said branch road or roads."

Mr. Denton moved to lay the amendment on the table, which was carried.

Mr. Smith of Colorado moved to add the following section, to follow section nine: "That this company shall not be considered created and organized until as much as one hundred thousand dollars of its capital stock shall have been taken, and five per cent. thereof paid in to the parties named in the first section of this act, for the benefit of the company, and this shall be completed within twelve months from the passage of this act, and on failure to comply therewith in that time this charter shall be considered surrendered and forfeited." The amendment was adopted.

Mr. Ireland moved to amend the amendment offered by Mr. Cook by inserting after the word "any" in third line the words "parallel or," and after the word "other" in same line the word "competing," and by striking out in same line thereafter the words "any other;" also by inserting after the word "other" in line seven the words "parallel or competing." The amendment was adopted.

Mr. Ireland moved to amend section four, line two, by striking out after the word "right" to the word "State," line eleven, and inserting in lieu thereof "under the general laws of the State." The amendment was adopted.

Mr. Prendergast moved to amend by striking out all after the words "New Braunfels" in line thirteen of section three, to the end of the section. The amendment was adopted.

The bill was then ordered engrossed.

On motion of Mr. Denton, the rules were suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Berends, Bledsoe, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Davenport, Day, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gilpin, Hoffman, Ireland, Joseph, Kleberg, Lane, Mabry, Manning, Mills, Morris, Noeggerath, Payne, Phelps, Powers, Prendergast, Robb, Roberts, Russell, Sabin, Salter, Sayers, Schmidt, Short,

Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Washington, Watts, Westfall, Wilder William, Winkler and Wood—56.

Nays—Messrs. Abbott, Armstrong, Chambers, Cunningham, Kemble, Moore, Nelson, Rosborough, Scott, Shelton and Trolinger—11.

On motion of Mr. Brown of Dallas, Mr. Watts was added to the committee to revise the abstracts of land titles, and have the same republished.

Special order, House bill No. 596, "An act amendatory of and supplementary to an act to organize and incorporate the East Line and Red River Railroad Company, approved March 22, 1871," was then taken up, being on third reading.

Mr. Bordeaux moved to strike out "Sherman" in line seven, section two, and insert in lieu thereof "Gainesville." The amendment was adopted.

Mr. Bordeaux moved to amend section two by striking out the word "and" between "county" and "Gainesville" and after the words "Cooke county" and insert "and Montague, in Montague county." The House refused to adopt the amendment.

The bill then passed by the following vote :

Yeas—Messrs. Speaker, Adriance, Berends, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Davenport, Denton, Eastland, Ford, Gaston, Ghent, Gilpin, Harrison, Hoffman, Ireland, Joseph, Kleberg, Lane, Mabry, Manning, Mills, Moore, Morris, Nelson, Noeggerath, Phelps, Powers, Prendergast, Robb, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Scott, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Watts, Westfall, Wilder, Williams, Winkler and Wood.—56.

Nays—Messrs. Abbott, Bordeaux, Chambers, Cook, Day, Doyle, Kemble, Trolinger and Washington—9.

Mr. Mills moved to take up House bill No. 489, known as the "Atlantic and Pacific Railway bill," and make it the special order for Thursday, May 8, at 11 A. M. The House refused to take up the bill.

Mr. Sayers moved to take up Senate bill No. 271, for the relief of C. C. De Witt, and others therein named. The House refused to take up the bill.

Mr. Smith of Colorado moved to take up House bill

No. 482, "An act to aid in the construction of the Galveston, Harrisburg and San Antonio Railway." The House refused to take up the bill.

Mr. Kemble moved to take up House bill No. 387, to incorporate the Public Building Company, of Hill county. The bill was taken up.

The following report thereon was submitted :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your select committee to whom was referred a bill to be entitled "An act to incorporate the Public Building Company of Hill county," have duly considered the same, and I am instructed by the committee to report the bill back and recommend that it pass.

RUSSELL, Chairman.

Mr. Mills moved to adjourn.

The House refused to adjourn.

The reading of the bill having been dispensed with, on motion of Mr. Russell, it was ordered engrossed.

On motion of Mr. Kemble the rules were suspended, the bill read by caption third time and passed.

Mr. Watts moved to take up House bill No. 482, "An act to aid in the construction of the Galveston, Harrisburg and San Antonio Railway." The bill was taken up.

Mr. Manning offered the following amendment: Add to section two, "*provided*, the State shall not be held responsible for deficit of public domain to locate said certificates."

The amendment was adopted.

Mr. Smith, of Colorado, offered the following: Section three, line fourteen, strike out the word "Denver" and insert "Preston" in lieu thereof, and after the word "Columbus," in line fifteen, insert the word "before."

The amendments were adopted.

Mr. Storey offered the following amendment: Amend section three by adding "*provided*, that if said company prefer building their road by way of the town of Prairie Lea, in the county of Caldwell, thence to Seguin, they may do so instead of going by the town of Gonzales, and in that event they shall designate which route they will take within thirty days after the passage of this act, and notify the Secretary of State in writing the route they intend to, and shall not thereafter change the general route so adopted."

A message was received from the Senate informing the House that the Senate had passed the following bills originating in the House, viz. :

No. 126, "An act for the relief of A. S. Thurman."

No. 156, "An act to validate the survey of John B. Dillard, and authorize patent to issue on the same."

No. 243, "An act granting a charter to O. M. Airheart to create, keep and run a ferry boat at the Spivey crossing on Trinity river, in Henderson and Navarro counties."

No. 256, "An act to incorporate the Hebrew Benevolent Society, of Calvert, Robertson county."

No. 264, "An act to authorize the Police Court of Ellis county to levy and collect a special tax for the purpose of building a jail."

No. 293, "An act to incorporate the Lee Fire Engine Company No. 5, of the city of Galveston."

No. 357, "An act to incorporate the Owensville High School."

No. 367, "An act to incorporate Marvin College."

No. 391, "An act to prevent the gift or sale of intoxicating liquors within two miles of Garden Valley Seminary, in Smith county, Texas."

No. 416, "An act to prohibit the sale of spirituous liquors within six miles of Davilla Institute, in Milam county, except for medicinal or sacramental purposes."

No. 498, "An act for the relief of the heirs of Charles Forrester."

No. 557, "An act to incorporate the Brazos Santiago and Rio Grande Canal Company."

No. 573, "An act to validate the election held in the town of Crockett, Houston county."

No. 575, "An act for the relief of the estate of John T. Storey."

No. 605, "An act to authorize Ezra Carpenter to build and keep a toll bridge over Big Cypress."

No. 665, "An act to prohibit the sale of intoxicating liquors within three miles of the institution of learning situated near Mount Enterprise, in Rusk county."

No. 748, "An act to incorporate the Texas and European Beef Company, of Galveston, Texas."

No. 671, "An act to incorporate the Mechanics' Real Estate and Savings Association of Dallas."

Also the following House bills with amendments:

No. 148, "An act amendatory of and supplemental to

an act to incorporate the Merchants' Mutual Insurance Company, approved September 18, 1866."

No. 381, "An act to incorporate the town of Ladonia, in Fannin county."

No. 794, "An act to amend section seven of an act to incorporate the city of Waco."

Also, the following bills originating in the Senate, viz :

No. 111, "An act to provide for supplying the records of Lampasas county destroyed by fire."

No. 228, "An act to incorporate the town of Jacksonville, in Cherokee county."

No. 270, "An act to amend sections one, two, fourteen and fifteen of an act to incorporate the Calvert and Belton Railroad Company, passed May 25, 1871, and to grant lands to aid in the construction of said railroad."

No. 288, "An act to incorporate the Austin and Colorado Valley Water Works and Irrigation Company, and to provide a method to aid said company in the accomplishment of the object of its creation."

On motion of Mr. Hoffman, the House then adjourned until 9 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, May 7, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

Absent—Messrs. Anderson, Ellett and Schmidt.

On motion of Mr. Carroll, Mr. Kemble was excused for one week.

On motion of Mr. Denton, the reading of the journal was dispensed with.

On motion of Mr. Chambers, the chaplain, Mr. Lovejoy, was granted leave of absence for four days from Monday next.

On motion of Mr. Smith of Colorado, Mr. Hollingsworth was excused for two days.

On motion of Mr. Brown of Dallas, Mr. Anderson was excused for this day on account of important business.

On motion of Mr. Cook, Mr. Rimes was excused for four days on account of sickness.

On motion of Mr. Mills, Mr. Washington was excused for four days from Monday next.

Mr. Scott presented a memorial from citizens of Marion county in relation to the International Railway Company; Referred to the Committee on State Affairs.

Mr. Prendergast presented a petition of citizens of Limestone county against the formation of a new county out of a portion of the lower part of said Limestone county. Referred to the Committee on Counties and County Boundaries.

Mr. Cook introduced a bill to prevent railway and other corporations from leasing or selling their chartered rights, privileges or franchises to, or consolidating with other railway or chartered corporations. Read first time; rules suspended and read second time.

Mr. Booty moved to lay the bill on the table, make it special order for Saturday, May 10, at 11 A. M., and have one hundred copies printed, which motion carried.

Mr. Sabin introduced a bill authorizing the city of Galveston to issue her bonds to the amount of five hundred thousand dollars, in aid of the bar and harbor improvements of Galveston, and to provide for a tax of one-fourth of one per centum for a sinking fund wherewith to pay the principal and interest of said bonds. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Sabin, the rules were further suspended, the bill read third time and passed.

On motion of Mr. Rainey, Mr. Ford was added to the standing committee to examine the offices of the Comptroller and Treasurer.

Mr. Brown of Dallas introduced a bill supplementary to the acts incorporating the city of Dallas. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Tilson, the rules were further suspended, bill read third time and passed.

Mr. Adrianse introduced a bill to provide for the investigation of fires in certain cases. Read first time; rules suspended and read second time.

Mr. Kleberg moved to refer the bill to Judiciary Committee No. 1. The House refused to refer.

The bill was then ordered engrossed.

On motion of Mr. Mills, the rules were further suspended, the bill read third time by caption and passed.

Mr. Sabin introduced a joint resolution of the State of

Texas, relative to the character of the election in 1872, and as to its effects upon the permanency of the capital, the constitutional amendment, the power to make a land grant, and the term of office of the members elected to the Senate and House of Representatives. Read first time, and, on motion of Mr. Sabin, laid on the table and one hundred copies ordered printed.

Mr. Ireland moved to reconsider the vote of yesterday, passing Senate bill No. 296, "An act prescribing the times of holding general elections in the State of Texas."

After discussion had thereon, Mr. Kleberg moved the previous question.

Mr. Smith of Colorado rose to a point of order; said the point being that the bill had passed from the possession of the House, and could not be reconsidered.

The Chair decided (Mr. Booty in the chair) the point of order not well taken.

Mr. Mills appealed from the decision of the Chair.

Upon that appeal Mr. Payne moved the previous question, which was seconded and the main question ordered.

The House sustained the decision of the Chair.

The vote was then reconsidered by the following vote :

Yeas—Messrs. Speaker, Adriance, Berends, Booty, Brown of Dallas, Carroll, Cook, Cunningham, Denton, Doyle, Eastland, Harrison, Ireland, Joseph, Kleberg, Mabry, Manning, Moore, Morris, Noeggerath, Phelps, Powers, Rimes, Robb, Roberts, Rosborough, Sabin, Sayers, Scott, Shaw, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Venters, Washington, Wilder Williams and Wood—42.

Nays—Messrs. Armstrong, Bewley, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Chambers, Davenport, Day, Ellett, Ford, Gaston, Ghent, Gilpin, Hoffman, Kemble, Killough, Lane, McDonald, Mills, Payne, Rainey, Russell, Salter, Shelton, Short, Smith of Colorado, Trolinger, Van Zandt, Watts, Westfall, and Winkler—32.

Mr. Harrison moved that the bill lie on the table, which carried by the following vote :

Yeas—Messrs. Speaker, Abbott, Adriance, Berends, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Denton, Doyle, Eastland, Gaston, Harrison, Ireland, Joseph, Kemble, Killough, Mabry, Manning, McDonald, Mills, Moore, Morris, Noeggerath, Phelps, Powers, Rainey, Rimes, Robb, Roberts, Ros-

borough, Sabin, Salter, Sayers, Scott, Shaw, Smith of Houston, Storey, Stockbridge, Tilson, Tivy, Tom, Venters, Washington, Wilder, Williams and Wood—49.

Nays—Messrs. Armstrong, Bewley, Bledsoe, Bordeaux, Chambers, Cunningham, Davenport, Day, Ellett, Ford, Ghent, Gilpin, Hoffman, Lane, Payne, Prendergast, Russell, Shelton, Short, Smith of Colorado, Thurmond, Trolinger, Van Zandt Watts, Westfall and Winkler—26.

The resolution offered by Mr. Denton changing the hour of assembling of the evening session from four P. M. to three P. M. was read and adopted.

On motion of Mr. Sayers, House bill No. 809, to provide for the condemnation and sale of lands for State taxes, was made special order for Monday, May 12, at 10 A. M.

Special order, House bill No. 619, to exempt the lands and real estate of citizens from forced sale and liability for debts hereafter contracted, was announced, read second time and ordered engrossed.

Mr. Cook moved to suspend the rules and put the bill on its third reading. The House refused to suspend.

By request, Mr. Prendergast was excused by the House from service on the committee to investigate the charges against William Chambers, Judge of the First Judicial District.

Senate amendments to House bill No. 381, "An act to incorporate the the town of Ladonia, in Fannin county," were read and concurred in, and the bill passed.

On motion of Mr. Storey, the regular order was suspended and Judiciary Committee No. 1 was granted leave to report upon Senate bill No. 179:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Judiciary Committee No. 1, to whom was referred Senate bill No. 179, entitled "An act making appropriations for the payment of the expenses of the several contested election cases, and special investigations before the present Legislature," have had the same under consideration, and have instructed me to report the bill back, with amendments, and recommend that the same be adopted, and that the bill thus amended do pass.

G. W. SMITH, Chairman.

1. Amend section one by inserting before the word "provided," the following: "For per diem and mileage of witnesses before the Committee on Privileges and Elec-

tions in matter of contested seats in House of Representatives, \$1800.

"For per diem and mileage of witnesses before Committee on Public Lands and Land Office, in matter of the State of Texas v. Ruggles *et al.*, \$650.

"For expenses of sergeant-at-arms and special sergeant-at-arms, in summoning witnesses under orders of the several committees of the House of Representatives, \$350."

2. Amend section two: After word "committee," in third line, insert "or the certificate of the chief clerk of the House, countersigned by the Speaker, or of the secretary of the Senate, countersigned by the President."

The amendments were adopted, and the bill passed to third reading.

On motion of Mr. Storey the rules were suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Armstrong, Berends, Bewley, Bledsoe, Bordeaux, Broaddus, Chambers, Cook, Cunningham, Davenport, Denton, Doyle, Eastland, Ellett, Gaston, Gilpin, Harrison, Ireland, Joseph, Kemble, Killough, Lane, Mabry, Manning, McDonald, Moore, Morris, Noeggerath, Payne, Phelps, Powers, Prendergast, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Watts, Westfall, Winkler and Wood—58.

Nays—Messrs. Mills, Scott and Wilder—3.

Senate amendments to House bill No. 704, "An act to amend section seven of an act entitled an act to incorporate the city of Waco," were read and concurred in, and the bill passed.

A message was received from the Senate informing the House that the Senate had passed the following bills, originating in the House, viz:

No. 171, "An act amendatory of and supplementary to an act to incorporate the Central Bank, passed March 31, 1871."

No. 173, "An act to prohibit the sale of intoxicating or spirituous liquors within two miles of the institution of learning, situated at Woods, in Panola county, Texas."

No. 320, "An act to authorize the County Court of Comanche county to issue bonds for certain purposes."

No. 392, "An act to incorporate the Garden Valley Seminary, in Smith county."

No. 457, "An act for the relief of Michael B. Boteham."

No. 473, "An act to authorize the county of Bell to issue interest bearing bonds, and levy and collect a special tax for the payment of the same, for building a jail and poor house in said county."

No. 525, "An act to incorporate the Hebrew Benevolent Association of Waco."

No. 536, "An act to change and define the boundary lines of Trinity county, and to provide for the further organization of the same."

No. 553, "Joint resolution authorizing Hon. I. G. Kilough to draw the pay of the Hon. Louis Frankee, deceased."

No. 566, "An act to prohibit the sale of intoxicating liquors within two miles of Cotton Gin Seminary, in Freestone county, Texas."

No. 602, "An act to amend an act passed at this session of the Legislature amending the charter of the Galveston Artillery Company."

No. 756, "An act to authorize Denton county to levy a special tax to build a court house."

And the following bills with amendments, viz :

No. 196, "An act to amend an act entitled an act to incorporate the city of Calvert, in Robertson county, approved April 12, 1871."

No. 210, "An act to incorporate the town of Whitesborough, in Grayson county."

And that the Senate refused to concur in the amendments of the House to Senate bill No. 52, "An act to amend sections one, one hundred and fourteen, one hundred and ninety-two, two hundred and seventeen, two hundred and thirty-five, two hundred and forty, two hundred and forty-two, two hundred and fifty, two hundred and fifty-one, two hundred and fifty-two, two hundred and sixty-six and three hundred and forty-one of an act prescribing the mode of proceeding in district courts in matters of probate, approved August 15, 1870."

Also, that the Senate had passed the following bills, originating in the Senate, viz :

No. 162, "An act for the relief of Thomas F. McKinney."

No. 235, "An act for the relief of the heirs and assigns of Joseph Percival, deceased."

No. 236, "An act to incorporate the Eastern Narrow Gauge Railroad Company."

No. 226, "An act for the relief of the heirs of Augustus W. Shipley."

No. 297, "An act for the relief of R. C. Hunt."

No. 305, "An act to incorporate the Texas Land and Colonization Company."

No. 322, "An act to authorize G. W. Harper to construct and keep a toll bridge across South Sulphur Fork of Red river."

The Committee on Enrolled Bills submitted the following reports:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined and compared the following bill, to-wit:

No. 723, "An act to re-incorporate the city of Corpus Christi."

And find the same correctly enrolled, and have this the sixth day of May, at 12 o'clock M., presented the same to the Governor for his signature.

SHAW, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined and compared the following bills, to-wit:

No. 575, "An act for the relief of the estate of John T. Storey."

No. 748, "An act to incorporate the Texas and European Beef Company, of Galveston, Texas."

No. 125, "An act to prescribe the mode and manner of designating exempted homesteads in certain cases."

No. 468, "An act for the relief of J. Lancaster."

And find them correctly enrolled, and have this the seventh day of May, at 9 o'clock A. M., presented the same to the Governor for his signature.

SHAW, Chairman.

The Committee on Engrossed Bills submitted the following reports:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined the following bills:

No. 821, "An act to authorize the County Court of Waller county to issue coupon interest-bearing bonds for the building of a court house, jail, and transcribing deeds, etc., and to levy a tax for the same."

No. 832, "An act providing compensation for persons examining railroads."

No. 844, "An act to authorize the County Court of Walker county to levy a special tax to repair the court house and jail in said county."

No. 823, "An act to incorporate the Deutscher Volks Fest Verein von Houston (German Volks Fest Association of Houston)."

No. 824, "An act requiring the Commissioner of the General Land Office to furnish the surveyor's office of Hays county with a transcript of the records of said office."

No. 833, "An act making provision for the trial of all State officers, not provided for in the Constitution."

And find the same correctly engrossed.

BOOTY, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed bills have carefully examined House bill No. 286, "An act to suppress gambling;" House bill No. 847, "An act supplementary to the act incorporating the city of Dallas," and find the same correctly engrossed.

BOOTY, Chairman.

Leave being granted, Mr. Bewley offered the following:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The managers to whom was referred the charges against J. G. Scott, Judge of the Tenth Judicial District, ask leave of the House to prefer and file such additional charges and specifications against said Scott, judge ~~at~~ aforesaid, as they may from time to time deem proper for the interest of the prosecution and the State.

The permission requested was granted.

Senate amendments to House bill No. 148, "An act amendatory of and supplementary to an act to incorporate the Merchants Mutual Insurance Company, approved September 18, 1866," were read and concurred in, and bill passed.

A message from the Senate announced that that body

refused to concur in the amendments by the House to Senate bill No. 52, "An act to amend sections one, one hundred and fourteen, one hundred and ninety-two, two hundred and seventeen, two hundred and thirty-five, two hundred and forty, two hundred and forty-two, two hundred and fifty, two hundred and fifty-one, two hundred and fifty-two, two hundred and sixty-six and three hundred and forty-one, of an act entitled an act prescribing the mode of proceeding in district courts in matters of probate, approved August 15, 1870."

The bill and message were taken up, and the House refused to recede from its amendments.

On motion of Mr. Wood, and under instruction from the House the Speaker appointed the following gentlemen a committee of conference upon the disagreement upon the bill: Messrs. Wood, Sayers and Venters, and the clerk was instructed to inform the Senate of the request of the House for a like committee on the part of Senate.

Senate bill No. 111, "An act to provide for supplying the records of Lampasas county," destroyed by fire, was read first time; rules suspended, read second time, and passed to third reading.

On motion of Mr. Westfall, the rules were further suspended, the bill read third time and passed.

Senate bill No. 228, "An act to incorporate the town of Jacksonville, in Cherokee county," was read first time by caption; rules suspended, read second time and passed to a third reading.

On motion of Mr. Smith of Houston, the rules were further suspended, the bill read third time and passed.

A message was received from the Senate, announcing that that body, as a high court of impeachment, had made the following order: That the secretary of the Senate be instructed to inform the House of Representatives that the Senate was organized as a high court of impeachment and ready to receive the managers of the House appointed to represent the House in the trial of the Hon. John G. Scott, Judge of the Tenth Judicial District, against whom articles of impeachment had been presented by the House of Representatives.

Leave being granted, Mr. Ireland introduced a bill to be entitled "An act prescribing the times of holding general elections in this State." Read first time, and on motion of Mr. Ireland, the bill was made special order for

Thursday, May 8, at 9:30 o'clock A. M., and one hundred copies were ordered printed.

Leave being granted, Mr. Mills submitted a report from the Committee on the Penitentiary.

It being evident there was not a quorum present, on motion of Mr. Harrison, the House then adjourned until 3 o'clock P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

The following gentlemen were absent:

Messrs. Bewley, Booty, Brown of Upshur, Gilpin, Killough, Kleberg, Mabry, Phelps, Prendergast, Roberts, Sayers, Schmidt, Thurmond and Winkler.

On motion of Mr. Lane, Mr. Nelson was excused on account of sickness.

On motion of Mr. Chambers, Mr. Van Zandt was excused indefinitely on account of sickness.

On motion of Mr. Broaddus, Mr. Salter was excused until Monday next.

Mr. Chambers called up House bill No. 850, "An act prescribing the times of holding general elections in this State." The bill was read second time.

Mr. Sabin offered the following amendment: Amend by striking out "1873" and inserting in lieu thereof "1874."

Mr. Ireland moved to lay the amendment on the table. The amendment was tabled by the following vote:

Yeas—Messrs. Speaker, Adriaance, Armstrong, Berends, Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gilpin, Harrison, Hoffman, Ireland, Joseph, Kemble, Kleberg, Lane, Manning, McDonald, Mills, Morris, Noeggerath, Payne, Powers, Prendergast, Rainey, Robb, Rosborough, Russell, Salter, Sayers, Scott, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall and Wood—61.

Nays—Messrs. Abbott, Ellett, Moore, Phelps, Roberts, Sabin, Stockbridge, Washington, Wilder and Williams—10.

Mr. Morris moved to postpone the further consideration of the bill until 9:30 A. M., to-morrow.

Mr. Kleberg moved to lay the motion on the table, which motion carried.

Mr. Brown, of Dallas, moved to amend as follows: Add to section first, "*Provided*, that at each biennial election, as above provided, after the first Tuesday in December, 1873, there shall be elected only one-third of the whole number of Senators as their respective terms may expire, or until the next apportionment shall have been made." The amendment was adopted.

The bill was then ordered engrossed.

On motion of Mr. Harrison the rules were suspended, and the bill read third time.

Mr. Ireland moved to strike out of the last clause, "and this act shall take effect from and after its passage," which motion carried.

The bill then passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Armstrong, Berends, Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gilpin, Harrison, Hoffman, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Mabry, Manning, McDonald, Mills, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Robb, Rosborough, Russell, Sayers, Scott, Shaw, Shelton, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall and Wood—63.

Nays—Messrs. Abbott, Moore, Phelps, Roberts, Sabin, Short, Washington, Wilder and Williams—9.

A message from his Excellency the Governor was received, relative to the apportionment bill.

The thirtieth district was called. The members of that district, being unable to agree upon a bill to be called up, the fifth district, being next in order, was then called. Mr. Morris, for that district, called up House bill No. 489, a bill to aid in the construction of the Atlantic and Pacific Railroad.

The special committee on railroads reported a substitute bill therefor, of same caption, which was read and adopted. The bill was then considered by sections.

Mr. Sabin offered the following amendment: Insert be-

tween the words "or" and "otherwise," section two, the words, "reserved, sectionized or." The amendment was adopted.

Mr. Cook offered the following amendment to section two: Add to section two: "*Provided*, that the reservation of lands made by this act, for the benefit of the Atlantic and Pacific Railway Company, shall not operate or be construed to exclude from location upon the territory within the limits of said reservation, any actual settler, being a citizen of the State of Texas under section eight, article ten, of the Constitution of the State of Texas, nor the location of any genuine land certificate entitling the owner or owners to land out of the public domain of the State of Texas, save and except certificates which have been, or may be hereafter issued under any general or special law, donating land to railroads, canals or other internal improvements, which are intended by this act to be excluded from location within the limits of said reservation." The amendment was adopted.

Mr. Westfall moved to amend section two by striking out "ten" and inserting in lieu thereof "eight;" also section three by striking out "twenty" and inserting in lieu thereof "sixteen." The amendments were adopted.

The bill was then ordered engrossed.

On motion of Mr. Booty, the rules were further suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Berends, Bewley, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Cook, Davenport, Day, Denton, Doyle, Eastland, Gaston, Gilpin, Harrison, Hoffman, Joseph, Killough, Kleberg, Lane, Mabry, Manning, McDonald, Mills, Moore, Morris, Nelson, Noeggerath, Phelps, Powers, Prendergast, Robb, Roberts, Sabin, Sayers, Scott, Shaw, Shelton, Storey, Stockbridge, Thurmond, Tivy, Washington, Watts, Westfall, Wilder, Williams and Wood—50.

Nays—Abbott, Armstrong, Bordeaux, Carroll, Chambers, Kemble, Payne, Rosborough, Smith of Houston and Tom—10.

Mr. Booty then called up Senate bill No. 271, "An act for the relief of C. C. De Witt and other persons therein named."

The Committee on Private Land Claims submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Private Land Claims, to to whom was referred Senate bill No. 271, "An act for the relief of C. C. De Witt, and other persons therein named," have had the same under consideration, and direct the same be reported back to the House, with a recommendation that it do pass.

ROBB, for Committee.

The bill was read second time and ordered engrossed.

On motion of Mr. Sayers, the rules were suspended, the bill read third time and passed.

It appearing there was no quorum present, Mr. Denton moved a call of the House, which was seconded. The roll being called, the following gentlemen were found to be absent: Messrs. Ellett, Ghent, Phelps, Salter, Schmidt, Short and Wilder.

A quorum having been obtained, on motion of Mr. Denton, the call was suspended.

On motion of Mr. Russell, Mr. Bewley was granted leave of absence from the sessions of the House, on account of official business connected with the pending trial of the Hon. John G. Scott.

Mr. Broaddus offered the following resolution :

Resolved, That hereafter in the evening sessions, when private or other bills may be called up, the rule shall be, that one district shall be called at the top of the list of districts, and the members of the House from that district may agree and call up one bill; one district shall then be called from the bottom of the list, and the members from that district may call up one bill; one district in the middle of the list shall then be called, with the like privilege; then the next from the top, and the next from the bottom, then next from the middle upwards, and the next from the middle downwards, and so on. If the members of any district fail to agree upon the bill to be called up, the next district shall be called.

Laid over one day under the rules.

Mr. Booty offered the following resolution :

Resolved, That hereafter this House will hold night sessions on Tuesday nights and Thursday nights, beginning at 7:30 o'clock P. M., for the consideration of private and local bills exclusively.

Laid over under the rules.

The Committee on Engrossed Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined the following bill:

No. 850, a bill to be entitled "An act prescribing the times of holding general elections in this State."

And find the same correctly engrossed.

BOOTY, Chairman.

The sixth district being called, Mr. Gaston called up Senate bill No. 258, "An act to amend an act to incorporate the Tyler Tap Railroad Company, approved December 1, 1871, and to grant land to aid in the construction of its road."

The bill was considered by sections.

Mr. Westfall moved to amend section five by inserting after the word "inspector," the words "under oath."

The amendment was adopted.

Mr. Brown of Upshur offered the following amendment: Add the following: "And if said Tyler Tap runs within five miles of Longview, it shall run in one-half mile of said place, and construct a freight depot at the same place." The amendment was adopted.

Mr. Denton offered the following amendment: Add to section six: "Provided, that the State expressly reserves the right to regulate the charges for freight and passage over said road." The amendment was adopted.

The bill was then ordered engrossed.

On motion of Mr. Brown of Dallas, the rules were suspended, the bill read third time.

Mr. Abbott moved to adjourn. The House refused to adjourn.

Mr. Smith of Houston moved a call of the House, which was seconded.

The following gentlemen were absent: Messrs. Ellett, Ghent, Killough, Kleberg, Phelps and Schmidt.

Mr. Brown of Dallas moved to suspend the call. The House refused to suspend.

Mr. Abbott moved to adjourn. The House refused to adjourn.

Mr. Brown of Dallas moved to suspend the call. The House refused to suspend the call.

Mr. Kleberg moved to adjourn. The House refused to adjourn.

Mr. Brown of Dallas moved to suspend the call. The House refused to suspend the call.

Mr. Brown of Dallas moved to excuse the absent members. The House refused to excuse.

Mr. Denton moved to suspend the call. The House refused to suspend the call.

Mr. Ireland moved to excuse the absent members for the evening. The House decided to excuse.

Mr. Denton moved to refer the bill to the special committee on railroad charters. The House refused to refer.

The bill then passed by the following vote :

Yeas—Messrs. Speaker, Adriance, Armstrong, Berends, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cunningham, Davenport, Day, Eastland, Gaston, Gilpin, Harrison, Hoffman, Ireland, Joseph, Killough, Kleberg, Lane, Mabry, Manning, McDonald, Mills, Moore, Morris, Noeggerath, Phelps, Powers, Robb, Roberts, Rosborough, Russell, Sabin, Sayers, Scott, Shaw, Shelton, Smith of Colorado, Smith of Houston, Stockbridge, Thurmond, Tilson, Tivy, Watts, Westfall, Wilder, Williams, Winkler and Wood—52.

Nays—Messrs. Abbott, Bledsoe, Bordeaux, Chambers, Cook, Denton, Doyle, Nelson, Payne, Prendergast, Short, Storey, Tom, Trolinger, Venters and Washington—16.

On motion of Mr. Brown of Dallas, the House adjourned until 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, May 8, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called ; quorum present.

Absent—Messrs. Ellett, Mills and Schmidt.

On motion of Mr. Shelton, Mr. Nelson was excused on account of sickness.

On motion of Mr. Harrison the reading of the journal was dispensed with.

Mr. Armstrong introduced a bill to repeal the ninth and tenth sections of "An act to incorporate the International Railway Company, and to provide for the aid of the State of Texas in constructing the same," passed August 5, 1870. Read first time ; rules suspended and read second time.

Mr. Harrison moved to lay the bill on the table, which carried.

Mr. Harrison moved to take up House bill No. 176, "An act to repeal all laws and parts of laws now in force authorizing the State of Texas to aid in the construction of railroads in bonds or money donations or subsidies," which motion carried.

The bill having been read, Mr. Sabin moved to lay it on the table.

On motion of Mr. Scott, Mr. Russell was excused for the day on account of business.

The Committee on Engrossed Bills reported as follows: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Your Committee on Engrossed Bills have carefully examined House bill No. 489, "An act to aid in the construction of the Atlantic and Pacific Railroad." and find the same correctly engrossed.

BOOTY, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined the following bills:

No. 387, a bill entitled "An act to incorporate the Public Building Company of Hill county, Texas."

No. 848, a bill to be entitled "An act to provide for the investigation of fires in certain cases."

No. 846, "An act authorizing the city of Galveston to issue her bonds to the amount of five hundred thousand dollars, in aid of the improvement of the bar and harbor of Galveston, and to provide a tax of one-fourth of one per centum, for a sinking fund wherewith to pay the principal and interest of said bonds."

And find the same correctly engrossed.

BOOTY, Chairman.

Mr. Sayers moved a call of the House, which was seconded.

The following gentlemen failed to answer:

Messrs. Anderson, Ellett, Schmitt and Stockbridge.

On motion of Mr. Lyendecker, the leave of absence of Mr. Hester as extended indefinitely.

On motion of Mr. Abbott, Mr. Stockbridge was excused from the call.

On motion of Mr. Chambers, the call was suspended.

The House then refused to table by the following vote :

Yeas—Messrs. Abbott, Adriance, Berends, Joseph, Mabry, Moore, Phelps, Roberts, Sabin, Washington, Wilder and Williams—12.

Nays—Messrs. Speaker, Armstrong, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gilpin, Harrison, Hoffman, Ireland, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Mills Morris, Noeggerath, Payne, Powers, Prendergast, Rainey, Robb, Rosborough, Sayers, Scott, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Venters, Watts, Westfall, Winkler and Wood—58.

Mr Watts offered the following amendment: Strike out section two of the bill.

Pending the discussion, the hour for the special order, No. 595, "A bill to divide the State of Texas into six congressional districts," was announced.

On motion of Mr. Ireland, the special order was postponed for half an hour.

Mr. Ireland moved the previous question, which was seconded and the main question ordered.

The amendment offered by Mr. Watts was then adopted by the following vote :

Yeas—Messrs. Armstrong, Bledsoe, Bordeaux, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Davenport, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Harrison, Ireland, Killough, Kleberg, Leyendecker, Manning, McDonald, Payne, Powers, Prendergast, Rainey, Robb, Rosborough, Sayers, Scott, Short, Smith of Houston, Storey, Tom, Trolinger, Van Zandt, Venters, Watts, Westfall Winkler and Wood—41.

Nays—Messrs. Speaker, Abbott, Adriance, Allison, Berends, Broaddus, Day, Ellett, Green, Hoffman, Joseph, Lane, Mabry, Mills, Moore, Morris, Noeggerath, Phelps, Roberts, Sabin, Shaw, Shelton, Smith of Colorado, Stockbridge, Tilson, Tivy, Washington, Wilder and Williams—29.

The bill was then ordered engrossed.

A message was received from the Senate informing the House that the Senate had passed the following bills, originating in the House, viz. :

No. 200, "An act granting a charter to Jas. A. Mitcham and H. L. Gilmore to create, keep and run a ferry boat at New Bazette landing or crossing on the Trinity river, in Henderson county and Navarro county."

No. 304, "An act to validate the bounty land warrant issued to John B. Fox."

No. 424, "An act to amend an act prescribing the time of holding the District Courts in the several judicial districts in the State, approved August 10, 1870."

No. 664, "An act to amend section three of an act to incorporate the Falls County Turnpike Road and Bridge Company, approved April 12, 1871."

No. 691, "An act to prohibit the sale of intoxicating, spirituous or vinous liquors within one and a half miles of Sylvan Academy, in Lamar county."

No. 727, "An act to prohibit the sale of intoxicating, spirituous or vinous liquors within three miles of Roxton Chapel and Seminary, in Lamar county."

And the following bills with amendments, viz. :

No. 274, "An act to amend an act to reorganize the town of Bryan, in Brazos county, Texas, and incorporate said town as the city of Bryan."

No. 429, "An act to authorize H. B. Boston, A. Hamilton and R. B. Hudson to erect a pontoon bridge over the Guadalupe river, at the town of Clinton, in De Witt county, Texas."

A subsequent message from the Senate announced that that body was now sitting as a high court of impeachment for the trial of the Hon. John G. Scott, Judge of the Tenth Judicial District, and was ready to receive the managers appointed by the House to conduct the trial on the part of that body.

The Speaker announced the managers would govern themselves accordingly.

The special order, House bill No. 595, to divide the State of Texas into six congressional districts, was then taken up, and, on motion of Mr. Wood, postponed until Friday, May 9, at 9:30 A. M.

Unfinished business, House bill No. 210, "An act to incorporate the town of Whitesborough, in Grayson county," was taken up, and the Senate amendments thereto read.

The House refused to concur in the amendments.

House bill No. 196, "An act to amend an act entitled

an act to incorporate the city of Calvert, in Robertson county, approved April 12, 1871," was taken up, the Senate amendments thereto read and concurred in, and the bill passed.

House bill No. 429, "An act to authorize H. B. Boston, A. Hamilton and R. B. Hudson to erect a pontoon bridge over the Guadalupe River, at the town of Clinton, in De Witt county, Texas," was taken up, the Senate amendments thereto read and concurred in, and the bill passed.

House bill No. 274, a bill to be entitled "An act to amend an act entitled an act to reorganize the town of Bryan, in Brazos county, Texas, and incorporate said town as the city of Bryan," was taken up, the Senate amendments thereto read and concurred in, and the bill passed.

Leave being granted, Mr. Ireland offered the following resolution :

Resolved by the House of Representatives, That the managers in the impeachment of Judge John G. Scott be authorized to associate such persons with the said trial as they may think proper, with the consent of the court of impeachment.

Mr. Mills offered the following proviso :

Provided, that said associate counsel shall not be entitled to any compensation from the State for said services.

Mr. Ireland moved to lay the proviso on the table, which motion carried.

The resolution was then adopted.

Senate bill No. 327, "An act supplemental to an act entitled an act reimbursing Bastrop County and appropriating the sum of two hundred and twenty-five dollars for that purpose, approved March 20, 1873," was taken up, read second time and passed to third reading. On motion, the rules were suspended, the bill read third time and passed.

Senate bill No. 254, "An act to incorporate the city of El Paso," was read first time; rules suspended, read second time and passed to third reading. On motion of Mr. Powers, the rules were further suspended, the bill read third time and passed.

Senate bill No. 162, "An act for the relief of Thomas F. McKinney," was read first time and referred to the Committee on Claims and Accounts.

Senate bill No. 235, "An act for the relief of the heirs and assigns of Joseph Percival, deceased," was read first time and referred to the Committee on Private Land Claims.

On motion of Mr. Cook, House bill No. 619, "An act to exempt the lands and real estate of citizens from forced sale and liability on all debts hereafter contracted," was taken up, made special order for Saturday, May 10, at 10 A. M., and one hundred copies were ordered printed.

Senate bill No. 236, "An act to incorporate the Eastern Narrow Gauge Railroad Company," was read by caption and referred to the Special Committee on Railways.

Senate bill No. 266, "An act for the relief of the heirs of Augustus W. Shipley," was read first time by caption and referred to the Committee on Private Land Claims.

Senate bill No. 270, "An act to amend sections one, two, fourteen and fifteen of an act to incorporate the Calvert and Belton Railway Company, passed May 25, 1871, and to grant land to aid in the construction of said railroad," was read by caption and referred to the Special Committee on Railways.

Senate bill No. 297, "An act for the relief of R. C. Hunt," was read first time; rules suspended, read second time and passed to third reading. On motion, the rules were further suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Armstrong, Bledsoe, Booty, Bordeaux, Brown of Upshur, Brown of Dallas, Carroll, Cook, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ellett, Ford, Gaston, Ghent, Gilpin, Green, Harrison, Hester, Hoffman, Joseph, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Mills, Moore, Morris, Noeggerath, Phelps, Powers, Prendergast, Rainey, Robb, Rosborough, Sayers, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Washington, Watts, Westfall, Wilder, Williams and Wood—65.

Nays—None.

A message was received from his Excellency the Governor, returning House bill No. 411, "An act making an appropriation for C. R. Gibson," together with his objections to the same.

Senate bill No. 305, "An act to incorporate the Texas

Land and Colonization Company," was read first time; rules suspended, read second time and passed to a third reading.

On motion the rules were further suspended, the bill read third time and passed.

Senate bill No. 322, "An act to authorize G. W. Harper to construct and keep a toll bridge across South Sulphur fork of Red River," was read first time and passed to a second reading.

Mr. Rainey moved that a special committee be raised to consider the House and Senate congressional apportionment bills, and report thereon to-morrow. The House refused to raise the committee.

The resolution offered by Mr. Broaddus, changing the order of calling the districts, was read.

Mr. Mills moved to lay the resolution on the table, which was carried.

The resolution offered by Mr. Booty providing for night sessions on Tuesdays and Thursdays, was read.

Mr. Ellett offered the following amendment, which was adopted: "*Provided*, no charters for railroad companies shall be considered at such sessions."

Mr. Powers moved to amend by inserting after railroads "asking subsidies." The House refused to adopt the amendment. The resolution was then adopted by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ellett, Ford, Gaston, Ghent, Gilpin, Green, Harrison, Hester, Hoffman, Joseph, Killough, Kleberg, Leyendecker, Manning, McDonald, Mills, Noeggerath, Phelps, Prendergast, Rainey, Robb, Rosborough, Scott, Shaw, Shelton, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Trolinger, Watts, Westfall, Williams and Wood—57.

Nays—Messrs. Abbott, Lane, Mabry, Moore, Powers, Roberts, Washington and Winkler—8.

A message was received from the Senate informing the House that the Senate had passed the following bills originating in the Senate, viz:

No. 213, "An act to incorporate the Steamship Wharf Company."

No. 256, "An act to authorize the County Court of Lampasas county to levy a special tax."

No. 263, "An act to incorporate the town of Zavala, in the county of Smith."

No. 269, "An act empowering the Police Court of Cherokee county to levy and collect a special tax for the purpose of paying off the present outstanding indebtedness of said county."

No. 283, "An act making an appropriation to pay a judgment against the State in favor of E. M. Smith."

No. 289, "An act to incorporate the Hebrew Sinai Congregation."

No. 293, "An act for the relief of A. Howell."

No. 300, a bill for the relief of Quilla J. Nichols."

No. 326, "An act to validate first-class certificate No. 150, issued to Freeman Prewitt by the board of land commissioners of Jasper county, July 5, 1839."

On motion of Mr. Cunningham, Mr. Broaddus was excused for the day on account of sickness.

Mr. Watts moved to reconsider the vote of yesterday passing House bill No. 489, "An act to aid in the construction of the Atlantic and Pacific railroad," and to lay that motion on the table. The motion carried.

Mr. Gaston offered the following resolution :

WHEREAS, The Committee on Claims and Accounts has not had the opportunity to report for several weeks, and as there are several claims before said committee which in justice should receive the consideration of the present Legislature; therefore,

Resolved, That said committee be permitted to report this evening at 4:30 o'clock.

On motion of Mr. Kleberg, the resolution was laid on the table.

Mr. Bordeaux moved to take up House bill No. 197, "An act to authorize county courts to levy a road and bridge tax, and to improve roads and bridges," which motion carried, and the bill was taken up by sections.

Mr. Wood offered the following amendment to section one: Strike out of section one all in line five, commencing with the word "to," to the word "and" inclusive, in line seven; and after the word "the" in line seven, insert: "taxes collected for the benefit of roads and bridges," and strike out the word "same." Strike out section six. The amendments were adopted.

Mr. Tilson moved to strike out of section three, line seven, the words "hereinbefore provided for," and insert "of the county."

The Speaker announced no quorum was present.

Mr. Washington moved to adjourn. The House refused.

Mr. Kleberg moved a call of the House, which was seconded.

The roll being called, the following gentlemen failed to answer to their names: Messrs. Adriance, Anderson, Brown of Dallas, Hoffman, Robb, Schmidt and Storey.

On motion of Mr. Harrison the call was suspended.

The amendment was then adopted.

Mr. Bledsoe offered the following amendment: In line five, section four, strike out "three" and insert "two."

Mr. Powers moved, as a substitute for the amendment, to strike out section four.

Mr. Kleberg moved to lay the substitute on the table, which carried.

The amendment offered by Mr. Bledsoe was then adopted.

Mr. Bledsoe offered the following amendment to section four: "And no justice of the peace shall be allowed to receive pay for more than ten days in one year for such service."

Mr. Powers moved to amend the amendment by striking out "ten" and inserting in lieu thereof "five." The amendment was adopted, and the amendment thus amended was adopted.

Mr. Denton moved to add to section five: "*Provided*, that such person shall not be allowed more than one dollar per day for such work." The amendment was adopted.

Mr. Bledsoe moved to insert in section five, line seven, after the word "same," "when such work is actually done," which motion carried.

Mr. Wood moved to amend the caption so as to read as follows: "An act to authorize the county courts of the several counties to keep up and improve roads and bridges." The amendment was adopted.

Mr. Smith, of Colorado, offered the following amendment: In section seven, strike out all down to the word "hereby," in line two, and insert in lieu thereof as follows: "that an act entitled 'An act to authorize county

courts to levy a road tax, and to improve roads and bridges,' passed August 4, 1870, is." The amendment was adopted.

The bill was then ordered engrossed.

On motion of Mr. Tilson the rules were suspended, the bill read third time and passed.

On motion of Mr. Harrison the House then adjourned until 3 P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

Absent—Messrs. Booty, Ellett, Ireland, Noeggerath, Schmidt, Short, Smith of Colorado, Stockbridge, Thurmond and Venters.

On motion of Mr. Rainey Mr. Hollingsworth was excused until Monday next.

The Committee on Enrolled Bills submitted the following report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully compared and examined the following bills :

No. 367, "An act to incorporate Marvin College."

No. 156, "An act to validate the survey of John B. Dilard, and authorize patent to issue on the same."

No. 126, "An act for the relief of A. S. Thurmond."

No. 357, "An act to incorporate Owensville High School."

No. 293, "An act to incorporate the Lee Fire Engine Company No. 5, of the city of Galveston."

No. 264, "An act to authorize the Police Court of Ellis county to levy and collect a special tax for the purpose of building a jail."

No. 391, "An act to prevent the gift or sale of intoxicating liquors within two miles of Garden Valley Seminary, in Smith county, Texas."

No. 498, "An act for relief of the heirs of Charles Forrester."

No. 416, "An act to prohibit the sale of spirituous liquors within six miles of Davilla Institute, Milam county."

No. 573, "An act to validate the election held in the town of Crockett, Houston county."

No. 243, "An act granting a charter to O. M. Airheart to create, keep and run a ferry boat at the Spivey crossing on Trinity river, Henderson and Navarro counties."

And find the same correctly enrolled, and have this, the eight day of May, at 12 o'clock M., presented the same to the Governor for his signature.

W. A. SHAW, Chairman.

Leave being granted, Mr. Brown of Dallas offered the following resolution:

Resolved, That this House will take no further action on any bill now pending or hereafter introduced for or concerning private corporations, the objects of which can be accomplished under the act concerning private corporations, approved December 2, 1871, and the amendment thereto passed at the present session of the Legislature.

Resolved, That all such bills, in the hands of committees may be withdrawn without prejudice by the members who may have introduced them, and that this resolution shall not be suspended except by the unanimous consent of the House.

Laid over under the rules.

The special order was announced, being the report of conference committee upon the disagreement of the two houses upon the Texas and Pacific Railway bill. The following was submitted:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee appointed to confer with a like committee from the Senate on House bill No. 467, entitled "An act to adjust and define the rights of the Texas and Pacific Railway Company within the State of Texas, in order to encourage the speedy construction of a railway through the State to the Pacific Ocean," have considered the same, and agree to recommend that the Senate's third amendment to section one shall be substituted with the following: "Provided, said road shall be completed and put in running order to the main line of the Transcontinental road near Texarkana, or from such point on said line as the railroad now being constructed from Little Rock to a junction with said Transcontinental road may cross the Arkansas State line, the same not being more than seven

miles north of Texarkana, by January, 1874, and shall build and maintain a depot within one-half mile of the town of Clarksville.”

Also recommend that section two be made to harmonize with the preceding amendment by inserting in the ninth line of engrossed bill after the word “Texarkana,” and before the word “to,” the following: “or to the point of junction of the Transcontinental road on the Arkansas State line with the railroad now being constructed from Little Rock thence.”

That the senate recede from its fifth amendment of section four, which struck out the word “issuance,” in line seven, and inserted the word “location.”

And that the House concur in the other amendments of the Senate.

WEBSTER FLANAGAN,
for Senate committee.
GEO. W. SMITH,
for House committee.

On motion of Mr. Watts, the further consideration of the pending matter was postponed until 10:30 A. M. Saturday, May 10.

House bill No. 482, “An act to aid in the construction of the Galveston, Harrisburg and San Antonio Railway,” was taken up, pending the amendment offered by Mr. Storey.

Mr. Killough offered the following amendment: In section three before “Gonzales,” in line seven, add “La Grange.”

Mr. Sayers moved to lay the amendment and the amendment thereto on the table.

Division of the question being called for, the amendment to the amendment was laid on the table.

The amendment was then tabled.

Mr. Hester moved to amend section three by adding after “town,” in line twenty-two, “*Provided further,* that the line of said road shall not touch the county of Lavaca.” The amendment was adopted.

Mr. Payne offered the following amendments: Add the following section: “Said company shall not have the right to sell, rent, lease or consolidate with any other parallel or competing railroads in this State, nor enter into any agreement, partnership or consolidation with any other railroad, in order to control the rates of freight or

passage on said railroad; and in case said company violate the provisions of this section it shall forfeit all the rights and privileges granted in this act."

Also the following:

"Said railroad company shall be governed by the laws of the State of Texas now in force or hereafter to be enacted in relation to the control and management of railroads, its officers and employes."

The amendments were adopted.

Mr. Smith of Colorado moved to add to the end of section three: "And to issue certificates of stock in the company to any person, his or her heirs or assignees, equal in amount to what any such person, his or her heirs or assignees, may have or was entitled to in the Columbus Tap Railway Company."

Mr. Sabin moved to lay the amendment on the table. The House refused to table.

The amendment was then adopted.

Mr. Killough moved to amend by adding after the word "company," in section three, "shall release to the citizens of Fayette and Bastrop counties all right, title and interest they may have to the grade from the town of Alleyton in the direction of the town of La Grange and." The amendment was adopted.

Mr. Manning offered the following amendment to section two: "*Provided*, that in no case shall the State be in any way liable for deficiency of vacant domain." The amendment was adopted.

Mr. Hoffman moved to insert in line ten, section three, after the word "mentioned": "*Provided*, that the depot at New Braunfels shall be on the west side of the Guadalupe river." The amendment was adopted.

Mr. Storey moved to add to the end of section four: "That section eleven of an act entitled 'An act supplementary to the act to incorporate the Buffalo Bayou, Brazos and Colorado Railway Company, and to the other special acts relating to said company,' passed July 27, 1870, be and the same is repealed." The amendment was adopted.

Mr. Smith, of Colorado, offered the following amendments: In section four, line two, strike out after the word "such" to "and" in line three, and insert in lieu thereof "laws as is now or may hereafter be passed, to regulate freight and passage and the general business op-

erations of railroad companies of this State." In line seventeen insert after the word "other" the word "railroad." In line twelve insert "8" for "6," "12" for "8;" and in the thirteenth line insert "16" for "10;" and in the fourteenth line insert "20" for "12;" and after the word "acquiring" in line fifteen, insert "the certificates for." After the word "other," in line seventeen, insert "railroad." The amendments were adopted.

Mr. Brown, of Dallas, moved to amend the caption by adding: "and to repeal section eleven of an act supplementary to the act to incorporate the Buffalo Bayou, Brazos and Colorado Railway Company, and to the other special acts relating to said company, passed July 27, 1870." The amendment was adopted.

The bill was then ordered engrossed.

On motion of Mr. Sayers, the rules were suspended, and the bill read third time.

Mr. Sayers moved a call of the House. The call was not sustained.

The bill was then put on its passage with the following result:

Yeas—Messrs. Speaker, Adriance, Anderson, Berends, Booty, Brown of Dallas, Davenport, Denton, Eastland, Ford, Gaston, Ghent, Gilpin, Harrison, Hester, Hoffman, Ireland, Lane, Mabry, Manning, Morris, Phelps, Powers, Prendergast, Robb, Roberts, Rosborough, Sayers, Shaw, Short, Smith of Colorado, Storey, Thurmond, Tilson, Tivy, Tom, Watts, Westfall, Winkler and Wood—40.

Nays—Messrs. Abbott, Allison, Armstrong, Bledsoe, Bordeaux, Brown of Upshur, Chambers, Cook, Cunningham, Day, Doyle, Joseph, Killough, Kleberg, Leyendecker, Moore, Noeggerath, Sabin, Scott, Shelton, Smith of Houston, Stockbridge, Trolinger, Venters, Washington and Williams—26.

Whereupon it appeared two-thirds had not voted for the bill.

Mr. Bordeaux moved to reconsider the vote.

After discussion, Mr. Thurmond moved the previous question, which was seconded, and the main question ordered.

The vote was then reconsidered.

Mr. Ireland moved to strike out the last amendment offered by Mr. Storey, and substitute therefor the follow-

ing: "Provided, this company shall not be exempt from taxation, if it accepts the benefits of this act."

Mr. Sabin moved to recommit the bill and amendment to a special committee. The House refused to recommit. The amendment was then adopted.

Mr. Hester moved to strike out the amendment offered by himself and adopted by the House. The amendment was stricken out.

Mr. Winkler in the chair.

Mr. Taylor moved to strike out the amendment to the caption offered by Mr. Brown of Dallas, which motion carried.

The bill then passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Bledsoe, Booty, Brown of Upshur, Brown of Dallas, Carroll, Cook, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gilpin, Harrison, Hester, Hoffman, Ireland, Kleberg, Lane, Mabry, Manning, McDonald, Morris, Noeggerath, Payne, Powers, Prendergast, Robb, Roberts, Rosborough, Sayers, Shaw, Shelton, Short, Smith of Colorado, Storey, Stockbridge, Tilson, Tivy, Tom, Watts, Westfall, Williams, Winkler and Wood—53.

Nays—Messrs. Abbott, Armstrong, Chambers, Joseph, Killough, Moore, Phelps, Sabin, Smith of Houston, Washington and Wilder—11.

The Committee on Enrolled Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined the following bill:

No. 557, "An act to incorporate the Brazos Santiago and Rio Grande Canal Company."

And find the same correctly enrolled, and have this the eighth day of May, at 5:35 o'clock P. M., presented the same to the Governor for his signature.

SHAW, Chairman.

The Committee on Engrossed Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined the following House bills:

No. 176, a bill to repeal all laws and parts of laws now in force authorizing the State of Texas to aid in the construction of railroads in bonds or money donations or subsidies.

No. 586, a bill to be entitled "An act to incorporate the San Antonio and Austin Railroad Company."

And find the same correctly engrossed.

BOOTY, Chairman.

On motion of Mr. Morris, the House adjourned until 8 o'clock P. M.

EVENING SESSION.

House met pursuant to adjournment. Roll called.

Absent—Messrs. Abbott, Adriance, Anderson, Armstrong, Bewley, Booty, Bordeaux, Brown of Dallas, Carroll, Cook, Eastland, Ellett, Ghent, Hester, Hoffman, Joseph, Manning, Mills, Moore, Morris, Payne, Powers, Rainey, Schmidt, Scott, Stockbridge, Thurmond, Tilson, Tivy, Tom, Washington and Winkler.

Mr. Allison moved to adjourn. The House refused.

Mr. Denton moved a call of the House. Call sustained.

On motion of Mr. Watts, Mr. Prendergast was excused on account of sickness.

Absent—Messrs. Abbott, Adriance, Anderson, Bordeaux, Carroll, Eastland, Ellett, Hester, Hoffman, Joseph, Manning, Mills, Moore, Morris, Schmidt, Scott, Tilson, Tom, Washington and Winkler.

Mr. Booty moved to adjourn. The House refused.

The sergeant-at-arms was dispatched after absent members.

Mr. Watts moved to adjourn. The House refused.

A quorum was announced.

Mr. Shaw moved to adjourn. The House refused.

Mr. Brown of Dallas moved to adjourn. The House adjourned until 9 A. M., to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, May 9, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

Absent—Messrs. Bewley, Ellett, Gillette, Mills, Phelps, Rainey and Schmidt.

On motion of Mr. Powers, Mr. Cook was excused on account of urgent business.

On motion of Mr. Wilder, the reading of the journal was dispensed with.

Mr. Westfall introduced a bill to prohibit the sale or otherwise disposing of spirituous or intoxicating liquors within six miles of Little River Academy, in Bell county, Texas. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Westfall, the rules were further suspended, the bill read third time and passed.

Mr. Gilpin introduced a bill supplementary to and amendatory of an act entitled "An act to reincorporate the city of Corpus Christi." Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Thurmond, the rules were further suspended, the bill read third time and passed.

Mr. Phelps introduced a bill to issue a donation warrant to the heirs of Jack Lowrie, deceased, a San Jacinto soldier. Referred to the Committee on Private Land Claims.

Mr. Payne introduced a bill to authorize the Commissioner of the General Land Office to issue a donation land warrant to Peter Rouche. Referred to the Committee on Private Land Claims.

Mr. Sabin offered the following resolution:

Resolved, That the rule or resolution establishing night sessions be and the same is hereby set aside and done away with.

Laid over under the rules.

Mr. Anderson introduced a bill to prohibit the sale or giving away of intoxicating liquors within three miles of Prairie Grove church and seminary of learning, situate in Hill county. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Ford, the name of Evergreen, in Washington county, was added in bill and caption.

On motion of Mr. Anderson the rules were further suspended, the bill read third time and passed.

Mr. Booty introduced a bill to incorporate the officers and members of Gaiety Lodge No. 84 of the Independent Order of Odd Fellows, situated at Carthage, Texas. Read first time; rules suspended read second time and ordered engrossed.

On motion of Mr. Booty, the rules were further suspended, the bill read third time and passed.

Mr. Abbott introduced a bill to provide for holding an election for county officers in the county of Waller, and authorizing commissioners to hold the same. Read first time; rules suspended and read second time.

On motion of Mr. Winkler, the words "and registration laws" were added.

Mr. Powers moved to amend so as to fix the first Monday in July as the time of holding said election, which motion carried.

The bill was then ordered engrossed.

On motion of Mr. Abbott, the rules were further suspended, the bill read third time and passed.

Mr. Berends introduced a bill to authorize the County Court of Gillespie county to contract a loan by issuing interest-bearing bonds for the purpose of building a court and jail. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Berends, the rules were further suspended, the bill read third time and passed.

Mr. Rosborough introduced a bill to incorporate the Little River Academy, in Bell county. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Westfall, the rules were further suspended, the bill read third time and passed.

Mr. Winkler introduced a bill for the relief of Elisha Anglin and others therein named. Referred to the Committee on Private Land Claims.

Mr. Chambers introduced a joint resolution amendatory of section six, article nine of the Constitution of the State of Texas. Read first time and referred to the Committee on Constitutional Amendments.

Mr. Watts introduced a bill to amend section three of an act entitled "An act supplementary to an act to provide for the payment of the public debt of the State of Texas, approved May 2, 1871, approved November 13,

1871." Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Watts the rules were further suspended, the bill read third time and passed.

On motion of Mr. Broaddus, Judiciary Committee No. 1 was granted leave to report, and submitted the following: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Your committee to whom was referred House bill No. 631, entitled "An act to authorize the County Court of Brazos county to levy and collect a special tax of one-fourth of one per cent. to complete the court house, and make more secure the jail in said county," beg leave to report the same back, with the recommendation that it do pass.

IRELAND, Chairman.

The bill was read second time and ordered engrossed.

On motion of Mr. Broaddus the rules were further suspended, the bill read third time and passed.

Mr. Powers introduced a bill to amend article three hundred and fifty of "An act to adopt and establish a penal code for the State of Texas," approved August 28, 1856. Read first time and referred to Judiciary Committee No. 1.

The special order was announced, House bill No. 595, a bill to divide the State of Texas into six congressional districts.

On motion of Mr. Wood the bill and substitute were referred to a special committee of ten, with instructions to report thereon Monday, May 12, at 10 A. M.

The Speaker appointed the following committee: Wood, chairman, Brown of Dallas, Kleberg, Mills, Powers, Rainey, Sabin, Smith of Colorado, Tilson and Watts.

Mr. Tivy introduced a bill to validate the bounty land warrant of heirs of Thomas Jackson, deceased. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Tivy the rules were further suspended, the bill read third time and passed.

A message from the Senate announced that that body was sitting as a high court of impeachment, for the trial of Hon. John G. Scott, and was ready to receive the managers on the part of the House. The managers were instructed to govern themselves accordingly.

On motion of Mr. Storey, Judiciary Committee No. 1 reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on Judiciary No. 1, to whom was referred House bill No. 776, entitled "An act to prevent the herding of stock on certain lands therein named," have considered it, and have instructed me to report the same to the House, with amendments, and recommend their adoption and passage with the bill.

G. W. SMITH, Chairman.

1. In line eleven of section one, strike out the word "citizen," and insert "resident."

2. In line four of section two, make same amendment.

3. In last line but one of section two, strike out the word "five" and insert "one;" and after the word "dollars," at the end of the section, add, "for each hour of delay after notice given."

The amendments were adopted, the bill read second time and ordered engrossed.

On motion of Mr. Storey the rules were further suspended, the bill read third time and passed.

Further report from same committee:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Judiciary Committee No. 1, to whom was referred House bill No. 737, entitled "An act supplementary to an act to establish a penal code for the State, approved August 26, 1856," have had the same under consideration, and have instructed me to report the bill back to the House, with a substitute for the same, and recommend the adoption and passage of said substitute.

G. W. SMITH, Chairman.

The substitute having been read, Mr. Wood offered the following amendment: Amend by striking out "confinement in the penitentiary for one year," and insert in lieu thereof, "by fine not less than one hundred dollars, and the jury may add confinement in the county jail for not less than one month." The House refused to adopt the amendment. The substitute was then adopted.

On motion of Mr. Ghent the bill was postponed until Wednesday, May 14, at 11 A. M., and made special order for that hour.

A message from the Senate announced the passage, by that body, of Senate bills,

No. 310, "An act to confer additional jurisdiction on the presiding justices of the peace of Lamar and Fannin counties, and to prescribe the powers and duties of the officers of said courts."

No. 186, "An act for the relief of the heirs of Harrison W. Goyne, deceased."

No. 231, "An act to provide for the sale of lands belonging to the common school fund, and the lands set apart to the several State asylums."

No. 241, "An act to amend sections thirteen, fourteen, sixteen and seventeen, of an act entitled an act to incorporate the town of Palestine, in Anderson county."

No. 342, "An act to authorize and require the County Court of Robertson county to retire certain county scrip therein specified, and to issue the bonds of said county in lieu thereof."

No. 304, "An act to incorporate the Clinton Bridge Company."

No. 247, "An act for the relief of William Simpson."

A message was received from his Excellency the Governor, relative to the establishment of quarantine on the Texas coast.

The Committee on Engrossed Bills reported as follows:
Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have examined the following House bills, to-wit:

No. 853, a bill to be entitled "An act supplementary to and amendatory of an act entitled an act to re-incorporate the city of Corpus Christi."

No. 197, a bill to be entitled "An act to authorize the County Court of the several counties to keep up and to improve roads and bridges."

No. 481, "An act to incorporate the Defiance Hook and Ladder Company No. 1, of the city of Jefferson."

No. 806, "An act to prohibit the sale or giving away of spirituous, vinous, malt, or other intoxicating liquors within two miles of certain places therein named."

And find the same correctly engrossed.

BOOTY, Chairman.

On motion of Mr. Watts, Senate bill No. 301, "An act making an appropriation for the payment of the State police and employés," was taken up and read second time.

Mr. Short moved to postpone the further consideration of the bill until Wednesday, May 14, at 10 A. M., and make it special order for that hour.

Mr. Kleberg moved to lay the motion on the table, which carried.

Mr. Mills moved to amend the title by adding "Militia and State Guards, and a sufficient amount is hereby appropriated for this purpose."

Mr. Washington moved to lay the motion on the table, which carried.

Mr. Ireland, on behalf of the managers of the House in the John G. Scott case, submitted the following additional articles of impeachment against Hon. John G. Scott, Judge of the Tenth Judicial District of the State of Texas, and resolution thereto relating:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee of Managers, on the part of the House of Representatives on the impeachment of Judge John G. Scott, Judge of the Tenth Judicial District, here now present and exhibit additional articles of impeachment against said John G. Scott, and recommend the passage of the following resolution.

IRELAND, Chairman.

Resolved by the House of Representatives, That the following nineteen additional articles of impeachment against John G. Scott, Judge of the Tenth Judicial District, be, and are hereby, adopted and preferred, and that said managers be, and are hereby, instructed to proceed to the High Court of Impeachment and exhibit and prefer the same against said Scott, said articles being hereto attached as a part hereof.

Amended Articles of Impeachment.—State of Texas v. Judge John G. Scott.

ARTICLE XI.

The House of Representatives of the State of Texas, in the name of all the people of Texas, and in the name of themselves, do further charge that John G. Scott, Judge of the Tenth Judicial District of the State of Texas, while acting in the capacity of judge heretofore, to-wit, at the July Term of the District Court, A. D. 1871, of

the county of Henderson, in said Tenth Judicial District, did willfully, maliciously and corruptly, during the term of said court, from the bench, dismiss from the criminal docket of said court, without having any entry thereof made upon the minutes of the court, upon his motion, the criminal prosecution against one W. D. Weldon, the said Weldon having been at the said July Term of said court duly and lawfully indicted by the grand jury of said county for perjury, and the State's witnesses, Eber Meredith and Gaston Meredith, two credible witnesses of said county, being then and there present, ready by their testimony to establish the guilt of said W. D. Weldon as charged in said indictment; and at the same time the said John G. Scott, judge as aforesaid, from the bench, told the said W. D. Weldon to go home, and that if the said Meredith or Carmichael bothered him, the said W. D. Weldon, in reference to said charge of perjury, to let him, the said John G. Scott, know, and that he, the said John G. Scott, district judge as aforesaid, would protect him, or words to that effect. Whereby the House of Representatives do charge that the said John G. Scott, judge as aforesaid, in manner and form as aforesaid, did aid, abet and assist the said W. D. Weldon, charged with perjury as aforesaid, to escape from the custody of the law and to avoid conviction and the just punishment prescribed by the penal code of the State of Texas, for the high crime of perjury.

Wherefore the House of Representatives of the State of Texas, in view of the premises, do charge that, by reason of the acts of the said John G. Scott, judge as aforesaid, the said John G. Scott is guilty of a high crime, misdemeanor and malfeasance in office, and by reason of his acts as aforesaid, has rendered himself unfit any longer to exercise the duties of district judge of the State of Texas.

ARTICLE XII.

The House of Representatives of the State of Texas, in the name of all the people of Texas, and in the name of themselves, do further charge that John G. Scott, Judge of the Tenth Judicial District of the State of Texas, while acting in the capacity of Judge heretofore, to-wit, at the March, July or November term, A. D. 1871, of the Dis-

trict Court of the county of Henderson, in said Tenth Judicial District, did willfully, maliciously and corruptly, during one of the terms of the court as aforesaid, enter up an order on the minutes of said court investing Wm. H. Martin, Esquire, a citizen of said county, with the power and control over the persons and labor of two colored boys under the age of twenty-one years, and in said order decreed that the said Martin should have the control of the persons and labor of said two colored boys—their names not being known to the managers of the House—until they arrived at the age of twenty-one years; and further ordered that said Wm. H. Martin be not required to take oath as guardian of said minors, or to give any bond and security, as required by law. Whereby the House of Representatives do charge that the said John G. Scott, judge as aforesaid, in his official capacity as aforesaid, is guilty of a false imprisonment of the said two colored boys, against the provisions of the Civil Rights Bill of the United States of America, and also the Fifteenth Amendment to the Constitution thereof, and against the peace and dignity of the State of Texas.

Wherefore the House of Representatives of the State of Texas, in view of the premises, do charge that by reason of the acts of the said John G. Scott, judge as aforesaid, the said John G. Scott is guilty of false imprisonment, and of a high crime and misdemeanor, and of malfeasance in office, and by reason of his acts, as aforesaid, has rendered himself unfit any longer to exercise the duties of a district judge of the State of Texas.

ARTICLE XIII.

The House of Representatives of the State of Texas, in the name of all the people of the State of Texas, and in the name of themselves, do further charge, that John G. Scott, Judge of the Tenth Judicial District of the State of Texas, while acting in his capacity as such judge heretofore, to-wit, at the August Term, A. D. 1871, of the District Court of the county of Anderson, in the said Tenth Judicial District, did willfully, maliciously, corruptly and unlawfully, during the term of said court, enter up an order discharging the grand jury of said Anderson county, then lawfully in session, during the first week of the term of said District Court, and while said

grand jury was in discharge of its duties as such grand jury, and before it had completed its investigations of the criminal charges then being investigated by it, for the purpose and with the design of willfully, maliciously, corruptly and unlawfully preventing the said grand jury from finding true bills of indictment against one Thomas D. Evans, then District Attorney of the State of Texas for said Tenth Judicial District, for the crimes of embezzlement of the moneys of the State of Texas, and of the county of Anderson, and for fraudulently and unlawfully extorting money by and under color of his said office of district attorney, from R. B. Petty, C. L. Thompson, Daniel Waggoner, Henry Fields, R. C. Parks, Jesse R. Parker, and others; and for the purpose, and with the intent and design, willfully, maliciously, corruptly and unlawfully preventing the said grand jury from finding true bills of indictment against one George D. Kelley, then and there the sheriff of said Anderson county, for the crimes of embezzlement of the moneys of the State of Texas, and of the county of Anderson, and for fraudulently and unlawfully extorting money by and under color of his said office of sheriff of said Anderson county, from certain freedmen of color, citizens of the State of Texas, whose names are not now to these managers known, but who then resided on the plantation of one Jacob Crist, and one Ira Milligan, citizens of said Anderson county. Whereby, in view of the premises, the House of Representatives of the State of Texas do charge and say, that the said John G. Scott, judge as aforesaid, in manner and form as aforesaid, did willfully, maliciously, corruptly and unlawfully prevent the said grand jury from finding true bills of indictment as aforesaid, against the said Thomas D. Evans, district attorney as aforesaid, and the said George D. Kelley, sheriff as aforesaid, for the crimes aforesaid. Wherefore, in view of the premises, the House of Representatives of the State of Texas do charge, that the said John G. Scott, judge as aforesaid, is guilty of high crimes and misdemeanors, and of malfeasance in office, and by reason of his acts as aforesaid, has rendered himself unfit any longer to exercise the duties of district judge of the State of Texas.

ARTICLE XIV.

The House of Representatives of the State of Texas, in the name of all the people of the State of Texas and in the name of themselves, do further charge that John G. Scott, Judge of the Tenth Judicial District of the State of Texas, while acting in his official capacity as such judge heretofore, to-wit, at the August term, A. D. 1871, of the District Court of said Anderson county, in the said Tenth Judicial District, did, during the first week of the term of said court, and while the grand jury of said Anderson county were engaged in the lawful discharge of their duties as such grand jury, and before it had completed its investigations of the criminal charges then being investigated by it, willfully, maliciously, corruptly and unlawfully refuse to permit the said grand jury to examine the books and papers and records of the office of the clerk of the District Court of said Anderson county, and the tax assessment rolls therein filed, after said grand jury, as a body, had appeared in open court, and through their foreman asked the permission of the said John G. Scott, judge as aforesaid, to examine the same in the lawful discharge of the investigation of the criminal charges before said grand jury; and the said John G. Scott, judge as aforesaid, in open court, unmindful of his duty as such judge, did willfully, maliciously, corruptly and unlawfully refuse to permit the said grand jury to examine said books, papers, records and tax assessment rolls, and did then and there with a loud voice declare and say that the records of his court should not be used by said grand jury for the purpose of enabling them to indict the officers of his court (meaning thereby that the said grand jury should not use said books, papers, records and tax assessment rolls to enable them to prepare and furnish true bills of indictment against Thomas D. Evans, District Attorney of the Tenth Judicial District of the State of Texas, for the crimes of embezzlement and extortion as mentioned and charged in Article XIII hereof, and against George D. Kelley, sheriff of said Anderson county, for the crimes of embezzlement and extortion as mentioned and charged in Article XIII hereof). Whereby the House of Representatives of the State of Texas do charge that the said John G. Scott, Judge of the Tenth Judicial District of the State of Texas, in his official ca-

capacity as aforesaid, and in manner and form as aforesaid, is guilty of high crimes and misdemeanors, and of malfeasance in his office, and by reason of his acts as aforesaid has rendered himself unfit any longer to exercise the duties of a district judge of the State of Texas.

ARTICLE XV.

The House of Representatives of the State of Texas, in the name of all the people of the State of Texas, and in the name of themselves, do further charge that John G. Scott, Judge of the Tenth Judicial District of the State of Texas, while acting in his official capacity as such judge heretofore, to wit, at the August term, A. D. 1871, of the District Court of Anderson county, one of the counties composing the said Tenth Judicial District of the State of Texas, in open court, while the grand jury of said Anderson county was in session, did vehemently and virulently charge N. W. Hunter, an attorney of said court, with having tampered with said grand jury for this, that because the said N. W. Hunter had furnished certain data and memoranda to said grand jury, at the special instance and request of some of the members of said grand jury, that he, the said N. W. Hunter, had been guilty of a most grave and serious crime, when in fact and in truth the said N. W. Hunter had not been guilty of any crime in that behalf, but had furnished said memoranda and data in the exercise of his rightful duty as a citizen of the State of Texas, in giving information to said grand jury to enable them to perform their duty as such grand jury, in the investigation of the crimes of embezzlement and extortion alleged to have been committed by Thomas D. Evans, the District Attorney of the Tenth Judicial District, in the State of Texas, and by George D. Kelley, sheriff of said Anderson county. And the said John G. Scott, judge as aforesaid, unmindful of his duties as such judge, and in disregard of the legal rights and duties of the attorneys of said court, did then, and there, in open court, make and proclaim in a loud voice his verbal order that neither the said N. W. Hunter, or any other attorney of his said court, should, directly or indirectly, communicate with or give information to said grand jury, except through him, the said John G. Scott, judge of said court, on pain of fine and imprison-

ment; and that the said John G. Scott, judge as aforesaid, by the denunciation of the said N. W. Hunter, as aforesaid, and by the verbal order of him, the said John G. Scott, judge as aforesaid, given as aforesaid, did design and intend, then and there and thereby, willfully and maliciously, corruptly and unlawfully, to shield and protect the said Thomas D. Evans, district attorney as aforesaid, and George D. Kelley, sheriff as aforesaid, from and against any indictments which might have been found against them by said grand jury of said court for the crimes of embezzlement and extortion, as charged in article thirteen hereof; and by reason of the aforesaid acts, declarations and doings of the said John G. Scott, judge as aforesaid, the said John G. Scott, judge as aforesaid, did, then and there and thereby, willfully, maliciously, corruptly and unlawfully prevent the said grand jury of said court from finding true bills of indictment against the said Thomas D. Evans, district attorney as aforesaid, and the said George D. Kelley, sheriff as aforesaid, for the crimes of embezzlement and extortion, under color of their said offices as such. Whereby, in view of the premises, the House of Representatives of the State of Texas do charge and say that the said John G. Scott, judge aforesaid, is guilty of high crimes and misdemeanors in office, and of malfeasance in office, and by reason of his acts as aforesaid has rendered himself unfit any longer to exercise the duties of a district judge of the State of Texas.

ARTICLE XVI.

The House of Representatives of the State of Texas, in the name of all the people of the State of Texas, and in the name of themselves, do further charge that John G. Scott, Judge of the Tenth Judicial District of the State of Texas, in his official capacity as judge of the said Tenth Judicial District, heretofore, to-wit, at the August term, A. D. 1871, of the District Court of the county of Anderson, in said judicial district, did willfully, maliciously, corruptly and fraudulently falsify the records of the District Court of said Anderson county, in said judicial district, in this, that he caused the minutes of the court to be written, and to state that the grand jury had reported that they, the said grand jury, had completed

their investigation for the term, or words of like import, when, in fact and in truth, the grand jury of said court at said term reported in open court that they had further investigations of violations of the law to make, and when in fact the said grand jury had then under investigation certain charges of embezzlement, bribery and extortion against Thomas D. Evans, District Attorney for the Tenth Judicial District, and also charges of embezzlement and extortion in office against George D. Kelley, sheriff of the county of Anderson, in said Tenth Judicial District, whereby the said John G. Scott, judge as aforesaid, with the view and intent to protect and shield the said Thomas D. Evans, district attorney as aforesaid, and the said George D. Kelley, sheriff as aforesaid, from being indicted for their said crimes, and did then and there aid, abet and assist the said Thomas D. Evans, district attorney as aforesaid, and George D. Kelley, sheriff as aforesaid, from the just punishment and penalty of the law for such crimes made and provided. Wherefore, in view of the premises, the House of Representatives of the State of Texas do charge and say that the said John G. Scott, judge as aforesaid, is guilty of a high crime and misdemeanor, and of malfeasance in office, and has, by reason of his acts, rendered himself unfit any longer to exercise the high duties of a district judge of the State of Texas.

ARTICLE XVII.

The House of Representatives of the State of Texas, in the name of all the people of the State of Texas, and in the name of themselves, do charge that John G. Scott, Judge of the Tenth Judicial District of the State of Texas, heretofore, to wit, at the April term, A. D. 1872, of the District Court of Anderson county, in said Tenth Judicial District, as district judge, unlawfully combined and confederated with one Thomas D. Evans, District Attorney of the said Tenth Judicial District, to cause and induce the grand jury of said term of said court to prefer and return into open court two hundred and ten bills of indictment against one William H. McClellan, then a citizen of said Anderson county, for gaming and keeping a gambling house; the said John G. Scott, judge as aforesaid, and Thomas D. Evans, district attorney as afore-

said, believing the said McClellan had about five thousand dollars in money, and unlawfully designing and intending and confederating together for the purpose of unlawfully obtaining and extorting the said money from the said McClellan, did have the said McClellan arrested by the sheriff of Anderson county, Texas, at the said term of the said court as aforesaid, to answer to said two hundred and ten bills of indictment; and the said Scott and the said Evans, unlawfully combining and conspiring together to get possession of the said money, did then and there, by color of their said office, put the said McClellan in fear of losing his liberty, by requiring the said McClellan to enter into bond or recognizance in the enormous sum of five hundred dollars in each of said two hundred and ten cases, making in the aggregate the sum of one hundred and five thousand dollars bail; accompanying said order by the verbal direction that the said McClellan should give good bail in each of said two hundred and ten cases, and that the securities should show their ability to pay the amount of the bail required in each of said cases, over and above their property exempt from forced sale by law, and over and above their other liabilities; and by making and giving his, the said Scott's, judge as aforesaid, verbal order and directions, that the sheriff of said Anderson county should not take and approve the bonds and securities of the said McClellan, as he, the said sheriff, was authorized by law to do in cases of misdemeanor, but that the said McClellan should enter into bond before him, the said John G. Scott, judge as aforesaid, in open court, and in default of so doing, that he, the said McClellan, should be confined in the county jail of said Anderson county, and by means of the said oppression and illegal orders, and by the imprisonment of the said McClellan, caused the said McClellan to despair of ever regaining his liberty; and whilst in the said condition of despair, and under duress, the said John G. Scott, judge as aforesaid, confederating with the said Thomas D. Evans, district attorney aforesaid, caused the said McClellan to plead guilty to seventy-five of said bills of indictment against him, being told by them that by so doing, he, the said McClellan, would be released from jail, and restored to his liberty, and to sign a deed of trust to his grocery, and all his personal effects, to Thomas D. Evans, or agent, for

the State of Texas, and to deliver the same up to the said Thomas D. Evans, district attorney, and agent as aforesaid; and that in consideration of the full surrender of all his said estate, the said McClellan was released for the time being, and allowed, as the sub-agent of the State of Texas (so called), to resume possession of his said personal estate and grocery, to run and conduct the same in the name of the State of Texas, as sub-agent of said State as aforesaid, under the direction of the said John G. Scott, judge as aforesaid, and of the said Thomas D. Evans, district attorney as aforesaid, and to retail his liquor for the use of the said Thomas D. Evans, district attorney as aforesaid, and the said John G. Scott, judge as aforesaid; and to make the said institution fascinating and remunerative, said John G. Scott, as Judge of the said Tenth Judicial District, did wickedly, and unmindful of the high duties of his office, advise the said McClellan, sub-agent as aforesaid, to introduce into said establishment at least six lewd and lascivious women, and that the said sub-agent did, in accordance with the instructions of the said Scott, as aforesaid, introduce into said establishment said six lewd and lascivious women, who did then and there, and in the said establishment, ply their several vocations under the direction of the said sub-agent of the State of Texas; and thereafter, to-wit, at the August term, A. D. 1872, of said court, the said institution failing to be a financial success, the said Thomas D. Evans, district attorney as aforesaid, under the directions and advice of the said John G. Scott, as Judge of the Tenth Judicial District, did cause the re-arrest and confinement in jail of the said McClellan, and under color of the said deed of trust, void as aforesaid, did sell at public auction all of the said estate of the said McClellan, and did then and there, and thereby, by color of his said office, as such district judge, extort and force from the said McClellan about the sum of nine hundred and forty dollars, only two hundred dollars of which sum was accounted for and paid into the treasury of the said county of Anderson. Whereby, in view of the premises, the House of Representatives of the State of Texas do charge and say, that the said John G. Scott, Judge of the Tenth Judicial District, in manner and form as aforesaid, was and is guilty of oppression in office, and of unlawfully, and by color of his office, extorting money from

said McClellan, malfeasance in office and of a high crime and misdemeanor in office, and by reason of his acts as aforesaid, has rendered himself unfit any longer to exercise the duties of a district judge of the State of Texas.

ARTICLE XVIII.

The House of Representatives of the State of Texas, in the name of all the people of the State of Texas, and in the name of themselves, do further charge that the said John G. Scott, Judge of the Tenth Judicial District of the State of Texas, heretofore, to-wit, at the April term, A. D. 1871, of the District Court of the county of Anderson, one of the counties in said Tenth Judicial District of Texas, did willfully, maliciously, corruptly and unlawfully, without warrant of law, and without charge or accusation against one Henry Fields, a citizen of said Anderson county, in said State, falsely imprison in the county jail of said Anderson county the said Henry Fields in the county of Anderson; and the said John G. Scott, judge as aforesaid, from the bench, in open court, at the April term of said court aforesaid, in a loud voice did verbally proclaim and order the said Henry Fields to pay to Thomas D. Evans, District Attorney of said Tenth Judicial District, the sum of one hundred dollars, or that he, the said John G. Scott, judge as aforesaid, would keep the said Henry Fields in the said county jail of said Anderson county until the said sum was paid. Whereby the said John G. Scott, judge as aforesaid, by and under color of his office, did willfully, maliciously, corruptly and unlawfully cause the said Henry Fields to be in great fear of losing his liberty, and thereby did then and there, willfully, maliciously, corruptly and unlawfully, under color of his said office as said judge, aid, abet and assist Thomas D. Evans, district attorney as aforesaid, to extort from and compel the said Henry Fields to pay to the said Thomas D. Evans, district attorney as aforesaid, the said sum of one hundred dollars, when in fact and in truth the said Henry Fields was not indebted to the said Thomas D. Evans, district attorney as aforesaid, nor to the said John G. Scott, judge as aforesaid, and was under no legal obligation to pay either of them said sum of money as aforesaid. Whereby, in view of the premises, the House of Representatives of

the State of Texas do charge that the said John G. Scott, judge as aforesaid, in manner and form as aforesaid, is guilty of false imprisonment, and of aiding, abetting and assisting the said Thomas D. Evans, district attorney, in extortion, by and under color of his said office as such judge, and is guilty of high crimes and misdemeanors, and of malfeasance in office, and by reason of his acts as aforesaid, has rendered himself unfit any longer to exercise the duties of a district judge of the State of Texas.

ARTICLE XIX.

The House of Representatives of the State of Texas, in the name of all the people of the State of Texas, and in the name of themselves, do charge that John G. Scott, Judge of the Tenth Judicial District of the State of Texas, in his capacity of judge as aforesaid, did heretofore, to wit, at the county of Kaufman, the said county of Kaufman being one of the counties composing the said Tenth Judicial District of the State of Texas, on or about the twentieth day of October, 1871, and on divers other days before and after the said twentieth day of October, aid and abet one Thomas D. Evans, the then district attorney of the said Tenth Judicial District of the State of Texas, in collecting and unlawfully obtaining from Jno. G. Gibbs, two hundred and forty-five dollars, which said sum of money the said John G. Gibbs did then and there owe to the said county of Kaufman, on four several final judgments on *scire facias* rendered against the said John G. Gibbs and others, at the September term of the District Court of said county of Kaufman, and did then and there unlawfully, maliciously and corruptly advise, assist and encourage the said Thomas D. Evans, district attorney as aforesaid, in withholding the said two hundred and forty-five dollars from the treasury of the said county of Kaufman, and did then and there, in his capacity as judge as aforesaid, unlawfully, maliciously and corruptly aid and abet the said Thomas D. Evans, district attorney as aforesaid, in embezzling the said two hundred and forty-five dollars. Wherefore the House of Representatives of the State of Texas, in view of the premises, do charge that by reason of the acts and deeds of the said John G. Scott in manner and form as aforesaid, he, the said John G. Scott, judge as aforesaid, in his capacity as

aforesaid, was and is guilty of unlawfully, maliciously and corruptly aiding and abetting the said Thomas D. Evans, district attorney as aforesaid, in embezzling the aforesaid two hundred and forty-five dollars, and was then and there and thereby guilty of malfeasance in office and of a high crime and misdemeanor in office, and by reason of the premises did then and there render himself unfit any longer to exercise the duties of district judge of the State of Texas.

Mr. Mills moved to amend the resolution by providing that the former articles be withdrawn.

Mr. Joseph moved to lay that motion on the table, which was carried by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gaston, Gilpin, Harrison, Hester, Hoffman, Ireland, Joseph, Killough, Lane, Leyendecker, Manning, McDonald, Morris, Noeggerath, Powers, Prendergast, Rainey, Robb, Rosborough, Russell, Sayers, Scott, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall, Winkler and Wood—59.

Nays—Abbott, Green, Mills, Moore, Phelps, Roberts, Stockbridge, Washington, Wilder and Williams—10.

Mr. Abbott moved to adjourn. The House refused. The resolution was then adopted.

The consideration of the pending matter, Senate bill No. 301, was then resumed, and the bill passed to a third reading.

On motion of Mr. Brown of Dallas, the rules were suspended and the bill read third time.

Mr. Manning offered the following amendment: "*Provided* that three thousand dollars of the appropriation be set aside to reimburse Colonel Gathings."

On motion of Mr. Shaw, the amendment was laid on the table.

The bill then passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Carroll, Chambers, Davenport, Day, Denton, Eastland, Ford, Gaston, Gilpin, Green, Harrison, Hester, Hoffman, Joseph, Killough,

Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Mills, Moore, Morris, Noeggerath, Phelps, Powers, Rainey, Roberts, Rosborough, Sayers, Scott, Shaw, Shelton, Smith of Colorado, Storey, Stockbridge, Thurmond, Tilson, Tivy, Trolinger, Venters, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—61.

Nays—Brown of Upshur, Doyle, Prendergast, Robb, Russell, Short, Smith of Houston and Tom—8.

On motion of Mr. Phelps, the House adjourned until 3 P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

Absent—Anderson, Armstrong, Ellett, Ghent, Green, Mills, Morris, Short and Winkler.

The following communication from His Excellency the Governor was read and spread upon the journal:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, May 7, 1873. }

GENTLEMEN: The act sent to this office on the first instant, entitled "An act making a new apportionment of the Representative and Senatorial Districts of the State of Texas," became a law to-day without my approval.

I did not return it, though very objectionable, because perhaps it is a little better than the pre-existing apportionment, and I was informed that if objected to there might possibly be no other act on the subject passed at this session.

The Constitution, in article three, section thirty-four, seems to look to an apportionment of the members among the districts according to the number of qualified electors in the State; the next best means therefore of arriving at a fair apportionment, would be to take the United States census of 1870, but I conclude from the result that this could not have been done.

The flagrant inequality and unfairness of the apportionment made, will be apparent from the following comparative specimens of districts taken from the act, with their respective populations as given by the census:

First District.....	30,660
Second District.....	32,917
Sixteenth District.....	31,606
Twenty-ninth District.....	35,007
Thirtieth District.....	40,494
Eighth District.....	21,990
Seventh District.....	22,121
Twenty-second District.....	20,592
Twenty-third District.....	22,650
Twenty-fifth District.....	17,494

I have thought it proper to place before the Legislature in this shape the contents of this important bill, under the conviction that these and other irregularities therein must have been overlooked. And further, that the Legislature before it adjourns will, by supplemental act, correct the same, and do even justice to all sections of the State in this very essential requisite of our system of government—equality of representation.

If my views in this regard meet the concurrence of the Legislature, I will suggest a return to the rule in force before the adoption of the present apportionment, of distributing the members of the House of Representatives without regard to the senatorial districts. I mean by this that where, for instance, any one county has alone sufficient relative population for a representative, to give it one, and so of other counties or combinations of counties. Thus representation in that House may be better equalized, and more in accord with the local wishes of the people.

Respectfully,

EDMUND J. DAVIS, Governor.

To the Honorable Senate and House of Representatives
of the State of Texas.

On motion of Mr. Morris, the message was referred to the Committee on Apportionment.

The following message was also received, ordered spread upon the journal, and referred to the special Committee on Quarantine.

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, May 8, 1873. }

To the Honorable Senate and House of Representatives
of the State of Texas:

GENTLEMEN: In my message at the opening of your

session, I called your attention to the fact, that by a decision of the courts the fees collected from shipping to support quarantine had been cut off, and I asked an appropriation for its support. Again, in my estimates sent to your houses on January 23, I included the amount of an appropriation thought necessary for this purpose. Nothing having been done by the houses on the subject, and the time having now arrived when quarantine should be established, I have issued my proclamation therefor, to commence on the fifteenth instant, but it cannot be enforced without an appropriation.

I am informed that the yellow fever is very severe at some of the ports on the southern coast of America, and may be brought at any time to the ports of Texas. The quarantine has kept it off from our coast now for six years, and it remains for you to decide whether the system is to be continued or abandoned.

Very respectfully,

EDMUND J. DAVIS, Governor.

The sixth district was called, and Mr. Brown of Upshur called up House bill No. 589, "An act to incorporate the Texas University." The bill was read second time and ordered engrossed.

On motion, the rules were suspended, the bill read third time and passed.

Mr. Moore called up Senate bill No. 97, upon which the following report was submitted:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on Town and City Corporations, to whom as referred Senate bill No. 97, "An act to incorporate the Hallville Masonic Institute, at Hallville, Harrison county, Texas," have examined the same, and beg leave to report the same back, with the recommendation that it do pass.

DAVENPORT, for Committee.

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

On motion of Mr. Moore, the rules were suspended, the bill read third time and passed.

Mr. Roberts called up House bill No. 470, "An act to compensate Aaron S. Mangum for services rendered as a soldier in the army of the Republic of Texas."

The following report thereon was submitted:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House bill No. 470, beg leave to refer the same back and recommend that the bill be amended by striking out the item of nineteen hundred and twenty acres, and that the bill thus amended do pass.

IRELAND, Chairman.

The amendment was adopted, the bill read second time and ordered engrossed.

On motion of Mr. Roberts, the rules were suspended, the bill read third time and passed.

Mr. Tilson called up the following bill, reported by the Committee on Private Land Claims :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Private Land Claims, to whom was referred relief claim for heirs or assignees of Earl Stanley Williams, deceased, have duly considered the same, and a majority of the committee instruct me to report the accompanying bill and recommend its passage.

LANE, Chairman.

The bill, being "An act for the relief of the heirs or assignees of E. S. Williams, deceased, was read; rules suspended, read second time and ordered engrossed.

On motion of Mr. Tilson, the rules were suspended, the bill read third time and passed.

Mr. Powers having received the call from Mr. Taylor, called up Senate bill No. 120, "An act amendatory of an act entitled an act to incorporate the Rio Grande Railway Company, approved August 13, 1870," upon which the following reports were submitted :

Report from Committee on Internal Improvements :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Internal Improvements, to whom was referred Senate bill No. 120, entitled "An act amendatory of an act to incorporate the Rio Grande Railroad Company, approved August 13, 1870," have had the same under serious and laborious consideration, and a majority of the committee have instructed me to report the same back to the House and recommend the adoption of the accompanying amendments, and that the bill, so amended, do pass.

WINKLER, Chairman.

1. Insert in sixth line from the end of section one, the following: After the words "Rio Grande" the words "and may receive and deliver by railroad on the bank of the Rio Grande all freight for trans-shipment; *provided*, that all freights or merchandise delivered from said railroad and destined to Matamoros, and all freights or merchandise from Matamoros destined to said railroad, shall be delivered and received at the local depot in Brownsville and passed to or fro on a public ferry at the city of Brownsville; *and provided further*, that nothing herein contained shall be construed to confer on said company any right to enter upon or take possession of any of the rights or franchises conferred upon or pertaining to the Brownsville Levee Company without compensation being made according to law."

2. Strike out the word "or" and insert the word "and" in first section, fourth line from the end of the section.

3. Add the following additional section as section two: "Compensation shall be made by the company in the manner provided by law to the proprietors of property on the streets through which the railroad may be constructed, for any damages that may accrue to them by reason thereof; *provided*, that the company shall be governed by any general laws passed or to be passed by this State regulating railroad companies and their business operations."

Minority report from Committee on Internal Improvements.

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The undersigned, a minority of the Committee on Internal Improvements, beg leave to submit the following report on Senate bill No. 120, entitled "An act amendatory of an act entitled an act to incorporate the Rio Grande Railroad Company," dissenting from the report of the majority. In support of this report we say,

1. The charter of the company authorized the building of a road from the Laguna Madra to Brownsville, on the Rio Grande. Without legal authority from the charter the road has *been built into* Brownsville more than two miles, most of the way, however, by the consent of the city. The road as now completed best serves to prosper Brownsville, and fosters most the interest of the people.

2. The amendment seeks to authorize the company to

build the road *through* to the bank of the river, whereby Brownsville will, if the company uses the power thus given (if given), become a *whistling* station.

3. Brownsville is a frontier city and lives the precarious life of such a city. We think she ought to be builded up instead of impoverished and weakened by throwing her resources into the lap of a rival and foreign city.

4. The city of Brownsville resists the amendment sought. The rival interest insists upon its passage.

5. The city of Brownsville is willing that the road shall run into the city, and have all the facilities that it can reasonably claim, but they they oppose a track being laid *through* the city. We think they are right in doing so.

6. The streets through which it is proposed to build the road are only forty feet wide, which fact would subject the property on each side to constant hazard.

7. Brownsville is a Texas city; Matamoros a Mexican one. The population of Matamoros is Spanish and Mexican, avowedly and openly hostile to American institutions; to the American people as a race, their interests and prosperity. The president and a great majority of the directors of the road are of Spanish-Mexican origin, whose natural impulses and business interests prompt them to tear Brownsville down and build Matamoros up.

Believing the foregoing facts to be true, we do not feel willing to see the amendment pass, helpful to Matamoros, as it will prove, and irremediably hurtful to Brownsville.

ASHLEY N. DENTON,
GEO. W. SMITH.

I concur substantially in the above conclusions, but not with all the points stated.

JOHN H. BROWN.

The special railroad committee, to whom the bill and amendments offered by the Committee on Internal Improvements had been referred, offered the following amendment, and in case of its adoption, recommended the passage of the bill: Add to third amendment proposed by the Committee on Internal Improvements the following: "And the right is expressly reserved to the State to fix and regulate the rate of charges for transporting freight and passengers over said road, and also the duties and liabilities of said company as a common car-

rier; and provided further, that said company shall not sell, lease or rent to, or consolidate with, or purchase any converging, parallel or competing line of railroad." The amendment offered by the special committee was adopted.

Mr. Kleberg moved the previous question, which was seconded, and the main question was ordered.

The first amendment was then adopted.

The second amendment was adopted.

The third amendment was adopted.

The bill then passed to third reading.

On motion of Mr. Powers, the rules were suspended, and the bill read third time.

Mr. Denton offered the following amendment: In line twelve, after the word "Rio Grande," insert "as may be determined between the city council of said city and the said corporation."

On motion of Mr. Powers the amendment was laid on the table.

Mr. Smith of Colorado offered the following amendment: Add to section two: "That all freights and merchandise delivered to and from said railroad, whether destined for Mexico or not, shall be received and delivered at the depot of the company in Brownsville; but the company shall have the right to extend its road to the bank of the river for the purpose of getting water from the same; but the road from the depot in Brownsville to the river shall not be used for the purpose of transporting freight or merchandise, travel or other business."

On motion of Mr. Powers, that amendment was laid on the table.

Mr. Thurmond offered the following amendment: Amend section two, line forty, by striking out all after the word "operations," to the end of the section.

On motion of Mr. Powers, that amendment was laid on the table.

The bill then passed.

Mr. Kleberg moved to adjourn. The House refused.

Mr. Scott called up House bill No. 570, "An act creating the county of Wedgefath," upon which the following report was submitted:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred House

bill No. 570, creating the county of Wedgefarth, beg leave to report the same back with the recommendation that it do pass.

IRELAND, Chairman.

The bill was read second time and ordered engrossed.

On motion of Mr. Russell, the rules were suspended, the bill read third time and passed.

The Committee on Enrolled Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined, and compared the following bills, to-wit:

No. 536, "An act to change and define the boundary lines of Trinity county, and to provide for the further organization of the same."

No. 602, "An act to amend an act passed at this session of the Legislature, amending the charter of the Galveston Artillery Company."

No. 553, "Joint resolution authorizing Hon. I. G. Kilgough to draw the pay of the Hon. Louis Frankee, deceased."

No. 457, "An act for the relief of Michael B. Bottingham."

No. 605, "An act to authorize Ezra Carpenter to build and keep a toll bridge on Big Cypress."

No. 756, "An act to authorize Denton county to levy a special tax to build a court house."

No. 671, "An act to incorporate the Mechanics' Real Estate and Savings Association of Dallas."

No. 566, "An act to prohibit the sale of intoxicating liquors within two miles of Cotton Gin Seminary, in Freestone county, Texas."

No. 525, "An act to incorporate the Hebrew Benevolent Association of Waco."

No. 256, "An act to incorporate the Hebrew Benevolent Society of Calvert, in Calvert, Robertson county."

No. 148, "An act amendatory of and supplementary to an act entitled an act to incorporate the Merchants' Mutual Insurance Company, approved September 18, 1866."

And find the same correctly enrolled, and have this the ninth day of May, at 3:50 o'clock P. M., presented the same to the Governor for his approval.

SHAW, Chairman.

The Committee on Engrossed Bills reported as follows :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : Your Committee on Engrossed bills have carefully examined the following House bills :

No. 482, a bill to be entitled, "An act to aid in the construction of the railroad of the Galveston, Harrisburg and San Antonio Railway Company."

No. 860, a bill to incorporate Little River Academy, in Bell county.

And find the same correctly engrossed.

BOOTY, Chairman.

Mr. Shaw called up House bill No. 396, a bill granting H. M. Matthis, principal, and Colonel L. D. De Lyon, Miss Mollie E. B. Beaver, Miss Fannie Bradford and Miss Nannie Hughes, assistant teachers of the Dangerfield High School, Dangerfield, Titus county, Texas, the privilege of granting diplomas to students who complete the course of study established by the principal and faculty of the institution.

The passage of the bill was recommended by the Committee on Education.

The bill was read second time and ordered engrossed.

On motion of Mr. Shaw the rules were suspended, the bill read third time and passed.

Mr. Booty moved to adjourn. The House refused.

Mr. Mabry called up House bill No. 66, "An act to amend an act to incorporate the Dallas and Wichita Railroad Company."

The special railroad committee, Mr. Prendergast, chairman, offered the following amendments :

1. Strike out the words "ninety years," in section one, and insert "sixty years from the date of this act."

2. Add to section two the following : "Provided, that when the direct line of said road passes within five miles of the county seat of any county through which it may be built, said road shall run to said county seat, and said company shall establish and keep a depot within one-half mile of the business part of said town ; provided, said town shall furnish to said company, free of charge, the right of way through said town, and sufficient ground for switches, turnouts, etc., and such buildings as may be necessary and proper for said road, not to exceed fifteen

acres in each case; *and provided, further*, that said company shall not be compelled to run said road within one-half mile of any county seat, where, from natural obstacles, it is impracticable to do so; but in such case said road shall run, and a depot be established as near said town as such natural obstacles will admit; and should said road be located through any county before the definite location of the county seat thereof, then it shall not be necessary for said road to run within one-half mile of said town."

3. Strike out section four.

The amendments were adopted.

Mr. Brown of Dallas offered the following amendment: Add to section one: "*Provided*, nothing in this section shall impair any liability or obligation incurred by the present owners of said charter, to the original incorporators in said charter."

Mr. Venters moved that the bill lie on the table and be made special order for Monday, May 12, at 4 P. M., and that one hundred copies be printed. The House refused.

On motion of Mr. Hester, the House adjourned until 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, May 10, 1873. }

House met pursuant to adjournment. Prayer by Rev. Mr. Mather. Roll called; quorum present.

Absent—Messrs. Ellett, Killough and Scott.

On motion of Mr. Leyendecker, Mr. Noeggerath was excused for three days.

On motion of Mr. Harrison, the reading of the journal was dispensed with.

Mr. Tilson presented a petition of citizens of Bowie county, relative to the De Kalb College lands. Referred to a committee of the delegation from the Eighth District.

Mr. Robb presented a petition of eighty citizens of Angelina county, protesting against the abolition of the Third Judicial District. Referred to the Committee on Judicial Districts.

Mr. Smith of Colorado presented a petition of citizens

of Fort Bend county against the passage of a stock law. Referred to the Committee on Agriculture and Stock Raising.

Mr. Westfall introduced a bill for the relief of the heirs of Willis D. Andross. Referred to the Committee on Private Land Claims.

Mr. Booty in the chair.

Mr. Smith of Colorado introduced a bill to authorize J. T. Veale to remove the obstructions to the navigation of Little Cypress Bayou. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Smith of Colorado the rules were further suspended, the bill read third time and passed.

Mr. Hester introduced a bill to prohibit the sale, barter or giving away of spirituous or intoxicating liquors within five miles of Bethel Church and Seminary of Learning, in Lavaca county. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Hester, the rules were further suspended, the bill read third time and passed.

Mr. Hoffman introduced a bill to amend section two of an act entitled "An act amendatory of and supplemental to an act entitled an act to incorporate the city of New Braunfels, approved January 7, 1860." Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Hoffman, the rules were further suspended, the bill read third time and passed.

Mr. Sabin introduced a bill to amend the tenth and twelfth sections of "An act to regulate proceedings in the district courts, approved May 13, 1846." Read first time; rules suspended and read second time.

On motion of Mr. Sabin, the bill was referred to a special committee of Messrs. Sabin, Armstrong, Prendergast and Joseph, with instructions to report thereon Monday morning, May 12.

Mr. Sabin introduced a bill to amend the first and fourth sections of "An act entitled an act to reduce into one and amend the several acts concerning executions, approved January 27, 1842." Read first time and referred to the same select committee.

Mr. Sayers introduced a bill to sever the counties of Concho and McCulloch from Bexar land district, and attach them to the land district of San Saba. Read first

time and referred to the Committee on Counties and County Boundaries.

Mr. Robb introduced a bill to levy a special tax in the county of Angelina. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Robb, the rules were further suspended, the bill read third time and passed.

Mr. Mills introduced a bill to incorporate the Navasota Real Estate Building and Saving's Association of Texas. Read first time; rules suspended, read a second time, and on motion of Mr. Mills, referred to a select committee of one—Mr. Denton.

Mr. Williams introduced a bill to incorporate the Texas Well and Irrigating Company. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Williams, the rules were further suspended, the bill read third time and passed.

Mr. Smith of Colorado introduced a bill to authorize the County Court of Colorado county to issue interest-bearing bonds for the purpose of funding the present outstanding indebtedness of said county. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Smith of Colorado, the rules were further suspended, the bill read third time and passed.

Mr. Broaddus moved to reconsider the vote of yesterday passing Senate bill No. 301, "An act making an appropriation for the payment of the State police and employés, and that that motion be postponed until Monday, May 12, at 4:30 P. M.

Mr. Washington moved to lay that motion on the table.

The House refused to table by the following vote:

Yeas—Messrs. Abbott, Berends, Green, Mabry, Mills, Moore, Roberts, Sabin, Stockbridge, Washington, Wilder and Williams—12.

Nays—Messrs. Speaker, Adriance, Allison, Armstrong, Bledsoe, Booty, Broaddus, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gilpin, Harrison, Hester, Hoffman, Joseph, Lane, Leyendecker, Manning, McDonald, Nelson, Powers, Prendergast, Rainey, Robb, Rosborough, Russell, Sayers, Schmidt, Scott, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall, Winkler and Wood—55.

The motion of Mr. Broaddus then carried.

A message was received from the Senate informing the House that the Senate had passed the following bills originating in the House, viz. :

No. 754, "An act to incorporate the board of trustees of Centerville Academic School."

No. 846, "An act authorizing the city of Galveston to issue her bonds to the amount of \$500,000 in aid of the bar and harbor of Galveston, and to provide a tax of one-fourth of one per cent. for a sinking fund wherewith to pay the principal and interest of said bonds."

No. 489, "An act to aid in the construction of the Atlantic and Pacific Railroad," with amendments.

Also, the following bills originating in the Senate, viz. :

No. 259, "An act to incorporate the Fort Worth and Denver City Railroad Company."

No. 281, "An act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico."

A subsequent message informed the House that the Senate was sitting as a high court of impeachment for the trial of John G. Scott, Judge of the Tenth Judicial District, and was ready to receive the managers on the part of the House of Representatives.

The managers were instructed to govern themselves accordingly.

The special order was announced, House bill No. 619, "An act to exempt the land and real estate of citizens from forced sale and liability for debt hereafter contracted."

On motion of Mr. Tivy, the special order was temporarily postponed, and the Committee on State Affairs instructed to make the following report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was referred House bill No. 487, entitled "An act to enable the several counties of this State to build court houses and jails," have duly considered the subject, and are of the opinion that the passage of an act embracing the objects contained in said bill would save the State a large amount of special legislation, therefore the committee instruct me to report the accompanying substitute and recommend its passage.

VENTERS, for Committee.

The substitute, being "An act to enable the several counties of this State to build court houses and jails," was read and adopted.

The bill was then read second time and ordered engrossed.

On motion of Mr. Cook, the bill was recommitted to the following special committee: Cook, chairman; Powers and Ghent, with instructions to report on Monday, May 12, at 10 A. M.

The special order was then taken up, read second time and ordered engrossed.

Mr. Cook moved to suspend the rules and put the bill on its third reading. The House refused to suspend.

Mr. Mills introduced "A bill to incorporate the Navasota Real Estate and Building Association," which was recommended by Mr. Denton as a substitute for the bill of same caption referred to him. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Mills, the rules were further suspended, the bill read third time and passed.

On motion of Mr. Rainey, the following report was submitted:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your standing Committee on Comptroller's and Treasurer's Offices proceeded on the fifth of this month to examine the Treasurer's office. This committee commenced their examination from the date at which the present Treasurer, Dr. B. Graham, took charge of that office, which was about the first day of July, 1872. They did not go back to an earlier date in the affairs of that office, because the special committee appointed at the suggestion of the Governor, were and are now at work examining the papers, books, etc., of that office, prior to the first of July, 1872.

Your committee deem it necessary to state that they would have examined the Comptroller's and Treasurer's offices at an early period of the present session, but for the fact that the members of the committee were assiduously confined to more pressing duties on other committees, but would have carried on the examination any way had they been allowed the necessary clerical assistance, which was refused, but sometime after allowed to the special committee.

After a careful examination, we are enabled to report that the affairs of that office are in a satisfactory condition. The books are correctly kept, as is evidenced in the fact that no errors whatever were found in the statement of deposits nor of disbursements, when compared with the quarterly statements furnished your committee by the Comptroller, and also with the deposit warrants and paid warrants, which had been canceled by the Comptroller, which were compared with the entries on the books. The vaults were opened and the money and bonds carefully counted, and the amount found to be about twenty-six dollars in excess of the amount called for by the comparison made between the Comptroller's statements and the books of the Treasurer. This excess may be accounted for in the advantage gained in making change when money is paid into the treasury, which, of course, is unavoidable.

For the information of the House the committee will state that at this date there is about \$300,000 in currency and near \$47,000 in gold in the vaults belonging to the available school fund. These amounts are approximately estimated, because the various amounts are not placed to the credit of their appropriate funds until the end of each fiscal quarter, at which time the Treasurer makes his quarterly report to the Comptroller. There are—

Of United States Bonds, five per cent. and	
six per cent.	\$360,050 00
Of Frontier Defense Bonds, seven per cent.,	
gold	199,000 00
Of Railroad Bonds	1,753,317 00
Of State Bonds, five per cent. and six per	
cent.	537,008 21
And Brazos County, ten per cent., Bonds..	12,000 00

Your committee feel highly gratified to be able to state to the House that the State Treasury is under excellent management. In addition they will state that the whole amount of funds now in the treasury vaults will amount to \$470,004, currency, and \$70,791.91, specie.

Very respectfully,

RAINEY, Chairman ;
 HOLLINGSWORTH,
 BROWN, of Upshur,
 FORD,

The special order, being the report of the Conference

Committee on House bill No. 467, "An act to adjust and define the rights of the Texas and Pacific Railway Company within the State of Texas, in order to encourage the speedy construction of a railway through the State to the Pacific Ocean," was announced.

Mr. Bledsoe moved to postpone the consideration of the report until Monday, May 14, at 12 M., which motion carried.

Unfinished business, Senate bill No. 288, "An act to incorporate the Austin and Colorado Valley Water Works and Irrigation Company, and to provide a method to aid said company in the accomplishment of the objects of its creation," was read first time; rules suspended and read second time.

Mr. Wood moved to strike out section six.

Mr. Cook moved to refer the bill to Judiciary Committee No. 1, and make it special order for Wednesday, May 14, at 11 A. M., which carried.

Mr. Brown of Dallas in the chair.

Mr. Shaw moved to reconsider the vote passing Senate bill No. 120, "An act amendatory of an act to incorporate the Rio Grande Railway Company, approved August 13, 1870," and that motion be postponed until Monday, May 12.

Mr. Manning moved to lay that motion on the table, which carried.

The Speaker in the chair.

The special order was announced, being House bill No. 845, a bill to prevent railways and other corporations from leasing or selling their chartered rights, privileges or franchises to, or consolidating with other railway or chartered corporation." The bill was read second time.

Mr. Watts moved to lay the bill on the table.

The House refused to table by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Anderson, Booty, Bordeaux, Brown of Dallas, Chambers, Eastland, Ford, Gaston, Gilpin, Green, Harrison, Hollingsworth, Mabry, McDonald, Moore, Morris, Phelps, Robb, Roberts, Rosborough, Shaw, Stockbridge, Thurmond, Tilson, Tivy, Venters, Washington, Watts, Wilder and Williams—33.

Nays—Messrs. Armstrong, Berends, Broaddus, Carroll, Cook, Cunningham, Davenport, Denton, Doyle, Ellett, Hester, Hoffman, Joseph, Lane, Leyendecker, Manning, Mills, Nelson, Powers, Prendergast, Rainey,

Russell, Schmidt, Scott, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Tom, Trolinger, Westfall, Winkler and Wood—34.

The bill was then ordered engrossed.

Mr. Hollingsworth moved to take up for action House bill No. 816, to provide for the election of a commission to select a site for a branch penitentiary. The House refused.

He then moved to take up the bill and make it special order for Monday, May 12, at 11 o'clock A. M. The House again refused.

On motion of Mr. Abbott, the House adjourned until 3 o'clock P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

Absent—Bewley, Brown of Dallas, Ellett, Hollingsworth, Killough, Kleberg, Short, Wilder and Winkler.

On motion of Mr. Thurmond, Mr. Chambers was excused for the evening.

Leave being granted, Mr. Watts offered the following resolution:

Resolved, That A. T. Watts and B. W. Rimes be excused from further duty upon the special committee raised to investigate the charges against the Hon. William Chambers, Judge of the First Judicial District, and that A. S. Broaddus, L. J. Storey, C. C. Gallaway and S. T. Robb be appointed a committee to investigate said charges, and report by bill or otherwise.

Mr. Abbott moved to lay the resolution on the table. The House refused.

The resolution was then adopted.

A message was received from his Excellency the Governor, in relation to "An act to release certain taxes to the residents of the counties of Cooke, Wise, Parker, Hood, Erath, Hamilton, Lampasas, Burnet, Blanco, Kendall, Bandera, Medina, Frio, McMullen, Duval, Starr, and all the counties lying west and southwest of the same," and submitting a communication relative thereto from the Attorney General.

On motion of Mr. Tom, the Committee on Agriculture and Stock Raising submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Agriculture and Stock Raising, to whom was referred House bill No. 172, entitled "An act to incorporate El Paso Irrigation Company," having had the same under consideration for some time, instruct me to report back the accompanying substitute with the unanimous recommendation that it do pass.

THURMOND, Chairman.

The substitute recommended by the committee was read and adopted.

The bill was then taken up by sections.

Mr. Hoffman moved to amend section twelve by striking out "sixteen" sections, and inserting in lieu thereof "twelve." The House refused to adopt the amendment.

Mr. Abbott offered the following amendment: "That the main channel of the canal shall be twenty-five feet wide and six feet deep, and that ditches shall not count in miles of completed work." The House refused to adopt the amendment.

Mr. Abbott moved to amend by striking "six" out of "six hundred and forty," and leaving "forty," and after the word "forty" add "and a mule."

Mr. Ghent moved to recommit the bill to a special committee of five, which motion carried.

The Speaker appointed Messrs. Cook, Abbott, Scott, Smith of Colorado and Tom said committee.

On motion of Mr. Mills, Senate bill No. 274 was taken up.

The following report thereon was submitted :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on State Affairs respectfully recommend the passage of Senate bill No. 274, "An act to validate and supplement the charter of the Bastrop Coal Company."

J. H. BROWN, Chairman.

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

On motion of Mr. Mills the rules were further suspended, the bill read third time and passed.

Mr. Brown of Dallas moved to reconsider the vote passing House bill No. 570, "An act creating the county of Wedgefath." The vote was reconsidered.

Mr. Brown of Dallas offered the following amendment to the bill: Amend section one by striking out all from the word "at," in line five, to the word "Pan-handle," in line nine, and insert: "The southwest corner of Greer county, on the Prairie Dog Town Fork of Red river." Strike out of line ten, section one, the words "along said boundary line west," and insert, "with the west boundary."

The amendment was adopted and the bill passed.

Mr. Anderson moved to take up Senate bill No. 100, "An act to provide for the merger of the Waco and Northwestern Railroad Company, with its properties, rights, privileges and franchises, in the Houston and Texas Central Railway Company." The motion carried.

The following report was submitted:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The special committee to whom was referred Senate bill No. 100, entitled "An act to provide for the merger of the Waco and Northwestern Railroad Company, with its properties, rights, privileges and franchises in the Houston and Texas Central Railway Company," having carefully considered the same, have instructed me to report the bill back to the House, with the accompanying amendments, and when so amended, that it do pass.

PRENDERGAST, Chairman.

Amend by adding as section two the following: "SEC. 2. This act of consolidation is passed, and shall become operative on condition that said consolidated road shall not, in either of its branches, be sold, leased, rented to or consolidated with any other parallel, competing or converging railroad, and that said company shall not purchase, own or control any such parallel, competing or converging road; and upon the further condition that the State shall have the right to regulate and fix the rate of charges for transporting freight and passengers over said road, and to prescribe and regulate the duties and liabilities of said company as a common carrier; and upon the still further condition that the portion of said Northwestern Railroad not yet built, if built at all by said company, shall be constructed and put in operation within the time required by the charter of said road; and should the general line of the portion of said road not yet built,

pass within five miles of any established county seat, then said road shall run to said county seat, and said company shall establish and keep a depot for freight and passengers within one-half mile of the business portion of said town, on condition that the right of way through said town, and sufficient ground, not less than fifteen acres, for switches, turnouts, and such buildings as may be necessary and proper, shall be furnished to said company free of charge; *provided*, that said company shall not be compelled to construct said road within one-half mile of any county seat where, from natural obstacles, it is impracticable to do so; but in such case said road shall run, and a depot be established as near said town as such natural obstacles will admit; and should the line of said road be definitely located through any county before the permanent location of the county seat thereof, then it shall not be necessary for said road to be so varied from its line as to run within one-half mile of said town."

Strike out section two and insert the following: "SEC. 3. This act shall take effect and become operative upon the acceptance by said company of the conditions herein stated."

Mr. Sabin moved to lay the amendments on the table.

The House refused to table by the following vote:

Yeas—Messrs. Abbott, Adriaance, Green, Joseph, Mabry, Mills, Moore, Phelps, Robb, Roberts, Sabin, Schmidt, Stockbridge and Wilder—14.

Nays—Messrs. Allison, Anderson, Armstrong, Berends, Booty, Broadus, Brown of Upshur, Cook, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Gallaway, Gaston, Ghent, Gilpin, Harrison, Hester, Hoffman, Lane, Leyendecker, Manning, McDonald, Nelson, Payne, Powers, Prendergast, Rainey, Rosborough, Russell, Sayers, Scott, Shelton, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall, Winkler and Wood—48.

Mr. Anderson moved the previous question, which was seconded and the main question ordered. The amendments were then adopted.

The bill then passed to third reading.

On motion of Mr. Watts, the House then adjourned until 9 A. M. Monday.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, May 12, 1873. }

House met pursuant to adjournment. Prayer by Rev. Dr. Fisher. Roll called ; quorum present.

Absent—Messrs. Bewley, Ellett, Mills and Payne.

On motion of Mr. Stockbridge, Mr. Wilder was excused on account of sickness.

On motion of Mr. Broaddus, the leave of absence of Mr. Salter was extended one day.

On motion of Mr. Green, the leave of absence of Mr. Abbott was extended one day.

On motion of Mr. Gaston, Mr. Russell was added to the Committee on Claims and Accounts.

On motion of Mr. Booty the reading of the journal was dispensed with.

Mr. Venters presented a petition from citizens of Jack county, asking permission to levy a special tax. Referred to the special committee upon that subject, Powers, chairman.

Mr. Robb presented a petition from citizens of Angelina, remonstrating against the dismemberment of said county. Referred to the Committee on Counties and County Boundaries.

Mr. Smith of Colorado introduced a bill to authorize the County Court of Colorado county to levy a special tax for the erection of a county jail. Read first time ; rules suspended, read second time and ordered engrossed.

On motion of Mr. Smith of Colorado, the rules were further suspended, the bill read third time and passed.

Mr. Rosborough introduced a bill to prohibit the sale or disposal of intoxicating liquors within one and a half miles of Oak Grove Academy, in Coryell county. Read first time ; rules suspended, read second time and ordered engrossed.

Mr. Manning offered the following amendment: "*Be it further enacted*, that no license to deal in intoxicating liquors, by retail or otherwise, within two miles and a half of any college, academy, seminary or school, shall be granted or issued ; *provided*, that this section shall not apply to any incorporated town, or the seat of any county, and any person or persons who may deal in such

liquors within said prohibited limits shall be subject to all the penalties and liabilities provided by law for such dealing without license."

Mr. Leyendecker moved to lay the amendment on the table. The House refused to table.

The amendment was then adopted.

Mr. Powers moved to strike out all of the bill after the enacting clause except the adopted amendment, which motion carried.

On motion of Mr. Powers the caption was changed to read, "An act to prohibit the granting of license for the sale of intoxicating liquors within two and one-half miles of any college, academy, seminary or school, not embraced in any incorporated town or county seat." The bill was then read third time and passed.

On motion of Mr. Broaddus, Mr. Sabin was added to the committee to investigate the charges against Hon. William Chambers, Judge of the First Judicial District.

On motion of Mr. Wood the committee on apportionment of congressional districts was granted until Wednesday, May 14, at 12 M., to make report.

Mr. Hollingsworth introduced a bill to make an appropriation to purchase a library for the penitentiary. Read first time.

Mr. Hollingsworth moved to suspend the rules and put the bill on its second reading. The House refused.

House bill No. 489, "An act to aid in the construction of the Atlantic and Pacific Railroad," was taken up, the Senate amendments thereto concurred in, and the bill passed.

Senate bill No. 281, granting pensions to the surviving veterans of the revolution which separated Texas from Mexico, was read first time and referred to the Committee on Pensions, with instructions to report thereon as soon as practicable.

Senate bill No. 231, "An act to provide for the sale of lands belonging to the common school fund and the lands set apart to the several State asylums," was read first time and referred to Judiciary Committee No. 1, with instructions to report thereon Thursday, May 15, 11 A. M.

Senate bill No. 241, "An act to amend sections thirteen, fourteen, sixteen and seventeen of an act entitled an act to incorporate the town of Palestine, in Anderson county," was read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Harrison, the rules were further suspended, the bill read third time and passed.

Senate bill No. 186, "An act for the relief of the heirs of Harrison W. Goyne," was read first time and referred to the Committee on Private Land Claims.

Senate bill No. 213, "An act to incorporate the Steamship Wharf Company," was read first time and referred to the Committee on Town and City Corporations.

Senate bill No. 247, "An act for the relief of William Simpson," was read first time and referred to the Committee on Private Land Claims.

Senate bill No. 289, "An act to incorporate the Hebrew Sinai Congregation," was read first time and referred to the Committee on Town and City Corporations.

Senate bill No. 269, "An act empowering the Police Court of Cherokee county to levy and collect a special tax for the purpose of paying off the present outstanding indebtedness of said county," was read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Rainey, the rules were further suspended, the bill read third time and passed.

Senate bill No. 256, "An act to authorize the County Court of Lampasas county to levy a special tax," was read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Westfall, the rules were further suspended, the bill read third time and passed.

Senate bill No. 293, "An act for the relief of A. Howell," was read first time; rules suspended, read second time and passed to third reading.

On motion the rules were further suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Berends, Bledsoe, Booty, Bordeaux, Broadus, Brown of Dallas, Brown of Upshur, Carroll, Chambers, Cook, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Hester, Hoffman, Hollingsworth, Joseph, Killough, Lane, Lyendecker, Mabry, Manning, McDonald, Moore, Morris, Nelson, Phelps, Powers, Prendergast, Roberts, Russell, Sabin, Scott, Shaw, Shelton, Short, Smith of Colorado, Storey, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall, Wilder and Williams—61.

Nays—Messrs. Armstrong, Kleberg, Smith of Houston, Thurmond and Wood—5.

Senate bill No. 300, "An act for the relief of Quilla J. Nichols," was read first time, and referred to the Committee on Claims and Accounts.

Senate bill No. 304, "An act to incorporate the Clinton Bridge Company," was read first time, and referred to the Committee on Roads, Bridges and Ferries.

Senate bill No. 326, "An act to validate first class land certificate No. 150, issued to Freeman Prewitt by the board of land commissioners of Jasper county, July 5, 1839," was read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Storey, the rules were further suspended, the bill read third time and passed.

Senate bill No. 259, "An act to incorporate the Fort Worth and Denver City Railway Company," was read by caption and referred to the Special Railroad Committee.

Senate bill No. 263, "An act to incorporate the town of Zavala, in the county of Smith," was read first time; rules suspended, read second time and passed to third reading. On motion of Mr. Gaston, the rules were further suspended, the bill read third time and passed.

Senate bill No. 283, "An act making an appropriation to pay a judgment against the State in favor of E. M. Smith," was read first time and referred to Judiciary Committee No. 2, with instructions to report Thursday, May 15, at 9 A. M.

Senate bill No. 322, "An act to authorize G. W. Harper to construct and keep a toll bridge across South Sulphur fork of Red river," was read second time and passed to third reading. On motion, the rules were further suspended, the bill read third time and passed.

Senate bill No. 342, "An act to authorize and require the County Court of Robertson county to retire certain county scrip therein specified, and to issue the bonds of said county in lieu thereof," was read by caption first time; rules suspended, read second time and passed to third reading. On motion of Mr. Wood, the rules were further suspended, the bill read third time and passed.

On motion of Mr. Storey, the vote passing Senate bill No. 326, "An act to validate first class land certificate No. 150, issued to Freeman Prewit by the board of land commissioners of Jasper county, July 5, 1839," was reconsidered, and the bill was referred to Judiciary Committee No. 2.

Senate bill No. 100, "An act to provide for the merger of the Waco and Northwestern Railroad Company, with its properties, rights, privileges and franchises, in the Houston and Texas Central Railway Company," was taken up and read third time.

Mr. Nelson offered the following amendment: "*Provided further*, that any branch railroad that may hereafter be constructed by the Houston and Texas Central Railroad Company, running within five miles of any county seat, shall be required to establish a depot for freight and passage within one-half mile of the court house thereof; *provided*, the citizens of said county seat shall furnish the right of way through said town and all necessary grounds for depot purposes, not to exceed thirteen acres in amount." The House refused to adopt the amendment.

Mr. Smith of Colorado offered an amendment, to which Mr. Winkler offered the following amendment: "*Provided further*, that the said Houston and Texas Central Railway Company shall commence their northeastern branch at the town of Corsicana, in Navaro county, and connect with the main line upon the grounds donated by the citizens of Corsicana." The House refused to adopt the amendment to the amendment.

Mr. Smith of Colorado then withdrew his amendment.

The bill then passed.

The Conference Committee on the part of the House upon Senate bill No. 52, "An act to amend sections one, one hundred and fourteen, one hundred and ninety-two, two hundred and seventeen, two hundred and thirty-five, two hundred and forty, two hundred and forty-two, two hundred and fifty, two hundred and fifty-one, two hundred and fifty-two, two hundred and sixty-six and three hundred and forty-one of an act entitled "An act prescribing the mode of proceeding in district courts in matters of probate, approved August 15, 1870," submitted the following report.

Hon. E. B. Pickett, President of the Senate, and the Hon. M. D. K. Taylor, Speaker of the House of Representatives:

GENTLEMEN: Your committee of free conference, to whom was referred Senate bill No. 52, with amendments by the House, have considered the same, and respectfully recommend the following:

1. That the Senate agrees to the first amendment made by the House, to-wit, to the caption of the bill.

2. That the House recede from its second amendment.

3. That the House recede from its third amendment.

4. That the Senate agrees to the fourth amendment.

5. That the House recede from its fifth amendment to the Senate bill.

6. That the Senate agrees to the sixth amendment made by the House.

7. That the Senate agrees to so much of the seventh amendment by the House, as strikes out section eight of Senate bill, and the House recedes from so much of said amendment as strikes out section nine of Senate bill.

8. The Senate agrees to so much of House amendment eight as changes section ten of Senate bill to section twenty-one, and the House recedes from the remainder of said amendment.

9. The Senate agrees to so much of House amendment nine as changes section eleven to twenty-two, and twelve to twenty-four instead of twenty-six, to which the House agrees.

10. Senate agrees to House amendments to the following sections of the probate law, to which the Senate bill is amendatory, to wit: House amendments to sections twenty, forty-three, forty-five, sixty-three, sixty-eight, one hundred and twenty-nine, one hundred and thirty-nine, one hundred and forty-six, one hundred and seventy-six, one hundred and eighty-two; and Senate agrees to House amendment to section one hundred and ninety-two, with the following amendment to House amendment of said section one hundred and ninety-two, to wit: Add before the first word, "claims," of the last sentence in said section as amended by the House, the word "unliquidated;" to which said amendment the House agrees.

11. The Senate agrees to House amendment of section two hundred and forty-three, with the following amendment to said amendment, to which the House agrees: Strike out after the figures "243" in third line, down to the word "and" in eighth line, and instead thereof insert the following: "All public sales of real estate made by the order or decree of the District Court, in matters of probate, shall be made on the first Tuesday of the month, at the court house door of the county where such sale is ordered; and the administrator or executor shall give pub-

lic notice of such sale, by publishing a notice of the same for three successive weeks prior to the day of sale, such publication to be once each week in a newspaper, if there be one published in the county where such sale is made; if there is no paper published in the county where such sale is made, then such notice shall be given by posting written or printed notices of the time and place of sale, in at least three public places in the county where the land is situated, one of which public places shall be the court house door." To which said amendment the House agrees.

12. The Senate agrees to the House amendment to sections two hundred and forty-six, two hundred and ninety-one, and to the repealing section of House amendment, except so much of same as repeals section two hundred and fifty-two, from which the House recedes.

13. The House recedes from its amendment to section two hundred and fifty-one of probate law.

14. The House recedes from its amendment to section thirteen of Senate bill.

15. The House recedes from its amendment termed "additional," on the last page of its engrossed amendments.

16. Strike out section fourteen, the repealing clause of Senate bill. Section thirteen of Senate bill will become section twenty-five, and repealing clause House amendments section twenty-six.

All of which is respectfully submitted by the committee with the recommendation that the same be adopted.

JOHN L. HENRY,

Chairman Senate Committee.

W. D. WOOD,

Chairman House Committee.

The report was adopted, and the bill as thus amended was passed.

The resolution abolishing night sessions was read.

The House refused to adopt.

Mr. Wood in the chair.

On motion of Mr. Killough, the Committee on Immigration submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee, to whom was referred the resolution to revise the immigration laws, have had

the same under consideration, and instruct me to report the two accompanying bills.

Mr. Denton moved to adjourn. The House refused.

The first bill, being a bill to amend section seven of "An act entitled an act to organize the bureau of immigration, approved May 23, 1871," was read first time; rules suspended and read second time.

Mr. Carroll moved a call of the House, which was sustained.

Mr. Broaddus moved to adjourn. The House refused.

The call being made, the following gentlemen were found to be absent: Messrs. Abbott, Booty, Bordeaux, Mabry, Mills, Powers and Sayers.

On motion of Mr. Westfall the sergeant-at-arms was dispatched after absent members.

Mr. Shaw moved to suspend the call. The House refused to suspend.

Mr. Chambers moved to suspend the call. The House refused to suspend.

Mr. Killough moved to suspend the call. The House refused to suspend.

Mr. Speaker in the chair.

Mr. Winkler moved to suspend the call, which carried.

Pending the discussion the special order was announced, being the report of the conference committee upon House bill No. 467, "An act to adjust and define the rights of the Texas and Pacific Railway Company within the State of Texas, in order to encourage the speedy construction of a railroad through the State to the Pacific Ocean."

The report having been read, Mr. Storey moved to postpone the further consideration of the bill until Friday, May 16. The House refused to postpone.

Mr. Payne moved to postpone until Thursday; May 15.

Pending the discussion a message was received from his Excellency the Governor returning House bill No. 723, "An act to re-incorporate the city of Corpus Christi," together with his objections to the same.

The discussion having been resumed, Mr. Tilson moved the previous question, which was seconded, and the main question ordered. The House then refused to postpone.

Mr. Cook moved to adjourn. The House refused.

The report was then adopted and the bill passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Bewley, Booty, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Davenport, Day, Eastland, Ford, Gallaway, Gaston, Gilpin, Green, Harrison, Hoffman, Hollingsworth, Killough, Lane, Manning, McDonald, Moore, Morris, Nelson, Phelps, Powers, Rainey, Robb, Roberts, Rosborough, Sabin, Schmidt, Scott, Shaw, Shelton, Smith of Colorado, Smith of Houston, Stockbridge, Thurmond, Tilson, Tivy, Trolinger, Venters, Watts, Westfall, Wilder, Williams, Winkler—53.

Nays—Messrs. Armstrong, Berends, Broaddus, Carroll, Cook, Denton, Doyle, Ellett, Ghent, Gillette, Hester, Joseph, Kleberg, Leyendecker, Mabry, Payne, Prendergast, Russell, Sayers, Storey, Tom, Veale, Wood—23.

Mr. Bledsoe announced he was paired off with Messrs. Van Zandt and Bordeaux.

Mr. Denton gave notice he would present a protest against the passage of the bill, which he wished spread upon the journals of the House.

On motion of Mr. Brown of Dallas, the House adjourned until 3 o'clock P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

Absent—Messrs. Bewley, Cunningham, Day, Ellett, Mills, Robb, Smith of Colorado and Veale.

The Committee on Enrolled Bills submitted the following reports:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined and compared the following bills, to-wit:

No. 196, "An act to amend an act entitled an act to incorporate the city of Calvert, in Robertson county, approved April 12, 1871."

No. 392, "An act to incorporate the Garden Valley Seminary, in Smith county, Texas."

No. 473, "An act to authorize Bell county to issue interest bearing bonds."

No. 171, "An act amendatory of and supplementary to an act entitled an act to incorporate the Central Bank passed March 31, 1871."

No. 304, "An act to validate bounty land warrant issued to John B. Fox."

No. 173, "An act to prohibit the sale of intoxicating or spirituous liquors within two miles of the institution of learning situated at Woods, Panola county, Texas."

No. 320, "An act to authorize the County Court of Comanche county to issue bonds for certain purposes."

No. 794, "An act to amend section seven of an act entitled an act to incorporate the city of Waco."

And find the same correctly enrolled, and have this, the . . . day of May, at 4:45 o'clock P. M., presented the same to the Governor for his signature.

W. A. SHAW, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined and compared the following bills, to-wit :

No. 664, "An act to amend section three of an act entitled an act to incorporate the Falls County Turnpike Road and Bridge Company," approved April 12, 1871.

No. 691, "An act to prohibit the sale of intoxicating, spirituous, or vinous liquors within one and a half miles of Sylvan Academy, in Lamar county."

No. 429, "An act to authorize H. B. Boston, A. Hamilton and R. B. Hudson to erect a pontoon bridge over the Guadalupe river, at the town of Clinton, in De Witt county, Texas."

No. 424, "An act entitled an act prescribing the times of holding the District Courts in the several judicial districts in the State," approved August 10, 1870.

No. 727, "An act to prohibit the sale of intoxicating, spirituous, or vinous liquors within three miles of Roxton Chapel and Seminary, in Lamar county."

No. 381, "An act to incorporate the town of Ladonia, in Fannin county."

No. 274, "An act to amend an act entitled act to reorganize the town of Bryan, in Brazos county, Texas, and incorporating said town as the city of Bryan."

And find the same correctly enrolled, and have this, the twelfth day of May, at 11:35 o'clock A. M., presented the same to the Governor for his signature.

SHAW, Chairman.

The Committee on Engrossed Bills submitted the following report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills have examined the following bills, to-wit:

No. 859, "An act to prohibit the sale and giving away of intoxicating liquors within three miles of Prairie Grove Church and seminary of learning, situated in Hill county, and Evergreen, Washington county, Texas."

No. 874, a bill to be entitled "An act to authorize the County Court of Colorado county to issue interest bearing bonds for the purpose of funding the present outstanding indebtedness of said county."

No. 863, "An act to provide for the payment of the public debt of the State of Texas, approved May 2, 1871, approved November 13, 1871."

No. 776, a bill to be entitled "An act to prevent the herding of stock on certain lands therein named."

No. 856, "An act to incorporate the officers and members of Gaiety Lodge No. 84 of the Independent Order of Odd Fellows, situated at Carthage, Texas."

No. 865, a bill to be entitled "An act to validate bounty land warrant No. —, issued to the heirs of Thomas Jackson."

No. 631, "An act to authorize the County Court of Brazos county to levy and collect a special tax of one-fourth of one per cent, to complete the court house and make more secure the jail in said county."

No. 875, "An act to incorporate the Texas Well and Irrigation Company."

No. 876, "An act to incorporate the Navasota Real Estate and Building Association."

No. 867, a bill entitled "An act to levy a special tax in the county of Angelina for the purpose of building a court house and jail."

No. 870, a bill to be entitled "An act to authorize J. T. Veale to remove the obstructions to the navigation of Little Cypress Bayou."

No. 396, "An act granting H. M. Matthis, principal, and Colonel L. D. De Lyon, Miss Mollie E. Beaver, Miss Fannie Bradford and Miss Nannie Hughes, assistant teachers of the Dangerfield High School, Dangerfield, Titus county, Texas, the privilege of granting diplomas to students who complete the course of study established by the principal and faculty of the institution."

No. 857, "An act to provide for holding an election for county officers in the county of Waller, and authorizing commissioners to hold the same."

No. 866, a bill to be entitled "An act to prohibit the sale of, bartering or giving away, spirituous or intoxicating liquors within five miles of Bethel Church and seminary of learning in Lavaca county."

No. 470, a bill to be entitled "An act to compensate Aaron S. Mangum for services rendered as a soldier in the army of the Republic of Texas."

No. 589, "An act to incorporate the Texas University."

No. 852, "An act to prohibit the sale of or otherwise disposing of spirituous or intoxicating liquors within six miles of the Little River Academy in Bell county, Texas."

No. 858, a bill to be entitled "An act to authorize the County Court of Gillespie county to contract a loan by issuing interest-bearing bonds for the purpose of building a court house and jail."

No. 288, a bill to be entitled "An act for the relief of the heirs or assigns of E. S. Williams, deceased."

No. 845, a bill to be entitled "An act to prevent railways and corporations from leasing or selling their chartered rights, privileges or franchises to or consolidating with other railway or chartered corporations,"

And find the same correctly engrossed.

BOOTY, Chairman.

Unfinished business, House bill No. 66, "An act to amend an act to incorporate the Dallas and Wichita Railroad Company," was taken up, pending an amendment by Mr. Brown, of Dallas. The amendment was adopted.

Mr. Venters offered the following amendment: Amend section two, by inserting in line after the word "northwesterly" the following: "To the town of Denton, in Denton county, and shall erect freight and passenger depots within one-half mile of the court house; *provided*, said town shall secure and donate to said company, free of charge, the right of way through the corporate limits, and all necessary grounds for tracks, switches and other depot purposes, not to exceed ten acres, thence continuing northwesterly."

Mr. Brown, of Dallas, offered the following substitute for the amendment: Insert in section two, after the word "northwesterly," in line eight, "to or as near the town of Decatur, in Wise county, as the topography of the

country will admit, and thence;" add to the end of section two, "*provided*, that if it be found impracticable to reach the town of Decatur by reason of its elevated position, then said company shall establish and maintain a freight and passenger depot as near said town as said road may run, for its convenience, but said company shall not be allowed to lay out a new town at such point."

The House refused to adopt the substitute. The amendment was then adopted.

Mr. Brown, of Dallas, moved to amend by adding to the caption: "And to aid in the construction of said road." The amendment was adopted. The bill was then ordered engrossed.

On motion of Mr. Brown, of Dallas, the rules were suspended, the bill read a third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Anderson, Armstrong, Berends, Bledsoe, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Cunningham, Davenport, Day, Doyle, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hoffman, Hester, Hollingsworth, Joseph, Killough, Kleberg, Lane, Mabry, Manning, McDonald, Moore, Morris, Nelson, Payne, Phelps, Powers, Prendergast, Robb, Roberts, Rosborough, Russell, Sabin, Sayers, Schmidt, Scott, Shaw, Shelton, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Venters, Watts, Westfall, Wilder, Williams, Winkler and Wood—65.

Nays—Messrs. Chambers, Leyendecker, Smith of Houston and Trolinger—4.

Mr. Gallaway called up Senate bill No. 292, "An act to incorporate the Sherman, Tyler and Henderson Railway Company, and to grant lands to aid in the construction thereof."

The special railroad committee offered the following amendments, upon the adoption of which they recommended the passage of the bill:

1. Amend section sixteen by adding after the word "Company's," in line four from the bottom, as follows: "The even sections thereof being reserved to the State for the school fund."

2. Amend section seventeen by striking out in line three from the bottom, the following, "railroad," and further amend by adding to same section the following:

“Nor to any person, firm or company in trust for said company, and on failure to comply with, or any violation of the provisions of this act, said company shall forfeit all right to land secured by this act not alienated as required by this act as required by law.”

3. Amend section nineteen by adding to said section the following: “And any violation of the foregoing provision of this section shall work a forfeiture of rights secured by this act.”

4. Amend section twenty-two by adding to said section as follows: “That this charter shall remain in force for the term of sixty years and no longer.”

The amendments were adopted.

On motion of Mr. Lane, the names of H. B. Simonds, Thos. M. Cain and W. W. Morris were added to the list of incorporators.

Mr. Morris moved to add to the list of incorporators the names of P. F. Edwards, A. Birdwell, W. B. Harper, A. B. Collins and T. Camp.

The House refused to insert the names presented.

On motion of Mr. Gaston, the further reading of the bill was dispensed with.

Mr. Trolinger offered the following amendment: Amend section . . . by inserting after “Sherman,” “thence to Kentucky Town, in Grayson county, and establish and maintain a passenger and freight depot within one-half mile of the center of the business part of said town; *provided*, said town shall furnish sufficient ground for depots, switches, turnouts, and right of way, not to exceed fifteen acres.” The amendment was adopted.

Mr. Cunningham moved to amend section eight by inserting in line seven, after the word “of,” “Bonham and.”

Mr. Russell moved to amend the amendment by adding “*provided* said road shall run within five miles of said town.”

The House refused to adopt the amendment to the amendment.

The amendment was then put and lost.

On motion of Mr. Morris, his name was stricken from the list of incorporators and that of James H. Jones added.

The bill then passed to third reading.

On motion of Mr. Morris, the rules were suspended,

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

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Berends, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Cunningham, Davenport, Day, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hollingsworth, Joseph, Killough, Lane, Mabry, Manning, McDonald, Moore, Nelson, Phelps, Powers, Prendergast, Robb, Roberts, Rosborough, Sabin, Sayers, Schmidt, Scott, Shaw, Shelton, Smith of Colorado, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Watts, Wilder, Williams and Wood—57.

Nays—Messrs. Chambers, Denton, Doyle, Smith of Houston and Westfall—5.

On motion of Mr. Nelson, upon his call, the Committee on Private Land Claims submitted the following report: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Your Committee on Private Land Claims, to whom was referred the memorial of the heirs of Migginson Loveing, deceased, have had the subject under careful consideration, and a majority of the committee have instructed me to report the accompanying bill and recommend that it do pass.

C. L. ABBOTT, for Committee.

The bill, being a bill for the relief of the heirs of Migginson Loveing, deceased, was read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Nelson, the rules were further suspended, the bill read third time and passed.

On motion of Mr. Cook, the leave of absence of Mr. Rimes was extended until Wednesday, May 14.

Mr. McDonald asked leave to introduce an important resolution. The House refused.

On motion of Mr. Lane, upon his call, the Committee on Private Land Claims submitted the following report: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Your Committee on Private Land Claims, to whom was referred the memorial of the heirs of David Huffman, deceased, have carefully considered the same, and have instructed me to report the accompanying bill and recommend that it do pass.

C. L. ABBOTT, for Committee.

The bill, being a bill for the relief of the heirs and legal representatives of David Huffman, deceased, was read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Nelson the rules were suspended, the bill read third time and passed.

Mr. Denton presented the following protest, which was ordered spread upon the journals of the House.

Mr. Abbott moved to dispense with the reading of the protest. The House refused, and the protest was read: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: The undersigned asks leave, as one of the Representatives of the people of Texas, to enter the following protest against the passage of the bill to be entitled, "An act to adjust and define the rights of the Texas and Pacific Railway Company within the State of Texas, in order to encourage the speedy construction of a railway through the State to the Pacific ocean," for the following reasons, and asks that the same be spread upon the journals of the House:

In the opinion of the undersigned, the act in question is contrary to the plain letter as well as the spirit and meaning of the Constitution of the State.

The Constitution, article ten, section eight, gives every citizen in the State the right to locate and appropriate to his own use one hundred and sixty acres of land out of the public domain of the State. It was clearly the intention of the framers of the organic law to give the citizen the right to make his own selection upon any portion of the vacant, unappropriated public domain of the State, and in the opinion of the undersigned, the Legislature has no right to abolish or abridge this right. It is proposed in the sixth section of this act to set apart for the benefit of this company a vast reservation eighty miles in width and more than four hundred miles in length, within which vast territory this favored company have the exclusive right to locate their certificates, and the citizens of the State are prohibited from exercising that right, which is guaranteed to them by the section of the Constitution above referred to.

The undersigned is of opinion that said act is also contrary to the second section of the bill of rights, which distinctly says that "all freemen, when they form a social

compact, have equal rights, and no man, or set of men, is entitled to exclusive, separate public emoluments or privileges ;” and the undersigned does not understand how it is possible to so construe this section of our Constitution as to avoid the conclusion that this great reservation, which locks up such a vast extent of our territory, is an exclusive privilege in favor of this company, and against all other railroad companies operating within the State, as well as every citizen of the State. The undersigned further charges that said act creates a great landed monopoly in favor of this company, to the injury of other and competing companies, and in violation of the constitutional rights of every citizen in the State. (See Const., Bill of Rights, section eighteen.)

If the Legislature has the right to set apart and lock up this vast belt of territory, for the exclusive use and benefit of this company, most of the stockholders of which are non-residents, which territory is the common property of all the people of Texas, then it certainly has the same right to still further set apart and lock up other reservations for the benefit of other companies, whose rights are abridged by the reservation to this company ; and so on until all the public domain is thus reserved and locked up for the sole use and benefit of railroad companies ; and the citizen who holds a certificate for military services rendered the State in the hour of trial and danger to the State, or the citizen who wishes to avail himself of the right guaranteed by article ten, section eight of the Constitution, is completely cut off from and deprived of that right, although there may yet remain millions of acres of public domain unappropriated.

Aside from the constitutional objections to said act, the undersigned feels constrained to protest against the great and manifest injustice to the citizens of the State in thus shutting them out from a great portion of the public domain upon which they have a lawful and constitutional right to locate their certificates and settle with their families.

The undersigned further protests against the partiality shown to this company as compared with the dealings of the State towards other companies equally meritorious, and perhaps more useful. The undersigned, believing as he does that this company *holds no claim, either moral or legal*, against the State, is in favor of extending to it.

the same assistance and advantages that we do to other companies, and nothing more.

Respectfully submitted,

ASHLEY N. DENTON.

The undersigned fully concur in the above protest, and ask leave to enter their further protest against the action of the House on Monday, the twelfth of May, in violating a solemn compact, made and entered into on Saturday, the tenth instant, to the effect that free discussion should be allowed upon the measure above alluded to, which compact was violated by moving the previous question, and thus cutting off all discussion. We wish further to be distinctly understood as holding the opinion that said company had no legal or moral claim against the State of Texas, and in voting against this measure, we did not intend to recognize any pretended claim for land or money against the State.

A. N. DENTON,

GUSTAVE COOK,

JAS. ARMSTRONG,

J. F. LEYENDECKER,

H. C. GHENT,

W. D. WOOD,

JOHN W. CARROLL,

J. F. TOM,

J. PAYNE,

L. J. STOREY,

A. S. BROADDUS,

T. A. HESTER,

L. E. GILLETTE,

M. E. KLEBERG.

I concur in the main features of the foregoing protest.

D. M. PRENDERGAST.

The special order was announced, being the motion to reconsider the vote passing Senate bill No. 301, "An act making an appropriation for the payment of the State police and employés."

Mr. Broaddus moved to postpone its further consideration until Friday, May 16, at 4 P. M., which motion was carried by the following vote:

Yeas—Messrs. Allison, Anderson, Armstrong, Broaddus, Brown of Upshur, Carroll, Cook, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Gaston, Gillette, Hollingsworth, Joseph, Lane, McDonald, Payne, Powers, Prendergast, Robb, Rosborough, Russell, Sayers, Scott, Smith of Colorado, Smith of Houston, Thurmond, Tivy, Tom, Winkler and Wood—34.

Nays—Messrs. Speaker, Abbott, Adriance, Berends, Bordeaux, Chambers, Ford, Gilpin, Harrison, Hoffman, Killough, Kleberg, Leyendecker, Mabry, Manning, Moore, Nelson, Phelps, Roberts, Sabin, Schmidt, Shaw, Shelton,

Storey, Stockbridge, Tilson, Trolinger, Westfall, Wilder and Williams—30.

Mr. Payne moved to adjourn. The House refused to adjourn.

Mr. Russell called up House bill No. 503, a bill to be entitled "An act supplemental to an act entitled an act to incorporate the Pacific and Great Eastern Railway Company."

The special railway committee reported a substitute therefor under the following caption: A bill to be entitled "An act supplemental to an act entitled an act to incorporate the Pacific and Great Eastern Railway Company, approved August 13, 1870,"

Mr. Anderson moved to dispense with the reading of the bill. The House refused.

Pending the reading, it being evident that a quorum was not present, Mr. Phelps moved to adjourn. The House adjourned until 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES,)
AUSTIN, TEXAS, May 13, 1873. }

House met pursuant to adjournment. Prayer by Rev. Dr. Fisher. Roll called; quorum present.

Absent—Messrs. Cook, Mills and Veale.

On motion of Mr. Smith of Houston, Mr. Rainey was excused for two days.

On motion of Mr. Anderson, Mr. Cook was excused for the day.

On motion of Mr. Wilder, the reading of the journal was dispensed with.

Mr. Adriance presented a petition of citizens of Fort Bend, Brazoria and Matagorda counties, against the passage of the "No fence law." Referred to the Committee on Agriculture and Stock Raising.

Mr. Sabin introduced a bill to incorporate the Wilson Creek and Colorado Canal Company. Referred to the Committee on Internal Improvements.

Mr. Wood introduced a bill to render valid certain land certificates issued to Peter J. Lorillard and Edmund Hall, and to authorize the issuance of patents thereon. Referred to the Committee on Private Land Claims.

Mr. Watts offered the following resolution:

1. *Resolved*, That the extraordinary privileges attempted to be granted to the International Company by the Twelfth Legislature, by donating to said company ten thousand dollars in money for each mile of road that it should construct, and taxing the people of the State to pay said donation, was without any warrant or authority under the constitution, a gross usurpation of power, destructive of the rights of the people and of the objects of government, which are to protect the rights and property of all, and not to tax one part to enrich another part, and is, therefore, an absolute nullity.

2. *Resolved*, That Comptroller Bledsoe deserves well of the country for his stern and unyielding refusal to register and sign the bonds said railroad company are endeavoring to procure from the State, and that his course, in such refusal, meets our unqualified endorsement and approval.

Mr. Anderson offered the following amendment: "*Provided*, that if upon the trial of the legal questions involved, it should be decided adversely to the views herein expressed, by the legally constituted tribunals of the State, or United States if appealed, we will not advise or sanction repudiation, but in the meantime we pledge ourselves to use all legal means to have the people of the State properly defended against what we deem a great and outrageous violation of the rights of the people."

Mr. Sabin offered the following substitute for the resolution and amendment:

Resolved, That while we do not endorse the principle involved in the money subsidies granted to railroads by the last Legislature, yet we will abide by the decisions of the courts in relation thereto.

Resolved, That Judiciary Committee No. 2 be and the same is authorized to take all necessary steps, in case of litigation against the State or its officers, for the protection of the rights of the State.

Pending the discussion a message was received from his Excellency the Governor, returning House bill No. 557, "An act to incorporate the Brazos Santiago and Rio Grande Canal Company," with his objections to the same.

Mr. Tom moved to lay the amendment offered by Mr. Anderson, and the substitute by Mr. Sabin, on the table. Division being called for, the motion to table the substitute was put, with the following result:

Yeas—Messrs. Armstrong, Bledsoe, Bordeaux, Broadus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Killough, Leyendecker, Manning, Payne, Powers, Prendergast, Robb, Rosborough, Russell, Sayers, Scott, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tom, Trolinger, Venters, Watts, Westfall, Winkler and Wood—44.

Nays—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Berends, Ellett, Gallaway, Green, Hoffman, Hollingsworth, Joseph, Lane, Mabry, McDonald, Moore, Morris, Nelson, Phelps, Roberts, Sabin, Schmidt, Shaw, Shelton, Stockbridge, Tivy, Wilder and Williams—28.

Whereupon it was declared the motion to table had prevailed.

The House then tabled the amendment by the following vote:

Yeas — Messrs. Armstrong, Bordeaux, Broadus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Ford, Gaston, Ghent, Gilpin, Hester, Killough, Leyendecker, Manning, Payne, Powers, Prendergast, Robb, Rosborough, Russell, Sayers, Scott, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tom, Trolinger, Venters, Watts, Westfall and Wood—39.

Nays—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Berends, Bledsoe, Eastland, Ellett, Gallaway, Gillette, Green, Harrison, Hoffman, Hollingsworth, Joseph, Kleberg, Lane, Mabry, McDonald, Moore, Morris, Nelson, Phelps, Roberts, Sabin, Schmidt, Shaw, Shelton, Stockbridge, Tivy, Wilder, Williams and Winkler—34.

The question being upon the adoption of the resolution, division was called for.

The House adopted section first of the resolution by the following vote:

Yeas—Messrs. Speaker, Allison, Anderson, Armstrong, Bledsoe, Bordeaux, Broadus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ellett, Ford, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Nelson, Payne, Powers, Prendergast, Robb, Rosborough, Russell, Sayers, Scott, Shelton,

Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tom, Trolinger, Venters, Watts, Westfall, Wilder, Winkler and Wood—56.

Nays—Messrs. Abbott, Adriance, Berends, Gallaway, Green, Joseph, Mabry, Moore, Morris, Phelps, Roberts, Sabin, Schmidt, Shaw, Stockbridge, Tivy and Williams—17.

The House then adopted section second of the resolution by the following vote:

Yeas—Messrs. Allison, Anderson, Armstrong, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Kilough, Kleberg, Leyendecker, Manning, McDonald, Morris, Nelson, Payne, Powers, Prendergast, Robb, Rosborough, Russell, Sayers, Schmidt, Scott, Shelton, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tom, Trolinger, Venters, Watts, Westfall, Wilder, Winkler and Wood—55.

Nays—Messrs. Speaker, Abbott, Adriance, Berends, Ellett, Gallaway, Green, Joseph, Lane, Mabry, Moore, Phelps, Roberts, Sabin, Shaw, Stockbridge, Tivy and Williams—18.

The following message from the Governor was read and ordered spread on the journals:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, May 9, 1873. }

GENTLEMEN: I have concluded that I cannot approve the act originating in the House of Representatives entitled "An act to release certain taxes to the residents of the counties of Montague, Wise, Parker, Hood, Erath, Hamilton, Lampasas, Burnet, Blanco, Kendall, Bandera, Medina, Frio, McMullen, Duval, Starr, and all the counties lying west and southwest of the same," but as I have not returned it with objections it became a law to-day by force of the Constitution.

The tenderness towards our suffering frontiersmen which I feel in common with, I suppose, most other people, has prompted me to overlook the obstacle presented to the passage of such an act by the Constitution in section nineteen of article twelve, but I must not permit this sentiment to stand in the way of my pointing out to you the circumstance, that under cover of relief to those suf-

ferers many counties have been, I may say, "*run*g" into the act which have no fair claim to be called frontier counties—at any rate, no fairer claim than have many other counties excluded therefrom.

The counties of Wise, Parker, Hood, Lampasas, Starr, etc., are no more liable to raids of Indians than are Travis, Hays or Bexar. They are populous and wealthy (Parker, for instance, by the census of 1870 had upwards of four thousand people, and has now a population double that), and are a hundred miles or more within the outside settlers. Some of them, such as Lampasas, suffer a great deal more affliction from white desperadoes than from Indians.

The people of the frontier counties should be protected, but a better plan therefor than this remission of tax, and also one less liable to constitutional difficulty, would be the employment of minute companies or other similar organizations, made up of the frontiersmen, whose time thus employed in defense of themselves and neighbors would be recompensed by the State, thereby offering some guarantee that the hundred thousand dollars thus annually to be given to the frontier will actually benefit the needy pioneer himself, who, with his plow and rifle, but perhaps very little more of worldly goods to pay taxes on, is extending our settlements into the wilderness. It was, however, the understanding that such companies would not be authorized, that finally prevailed with me not to make an objection that might defeat all relief to the frontier. But if not too late, I trust the act may yet be modified. In its present shape the courts may be compelled to hold it invalid. On this point I herewith transmit a copy of an opinion of the Hon. William Alexander, Attorney General.

The amount of tax remitted by this act will probably be about \$100,000 per annum, and for *three* years, not *two*, as the act would seem at first sight to warrant.

Very respectfully,

EDMUND J. DAVIS, Governor.

To the Honorable Senate and House of Representatives of the State of Texas.

| Opinion. |

ATTORNEY GENERAL'S OFFICE, May 5, 1873.
House bill No. 662, intended to release taxes to the in-

habitants of certain frontier counties therein named, has been carefully examined. It practically exempts for three years, though apparently operative only for two. It is clearly an attempted evasion of sections five (V) of article twelve (XII), and of section six (VI) of article nine (IX), of the Constitution, as well as of section two (II) of the Bill of Rights.

No "pre-existing law" provides for the compensation of any of our citizens for exercising the right of self-defense of themselves, their families and property. The poll tax which has to be expended among those who pay it, being a tax prescribed by the Constitution, cannot be set aside by a statute. The Legislature is required to make taxation "equal and uniform throughout the State," not throughout all of the State except the frontier; and the Bill of Rights declares that "no man or set of men is entitled to exclusive, separate public emoluments or privileges; not even in consideration of public services, as was formerly the case.

The bill is unconstitutional.

(Signed) ALEXANDER, Attorney General.

A true copy.

JOHN J. STEVENS, Private Secretary.

The following additional message was received, ordered spread upon the journal, and referred to Judiciary Committee No. 1, with instructions to report thereon Friday, May 16.

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, May 13, 1873. }

Hon. M. D. K. Taylor, Speaker of the House of Representatives of the State of Texas:

SIR: I return to the House of Representatives, where it originated, the act entitled "An act to incorporate the Brazos Santiago and Rio Grande Canal Company."

In the seventh section the act exempts this corporation from all taxation until five years after its completion, and even for an indefinite time after that, in a certain contingency.

There has certainly been enough already done in the way of exempting corporations from taxation.

There is also a question as to the effect the treaty of Guadalupe Hidalgo might have on this act.

I recommend that the act be reconsidered.

Very respectfully,

EDMUND J. DAVIS, Governor.

The select committee upon House bill No. 869, "An act to amend the tenth and twelfth sections of an act to regulate proceedings in the District Courts, approved May 13, 1846," reported a substitute of same caption, and recommended its passage. The substitute was read and adopted, and ordered engrossed.

Mr. Sabin moved to suspend the rules and put the bill on third reading, which carried.

Mr. Chambers moved a call of the House, which was seconded. The call being made, the following gentlemen were found absent: Abbott, Berends, Booty, Carroll, Ford, Gallaway, Hester, Hoffman, Hollingsworth, Kleberg, Mills, Rosborough, Tom, Veale.

Mr. Westfall moved to suspend the call, which carried.

On motion of Mr. Allison, Mr. Booty was excused on account of sickness.

On motion of Mr. Broaddus the leave of absence of Mr. Salter was extended one day.

The bill then passed.

The same select committee, upon House bill No. 863 to amend the first and fourth sections of "An act entitled an act to reduce into one and amend the several acts concerning executions," approved January 27, 1842, reported a substitute of same caption, and recommended its passage. The substitute was read and adopted and ordered engrossed.

On motion of Mr. Sabin, the rules were suspended, the bill read third time and passed.

On motion of Mr. Powers, the special committee on House bill No. 812, submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The undersigned special committee, to whom was referred House bill No. 820, entitled "An act to regulate sales of landed property made under decrees of courts," have had the same under consideration, and respectfully report the bill back with certain amendments thereto, and do recommend their adoption and their passage with the bill.

We will state that we are of the opinion there is no law now in force requiring the advertisement of sheriffs' sales.

S. POWERS,

GEO. W. SMITH.

1. Strike out the word "landed," in line one of the

title of the act, and add at the end of it the words "and execution."

2. Strike out all after the word "state," in line five of section one, down to "it," in line six.

3. Insert section two here offered as an amendment.

4. Change section two for section four.

5. In line twelve of section one, strike out the words "is disputed" and insert "there are clouds or incumbrances thereon."

"SEC. 2. Whenever any property shall have been seized by virtue of an execution, or ordered to be sold by decree of court, it shall be the duty of the sheriff or other officer to advertise the same, if it be personal property, at least ten days at three public places in the county, one of which shall be the place where the property is to be sold; if it be lands, twenty days, by advertisements posted up, one at the court house door of the county; *provided*, all sales of lands shall be made at the court house door of the county in which the sale takes place, on the first Tuesday in the month, between the hours of 10 A. M. and 4 o'clock P. M.; *and provided, further*, that all other property may be sold on the premises where it is seized on execution.

"SEC. 3. That an act entitled 'An act to regulate sales of lands under the decrees of the courts,' approved April 13, 1870, and the act entitled 'An act to repeal the third section, and to amend the second section of an act to regulate the sale of land under decrees of courts,' approved August 17, 1870, approved May, 1871, be and the same are hereby repealed."

The amendments were adopted; the bill read second time and ordered engrossed.

On motion of Mr. Payne, the rules were suspended, the bill read third time and passed.

Mr. Brown of Dallas offered the following resolution:

Resolved, That there shall be printed for the use of this House twelve hundred copies, duly authenticated by the Secretary of State, of the "Act providing for a registration of voters," and "An act regulating elections," passed at the present session of the Legislature.

The resolution was adopted.

Mr. Russell introduced a bill for the relief E. A. Merchant, upon which the following report was submitted:
Hon. M. D. K. Taylor, Speaker of the House of Representatives.

SIR: Your Committee on Private Land Claims, to whom

was referred the petition of E. A. Merchant, have carefully examined the evidence in the case, and instruct me to report the accompanying bill, with the recommendation that the same do pass.

SCOTT, for Committee.

The bill was read first time ; rules suspended, read second time and ordered engrossed.

On motion of Mr. Russell, the rules were further suspended, the bill read third time and passed.

Mr. Westfall introduced a bill supplementary to "An act to organize the District Courts, and to define their powers and jurisdiction," approved May 11, 1846. Read first time and referred to Judiciary Committee No. 2.

Also a bill supplementary to and amendatory of "An act to regulate railroad companies," approved February 7, 1853, approved December 19, 1857. Read first time and referred to Judiciary Committee No. 2.

Mr. Brown of Upshur introduced a bill to amend "An act to provide for districting the State into judicial districts," approved July 1, 1870. Read first time ; rules suspended, read second time and ordered engrossed.

On motion of Mr. Brown of Upshur, the rules were further suspended, the bill read third time and passed.

Mr. Brown of Upshur also introduced a bill to amend section ten of "An act prescribing the times of holding the District Courts in the several judicial districts," approved August 10, 1870. Read first time ; rules suspended, read second time and ordered engrossed.

On motion of Mr. Brown of Upshur, the rules were further suspended, the bill read third time and passed.

On motion of Mr. Anderson, the House adjourned until 3 P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called ; quorum present.

Absent—Messrs. Ellett, Mills, Russell, Veale and Winkler.

On motion of Mr. Shaw, Mr. Watts was excused on account of sickness.

On motion of Mr. Gilpin, House bill No. 599, to be entitled "An act to incorporate the Corpus Christi and Rio Grande Railway Company, and to aid in the construction of the same," was taken up.

The following amendments were offered thereto by the special committee on railroads :

Strike out section fifteen and insert the following: "That this charter shall remain in force for the period of sixty years from the date of completion of the railway herein designated. The State of Texas, in aid of the construction of said railway, hereby donates sixteen sections of land, of six hundred and forty acres each, out of any of the unappropriated public domain of the State; *provided*, that said company shall survey the alternate or even sections of land, for public schools, and return said surveys to the General Land Office of the State; *and provided further*, that said railway company shall be subject to all general laws that are now in force, or may hereafter be enacted, in relation to donation of land to objects of internal improvement, and [all laws enacted by the Legislature heretofore, or that may be hereafter enacted regulating railroads and railroad companies ; *and provided further*, that the guage of said road shall be four feet eight and a half inches ; *and provided further*, that said railway shall be completed in accordance with its charter, and shall not receive any lands until it shall have completed a section of at least ten consecutive miles or more of its road, and shall have given notice of the same to the Governor of this State, whose duty it shall be to appoint some skillful engineer (if there be no State engineer) to examine said section of road ; and if upon the report of said engineer, under oath, that said section of the road has been constructed in accordance with its charter, this act and the general laws governing railroads, thereupon it shall become the duty of the Commissioner of the General Land Office to issue to said company certificates of six hundred and forty acres each, equal in amount to sixteen sections per mile of road so completed, which said certificates shall be located and surveyed in alternate sections, and field notes and maps to be returned to the General Land Office, and the odd sections patented to the said company, and all the alternate or even sections shall be reserved and held to be set apart and appropriated to, and constitute a part of the common school fund, as provided by law ; and the lands granted to said company by virtue of the provisions of this act shall be alienated by said company except so far as may be necessary to the maintenance and run-

ning of its road, as follows, to-wit: One-fourth in eight years, one-fourth in ten years, one-fourth in twelve years, and one-fourth in sixteen years from the time of the issuance of such land certificates; *provided*, said lands shall not be alienated directly or indirectly, to any other corporation except so far as may be necessary for the proper uses and convenience of the business of such corporation, or to any person, firm or company in trust for said railroad company, or to any firm or company of which any officer or stockholder thereof is a member; and on failure to alienate said lands as herein directed, or a violation of the provisions of this section, they shall be proceeded against as the laws in force may direct; *provided also*, that the company shall not have the right to sell, rent, lease, or consolidate with any parallel or competing railroad or railroads in this State; *and provided further*, that in no case shall the State be in any way liable for deficiency in vacant public domain, to absorb the land certificates that may issue under the provisions of this act."

2. Strike out of section nine the following: "And of such gauge as shall be deemed best adapted to the nature of the country and the transaction of business of the locality where located." Section nine, after the word "site," fourth line from the bottom, insert "and establish and maintain a depot within one-half mile of the business part thereof."

3. Add to the end of section fourteen, the following: "and the right is expressly reserved to the State to regulate the charges for freight and passage on said road, and also its duties and responsibilities as a common carrier."

The amendments were adopted.

Mr. Powers moved to change the time of alienating the land granted so as to read, "one-fourth in eight, one-fourth in twelve, one-fourth in sixteen, and one-fourth in twenty years." The change was ordered to be made.

Mr. Anderson moved to dispense with the reading of the bill. The House refused.

Mr. Powers moved to strike out "six months" in the third section, and insert in lieu thereof "twelve months," which amendment was made.

Pending the reading, a message was received from his Excellency the Governor, returning House bill No. 536, "An act to change and define the boundary line of Trin-

ity county, and to provide for the further organization of the same," with his objections thereto.

The bill having been read second time was ordered engrossed.

On motion of Mr. Brown of Dallas, the rules were suspended, the bill read third time and passed by the following vote :

Yeas—Messrs. Speaker, Abbott, Allison, Anderson, Berends, Bledsoe, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Davenport, Day, Denton, Doyle, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Joseph, Killough, Kleberg, Lane, Mabry, Manning, McDonald, Moore, Nelson, Payne, Phelps, Powers, Prendergast, Robb, Roberts, Rosborough, Sabin, Sayers, Schmidt, Scott, Shaw, Shelton, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Westfall, Wilder and Williams—58.

Nays—Armstrong, Bordeaux, Chambers, Cunningham, Leyendecker, Trolinger and Venters—7.

On motion of Mr. Scott, Mr. Russell was excused on account of sickness.

On motion of Mr. Broaddus, the Committee on Education submitted the following report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Education, to whom was referred House bill No. 547, "An act to incorporate Davilla Institute, in Milam county," have considered the same, and beg leave to report said bill to the House and recommend its passage.

FORD, for Committee.

On motion, the reading of the bill was dispensed with and it was ordered engrossed.

On motion of Mr. Broaddus, the rules were suspended, the bill read third time and passed.

On motion of Mr. Sayers, the Committee on Agriculture and Stock Raising submitted the following report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Agriculture and Stock Raising, to whom was referred House bill No. 407, entitled "An act to incorporate the Central Texas Agricultural and Mechanical Fair Association," have had the same

under consideration, and instruct me to report the same back and recommend its passage.

THURMOND, Chairman.

The bill was read second time by caption and ordered engrossed.

On motion of Mr. Rosborough, the rules were suspended, the bill read third time and passed.

On motion of Mr. Cunningham, the Committee on Commerce and Manufactures submitted the following report: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: The Committee on Commerce and Manufactures, to whom was referred House bill No. 561, entitled "An act to incorporate a Savings Bank in Bonham," have had the same under consideration and unanimously instruct me to recommend the passage of said bill.

JOSEPH, Chairman.

The bill was read second time and ordered engrossed. On motion of Mr. Cunningham, the rules were suspended, the bill read third time and passed.

On motion of Mr. Chambers, the Committee on Agriculture and Stock Raising submitted the following report: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Your Committee, to whom was referred House bill No. 565, to be entitled "An act concerning unlawful animals," have duly considered the same, and instruct me to report back with the following amendments: Strike out the words "and dangerous," wherever they occur, and insert at the bottom of section one, "*provided*, the same care shall be taken in doing so that a prudent man would take of his own stock;" and recommend that it do pass.

THURMOND, Chairman.

The amendments recommended by the committee were adopted.

Mr. Ghent moved to amend by striking out the word "male" wherever it occurs before the word "mule," and insert in lieu thereof the word "stud." The amendment was adopted.

Mr. Storey offered the following amendment: "*Provided*, that this act shall not apply and be in force west of the Colorado river, in Colorado county, the Twelfth Senatorial District, the Fifteenth Senatorial District, or the counties of Cherokee and Houston."

Mr. Phelps offered the following amendment to the amendment: "Provided, nothing herein shall apply to any horse or jack kept for stock purposes."

Leave being granted. Mr. Abbott offered the following resolution:

Resolved, That the rules of this House be so changed that private bills shall be called by districts every evening, and to continue in regular order as they have been previously called, until each separate district has been called.

Laid over under the rules.

The Committee on Engrossed Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills beg leave to report that they have carefully examined House bill No. 577, to be entitled "An act to authorize the County Court of Colorado county to levy a special tax for the erection of a county jail;" also House bill No. 570, a bill to be entitled "An act to create the county of Wegefath," and find the same correctly engrossed.

L. J. STOREY, for Committee.

Mr. Bordeaux moved to adjourn. The House refused.

The consideration of the pending matter having been resumed, the amendment to the amendment was put and carried.

Mr. Gillette moved to amend by exempting the Twentieth Senatorial District, which amendment was adopted.

Mr. Armstrong moved to lay the bill and amendments on the table, which carried.

On motion of Mr. Thurmond, the Committee on Military Affairs submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred joint resolution No. 661, directing that criminal proceedings against Santos Benavides, Major A. J. Hogan and others, for acts done by them under the authority of the United States government be dismissed, have carefully considered the same and instruct me to report the same back and recommend that it do pass.

BORDEAUX, for Committee.

The bill was then read second time.

Mr. Gallaway moved to adjourn. The House refused.

Mr. Nelson moved to adjourn. The House refused.

Mr. Manning moved the previous question, which was seconded, and the main question ordered.

The House refused to order the bill to engrossment.

On motion of Mr. Hollingsworth, the vote by which the House refused to engross the bill was reconsidered.

On motion of Mr. Denton, the bill was recommitted to the Committee on Military Affairs.

On motion of Mr. Ghent, the House adjourned until 8 P. M.

EVENING SESSION.

House met pursuant to adjournment. Roll called.

Absent—Messrs. Abbott, Anderson, Denton, Ellett, Galloway, Gillette, Mabry, Mills, Moore, Morris, Phelps, Powers, Prendergast, Thurmond, Veale, Williams and Winkler.

There being no quorum present, Mr. Sabin moved to adjourn. The House refused.

Mr. Sabin again moved to adjourn. The House refused.

Mr. Phelps moved a call of the House. The call was not sustained.

Mr. Sayers moved to adjourn until 9 A. M. to-morrow, which carried.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, May 14, 1873. }

House met pursuant to adjournment. Prayer by Rev. Dr. Fisher. Roll called; quorum present.

Absent—Messrs. Brown of Dallas, Ellett, Mills and Powers.

On motion of Mr. Smith of Houston, Mr. Thurmond was excused for two days.

On motion of Mr. Russell, Mr. Scott was excused for the day on account of sickness.

On motion of Mr. Denton, the reading of the journal was dispensed with.

On motion of Mr. Bordeaux, Mr. Morris was excused for the day on account of business.

On motion of Mr. Doyle, Mr. Veale was indefinitely excused on account of sickness.

On motion of Mr. Robb, Mr. Tom was excused during the morning session.

Mr. Sabin introduced a bill granting the right of way to the United States of America for the construction of a coastwise canal along the coast of Texas, through the inland waters and mainland thereof. Laid on the table, and one hundred copies ordered printed.

Mr. McDonald offered the following resolution :

WHEREAS, The special and counsel friends of John G. Scott, late Judge of the Tenth Judicial District of this State, are falsely endeavoring to prejudice the minds of uninformed citizens of this State, in this, that this House of Representatives, together with the good people of the Tenth Judicial District, through partisan motives, are persecuting, without just cause, the said John G. Scott; therefore, in order that this House and the people aforesaid may be fully vindicated from the foul aspersions aforesaid, be it

Resolved, That one thousand copies of the evidence taken by the special committee of this House in the case of the State of Texas v. John G. Scott aforesaid, together with the charges preferred thereunder, be printed in pamphlet form for the use of this House, and for general distribution.

Adopted.

Mr. Payne introduced a bill authorizing interest on treasury warrants. Read first time; rules suspended and read second time.

Mr. Joseph offered the following by way of amendment: "SEC. 3. *Be it further enacted*, that treasury warrants payable out of the general fund shall be receivable by sheriffs for three-fourths of the *ad valorem*, license and occupation taxes; *provided*, the warrant is equal to or less than said three-fourths due by the tax payer offering the same, so that in no case shall the sheriff be required to pay in money any balance on such draft. When any warrant is offered in payment of taxes as above, the tax payer offering the same shall indorse thereon the amount thereof, when paid, and the name of the sheriff to whom paid, and shall sign his name to the same, and the sheriff shall indorse from whom and when received. And the sheriff shall keep a book wherein he shall make an entry of all treasury warrants so received, the time when received, and the date, number and amount

of such warrant, and shall at the expiration of each month report to the Comptroller the warrants so received, and all the entries on his registration book, and return said warrants with such report to the Comptroller.

“SEC. 4. *Be it further enacted*, that treasury warrants drawn against the school fund shall in like manner, and on the same terms and conditions, be receivable for the one-fourth tax due and accruing to the school fund, and the Comptroller shall receive and credit the accounts of sheriffs with the amounts of treasury warrants by them respectively paid in under the provisions of this act.”

Mr. Winkler moved to refer the bill and amendment to the Committee on Finance. The House refused.

Mr. Anderson moved to refer the bill and amendment to a special committee. The House refused.

The House then refused to adopt the amendment.

The bill was then ordered engrossed by the following vote:

Yeas—Messrs. Abbott, Adriance, Allison, Anderson, Berends, Bordeaux, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Day, Denton, Ford, Gaston, Ghent, Gillette, Gilpin, Green, Hester, Hoffman, Joseph, Killough, Kleberg, Mabry, Manning, McDonald, Moore, Nelson, Payne, Phelps, Rimes, Robb, Roberts, Russell, Sabin, Salter, Shaw, Storey, Stockbridge, Tivy, Trolinger, Watts, Wilder, Williams and Wood—45.

Nays—Messrs. Speaker, Armstrong, Bledsoe, Broadus, Davenport, Eastland, Harrison, Hollingsworth, Kemble, Lane, Leyendecker, Morris, Prendergast, Rosborough, Sayers, Schmidt, Smith of Colorado, Smith of Houston, Tilson, Westfall, and Winkler—21.

Mr. Anderson moved to suspend the rules and put the bill on its third reading. The House refused to suspend.

On motion of Mr. Cunningham, Mr. Shelton was granted indefinite leave of absence from May 15, on account of urgent business.

Mr. Westfall introduced a bill for the relief of Geo. W. Grimes. Referred to the Committee on Private Land Claims.

Also a bill to incorporate the town of McKinney.

On motion of Mr. Westfall, the reading of the bill was dispensed with; the bill read second time by caption and ordered engrossed.

On motion of Mr. Westfall, the rules were further suspended, the bill read third time by caption and passed.

The Committee on Engrossed Bills reported as follows;
Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined and compared the following House bills:

No. 820, "An act to regulate sales of property made under decrees of courts and executions."

No. 66, "An act to amend an act to incorporate the Dallas and Wichita Railroad Company, and to aid in the construction thereof."

And find the same correctly engrossed.

STOREY, for Committee.

Mr. Kleberg offered the following resolution:

Resolved, That the rule of this House providing for night sessions be and is hereby revoked.

Laid over under the rules.

Mr. Tilson introduced a bill to amend the first section of "An act to establish and incorporate the College of De Kalb. Read first time by caption; rules suspended, read second time by caption and ordered engrossed.

On motion of Mr. Tilson the rules were further suspended, the bill read third time and passed.

On motion of Mr. Armstrong, the special committee upon "An act to regulate the fees of office" reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The select committee on taxation and fees of office respectfully present the accompanying bill to regulate the fees of office, and recommend its passage.

WOOD, for Select Committee.

The bill was made special order for Saturday, May 17, at 10 A. M.

Mr. Smith of Colorado introduced a bill to legalize the unconditional certificate for three hundred and twenty acres of land issued to Joseph Powers and the survey made by virtue of the same. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Smith of Colorado, the rules were further suspended, the bill read third time and passed.

On motion of Mr. Russell, House bill No. 615, "An act amendatory to an act supplementary to an act authorizing the sale and disposition of the university lands, approved August 30, 1856, approved November 12, 1860," was

taken up and made special order for Thursday, May 15, at 12 M.

The resolution of Mr. Abbott changing the order of business was taken up.

Mr. Abbott offered the following substitute therefor:

Resolved, That the rules governing afternoon sessions on Mondays, Wednesdays and Fridays, be applied to all afternoon sessions of the House.

The substitute was adopted, and the resolution, thus substituted, adopted.

The resolution offered by Mr. Brown of Dallas, changing the order of business, was taken up and adopted by the following vote:

Yeas—Messrs. Speaker, Allison, Anderson, Armstrong, Berends, Bledsoe, Bordeaux, Brown of Dallas, Carroll, Chambers, Davenport, Day, Eastland, Ford, Gillette, Gilpin, Hollingsworth, Kemble, Killough, Kleberg, Lane, Leyendecker, Manning, Nelson, Payne, Prendergast, Rimes, Robb, Rosborough, Sayers, Schmidt, Shaw, Smith of Houston, Storey, Tilson, Tivy, Tom, Watts, Westfall, Winkler and Wood—41.

Nays—Messrs. Abbott, Adriance, Broaddus, Brown of Upshur, Gaston, Ghent, Green, Harrison, Joseph, McDonald, Phelps, Roberts, Russell, Sabin, Salter, Shelton, Smith of Colorado, Trolinger, Wilder and Williams—20.

The special order, House bill No. 809, "An act providing for the condemnation and sale of land for taxes," was announced.

Mr. Wood offered the following substitute therefor:

A bill to be entitled "An act providing for the condemnation and sale of land for delinquent taxes." The substitute was read and adopted.

Mr. Russell moved to amend section three by striking out the words "twenty per cent" and inserting in lieu thereof "fifty per cent."

Mr. Sayers moved to lay the amendment on the table, which was carried by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Berends, Brown of Dallas, Cunningham, Davenport, Day, Eastland, Ellett, Ford, Gaston, Ghent, Gillette, Gilpin, Hester, Hollingsworth, Joseph, Kemble, Killough, Mabry, Payne, Phelps, Prendergast, Sabin, Sayers, Schmidt, Storey, Stockbridge, Watts, Westfall, Williams and Wood—33.

Nays—Allison, Bledsoe, Broaddus, Brown of Upshur, Carroll, Chambers, Doyle, Gallaway, Green, Harrison, Lane, Leyenkecker, Manning, McDonald, Moore, Nelson, Rimes, Roberts, Rosborough, Russell, Salter, Smith of Colorado, Smith of Houston, Tilson, Tivy, Tom and Winkler—27.

The bill was then ordered engrossed.

On motion of Mr. Payne, the rules were suspended, the bill read third time and passed.

Special order, House bill No. 737, to define swindling by immigrants, and the punishment for the same, was announced.

Mr. Storey moved to postpone its consideration until Saturday, May 17, at 10 A. M. The House refused to postpone.

Mr. Sabin moved to lay the bill on the table. Lost by the following vote:

Yeas—Messrs. Abbott, Allison, Armstrong, Berends, Davenport, Denton, Ford, Gallaway, Gaston, Gilpin, Green, Harrison, Hester, Hoffman, Killough, Kleberg, Lane, Leyendecker, McDonald, Moore, Payne, Roberts, Rosborough, Sabin, Schmidt, Stockbridge, Tilson, Tivy, Venters, Westfall, Williams and Winkler—32.

Nays—Messrs. Speaker, Adriance, Bledsoe, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Day, Doyle, Eastland, Ellett, Ghent, Gillette, Hollingsworth, Joseph, Kemble, Mabry, Manning, Nelson, Phelps, Prendergast, Rimes, Robb, Russell, Salter, Sayers, Shaw, Smith of Colorado, Smith of Houston, Storey, Tom, Trolinger and Wood—35.

Mr. Hester offered the following amendment: "*Provided further*, that any person or persons inducing emigrants to come to this State, from any State or country, who is not able to produce a certificate of good moral character, shall be liable to all the pains and penalties imposed by this bill."

Mr. Anderson moved to amend by adding: "*Provided*, that the punishment herein provided shall not apply to persons from Europe, Asia, Africa, North or South America, or any of the isles of the sea, except Comanche Indians, Kiowas, Kickapoo and Apache Indians."

Mr. Denton moved to recommit the bill and amendments to the committee which reported it, with instructions to report thereon Saturday, May 17.

Mr. Payne moved to lay the motion to recommit the bill and amendments on the table, which motion carried, by the following vote:

Yeas—Messrs. Abbott, Adriance, Allison, Anderson, Armstrong, Berends, Chambers, Davenport, Eastland, Gallaway, Gaston, Gillette, Gilpin Green, Harrison, Hester, Hoffman, Hollingsworth, Killough, Kleberg, Lane, Leyendecker, Mabry, McDonald, Moore, Payne, Roberts, Rosborough, Sabyn, Schmidt, Smith of Houston, Stockbridge, Tivy, Trolinger, Venters Westfall, Wilder, Williams and Winkler—39.

Nays—Messrs. Speaker, Bledsoe, Bordeaux, Broadus, Brown of Upshur, Carroll, Cunningham, Day, Denton, Doyle, Ellett, Ghent, Joseph, Kemble, Manning, Nelson, Phelps, Prendergast, Rimer, Robb, Russell, Salter, Sayers, Shaw, Smith of Colorado, Storey, Tilson, Tom and Wood—29.

Leave being granted, Mr. Wood offered the following resolution, which was adopted:

Resolved, That the Committee on Private Land Claims be instructed and required to incorporate into one bill all claims for relief in their hands, on which said committee reported favorably.

House bill No. 880, to amend section seven of "An act to organize a Bureau of Immigration," approved May 23, 1871, was taken up.

On motion of Mr. Berends, the House adjourned until 3 P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

Absent—Messrs. Anderson, Bordeaux, Brown of Upshur, Doyle, Ellett, Green, Killough, Mills, Morris, Stockbridge, Venters.

On motion of Mr. Watts, Mr. Smith of Colorado was excused until Friday, May 17.

The unfinished business of the evening session of yesterday was resumed, being House bill No. 503, a bill to be entitled "An act supplemental to an act entitled an act to incorporate the Pacific and Great Eastern Railway Company, approved August 13, 1870."

The substitute offered by the special committee on rail-ways was read and adopted.

Mr. Denton offered the following amendment to section first, to be inserted after the word "state," in the proviso, at the end of the section: "exclusive of that set apart for the benefit of the school fund." The amendment was adopted.

The bill was then ordered engrossed.

On motion of Mr. Russell, the rules were suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Bledsoe, Broadus, Brown of Dallas, Carroll, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hollingsworth, Joseph, Kemble, Lane, Mabry, Manning, McDonald, Moore, Nelson, Payne, Phelps, Powers, Prendergast, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Scott, Shaw, Shelton, Smith of Houston, Storey, Tilson, Tivy, Watts, Wilder, Williams, Winkler and Wood—50.

Nays—Messrs. Abbott, Armstrong, Chambers, Hoffman, Leyendecker, Trolinger, Venters and Westfall—8.

Mr. Watts moved to take up the motion to reconsider the vote passing Senate bill No. 301, making an appropriation to pay the State police and employes. The motion was carried.

He then moved to lay the motion to reconsider on the table, which was carried by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Bledsoe, Brown of Dallas, Chambers, Davenport, Day, Denton, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, McDonald, Moore, Nelson, Payne, Phelps, Powers, Roberts, Rosborough, Sabin, Salter, Sayers, Schmidt, Shaw, Shelton, Smith of Colorado, Storey, Stockbridge, Tilson, Trolinger, Venters, Watts, Westfall, Wilder, Williams and Winkler—53.

Nays—Messrs. Broadus, Carroll, Cunningham, Doyle, Prendergast, Rimes, Robb, Russell, Scott, Smith of Houston, Tivy and Wood—12.

The Committee on Engrossed Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills beg leave to

report that they have carefully examined the following bills:

House bill No. 868, to be entitled "An act to amend the first and fourth sections of an act entitled an act to reduce into one and amend the several acts concerning executions, approved January 27, 1842."

House bill No. 888, to be entitled "An act to amend an act to provide for districting the State into judicial districts, approved July 1, A. D. 1870."

House bill No. 889, to amend section ten of "An act prescribing the times of holding the District Courts in the several judicial districts in the State," approved August 10, 1870.

House bill No. 885, to be entitled "An act for the relief of E. A. Merchant, his heirs or assigns."

House bill No. 869, to be entitled "An act to amend the tenth and twelfth sections of an act to regulate proceedings in the District Courts, approved May 13, 1846."

House bill No. 871, to be entitled "An act to amend section two of an act entitled an act amendatory of and supplemental to an act entitled an act to incorporate the city of New Braunfels, approved January 7, 1860."

And find the same correctly engrossed.

L. J. STOREY, for Committee.

Mr. McDonald called up House bill No. 638, "An act to incorporate the Fort Worth, Cleburne and Waco Railway Company, and granting lands in aid of the construction of said railway."

The following amendments were offered by the special committee on railways:

1. Add to section six: "Said company shall not sell, lease or rent said road to, or purchase or be consolidated with any other parallel, converging or competing railroad line, but this restriction shall not be so construed as to prevent said road from connecting with and forming a continuing part of another road running in the same direction."

2. Section seven, line sixty-two, strike out the word "railroad;" same section, line sixty-four, after the word "corporation" insert as follows: "nor to any person, firm or company in trust for said railroad company, or to any firm or company of which any officer or stockholder is a member;" same section, line sixty-five, after the word "with" insert "or on a violation of;" same

section, line sixty-six, after the word "section" insert as follows: "or the general laws regulating railroads;" same section, add as follows: "and the State expressly reserves the right to regulate the charges for freight and passage on said road. and to fix and determine the duties and responsibilities of said railroad company as a common carrier."

The amendments were adopted.

On motion of Mr. Gillette, the name of J. M. C. Wilson was inserted in section one.

Mr. Prendergast moved to amend section two by striking out the word "Peoria" in line seven, and inserting "the county seat of," and by adding to the section: "*provided*, said road shall not be required to go to the county seat of Hill county, unless the direct line of said road shall pass within five miles of said county seat."

The House refused to adopt the amendment.

Mr. Manning moved to amend section five by inserting the words "State of Texas," which was done.

Mr. Denton offered the following amendment: Insert in section seven "exclusive of that set apart by the Legislature for the benefit of the school fund."

The amendment was adopted.

Mr. Winkler offered the following amendment to section two: "*Provided*, that if the direct practicable route of said road shall pass nearer to the town of Hillsboro than to the town of Peoria, then it shall run by and make and maintain a depot at Hillsboro, instead of running by Peoria." The amendment was adopted.

Mr. Brown of Dallas moved to strike out "two years," in section eight, line eight, and insert in lieu thereof, "three years," which amendment was adopted.

The bill was then ordered engrossed.

On motion of Mr. Gillette the rules were suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Berends, Bledsoe, Broadus, Brown of Upshur, Brown of Dallas, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gallaway, Gaston, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Lane, Mabry, Manning, McDonald, Moore, Nelson, Payne, Phelps, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Shelton, Smith of Houston, Storey, Tilson, Tivy, Tom, Westfall, Wilder, Williams, Winkler and Wood—56.

Nays—Messrs. Armstrong, Chambers, Lyendecker, Scott and Trolinger—5.

Mr. Shelton called up House bill No. 766, to incorporate the Paris, Greenville and Cleburne Railway Company.

The special railway committee offered the following amendments, which were adopted :

1. Amend by striking out all after the word "completed" in line twenty-one, in section fourteen, and insert in lieu thereof the following: "Which said certificates the said company shall cause to be surveyed in alternate sections, that is to say, for each certificate said company shall cause to be surveyed two sections of land of six hundred and forty acres each, adjoining, and shall return the field notes and maps thereof to the General Land Office; and it shall be the duty of the Commissioner of the General Land Office to number said sections and issue to the said company or its assignees, patents to the odd sections thereof, the even sections being reserved to the State for the school fund; *provided*, the State of Texas shall in no event be responsible for a deficiency of public land; and said certificates issued to said company under the provisions of this act, not located because the public lands are exhausted, shall constitute no claim against the State of Texas." Also, in same section, strike out line three and insert as follows: "Passage of this act."

2. Amend by striking out section sixteen and inserting in lieu thereof the following: "SEC. 16. That said company shall have the power to charge and collect such rates of passage for the transportation of persons and property as it shall deem right and proper, not to exceed the rates prescribed by the laws of this State. And it shall be lawful for the Legislature at any time to prescribe other or newer rates of charges for the transportation of persons and property upon such road, and to regulate the conduct of such company as common carriers."

On motion of Mr. Hollingsworth the reading of the bill was dispensed with.

The bill was then ordered engrossed.

On motion of Mr. Brown, of Dallas, the rules were suspended and the bill read third time.

Mr. Cunningham offered the following amendment: "*Provided*, that said Paris, Greenville and Cleburne railroad shall run to the town of Ladonia, in Fannin

county, and establish a freight and passenger depot within one-half mile of the centre of said town, the town granting grounds sufficient for depot purposes." The amendment was adopted.

Mr. Nelson offered the following amendment: "*Provided*, that should the said Paris, Greenville and Cleburne Railroad Company construct its line within five miles of the town of Roxton, in Lamar county, the said company shall be required to run to and establish a depot for freight and passage within one-half mile of the business portion of said town; *provided*, the citizens of said town shall furnish the right of way through said town, and donate to said company a sufficient amount of land for all depot purposes, not to exceed fifteen acres in quantity." The amendment was adopted.

Mr. Denton offered the following amendment: "Exclusive of that set apart by the Legislature for the benefit of the school fund." The amendment was adopted.

The bill then passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Bledsoe, Broaddus, Brown of Upshur, Brown of Dallas, Cunningham, Davenport, Day, Doyle, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hollingsworth, Joseph, Kemble, Killough, Lane, Mabry, Manning, McDonald, Moore, Nelson, Payne, Phelps, Prendergast, Rimes, Robb, Roberts, Russell, Sabin, Salter, Sayers, Shaw, Smith of Houston, Stockbridge, Tilson, Tivy, Tom, Watts, Wilder, Williams, Winkler, Wood—49.

Nays—Messrs. Abbott, Armstrong, Berends, Bordeaux, Chambers, Denton, Kleberg, Schmidt, Scott, Storey, Trolinger, Venters, Westfall—13.

On motion of Mr. Russell, Mr. Doyle was excused for ten days.

Leave being granted, Mr. Denton offered the following resolution:

Resolved, That this House will not entertain any more bills for the incorporation of railroad companies during the remainder of this session until all bills or other business of a general character are disposed of.

Laid over under the rules.

Mr. Day called up House bill No. 603, a bill to incorporate the town of Honey Grove, in the county of Fanin, upon which the following report was submitted:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 603, a bill to incorporate the town of Honey Grove, in the county of Fannin, have carefully examined the same, and beg leave to report the same back with the recommendation that it do pass.

DAVENPORT, for Committee.

On motion, the reading of the bill was dispensed with, and it was ordered engrossed.

On motion of Mr. Sayers, the rules were suspended, the bill read third time and passed.

Mr. Storey moved to reconsider the vote passing House bill No. 766, to incorporate the Paris, Greenville and Cleburne Railway Company. The House refused to reconsider.

Mr. Adriance called up House bill, No. 597, to cure irregularities in the manner of submitting to vote which was by law authorized to be voted on, and to cure and validate bonds issued by any county in this State in cases where the majority, etc.

The following report thereon was submitted by Judiciary Committee No. 2 :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House bill No. 597, entitled "An act to cure irregularities in the manner of submitting to vote which was by law authorized to be voted on, and to cure and validate bonds issued by any county in this State, in cases where the majority," etc., beg leave to report the same back, with the recommendation that it do not pass.

IRELAND, Chairman.

The report was adopted, and the bill indefinitely postponed.

On motion of Mr. Ghent, House bill No. 565, concerning unlawful animals, was taken up and referred to the following special committee appointed by the Speaker: Messrs. Chambers, chairman; Denton, Eastland, Nelson, Phelps, Storey.

Mr. Joseph called up House bill No. 410, "An act to amend an act entitled an act to incorporate the Magnolia Grove Association, approved June 20, 1870," upon which the following report was submitted :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 410, have carefully considered the same, and report it back to the House, and recommend that the same do pass.

WOOD, Chairman.

On motion of Mr. Joseph, the reading of the bill was dispensed with.

The bill was then ordered engrossed.

On motion of Mr. Joseph the rules were suspended, the bill read third time and passed.

Report from the Committee on Engrossed Bills :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills beg leave to report that they have examined the following House bills, and find the same correctly engrossed, viz.:

No. 407, "An act to incorporate the Central Texas Agricultural and Mechanical Fair Association."

No. 561, "An act to incorporate a savings bank in Bonham, Fannin county, Texas."

STOREY, for Committee.

Mr. Hollingsworth moved to adjourn. The House refused.

Mr. Abbott called up House bill No. 674, "An act for the relief of Johnson Hensley," upon which the following report was submitted :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 674, to be entitled, "An act for the relief of Johnson Hensley," have carefully examined the same, and instruct me to report the same back to the House, and recommend its passage.

LEYENDECKER, for Committee.

On motion of Mr. Robb, the bill was recommitted to the Committee on Private Land Claims.

Mr. Hollingsworth moved to adjourn. The House refused to adjourn.

Mr. Phelps called up House bill No. 574, in relation to the Corpus Christi Ship Canal.

The Committee on Internal Improvements offered the following amendments to the bill :

1. Add to section first: "*Provided*, that nothing in this act contained shall be construed to give any validity to any bond or bonds which the city council may have at any time heretofore issued with the professed object of aiding in the construction of said channel, and whereby it is assumed to bind the said city of Corpus Christi or its people."

2. In section four, line three, after word "aforesaid," strike out "twenty" and insert "sixteen."

3. Strike out section six and insert as section six: "That whenever the Governor shall be informed that the said canal is completed according to the provisions of this act, he shall at once appoint some competent person (if there be no State engineer) to inspect the same; and if the report of said inspector, which shall be made under oath, be favorable, the Governor shall notify the Commissioner of the General Land Office, whose duty it shall be immediately to issue to said city of Corpus Christi, or their agents as aforesaid, sixteen land certificates of six hundred and forty acres each for each and every mile of said canal completed, and so on for every additional mile of said canal, as provided in this act, which certificates shall be located and surveyed in alternate sections, and field notes and maps of the same shall be returned to the General Land Office, and the odd sections patented to said company, and all the alternate or even sections shall be reserved, and held, and set apart and appropriated to and shall constitute a part of the common school fund, as provided by the laws of this State now in force or that may hereafter be enacted; and said city of Corpus Christi, or their agents aforesaid, shall proceed to alienate the lands herein granted as follows: One-fourth in eight years, one-fourth in ten years, one-fourth in twelve years, and one-fourth in sixteen years from the date of acquiring said lands; and on failure to alienate the lands as herein provided, then the said city of Corpus Christi shall be proceeded against as provided by law now in force or that may hereafter be enacted for a violation of this charter."

Mr. Sabin moved to strike out "sixteen sections" in the amendment and insert in lieu thereof "twenty sections."

There being no quorum voting, on motion of Mr. Abbott, the House adjourned until 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS; May 15, 1873. }

House met pursuant to adjournment. Prayer by Rev. Dr. Fisher. Roll called; quorum present.

Absent—Messrs. Ellett and Mills.

On motion of Mr. Shaw, Mr. Wood was added to the Committee on Private Land Claims.

On motion of Mr. Wilder, the reading of the journal was dispensed with.

On motion of Mr. Bordeaux, the Committee on Indian Affairs submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Indian Affairs, to whom was referred Senate joint resolution No. 23, "Instructing our Senators and requesting our Representatives in Congress to urge upon the Federal Government the propriety of removing certain tribes of hostile Indians from the frontier of Texas," instruct me to report the same back and recommend that it do pass.

BORDEAUX, for Committee.

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

On motion of Mr. Bordeaux the rules were suspended, the joint resolution was read third time and passed.

Mr. Bewley presented a memorial of the Texas and Mississippi River Canal and Navigation Company. Referred to the Committee on Internal Improvements.

Mr. Wood introduced a bill to authorize C. H. Randolph, W. A. Pitts and John O. Johnson to compile an abstract of titled and patented lands. Read first time by caption, and referred to the Special Committee on Abstracts and Land Titles.

Mr. Stockbridge introduced a joint resolution, approving the action of the members of Congress from Texas in voting themselves back pay and increased compensation.

Mr. Bledsoe moved to reject the joint resolution, which carried by the following vote:

Yeas—Messrs. Speaker, Allison, Anderson, Berends, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gallaway, Gaston,

Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Kleberg, Lane, Lyendecker, Mabry, Manning, McDonald, Morris, Nelson, Payne, Powers, Prendergast, Rimes, Robb, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Scott, Shaw, Smith of Houston, Storey, Stockbridge, Tilson, Tivy, Trolinger, Venters, Watts, Westfall and Winkler—61.

Nays—Messrs. Abbott, Green, Moore, Phelps, Roberts and Wilder—6.

Mr. Stockbridge introduced a joint resolution censuring the action of the members of Congress from Texas in voting themselves back pay and increased compensation, and inviting them to resign. Read first time; rules suspended, read second time.

Mr. Sabin moved to refer the joint resolution to the Committee on Federal relations.

Mr. Denton moved to lay it on the table, which carried by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Bledsoe, Brown of Upshur, Carroll, Denton, Doyle, Eastland, Gaston, Ghent, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Kleberg, Lane, Mabry, Manning, McDonald, Morris, Powers, Rimes, Rosborough, Russell, Sabin, Schmidt, Scott, Shaw, Smith of Houston, Storey, Tilson, Tivy, Venters and Wilder—41.

Nays—Messrs. Abbott, Bordeaux, Broaddus, Brown of Dallas, Chambers, Cunningham, Davenport, Day, Ford, Gillette, Green, Leyendecker, Moore, Nelson, Payne, Phelps, Prendergast, Robb, Roberts, Salter, Sayers, Stockbridge, Trolinger, Watts, Westfall, Williams, Winkler and Wood—28.

Unfinished business, the resolution abolishing night sessions, was taken up and adopted.

The resolution declaring the House will consider no more railroad charters, during the session was taken up, and on motion of Mr. Harrison, laid on the table.

On motion of Mr. Watts, House bill No. 526, "An act amendatory of and supplementary to an act concerning private corporations, approved December 2, 1871," was taken up and read by sections.

On motion of Mr. Powers, Mr. Morris was excused for the day, on account of important business.

Mr. Sayers moved to amend by striking out of section one, line two, all after the word "that," which carried.

Mr. Watts moved to amend by striking out line seven, which carried.

Mr. Watts moved to amend section one, line nineteen, by striking out "eighty-five" and inserting in lieu thereof "three," which carried.

Mr. Brown of Dallas moved to amend section one by inserting after the word "continue" in line two, on page .. the following: "In no case to exceed fifty years." Adopted.

Mr. Prendergast moved to amend section two by striking out of clause three all after the word "by" to the end of the clause, and inserting in lieu thereof "law." Adopted.

Mr. Winkler moved to add to clause eight, "as is now or may hereafter be prescribed by law." Adopted.

On motion of Mr. Prendergast, the vote adopting the amendment was reconsidered.

Mr. Prendergast offered the following substitute therefor, which was adopted: Add to the end of clause eight, page five: "But the Legislature expressly reserves the power at any time to fix the rates of fare and freight to be charged by any company, under this act, and to make such regulations for the government of such companies in regard to the transportation of freight and passengers, as may be deemed proper and expedient."

The amendment was then adopted.

A message from the Senate announced that that body refused to recede from its amendments to House bill No. 185, defining the duties of the Comptroller, and had appointed Senators Shelley, Saylor and Finlay a conference committee upon the disagreement between the two houses.

The consideration of the bill being resumed, Mr. Brown of Dallas moved to strike out the last five words of clause six, which was adopted.

Mr. Powers moved to amend clause four by striking out all after the word "stream" in line six.

Division being called for upon the vote, it was found no quorum was present.

Mr. Kleberg moved a call of the House, which was sustained.

The following members were found absent: Messrs.

Abbott, Berends, Ellett, Lane, Leyendecker, Mills, Robb, Tilson, Venters, Winkler.

A quorum being present, the call was suspended.

The amendment was then adopted.

Mr. Payne moved to amend section six, clause six, by inserting in line three, before the word "transfer," the words "stock and," which was adopted.

Special order, Senate bill No. 231, "An act to provide for the sale of lands belonging to the common school fund, and the lands set apart for the several asylums of the State," was announced.

On motion of Mr. Bordeaux, it was postponed and made special order for Friday, May 16, at 10 A. M.

Special order, House bill No. 615, "An act amendatory to an act supplementary to an act authorizing the sale and disposition of the university lands, approved August 30, 1856, approved November 12, 1866," was taken up and on motion of Mr. Russell, postponed until the pending matter should be disposed of.

The consideration of the pending matter was resumed.

Mr. Wood moved to amend section eleven by inserting after the word "road," in line twenty-four, page twelve, "that such earth, stone, wood, water or other material shall not be taken without first obtaining the consent of the owner, or by having the same condemned as provided for in this section, and first paying the award." Adopted.

Mr. Denton moved to amend by inserting after the word "liable," in line one, page fourteen, the words "in damages." Adopted.

Mr. Wood moved to amend section thirteen by striking out all after the word "corporation," in line twelve, to the word "such," in line seventeen. Adopted.

Mr. Sayers moved to amend section fourteen by inserting in line eighteen, after the word "executed," the following: "upon the payment of the money, or its being secured, as the court may direct." Adopted.

A message from the Senate announced that that body had adopted the report of the conference committee on House bill No. 467, to adjust and define the rights of the Texas and Pacific Railway Company within the limits of the State of Texas, in order to encourage the speedy construction of a railroad through the State of Texas to the Pacific ocean; also, that that body had adopted the re-

port of the conference committee upon Senate bill No. 52, a bill to carry into effect the provision of the Constitution in reference to the probate duties of district clerks.

The consideration of the bill being resumed, Mr. Denton moved to amend section nineteen, line seven, page eighteen, by striking out "two hundred and fifty," and inserting in lieu thereof "five hundred." Adopted.

Mr. Denton moved to amend section nineteen by inserting in line six, page eighteen, after the word "Comptroller," the words "or make a false report." Adopted.

Mr. moved to amend section twenty-eight, page twenty-one, line twenty-four, by striking out the word "school" and inserting in lieu thereof the word "jury."

There being no quorum present, Mr. Abbott moved to adjourn. The House refused.

Mr. Nelson moved a call of the House, which was sustained.

Mr. Abbott again moved to adjourn. The House refused.

The call being made, the following members were found absent: Ellett, Gallaway, Killough, Mills, Robb, Shaw and Stockbridge.

A quorum having been obtained, on motion of Mr. Denton, the call was suspended.

The amendment was then adopted.

Mr. Wood moved to amend section twenty-six by adding to line four, page twenty-one, the following: "and shall receive and transport such freight without breaking bulk, unless the same be absolutely necessary." Adopted.

Mr. Payne moved to amend section twenty-eight by striking out "twenty," in line fifteen, after the word "for," and inserting in lieu thereof "sixty." Adopted.

On motion of Mr. Green, the House adjourned till 3 o'clock P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

Absent—Messrs. Abbott, Adriance, Berends, Ellett, Green, Hester, Killough, Kleberg, Mills, Robb, Russell, Tilson, Venters and Winkler.

Mr. Tom asked leave for the Committee on Counties.

and County Boundaries to make a report upon a bill relative to McMullen county. The House refused.

The unfinished business of yesterday, being House bill No. 574, "An act in relation to the Corpus Christi ship canal," was taken up, pending the amendment offered by Mr. Sabin to the amendments offered by the committee. The House refused to adopt the amendment to the amendments.

The amendments by the committee were then adopted.

The bill was read second time.

Mr. Denton offered the following amendment: "*Provided*, that the State shall not be held responsible for any compensation incurred in making such inspection." Adopted.

The bill was then ordered engrossed.

On motion of Mr. Brown, of Dallas, the rules were suspended, the bill read third time by caption and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Allison, Anderson, Armstrong, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cunningham, Davenport, Day, Denton, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Lane, Mabry, Manuing, McDonald, Moore, Morris, Nelson, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Sabin, Salter, Sayers, Schmidt, Storey, Stockbridge, Thurmond, Tivy, Tom, Watts, Westfall, Wilder, Williams, Wood—55.

Nays—Messrs. Bledsoe, Bordeaux, Harrison, Rosborough, Russell, Scott, Smith of Houston, Tilson, Trolinger, Venters—10.

Mr. Schmidt called up House bill No. 700, upon which the following report was submitted:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 700, entitled "An act granting land to the Buffalo Bayou Ship Channel Company in aid of the improvement of navigation from Bolivar Channel, near the Gulf of Mexico, to the city of Houston," having had the same under careful consideration, instruct me to report the accompanying substitute

for the same, incorporating certain amendments adopted by the committee, and recommend its passage.

BOOTY, Chairman *pro tem.*

The substitute was taken up by sections.

Mr. Abbott moved to amend section three by striking out all that relates to improvement by the Federal government. Lost.

Mr. Denton moved to amend by adding to section six, "exclusive of that set apart by the Legislature for the benefit of the school fund." Adopted.

Mr. Powers moved to strike out "location" in line six, section six, and insert in lieu thereof "issuance," and to strike out in line ten "their location" and insert in lieu thereof "the issuance of said certificates." Adopted.

Mr. Abbott moved to amend section by striking out in line six the word "eight" and inserting in lieu thereof "ten."

Mr. Kleberg moved to lay the amendment on the table, which carried by the following vote :

Yeas—Messrs. Adriance, Anderson, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Carroll, Chambers, Davenport, Day, Denton, Eastland, Ford, Gaston, Ghent, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Kleberg, Leyendecker, Mabry, McDonald, Payne, Phelps, Powers, Prendergast, Rimes, Robb, Salter, Sayers, Schmidt, Shaw, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Trolinger, Watts and Westfall—48.

Nays—Messrs. Speaker, Abbott, Allison, Cunningham, Lane, Manning, Moore, Nelson, Rainey, Roberts, Rosborough, Russell, Scott, Venters and Wilder—15.

The substitute was adopted, and the bill ordered engrossed. On motion of Mr. Brown, of Dallas, the rules were suspended and the bill read third time.

The House refused to pass the bill by the following vote, two-thirds not voting for it :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Davenport, Ford, Gallaway, Ghent, Gilpin, Green, Hoffman, Hollingsworth, Joseph, Kleberg, Leyendecker, Mabry, Manning, McDonald, Moore, Payne, Phelps, Powers, Prendergast, Robb, Rosborough, Salter, Sayers, Schmidt, Storey, Stockbridge, Tilson, Tom, Watts, Westfall and Winkler—40.

Nays—Messrs. Abbott, Bledsoe, Chambers, Cunningham, Denton, Doyle, Eastland, Gaston, Harrison, Kemble, Lane, Nelson, Rainey, Rimes, Roberts, Russell, Scott, Smith of Houston, Thurmond, Tivy, and Williams—21.

Mr. Rainey moved to reconsider the vote just taken.

Pending the discussion, a message was received from his Excellency the Governor, returning House bill No. 794, "An act to amend section seven of an act entitled an act to incorporate the city of Waco, approved April 26, 1871," with his objections to the same.

The pending matter being resumed, Mr. Broaddus moved the previous question, which was seconded, and the main question ordered.

The vote was then reconsidered.

Mr. Watts moved to amend by adding "not to exceed forty miles in length." The amendment was adopted.

The bill then passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Bewley, Bledsoe, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Eastland, Ford, Galloway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Joseph, Leyendecker, Mabry, Manning, McDonald, Moore, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Russell, Sabin, Salter, Sayers, Schmidt, Shaw, Smith of Houston, Storey, Stockbridge, Tilson, Tivy, Tom, Watts, Westfall, Wilder, Williams and Winkler—59.

Nays—Messrs. Abbott, Doyle, Kemble, Lane, Nelson, Roberts and Scott—7.

On motion of Mr. Prendergast, the Committee on Constitutional Amendments were granted leave to report, and submitted the following:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on Constitutional Amendments have had under consideration various resolutions, referred to them, and have instructed me to report the accompanying joint resolution proposing certain amendments to the Constitution, as a substitute for and in lieu of all those submitted to them, and recommend its passage.

The committee do not claim to have presented amendments to all the objectionable features of the Constitution,

but only to such as seem, by common consent, to be most prominent.

PRENDERGAST, Chairman.

“Joint resolution proposing amendments to the Constitution of the State of Texas,” was read, and on motion of Mr. Brown, of Dallas, one hundred copies were ordered printed.

The Committee on Enrolled Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined the following bills, to-wit:

No. 200, “An act granting a charter to James A. Mitcham and H. L. Gilmore to create, keep and run a ferry boat at New Bazette landing or crossing on the Trinity river, in Henderson county and Navarro county.”

No. 754, “An act to incorporate the board of trustees of the Centerville Academic School.”

No. 489, “An act to aid in the construction of the Atlantic and Pacific Railroad.”

No. 846, “An act authorizing the city of Galveston to issue her bonds to the amount of five hundred thousand dollars, in aid of the bar and harbor improvement of Galveston, and to provide a tax of one-fourth of one per centum for a sinking fund wherewith to pay the principal and interest of said bonds.”

And find the same correctly enrolled, and have this the fifteenth day of May, at 12:30 o'clock P. M., presented the same to the Governor for his signature.

SHAW, Chairman.

On motion of Mr. Hoffman, the House adjourned until 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, May 16, 1873. }

House met pursuant to adjournment. Prayer by the chaplain Roll called; quorum present.

Absent—Messrs. Ellett and Hollingsworth.

On motion of Mr. Sabin, Mr Bewley was excused on account of sickness.

On motion of Mr. Watts, Mr. Ford was excused on account of sickness.

On motion of Mr. Green, Mr. Stockbridge was excused on account of sickness.

On motion of Mr. Rainey, Mr. Smith of Houston was excused for two days.

On motion of Mr. Denton, Mr. Berends was excused on account of sickness.

On motion of Mr. Morris, Mr. Killough was excused on account of sickness.

On motion of Mr. Doyle, Mr. Bledsoe was excused on account of sickness.

On motion of Mr. Kleberg, Mr. Noeggerath was granted an indefinite leave of absence on account of sickness.

On motion of Mr. Ireland, the reading of the journal was dispensed with.

Mr. Harrison introduced a bill to incorporate the towns of Farmersville, Plano and Weston, in Collin county.

On motion of Mr. Wood, the reading of the bill was dispensed with, the bill read second time by caption and ordered engrossed.

On motion of Mr. Harrison, the rules were further suspended, the bill read third time and passed.

Mr. Anderson introduced a bill to amend section one of "An act entitled an act to amend the thirty-fourth and thirty-sixth sections of an act entitled an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870, approved February 6, 1871." Read first time; rules suspended, read second time by caption and ordered engrossed.

On motion of Mr. Anderson, the rules were further suspended, the bill read third time by caption and passed.

Mr. Gilpin introduced a bill entitled "An act for the relief of Michael Haley." Read first time and referred to the Committee on Private Land Claims.

Mr. Ireland introduced a bill to amend section eight of "An act entitled an act to incorporate the town of Seguin, in Guadalupe county." Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Ireland, the rules were further suspended, the bill read third time by caption and passed.

Mr. Cunningham introduced a bill to incorporate the Greenville, Bonham and Oklahoma Railroad Company.

Read first time and referred to the special Railway Committee.

Mr. Powers introduced a bill to incorporate the Brazos, Santiago and Rio Grande Canal Company. Read first time, rules suspended and read second time.

Mr. Denton moved to strike out of section four, lines one and two, "and twenty," which carried.

The bill was then ordered engrossed.

On motion of Mr. Powers, the rules were further suspended, the bill read a third time and passed.

Mr. Powers introduced a bill to provide for the construction of court houses and jails in the various counties of this state. Read first time.

Mr. Trolinger moved to amend section one by striking out "twenty-five and inserting in lieu thereof "sixty." Adopted.

Mr. Wood offered the following amendment: "No member of the County Court, district clerk, sheriff, county treasurer, or any other county officer, shall take or have any interest in any contract for the erection or repair of any building under this act, either directly or indirectly, or any interest in any contracts for the furnishing materials for the erection or repair of any building erected or repaired under this act, and the violation of the provisions of this section by any of the officers mentioned in this act shall work a forfeiture of all right to compensation under such contract." Adopted.

Mr. Tilson moved to amend the caption by inserting "or repairing" after the word "construction." Adopted.

Mr. Joseph moved to amend section one by striking out "five thousand" and inserting in lieu thereof "twelve thousand." Adopted.

On motion of Mr. Ireland, the bill was made the special order for Monday, May 19, at 10:30 A. M., and one hundred copies were ordered printed.

A message from the Senate announced the passage, by that body, of Senate joint resolution No. 42, making an appropriation to carry into effect the provisions of a joint resolution awarding Winchester rifles to certain persons, approved March 28, 1873.

Senate bill No. 349, "An act making an appropriation to carry into effect an act authorizing quarantine on the coast of Texas and elsewhere within the State, approved June 10, 1870."

House bill No. 853, to be entitled "An act supplementary to and amendatory of an act entitled an act to reincorporate the city of Corpus Christi," with amendments by the Senate.

House bill No. 35, a bill to be entitled "An act to authorize parties in certain cases to sue in District Courts for headright certificates and bounty and donation warrants, and to provide for the issuance of such certificates and warrants," with amendments by the Senate.

Senate bill No. 351, making additional appropriation to pay the per diem and mileage of witnesses in the case of Judge John G. Scott, and other expenses incident to said case.

The Committee on Engrossed Bills reported as follows:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have examined the following bills:

No. 599, a bill to be entitled "An act to incorporate the Corpus Christi and Rio Grande Railway Company, and to aid in the construction of the same."

No. 895, a bill to be entitled "An act to amend the first section of an act to establish and incorporate the College of De Kalb."

No. 547, "An act to incorporate Davilla Institute, in Milam county."

No. 892, a bill to incorporate the town of McKinney, in Collin county.

No. 881, "An act to authorize interest on treasury warrants."

No. 882, "An act for the relief of the heirs and legal representatives of Daria Hoffman, deceased."

No. 878, a bill to prohibit the granting of license for the sale of intoxicating liquors within two and one half miles of any college, academy, seminary or school, not embraced in any incorporated town or county seat.

No. 881, a bill for the relief of the heirs of Migginson Loving, deceased.

And find the same correctly engrossed.

BOOTY, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have care-

fully examined and compared the following House bills :

No. 603, a bill to incorporate the town of Honey Grove, in the county of Fannin.

No. 638, "An act to incorporate the Fort Worth, Cleburne and Waco Railway Company, and granting lands in aid of the construction of said railway."

No. 700, "An act granting land to the Buffalo Bayou Ship Channel Company in aid of the improvement of the navigation from Bolivar Channel, near the Gulf of Mexico, to the city of Houston."

No. 809, a bill to be entitled "An act providing for the condemnation and sale of land for delinquent taxes."

And find the same correctly engrossed.

BOOTY, Chairman.

Mr. Kemble introduced a bill to provide for transcribing records in certain cases in the different counties of this State. Read first time; rule suspended, read second time and ordered engrossed.

Mr. Brown of Dallas moved to suspend the rules and put the bill on its third reading, which was carried.

The bill having been read third time, Mr. Anderson offered the following amendment: "*Provided*, no party shall be precluded from showing by competent testimony that there was an error in said transcript."

Mr. Winkler offered the following substitute for section two :

"That such transcribed record, or certified copies thereof, may be used as evidence as the original records or certified copies thereof are now used."

On motion of Mr. Brown of Dallas, the bill and amendments were referred to a special committee composed of Messrs. Ireland, Anderson, Winkler and Kemble.

Mr. Robb introduced a bill to authorize the lessees of the State penitentiary to delay the payment of certain amounts of money to become due the State, until the expiration of their lease. Read first time and referred to the Committee on the Penitentiary, with instructions to report thereon Monday, May 19, 12 M.

Mr. Williams introduced a bill to establish a normal school at Harmony, Walker county, Texas.

The bill was ruled out of order as coming under the provisions of the general incorporation act.

A message from the Senate announced the concurrence by that body in the House amendments to Senate bill No.

292, "An act to incorporate the Sherman, Tyler and Henderson Railway Company, and to grant lands to aid in the construction thereof."

Mr. Trolinger introduced a bill to be entitled "An act supplementary to and amendatory of an act passed April 19, 1873, entitled an act to reorganize the town of Sherman, in Grayson county, Texas, and to incorporate said town as the city of Sherman." Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Trolinger, the rules were further suspended, the bill read third time and passed.

Unfinished business, House bill No. 853, "An act supplementary to and amendatory of an act entitled an act to reincorporate the city of Corpus Christi," was taken up, and the Senate amendments thereto concurred in.

Senate bill No. 351, "An act making additional appropriations to pay the *per diem* and mileage of witnesses in the case of the impeachment of Judge John G. Scott, and other expenses incident to said case," was read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Russell the rules were further suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Armstrong, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Davenport, Day, Denton, Eastland, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Kemble, Leyendecker, Mabry, McDonald, Moore, Nelson, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Shaw, Storey, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall, Wilder, Williams, Winkler and Wood—58.

Nays—Messrs. Scott and Thurmond—2.

Senate bill No. 349, "An act making an appropriation to carry into effect an act authorizing quarantine on the coast of Texas, and elsewhere within the State, approved June 10, 1870," was read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Brown of Dallas, the rules were further suspended, the bill read third time and put upon its passage, with the following result:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Davenport, Day, Denton, Eastland, Gallaway, Gaston, Ghent, Gillette, Gilpin, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Lane, Lyendecker, Mabry, Manning, McDonald, Moore, Nelson, Payne, Phelps, Powers, Prendergast, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Salter, Scott, Shaw, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Westfall, Wilder, Williams and Winkler—56.

Nays—None.

Whereupon it was evident a quorum had not voted.

Mr. Anderson moved a call of the House, which was sustained.

The following members were found absent: Messrs. Abbott, Ellett, Kleberg, Morris and Sayers.

A quorum being present, on motion of Mr. Westfall, the call was suspended.

The bill then passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Eastland, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Lane, Lyendecker, Mabry, Manning, McDonald, Moore, Nelson, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Salter, Scott, Shaw, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall, Wilder, Williams, Winkler and Wood—64.

Nays—None.

Senate joint resolution No. 42, making an appropriation to carry into effect the provisions of a "Joint resolution awarding Winchester rifles to certain persons, approved March 28, 1873," was read first time.

Mr. Denton moved to amend by striking out "seven hundred and fifty" and inserting in lieu thereof "one thousand."

On motion of Mr. Chambers, the bill was laid on the table.

Under the call for the special order, Judiciary Committee No. 2 submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Judiciary Committee No. 2, to whom was referred House bill No. 887, entitled "An act supplementary to and amendatory of an act supplementary to an act supplementary to an act to regulate railroad companies, approved February 7, 1853, and an act approved December 19, 1857," have considered the same and recommend its passage.

ANDERSON, for Committee.

Mr. Sabin moved to make the substitute special order for Monday, May 19, 12 M., and that one hundred copies be printed. The House refused to make special order and print.

Mr. Winkler moved to temporarily suspend the pending matter and take up House bill No. 35, authorizing parties in certain cases to sue in the District Courts for headright certificates and bounty and donation warrants, and to provide for the issuance of such certificates and warrants, which carried.

The Senate amendments thereto were read and concurred in.

The pending bill being resumed, Mr. Denton moved to suspend it and take up Senate joint resolution No. 42, making an appropriation to carry into effect the provisions of a joint resolution awarding Winchester rifles to certain persons, approved March 28, 1873.

There being no quorum present, Mr. Denton moved a call of the House, which was sustained, made, and the following members found absent: Abbott, Bordeaux, Day, Ellett, Ghent, Gilpin, Hoffman, Kleberg, Phelps, Roberts, Scott, Shaw and Thurmond.

On motion of Mr. Williams, the sergeant-at-arms was dispatched after the absent members.

The clerk announced a quorum was present.

Mr. Russell moved to suspend the call. The House refused.

Mr. Chambers moved to suspend the call. The House refused.

Mr. Denton moved to suspend the call. The House refused.

Mr. Nelson moved to suspend the call, which carried.

The motion to take up then carried, and the joint resolution was read second time, pending the amendment by Mr. Denton.

Mr. Ireland offered a joint resolution, directing the Governor to turn over arms to certain persons named in the joint resolution of date March 28, 1873, as a substitute for the pending joint resolution and amendment.

Mr. Booty moved the previous question, which was seconded, and the main question ordered.

The substitute was then adopted by the following vote :

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Armstrong, Booty, Brown of Upshur, Carroll, Cunningham, Day, Eastland, Gallaway, Gaston, Ghent, Green, Harrison, Hester, Ireland, Kemble, Lane, Manning, McDonald, Moore, Morris, Nelson, Phelps, Powers, Prendergast, Rimes, Robb, Roberts, Russell, Sabin, Salter, Sayers, Shaw, Thurmond, Tilson, Tom, Venters, Wilder, Williams and Wood—43.

Nays—Messrs. Anderson, Bordeaux, Broaddus, Brown of Dallas, Chambers, Davenport, Denton, Doyle, Gillette, Gilpin, Hoffman, Hollingsworth, Joseph, Kleberg, Leyendecker, Mabry, Payne, Rainey, Rosborough, Scott, Storey, Tivy, Trolinger, Watts, Westfall and Winkler—26.

The joint resolution then passed.

The Committee on Engrossed Bills submitted the following report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills have carefully examined the following House bills :

House bill No. 410, "An act to amend an act entitled an act to incorporate the Magnolia Grove Association, approved June 20, 1870."

No. 503, a bill to be entitled "An act supplemental to an act entitled an act to incorporate the Pacific and Great Eastern Railway Company, approved August 13, 1870."

No. 766, a bill to be entitled "An act to incorporate the Paris, Greenville and Cleburne Railway Company."

No. 904, "An act to amend section eight of an act entitled an act to incorporate the town of Seguin in Guadalupe county."

And find the same correctly engrossed.

BOOTY, Chairman.

The pending bill, No. 887, "An act supplementary to and amendatory of an act supplementary to an act supplementary to an act to regulate railroad companies, ap-

proved February 7, 1853, and an act approved December 19, 1857," was then resumed.

On motion of Mr. Hester, the House adjourned until 3 P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called.

Absent—Messrs. Anderson, Armstrong, Bordeaux, Ellett, Gallaway, Ghent, Green, Kleberg, Payne, Rimes, Shelton, Tivy and Tom.

There being no quorum present, Mr. Booty moved a call of the House, which was sustained, made, and the following members found absent: Messrs. Anderson, Armstrong, Bordeaux, Brown of Dallas, Ellett, Kleberg, Rimes and Tivy.

A quorum being present, the call was suspended.

Leave being granted, Mr. Ireland offered the following resolution :

WHEREAS, There now appears to be some disturbance in Lampasas county, which may or may not demand legislation ; therefore,

Resolved, That a committee of three be raised to take the matter under advisement, with power to send for persons and papers, and that said committee report to this House by bill or otherwise.

The resolution was adopted and the following committee appointed: Messrs. Westfall, Sabin and Gallaway.

The Committee on Engrossed Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills have carefully examined the following House bills :

No. 902, "An act to amend section one of an act entitled an act to amend the thirty-fourth and thirty-sixth sections of an act entitled an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870, approved February 6, 1871."

No. 906, "An act to incorporate the Brazos, Santiago and Rio Grande Canal Company."

And find the same correctly engrossed.

BOOTY, Chairman.

Mr. Sabin called up House bill No. 742, "An act amendatory of an act to incorporate the Galveston Agricultural, Horticultural and Industrial Association."

The reading being dispensed with, on motion of Mr. Joseph the bill was ordered engrossed.

On motion of Mr. Sabin the rules were suspended, the bill read by caption third time and passed.

Mr. Williams called up Senate bill No. 270, a bill to amend sections one, two, fourteen and fifteen of "An act to incorporate the Calvert and Belton Railway Company, passed May 25, 1871, and to grant lands to aid in the construction of the same," upon which the following report was submitted:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The special committee to whom was referred Senate bill No. 270, having examined the same, have instructed me to report the bill back with the accompanying amendments and recommend their adoption.

PRENDERGAST, Chairman.

1. Strike out the words "thirty inches and not wider than" in lines five and six, section three.

2. Section four, line seventeen, after the word "services" insert "to be paid by said company." Also same section, line twenty, after the word "completed" insert "and equipped." Also same section, line twenty-seven, after the word "sections" insert "the even and odd sections, to be designated by the Commissioner of the General Land Office." Also same section, strike out all between the word "the," line forty-nine, and the word "one," line fifty, and insert "date of the certificates." Also same section, line fifty-four, after the word "company" insert "within twenty years from the date of said certificates." Also same section, strike out all between the word "person," line fifty-six, and the word "and," line fifty-seven, and insert: "firm or company in trust for said company, or to any company or firm of which any officer or stockholder is a member, and a violation of or a failure to comply with the provisions of this section, or the general laws regulating railroads or railroad companies, shall forfeit all the benefits of this act, and sales made in violation of this act shall be null and void."

3. Add as section five: "SEC. 5. That whenever the direct line of said road shall be within five miles of any

county seat, then said road shall go through such county seat, and establish and maintain a passenger and freight depot within one-half mile of the business portion thereof; *provided*, the people of such town shall donate to said company sufficient land for right of way, switches, turnouts, side tracks and depot buildings, not to exceed fifteen acres."

The amendments were adopted.

Mr. Rosborough presented a remonstrance against the passage of this bill, by citizens of Bell county, which was read.

Mr. Denton offered the following amendment: "*Provided*, that the State shall in no case be liable for any deficiency of vacant domain, exclusive of that set apart by the Legislature for the benefit of the school fund." Adopted.

Mr. Denton offered the following additional amendment: Strike out of section three, the words "domestic violence, epidemics and floods." Adopted.

Mr. Rosborough moved to indefinitely postpone the bill.

Mr. Winkler moved to postpone the further consideration of the bill until Monday, May 19, at 4 P. M., which carried.

Mr. Wilder called up House bill No. 770, upon which the Committee on Town and City Corporations submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee, to whom was referred House bill No. 770, entitled "An act to amend an act to incorporate the city of Brenham, and to grant a new charter to said city," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

WM. H. WESTFALL, for Committee.

The bill was read second time and ordered engrossed.

On motion of Mr. Wilder, the rules were suspended, the bill read third time and passed.

Mr. Broadus called up House bill No. 232, upon which Judiciary Committee No. 2 submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee, to whom was referred House

bill No. 232, entitled "An act supplemental to an act to provide for the establishment of the Agricultural and Mechanical College of Texas, approved April 17, 1871," beg leave to report the same back with the recommendation that the same do not pass.

IRELAND, Chairman.

Pending the discussion, the House was informed by message of the adoption, by the Senate, of a concurrent resolution providing for a *sini die* adjournment of the Legislature May 26, at 12 M.

The discussion having been resumed, Mr. Thurmond moved to indefinitely postpone the bill.

On motion of Mr. Roberts, the House adjourned until 9 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, May 17, 1873. }

House met pursuant to adjournment. Prayer by Rev. Mr. Cunningham, of Bosqueville. Roll called; quorum present.

Absent—Messrs. Anderson, Ellett, Schmidt, Storey.

On motion of Mr. Green, Mr. Stockbridge was excused for the day, on account of sickness.

On motion of Mr. Watts, Mr. Ford was excused on account of sickness.

On motion of Mr. Westfall, that gentleman was excused from service on the special committee to investigate affairs in Lampasas county, and Mr. McDonald was substituted in his stead.

On motion of Mr. Lane, the reading of the journal was dispensed with.

A message from the Senate announced the passage by that body of the following bills:

No. 50, a bill to be entitled "An act to regulate the practice of medicine."

No. 297, "An act to prevent horse racing in certain places."

No. 155, "An act for the protection of the farming interests of the State," with amendments by the Senate.

Also, that the Senate refused to agree to the House amendments to Senate bill No. 100, "An act to provide

for the merger of the Waco and Northwestern Railway Company, with its properties, rights and franchises, in the Houston and Texas Central Railway Company," and had appointed Senators Dohoney, Flanagan and Ball a committee of conference, and asked a like committee on the part of the House.

Mr. Russell introduced a bill to define the duties of the chief clerk of the House and the secretary of the Senate, and fixing the salaries of said officers. Read first time and referred to a special committee, with instructions to report thereon Monday, May 19.

Mr. Wood offered the following resolution :

WHEREAS, It is desired that the journals of the Thirteenth Legislature be completed and bound in book form as soon as possible, in order to do which the index should keep pace with the printing of the same; therefore, be it

Resolved, That the Speaker of the House of Representatives be authorized to appoint a competent person to index the House journals of the present session; *provided*, the compensation for indexing shall not exceed twenty-five cents per printed page of the journals.

Adopted.

Mr. Booty in the chair.

Mr. Trolinger introduced a bill to amend an act entitled "An act to organize and incorporate the East Line and Red River Railroad Company, approved March 22, 1871." Read first time; rules suspended and read second time.

Mr. Nelson offered the following amendment :

"*Provided*, if said company accepts the benefits of this act it shall never set up claim to the one hundred and fifty thousand dollar subsidy now claimed from the people of Hopkins county, and the acceptance of this act shall be a complete release of all such claim, real or pretended."

Mr. Tilson moved to lay the amendment on the table, which was carried by the following vote :

Yeas—Messrs. Speaker, Abbott, Adriance, Berends, Booty, Brown of Dallas, Ellett, Gallaway, Gilpin, Green, Harrison, Hoffman, Hollingsworth, Joseph, Mabry, McDonald, Moore, Morris, Powers, Robb, Roberts, Sabin, Scott, Shaw, Short, Thurmond, Tilson, Tivy, Washington, Watts, Westfall, Wilder, Williams and Wood—34.

Nays—Messrs. Anderson, Armstrong, Bledsoe, Bordeaux, Brown of Upshur, Chambers, Cunningham, Daven-

port, Day, Denton, Eastland, Gaston, Gillette, Ireland, Kemble, Killough, Lane, Leyendecker, Manning, Nelson, Payne, Prendegast, Rainey, Rimes, Rosborough, Russell, Salter, Smith of Colorado, Storey, Tom, Trolinger, Venters and Winkler—33.

The bill was then ordered engrossed.

On motion of Mr. Taylor, the rules were suspended and the bill read third time.

Mr. Cunningham offered the following amendment: "Provided, the said railroad runs within three miles of the town of Orangeville, in Fannin county, the said road shall be required to run to said town, and establish and maintain a freight and passenger depot within one half mile of the business centre of said town, the said town granting sufficient grounds for depot purposes." Lost.

The bill then passed.

The Speaker in the chair.

The special order was announced, "An act to regulate the fees of office."

Mr. Killough moved to suspend the special order and take up House bill No. 880, "An act to amend section seven of an act entitled an act to organize the Bureau of Immigration, approved May 23, 1871." The House refused to suspend.

The special order was then taken up, pending an amendment offered by the special committee to whom the bill had been referred. The amendment was adopted.

Mr. Winkler in the chair.

The bill was read second time.

The Speaker in the chair.

Mr. Green moved to make the bill the special order for Tuesday next at 11 A. M., and that one hundred copies be printed.

On motion of Mr. Kemble, that motion was laid on the table.

A message was received from His Excellency the Governor withdrawing his objections to House bill No. 723, "An act to reincorporate the city of Corpus Christi," and asking the return of the same.

Mr. Booty in the chair.

A message from the Senate announced the passage by that body of House bill No. 596, amendatory of and supplementary to an act entitled "An act to organize and

incorporate the East Line and Red River Railroad Company," approved, with amendments by the Senate.

On motion of Mr. Russell, the pending bill was suspended temporarily, and the bill just received from the Senate was taken up.

The Senate amendments thereto were read and concurred in.

The previously pending bill was then resumed.

Mr. Storey moved to amend by striking out the third clause of section three and inserting "to summons each witness, fifty cents."

Mr. Powers moved to amend the amendment by striking out "fifty" and inserting "twenty-five."

The larger amount having preference, the amendment of Mr. Storey was put and adopted.

Mr. Payne moved the previous question, which was seconded and the main question ordered.

The bill was then ordered engrossed.

On motion of Mr. Harrison, the rules were suspended and bill read third time.

Mr. Ghent offered the following amendment: In section four, line five, of the printed bill, after "five dollars," insert "When deemed necessary by the coroner he shall summon a skillful surgeon or physician to make a *post-mortem* examination, and it is made his duty to make such thorough examination of the dead body as he, the coroner, or the jury, shall deem proper, and for his services he shall be entitled to a fee not to exceed ten dollars, and the usual customary mileage from his place of residence or office to the place of such examination, to be allowed by the County Court and paid by the county treasurer." Adopted.

The bill then passed by the following vote :

Yeas — Messrs. Speaker, Allison, Anderson, Armstrong, Berends, Bledsoe, Broadus, Brown of Upshur, Brown of Dallas, Cunningham, Davenport, Day, Denton, Eastland, Gallaway, Gaston, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Kemble, Kleberg, Lane, Leyendecker, Manning, McDonald, Morris, Nelson, Payne, Powers, Prendergast, Rimes, Robb, Rosborough, Sayers, Short, Smith of Colorado, Storey, Thurmond, Tivy, Tom, Watts, Westfall, Winkler and Wood—48.

Nays—Messrs. Adriance, Booty, Bordeaux, Chambers, Ghent, Green, Joseph, Killough, Mabry, Moore, Phelps, Rainey, Roberts, Russell, Sabin, Salter, Scott, Shaw, Tilson, Trolinger, Venters, Washington, Wilder and Williams—24.

On motion of Mr. Anderson, the special committee upon House bill No. 909, "An act to provide for transcribing records in certain counties in the State," was granted leave to report.

On motion of Mr. Sabin, the House adjourned until 3 P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

The following gentlemen were absent: Abbott, Anderson, Bewley, Cook, Ellett, Ford, McDonald, Schmidt and Short.

On motion of Mr. Payne, Mr. Bordeaux was excused on account of sickness.

On motion of Mr. Denton, Mr. Storey was excused for the evening.

The following reports were submitted by the Committee on Enrolled Bills:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined the following bill:

No. 853, "An act supplementary to and amendatory of an act entitled an act to re-incorporate the city of Corpus Christi."

And find the same correctly enrolled, and have this the sixteenth day of May, at 12:20 o'clock P. M., presented the same to the Governor for his signature.

SHAW, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined the following bill:

No. 467, "An act to adjust and define the rights of the Texas and Pacific Railway Company within the State of Texas, in order to encourage the speedy construction of a railway through the State to the Pacific Ocean."

And find the same correctly enrolled, and have this the sixteenth day of May, at 3:30 o'clock P. M., presented the same to the Governor for his signature.

SHAW, Chairman.

The Speaker announced the following gentlemen the committee upon House bill No. 910, a bill to define the duties of the chief clerk of the House and secretary of the Senate, and fixing the salaries of said officers: Messrs. Russell, chairman; Anderson, Brown of Dallas, Green, Winkler.

The following message from his Excellency the Governor was submitted:

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, May 17, 1873.

SIR: I have to request the return of the act entitled "An act to re-incorporate the city of Corpus Christi," returned to your House on the twelfth instant. I withdraw my objections, because the features named in my message as objectionable have been removed by the passage of an amendment to the same.

Very respectfully,

EDMUND J. DAVIS, Governor.

HON. M. D. K. TAYLOR, Speaker of the House of Representatives of the State of Texas.

The request was granted and the clerk instructed to return the bill.

Unfinished business of yesterday, House bill No. 232 "An act supplemental to an act entitled an act to provide for the establishment of the Agricultural and Mechanical College, approved April 17, 1871," was taken up.

Mr. Hollingsworth moved to postpone its consideration for the present, and to take up House bill No. 837, to incorporate the San Marcos, Guadalupe and Galveston Canal Company. The House refused.

Mr. Russell moved to lay the report of the committee upon the pending bill upon the table, which carried.

Mr. Wood offered as a substitute for the bill and amendments, a bill to provide for the disposal of the land purchased in the county of Brazos for an agricultural college also, for the disposal of the material for said building and to provide for the payment of the proceeds of such sale into the State Treasury for the benefit of the common school fund, and to return to the county of Brazos the

bonds of said county now held by the State, issued on account of said college.

Mr. Ireland in the chair.

Mr. Gallaway moved to lay the substitute on the table, upon which a rising vote was taken, and it was evident there was no quorum present.

Mr. Ghent moved a call of the House, which was seconded.

Absent—Bewley, Ellett, Rosborough and Short.

A quorum having been obtained the call was suspended.

The bill was then laid on the table by the following vote :

Yeas—Messrs. Adriance, Allison, Anderson, Berends, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Day, Gallaway, Ghent, Gilpin, Green, Joseph, Killough, Kleberg, Lane, Leyendecker, Manning, Nelson, Payne, Phelps, Prendergast, Rainey, Rimes, Russell, Sabin, Salter, Scott, Shaw, Thurmond, Tivy, Trolinger, Washington, Wilder, Williams and Winkler—40.

Nays—Messrs. Speaker, Abbott, Armstrong, Bledsoe, Booty, Davenport, Denton, Eastland, Gaston, Gillette, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Kemble, Mabry, McDonald, Moore, Morris, Powers, Robb, Roberts, Sayers, Smith of Colorado, Tilson, Tom, Venters, Westfall and Wood—30.

A message from the Senate announced the passage, by that body, of House bill No. 912, "An act to amend an act to organize and incorporate the East Line and Red River Railroad Company, approved March 21, 1871."

The question then recurring upon the amendment offered by the committee, Mr. Denton moved a call of the House, which was sustained.

Absent—Messrs. Ellett, Morris, Robb, Rosborough, Short, and Smith of Colorado.

On motion of Mr. Westfall, Mr. Watts was excused on account of sickness.

The House refused to adopt the amendment by the following vote :

Yeas—Messrs. Abbott, Adriance, Berends, Bordeaux, Broaddus, Cunningham, Day, Green, Kleberg, Leyendecker, Manning, Phelps, Russell, Sabin, Salter, Scott, Tivy, Washington, Williams and Winkler—20.

Nays—Messrs. Speaker, Allison, Anderson, Armstrong,

Bledsoe, Booty, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Davenport, Denton, Eastland, Galway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hest Hoffman, Hollingsworth, Ireland, Joseph, Kemble, K lough, Lane, Mabry, McDonald, Moore, Nelson, Payr Powers, Prendergast, Rainey, Rimes, Roberts, Saye Shaw, Thurmond, Tilson, Tom, Trolinger, Venters, We fall, Wilder and Wood—47.

sic

On motion of Mr. Broadus, the third section of t bill was then stricken out.

Mr. Broadus moved to amend section four by stri ing out, in line nine, the word "school," before the wo "fund," and the words, "of the State," after the wo "fund," and add, at the end of the section, the worc "heretofore appropriated by the Twelfth Legislature f the Agricultural and Mechanical College."

The Committee on Engrossed Bills submitted the f llowing report:

Hon. M. D. K. Taylor, Speaker of the House of Reps entatives :

SIR: Your Committee on Engrossed Bills have ca fully examined the following bills :

No. 742, "An act amendatory of an act to incorp rate the Galveston, Agricultural, Horticultural and I dustrial Association."

No. 770, "An act to amend an act to incorporate tl city of Brenham, and to grant a new charter to said cit, approved February 4, 1873."

No. 574, "An act in relation to the Corpus Christi Sh Canal."

No. 901, "An act to incorporate the towns of Farmer ville, Plano and Weston, in Collin county."

No. 907, "An act supplementary to an act passed Apri 19, 1873, entitled an act to reorganize the town of She man, in Grayson county, Texas, and incorporate sai town as the city of Sherman."

No. 912, "An act to amend an act entitled an act organize and incorporate the East Line and Red Riv Railroad Company, approved March 21, 1871."

And find the same correctly engrossed.

BCOTY, Chairman.

A quorum not voting upon the amendment, on moti of Mr. Killough, the House then adjourned until 9 A. Monday.

HOUSE OF REPRESENTATIVES,)
AUSTIN, TEXAS, May 19, 1873.)

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

Absent—Messrs. Ellett, Green, Schmidt, Stockbridge.

On motion of Mr. Powers, House bill No. 24, for the better protection of the archives in the Land Office, was taken up, and made special order for Tuesday, May 20, at 9:30 A. M.

On motion of Mr. Westfall, the reading of the journal was dispensed with.

On motion of Mr. Ireland, the Committee on Internal Improvements submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred bill No. 712, granting land to the International Railroad Company, instruct me to report the same back, with the recommendation that the bill do pass. The committee beg leave further to state, that the original bill has been mislaid, but that the one here reported is a correct copy.

JNO. IRELAND, for Committee.

The bill was read second time.

Mr. Scott offered the following amendment: "*Provided*, said company be required to build said road from Longview to Jefferson."

Mr. Prendergast offered as a substitute for the bill and amendment a bill entitled "An act granting lands to the International Railway Company."

Mr. Nelson in the chair.

The substitute was read and adopted.

Mr. Gallaway offered the following amendment: "*provided*, said company shall not be compelled to build said road further on the northeast end of the same than Longview, in Upshur county."

Mr. Speaker in the chair.

Mr. Wood moved to lay the amendment on the table. Carried.

Mr. Denton offered the following amendment: "*provided*, that the State shall in no case be liable for any deficiency of public domain, exclusive of that set apart for

the benefit of the school fund, and any remaining unlocated certificates after the public domain is exhausted shall constitute no claim against the State." Adopted.

Mr. Watts moved to strike out section five.

Mr. Ireland offered the following substitute for the motion: "*provided*, shall build and maintain depots within one-half mile of the business portions of the towns of San Marcos and New Braunfels, on the west side of the Guadalupe, and at such points in the cities of Austin, San Antonio and Jefferson, as those cities may designate."

Pending the discussion, the special order was announced, House bill No. 487, "An act to provide for the construction and repairing of court houses and jails by the several counties of the State."

On motion of Mr. Anderson, the special order was postponed until 12 M.

Mr. Ireland withdrew his substitute. The motion of Mr. Watts then carried.

Mr. Ireland then renewed his amendment, which was adopted. The bill was then ordered engrossed.

On motion of Mr. Brown, of Dallas, the rules were suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Booty, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Kemble, Killough, Kleberg, Lane, Mabry, Manning, McDonald, Moore, Morris, Nelson, Powers, Prendergast, Rainey, Rimes, Roberts, Robb, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Scott, Shaw, Smith of Colorado, Smith of Houston, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Washington, Watts, Westfall, Williams, Winkler and Wood—64.

Nays—Armstrong, Bledsoe, Bordeaux, Leyendecker and Payne—5.

On motion of Mr. Denton, Mr. Storey was excused for the day.

Mr. Sayers offered the following resolution:

WHEREAS, It is currently reported and generally believed that a certain railroad charter granted by the Twelfth Legislature of the State of Texas, and known as the "International Railroad Company," was procured by gross bribery and corrupt influences; and

Whereas, The passage of said measure imposes on the people of the whole State of Texas an onerous and oppressive taxation, which in its results is favorable to certain portions of the State, and is thereby discriminating in favor of certain corporations and people of the State to the detriment and injury of others equally deserving ;

Resolved, That it is the duty of a body representing the true interests, good name and credit of this great and growing commonwealth to place before the world their condemnation of such legislation ; and that while we express our willingness to aid by fair and just means the encouragement of internal improvements, we cannot and will not countenance the attempt to obtain such legislation by improper, illegal and corrupt means. That while we will jealously guard the good faith of the State of Texas in all legislation honorably accomplished, and deprecate the least intention towards the repudiation of legal contracts, we insist that if said legislation, as mentioned in the preamble of this resolution, was accomplished as reported, and if it can be proven by good and competent evidence, as is claimed, then the State should not be held accountable therefor.

Mr. Morris offered the following amendment :

Resolved, That a committee of three be appointed by the Speaker, the mover of the resolution to be the chairman, whose duty it shall be to investigate the truth of the matters named in said resolutions, and report the same to this House.

Mr. Shaw offered the following substitute for the resolution and amendment :

WHEREAS, The House of Representatives have already taken such action as was thought reasonable and just toward the International Railway Company ; therefore, be it

Resolved, That no further action or discussion will be entertained by the House on this subject during this session.

Mr. Bordeaux moved the previous question, which was seconded, and the main question ordered.

The substitute was then adopted.

On motion of Mr. Ireland, the substitute was laid on the table.

A message was received from the Senate, informing the House that the Senate had passed the following bills originating in that body, viz.:

No. 80, a bill to provide for the payment of sheriffs for guards employed in conveying prisoners to the penitentiary of the State in certain cases.

No. 199, a bill to amend section eleven of an act entitled, "An act concerning divorce and alimony," approved January 6, 1841.

No. 353, a bill to organize Clay county.

No. 355, a bill prescribing the times of holding the District Courts in Kaufman and Rockwall counties, in the Tenth Judicial District.

Also, House bill No. 174, to amend and supplemental to "An act to provide for the incorporation of towns and cities," approved January 27, 1858.

Also, House bill No. 188, for the benefit of the actual occupants of the public lands, with amendments.

And that the Senate refused to adopt the substitute of the House for Senate joint resolution No. 40, authorizing and requiring the sheriff of Williamson county, by himself or deputy, to summon a *posse* for the purpose of pursuing and arresting certain persons accused of crime, and providing rewards for such arrests.

House bill No. 155, for the protection of the farming interests of the State, was taken up, and the Senate amendments thereto read and concurred in.

The Committee on Enrolled Bills submitted the following reports:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined the following bills, to-wit:

No. 297, "An act to prevent horse racing in certain places."

No. 35, "An act to authorize parties in certain cases to sue in the District Courts for headright certificates and bounty and donation warrants, and to provide for the issuance of such certificates and warrants."

No. 50, "An act to regulate the practice of medicine."

And find them correctly enrolled, and have presented the same to the Governor this the nineteenth day of May at 12 o'clock M., for his signature.

SHAW, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined and compared the following bill, to-wit:

No. 596, "An act amendatory of and supplementary to an act entitled an act to organize and incorporate the East Line and Red River Railroad Company, approved March 22, 1871."

And find the same correctly enrolled, and have this the sixteenth day of May, at 4:20 o'clock P. M., presented the same to the Governor for his signature.

SHAW, Chairman.

House concurrent resolution, concerning parties who surrounded the jail of Williamson county, and released the prisoners therefrom, and offering a reward for the same, being a substitute for Senate joint resolution No. 40, of same character, was taken up, the Senate having refused to adopt the substitute. The House refused to recede from its substitute.

In response to the request of the Senate for a conference committee on the part of the House upon House bill No. 100, to provide for the merger of the Waco and North Western Railway Company, with its properties, rights, privileges and franchises, in the Houston and Texas Central Railway Company, the Speaker appointed Messrs. Sabin, Anderson and Carroll said committee.

Senate joint resolution providing for *sine die* adjournment May 26, 1873, was taken up.

Mr. Harrison moved to refer it to the Committee on State Affairs, with instructions to report thereon Friday, May 23, at 12 M.

Mr. Washington moved to lay the resolution on the table, which carried by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Booty, Broaddus, Brown of Dallas, Carroll, Chambers, Davenport, Denton, Ford, Gillette, Gilpin, Green, Hoffman, Hollingsworth, Ireland, Joseph, Kemple, Lane, Leyendecker, Manning, Morris, Nelson, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Roberts, Rosborough, Sabin, Schmidt, Shaw, Smith of Colorado, Tivy, Tom, Venters. Washington, Watts, Westfall, Winkler and Wood—46.

Nays—Messrs. Abbott, Berends, Bledsoe, Bordeaux, Cunningham, Day, Eastland, Gallaway, Gaston, Harrison, Killough, Mabry, McDonald, Moore, Russell, Sayers, Scott, Smith of Houston, Thurmond, Tilson, Trolinger, Wilder and Williams—23.

Mr. Payne moved to suspend the rules and take up

House bill No. 891, authorizing interest on treasury warrants. The House refused.

Senate bill No. 353, to organize Clay county, was read by caption first time.

On motion of Mr. Brown of Dallas, the rules were suspended, the bill read second time and passed to a third reading.

On motion of Mr. Bordeaux, the rules were further suspended, the bill read by caption third time and passed.

Senate bill No. 355, "An act prescribing the times of holding the district courts in Kaufman and Rockwall counties, in the Tenth Judicial District," was read first time by caption.

On motion of Mr. Brown of Dallas, the rules were suspended, the bill read second time and passed to a third reading.

On motion of Mr. Kemble, the rules were further suspended, the bill read third time and passed.

Mr. Ireland in the chair.

Mr. Ghent asked leave for the special committee on asylums to report. The House refused leave.

Mr. Phelps moved to adjourn. The House refused.

Mr. Russell asked that the special committee on House bill No. 910, to define the duties of chief clerk of the House and secretary of the Senate, and fixing the salaries of said officers, be allowed to postpone their report until to-morrow, which request was granted.

Senate bill No. 199, "An act to amend section eleven of an act entitled an act concerning divorce and alimony, approved January 6, 1841," was read by caption first time; rules suspended, read a second time and passed to third reading.

On motion of Mr. Brown of Dallas, the rules were further suspended, the bill read third time by caption and passed.

Senate bill No. 80, "An act to provide for the payment of sheriffs for guards employed in conveying prisoners to the penitentiary of the State, in certain cases," was read first time, rules suspended and read second time.

Mr. Gallaway moved to adjourn. The House refused.

Mr. Harrison moved to refer the bill to a special committee to be composed of Messrs. Powers, Hollingsworth and Wood, with instructions to report on Wednesday, May 21. The House refused to refer and the bill passed to third reading.

On motion of Mr. Kemble, the rules were suspended and the bill read third time:

Mr. Denton moved to adjourn. The House refused.

The bill then passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Bledsoe, Booty, Broaddus, Brown of Upshur, Carroll, Chambers, Davenport, Eastland, Gillette, Gilpin, Green, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Lane, Leyendecker, Mabry, Moore, Morris, Phelps, Powers, Prendergast, Rainey, Rimes, Roberts, Rosborough, Russell, Sabin, Sayers, Scott, Smith of Colorado, Smith of Houston, Thurmond, Tilson, Tivy, Venters, Washington, Watts, Williams and Winkler—48.

Nays—Messrs. Armstrong, Cunningham, Denton, Gaston, Ghent, Harrison, Hester, Kleberg, Manning, Robb, Shaw, Tom, Westfall, Wilder, and Wood—15.

On motion of Mr. Wood, House bill No. 487, to provide for the construction and repairing of court houses and jails by the several counties in this State, was made special order for Tuesday, May 20, at 11 A. M.

On motion of Mr. Hollingsworth, House bill No. 837, "An act to incorporate the San Marcos, Guadalupe and Galveston Canal Company," was taken up and referred to the special railway committee.

Leave being granted, Mr. Broaddus introduced a bill making an appropriation to defray the contingent expenses of the first session of the Thirteenth Legislature of the State of Texas. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Broaddus, the rules were further suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Bledsoe, Booty, Broaddus, Brown of Upshur, Carroll, Chambers, Cunningham, Davenport, Denton, Eastland, Gaston, Ghent, Gillette, Gilpin, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, Moore, Morris, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Sayers, Scott, Shaw, Smith of Colorado, Smith of Houston, Thurmond, Tilson, Tivy, Tom, Venters, Watts, Westfall, Williams, Winkler and Wood—60.

Nays—Mr. Wilder—1.

Message from the Senate announced the passage, by that body, of the following concurrent resolution:

WHEREAS, A more intimate association between the people of the Northwestern States and State of Texas will contribute much to the enhancement of the material interest of our State; and

Whereas, We learn with pleasure that many of the Governors, official dignitaries and members of Congress of the Northwest, contemplate visiting the city of Galveston in the next few weeks; therefore be it

Resolved by the Senate, the House concurring, That a cordial invitation be, and is hereby, extended to the aforesaid Governors, official dignitaries and Members of Congress to extend their visit to the capital of our State, and that a copy of this resolution be transmitted by the President of the Senate and Speaker of the House to the Mayor of Galveston, with the request to communicate the same to our distinguished visitors on their arrival at Galveston.

On motion of Mr. Hoffman, the House adjourned till 3 o'clock P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

Absent—Messrs. Armstrong, Bledsoe, Bordeaux, Chambers, Ellett, Ghent, Kemble, Killough, Lane, Payne, Rainey, Shaw, Smith of Colorado, Tivy, Venters.

Leave being granted, Mr. Tom introduced a bill to organize McMullen county. Read first time by caption; rules suspended and read second time.

Mr. Powers moved to amend by attaching the county of La Salle to the county of McMullen for judicial purposes. The motion carried and the bill was ordered engrossed.

On motion of Mr. Tom the rules were further suspended, the bill read third time and passed.

On motion of Mr. Watts, the Senate concurrent resolution inviting certain Governors, State officials and members of Congress of the Northwestern States to visit Austin was taken up and adopted.

The unfinished business of Saturday was resumed, being House bill No. 232, "An act supplemental to an

act entitled an act to provide for the establishment of the Agricultural and Mechanical College, approved April 17, 1871."

On motion of Mr. Broadus its consideration was postponed until Wednesday, May 21, at 4 P. M.

The special order was announced, Senate bill No. 270, "An act to amend sections one, two, fourteen and fifteen of an act to incorporate the Calvert and Belton Railroad Company, passed May 25, 1871, and to grant land to aid in the construction of said railroad."

On motion of Mr. Booty the special order was postponed one hour.

Mr. Allison called up House bill No. 563, "An act to incorporate the Sabine Pass and Jefferson Railway Company, and to aid in the construction of said Railway," upon which the following report was submitted:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 563, a bill entitled "An act to incorporate the Sabine Pass and Jefferson Railway Company, and to aid the construction of said railway," instruct me to report the accompanying substitute, entitled "An act to amend sections three, five and six of an act entitled an act to incorporate the Carthage Branch Railway Company, approved May 22, 1871, and to grant lands to said company to aid in the construction of its road," and recommend that the same do pass.

SHAW, for Committee.

On motion of Mr. Anderson, the reading of the substitute was dispensed with.

The substitute was then adopted and ordered engrossed.

On motion of Mr. Allison the rules were suspended, the bill read third time.

Mr. Short moved to recommit the bill to a special committee of five. The House refused to recommit.

The bill then passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriaance, Allison, Anderson, Berends, Bledsoe, Booty, Brown of Dallas, Carroll, Davenport, Day, Eastland, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hollingsworth, Ireland, Kemble, Killough, Kleberg, Lane, Mabry, McDonald, Moore, Morris, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Salter, Sayers,

Schmidt, Shaw, Short, Thurmond, Tilson, Tivy, Watts, Westfall, Wilder, Williams, Winkler and Wood—52.

Nays—Messrs. Bewley, Bordeaux, Broaddus, Brown of Upshur, Cunningham, Denton, Hoffman, Joseph, Manning, Nelson, Russell, Sabin, Scott, Smith of Colorado, Smith of Houston, Tom, Trolinger and Venters—18.

Mr. Green called up House bill No. 654, "An act to amend an act amending sections two and twelve of an act to incorporate the Hempstead Eastern and Western Trunk Railway Company."

The special railway committee offered as a substitute therefor, a bill amendatory of and supplementary to an act entitled "An act to amend sections two and twelve of an act to incorporate the Hempstead Eastern and Western Trunk Railway Company of Texas, approved August 12, 1870," passed April 28, 1871, and recommended its passage. The substitute was read, adopted and ordered engrossed.

On motion of Mr. Green, the rules were suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Berends, Bledsoe, Booty, Broaddus, Brown of Dallas, Carroll, Davenport, Day, Eastland, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Mabry, Manning, McDonald, Moore, Morris, Nelson, Phelps, Powers, Prendergast, Robb, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Shaw, Short, Smith of Colorado, Thurmond, Tilson, Tivy, Tom, Washington, Watts, Westfall, Wilder, Williams and Wood—59.

Nays—Messrs. Bordeaux, Denton, Leyendecker, Rimes, Scott, Smith of Houston, Trolinger and Venters—8.

Mr. Rainey in the chair.

The special order was then announced, Senate bill No. 270, "An act to amend sections one, two, fourteen and fifteen of an act to incorporate the Calvert and Belton Railway Company, passed May 25, 1871, and to grant land to aid in the construction of said railroad," the question being on the passage of the bill to third reading.

A message was received from his Excellency the Governor, announcing his approval of bills.

The bill passed to third reading.

Mr. Speaker in the chair.

On motion of Mr. Rosborough, the rules were suspended and the bill read third time by caption.

The House then refused to pass the bill by the following vote:

Yeas—Messrs. Broaddus, Carroll, Cunningham, Green, Killough, Manning, Moore, Phelps, Prendergast, Roberts, Salter, Shaw, Thurmond, Tivy, Washington, Williams, Winkler and Wood—18.

Nays—Messrs. Speaker, Adriance, Anderson, Berends, Bledsoe, Booty, Bordeaux, Brown of Upshur, Brown of Dallas, Davenport, Day, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Kleberg, Lane, Leyendecker, McDonald, Morris, Nelson, Powers, Rainey, Rimes, Robb, Rosborough, Russell, Sabin, Schmidt, Scott, Short, Smith of Colorado, Smith of Houston, Tilson, Tom, Trolinger, Venters and Westfall—47.

Mr. Washington called up House bill No. 883, upon which the following report was submitted:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 883, to incorporate the Wilson Creek and Colorado Canal Company, have considered the same and recommend its passage with the accompanying amendments.

ADRIANCE,

J. H. BROWN,

DENTON, for Committee.

1. Add to section thirteen, "subject at all times to such rates and to such laws as are now in force or may be hereafter enacted in relation to canals for navigation."

2. Amend section fifteen by striking out all between the word "date," in line three, and the word "that," in line seven.

3. Strike out the words "loan and," in line nine, section fifteen.

4. Amend section fifteen by striking out all after the word "company," in line ten, and insert the following: "For a like number of miles of navigable canal of equal depth and width in water, not to exceed in any case six-

teen sections of land for each mile of completed navigable canal; *provided*, that no part of Wilson creek or the Colorado river now navigable shall be included in the distance for which aid may be granted by the State."

The amendments were adopted and the bill read by caption second time.

Mr. Denton offered the following amendment: "And upon the completion of said canal it shall be the duty of said company to report the fact to the Governor of the State, who shall appoint some suitable person, at the charge and expense of said company, which charge shall be paid in advance by said company, to said agent, and the said agent shall proceed to inspect said canal; and if he find that the said canal is in accordance with the requirements of this act, he shall report the same to the Governor of the State, whose duty it shall be to immediately notify the Commissioner of the General Land Office, and the said Commissioner shall proceed to issue to said company the number of land certificates of six hundred and forty acres each, to which it may be entitled under the provisions of this act; and the said company shall locate said certificates in alternate sections—the odd sections being set apart to said company, and the even sections reserved to the school fund as provided by law; *provided*, that the State shall in no case be liable for any deficiency of public domain, and any unlocated certificates to said company shall constitute no claim against the State by reason of exhaustion of the vacant domain of the State."

Amendment adopted.

The bill was then ordered engrossed.

On motion of Mr. Washington, the rules were suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Berends, Bewley, Brown of Upshur, Brown of Dallas, Carroll, Cunningham, Day, Denton, Eastland, Ford, Gallaway, Gaston, Gillette, Gilpin, Green, Hoffman, Hollingsworth, Ireland, Joseph, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Moore, Payne, Phelps, Powers, Robb, Roberts, Rosborough, Sabin, Sayers, Schmidt, Smith of Colorado, Storey, Thurmond, Tivy, Tom, Washington, Watts, Wilder, Williams, Winkler and Wood—51.

Nays—Messrs. Bledsoe, Harrison, Kemble, Killough,

Nelson, Prendergast, Rimes, Salter, Scott, Shaw, Short, Smith of Houston, Tilson, Trolinger, Venters and Westfall—16.

Leave being granted, Mr. Hollingsworth offered the following resolution :

Resolved, That immediately after roll call, on the twenty-first instant, A. M., the regular order of business shall be suspended, and the Speaker shall proceed to call the committees in their regular order, and the call shall be continued until each committee shall have been called and allowed to report, and that in all cases where it is expedient the respective committees are authorized to consolidate bills into an omnibus bill or bills."

Laid over under the rules.

On motion of Mr. Brown, of Dallas, the Speaker was instructed to appoint a special committee of three to distribute the copies of the election and registration laws recently ordered printed.

The Speaker appointed Messrs. Brown, of Dallas, Smith, of Houston, and Tom, said committee.

Mr. Carroll called up the omnibus bill, entitled "An act authorizing and requiring the issuance of certificates to certain persons therein named," upon which the following report was submitted :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Private Land Claims, to whom was referred bills and petitions amounting to about forty-five in number, asking for relief, have had the same under careful consideration, and after a careful, full and complete examination of the evidence in each case, and in compliance with a resolution passed by this House at a former day, have instructed me to report all the accompanying bills back to the House, with the accompanying substitute, which contains all the bills in the committee's possession, on which they can report favorably, and which from its nature can be included in said substitute, and recommend that said substitute do pass.

ROBB, for Committee,
LANE, Chairman,
LEYENDECKER,
ABBOTT,
JOHN SMITH,
WOOD,
ROBERTS.

The substitute was read and adopted.

Mr. Wood moved to amend by adding the name of "Frederick Grimes, for six hundred and forty acres," which carried.

Mr. Short moved to lay the bill on the table. The House refused to table.

Mr. Bewley moved to amend by adding "the heirs of R. L. Anderson, for one league of land."

Mr. Russell moved to amend the amendment by adding thereto: "To Henry Stout, for one league and one labor of land."

Mr. Kleberg moved the previous question, which was seconded, and the main question ordered.

The House refused to adopt the amendment offered by Mr. Russell, by the following vote:

Yeas—Messrs. Abbott, Adriance, Anderson, Bewley, Bordeaux, Carroll, Cunningham, Day, Eastland, Gaston, Harrison, Ireland, Joseph, Manning, McDonald, Moore, Nelson, Phelps, Powers, Prendergast, Roberts, Russell, Sabin, Thurmond, Trolinger, Williams and Winkler—27.

Nays—Messrs. Berends, Broaddus, Brown of Upshur, Brown of Dallas, Davenport, Denton, Ford, Ghent, Gillette, Gilpin, Hester, Hoffman, Hollingsworth, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Payne, Rainey, Rimes, Robb, Salter, Sayers, Scott, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Tilson, Tivy, Tom, Venters, Washington, Westfall and Wood—38.

The House refused to adopt the amendment offered by Mr. Bewley.

The bill was then ordered engrossed.

Mr. Kleberg moved to suspend the rules and put the bill on its third reading.

Mr. Denton moved to adjourn. The House refused to adjourn.

The House then refused to suspend the rules.

On motion of Mr. Allison, Mr. Booty was excused until Wednesday, May 21, 12 M.

On motion of Mr. Manning, the House adjourned until 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, May 20, 1873. }

House met pursuant to adjournment. Prayer by Rev. Mr. Riggs. Roll called; quorum present.

Absent—Messrs. Bewley, Ellett and Mabry.

On motion of Mr. Anderson, the reading of the journal was dispensed with.

Mr. Morris presented a petition from citizens of Rusk county. Referred to the Committee on State Affairs.

Mr. Thurmond presented a petition from citizens of Aransas county for the passage of the Ohio Liquor Law. Referred to the Committee on Roads, Bridges and Ferries.

Mr. Smith, of Colorado, presented a petition from citizens of Waller county. Referred to Committee on Counties and County Boundaries.

Mr. Trolinger introduced a bill to provide for the registration of the voters in the city of Denison, in Grayson county, Texas, preparatory to an election to be held for city officers on the second Monday in June, 1873. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Bordeaux the rules were further suspended, the bill read third time and passed.

Mr. Ireland introduced a bill amending section twelve of "An act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Anderson the rules were further suspended, the bill read third time and passed.

Mr. Smith, of Colorado, introduced a bill to prohibit the sale of spirituous or intoxicating liquors within three miles of Bordenville, in Colorado county, Texas. Read first time by caption; rules suspended and read second time.

Mr. Leyendecker presented a protest against the passage of the bill, by citizens of that neighborhood, which was read.

Mr. Smith, of Colorado, presented a counter petition from other citizens of the same neighborhood asking the passage of the bill, which was read.

Mr. Leyendecker moved to refer the bill to the Committee on Education. The House refused to refer.

Mr. Killough moved to amend the bill by striking out "three miles" and inserting in lieu thereof "one mile." Lost.

The bill was then ordered engrossed.

On motion of Mr. Smith, of Colorado, the rules were further suspended, the bill read third time and passed.

Mr. Rimes introduced a bill for the protection of life and property from the use of explosive kerosene and other inferior illuminative oils. Read first time; rules suspended and read second time.

On motion of Mr. Anderson, the words "and fifteen," were inserted after the words, "one hundred." The bill was then ordered engrossed.

On motion of Mr. Anderson, the rules were further suspended, and the bill read third time.

Mr. Allison moved to amend section one by striking out the words "five hundred," and inserting "one hundred," and by striking out "one thousand," and inserting in lieu thereof, "two hundred."

Mr. Thurmond moved the previous question, which was seconded, and the main question ordered.

The amendment was adopted.

The bill then passed by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Bledsoe, Broaddus, Brown of Upshur, Chambers, Cunningham, Day, Eastland, Ford, Galloway, Gaston, Ghent, Gillette, Gilpin, Green, Hollingsworth, Ireland, Kemble, Killough, Lane, Lyendecker, Mabry, McDonald, Nelson, Powers, Prendergast, Rainey, Rimes, Rosborough, Russell, Salter, Sayers, Scott, Shaw, Short, Smith of Colorado, Storey, Tilson, Tivy, Tom, Trolinger, Watts, Westfall, Wilder and Winkler—49.

Nays—Messrs. Berends, Bordeaux, Brown of Dallas, Davenport, Hester, Hoffman, Joseph, Kleberg, Manning, Moore, Phelps, Robb, Roberts, Sabin, Schmidt, Smith of Houston, Thurmond, Washington, Williams and Wood—20.

On motion of Mr. Storey, Mr. Denton was excused for the day on account of sickness.

Mr. Storey introduced a bill to appropriate three hundred dollars to buy postage for the office of Superintendent of Public Instruction. Read first time.

On motion of Mr. Ireland, the rules were suspended, and the bill read second time.

Mr. Ireland moved to amend by striking out "three hundred," and inserting "one hundred."

Mr. Sabin moved, as a substitute for the amendment, to add after "three hundred," the words "and fifty."

The motion to strike out, being put, failed to carry.

The bill was then ordered engrossed.

On motion of Mr. Storey, the rules were further suspended, the bill read third time and passed by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Bledsoe, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Day, Eastland, Ford, Gaston, Gillette, Gilpin, Green, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, Moore, Morris, Nelson, Phelps, Powers, Rainey, Rimes, Roberts, Russell, Sabin, Salter, Schmidt, Shaw, Short, Smith of Houston, Storey, Thurmond, Tivy, Trolinger, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—53.

Nays—Messrs. Armstrong, Broaddus, Davenport, Ghent, Hester, Ireland, McDonald, Robb, Rosborough, Scott, Smith of Colorado, Tilson and Tom—13.

Mr. Ireland in the chair.

A message from the Senate announced the passage, by that body, of Senate bill No. 336, "An act to provide for the printing of the general laws of this State in the German and Spanish languages."

Mr. Westfall introduced a bill to authorize the city of Austin to become a stockholder in any company or corporation, for the purpose of supplying said city with water and gas. Read first time, rules suspended and read second time.

On motion of Mr. Storey, the bill was referred to a special committee of three, with instructions to report thereon Wednesday, May 21, at 4 P. M.

The Speaker appointed the following gentlemen said committee: Messrs. Westfall, Ghent, Joseph.

Mr. Williams introduced a bill to appropriate twenty-five thousand dollars for payment of judicial officers for costs accruing in criminal cases. Read first time.

On motion of Mr. Williams, the rules were suspended, and the bill read second time.

On motion of Mr. Powers, the bill was indefinitely postponed.

Mr. Thurmond introduced a bill supplementary to "An act entitled an act to adopt and establish a penal code for the State of Texas," approved August 26, 1856. Read first time; rules suspended and read second time.

On motion of Mr. Bordeaux, the bill was referred to Judiciary Committee No. 1.

Mr. Sabin introduced a joint resolution to amend section six of article ten of the Constitution. Read first time and laid over under the rules.

Leave being granted, on motion of Mr. Brown of Dallas, the special committee on the distribution of the printed copies of the registration and election laws submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The special committee appointed to apportion the number of copies of the acts regulating registration and elections, to be distributed among the members from each representative district, to be by them transmitted to their respective district clerks, as chief registrars of counties, respectfully submit the following allotment to govern in said distribution:

First district—nine counties, six copies each.....	54
Second district—six counties, six copies each to five counties, and ten to Nacogoches.....	40
Third district—two counties, twelve copies each.....	24
Fourth district—three counties, eight copies each....	24
Fifth district—two counties, ten copies each.....	20
Sixth district—three counties, twelve copies to two counties, and six to Gregg.....	30
Seventh district—one county, twelve copies.....	12
Eighth district—three counties, eight copies each....	24
Ninth district—two counties, ten copies each.....	20
Tenth district—five counties, ten copies each.....	50
Eleventh district—two counties, twelve copies to Fannin and Lamar.....	24
Twelfth district—three counties, ten copies each....	30
Thirteenth district—four counties, seven copies each, Waller.....	28
Fourteenth district—two counties, sixteen copies to Harris and six to Montgomery.....	22

Fifteenth district—four counties, six copies to two each, and ten to two each 32

Sixteenth district—one county, sixteen copies to Washington 16

Seventeenth district—three counties, ten copies each, Brazos, etc. 30

Eighteenth district—three counties, ten copies each, Leon, etc. 30

Nineteenth district—three counties, ten copies each, Falls, etc. 30

Twentieth district—five counties, nine copies each, Rockwall, Ellis, etc. 45

Twenty-first district—three counties, fourteen copies to two and eight to one 36

Twenty-second district—seven copies to five, and fourteen to Grayson 49

Twenty-third district—six counties, seven copies to each, Johnson, etc. 42

Twenty-fourth district—nine counties, six copies each, Aransas, etc. 54

Twenty-fifth district—two counties, ten copies each, Colorado and Lavaca 20

Twenty-sixth district—two counties, ten copies each, Fayette and Bastrop 20

Twenty-seventh district—three counties, ten copies each, Gonzales, etc. 30

Twenty-eighth district—ten counties, six copies to eight, ten to Bell, and sixteen to Travis 74

Twenty-ninth district—twelve counties, six copies to eleven, and sixteen to Bexar 82

Thirtieth district—fourteen counties, seven copies each 98

Making copies 1090

Leaving to each member an extra copy for his own use.

J. H. BROWN,
JOHN SMITH,
TOM,

Report adopted. Committee.

Mr. Tivy introduced a bill to facilitate the assessment of taxes on real estate. Read first time.

On motion of Mr. Tivy the rules were suspended, the bill read second time and referred to a special committee of five, of which Mr. Anderson should be chairman. The

Speaker appointed the following gentlemen said committee: Anderson, chairman, Allison, Davenport, Tivy and Washington.

On motion of Mr. Wood, the journal of yesterday was corrected so as to make House bill No. 437, to provide for the construction and repairing of court houses and jails by the several counties in this State, special order for 10 A. M. instead of 11.

The above special order was then taken up and considered by sections.

Mr. Wood moved to amend section first by inserting after the word "be" in line five as follows: "or the court house and jail of such county, or either of them may need repairs." Adopted.

Mr. Wood moved to amend the same section by inserting in line eighteen after the word "erected" the words "or the repairs proposed to be made." Adopted.

Mr. Killough moved to amend section one by striking out of line twenty "sixty" and inserting in lieu thereof "fifteen."

On motion of Mr. Kleberg, the amendment was laid on the table.

Mr. Brown of Upshur moved to amend section one by striking out of lines twenty-five and twenty-six the words "the happening of." Adopted.

Mr. Wood moved to amend section two by inserting in line twenty-five after the word "building," as follows: "or the repairs proposed to be made to the court house or jail, or both, as the case may be." Adopted.

Mr. Winkler moved to amend section two by inserting after the word "county" in line sixteen "and posted at the court house door, and at least four other public places." Adopted.

Mr. Wood moved to amend section three by inserting in line seven after the word "buildings" the words "or repairs;" also to amend the same section by inserting in line eleven, after the word "buildings," the words "or repairs." The House refused to adopt the amendments.

Mr. Tilson moved to amend section three by striking out in line five, the words "in favor of erecting county building or buildings, as the case may be," and inserting in lieu thereof, "for the proposition;" and in line ten, by striking out all after the word "words" down to the word "be," in line twelve, and insert in lieu thereof, "against the proposition." Adopted.

Mr. Wood moved to amend section four by striking out the word "either," in line forty-two; also, by striking out of line forty-three all after the word "for" to the word "said," in line forty-four; also, by striking out of line forty-five the word "have." Adopted.

Mr. Sayers moved to insert in line twenty-four, section four, the words "not less than two per cent. annually as a sinking fund."

Mr. Wood offered the following substitute: Section four, line twenty-four, strike out the words "shall therein be expressed," and insert in lieu thereof "as in this act provided." The substitute was adopted, and the amendment then adopted.

Mr. Smith of Colorado moved to amend section four, lines six and seven, by striking out the words "vote cast at said election," and insert in lieu thereof "registered voters of the county."

Mr. Green moved to lay the amendment on the table. The House refused to table by the following vote:

Yeas—Messrs. Abbott, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Cunningham, Day, Ford, Ghent, Green, Harrison, Hester, Joseph, Mabry, Payne, Prendergast, Robb, Roberts, Salter, Sayers, Storey, Stockbridge, Thurmond, Tivy, Trolinger, Venters, Washington, Watts, Wilder, Williams and Wood—33.

Nays—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Carroll, Chambers, Davenport, Denton, Eastland, Gaston, Gillette, Gilpin, Hoffman, Hollingsworth, Ireland, Kemble, Killough, Lane, Leyendecker, McDonald, Moore, Morris, Nelson, Powers, Rainey, Rimes, Rosborough, Russell, Sabin, Schmidt, Scott, Shaw, Short, Smith of Colorado, Smith of Houston, Tilson, Tom and Westfall—40.

The amendment was then adopted.

Mr. Abbott moved to reconsider the vote adopting the amendment, which carried.

The House then refused to adopt the amendment by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Carroll, Denton, Gaston, Ireland, Kemble, Killough, Lane, Leyendecker, Moore, Morris, Nelson, Rainey, Rimes, Rosborough, Russell, Sabin, Schmidt, Scott, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Tilson and Tom—29.

Nays—Messrs. Abbott, Armstrong, Berends, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Chambers, Cunningham, Davenport, Day, Eastland, Ford, Ghent, Green, Harrison, Hester, Hoffman, Joseph, Mabry, McDonald, Payne, Phelps, Powers, Prendergast, Robb, Roberts, Salter, Sayers, Tivy, Trolinger, Venters, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—39.

Mr. Smith of Colorado moved to amend section four by inserting after the word "property," in lines twenty and twenty-one, the words, "a poll tax of one dollar on every resident male person in the county under sixty and over twenty-one years of age." Lost.

On motion of Mr. Powers, the vote adopting the amendment offered by Mr. Wood to section four, was reconsidered.

The House then refused to adopt the amendment.

Mr. Powers moved to amend section four by adding thereto the following: "*Provided*, that if the contractor for the work proposed shall not elect to take the said bonds in payment therefor, but to be paid out of their avails when sold, then it shall be lawful for the County Court to contract with the person or persons undertaking such proposed work to make payment therefor at such time or times as shall be mutually agreed upon by the said contracting parties; *and provided further*, that nothing herein contained shall prevent any county court from shortening the time for which said bonds may be issued, as above expressed, if they shall deem it best for the interests of the county, by an order entered on the minutes of their proceedings, and which shall have been expressed in the notice hereinbefore provided to be published; and the proposition shall have been ratified and adopted by the votes of the county as hereinbefore provided." The amendment was adopted.

Mr. Powers moved to add to section four as amended the following: "*Provided*, that it shall be the duty of the County Court to contract for said work with the person or persons who will do the same cheapest, according to the plan or plans and specifications, after advertising for proposals to do said work at least one month before closing the contract for the same. The amendment was adopted.

Mr. Payne moved to insert the following section in the

bill as section five: "SEC. 5. That whenever the court house or jail in any county of this State needs enlarging or repairing, it shall be the duty of the County Court to levy a tax upon all the taxable property of the county sufficient to make the necessary repairs, and have the same assessed and collected as other taxes, and to issue bonds therefor without submitting the same to a vote of the people, as provided in this act, unless the estimated cost of such enlargement or repairs shall exceed three thousand dollars, in which case the vote shall be taken, as hereinbefore provided, and bonds issued accordingly."

Mr. Wood moved to amend the amendment by striking out "three thousand" and inserting in lieu thereof "fifteen hundred," which carried.

The amendment was then adopted.

Mr. Wood moved to insert in section six, line twelve, between the blank and the word "and" the words "in registration book, page ..." Adopted.

Mr. Allison moved to amend by inserting before the word "registered" the words "numbered and," which carried.

The Committee on Engrossed Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined the following bills:

No. 896, "An act to regulate the fees of office."

No. 913, "An act making an appropriation to defray the contingent expenses of the first session of the Thirteenth Legislature of the State of Texas,"

No. 915, "An act to provide for the registration of voters in the city of Denison, in Grayson county, Texas, preparatory to an election to be held for city officers on the second Monday in June, A. D. 1873."

And find the same correctly engrossed.

STOREY, for Committee.

Report from Committee on Enrolled Bills:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined the following bills, to-wit:

No. 174, "An act to amend and supplemental to an act to provide for the incorporation of towns and cities, approved January 27, 1858."

No. 155, "An act for the protection of the farming interest of the State."

No. 188, "An act for the benefit of the actual occupants of the public lands."

And find the same correctly enrolled, and have this the twentieth day of May, at 10:15 o'clock A. M., presented the same to His Excellency the Governor for his signature.

SHAW, Chairman.

On motion of Mr. Abbott, the House adjourned until 3 P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

Absent—Messrs. Abbott, Armstrong, Berends, Bewley, Cunningham, Day, Ellett, Gallaway, Hollingsworth, Robb, Short, Storey, Stockbridge, Thurmond and Wood.

Leave being granted, on motion of Mr. Bordeaux, Mr. Winkler introduced a bill to reincorporate the city of Corsicana.

On motion of Mr. Winkler, the reading of the bill was dispensed with, the rules suspended, the bill read second time by caption and ordered engrossed.

On motion of Mr. Winkler, the rules were further suspended, the bill read by caption third time and passed.

On motion of Mr. Brown of Upshur, Mr. Gallaway was excused for the evening on account of sickness.

On motion of Mr. Tilson, he was granted leave to withdraw from the Committee on Private Land Claims, House bill No. 518, "An act for the relief of the heirs of John D. Groesbeck, assignee of Peter Effingham," and House bill No. 519, "An act for the relief of John D. Groesbeck, assignee of Cyrus C. Chrisman."

Leave being granted, Mr. Sabin offered the following resolution:

Resolved, the Senate concurring, That this House stand adjourned *sine die* on the third Monday of June, 1873, at 12 M. of that day.

Laid over under the rules.

On motion of Mr. Brown of Dallas, House bill No. 914, a bill entitled "An act authorizing and requiring the issuance of land certificates to certain parties therein

named," was taken up, being unfinished business of yesterday evening.

Mr. Thurmond moved the previous question, which was seconded, and the main question ordered.

The bill then passed by the following vote :

Yeas—Messrs. Speaker, Anderson, Bledsoe, Bordeaux, Broadus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Eastland, Ford, Gaston, Ghent, Gilpin, Green, Hester, Hoffman, Ireland Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Payne, Phelps, Powers, Rainey, Robb, Roberts, Rosborough, Sabin, Salter, Sayers, Schmidt, Shaw, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tivy, Tom, Trolinger, Watts, Westfall, Williams and Wood—52.

Nays—Messrs. Allison, Gillette, Harrison, Manning, McDonald, Moore, Morris, Prendergast, Russell, Scott, Tilson, Venters, Washington, Wilder, and Winkler—15.

Mr. Ghent called up House bill No. 891, "An act to authorize interest on Treasury warrants," the question being on the passage of the bill. The bill passed.

Mr. Manning called House bill No. 548, a bill to be entitled "An act to amend the first section of an act to incorporate the Texas Banking and Insurance Company, approved July 1, 1870."

The Committee on Commerce and Manufactures submitted the following report thereon :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : Your Committee on Commerce and Manufactures, to whom was referred House bill No. 548, "An act to amend the first section of an act to incorporate the Texas Banking and Insurance Company, approved first day of July, A. D. 1870," have examined the same, and find the only amendment proposed is striking out this proviso in original act, to-wit : "Provided, that no real estate be acquired, than for the purpose of erecting thereon a suitable building for the company's office." Your committee can see no objection to the proposed change, and accordingly recommend the passage of the bill.

JOSEPH, Chairman.

On motion of Mr. Manning, the reading of the bill was dispensed with, and it was ordered engrossed.

On motion of Mr. Manning, the rules were suspended, the bill read by caption third time and passed.

Mr. Salter called up Senate bill No. 102, for the relief of the heirs of Anthony McGee.

Mr. Payne moved that the Committee on Private Land Claims be allowed to include two other Senate bill in their report upon the above bill, which carried by the following vote :

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Davenport, Day, Denton, Eastland, Gaston, Ghent, Gilpin, Hester, Hoffman, Ireland, Joseph, Kemble, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Morris, Noeggerath, Payne, Phelps, Powers, Rimes, Robb, Roberts, Rosborough, Sabin, Sayers, Schmidt, Smith of Colorado, Storey, Tilson, Tivy, Tom, Trolinger, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—55.

Nays—Messrs. Ford, Gillette, Killough, Moore, Prendergast, Rainey, Russell, Salter, Scott, Shaw, Smith of Houston and Venters—12.

The following report from the Committee on Private Land Claims was then submitted :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on Private Land Claims, have had under consideration the following Senate bills” No. 82, “An act for the relief of John S. Menifee;” No. 116, “An act for the relief of Lycurgus E. Griffith;” also No. 102, “An act for the relief of the heirs of Anthony McGee,” and respectfully recommend that the same do pass.

C. L. ABBOTT, for Committee.

Senate bill No. 102, for the relief of the heirs of Anthony McGee, was read second time by caption, and passed to a third reading.

On motion of Mr. Salter, the rules were suspended, the bill read a third time and passed.

Senate bill No. 82, “An act for the relief of John S. Menifee,” was then taken up.

On motion of Mr. Ireland, the bill was laid on the table.

Mr. Ireland moved to reconsider the vote tabling the bill, which carried.

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

On motion of Mr. Payne, the rules were further suspended, the bill read third time and passed.

Senate bill No. 116, "An act for the relief of Lycurgus E. Griffith," was taken up, read second time and passed to third reading.

On motion of Mr. Payne, the rules were suspended, the bill read third time and passed.

Mr. Rimes called up House bill No. 396, entitled "An act supplementary to an act in relation to the Missouri, Kansas and Texas Railway Company, late Union Pacific Railway Company, southern branch, passed August 2, 1870."

Judiciary Committee No. 2 submitted the following report thereon:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Judiciary Committee No. 2, to whom was referred House bill No. 377, entitled "An act supplementary to an act entitled an act in relation to the Missouri, Kansas and Texas Railway Company, southern branch, passed August 2, 1870," have had the same under consideration, and direct me to report the same back, with a substitute, and recommend that said substitute do pass.

BLEDSOE, for Committee.

The substitute offered by Judiciary Committee No. 2 was read.

Pending the discussion, a message was received announcing that the Senate adhered to its amendments to House bill No. 179, "An act to authorize the County Court of Falls county to levy and collect a special tax for purposes therein named," and had appointed Senators Ford, Dohoney and Sayers a conference committee upon the disagreement between the two houses, and asked a like committee on the part of the House.

The pending bill being resumed, on motion of Mr. Rainey, the whole matter was referred to the special committee on railways.

Mr. Denton moved to add to the special committee Messrs. Smith of Colorado, Ireland, Winkler and Anderson.

Mr. Russell moved to amend by adding Mr. Bordeaux. The House refused to make the additions.

Report from the Committee on Engrossed Bills:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined the following bills:

No. 712, "An act granting lands to the International Railroad."

No. 563, "An act to amend sections three, five and six, of an act entitled an act to incorporate the Carthage Branch Railway Company, approved May 22, 1871, and to grant lands to said company to aid in the construction of its road."

No. 883, "An act to incorporate the Wilson Creek and Colorado Canal Company."

And find the same correctly engrossed.

STOREY, for Committee.

On motion of Mr. Harrison, the House adjourned until 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES,)
AUSTIN, TEXAS, May 21, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

Absent—Berends, Bewley, Broaddus, Carroll, Ellett, Storey, Stockbridge, Washington.

On motion of Mr. Brown of Upshur, Mr. Gallaway was excused on account of sickness.

On motion of Mr. Rainey, the reading of the journal was dispensed with.

Mr. Russell moved to suspend the usual business of the morning, and take up the joint resolution proposing amendments to the Constitution, submitted by the Committee on Constitutional Amendments. The motion failed to carry.

On motion of Mr. Morris, the Committee on Finance were granted leave to report, and submitted the following: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Your Committee on Finance, to whom was referred the resolution of this House relating to the unsettled matters between the State, acting through the Governor, and Messrs. Raymond & Whitis, instruct me to report that they find, on or about the thirty-first day of January, 1872, his Excellency the Governor notified the parties then in possession of the forty-three bonds mentioned, that the same had been fraudulently taken and

disposed of, and that the State would never pay them. Under this statement of the Governor the bonds have been condemned by the stock exchange of New York. The committee are of opinion that the State can never be held responsible for said bonds, and that to institute a suit against Messrs. Raymond & Whitis would be an admission on the part of the State that said bonds are valid outstanding obligations, which admission your committee does not think should be made. The committee therefore recommend that no action be taken against said Raymond & Whitis for said bonds.

Your committee are of opinion that no legislation is necessary, the law being ample in order to secure the one and a half per cent. retained by said Raymond & Whitis beyond the amount allowed by law for making sales.

IRELAND, for Committee.

The following minority report was submitted:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The undersigned minority of the Finance Committee, to whom was referred the resolution of the House to make inquiry into the liability of the State, etc., on account of the forty-three State bonds said to have been improperly taken from Messrs. Raymond & Whitis, feel constrained to differ with the majority of the committee as to what course should be taken in respect to said bonds.

We are of opinion that as these bonds were payable to bearer and not due, though it be the fact that they were surreptitiously obtained from the agents of the State, as contended, still if it be true that they afterwards found their way on the market, and were purchased and paid for, or advancements were made on them in *good faith*, that is, if any person or bank corporation purchased and paid for them, or advanced money on them, without notice of the fraudulent manner in which it is said they were obtained from the State or her agents; that having been thus purchased and paid for "in due course of trade," we believe in law and justice the State should pay them, or the amount for which they may have been hypothecated, as the case may be. Though the State may never have and never may receive one cent for them, this result would not be from any fault or wrong of the purchaser of the bonds, but owing to the carelessness or wrong of the State or her agents; and to say the least, it must be said

to be the *misfortune* of the State in trusting her bonds in the hands of such agents, and is not the *fault* of the innocent purchaser.

The rule is old and well established, that where one of two innocent persons must suffer, the party who trusted the most must sustain the loss. In this case the purchaser, if in good faith, trusted to nothing. He relied, and had a right to rely, upon the negotiable character of the bonds put on the market in the usual course of trade. The State trusted the bonds in the hands of her agents, and if a loss be sustained, it must fall upon the State and not the purchaser in good faith.

But, on the contrary, if it *be true* that these bonds were fraudulently taken from the agent of the State, and without his authority, passed off to those persons who had notice of this fraud, or entered into combinations to cheat and swindle the State, and none have bought and paid for them in good faith, we say with these *facts established*, we would agree with the majority of the committee that the State should not pay them, or any amount for which they were thus fraudulently sold or hypothecated. And we further say that owing to the great uncertainty and complication in which the real facts are involved (for we can not say that we have half the real facts of the case before us) we are of opinion that it is not advisable, and indeed, *extremely impolitic* for the Legislature to take charge of and decide upon the rights and liabilities of the State, and all others concerned in the bonds, upon what is necessarily an *ex parte* showing, and without giving the real purchasers and holders of these bonds any hearing before us or opportunity to show that they were purchasers in good faith, and mainly, basing our action in this doubtful matter of facts upon the *ex parte* affidavit of persons alone whose interest it is to show that the State is not liable for any of the bonds, for by the establishment of that point (the non-liability of the State to pay the bonds), they thereby release and exonerate themselves from any liability to the State for this misappropriation of these bonds.

And we further state we believe the courts of the State are better suited to investigate all the complicated facts and matters of evidence, and the law of this case in connection with the same, and after giving each party a full hearing in the District and Supreme Courts, the legal

rights and liabilities of the States and *all others concerned* can be more properly settled and adjudicated in accordance with law and justice. And with a view to that end, and in order that full justice may be done to all persons concerned, we respectfully report a bill to the House and recommend that it be adopted and passed.

GEO. W. SMITH,
W. W. MORRIS,
JOHN ADRIANCE.

The bill, being "An act to authorize suit to be instituted to define the rights and liabilities of the State and other persons in connection with the forty-three State bonds, and to enforce the rights of the State therein," was read first time.

A message was received from the Senate informing the House that the Senate had passed the following bills originating in that body, viz.:

No. 182, "An act providing and making appropriation for the payment of certain unpaid contingent expenses of the Twelfth Legislature."

No. 307, "An act to reorganize certain judicial districts, and to abolish certain other judicial districts therein named."

No. 113, "An act concerning landlords and tenants," with amendments.

Also that the Senate had adopted the report of the conference committee on Senate bill No. 100, "An act to provide for the merger of the Waco and Northwestern Railroad Company, with its properties, franchises and privileges, in the Houston and Texas Central Railroad Company."

Mr. Cunningham moved to reconsider the vote by which the House refused to suspend the rules and take up the joint resolution proposing amendments to the Constitution, which motion carried.

The House then refused to take up the joint resolution referred to by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Bledsoe, Brown of Upshur, Carroll, Chambers, Cunningham, Day, Denton, Eastland, Gaston, Ghent, Gillette, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Lane, Leyendecker, Manning, McDonald, Nelson, Noeggerath, Prendergast, Rainey, Rimes, Robb, Russell, Sabin, Sayers, Scott, Short, Storey, Tilson, Tivy, Tom, Trolinger, Venters, Westfall, Winkler and Wood—44.

Nays—Messrs. Anderson, Armstrong, Berends, Bordeaux, Davenport, Ford, Gilpin, Hoffman, Killough, Kleberg, Mabry, Moore, Morris, Payne, Phelps, Powers, Roberts, Rosborough, Salter, Schmidt, Shaw, Smith of Colorado, Smith of Houston, Thurmond, Washington, Watts, Wilder and Williams—28.

Under instructions from the House the Speaker appointed the following conference committee on the part of the House upon the disagreement of the two houses upon House bill No. 179, "An act to authorize Falls county to levy and collect a special tax for purposes therein named:" Messrs. Rimes, chairman, Harrison and Wilder.

Also the following conference committee upon House bill No. 185, to define the duties of the Comptroller: Messrs. Shaw, Adriance, Hollingsworth.

House bill No. 113, "An act concerning landlords and tenants," was taken up, and the Senate amendments thereto read and concurred in.

The previous discussion upon the bill reported by the minority of the Finance Committee was then resumed, the question being upon the adoption of the report of the majority of the committee.

Pending the discussion, a message from the Senate announced the passage by that body of House bill No. 95, "An act to provide for the registration of the voters in the city of Denison, in Grayson county, Texas, preparatory to an election to be held for city officers on the second Monday in June, A. D. 1873."

The discussion having been resumed, Mr. Sayers moved to lay the majority report upon the table. The House refused to table by the following vote:

Yeas—Messrs. Speaker, Adriance, Berends, Bledsoe, Carroll, Ford, Hoffman, Joseph, Lane, Morris, Phelps, Powers, Prendergast, Rainey, Rimes, Roberts, Rosborough, Sabin, Sayers, Schmidt, Shaw, Smith of Colorado, Smith of Houston, Tilson, Tivy, Venters, Washington, Watts, Wilder and Williams—30.

Nays—Messrs. Allison, Anderson, Armstrong, Bordeaux, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Davenport, Day, Denton, Eastland, Gaston, Gilpin, Green, Harrison, Ireland, Kemble, Killough, Mabry, Manning, McDonald, Moore, Nelson, Payne, Robb, Russell, Salter, Scott, Storey, Thurmond, Tom, Westfall, Winkler and Wood—35.

On motion, Mr. Trolinger was excused on account of sickness.

On motion of Mr. Carroll, Mr. Broaddus was excused on account of sickness.

The report of the majority was then adopted by the following vote:

Yeas—Messrs. Allison, Armstrong, Bordeaux, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Davenport, Day, Denton, Eastland, Gaston, Gilpin, Harrison, Hollingsworth, Ireland, Kemble, Killough, Mabry, Manning, McDonald, Nelson, Payne, Robb, Russell, Salter, Scott, Storey, Thurmond, Tom, Venters, Westfall and Winkler—33.

Nays—Messrs. Speaker, Adriance, Anderson, Berends, Bledsoe, Carroll, Ford, Green, Hoffman, Joseph, Lane, Moore, Morris, Phelps, Powers, Prendergast, Rainey, Roberts, Rosborough, Sabin, Sayers, Schmidt, Shaw, Smith of Colorado, Smith of Houston, Tilson, Tivy, Washington, Watts, Wilder and Williams—31.

On motion of Mr. Prendergast, House bill No. 526, "An act amendatory of and supplementary to an act entitled an act concerning private corporations, approved December 2, 1871," was taken up and made special order for Thursday, May 22, 10 A. M.

On motion of Mr. Russell, House bill No. 24, "An act to provide for the better protection of the archives and files in the General Land Office," was taken up and read second time.

Mr. Denton offered as a substitute therefor "An act to better protect the archives and files in the General Land Office," which was read.

The House refused to adopt the substitute.

Mr. Payne moved to amend section three, line four, by inserting between the words "writing" and "all," the words "in ink." The amendment was adopted.

On motion of Mr. Anderson, the bill was referred, with amendments offered by Messrs. Wood and Powers, to a special committee, composed of Messrs. Watts, chairman, Wood, Denton, Prendergast and Powers.

Mr. Brown of Dallas in the chair.

On motion of Mr. Russell, House bill No. 595, "An act to divide the State of Texas into six Congressional Districts," was taken up, upon which the following report was submitted:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The select committee to whom was referred House bill No. 595, have had the same under consideration, and instruct me to report the accompanying substitute, and recommend its passage.

WATTS, for Committee.

The Speaker in the chair.

Mr. Anderson moved to make the substitute offered by the committee special order for Saturday, May 24, and that one hundred copies be printed, which motion carried.

Mr. Rimes submitted the following report from the Conference Committee upon House bill No. 179 :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee of Conference on the disagreement of the two houses on House bill No. 179, entitled, "An act to authorize the County Court of Falls county to levy and collect a special tax for the purpose therein expressed," have had the same under consideration, and have agreed that the House adopt the amendments recommended by the Senate to the bill.

FORD,

Chairman Senate Committee.

RIMES,

Chairman House Committee.

The report was adopted.

Mr. Sabin submitted the following report from the Conference Committee on Senate bill No. 100 :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee on the part of the House, appointed to confer with the like committee on the part of the Senate, to take into consideration amendments made by the House to Senate bill No. 100, "An act to provide for the merger of the Waco and Northwestern Railroad Company, with its properties, rights, privileges and franchises, in the Houston and Texas Central Railway Company," agree to make the following report :

1. That the House recede from that portion of its amendment designated as section two, included between the word "road," in line seven, in said section, and the word "and" in line twelve of said section.

2. That the Senate concur in the residue of the amendments adopted by the House.

C. B. SABIN,
Chairman House Committee.
E. L. DOHONEY,
Chairman Senate Committee.

Mr. Nelson in the chair.

Pending the discussion, a message from the Senate announced the passage by that body of House bill No. 700, "An act granting land to the Buffalo Bayou Ship Channel Company, in aid of the improvement of the navigation from Bolivar channel, near the Gulf of Mexico, to the city of Houston."

The Committee on Engrossed Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills have examined the following bills:

No. 548, "An act to amend the first section of an act to incorporate the Texas Banking and Insurance Company, approved first day of July, A. D. 1870."

No. 917, "An act to prohibit the sale of spirituous or intoxicating liquors within three miles of Bordenville, in Colorado county, Texas."

No. 918, "An act for the protection of life and property from the use of explosive kerosine and other inferior illuminating oils."

No. 916, "An act amending twelfth section of an act to organize courts of justices of the peace and county courts, and to define their jurisdiction and duties."

No. 654, "An act amendatory of and supplementary to an act entitled an act to amend sections two and twelve of an act to incorporate the Hempstead Eastern and Western Trunk Railway Company, of Texas, approved August 12, 1870, passed April 28, 1870."

No. 919, "An act to appropriate three hundred dollars to buy postage for the office of Superintendent of Public Instruction."

And find the same correctly engrossed.

STOREY, for Committee.

The discussion upon the report of the committee upon Senate bill No. 100 being resumed, Mr. Schmidt moved the previous question, which was seconded, and the main question ordered.

The report of the committee was then adopted by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Brown of Upshur, Carroll, Gaston, Gillette, Gilpin, Harrison, Hoffman, Hollingsworth, Joseph, Killough, Mabry, McDonald, Moore, Noeggerath, Phelps, Rainey, Robb, Sabin, Schmidt, Shaw, Smith of Houston, Thurmond, Tivy, Washington, Watts, Wilder, Williams and Winkler—32.

Nays—Messrs. Berends, Bledsoe, Chambers, Cunningham, Davenport, Denton, Eastland, Kemble, Lane, Leyendecker, Manning, Nelson, Payne, Powers, Prendergast, Rimes, Rosborough, Russell, Scott, Short, Smith of Colorado, Storey, Tilson, Tom, Venters, Westfall and Wood—28.

Mr. Kemble offered a concurrent resolution making valid reports of scholastic census takers during 1872, returned to the State Superintendent or State Treasurer prior to March 1, 1873.

Pending which, on motion of Mr. Kleberg, the House adjourned until 3 P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

Absent—Messrs. Bewley, Cunningham, Day, Ellett, Leyendecker, Mabry, Russell, Scott, Short, Stockbridge, Tilson and Venters.

On motion of Mr. Wood, the special order, House bill No. 232, "An act supplemental to an act entitled an act to provide for the establishment of the Agricultural and Mechanical College, approved April 17, 1871," was postponed and made special order for Thursday, May 22, at 3 P. M.

The Committee on Enrolled Bills submitted the following reports :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined the following bill, to-wit :

No. 915, "An act to provide for the registration of the voters in the city of Denison, in Grayson county, Texas, preparatory to an election to be held for city officers on the second Monday in June, A. D. 1873."

And find the same correctly enrolled, and have this the day of May, at o'clock M., presented the same to the Governor for his signature.

SHAW, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 179, entitled "An act to authorize the County Court of Falls county to levy and collect a special tax for the purpose therein expressed," and have this the twenty-first day of May, at 12:35 o'clock P. M., presented the same to the Governor for his signature.

SHAW, Chairman.

By special leave, Mr. Anderson introduced a bill to reserve the right of way for any railway company now incorporated by the laws of the State of Texas, or that may hereafter be incorporated by the Legislature of the State, across or through any lands granted to the Atlantic and Pacific Railway Company by the Legislature of the State of Texas, or that may hereafter be granted to said company. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Anderson the rules were further suspended, the bill read third time and passed.

Mr. Nelson asked leave to introduce a bill. The House refused.

Mr. Brown, of Dallas, moved to reconsider the vote of yesterday passing House bill No. 891, "An act to authorize interest on treasury warrants."

On motion of Mr. Bordeaux, the consideration of the question was postponed until Thursday, May 22, at 10 A. M.

Mr. Prendergast called up House bill No. 326, upon which the following report was submitted :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was referred House bill No. 326, a bill to be entitled "An act to prohibit the sale or disposition of spirituous or other intoxicating liquors within three miles of Mount Calm Masonic Institute," herewith report the same back to the House and recommend its passage, with the following amendment: In section one strike out the word "three" and insert "two."

DENTON, for Committee.

The bill was read second time and ordered engrossed.

On motion of Mr. Prendergast, the rules were suspended, the bill read third time and passed.

Mr. Anderson called up House bill No. 794, to amend section seven of "An act entitled an act to incorporate the city of Waco," approved April 26, 1871, upon which the following veto message had been received:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, May 15, 1873. }

Hon. M. D. K. Taylor, Speaker of the House of Representatives of the State of Texas:

SIR: I have to return to the House of Representatives, where it originated, the act entitled, "An act to amend section seven of an act entitled an act to incorporate the city of Waco, approved April 26, 1871."

I have to make objection to the thirty-eighth clause of section one, which provides the manner in which the city of Waco can take stock in railroad companies. There is some doubt whether, under our present Constitution, the people of cities and towns can be taxed to aid private enterprises, under the name of internal improvements, even if two-thirds of the people vote in favor of such aid. The Constitution authorizes this to be done by counties, but nowhere provides for the doing of it by cities and towns. Thus, in conformity with the legal maxim that the expression of one thing excludes the other, perhaps it was not intended that cities and towns should have that authority. But, without proposing fully to assume this ground, the act is objectionable because it authorizes this to be done by *two-thirds of those voting*, instead of two-thirds of all the registered voters of the city, as required by the general act on the subject, approved April 12, 1871, and the amendments thereto.

I think it will be apparent to the House, that it is unsafe to forsake the rule laid down in that act, as regards the proportionate number of voters whose assent should be required before such enterprise is engaged in.

Very respectfully,

EDMUND J. DAVIS, Governor.

The bill, having been read, was passed, notwithstanding the objections of his Excellency the Governor, by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Bledsoe, Bordeaux, Brown of Upshur, Brown of Dallas,

Carroll, Chambers, Cunningham, Davenport, Day, Denton, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Lane, Leyendecker, Manning, McDonald, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Sabin, Salter, Schmidt, Scott, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Venters, Watts, Westfall and Winkler—61.

Nays—Messrs. Abbott, Armstrong, Berends, Mabry, Phelps, Roberts, Washington, Wilder and Williams—9.

A message from the Senate announced the passage, by that body, of House bill No. 857, "An act to provide for holding an election for county officers in the county of Waller, and authorizing commissioners to hold the same," with amendments by the Senate.

The following message from his Excellency the Governor, was submitted.

On motion of Mr. Brown of Dallas, the reading of the message was dispensed with, and it was ordered spread upon the journals :

EXECUTIVE OFFICE, STATE OF TEXAS,)
AUSTIN, May 19, 1873. }

To the Honorable Senate and House of Representatives of the State of Texas :

GENTLEMEN : I have the honor to inform you that the following named acts have been received by me and approved, to-wit :

House bill No. 93, "An act to better provide for the protection of agricultural interests," approved April 23, 1873.

House bill No. 443, "An to incorporate the town of Cuero, in DeWitt county," approved April 23, 1873.

House bill No. 150, "An act amendatory of and supplementary to an act entitled an act to incorporate the Home Insurance and Trust Company of Texas, approved December 1, 1871," approved April 23, 1873.

House bill No. 395, "An act amendatory of and supplementary to an act concerning private corporations, approved December 2, 1871," approved April 23, 1873.

House bill No. 261, "An act to amend article two hundred and eighty-four of an act entitled an act to adopt

and establish a penal code for the State of Texas, approved August 26, 1856," approved April 23, 1873.

Joint resolution, granting leave of absence from the State to J. M. Onins, Judge of the Twenty-eighth Judicial District, approved April 24, 1873.

House bill No. 138, "An act to dispense with the use of scrolls and seals in certain cases, approved February 2, 1858," approved April 28, 1873.

Senate bill No. 298, "An act to authorize the Judge of the Tenth Judicial District of the State to hold a special term of the District Court in and for the county of Anderson, in said tenth district," approved 28, 1873.

House bill No. 123, "An act to provide for the prompt settlement of accounts by sheriffs with the State and counties," approved April 28, 1873.

Senate bill No. 163, "An act for the relief of William W. Wallace," approved April 28, 1873.

Senate bill No. 144, "An act to incorporate the Real Estate Building and Savings Association, of Dallas, Texas," approved April 28, 1873.

House bill No. 38, "An act to incorporate the Falls County Real Estate and Savings Association," approved April 28, 1873.

House bill No. 790, "An act defining a further cause of continuance in civil cases," approved April 29, 1873.

House bill No. 630, "An act to provide for the registration of voters, and to repeal an act to provide for a special registration of voters preparatory to an election under the provisions of an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvement, approved May 31, 1871," approved April 29, 1873.

Senate joint resolution No. 37, joint resolution granting leave of absence from the State to I. N. Everett, Judge of the Twenty-sixth Judicial District, approved May 1, 1873.

Senate bill No. 167, "An act to incorporate the Jefferson Institute, located in the city of Jefferson, in the county of Marion, in the State of Texas," approved May 3, 1873.

House bill No. 133, "An act to accurately define the land district of Palo Pinto, and to make valid the surveys and locations heretofore made therein," approved May 3, 1873.

Senate bill No. 302, "An act to incorporate the town of McDade, in Bastrop county, Texas," approved May 3, 1873.

Senate bill No. 184, "An act to incorporate the German Germania, of Columbus," approved May 3, 1873.

Senate bill No. 306, "An act to incorporate the town of Wharton, in Wharton county," approved May 3, 1873.

Senate joint resolution No. 32, joint resolution instructing our senators and requesting our representatives in Congress to endeavor to secure the improvement of the harbor of Galveston, and requesting for the memorial of the mayor and board of aldermen of the city of Galveston, upon that subject, the early and favorable consideration of the Congress of the United States, approved May 3, 1873.

House bill No. 402, "An act to incorporate the Milam Real Estate and Immigration Association," approved May 3, 1873.

House bill No. 399, "An act to provide for the registration of births," approved May 3, 1873.

House bill No. 448, "An act to incorporate the Austin Trust Company," approved May 3, 1873.

House bill No. 218, "An act to incorporate the Pioneer Fire Company No. 1 of the city of Corpus Christi, State of Texas," approved May 7, 1873.

House bill No. 808, "An act to enable the district judges to make temporary appointments of clerks of district courts in cases of vacancies," approved May 7, 1873.

House bill No. 125, "An act to prescribe the mode and manner of designating exemption homesteads in certain cases," approved May 7, 1873.

House bill No. 262, "An act to amend the seventh section of an act entitled an act to incorporate the city of Rockport, approved May 26, 1871," approved May 8, 1873.

Senate bill No. 13, "An act to consolidate the Houston Tap and Brazoria railway, the Huntsville Branch railway and the Victoria and Columbia railroad with the Houston and Great Northern railroad," approved May 8, 1873.

Senate bill No. 181, "An act regulating contested elections," approved May 8, 1873.

Senate joint resolution No. 39, "Joint resolution memorializing Congress to provide for the improvement of the entrance into Matagorda bay," approved May 8, 1873.

House bill No. 746, "An act to incorporate the Texas and European Beef Company of Galveston, Texas," approved May 8, 1873.

House bill No. 357, "An act to incorporate Owensville High School," approved May 8, 1873.

House bill No. 367, "An act to incorporate the Marvin College," approved May 8, 1873.

House bill No. 618, "An act to aid the Bayland Orphans' Home situated on Galveston bay, in Harris county, Texas," approved May 8, 1873.

Senate bill No. 179, "An act making appropriation for the payment of the expenses of the several contested election cases and special investigations before the present Legislature," approved May 8, 1873.

House bill No. 148, "An act amendatory of and supplementary to an act entitled an act to incorporate the Merchant's Mutual Insurance Company, approved September 18, 1866," approved May 9, 1873.

House bill No. 671, "An act to incorporate the Mechanic's Real Estate and Savings Association of Dallas," approved May 10, 1873.

House bill No. 256, "An act to incorporate the Hebrew Benevolent Society of Calvert, in Calvert, Robertson county, Texas," approved May 12, 1873.

House bill No. 525, "An act to incorporate the Hebrew Benevolent Association of Waco," approved May 12, 1873.

House bill No. 602, "An act to amend an act passed at the present session of the Legislature, entitled an act to amend an act entitled an act incorporating the Galveston Artillery Company, approved January 30, 1841," approved May 12, 1873.

The following bills, not having been returned by me to the House in which they originated, within the time prescribed by the Constitution, have become laws without my approval, to-wit:

House bill No. 23, "An act to create and provide for the organization of the county of Gregg (named in honor of the late General John Gregg)," passed April 12, 1873.

House bill No. 152, "An act to authorize the County Court of Hays county to levy and collect a special tax for the purpose of building a jail at the county seat," passed April 14, 1873.

Senate bill No. 272, "An act for the relief of Stephen

F. Minton, requiring the Commissioner of the General Land Office to issue certain land certificates to him," passed April 17, 1873.

House bill No. 287, "An act to authorize and empower the County Court of Bosque county to levy and collect a special tax for the purpose of building a court house and jail, and to validate a tax already levied," passed April 18, 1873.

House bill No. 552, "An act to incorporate the Bridgeport Bridge Company, in Wise county, Texas," passed April 18, 1873.

Senate bill No. 208, "An act to appoint an agent to take charge of property bequeathed to the State of Texas for certain purposes, by Oscar L. Holmes, and to carry into effect said bequest," passed April 24, 1873.

House bill No. 250, "An act to authorize Thomas M. Cain and W. J. Agee to construct a toll bridge across Sabine river," passed April 24, 1873.

Senate bill No. 140, "An act making an appropriation to pay the contingent expenses of the Thirteenth Legislature of the State of Texas," passed April 25, 1873.

House bill No. 420, "An act for the relief of the heirs of William Garnett, deceased," passed April 26, 1873.

House bill No. 254, "An act to authorize the County Court of Upshur county to issue interest bearing bonds to finish paying for the building of the court house of said county, and to levy and collect a tax to pay the same," passed April 26, 1873.

House bill No. 305, "An act to authorize and require the Commissioner of the General Land Office to issue certain land certificates therein named," passed April 26, 1873.

House bill No. 379, "An act to authorize James P. Dumas and such other persons as he may associate with him, and their successors, to construct, own and keep a toll bridge on, over and across Choctaw Bayou, in Grayson county, Texas," passed April 26, 1873.

Senate bill No. 44, "An act to incorporate a company to be styled the Palestine Fire Company," passed April 26, 1873.

House bill No. 347, "An act to incorporate the Leon River Bridge Company," passed April 26, 1873.

House bill No. 411, "An act to create the county of Waller," passed April 28, 1873.

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Said railroad shall not cross the Trinity river below what is known as Spanish Bluff, in the county of Houston; and from the point at which said road may cross the Trinity river, at or about Spanish Bluff, said road shall run westwardly so as not to run south of Leon Prairie, in the county of Leon, and shall not cross the Navasota river at a point below or south of the San Antonio crossing, on said stream, said San Antonio crossing being at the southwest corner of the county of Leon." The amendment was adopted.

The bill was then ordered engrossed.

On motion of Mr. Wood, the rules were suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Armstrong, Berends, Bledsoe, Brown of Upshur, Brown of Dallas, Carroll, Cunningham, Davenport, Day, Denton, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Mabry, Manning, McDonald, Morris, Nelson, Noeggrath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—67.

Nays—Leyendecker and Moore—2.

The special order was announced, being House bill No 920, "An act to authorize the city of Austin to become a stockholder in any company or corporation, for the purpose of supplying said city with water and gas."

The special committee upon the bill submitted the following amendments, which were adopted:

1. Add to section one: "*Provided*, that this act shall not take effect until it shall be voted upon at an election to be held in said city on the .. day of .., 1873, at The managers of said election shall be appointed by the council of the city, who shall hold the election and make returns thereof to the said council as prescribed by the general law governing elections, so far as applicable. Those voting for the law shall write on their ballots the words, 'I favor the law,' or if opposed to it, 'I oppose the law,' or other words of like import. None but registered voters, resident in the city sixty days before the

election, shall be allowed to vote at said election. The council shall call a meeting within ten days after said election, and make out and record the returns of the election in their minutes, and if it appears that a majority of those voting favor the law, the council will so decree and enter on their minutes, and from that day this law shall take effect. But if it appears that a majority of those voting are opposed to the law, they will so declare and enter the same upon their minutes, and in that event this act shall not take effect."

2. Add to section three: "*Provided*, that the company is hereby required to furnish to the city of Austin, free of charge, in iron or other metallic pipes, of not less than five inches in diameter, and at least one pipe to each street, so far as houses may be constructed on the same, all the water necessary to the fire department, market house and city hall. Said company is hereby required to construct and furnish two hydrants to each improved block in the city, at such points as may be designated by the council of the city, and said company shall not charge private companies or individuals more than five cents per barrel for water, each barrel to contain forty gallons."

The bill was then ordered engrossed.

On motion of Mr. Westfall, the rules were suspended, the bill read third time and passed.

Mr. Winkler called up House bill No. 837, to incorporate the San Marcos, Guadalupe and Galveston Canal Company.

The Committee on Internal Improvements recommended the passage of the bill.

The bill was taken up by sections.

Mr. Sabin moved to amend section one by inserting the names of John N. Camp and A. H. Casteel, which carried.

On motion of Mr. Hollingsworth, the names of M. S. Munson and Joseph Bates were added in same section.

Mr. Payne offered the following amendment, which was adopted: After the word "county," in line nine, section six, strike out "thence to Lavaca bay," and insert in lieu thereof "thence to Green Lake, thence to Powderhorn Lake, thence to Matogorda Bay."

Mr. Sabin moved to amend section six by adding the following proviso: "*Provided*, that nothing in this act

contained shall in any way interfere with or impede any right of way that may now or hereafter be granted to the United States of America for the establishment of a coast-wise canal along the coast of Texas." The amendment was adopted.

On motion of Mr. Hollingsworth, section thirteen was amended by striking out "five" in line five, and inserting in lieu thereof "ten."

On motion of Mr. Hollingsworth, the time for which the corporation shall exist was fixed at fifty years.

On motion of Mr. Adriance, the names of Samuel W. Fisher, Galen Hodges, D. E. E. Braman and W. A. Price were added to the list of incorporators.

Mr. Russell in the chair.

The bill was then ordered engrossed.

On motion of Mr. Hollingsworth, the rules were suspended, the bill read third time and passed by the following vote :

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Armstrong, Berends, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Davenport, Day, Denton, Eastland, Ford, Gaston, Gillette, Gilpin, Green, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Lane, Leyendecker, Mabry, Manning, McDonald, Nelson, Noeggerath, Payne, Powers, Prendergast, Rimes, Robb, Roberts, Sabin, Salter, Sayers, Schmidt, Short, Storey, Thurmond, Tivy, Tom, Washington, Watts, Wilder, Williams, Winkler and Wood—54.

Nays—Messrs. Bordeaux, Moore, Russell, Scott, Smith of Colorado, Tilson, Venters and Westfall—8.

Report from Committee on Engrossed Bills :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills beg leave to report that they have carefully examined House bill No. 925, "An act to reserve the right of way for any railroad company now incorporated by laws of the State of Texas, or that may hereafter be incorporated by the Legislature of the State, across or through any land granted to the Atlantic and Pacific Railroad Company," and find the same correctly engrossed.

L. J. STOREY, for Committee.

Mr. Rainey moved to reconsider the vote adopting the report of the conference committee upon the disagree-

ment of the two houses upon Senate bill No. 100, to provide for the merger of the Waco and Northwestern Railroad Company, with its properties, rights, privileges, and franchises, in the Houston and Texas Central Railway Company.

Mr. Ireland moved a call of the House, which was sustained.

Absent—Messrs. Bewley, Ellett, Ghent, Hester, Phelps.

On motion of Mr. Kleberg, the sergeant-at-arms was dispatched for the absent members.

Mr. Washington moved to suspend the call. The House refused.

Mr. Killough moved to suspend the call. The House refused.

Mr. Washington moved to adjourn. The House refused.

Mr. Brown of Upshur moved to suspend the call. The House refused.

Mr. Brown of Upshur moved to adjourn. The House refused.

On motion of Mr. Storey, the call was suspended.

Mr. Sabin moved to lay the motion to reconsider on the table, which carried by the following vote :

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Bordeaux, Brown of Upshur, Brown of Dallas, Carroll, Day, Eastland, Ford, Gaston, Gilpin, Green, Harrison, Hoffman, Hollingsworth, Joseph, Killough, Mabry, Moore, Morris, Noeggerath, Robb, Roberts, Sabin, Salter, Schmidt, Shaw, Smith of Houston, Tivy, Venters, Washington, Watts, Wilder and Williams—37.

Nays—Messrs. Armstrong, Berends, Bledsoe, Chambers, Cunningham, Davénport, Denton, Gillette, Hester, Ireland, Kemble, Kleberg, Lane, Leyendecker, Manning, McDonald, Nelson, Payne, Powers, Prendergast, Rainey, Rimes, Rosborough, Russell, Sayers, Scott, Short, Smith of Colorado, Storey, Thurmond, Tilson, Tom, Westfall, Winkler and Wood—35.

Mr. Gillette called up House joint resolution No. 350, concerning surveyors' records of Liberty, Hill and Montague counties, upon which the following report was submitted :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was

referred House joint resolution No. 350, concerning surveyors' records of Liberty county, have considered the same, and herewith report it back to the House, together with the accompanying substitute, and recommend the adoption of the substitute.

DENTON, for Committee.

The substitute of same caption was read and adopted, and ordered engrossed.

On motion of Mr. Gillette, the rules were suspended, the bill read third time and passed.

Mr. Kemble called up House bill No. 411, making an appropriation for C. R. Gibson, upon which the following veto message was submitted :

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, May 8, 1873. }

SIR: I am compelled to return to the House of Representatives, where it originated, the act entitled, "An act making an appropriation for C. R. Gibson," because it appears that it is intended to pay several claims or pretended claims of this person against the State of Texas, based upon altogether different grounds. It thus conflicts with that provision of the Constitution, article twelve, section seventeen, which declares that "every law enacted by the Legislature shall embrace but one object, and that shall be expressed in its title."

On examination of the grounds or items making up this claim, I am inclined to believe that the party has no claim against the State for any of them. He certainly has not for the principal item, which seems to be for transcribing certain records in his county, which records there was no law requiring him to transcribe, and for which, even if transcribed, he has no just claim against the State.

Very respectfully,

EDMUND J. DAVIS, Governor.

HON. M. D. K. TAYLOR, Speaker of the House of Representatives of the State of Texas.

Mr. Smith of Colorado moved to refer the bill and message to a special committee of three, with instructions to report Friday, May 24, during the morning session.

Mr. Green moved to lay that motion on the table. The House refused to table.

The motion to refer then carried, and the Speaker appointed the following gentlemen the committee called for

by the motion: Messrs. Smith of Colorado, chairman, Kemble and Sayers.

Mr. Chambers called up House bill No. 412, "An act for the relief of G. W. Patterson and son," which was read third time.

Mr. Ireland moved to amend by inserting in line six, after the word "currency," the words "upon a warrant which shall be drawn by the Comptroller of Public Accounts for said amount," which carried.

The bill then passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Bledsoe, Bordeaux, Brown of Dallas, Carroll, Chambers, Cunningham, Day, Eastland, Ford, Gaston, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Lane, Leyendecker, Mabry, Manning, McDonald, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Sayers, Schmidt, Scott, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Vinters, Watts, Westfall, Williams, Winkler and Wood—62.

Nay—Mr. Day—1.

The Committee on Enrolled Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined and compared the following bill, to-wit:

House bill No. 113, "An act concerning landlords and tenants."

And find the same correctly enrolled, and have this the twenty-first day of May, at 4:50 o'clock P. M., presented the same to the Governor for his signature.

WOOD, for Committee.

On motion of Mr. Tilson, the House adjourned until 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, May 22, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

Absent—Messrs. Abbott, Bordeaux, Ellett, Russell and Stockbridge.

On motion of Mr. Washington, Mr. Wilder was excused on account of sickness.

On motion of Mr. Carroll, Mr. Broaddus was indefinitely excused on account of sickness.

On motion of Mr. Washington, the reading of the journal was dispensed with.

Mr. Ireland introduced "An act supplementary to and amendatory of an act entitled an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, passed August 13, 1870." Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Ireland, the rules were further suspended, the bill read third time and passed.

Mr. Nelson introduced "An act to provide for the safe keeping and protection of the State House, or so much thereof as may include the public halls and committee rooms used by the members of the Legislature, and all the furniture and fixtures belonging to the same, and all the books, maps, charts and papers belonging to or appertaining to the State Library." Read first time; rules suspended and read second time.

A message from the Senate announced the passage of the following bills:

House bill No. 228, "An act to amend article . . . of the Code of Criminal Procedure."

House bill No. 48, "An act regulating juries," with amendments by the Senate.

House bill No. 925, "An act to reserve the right of way for any railroad company now incorporated by the laws of the State of Texas, or that may hereafter be incorporated by the Legislature of the State, across or through any lands granted to the Atlantic and Pacific Railway Company," etc.

Resuming the previous matter, Mr. Morris offered the following amendment: "Said agent shall also stay in

the Capitol each night, or cause some trusty person to sleep in such building for the purpose of its protection."

Mr. Short in the chair.

Mr. Winkler moved to refer the bill to the special-committee upon House bill No. 910, Mr. Russell chairman. The House refused to refer.

The amendment was adopted.

Mr. Robb moved to amend so that the person to be placed in charge of the building, etc., should be elected by joint ballot of both houses of the Legislature. The House refused to amend.

Mr. Payne moved to amend the salary regulation by striking out "fifteen hundred," and inserting in lieu thereof "twelve hundred," which carried.

Mr. Ireland moved to amend by adding "public grounds and all buildings and property thereon." Adopted.

Mr. Killough moved to amend by adding: "It shall further be his duty to make contract with any person or persons to make repairs on the public buildings that is provided by general appropriation, and he shall superintend the same; *provided, nevertheless*, the contract shall be approved by the Governor."

Mr. Winkler moved to reconsider the vote by which "twelve hundred" was substituted for "fifteen hundred." The House refused to reconsider.

Mr. Sayers moved the previous question, which was seconded, and the main question ordered.

The House then refused to adopt the amendment.

The bill was then ordered engrossed.

On motion of Mr. Sayers, the rules were suspended, and the bill read third time.

Mr. Robb offered the following amendment: "and prevent any of the out buildings being used as a stable or carriage house." Adopted.

Mr. Brown of Upshur moved to amend by striking out "eight" dollars and inserting "six," "and that there shall be no more than two persons employed, and they shall not receive pay for more than ten days per annum." The amendment was adopted.

The bill then passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Armstrong, Berends, Bewley, Bledsoe, Booty, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Dav-

enport, Denton, Eastland, Ghent, Gillette, Gilpin, Green, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Lane, Leyendecker, Mabry, Manning, Moore, Morris, Nelson, Noeggerath, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Salter, Sayers, Scott, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tivy, Tom, Trolinger, Washington, Westfall and Winkler—59.

Nays—Messrs. Bordeaux, Ellett, Ford, Harrison, Kleberg, Payne, Sabin, Tilson, Watts and Williams—10.

The Speaker in the chair.

A message from the Senate announced the passage, by that body, of the following bills:

House bill No. 858, "An act to authorize the County Court of Gillespie county to contract a loan by issuing interest-bearing bonds for the purpose of building a court house and jail."

House bill No. 721, "An act to regulate the assessment and collection of taxes," with amendments by the Senate.

Senate bill No. 30, "An act to incorporate the Sherman, Wichita and Pan-handle railway, and to grant land to aid in the construction thereof."

Senate joint resolution No. 41. "Joint resolution proposing amendments to section twenty of article one, bill of rights; to section two, section three and section four of article five; to section twenty-eight, section forty and section forty-eight of article twelve, general provisions of the Constitution of the State of Texas."

Senate bill No. 324, "An act to incorporate the Sabine and Santa Fé Central Railway Company, and to provide the aid of the State of Texas in constructing the same."

Mr. Ireland introduced a bill making a donation relief for the heirs and prisoners of the Dawson massacre, A. D. 1842. Referred to Judiciary Committee No. 1.

Mr. Storey introduced a bill to provide for the recording of writ of error and appeal bonds, and to give them the force and effect of judgment liens. Read first time; rules suspended, and read second time.

Mr. Powers moved to refer the bill to Judiciary Committee No. 1.

On motion of Mr. Wood, that motion was laid on the table.

Mr. Wood moved to amend by striking out of the bill that part relating to appeal bonds.

On motion of Mr. Sayers, the amendment was laid on the table.

Mr. Smith, of Colorado, moved to amend by adding, "to be enforced by execution or otherwise in case of forfeiture of the bond." Adopted.

The bill was ordered engrossed.

On motion of Mr. Storey, the rules were suspended, the bill read third time and passed.

Mr. Green introduced a bill to amend "An act entitled an act to provide for districting the State of Texas into judicial districts, approved July 2, 1870." Read first time; rules suspended and read second time.

Mr. Smith, of Colorado, moved to refer the bill to Judiciary Committee No. 1. The House refused to refer.

The bill was ordered engrossed.

On motion of Mr. Green, the rules were further suspended, the bill read third time and passed.

Mr. Green introduced a bill supplemental to "An act entitled an act to amend the twenty-second section of an act entitled an act prescribing the times of holding the District Courts in the several judicial districts in the State, approved February 6, 1871." Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Green, the rules were further suspended, the bill read third time and passed.

Mr. Wood called up House bill No. 721, "An act to regulate the assessment and collection of taxes."

On motion of Mr. Wood, the reading of the Senate amendments thereto was dispensed with, and the House refused to concur therein.

Leave being granted, Mr. Carroll offered the following resolution:

Resolved, by the House of Representatives, That a special committee of three, of which the Hon. G. W. Smith shall be chairman, be appointed to confer with a like committee on the part of the Senate, whose duty it shall be to take into consideration the financial condition of the State, and to report by bill or otherwise some plan for the relief of the same.

Adopted.

The Speaker appointed Messrs. Carroll and Morris said committee.

Mr. Killough moved to take up House bill No. 880, "An act to amend section seven of an act entitled an act

to organize the Bureau of Immigration, approved May 23, 1871." The House refused.

Leave being granted, Mr. Winkler introduced a joint resolution proposing an amendment to the Constitution of the State. Referred to the Committee on Constitutional Amendments.

The special order was then announced, being the motion to reconsider the vote passing House bill No. 891, "An act to authorize interest on treasury warrants."

On motion of Mr. Wood, the motion was postponed until Wednesday, May 28, 11 A. M., and made special order for that hour.

Mr. Booty in the chair.

The second special order was announced, House bill No. 526, "An act amendatory of and supplementary to an act concerning private corporations, approved December 2, 1871."

Mr. Allison moved to suspend the special order and grant leave to Judiciary Committee No. 1 to make a special report. The House refused to postpone.

Mr. Prendergast moved to amend section one hundred and eighteen, page twenty-four, line ten, by inserting after the word "shall" the words "within twelve months after its organization, cause its line of road to be surveyed and located, and a plat and map thereof to be filed in the General Land Office, and shall." Adopted.

Mr. Prendergast moved to amend section one hundred and twenty, page twenty-five, line four, by inserting after the word "aforesaid" the words "and shall not each year thereafter complete and put in operation at least fifteen miles of its road." Adopted.

Mr. Smith of Colorado moved to amend the same section, line twenty-nine, by striking out "two years" and inserting in lieu thereof "fifteen months." Adopted.

Mr. Smith of Colorado moved to amend by adding to section one hundred and twenty-one as follows: "Except when any such company may take any benefit under this act, then it shall be governed by the provisions of this act." Adopted.

Mr. Payne moved to amend by adding the following as an additional section: "SEC. 123. The gauge of all railroads incorporated, or availing themselves of the provisions of this act, shall be four feet eight and one-half inches."

Pending the discussion, a message from the Senate announced the passage, by that body, of Senate bill No. 218, "An act to establish and maintain a system of public free schools in the State of Texas," by a two-thirds vote, notwithstanding the objections of his Excellency the Governor.

Also, that the Senate had appointed a committee of three, consisting of Senators Fountain, Henry and Finlay, to confer with a like committee on the part of the House, consisting of Messrs. Smith of Colorado, Carroll and Morris, to take into consideration the financial condition of the State, and to report by bill, or otherwise, some plan for the relief of the same.

Resuming the discussion, Mr. Carroll offered the following substitute for the amendment: "That any railroad company that may hereafter be chartered by the Legislature of this State, or any railroad company that may hereafter be chartered or organized under the provisions of the general laws of this State, that shall hereafter construct, complete and put in good substantial running order a section of ten or more miles of its railroad within the limits of this State, shall be entitled to receive from the State a donation of land as hereinafter provided—that is to say, every such railroad company constructing, completing and putting in good substantial running order a section of ten or more miles of its railroad in this State, shall, if the width of the track or gauge of such railroad is four feet eight and one-half inches or more, be entitled to receive from the State, as hereinafter provided, sixteen sections of land, of six hundred and forty acres each, for each and every mile of railroad completed in accordance with its charter and the laws of this State; but if the width of the track or gauge of such railroad shall be less than four feet eight and one-half inches, then such company shall be entitled to receive from the State, as hereinafter provided, ten sections of land of six hundred and forty acres each, for each and every mile of railroad completed in accordance with its charter and the laws of this State." The substitute was adopted.

On motion of Mr. Kemble, the pending matter was postponed temporarily, and Senate bill No. 218, "An act to maintain and establish a system of public free schools in the State of Texas," was taken up.

The following veto message of his Excellency the Governor was read and ordered spread upon the journals :

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, May 6, 1873. }

Hon. E. B. Pickett, President of the Senate :

SIR: I return to the Senate the act entitled "An act to establish and maintain a system of public free schools in the State of Texas," and I ask that it be reconsidered with reference to the following, among others, in my opinion, very serious objections thereto :

1. The Constitution, article nine, section four, directs the Legislature to "establish a uniform system of public free schools throughout the State;" but this act, though it proposes in its title to establish such "a system," in reality does away with all system. It gives, in section eighteen, authority to the county boards to "define the course of study in the public schools in their respective counties, and direct the class and kind of school books and apparatus to be used therein," and to "prescribe the duties of the trustees and teachers." These powers embrace pretty much everything that is essential to a system of schools, and it is plain that under them, instead of having one system for the State, we may have as many as there are organized counties, or, say one hundred and thirty-five systems.

2. It further strikes at uniformity of system by dispensing with the Board of Education for the State. Such, or a similar board having supervisory control and direction of the schools, has been found essential to their uniformity and success, in all States, both American and foreign, where the public schools have reached the greatest perfection.

A board of education with powers analogous to those created by the law in force is not a new thing in this State. It was provided for in the provisional Constitution of 1866, article ten, section ten.

3. It provides (section twenty-two) that the schools shall only remain open four months annually. This provision alone will, if adopted, put an end to the public schools on a scale of efficiency and permanency in any respect worthy of our State.

It is obvious that well qualified teachers cannot be had at a reasonable compensation to give their services for so short a period annually. Persons who devote themselves

to teaching as a life profession (and if possible such persons only should be employed in teaching) cannot and will not accept employment of this temporary nature. As a consequence professional and competent teachers who remain in the State will be driven to take private schools, and the public schools, now so creditable in their results, must soon, from inefficiency, lose the respect and patronage of the people and fall into disuse. Public schools should be superior to private as a means of education.

In all States where the public system has been successful, this result has been brought about mainly by raising them to so high a standard that private schools of equal grade cannot favorably compare with them. Where this has been the case, private schools have disappeared. But to secure their favor, it must be made apparent to the people that the public schools are worthy of their respect. Now, in this act, aside from the four months' limitation, the whole system looks to a very inferior grade of school; in fact, it seems to aspire only to that sort. For instance, in section twenty-five will be seen the qualifications deemed sufficient for a teacher in a public school. Those qualifications are even less than are required under the present system for the third class teachers. Such a provision would alone bring the system (or rather unsystem) into contempt. It is an admission that all Texas considers herself capable of is the establishment, for a few weeks annually, of primary schools. But even of these very limited qualifications for our teachers, the county superintendents, whose accomplishments nobody is responsible for, are to be the judges. What then may be expected?

4. The expenses attending the county organization under this act, and multiplicity of officers it creates, should be noted. There is to be for each county a county board of five directors, which for the first year is calculated to cost each county five hundred and twenty dollars, or for the whole State upwards of \$70,000. These boards are intended, in a vague and ineffective sort of way, to take the place of the present supervisors and inspectors. They cannot, it is clear, perform the duties of those officers, but they cost more—the supervisors and principals, the latter then doing the duties of the present inspectors, having cost for the last scholastic year but \$65,810.72. It must also be remembered that this was the

cost of supervisors and principals for ten months, while the above cost of the county boards is for only four months. But in addition to these county boards there is an army of school trustees provided. These cannot be less than fifteen, and may be many more for each county. In this respect it is quite remarkable that while the county boards, which have little or nothing to do, are paid at the rate of four dollars each per day, the trustees, who, if they do their duty, will find their time pretty much engaged for the whole scholastic year, are to be paid nothing. It will be interesting to compare the importance of the duties to be required of the unpaid trustees, in section twenty-two and elsewhere, with those required of the paid county boards. The main business of the latter seems to be that of keeping the former busily at work. It is scarcely necessary to remark, that in no county of the State will fifteen honest and competent persons be found willing to attend without pay to the duties required of these trustees.

5. The act repeals all previous acts, thus repealing the taxes assessed under those laws. It is true the repealing section (thirty-six) proposes not to affect the legal liability of any one for taxes "claimed to be due" under those acts for the year 1871, but the taxes under the act of April 24, 1871, are nearly or quite altogether due for 1872 and 1873. In the most of the counties the first year's assessment did not go into effect until 1872. Thus it would happen that in counties where the wealthy have taken advantage of the law's delay, the poor and people of moderate means who have paid their school taxes would find their rich neighbors given, by this, an unfair advantage. Direct encouragement would thus be offered to those who have evaded their share of the burden, to the great detriment of the schools and injury of the teachers, whose pay has been thereby wrongfully withheld.

The foregoing are sufficient, and perhaps the most vital defects of the act; but I might point out others that probably have been overlooked in the haste of legislation; such as the requirements in sections four and five, and elsewhere, that the Superintendent shall give good advice and instruction to teachers, county superintendents and other school officers. The Superintendent is required by the act to do a great deal of this; enough (when we consider that the teachers and officers to be advised and instructed

will probably number six or eight thousand), to employ actively a score or two of clerks, but he is limited to the assistance of one clerk only. It may be said, however, that no great harm can occur, even if the Superintendent does not engage in this expensive correspondence, as he is made a sort of figure head by this act; none of those to whom he offers his advice and instructions need, for anything in the contrary, vouchsafe the least respect to his wishes or opinions.

In conclusion, I ask to be permitted to refer, with all respect, to a remark contained in my message at the opening of the session. On the subject of public schools it was there said: "While, then, we have an evidence which has so clearly demonstrated its practical efficiency for the purpose in view at its foundation, I respectfully suggest that it had better not be torn down to make way for the experiments of some theorist." I had then in view the possibility now realized in this act of legislation. We have had a system under way for two years, and the people have become accustomed to it. It should therefore be amended, if amendments are necessary; and in that message I suggested some which I thought might properly be made. But it is not sound policy to destroy it and substitute something entirely new and untried. The worst system or law for any people is a changeable one. This Legislature proposes totally to ignore the work of the last, and establish something of its own special devising. The next Legislature may apply the same rule to the work done by this, and so to the end.

Very respectfully,

EDMUND J. DAVIS, Governor.

Mr. Speaker in the chair.

Mr. Ireland moved the previous question, which was seconded, and the main question ordered.

The bill then passed, notwithstanding the objections of his Excellency the Governor, by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Bewley, Bledsoe, Booty, Bordeaux, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Morris, Nelson, Noeggerath, Payne,

Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Scott, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall, Winkler and Wood—68.

Nays—Messrs. Green, Mabry, Mills, Moore, Phelps Roberts, Washington and Williams—8.

On motion of Mr. Denton, the House adjourned until 3 P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

Absent—Messrs. Abbott, Bewley, Booty, Ellett, Hollingsworth, Payne, Powers, Salter, Sayers, Schmidt, Storey.

On motion of Mr. Carroll, the special order, known as the Agricultural and Mechanical College bill, was laid on the table, subject to call.

On motion of Mr. Kemble, the unfinished business of yesterday evening, being a concurrent resolution in relation to the scholastic census takers, was resumed. The resolution was adopted.

On motion of Mr. Ireland, three thousand copies of Senate bill No. 218, "An act to establish and maintain a system of public free schools in the State of Texas," were ordered printed for general distribution.

Mr. Brown of Dallas moved that Mr. Venters be allowed to call by proxy for Mr. Van Zandt, the latter gentleman being absent on leave, by reason of sickness, which motion carried.

Mr. Venters for Mr. Van Zandt called up House bill No. 404, "An act for the relief of Thomas Williams;" also as part of the same subject matter, House bill No. 759, "An act to authorize the Adjutant General to pay out certain funds heretofore appropriated for the frontier force of the State," upon which the following report was submitted:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 404, "An act for the relief of Thomas Williams," report a substitute for the same, as also for House bill No. 759, and recommend its passage.

The object of the bill is simply to authorize the Adjutant General to pay over to the parties rightfully entitled to the same, certain moneys retained in his hands as stoppages in the pay of certain persons who served in the frontier force.

VENTERS, for Committee,

The substitute offered by the committee of same caption as House bill No. 759, above recited, was read and adopted, and ordered engrossed.

On motion of Mr. Storey, the rules were suspended, the bill read third time and passed.

Mr. Cunningham called up House bill No. 905, "An act to incorporate the Greenville, Bonham and Oklahoma Railroad Company." The special railway committee submitted the following amendments, which were adopted.

Section four, line four, strike out "six" and insert "two."

Section seven, line sixty-four, after the word "corporation," insert "nor to any person, firm or company in trust for said railroad company, or to any firm or company of which any officer or stockholder of said company is a member."

Add to section eight as follows: "Said company shall not sell, lease or rent its road bed, or sell its franchise to any other parallel, connecting or competing line of railroad, or purchase, or be merged in or consolidated with any such road; and said company, its officers, agents and employes shall be subject to all laws now in force, or which may be hereafter enacted in relation to railroads and railroad companies, or the duties and responsibilities of common carriers, and the right is expressly reserved to the State to regulate the charges for transporting freight and passengers over said road."

On motion of Mr. Payne, the reading of the bill was dispensed with.

Mr. Carroll moved to amend by adding to the end of section eight, "by a general law." Adopted.

The bill was then ordered engrossed.

On motion of Mr. Cunningham, the rules were suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Armstrong, Berends, Bledsoe, Booty, Brown of Upshur, Brown of Dallas, Carroll, Cunningham, Davenport, Day, Eastland, Ford, Gallaway,

Gaston, Ghent, Gillette, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Mabry, Manning, McDonald, Noeggerath, Payne, Phelps, Powers, Prendergast, Roberts, Russell, Sabin, Salter, Sayers, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tivy, Washington, Watts, Williams and Winkler—52.

Nays—Messrs. Bordeaux, Chambers, Denton, Ellett, Moore, Nelson, Rainey, Rimès, Rosborough, Scott, Tilson, Trolinger and Westfall—13.

Mr. Venters called up Senate bill No. 30, "An act to incorporate the Sherman, Wichita and Pan-handle Railway, and to grant land in aid of the construction thereof." Read first time.

On motion of Mr. Bordeaux, the rules were suspended and the bill read second time.

On motion of Mr. Trolinger, the following names were added to the list of incorporators: L. Kelley, William McClain and W. D. Ligon.

Mr. Bordeaux moved to amend section seventeen by striking out "twenty miles shall be constructed by said company," etc., and inserting in lieu thereof "said company shall construct their road to Gainesville, in Cook county, within two years from the organization of the company." Adopted.

The bill then passed to a third reading.

On motion of Mr. Brown of Dallas, the rules were suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Allison, Anderson, Armstrong, Berends, Bewley, Booty, Brown of Upshur, Brown of Dallas, Carroll, Cunningham, Davenport, Day, Eastland, Ellett, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Killough, Kleberg, Lane, Mabry, Manning, McDonald, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Robb, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Venters, Washington, Watts and Winkler—61.

Nays—Messrs. Bordeaux, Chambers, Kemble, Leyendecker, Moore, Westfall, and Williams—7.

On motion of Mr. Sabin, House bill No. 890, "An act granting the right of way to the United States of America

for the construction of a coastwise canal along the coast of Texas, through the inland waters and mainland thereof," was taken up and made special order for Friday, May 23, at 10 A. M.

The Committee on Engrossed Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined the following House bills:

No. 326, "An act to prohibit the sale or disposition of spirituous, vinous, or other intoxicating liquors within three miles of Mount Calm Masonic Institute."

No. 350, "Joint resolution concerning surveyors' records of Liberty, Hill and Montague counties."

No. 412, "An act for the relief of G. W. Patterson and son."

No. 775, "An act amendatory of and supplemental to an act entitled an act to incorporate the Texas Timber and Prairie Railroad Company, approved August 15, 1870."

No. 914, "An act authorizing and requiring the issuance of certificates to certain persons therein named."

No. 920, "An act to authorize the city of Austin to become a stockholder in any company or corporation for the purpose of supplying said city with water and gas."

No. 926, "An act supplementary to and amendatory of an act entitled an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, passed August 13, 1870."

No. 929, "An act to provide for the recording writ of error and appeal bonds, and to give them the force and effect of judgment liens."

No. 930, "An act to amend an act entitled an act to provide for districting the State of Texas into judicial districts, approved July 12, 1870."

No. 931, "An act supplementary to an act entitled an act to amend the twenty-second section of an act entitled an act prescribing the times of holding the district courts in the several judicial districts in the State, approved February 6, 1871."

And find the same correctly engrossed.

BOOTY, Chairman.

A message from the Senate announced that that body

refused to recede from its amendments to House bill No. 721, "An act to regulate the assessment and collection of taxes," and had appointed Messrs. Shelley, Dillard and Henry a conference committee on the disagreement between the two houses, and requested a like committee on the part of the House.

On motion of Mr. Russell, the message was taken up, and under instructions from the House the Speaker appointed Messrs. Russell, Wood and Smith of Colorado a conference committee on the part of the House.

Leave being granted, Mr. Brown of Dallas introduced a bill to provide for a special election in the city of Dallas. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Westfall, the rules were further suspended, the bill read third time and passed.

Mr. Trolinger called up House bill No. 615, "An act amendatory to an act authorizing the sale and disposition of the university lands, approved August 30, 1856, approved November 12, 1866." The bill was taken up by sections, being on second reading.

Mr. Anderson moved to amend section two by filling the blank in line one with the word "six," and by striking out of line five the word "counties" and inserting in lieu thereof "land district." Adopted.

Mr. Anderson moved to insert after the word "public," in line nine of section three, the words "if said certificate be approved by the board." Adopted.

Mr. Sayers moved to amend section three by inserting after the word "public" in line nine, the words "or other officer authorized to administer oaths." Adopted.

Mr. Brown of Upshur moved to amend section three by striking out of line four the word "three" and inserting in lieu thereof "two and a half." The House refused to adopt the amendment.

Mr. Anderson moved to amend section four by striking out of line eleven all after the word "county," and inserting in lieu thereof "to the surveyor of the district where said land lies." Adopted.

Mr. Ireland in the chair.

Mr. Winkler moved to amend section five by inserting after the word "counties," line three, "who shall be residents of the counties where the land lies." The House refused to adopt the amendment.

Mr. Wood moved to add to section five: "*Provided*, that any actual settler on said lands who has occupied said land for not more than three years, shall be entitled to purchase one hundred and sixty acres of the land, to include his improvements, without any reference to the value of the improvements. If the said settler has occupied for five years, such settler shall pay the value of said land, and one-half of the value of his improvements, in addition; if the settler has occupied for seven years, the settler shall pay the full value of the land.

Mr. Hoffman, moved the previous question. The House refused to second the motion.

Mr. Cunningham moved to lay the amendment on the table, which carried.

On motion of Mr. Robb, the House adjourned until 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES,)
AUSTIN, TEXAS, May 23, 1873. }

House met pursuant to adjournment. Prayer by Rev. Mr. Riggs. Roll called; quorum present.

Absent—Messrs. Abbott and Bewley.

On motion of Mr. Prendergast, the special finance committee, consisting of Messrs. Smith, of Colorado, Wood and Morris, were excused during the morning session.

On motion of Mr. Eastland, the reading of the journal was dispensed with.

The Speaker submitted a petition from citizens of Grimes county, asking the prohibition of the sale of merchandise on Sunday. Referred to the Committee on State Affairs.

Mr. Mills presented a protest from citizens of Grimes county against the passage of the bill known as the fence law. Referred to the Committee on State Affairs.

Mr. Westfall introduced a bill for the encouragement of irrigation. Read first time; rules suspended and read second time.

On motion of Mr. Powers, the bill was referred to Judiciary Committee No. 2, with instructions to report thereon Saturday, May 24, at 10 A. M.

Mr. Ghent introduced a bill providing for an election

of officers for the town of Cameron. Read first time; rules suspended read second time and ordered engrossed.

On motion of Mr. Ghent, the rules were further suspended, the bill read third time and passed.

Mr. Brown of Dallas offered the following resolution:

WHEREAS, The General Land Office is the depository of the land certificates and land titles of the people of Texas, amounting in value to hundreds of millions of dollars; and

Whereas, Grave apprehensions exist that the archives of said office have fallen into a state of confusion, dangerous to the rights of thousands of our citizens, including the absent or minor heirs of large numbers of deceased persons; now, therefore,

1. *Resolved by the House of Representatives of the State of Texas,* That a special committee, to consist of Messrs. Ireland, Watts, Wood, Smith of Colorado, and Broaddus, be appointed to inquire what action, if any, is necessary to protect the rights of the people in the premises, including the necessity and propriety of temporarily suspending operations in the Land Office, and dismissing all its officers and employes, excepting the Commissioner, two clerks and two draughtsmen, whose duties shall be limited to issuing certificates, furnishing county maps, certified copies, receiving and filing field notes, and such other duties as may, for the time being, be indispensable to the public interest, until other provisions may be made by law.

2. That said committee shall especially inquire into the proper means of preventing irresponsible men from having improper access to the archives of the Land Office, or any means of abstracting papers therefrom.

3. That said committee be authorized to act in conjunction with any like committee appointed by the Senate; and that they are instructed to report at the earliest practicable day by bill, resolution or otherwise.

Mr. Berends moved to lay the resolution on the table. Lost by the following vote:

Yeas—Messrs. Berends, Green, Hoffman, Mills, Moore, Noeggerath, Schmidt, Washington, Williams—9.

Nays—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Eastland, Ellett, Ford, Gaston, Ghent.

Gillette, Gilpin, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, McDonald, Morris, Nelson, Payne, Phelps, Prendergast, Rainey, Roberts, Rosborough, Russell, Sabin, Sayers, Scott, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Trolinger, Venters, Watts, Westfall, Winkler Wood—62.

The resolution was then adopted.

On motion of Mr. Denton, the special committee on House bill No. 24, "An act for the better protection of the archives and files of the General Land Office," was granted leave to report, and submitted the following substitute for the above bill: "An act to better protect the papers, records and files in the General Land Office."

The substitute having been read, Mr. Kemble moved to refer it to the special committee, consisting of Messrs. Ireland, Watts, Wood, Smith of Colorado and Broaddus.

Mr. Mills moved to lay the bill on the table. Lost.

The resolution to refer then carried.

Mr. Watts introduced a bill to amend article seven hundred and two of "An act entitled an act to establish a code of criminal procedure for the State of Texas," approved August 26, 1856. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Watts, the rules were further suspended, the bill read third time and passed.

Mr. Tivy introduced a bill supplemental to and amendatory of "An act to incorporate the Indianola, San Antonio and El Paso Railroad Company, passed April 3, 1871, and to grant land in aid of the construction of the same." Read first time; rules suspended and read second time.

On motion of Mr. Tivy the bill was referred to the special railway committee, with instructions to report thereon May 27, at 10 A. M.

Mr. Ireland introduced a bill supplemental to and amendatory of "An act to provide for prompt settlement of accounts by sheriffs with the State and counties," approved April 28, 1873.

Report from the Committee on Engrossed Bills:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined the following House bills:

No. 837, "An act to incorporate the San Marcos, Guadalupe and Galveston Canal Company."

No. 927, "An act to provide for the safe keeping and protection of the State House, or so much thereof as may include the public halls, the committee rooms used by the members of the Legislature, and all the furniture and fixtures belonging to the same, and all the books, maps, charts and papers belonging to or appertaining to the library of the State."

No. 934, "An act to provide for a special election in the city of Dallas."

An find the same correctly engrossed.

BOOTY, Chairman.

Mr. Gillette introduced a bill to prohibit the sale or disposal of intoxicating liquors within three miles of Pecan Grove Male and Female School, in Hill county. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Gillette, the rules were further suspended, the bill read third time and passed.

Mr. Storey introduced a bill to appropriate five hundred and three dollars to pay second class certificate No. 2886 of the public debt of the Republic of Texas, issued to John R. Cunningham, September 1, 1851. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Storey, the rules were suspended, the bill read third time and put upon its passage.

The result showing that a quorum was not present, the Speaker ordered the bill read again by caption and put upon its passage. The bill then passed by the following vote:

Yeas—Messrs. Adriaance, Allison, Anderson, Berends, Bewley, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Denton, Ellett, Ford, Gallaway, Ghent, Gillette, Gilpin, Green, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Mills, Nelson, Noeggrath, Payne, Powers, Prendergast, Rimes, Robb, Roberts, Rosborough, Sabin, Salter, Sayers, Schmidt, Storey, Thurmond, Tivy, Tom, Trolinger, Watts, Westfall, Winkler and Wood—54.

Nays—Messrs. Armstrong, Bledsoe, Eastland, Gaston, Harrison, Hester, Hoffman, McDonald, Moore, Morris, Rainey, Russell, Scott, Shaw, Smith of Houston, Tilson, Washington and Williams—18.

A message from the Senate announced the passage, by that body, of House bills,

No. 318, "An act to repeal section sixty of an act entitled an act concerning private corporations, approved December 2, 1871."

No. 332, "An act supplemental to and amendatory of the several acts concerning injunctions."

No. 373, "An act supplementary to an act entitled an act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane, approved February 5, 1858."

Also, of the adoption of a concurrent resolution, returning the thanks of the people of the State, and especially of the frontier, to General McKenzie and the troops under his command, for their gallant conduct in inflicting punishment upon the Kickapoo Indians within the Mexican border.

Mr. Winkler introduced a bill to provide for the repayment to James J. Gathings, of Hill county, money illegally extorted from him by the State police. Read first time.

Mr. Winkler moved to suspend the rules and put the bill on its second reading. The House refused to suspend.

Mr. Kemble introduced a joint resolution authorizing county treasurers to settle with sheriffs and treasurers of the boards of school directors for the one per cent. school house tax, and to collect all moneys relative thereto in their hands. Read first time; rules suspended and read second time.

On motion of Mr. Smith of Houston, the joint resolution was referred to the following select committee appointed by the Speaker: Messrs. Kemble, Smith of Houston and Powers.

Reports from the Committee on Enrolled Bills:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined and compared the following bills, to-wit:

No. 700, "An act granting land to the Buffalo Bayou Ship Channel Company, in aid of the improvement of the navigation from Bolivar channel, near the Gulf of Mexico, to the city of Houston.

No. 925, "An act to reserve the right of way for any

railroad company now incorporated by the laws of the State of Texas, or that may hereafter be incorporated by the Legislature of the State, across or through any lands granted to the Atlantic and Pacific Railroad Company."

And find the same correctly enrolled, and have this the twenty-second day of May, at 10:15 o'clock A. M., presented the same to the Governor for his approval.

SHAW, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully compared the following House bills, to-wit:

No. 858, "An act to authorize the County Court of Gillespie county to contract a loan by issuing interest bearing bonds for the purpose of building a court house and jail."

No. 228, "An act to amend article four hundred and thirty-five of the Code of Criminal Procedure."

And find the same correctly enrolled, and have this the twenty-third day of May, at 10:25 o'clock A. M., presented the same to the Governor for his signature.

SHAW, Chairman.

Special order, House bill No. 890, "An act granting the right of way to the United States of America for the construction of a coastwise canal along the coast of Texas, through the inland waters and mainland thereof," was announced.

Previous to taking up the bill, House bill No. 48, "An act regulating juries," was taken up, the Senate amendments thereto read and concurred in.

A message from the Senate announced the passage by that body of House bill No. 850, "An act prescribing the times of holding general elections in this State, with amendments by the Senate.

'On motion of Mr. Ireland, the message just received was taken up.

The House refused to concur in the first amendment, striking "thirty" out of the bill wherever it occurs, and inserting in lieu thereof "ten," by the following vote:

Yeas—None.

Nays—Messrs. Speaker, Adriance, Allison, Armstrong, Berends, Bewley, Bledsoe, Booty, Bordeaux, Broadus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, East-

land, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Russell, Sabin, Salter, Sayers, Schmidt, Scott, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall, Williams Winkler and Wood—73.

The second amendment, providing that the bill shall take effect from and after its passage, was concurred in.

On motion of Mr. Wood, the special order was postponed, and the special committee upon House bill No. 778, "An act to regulate the fees to be charged by the Commissioner of the General Land Office," was granted leave to report.

The following report was submitted :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : The joint committee of the Senate and House of Representatives, to whom was referred House bill No. 778, "An act to regulate the fees and charges of the General Land Office," have had the same under consideration, and instruct us to report the same back and recommend its passage with the accompanying amendments.

A. J. BALL,

Chairman Senate Committee.

S. POWERS,

Chairman House Committee.

1. Amend first section by adding after the words "seven dollars" the following: "to be collected for each legal division as herein classified."

2. Amend first section by adding after the words "twenty dollars" the following: "and for each additional league, or fraction of a league, twenty dollars."

The amendments were adopted.

The bill read second time and ordered engrossed.

On motion of Mr. Wood, the rules were suspended, the bill read third time and passed.

On motion of Mr. Leyendecker, Messrs. Powers and Kleberg, and on motion of Mr. Ireland, Mr. Hoffman, were added to the special committee on the Land Office.

The special order, House bill No. 890 "An act granting

the right of way to the United States of America for the construction of a coastwise canal along the coast of Texas through the inland waters and mainland thereof," was then taken up and read second time.

Mr. Prendergast moved to amend by striking out section two. Lost.

Mr. Prendergast offered the following amendment, which was adopted: "Strike out all after the word "aforesaid," line eleven, section three, and insert "in the manner and under the restrictions required by law for the condemnation of private property for public use."

The bill was ordered engrossed.

On motion of Mr. Sabin, the rules were suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Davenport, Denton, Eastland, Ford, Gaston, Gillette, Gilpin, Green, Harrison, Hester, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Mabry, Manning, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Salter, Schmidt, Scott, Shaw, Short, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Washington, Watts, Westfall, Williams and Wood—64.

Nays—None.

On motion of Mr. Prendergast, House bill No. 526, amendatory of and supplementary to "An act concerning private corporations," approved December 2, 1871, was taken up, pending an amendment offered by Mr. Carroll.

Mr. Booty in the chair.

Pending the discussion, a message from the Senate announced the passage by that body of House bill No. 934, to provide for a special election in the city of Dallas.

The discussion having been resumed, Mr. Mills moved to indefinitely postpone the bill.

On motion of Mr. Roberts, the House adjourned until 3. P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

Absent—Messrs. Allison, Bewley, Ellett, Gallaway,

Killough, Kleberg, Mabry, Nelson, Payne, Salter, Tivy and Winkler.

On motion of Mr. Rimes, the Committee on State Affairs submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, have considered Senate bills No. 75 and No. 79, and recommend their passage.

The first is a bill to authorize the County Court of Washington county to issue bonds for the purpose of funding the indebtedness of said county, etc. The other is to provide for the ascertainment and payment of the liabilities of the county of Washington; and the passage of both seems to be desired by the *bona fide* tax payers of Washington county.

J. H. BROWN, Chairman.

Senate bill No. 75 having been taken up, Mr. Brown of Dallas moved to dispense with its reading, which carried.

The bill having been read second time by caption, and passed to a third reading, was ordered engrossed.

On motion of Mr. Brown of Dallas, the rules were further suspended, the bill read third time and passed.

Senate bill No. 79 was then taken up, read second time by caption and passed to a third reading.

On motion of Mr. Sayers the rules were suspended, the bill read third time and passed.

The unfinished business of yesterday evening was resumed, being House bill No. 615, "An act amendatory of and supplementary to an act authorizing the sale and disposition of the University lands, approved August 30, 1856, approved November 12, 1866," pending the adoption of section five.

Mr. Thurmond moved the previous question, which was seconded, and the main question ordered.

Section five was then adopted.

Mr. Anderson moved to amend by filling the blank in line one, of section seven, with the word "six." Adopted.

Mr. Trolinger moved to amend by filling the blank in line seven, section seven, with the word "two," which carried.

Mr. Nelson moved to reconsider the vote just taken.

Pending the discussion, a message was received from his Excellency the Governor, returning with his objec-

tions thereto House bill No. 35, "An act to authorize parties in certain cases to sue in the District Courts for headright certificates and bounty donation warrants, and to provide for the issuance of such certificates and warrants."

The discussion resumed.

Mr. Wood offered, as a substitute for the bill, "An act entitled an act to donate eighty acres of land to certain citizens in this State."

Mr. Schmidt moved the previous question, which was seconded, and the main question ordered.

The House refused to adopt the substitute by the following vote :

Yeas—Messrs. Armstrong, Denton, Ghent, Harrison, Hester, Ireland, Kleberg, Mabry, Morris, Powers, Prendergast, Sayers, Smith of Colorado, Smith of Houston, Storey and Wood—16.

Nays—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Bewley, Bledsoe, Bordeaux, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Eastland, Gaston, Gillette, Gilpin, Green, Hoffman, Joseph, Kemble, Killough, Lane, Leyendecker, Manning, McDonald, Moore, Nelson, Noeggerath, Payne, Rainey, Rimes, Roberts, Rosborough, Russell, Sabin, Schmidt, Shaw, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall, Williams and Winkler—50.

The House then refused to reconsider the vote adopting the amendment by Mr. Trolinger, by the following vote :

Yeas—Messrs. Armstrong, Berends, Carroll, Denton, Ford, Ghent, Harrison, Hester, Ireland, Kemble, Kleberg, Manning, Mills, Payne, Prendergast, Rimes, Sayers, Scott, Smith of Colorado, Smith of Houston, Storey, Tom, Watts, Westfall, Winkler and Wood—25.

Nays—Messrs. Speaker, Adriance, Allison, Anderson, Bledsoe, Booty, Bordeaux, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Davenport, Day, Eastland, Gallaway, Gaston, Gillette, Gilpin, Green, Hoffman, Hollingsworth, Joseph, Killough, Lane, Leyendecker, Mabry, McDonald, Moore, Morris, Nelson, Noeggerath, Powers, Rainey, Roberts, Rosborough, Russell, Sabin, Schmidt, Shaw, Thurmond, Tilson, Tivy, Trolinger, Venters and Williams—45.

A message from the Senate announced the passage by that body of the following bills :

House bill No. 483, "An act to aid in the construction of the Gulf, West Texas and Pacific Railway," with amendments by the Senate.

House bill No. 574, "An act in relation to the Corpus Christi Ship Canal."

House bill No. 924, "An act to re-incorporate the city of Corsicana, in Navarro county."

House bill No. 111, "An act to incorporate the Dallas, Palestine and Southeast Texas Railroad Company," with amendment by the Senate.

Senate bill No. 371, "An act making appropriations to supply the deficiencies in the appropriations for the years 1870, 1871 and 1872, for the support of the State government."

Mr. Brown of Dallas in the chair.

Report from Committee on Enrolled Bills :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 934, "An act to provide for a special election in the city of Dallas," and find the same correctly enrolled, and have this the twenty-third day of May, at . . . o'clock, presented the same to the Governor for his approval.

WOOD, for Committee.

The bill having been resumed, Mr. Trolinger moved to fill the blank in line three, section eight, with the word "three." Adopted.

Mr. Anderson moved to amend section nine, by inserting after the word "county," in line three the words "or district;" also, strike out the word "county," in line seven, and insert in lieu thereof "district." Adopted.

Mr. Hester moved to amend section ten by adding the following proviso: "*Provided*, that no more land shall be sold under the provisions of this act than such as may now be occupied by actual settlers, and in tracts of eighty acres only to each actual settler."

Mr. Morris offered the following amendment to the amendment: "*Provided further*, that all sales of land made under the provisions of this act shall be for cash, the same to be invested in interest-bearing bonds of the United States, or of the State of Texas."

Mr. Ghent moved to postpone the further consideration of the bill until Tuesday, May 27, 10 A. M.

Mr. Russell moved to lay that motion on the table, which carried by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Davenport, Eastland, Gallaway, Gaston, Gillette, Gilpin, Green, Harrison, Hoffman, Joseph, Killough, Lane, Leyendecker, Mabry, Manning, McDonald, Moore, Morris, Nelson, Noeggerath, Phelps, Roberts, Rosborough, Russell, Sabin, Schmidt, Scott, Shaw, Tilson, Tivy, Trolinger, Venters, Washington and Williams—44.

Nays—Messrs. Armstrong, Booty, Denton, Ford, Ghent, Hester, Ireland, Kemble, Mills, Payne, Powers, Prendergast, Rimes, Sayers, Short, Smith of Colorado, Smith of Houston, Storey, Tom, Westfall, Winkler and Wood—22.

Mr. Trolinger moved to lay the amendment and the amendment thereto on the table.

Division being called for, the amendment to the amendment was tabled by the following vote :

Yeas—Messrs. Speaker, Adriance, Anderson, Berends, Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Eastland, Ford, Gaston, Ghent, Gilpin, Green, Harrison, Hester, Hoffman, Ireland, Joseph, Kemble, Killough, Lane, Mabry, Manning, McDonald, Moore, Nelson, Noeggerath, Phelps, Prendergast, Roberts, Rosborough, Russell, Sabin, Schmidt, Shaw, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Washington and Williams—52.

Nays—Messrs. Armstrong, Denton, Kleberg, Mills, Morris, Payne, Powers, Rimes, Sayers, Short, Smith of Colorado, Smith of Houston, Storey, Westfall, Winkler and Wood—16.

The amendment offered by Mr. Hester was then laid on the table by the following vote :

Yeas—Messrs. Speaker, Adriance, Anderson, Berends, Bewley, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Davenport, Day, Ford, Gaston, Gillette, Gilpin, Green, Hoffman, Ireland, Joseph, Killough, Lane, Leyendecker, Mabry, Manning, McDonald, Moore, Nelson, Noeggerath, Phelps, Roberts, Rosborough, Russell, Sabin, Schmidt, Shaw, Tilson, Tivy, Tom, Trolinger, Venters, Westfall and Williams—45.

Nays—Messrs. Armstrong, Booty, Carroll, Denton, Eastland, Ghent, Harrison, Hester, Kemble, Kleberg, Mills, Morris, Payne, Powers, Prendergast, Rimes, Sayers, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Washington, Winkler and Wood—25.

Mr. Denton offered the following amendment: "*Provided*, that in all cases said lands shall be sold to the highest bidder on the following terms: One fourth in cash at the time of sale, one-fourth in twelve months, one-fourth in two years, and the remaining one-fourth at the end of three years, with ten per cent. interest on said back payments."

Mr. Bordeaux moved to lay the amendment on the table, which carried by the following vote:

Yeas—Messrs. Speaker, Adriance, Anderson, Armstrong, Berends, Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Eastland, Ford, Gallaway, Gaston, Ghent, Gilpin, Green, Harrison, Hoffman, Joseph, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, Moore, Morris, Nelson, Noeggerath, Phelps, Rimes, Roberts, Rosborough, Russell, Sabin, Schmidt, Shaw, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Westfall and Williams—53.

Nays—Messrs. Denton, Gillette, Hester, Ireland, Kemble, McDonald, Mills, Payne, Powers, Prendergast, Sayers, Short, Smith of Colorado, Smith of Houston, Storey, Washington, Winkler and Wood—18.

Mr. Storey sent up an amendment, pending which, on motion of Mr. Washington, the House adjourned until 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, May 24, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

Absent—Messrs. Abbott, Bewley, Killough and Mills.

On motion of Mr. Sayers, Mr. Hollingsworth was excused on account of business.

On motion of Mr. Ghent, the reading of the journal was dispensed with.

Mr. Wood introduced a bill for the relief of W. H. Carrington. Referred to the Committee on Private Land Claims.

Mr. Gallaway introduced a bill making valid the registration of certain deeds and other instruments of writing. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Gallaway, the rules were further suspended, the bill read third time and passed.

Mr. Robb introduced a bill to locate the county seat of Trinity county. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Robb, the rules were further suspended, the bill read third time and passed.

On motion of Mr. Mills, the Committee on the Penitentiary submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Penitentiary, to whom was referred House bill No. 908, to be entitled "An act to authorize the lessees of the State Penitentiary to delay the payment of certain amounts of money to become due the State until the expiration of their lease," have had the same under consideration, and respectfully report it back and recommend its passage, with the accompanying amendment.

HOLLINGSWORTH, Chairman.

On motion of Mr. Mills, the bill was laid on the table, subject to call.

A message was received from the Senate informing the House that the Senate had passed the following bills, originating in the House, viz:

No. 742, "An act amendatory of an act to incorporate the Galveston Agricultural and Industrial Association;" and No. 904, "An act to amend section eight of an act to incorporate the town of Seguin, in Guadalupe county."

Also, the following bills, with amendments, viz:

No. 169, "An act incorporating the town of Willis, in Montgomery county;" No. 603, "An act to incorporate the town of Honey Grove, in the county of Fannin."

And that the Senate had receded from its first amendment to House bill No. 850.

Also that the Senate had passed House bill No. 362, "An act to authorize the lessees of the State penitentiary

to delay the payment of certain amounts of money to become due the State until the expiration of their lease." Also of the passage of House bill No. 327, "An act to reincorporate the town of Denton, State of Texas," with amendments thereto by the Senate; and Senate joint resolution No. 43, "Joint resolution authorizing the accountants employed by the joint committee appointed by the Legislature to investigate the Treasurer's and Comptroller's offices of this State, to write up and properly balance and adjust the books of the late State Treasury, Geo. W. Honey, to May 27, 1872, and to perform other duties therein specified; also prescribing the duties of the Comptroller in connection therein."

Mr. Tivy introduced a bill to insure uniformity in the courses and measurements of lines by surveyors. Read first time.

On motion of Mr. Russell, the rules were suspended, the bill read second time and ordered engrossed.

On motion of Mr. Tivy, the rules were further suspended, the bill read third time and passed.

On motion of Mr. Ghent, the special committee upon the State asylums submitted the following reports, which were ordered to be spread upon the journals:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee appointed to visit the asylums of the State, and examine into their management and condition, desire to state that they have, on various and unexpected occasions, visited the State Institute for the Blind, and after careful inspection of the school, buildings and grounds, can speak in warm approval of the judicious and satisfactory management evinced in the conduct of this institution.

The various officers are doing their work well, and with commendable zeal and success. Their task is not an easy or trifling one. It is an art which no book can explain and no theory teach. Personal contact and experience with the blind, and familiarity with the working of their peculiar and exceptional state, are requisite for success.

In so large a household, composed of children of a sickly and helpless class, the duties are onerous and unremitting, and the comfort, economy and harmony that has prevailed is largely to be placed to the credit of the faithful officers.

In this institution all the branches of a good English education are taught with fidelity and care, while daily lessons upon the piano or in voice culture are given to all who are capable of appreciating such instructions. Some of these pupils will rely upon their musical education for support in future; it is therefore the aim to give them such a thorough knowledge, both practically and theoretically, as will fit them to become successful instructors of vocal and instrumental music. Others, who show a decided talent for mathematics, or other scholastic branches, are being prepared for the profession of teaching, while even those less favored by nature, are furnished with the advantages of a free education, and the knowledge of a useful trade by which they can become, on leaving the school, self-supporting.

The proof that the blind can be educated; that they can be lifted from dependence upon relatives and friends, or upon charity, and be made useful and independent members of society, is best obtained by a visit to this asylum, and a close scrutiny of the highly satisfactory progress made by this afflicted class in the recitation hall, the music room and the work shop.

This year has been a period of increase and growth for this useful charity. There have been in attendance during the present term twenty-four pupils, and nearly as many more, we learn from the Superintendent, have applied in advance for admission in September. This increase will keep pace with the growth of our population. As sure as a large annual augmentation is shown in the numbers of this State, so sure may we be that each year will make increased demands upon the capacity of this Institute. In the management of its affairs, therefore, the growing demands of the State should be steadily kept in view, and the improvements and enlargements of each year be made of such a nature as to facilitate future requirements, as well as meet present emergencies. Consider the fact that there are over eighty blind children in Texas who are growing up without an education, and who may apply for admission within the next six months.

The great wants of the Blind Asylum just now are, a suitable kitchen and dining room, a boys' dormitory and workshops, and additional ground for a garden.

Your committee recommend the following appropriation for the maintenance of the Institute for the Blind, during the present fiscal year :

Deficiency	\$1,140 00
Salary of Superintendent.....	2,000 00
Dining-room, kitchen and closets	2,600 00
Furniture	1,280 00
Boys' dormitory and workshops.....	4,500 00
Additional grounds for garden.....	3,500 00
Support of Institution.....	19,000 00

H. C. GHENT,
THOS. M. JOSEPH,
C. T. SALTER.

Mr. Vinters introduced a bill to amend "An act to incorporate the town of Pilot Point," passed October 8, 1866. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Venters, the rules were further suspended, the bill read third time and passed.

Mr. Ireland introduced a bill to declare null and void "An act entitled an act for the relief of the Houston and Texas Central Railway Company," passed August 15, 1870. Read first time.

On motion of Mr. Ireland, the rules were suspended and the bill read second time.

On motion of Mr. Sabin, the bill was referred to the Committee on Internal Improvements, with instructions to report thereon Monday, May 27, at 11 A. M.

Mr. Davenport introduced a bill concerning judicial advertisements in Comanche county. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Davenport, the rules were further suspended, the bill read third time and passed.

House bill No. 603, "An act to incorporate the town of Honey Grove, in the county of Fannin," was taken up and the Senate amendments thereto read and concurred in.

House bill No. 169 "An act incorporating the town of Willis, in Montgomery county, Texas," was taken up and the Senate amendments thereto read and concurred in.

House bill No. 483, "An act to aid in the construction of the Gulf, West Texas and Pacific Railway," was taken up, and the Senate amendments thereto concurred in.

House bill No. 327, "An act to incorporate the town of Denton, State of Texas," was taken up, and the Senate amendments thereto read and concurred in.

House bill No. 111, "An act to incorporate the Dallas, Palestine and Southeast Texas Railroad Company," was taken up, and the Senate amendments thereto read and concurred in.

Senate bill No. 307, "An act to reorganize certain judicial districts, and to abolish certain other judicial districts therein named," was taken up and read first time.

Mr. Mills moved to postpone the further consideration of the bill until Tuesday, May 27, make it special order for that day, and have one hundred copies thereof printed.

Mr. Watts moved to lay that motion on the table, which carried by the following vote:

Yeas—Messrs. Speaker, Anderson, Armstrong, Bewley, Bledsoe, Booty, Bordeaux, Brown of Dallas, Denton, Eastland, Ford, Gallaway, Gaston, Ghent, Gilpin, Harrison, Hester, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Morris, Payne, Prendergast, Robb, Rosborough, Russell, Sayers, Scott, Shaw, Short, Storey, Tilson, Trolinger, Watts, Westfall, Winkler, Wood—40.

Nays—Messrs. Abbott, Allison, Berends, Broaddus, Brown of Upshur, Chambers, Cunningham, Day, Gillette, Green, Hoffman, Ireland, Joseph, Kemble, Mills, Moore, Nelson, Noeggerath, Phelps, Powers, Rainey, Rimes, Sabin, Salter, Schmidt, Smith of Colorado, Smith of Houston, Tivy, Tom, Washington, Williams—31.

On motion of Mr. Rainey, the bill was postponed until Monday, May 26, at 11 A. M., and made special order for that hour.

Senate joint resolution No. 43, "Joint resolution authorizing the accountants employed by the joint committee appointed by the Legislature to investigate the Treasurer's and Comptroller's offices of this State, to write up and properly balance and adjust the books of the late State Treasurer, George W. Honey, to May 27, 1872, and to perform other duties therein specified; also, prescribing the duties of the Comptroller in connection therewith," was taken up; read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Wood, the rules were further suspended, the joint resolution read third time and passed.

Senate bill No. 371, "An act making appropriations to supply the deficiencies in the appropriations for the years 1870, 1871 and 1872, for the support of the State govern-

ment," was read first time and referred to the Committee on Finance, with instructions to report thereon Monday, May 26.

Senate bill No. 336, "An act to provide for the printing of the general laws of this State in the German and Spanish languages," was read first time; rules suspended and read second time.

Mr. Thurmond moved to amend by striking out "German and Spanish" wherever they occur.

Mr. Carroll offered the following substitute for the amendment: Strike out "two thousand" where it occurs in the bill and insert in lieu thereof "one thousand;" strike out "one thousand" wherever it occurs and insert in lieu thereof "two hundred and fifty."

Mr. Payne moved to refer the bill to the Committee on Printing and Contingent Expenses. The House refused to refer.

Mr. Leyendecker moved to lay the amendment and the substitute therefor on the table, which carried.

Mr. Mills moved to lay the bill on the table. The House refused to table by the following vote:

Yeas—Messrs. Armstrong, Bledsoe, Chambers, Mills, Morris, Robb, Russell, Scott, Short and Venters—10.

Nays—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Berends, Bewley, Booty, Bordeaux, Broaddus, Brown of Upshur, Carroll, Cunningham, Day, Denton, Eastland, Ellett, Ford, Gallaway, Gaston, Gillette, Gilpin, Green, Harrison, Hoffman, Ireland, Joseph, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Moore, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Roberts, Rosborough, Sabin, Sayers, Schmidt, Shaw, Smith of Colorado, Storey, Thurmond, Tivy, Tom, Trolinger, Washington, Watts, Westfall, Williams, Winkler and Wood—61.

Mr. Washington moved the previous question, which was seconded and the main question ordered.

The bill then passed to third reading.

On motion of Mr. Ireland, the rules were suspended and the bill read third time.

Mr. Ireland moved to amend by adding the following proviso: "Provided, that no railroad charters shall be printed under the provisions of this act." Adopted.

Mr. Killough moved to amend by adding "one thousand in Bohemian."

Mr. Watts moved to amend by inserting after the word "Spanish," the following: "Alabama, Coshatte and Muscogee Indians."

Mr. Bordeaux moved to amend the amendment by adding "and Modocs."

Mr. Bewley moved to lay the amendments on the table, which carried.

Mr. Powers moved the previous question, which was seconded, and the main question ordered. The bill then passed.

The Committee on Engrossed Bills submitted the following reports:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined the following House bills:

No. 937, "An act supplemental to and amendatory of an act to provide for prompt settlement of accounts by sheriffs with the State and counties, approved April 28, 1873."

No. 939, "An act to amend article seven hundred and two of an act to establish a Code of Criminal Procedure for the State of Texas, approved August 26, 1856."

And find the same correctly engrossed.

BOOTY, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined the following House bills:

No. 890, "An act granting the right of way to the United States of America for the construction of a coast-wise canal along the coast of Texas, through the inland waters and mainland thereof."

No. 936, "An act providing for an election of officers for the town of Cameron."

No. 905, "An act to incorporate the Greenville, Bonham and Oklahoma Railroad Company."

No. 941, "An act to appropriate five hundred and three dollars to pay second class certificate No. 2886 of the public debt of the Republic of Texas, issued to John R. Cunningham, September 1, 1851."

No. 942, "An act to prohibit the sale or disposal of intoxicating liquors within three miles of Pecan Grove Male and Female School, in Hill county."

No. 778, "An act to regulate the fees to be charged by the Commissioner of the General Land Office "

And find the same correctly engrossed.

BOOTY, Chairman.

On motion of Mr. Mills, Senate bill No. 362, "An act to authorize the lessees of the State Penitentiary to delay the payment of certain amounts of money to become due the State until the expiration of their lease," was taken up and read first time.

On motion of Mr. Robb, the rules were suspended and the bill read second time.

Mr. Ireland offered the following amendment: "*Provided*, that this act shall not take effect nor be in force unless the sureties on the bond of the lessees shall, within sixty days from the final passage of this act, file with the Secretary of State their written assent to the extension of time, and that they, said sureties, will take no advantage of this extension; or said lessees may execute a new bond, to be approved and conditioned as required by law; and in either event this act shall take effect and be in force."

Adopted.

The bill then passed to third reading.

On motion of Mr. Hollingsworth, the rules were further suspended, the bill read third time and passed.

The conference committee upon House bill No. 721 submitted the following report:

Hon. E. B. Pickett, President of the Senate, and the Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIRS: Your committee of conference, to whom was referred the matter of difference between the two houses on House bill No. 721, to be entitled "An act for the regulation and assessment and collection of taxes," have carefully considered the same, and we are instructed to make the following report:

Your committee unanimously recommend that the House concur in the Senate amendment to section two, and a majority of the committee recommend that the House concur in the Senate substitute for section four.

That the House concur in Senate amendment to section five, and your committee recommend that section five be further amended by inserting the word "real" before the word "property," in first line; also, strike out all after the word "situate," in third line.

Your committee further recommend, as a substitute for Senate amendment to section seven, the following: Amend section seven by striking out the words, "in this county," and insert the words, "liable to assessment in this precinct."

That the House concur in Senate amendment to section nine.

That the Senate recede from its amendment to section ten.

That the House concur in Senate amendment to section fifteen.

That the Senate recede from its amendment to section twenty-one.

That the House concur in the Senate amendment to section twenty-three.

That the House concur in Senate amendment to section twenty-four.

That the House concur in the Senate amendment to section twenty-seven.

That the Senate recede from its amendment to section twenty-nine.

That the House concur in the Senate amendment to section thirty.

Your committee recommend, as a substitute for Senate amendment to section thirty-two, the following, to-wit: Amend section thirty-two by striking out the words, "and all property exhibited by said sureties," in lines seventy-six and seventy-seven, printed bill.

Your committee further recommend the addition to the bill of the following section: "SEC. . . That it shall be the duty of the several justices of the peace in this State, under the provisions of this act or any law of this State, in force at the time, under the instructions of the Comptroller, on or before the first day of January, A. D. 1874, to make a supplemental assessment of all property not rendered for taxation under the assessment for the present year in their respective precincts, or properly assessable in the same; and there shall be taken up on the rolls all unrendered lands, stating the owners of the same if known; if not known such fact shall be stated; all of which property not rendered by the party with the assessed value shall be returned to the Comptroller on or before the first day of January, A. D. 1874.

"When so returned, if any of said property shall appear:

to be rendered and assessed in any other county, such property shall be checked off of said roll.

"It is hereby made the duty of the Comptroller to furnish the justices of the peace in due time with the proper blank form for all assessment rolls, and to furnish the several sheriffs of this State with a sufficient number of the blank tax receipts. For each abstract forwarded under this act to another county, the justice of the peace forwarding the same shall be entitled to a fee of forty cents; and for each of said abstracts received, assessment made and returned, the justice so doing shall be entitled to a fee of forty cents.

"These fees shall be added to the tax and paid by the person against whom the tax is assessed, and such fees shall be paid by the State, and the certificate of the justice to whom they may be due, and the sheriff of his county, that the same are correct, shall be sufficient authority for the Comptroller to draw his warrant on the State Treasury for the amount in favor of the interested party."

N. G. SHELLEY,

Chairman of Senate Committee.

J. RUSSELL,

Chairman of House Committee.

On motion of Mr. Smith of Colorado, Judiciary Committee No. 1 submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 928, entitled "An act making donation relief for the heirs and prisoners of the Dawson massacre in the year 1842," have had the same under consideration, and instruct me to report the bill back with a substitute and recommend that the substitute be adopted and passed.

G. W. SMITH, Chairman.

The substitute, a bill to be entitled "An act to authorize the issuance of land certificates to the heirs of those who were killed in the Dawson massacre, near the Salado, in September, 1842, and of those who were taken prisoners there, and died while in prison," was read and adopted.

The bill was then ordered engrossed.

On motion of Mr. Smith of Colorado, the rules were suspended, the bill read third time and passed.

On motion of Mr. Payne, the Committee on State Affairs submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on State Affairs, to whom was referred House bill No. 637, to be entitled "An act to authorize the County Court of Victoria county to levy a special tax to repair the jail in said county," having considered the same, recommend that it do pass.

VENTERS, for Committee.

The bill was read second time by caption and ordered engrossed.

On motion of Mr. Payne, the rules were suspended, the bill read a third time and passed.

On motion of Mr. Bordeaux, the House adjourned until 3 P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

Absent—Messrs. Bewley, Booty, Hester, Hollingsworth, Mabry, Russell, Salter, Scott, Tilson, Venters and Wood.

On motion of Mr. Ford, Messrs. Armstrong and Watts were excused for the evening.

Mr. Rimes moved to reconsider the vote passing Senate bill No. 75, authorizing the County Court of Washington county to issue bonds for the purpose of funding the indebtedness of said county.

On motion of Mr. Sabin, the Committee on Towns and City Corporations submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Town and City Corporations, to whom was referred Senate bill No. 240 $\frac{1}{2}$, have considered the same, and instruct me to report the same back to the House and recommend that it do pass with the accompanying amendment.

WOOD, Chairman.

In the fifth line of the third section, strike out the words "two miles," and insert instead thereof the words "three quarters of a mile."

The amendment was adopted.

The bill, being "An act to incorporate the Burseson Male and Female Academy in Bastrop county," was read second time by caption and passed to a third reading.

On motion of Mr. Killough, the rules were suspended, the bill read third time and passed.

Mr. Morris moved to adjourn. The House refused.

The unfinished business of yesterday was resumed, House bill No. 615, "An act amendatory of and supplementary to an act authorizing the sale and disposition of the university lands, approved August 30, 1856, approved November 12, 1866," pending the following amendment offered by Mr. Storey: Add to section . . the following proviso: "*Provided*, that if any person not a settler on the land proposed to be sold, shall offer more than the settler thereon proposes to give, then it shall be the duty of the commissioners herein provided for, to advertise and sell said lands to the highest bidder, as under execution, and on a credit of five years, purchaser giving note bearing ten per cent. interest per annum, and a mortgage on the land to secure the purchase money and interest, payable annually; *and provided further*, that no land not occupied shall be sold, except to the highest bidder, and for not less than the value thereof as assessed by said commissioners."

On motion of Mr. Anderson, the amendment was laid on the table.

Mr. Anderson moved to reconsider the vote just taken. The House refused.

Mr. Anderson offered the following amendment: Amend section two by striking out all after the word "county" in line three, to the word "purposes" in line six inclusive, and inserting in lieu thereof, "the legally authorized surveyor within whose jurisdiction such lands are situated." The amendment was adopted.

Mr. Anderson moved to amend section three by striking out the word "county" in line one.

Mr. Winkler moved to lay the bill and amendment on the table. Lost by the following vote:

Yeas—Messrs. Abbott, Berends, Denton, Eastland, Gaston, Ghent, Gilpin, Harrison, Hester, Kemble, Kleberg, McDonald, Mills, Morris, Payne, Powers, Prendergast, Rimes, Robb, Sayers, Short, Smith of Colorado, Smith of Houston, Storey, Williams and Winkler—26.

Nays—Messrs. Speaker, Allison, Anderson, Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Brown of Upshur, Carroll, Chambers, Cunningham, Davenport, Day, Ellett, Ford, Gillette, Green, Hoffman,

Ireland, Joseph, Killough, Lane, Leyendecker, Mabry, Manning, Moore, Nelson, Noeggerath, Phelps, Rainey, Roberts, Rosborough, Russell, Sabin, Scott, Schmidt, Shaw, Tilson, Tivy, Tom, Trolinger, Venters, Washington and Westfall—46.

Mr. Payne moved to refer the bill to a select committee of five, with instructions to report thereon Wednesday, May 28, 11 A. M.

On motion of Mr. Sabin, the motion to refer was laid on the table.

The amendment was then adopted.

Mr. Allison moved to adjourn. Lost.

Mr. Anderson moved to amend section five by inserting in line eight, after the word "otherwise," the words "and in no case shall any one of said commissioners be a citizen of the county where said lands lie." Adopted.

Mr. Anderson moved to amend section five by inserting in line six, after the word "thereof" the words "and not residents of the county where any of said lands are situated." Adopted.

Mr. Anderson moved to amend section seven by inserting in line fourteen, after the word "clerk" the words "notary public." Adopted.

Mr. Anderson moved to amend section eight by filling the blank in line three with the words "five dollars." Lost.

Mr. Anderson moved to amend section nine by striking out lines eight, nine, ten and eleven. Adopted.

Mr. Anderson moved to fill the blank in line seven, section eleven, with the word "six." Adopted.

Mr. Anderson moved to fill the blank in line eight, section twelve, with the word "eight."

Mr. Allison moved to amend by striking out "eight" and inserting in lieu thereof "ten." Adopted.

The amendment was then adopted.

Mr. Anderson moved to fill the blank in line fifteen, section thirteen, with the word "twelve." Adopted.

Mr. Anderson moved to amend section eleven, by adding thereto: "if one be so published." Adopted.

Mr. Anderson moved to fill the blank in line ten, section sixteen, with the word "thirty." Adopted.

Mr. Anderson moved to amend section twenty-two by striking out of lines five, six and seven, all after the word "years" to the word "who," and inserting in lieu

thereof "the district attorney of the judicial district in which said land is situated." Also, by inserting in line ten, after the word "served," the words "returnable to the district court of the county where said land is situated." Also, by filling the blank in line eighteen with the word "writ." Adopted.

Mr. Anderson moved to strike out of section twenty-seven, line five, the words "deed of conveyance." Adopted.

Mr. Anderson moved to add to section twenty-seven, line eight, the following: "when signed also by the president of the board of trustees." Adopted.

Mr. Anderson moved to add to section twenty-nine the following: "All laws and parts of laws in conflict with this act be and the same are hereby repealed." Adopted.

Mr. Rainey moved to adjourn. Lost.

Mr. Storey moved to amend section two by inserting after the word "purpose," in line six, the following: "upon which any person has settled or desires to settle, or improve for their own use and benefit."

Mr. Sayers moved to lay the amendment on the table. The House refused.

The House then refused to adopt the amendment.

Mr. Payne moved to amend section twenty-two by inserting after the word "interest," the words "and one-tenth of the principal." Adopted.

Mr. Rainey moved to adjourn. Lost.

Mr. Rimes moved to add to section thirteen the following: "*Provided*, that in no instance shall any one person, either directly or indirectly, purchase more than one quarter section of said land." Adopted.

Mr. Carroll moved to strike out all after the word "be," in line two, and insert in lieu thereof "invested in United States interest bearing bonds."

Mr. Payne moved to amend the amendment by striking out "United States," and insert in lieu thereof "Texas."

Mr. Anderson moved to lay both amendments on the table.

Division of the question being called for, the House refused to table the amendment to the amendment.

The House then refused to table the amendment.

The amendment to the amendment was then adopted.

The House then refused to adopt the amendment thus amended.

Mr. Rainey moved to adjourn. Lost.

Mr. Washington offered an amendment, pending which, on motion of Mr. Ireland, the House adjourned till 9 A. M. Monday.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, May 26, 1873. }

House met pursuant to adjournment. Prayer by Rev. Mr. Wright. Roll called; quorum present.

Absent—Messrs. Ellett and Wilder.

On motion of Mr. Tilson, Mr. Scott was excused indefinitely on account of sickness.

On motion of Mr. Winkler, Mr. Ghent was granted indefinite leave of absence after Wednesday next, on account of sickness in his family.

On Motion of Mr. Morris, the special committee on finance was granted leave to sit during the sessions of the House.

On motion of Mr. Booty, the reading of the journal was dispensed with.

Mr. Rimes moved to take up the Senate concurrent resolution providing for *sine die* adjournment May 26, which carried.

The resolution having been read, Mr. Rimes moved to amend by striking out "May 26," and inserting in lieu thereof "Monday, June 2."

Mr. Anderson moved to amend by substituting "June 4," for "June 2."

Mr. Short moved to postpone the further consideration of the subject until Friday, May 30, at 11 A. M., and make it special order for that hour, which carried by the following vote:

Yeas—Messrs. Speaker, Allison, Anderson, Armstrong, Berends, Bewley, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Davenport, Day, Denton, Eastland, Ellett, Gaston, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Manning, McDonald, Mills, Morris, Nelson, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Short, Smith of Colorado, Smith of Houston, Stockbridge, Thurmond, Tivy, Tom, Vinters, Westfall, Winkler and Wood—51.

Nays—Messrs. Abbott, Bledsoe, Bordeaux Cunningham, Ford, Kleberg, Lane, Leyendecker, Mabry, Moore, Noeggerath, Phelps, Roberts, Rosborough, Russell, Salter, Sayers, Schmidt, Scott, Shaw, Storey, Tilson, Trolinger, Washington, Watts and Williams—26.

On motion of Mr. Gilpin, the Committee on Counties and County Boundaries submitted the following report: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Your committee to whom was referred Senate bill No. 223, entitled "An act to submit the permanent location of the county site of El Paso county to a vote of the people of said county," beg leave to report that they have duly considered the same, and instruct me to return the bill and recommend its passage.

TROLINGER, Chairman.

On motion of Mr. Thurmond, the reading of the bill was dispensed with and it was passed to third reading.

On motion of Mr. Anderson, the rules were suspended, the bill read third time and passed.

On motion of Mr. Winkler, the Committee on Internal Improvements was granted further time in which to report.

On motion of Mr. Brown of Dallas, the special committee upon the arranging and publishing abstracts of land titles, submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The special committee to whom was referred a resolution in relation to rearranging and republishing the abstracts of land titles, and afterwards House bill No. 897, "An act to authorize C. H. Randolph, W. A. Pitts and John O. Johnson to compile an abstract of titled and patented lands," have considered the subject, and instruct me to report said bill No. 897 back to the House and recommend its passage, with the accompanying amendments.

The recompiling, enlargement and publication of the abstracts, is demanded by the necessities of the State and the people. But its preparation is a work of great labor, demanding the strictest attention to details and accuracy. The committee, therefore, deem it sufficient at this time to provide for the preparation of the abstracts, leaving to the next Legislature to provide for their publication.

J. H. BROWN, Chairman.

1. Insert after "claim," in line twelve, section one, "the names of both the original owner and the assignee whenever patented to an assignee."

2. Strike out the words "be and he is," in line two, section two, and insert in lieu thereof "and the Comptroller be and they are."

3. Fill the first blank in section three with "one hundred and fifty dollars," and the second blank in same section with "three thousand one hundred and fifty dollars."

4. Add to section three, "*Provided*, that when completed said abstracts shall be deposited in the office of the Commissioner of the General Land Office, subject to the order of the Legislature at its next or any future meeting."

The amendments were adopted, the bill read second time and ordered engrossed.

On motion of Mr. Tilson, the rules were suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Armstrong, Berends, Bewley, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Davenport, Day, Denton, Eastland, Ellett, Ford, Gaston, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Ireland, Kemble, Killough, Lane, Leyendecker, Manning, McDonald, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Salter, Sayers, Schmidt, Scott, Short, Smith of Colorado, Storey, Stockbridge, Tilson, Tivy, Tom, Trolinger, Washington, Watts, Westfall, Williams, Winkler, Wood—64.

Nays—Messrs. Bledsoe, Mills, Moore, Phelps—4.

On motion of Mr. Winkler, the special committee upon the subject of purchasing copies of Paschal's Digest were granted leave to report Tuesday, May 27, at 11 A. M., and said report was made special order for that hour.

On motion of Mr. Powers, House bill No. 487, "An act to provide for the construction and repairing of court houses and jails by the several counties of the State," was taken up.

Mr. Wood offered the following amendment: Add to the end of section nine the words: "The bonds authorized to be issued under this act shall be transferable by endorsement. The county treasurer, when he pays the

owner or legal holder of any bond the interest or principal due or payable on said bond, shall cause said owner or legal holder to endorse a receipt on the back of said bond, in which receipt shall be stated the amount of interest paid, the amount of principal paid, with the true date of payment, which said receipt shall be signed by the party, his legal agent or attorney, and the county treasurer shall, at the same time, take a separate receipt from the legal owner or holder of such bond, his agent or attorney, which receipts shall state the same facts required to be endorsed on said bond; and the county treasurer shall, immediately after any such payment, endorse a memorandum of such payment, specifying principal, interest and date on the page or opposite page in the registration book where such bond is registered; and, from time to time, as the County Court may settle with the treasurer, they shall compare his receipts carefully with the endorsements on the registration book. When said bonds, or any of them are paid, they shall at once be deposited with the district clerk by the treasurer, who shall preserve the same, and, at the next meeting of the County Court after such deposit, the district clerk shall present said bonds to the court, who shall proceed to carefully compare the receipts endorsed on said bonds with the receipts endorsed on the registration book, and if they correspond, and the court find that said bonds have been fully paid, they shall destroy the same, and cause to be written across the face of the registration of said bond, 'Paid in full.' The county treasurer shall not be allowed, in settlement with the court, credit for any payment not properly receipted for on the back of a bond, which is presented as finally and fully paid." The amendment was adopted, and the second reading of the bill having been finished, it was ordered engrossed.

On motion of Mr. Payne, the rules were suspended, the bill read third time and passed.

On motion of Mr. Brown of Dallas, the Committee on State Affairs reported back Senate bill No. 243, "An act for the relief of S. B. Buckley, late Assistant State Geologist," with the recommendation that it be referred to the Committee on Claims and Accounts, which reference was made.

Report from the Committee on Engrossed Bills :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills have examined the following bills:

No. 637, "An act to authorize the County Court of Victoria county to levy a special tax to repair the jail in said county."

No. 928, "An act to authorize the issuance of land certificates to the heirs of those who were killed in the Dawson massacre in September, 1842."

No. 946, "An act making valid the registration of certain deeds and other instruments of writing."

No. 947, "An act to locate the county seat of Trinity county."

No. 949, "An act to secure uniformity of courses and measurements of lines by surveyors."

No. 950, "An act concerning judicial advertisements in Comanche county."

No. 948, "An act to amend an act to incorporate the town of Pilot Point, passed October 8, 1866,"

And find the same correctly engrossed.

BOOTY, Chairman.

On motion of Mr. Armstrong, the special committee upon the charges and specifications against Hon. William Chambers, Judge of the First Judicial District, submitted the following report, which was read and adopted:

Hon. M. D. K. Taylor, Speaker of the House of Representatives of the State of Texas :

SIR: The undersigned, of the select committee to whom was referred the resolutions of inquiry into the complaints made by the members of the bar and other citizens of the First Judicial District against William Chambers, judge of said district, for high crimes and misdemeanors, alleged to have been committed by him as said judge, and to report to the House at an early moment whether there exists sufficient grounds for impeachment of him, said Chambers, judge, respectfully report it as the opinion of a majority of said committee that said Chambers, judge, should be charged and impeached of high crimes and misdemeanors before the Senate of said State, sitting as a court of impeachment, and do herewith submit formal articles of impeachment against him, and ask their adoption by this House, and that his Excellency the Governor be informed hereof, and do further recommend the adoption of the following :

Resolved, by the House of Representatives of the State of Texas, That the following articles of impeachment against Wm. Chambers, Judge of the First Judicial District of the State of Texas, be and the same are hereby adopted and preferred, and that managers be appointed and instructed to proceed to the Senate of the State of Texas, as a court of impeachment, and before said court of impeachment exhibit and urge said articles against said Chambers, judge aforesaid, said articles and heading thereof being hereunto attached as part hereof.

ARTICLES OF IMPEACHMENT

Exhibited by the House of Representatives of the State of Texas, in the name of all the people of said State, and in the name of themselves, against William Chambers, Judge of the First Judicial District of said State, which are exhibited and charged as follows :

[NOTE.—The words in each of said articles “and in the name and by the authority of the State of Texas,” are surplusage, but are included to prevent dispute in this respect, like in the preceding pending case of impeachment.—ARMSTRONG.]

ARTICLE I.

The House of Representatives of the State of Texas, in the name of all the people of said State, in the name of themselves, and in the name and by the authority of the State of Texas, do charge that William Chambers, Judge of the First Judicial District of the State of Texas, while acting in the capacity of judge heretofore, to-wit, at the March term, A. D. 1872, of the District Court of Hardin county, in said First Judicial District, the cause of the estate of Jacob Luder, deceased, coming on to be heard, wherein one A. Brown was administrator *pro tem.*, did then and there, willfully and unlawfully, and peremptorily order the said A. Brown, administrator as aforesaid, at the ensuing term of said court, to-wit, the July term, A. D. 1872, to pay into court all moneys and effects belonging to the estate of Jacob Luder, deceased, that might have come into the hands of him, said Brown, administrator, or into the hands of his attorneys; and that in obedience to said order of said Chambers, judge as

aforesaid, Robert H. Leonard, attorney at law for said Brown, administrator as aforesaid, did, at the said July term of said court, A. D. 1872, holden in and for Hardin county, pay into court the sum of seven hundred dollars, which sum of money the said Chambers, judge as aforesaid, then and there put into his own pocket, and still keeps the said money, and has wholly failed, neglected and refused to return the same to said Brown, administrator as aforesaid; and did then and there, unlawfully and fraudulently convert the said money to his own use and benefit.

Wherefore, the House of Representatives of the State of Texas, in view of the premises, do charge that William Chambers, judge as aforesaid, by reason of his acts aforesaid, is guilty of a high crime, and by reason of his acts aforesaid has rendered himself unfit longer to exercise the duties of district judge of the State of Texas.

ARTICLE II.

The House of Representatives of the State of Texas, in the name of all the people of said State, in the name of themselves, and in the name and by the authority of the State of Texas, do charge that William Chambers, Judge of the First Judicial District of the State of Texas, while acting in the capacity of judge heretofore, to wit, at the March term, A. D. 1872, of the District Court of Hardin county, in said judicial district, the cause of Jacob Luder, deceased, coming on to be heard, wherein one A. Brown was administrator *pro tem.*, did then and there, willfully and unlawfully, and peremptorily, order the said A. Brown, administrator as aforesaid, at the ensuing term of said court, to wit, at the July term, A. D. 1872, to pay into court all moneys and effects belonging to the estate of Jacob Luder, deceased, that might have come into the hands of him, said Brown, administrator, or into the hands of his attorneys; and that in obedience to said order of said Chambers, judge as aforesaid, Robert H. Leonard, attorney at law, for said Brown, administrator as aforesaid, did, at the said July term of said court, holden in and for the county of Hardin, in the year A. D. 1872, pay into court the sum of seven hundred dollars, which said money the said Chambers, judge, claimed and received as money escheated to the State of Texas, for

want of heirs at law of him, said Luder, deceased, and which sum of money the said Chambers, judge as aforesaid, then and there put into his own pocket, and still keeps the said money, and fails, neglects and refuses to pay the same into the Treasury of the State of Texas, and has wholly failed so to do, but then and there unlawfully and fraudulently converted the said seven hundred dollars to his own use and benefit.

Wherefore the House of Representatives of the State of Texas, in view of the premises, do charge that William Chambers, judge as aforesaid, by reason of his acts as aforesaid, is guilty of a high crime, and by reason of his acts as aforesaid, has rendered himself unfit longer to exercise the duties of district judge of the State of Texas.

ARTICLE III.

The House of Representatives of the State of Texas, in the name of all the people of said State, in the name of themselves and in the name and by the authority of the State of Texas, do charge that William Chambers, Judge of the First Judicial District of the State of Texas, while acting in the capacity of judge heretofore, to-wit., at the March term, A. D. 1873, of the District Court of Hardin county, said March term being a regular term of said court, the cause of the State of Texas v. John W. Leonard and Robert H. Leonard, upon a charge contained in a bill of indictment presented by the grand jury of Hardin county aforesaid, charging the said John W. Leonard and Robert H. Leonard, defendants, with the crime of swindling the estate and heirs of Jacob Luder of the sum of six hundred and seventy-five dollars, came on to be heard, and issue being then and there joined upon a plea of "not guilty," pleaded by said defendants, certain matters then and there became material, to-wit., "whether Jacob Luder, deceased, had any living heirs?" and also, "whether one A. Brown, administrator, had appealed to the Hon. William Chambers, Judge of the First Judicial District, for protection from the acts of his attorneys and the appointment of other attorneys to represent him, the said A. Brown, administrator, in the matter of the administration of the estate of Jacob Luder, deceased?" And the said William Chambers, Judge of the First Judicial District, then and there upon the trial of said cause, then

and there being investigated before a jury of twelve good and lawful men, said cause being a judicial proceeding, before John J. Dollard, clerk of the District Court of Hardin county and State of Texas (said John J. Dollard then and there being an officer duly commissioned and qualified, and authorized and empowered by the laws of Texas to administer oaths in judicial proceedings), did then and there make and take his corporeal oath "to testify the truth, the whole truth and nothing but the truth touching the matters then and there on issue in said cause, so help him God;" and the said William Chambers did then and there, upon his said corporeal oath, lawfully administered as aforesaid, falsely, wickedly, willfully, unlawfully, corruptly and feloniously say, depose and swear upon his oath aforesaid, that "John W. Leonard (meaning John W. Leonard, the defendant) told me (meaning him, the said Chambers), at the March term of the court, 1873 (meaning the March term, A. D. 1872, of the District Court of Hardin county), in open court, that Jacob Luder, deceased, had heirs residing in the State of New York;" and the said William Chambers, judge as aforesaid, did then and there, upon his said corporeal oath, so lawfully administered as aforesaid, falsely, wickedly, willfully, unlawfully, corruptly and feloniously further depose, say and swear, that "at the March term, 1872, of this court (meaning the District Court of Hardin county), Mr. A. Brown, the administrator of the estate of Jacob Luder, deceased, appealed to me in open court for protection against the acts of his attorneys (meaning the defendants John W. Leonard and Robert H. Leonard)," whereas, in truth and in fact, the said John W. Leonard did not tell the said Chambers at any time that the said Jacob Luder had heirs residing in the State of New York, or that Luder had any living heirs; and whereas, in truth and in fact, the said A. Brown did not at said time or any other time in open court appeal to said William Chambers for protection against the acts of said John W. Leonard and Robert H. Leonard, but the said statements so made under his corporeal oath as aforesaid, were falsely, willfully, wickedly, unlawfully, corruptly, maliciously and feloniously said, deposed and sworn, with the wicked, willful and felonious intent to cause a verdict of said jury to pass against the said John W. Leonard and Robert H. Leonard, in order that they might then

and there be convicted of the crime of swindling, whereof they then and there stood charged; wherefore, the said William Chambers, Judge of the First Judicial District of the State of Texas, in manner and form aforesaid, did falsely, wickedly, willfully, maliciously, unlawfully, corruptly and feloniously commit the crime of willful and corrupt perjury.

Wherefore, the House of Representatives of the State of Texas, in view of the premises, do charge that William Chambers, judge as aforesaid, by reason of his acts as aforesaid, is guilty of a high crime, and by reason of his acts as aforesaid, has rendered himself unfit longer to exercise the duties of district judge of the State of Texas.

ARTICLE IV.

The House of Representatives of the State of Texas, in the name of all the people of said State, in the name of themselves, and in the name and by the authority of the State of Texas, do charge that William Chambers, Judge of the First Judicial District of the State of Texas, while acting in the capacity of judge heretofore, to-wit, at the term, A. D. 1872, of the District Court of Jefferson county, a certain cause of the State of Texas v. John S. Marble, came on to be heard, said cause being founded upon a bill of indictment charging the said John S. Marble with the crime of theft, and the jury having heard the indictment read, the evidence, the argument of counsel and charge of the court as to the law (the said William Chambers then and there presiding as judge), and the said jury thereupon did find the defendant guilty, and assess his punishment at dollars fine and imprisonment in the county jail for two hours, whereupon the defendant's counsel, R. H. Leonard, informed the court that before adjournment he, said counsel, would present and argue a motion for a new trial, but wholly disregarding the request of said counsel, said William Chambers, judge as aforesaid, did immediately order the sheriff of Jefferson county to confine the said defendant Marble in the county jail of said county for the time of two hours, and (it being then and there noon) adjourn court till two o'clock P. M., same day, and upon meeting of the court at the appointed time, the said John S. Marble having been confined in said jail for two hours pur-

suant to said order of the court, a motion for a new trial in said cause upon the ground that the charge of the court to the jury was contrary to law, coming on to be heard, the same was then and there sustained, the said Marble having been wrongfully and oppressively confined in said jail as aforesaid, by order of said Chambers, judge as aforesaid, and without regard to the request made by the counsel of said Marble, to permit and hear motion for new trial in said cause, and upon a verdict based upon the wrongful and oppressive charge of the judge aforesaid.

Wherefore the House of Representatives of the State of Texas, in view of the premises, do charge that William Chambers, judge as aforesaid, by reason of his acts aforesaid, is guilty of malfeasance in office, and by reason of his acts as aforesaid, has rendered himself unfit longer to exercise the duties of district judge of the State of Texas.

ARTICLE V.

The House of Representatives of the State of Texas, in the name of all the people of said State, in the name of themselves, and in the name and by authority of the State of Texas, do charge that William Chambers, Judge of the First Judicial District of the State of Texas, while acting in the capacity of judge heretofore, to-wit, at the July term, A. D. 1872, of the District Court of Hardin county, the cause of the State of Texas v. A. Brown, John W. Leonard and Robert H. Leonard, for the crime of swindling, coming on to be heard, and the defendants John W. Leonard and Robert H. Leonard, demanding a trial, the district attorney *pro tem.*, asked *verbally* for a continuance without showing any cause or pretended cause therefor, although defendants demanded cause to be shown, the said Chambers, judge as aforesaid, disregarded the demands in this respect of the said defendants, and without giving reasons therefor, continued the said cause, to the great damage of defendants; and while the said Robert H. Leonard was then and there proceeding to ask for immediate trial of said cause, the said Chambers, judge, then and there expressed and manifested much and violent passion toward and at said Robert H. Leonard, and then and there in a passionate manner ordered the clerk of said court to enter a fine of

one hundred dollars against said Robert H. Leonard, without any just reason or cause therefor; and did then and there order the district attorney *pro tem.* to file a motion with the clerk of said court for a rule against the said Robert H. Leonard and John W. Leonard, being then and there practicing attorneys in said court, to be and appear at the next term of the District Court of Hardin county, and show cause why the said Robert H. Leonard and John W. Leonard should not be stricken from the roll of attorneys, he, the said Chambers, judge, not showing any sufficient cause for such unjustifiable and summary proceeding against the said Robert H. Leonard and John W. Leonard, and he, said Chambers, judge, made the said order willfully, wickedly and maliciously to gratify his prejudices against the said Robert H. Leonard and John W. Leonard, and to defeat their practice as attorneys and counsellors at law, and with the willful and wicked intent to prejudice and oppress them and to influence the minds of the people against them, and thereby affect and injure them on the trial of the cause of the State of Texas v. A. Brown, John W. Leonard and Robert H. Leonard, then pending in said court.

Wherefore, the House of Representatives of the State of Texas, in view of the premises, do charge that William Chambers, Judge of the First Judicial District of said State, by reason of his acts aforesaid, is guilty of malfeasance in office, and by reason of his said acts has rendered himself unfit longer to exercise the duties of district judge of the State of Texas.

ARTICLE VI.

The House of Representatives of the State of Texas, in the name of all the people of said State, in the name of themselves, and in the name and by the authority of the State of Texas, do charge that William Chambers, Judge of the First Judicial District of the State of Texas, while acting in the capacity of judge heretofore, to-wit, at the March term, A. D. 1873, of the District Court of Hardin county, the said cause of the State of Texas v. A. Brown, John W. Leonard and Robert H. Leonard came on to be heard, and was set for trial at the morning of the sixth day of March, A. D. 1873; and on the morning of said sixth day, in open court, the said cause being a charge of

swindling, numbered No. 182 upon the criminal docket of the District Court of Hardin county, being called for trial, did cause the members of the bar then and there present to be called into court, and in the presence of the jury of the court, the bystanders, the officers of the court and the members of the bar, did proceed to make remarks and statements respecting said cause, and say that he wished to make a personal explanation to the members of the bar, and by his remarks indicated that he, the said Chambers, judge, was the chief prosecutor in this cause, and said, among other things, that he had been called upon by a surety of A. Brown, one of the defendants, said Brown being the administrator *pro tem.* of Jacob Luder, deceased, for protection against the acts of said A. Brown, administrator as aforesaid, and had also been called upon by said A. Brown for protection against the acts of the defendants John W. Leonard and Robert H. Leonard, his attorneys, and for the appointment of other attorneys to represent him, the said A. Brown, in the administration of the said estate of Jacob Luder, deceased; and further stated that an effort had been made by some attorney-at-law (without naming him) before the grand jury of Hardin county, at the November term, A. D. 1872, of the District Court of said county, to indict him, the said Chambers, judge, for receiving and retaining in his hands the sum of seven hundred dollars of the moneys of Jacob Luder, deceased; and further said that until applications were made to him by said surety and said administrator, he, William Chambers, judge, did not know that anybody had done anything wrong, "and that certain parties (not saying who) had made certain reports about him, said Chambers, in connection with this case, apparently to affect his influence in the trial of this cause;" and further said that "this court knew its rights, duties and powers, and would protect its rights, perform its duties and enforce its powers to the utmost," and many other remarks directly bearing on the merits of the cause of the State of Texas v. A. Brown, John W. Leonard and Robert H. Leonard aforesaid, all of which was made in a declamatory, excited and passionate manner and tone of voice, and designed by him, said Chambers, judge, corruptly, maliciously and oppressively to influence the jury and bystanders against the defendants in the trial of said cause and procure their

conviction of the crime of swindling, whereof they then and there stood charged.

Wherefore, the House of Representatives of the State of Texas, in view of the premises, do charge that William Chambers, judge as aforesaid, by reason of his acts aforesaid, is guilty of malfeasance in office, oppression and other wrongs, and by reason of his acts as aforesaid, has rendered himself unfit longer to exercise the duties of district judge of the State of Texas.

ARTICLE VII.

The House of Representatives of the State of Texas, in the name of all the people of said State, and in the name of themselves, and in the name and by the authority of the State of Texas, do charge that William Chambers, Judge of the First Judicial District of the State of Texas, while acting in the capacity of judge heretofore, to-wit, at the March term, A. D. 1873, of the District Court of Hardin county, the criminal cause No. 182, to-wit, the State of Texas v. A. Brown, John W. Leonard and Robert H. Leonard, coming on to be heard and determined, and the parties defendant in said cause being put upon trial, the said William Chambers was sworn and testified as a witness in behalf of the State in said cause; and that when George W. O'Brien, attorney for the defendants, John W. Leonard and Robert H. Leonard, presented a point of law to the court bearing upon the case, "that where the judge was a witness in any cause, he might postpone the trial of the cause for trial by another judge," and proceeded to argue the application of said principle to the cause then on trial, the said William Chambers, judge, did then and there order two several fines of fifty dollars each, to be entered against said O'Brien, attorney, which fines were ordered without any legal cause or reason, the said attorney not being in contempt, but said fines were ordered for the malicious and oppressive purpose of affecting the minds of the jury unfavorably against the defendants, and defeating and confusing the arguments of said attorney, which said attorney was presenting in the case, and to prejudice the minds of the jury against the said attorney and his arguments in behalf of the defendants; and the said Chambers, judge, a few days thereafter, and outside of the court house, did make the

following remark : "That he had been very lenient with attorneys this court, but that he was going to Beaumont next week, and there is a jail there for the disorderly, and he would have some of them in there if they do not mind," which said remark was malicious and slanderous of the attorneys of the First Judicial District.

Wherefore, the House of Representatives of the State of Texas, in view of the premises, do charge that William Chambers, judge as aforesaid, by reason of his acts aforesaid, is guilty of malfeasance in office, and by reason of his acts as aforesaid, has rendered himself unfit longer to exercise the duties of district judge of the State of Texas.

ARTICLE VIII.

The House of Representatives of the State of Texas, in the name of all the people of said State, in the name of themselves, and in the name and by the authority of the State of Texas, do charge that heretofore, to wit, at the March term, A. D. 1872, of the District Court of Hardin county, William Chambers, Judge of the First Judicial District of the State of Texas, while acting in the capacity of judge, there coming on to be heard a certain criminal cause, to wit, The State of Texas v. Wesley Holland, founded upon a bill of indictment charging said Holland with robbery, by his taking an ox from one Jacob J. Busby, the property of said Busby, and issue being taken on the plea of "not guilty," put in by said Holland, when the defendant Holland attempted to prove that the ox charged to have been stolen by defendant was not the property of said Busby, and was not in the possession of said Busby, but was in truth the property of said defendant Holland, the said Chambers, judge, maliciously and oppressively, to cause a verdict to be rendered by the jury against said Holland, and to procure the conviction of said Holland of the crime of robbery, whereof he stood charged, did then and there refuse to let such evidence go to the jury as offered by the attorney of said Holland.

Wherefore, the House of Representatives of the State of Texas, in view of the premises, do charge that William Chambers, judge as aforesaid, by reason of his acts aforesaid, is guilty of malfeasance in office, and by reason of his acts as aforesaid has rendered himself unfit longer to exercise the duties of District Judge of the State of Texas.

ARTICLE IX.

The House of Representatives of the State of Texas, in the name of all the people of said State, and in the name of themselves, and in the name and by the authority of the State of Texas, do charge that William Chambers, Judge of the First Judicial District of the State of Texas, heretofore, to-wit, on the twenty-first day of March, A. D. 1871, the same being the second day of the March term, A. D. 1871, of the District Court of Jefferson county, the said Chambers acting as judge thereof, and there coming on to be heard a certain criminal cause, No. 437, entitled, "The State of Texas v. Bartemus Cooper," founded upon a bill of indictment presented by the grand jury of said county, charging said Cooper with the crime of rescuing a prisoner from the custody of Thomas Smith, deputy sheriff of said county, which cause was the first cause presented to a petit jury at said March term of said court; and the defendant pleading "not guilty" to the charge contained in said bill of indictment, said cause proceeded to trial; that during said trial the said William Chambers, judge, became much excited in manner and words, and frequently during the argument of said cause by G. W. O'Brien and R. H. Leonard, attorneys for Cooper, he, said Chambers, judge, did interrupt and stop said attorneys in their argument to the jury, untruthfully charging them with going outside the record, and in a passionate manner and tone of voice, threatened to fine said attorneys for contempt of court for their argument, they having committed no act of contempt, but confined themselves in their argument to their legitimate limits and privileges; and said Chambers, judge, thereby interfering and trying to prevent a fair investigation and trial of the said cause; and when the jury, after a few minutes' deliberation, found a verdict for the defendant, the said Chambers, judge, did, in a passionate and angry manner and tone of voice, discharge said jury for the term, and order another to be impaneled, thereby impliedly and apparently charging twelve good citizens of said county with unfitness to act as jurors, and thereby showing and practicing his disregard of the laws of our State regulating juries.

Wherefore, the House of Representatives of the State of Texas, in view of the premises, do charge that Wil-

liam Chambers, judge as aforesaid, by reason of his acts aforesaid, is guilty of malfeasance in office, and by reason of his acts, as aforesaid, has rendered himself unfit longer to exercise the duties of district judge of the State of Texas.

ARTICLE X.

The House of Representatives of the State of Texas, in the name of all the people of said State, in the name of themselves, and in the name and by the authority of the State of Texas, do charge that William Chambers, judge of the First Judicial District of the State of Texas, while acting in the capacity of judge heretofore, to-wit, at the November term, A. D. 1872, of the District Court of Jefferson county, there coming on to be heard the criminal case entitled, "The State of Texas v. Sandy Cruse," upon an indictment for murder, and said cause having been submitted to a jury, said jury brought in a verdict of "guilty," against said Cruse, and fixed his punishment at five years in the penitentiary, and on the same day of the verdict found, there was entered judgment thereon of the court, ordering the sheriff of said county to convey said Sandy Cruse to the State penitentiary, there to receive the punishment fixed upon him by said verdict and judgment, and thereupon defendant Cruse, by his attorneys, John Jackson and James Armstrong, filed in said cause and in said court, on the next day after the said trial, verdict and judgment in said cause, a motion for a new trial in said cause, alleging divers grounds in said motion, and, among other matters, objecting to said judgment, which motion being considered by the said Chambers, judge, the same was overruled and new trial refused, and thereupon, and in proper time, the defendant, by his attorneys in open court, gave notice of appeal to the Supreme Court, and further say that said appeal was taken as prescribed by law (afterwards allowed by the Honorable . . . Walker, one of the judges of the Supreme Court), and, notwithstanding said appeal of said cause, on notice thereof given in open court, the said Chambers, judge, did order as aforesaid, peremptorily, and contrary to law, the sheriff of Jefferson county to immediately convey said Sandy Cruse to the State penitentiary, which said order being promptly obeyed by

said sheriff, and in a short time after the adjournment of said District Court, the said Sandy Cruse was conveyed to the State penitentiary at Huntsville, where he is now serving out the time assessed against him by said verdict and judgment, and during the pending appeal of his case.

Wherefore, the House of Representatives of the State of Texas, in view of the premises, do charge that William Chambers, judge as aforesaid, by reason of his acts aforesaid, is guilty of malfeasance in office, and by reason of his acts as aforesaid, has rendered himself unfit longer to exercise the duties of District Judge of the State of Texas.

ARTICLE XI.

The House of Representatives of the State of Texas, in the name of all the people of said State, in the name of themselves and in the name and by the authority of the State of Texas, do charge that William Chambers, Judge of the First Judicial District of the State of Texas, while acting in the capacity of judge, heretofore, to-wit, during the year of our Lord, 1871, there being a suit then instituted in the county of Liberty, and State aforesaid, in the district court of said county, entitled "The corporation of the town of Liberty v. George Ricks, *et al*," for the possession of a ferry near said town, in said county, and ferry boats belonging to said ferry, and back rent, about one thousand two hundred dollars, and damage for breach of bond, and Mr. A. T. Watts, attorney for said corporation, having applied to said Chambers, judge, for an order to be granted by him, said Chambers, judge, to have the said ferry and ferry boats taken from and out of the possession of him, the said Ricks, and without any bond to be given by the said corporation to the said Ricks, to secure said Ricks for such damage as he might suffer by his being thus dispossessed, and which application and order was granted accordingly by said Chambers, judge, and obeyed by the sheriff of said county, and the said ferry and ferry boats were, by virtue of said order, which was granted as aforesaid, unlawfully taken from the possession of him, the said Ricks, and without any bond of security, as required by law in such cases, being given by the said corporation to the said Ricks, (one C. C. Chambers, brother of the said Chambers, judge, being then mayor of said town), he, the said

judge, granting said order with the wicked, willful and unlawful intent to oppress him, the said Ricks, and deprive him of his just rights of and in said ferry and ferry boats, and said Ricks was thereby unlawfully deprived of his said ferry and ferry boats for several months, to his very great damage.

Wherefore, the House of Representatives of the State of Texas, in view of the premises, do charge that William Chambers, judge as aforesaid, by reason of his acts aforesaid, is guilty of malfeasance in office, and by reason of his acts as aforesaid, has rendered himself unfit longer to exercise the duties of District Judge of the State of Texas.

ARTICLE XII.

The House of Representatives of the State of Texas, in the name of all the people of said State, in the name of themselves, and in the name and by the authority of the State of Texas, do charge that William Chambers, judge of the First Judicial District of the State of Texas, while acting in the capacity of judge heretofore, to-wit, during the year A. D. 1872, there was a suit instituted in the District Court of Liberty county, entitled "The corporation of the town of Liberty v. Beasley Prewitt," to recover possession of a ferry and ferry boat, and sometime during the month of November of said year, on the application of the plaintiff, the said Chambers, judge, willfully, wickedly and unlawfully ordered the said ferry and ferry boats to be taken out of the possession of said defendant, by the sheriff of said county, and by the said sheriff placed in the hands of one Whitlock, whom he called receiver, and which was then and there accordingly done, and by which illegal and oppressive order the said Prewitt was greatly injured and oppressed.

Wherefore, the House of Representatives of the State of Texas do charge that William Chambers, judge as aforesaid, by reason of his acts aforesaid, is guilty of malfeasance in office, and by reason of his acts as aforesaid, has rendered himself unfit longer to exercise the duties of District Judge of the State of Texas.

ARTICLE XIII.

The House of Representatives of the State of Texas, in the name of the people of said State, in the name of

themselves, and in the name and by the authority of the State of Texas, do charge that William Chambers, Judge of the First Judicial District of the State of Texas, while acting in the capacity of judge heretofore, to-wit, during the month of February, A. D. 1872, there was pending in the District Court of Chambers county, a suit entitled "William H. Cooper and wife v. Hugo Francis," and during the February term, A. D. 1872, of said court, the said suit came on for trial, and a jury being impaneled to try the same, and both parties introduced evidence in their respective behalfs, and among other things defendant introduced before the jury evidence of bad character of the plaintiff, and thereupon the plaintiff offered to introduce evidence of a general good character in rebuttal, which the said Chambers, judge, then and there wickedly, willfully and unlawfully refused to let it go to the jury, and then the defendant demurred to the plaintiff's evidence introduced, heard the defendant's counsel in support of the demurrer, but he, said judge, then and there willfully, wickedly and unlawfully refused to hear the counsel for the plaintiff in reply, withdrew the case from the jury, dismissed and ordered judgment against plaintiff for costs; all done by the said judge to wrong and oppress the said plaintiffs.

Wherefore, the House of Representatives of the State of Texas, in view of the premises, do charge that William Chambers, judge as aforesaid, by reason of his acts aforesaid, is guilty of malfeasance in office, and by reason of his acts aforesaid, has rendered himself unfit longer to exercise the duties of district judge of the State of Texas.

A. S. BROADDUS, Chairman.

C. C. GALLAWAY,

L. J. STOREY,

SAM. T. ROBB.

Mr. Wood moved to reconsider the vote of Saturday passing Senate joint resolution authorizing the accountants employed by the joint committee appointed by the Legislature to investigate the Treasurer's and Comptroller's offices of this State, to write up and properly balance and adjust the books of the late State Treasurer, George W. Honey, to May 27, 1872, and to perform other duties therein specified, also prescribing the duties of the Comptroller in connection therein.

On motion of Mr. Bewley, and under instructions from

the House, the Speaker appointed Messrs. Bewley, Robb and Lane a committee to inform the Senate of the adoption by the House of articles of impeachment against Hon. William Chambers, Judge of the First Judicial District.

On motion of Mr. Powers, the Special Joint Committee upon Public Lands and Land Office submitted the following report, which was adopted :

Hon. E. B. Pickett, President of the Senate, and Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIRS: The Joint Committee of the Senate and House of Representatives on Public Lands and Land Office, to whom was referred the special communication of the Governor, and the letter of the Attorney General accompanying the same, in regard to certain proceedings in the District Court of Webb county relating to the confirmation of land titles in the counties of Webb and Zapata, have had this subject matter under consideration, and have instructed us to report that we find that under the provisions of "An act entitled an act to ascertain and adjudicate certain legal claims for land against the State, situated between the Nueces and Rio Grande rivers," approved February 11, 1860, one Daniel Ruggles, on the sixteenth day of June, 1860, filed two certain petitions in the District Court of Webb county, setting forth two separate and distinct tracts of land, and numbered eleven and fourteen respectively of the files of said court.

That on the fifteenth of December following amended petitions were filed in each of said cases.

That the district attorney filed answers in said causes, and on the eighth of January, 1862, one of said causes, No. 14, was tried on the merits and judgment entered therein at length on the minutes of the court, from which it appeared that the whole of said tract was granted to one Joaquin Galan by the Spanish government about or before the year 1805, who sold said land to one Manuel Garza; that afterwards the town of Palafox was founded by the Spanish government, and a portion of said town was laid off on the front of this tract of land, and extending across the Rio Grande, and the municipal jurisdiction of said town extended up and down on the front of said land for some six leagues.

That said Garza, the grantee of Galan, received in com-

pensation from the government other lands, called the "Balconcitas," above and adjoining the lands in the suit tried, and that these lands so received in compensation for the Palafox lands were the lands embraced in the other petition, No. 11, before mentioned.

That the decree in said suit No. 14 confirmed the whole of the tract described in the petition, excepting therefrom what appeared to have been taken for and belonged to the municipal jurisdiction of Palafox, amounting to about thirty-six square leagues.

The other case, No. 11, for the Balconcitas tract remained on the docket until January 4, 1871, and in the meantime, from some inattention of the different persons acting as clerks, in not filing regularly the original papers, seems to have been confounded in two new numbers, sixteen and seventeen, and also to have been confounded with the case that was tried, and in these numbers orders were entered on the minutes on the above date, dismissing them for want of jurisdiction; that on the eighth day of March, 1872, the said causes are ordered to be reinstated on the docket.

That on March 13, 1872, by an order of the court the file numbers of these suits as sixteen and seventeen are changed to eleven and fourteen, as stated, to conform to the original file numbers.

That on the twelfth of March, a motion was entertained by the court to vacate the judgment rendered in cause No. 14, on the eighth day of January, 1862, and was sustained.

That on the thirteenth day of March, 1872, the original causes, Nos. 11 and 14, were, on motion, consolidated for trial as original causes, and were so tried as one cause, and judgment rendered against the State for the lands described in both original petitions, embracing some sixty odd leagues.

The committee consider the proceedings of the court in these last proceedings as entirely without jurisdiction; that it had no authority to set aside the judgment of eighth of January, 1862, and after the dismissal of the causes on the fourth of January, 1871, it had no authority in March, 1872, to reinstate and vitalize them.

Nor do the committee think that the court could under any circumstances consolidate these cases. The law contemplated that each separate tract of land should form

the base of a separate claim ; the claimant, Ruggles, had acted on this principle, and he was estopped to say that what he had sworn to and presented to the court as two distinct tracts of land, was in fact only one tract. Besides the State is not bound by the semblance of a judgment like the one in this case. No attorney of the State has authority to make any admissions against it.

These proceedings, viewed in a purely legal light, strike the mind as an original proceeding against the State, without its consent, and of course without legal and constitutional authority, and are therefore void of all legal effect.

The committee further find that during the late war the judicial records of Zapata county were lost and destroyed, and that under the above recited act confirmation of certain grants to lands in said county had taken place in the District Court of that county.

That the District Court of Webb county, to which Zapata county is now attached for judicial purposes, has entertained several petitions against the State to re-establish the pleadings and judgments in said cases.

The committee are unanimously of the opinion that these cases are original proceedings against the State, prosecuted without its authority, and are therefore void of all legal effect.

In giving these views the committee present what occurs to them as inevitable legal conclusions, that whatever convenience it might be to the parties to resort to these measures, or whatever merit there might be in their respective claims or cases, thus situated, their legal status can not be changed or vitalized in this manner.

The committee therefore recommend the passage of the subjoined resolution, and beg to be discharged from further consideration of the subject.

A. J. BALL,

Chairman Senate Committee.

S. POWERS,

Chairman House Committee.

Resolved, as the sense of this House, That the Attorney General should take measures to have each and all of the cases referred to in the foregoing report removed into the Supreme Court of the State for review and correction.

The Committee on Enrolled Bills submitted the following reports :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined the following bills, to-wit :

No. 48, "An act regulating juries."

No. 742, "An act amendatory of an act to incorporate the Galveston Agricultural, Horticultural and Industrial Association."

No. 318, "An act to repeal section sixty of an act entitled an act concerning private corporations, approved December 2, 1871."

No. 332, "An act supplemental to and amendatory of the several acts concerning injunctions."

No. 373, "An act supplementary to an act entitled an act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane, approved February 5, 1858."

No. 483, "An act to aid in the construction of the Gulf, West Texas and Pacific Railway."

And find the same correctly enrolled, and have this the day of May, at 10:45 o'clock A. M., presented the same to the Governor for his approval.

SHAW, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined the following bill :

No. 850, "An act prescribing the times of holding general elections in this State."

And find the same correctly enrolled, and have this the twenty-sixth day of May, at 10:45 o'clock A. M., presented the same to the Governor for his approval, and saw him sign the same.

SHAW, Chairman.

The special order was announced, Senate bill No. 307, "An act to reorganize certain judicial districts, and to abolish certain other judicial districts therein named."

Mr. Mills moved to postpone the special order until Saturday, May 31, at 11 A. M.

Mr. Short moved to lay that motion on the table, which carried.

Mr. Smith of Houston moved to refer the bill to a special committee of seven, with instructions to report thereon Tuesday, May 27, at 10 A. M., and that said report be made the special order for that hour.

Mr. Robb moved to lay the motion on the table. The House refused to table by the following vote :

Yeas—Messrs. Armstrong, Bewley, Ford, Gallaway Harrison, McDonald, Moore, Prendergast, Robb, Roberts, Short, Watts, Westfall, Winkler and Wood—15.

Nays—Messrs. Speaker, Adriance, Anderson, Berends Bledsoe, Booty, Broaddus, Brown of Upshur, Carroll, Chambers, Cook, Cunningham, Davenport, Day, Denton Eastland, Gaston, Gillette, Gilpin, Green, Hester, Hollingsworth, Ireland, Joseph, Kemble, Lane, Manning Mills, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Rainey, Rimes, Rosborough, Russell, Sabin, Salter Sayers, Schmidt, Shaw, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Tilson, Tivy, Washington and Williams—51.

The resolution to refer was carried.

The Speaker appointed the following committee under the resolution: Messrs. Smith of Houston, chairman Abbott, Leyendecker, Morris, Robb, Sayers and Thummond.

The motion to reconsider Senate joint resolution No. 43 authorizing the accountants employed by the joint committee appointed by the Legislature to investigate the Treasurer's and Comptroller's offices of this State, to write up and properly balance and adjust the books of the late State Treasurer, George W. Honey, to May 27, 1872, and to perform other duties therein specified; also, prescribing the duties of the Comptroller in connection therewith was put and carried.

Mr. Wood moved to amend the bill by striking out all commencing with the eighth line from the bottom of the first page and to include all contained in the first three lines at the top of the second page. Adopted.

The joint resolution then passed.

A message was received from the Senate informing the House that the Senate had passed the following bills originating in the Senate, viz:

No. 86, "An act supplementary and amendatory of an act to provide for the establishment of the Agricultural and Mechanical College of Texas, approved April 1 1871."

No. 127, "An act to amend the twenty-second section of an act prescribing the times of holding the district courts in the several judicial districts in the State, approved February 6, 1871."

sic

No. 223, "An act to submit the permanent location of the county site of El Paso county to a vote of the people of the county."

No. 369, "An act to ascertain the amounts due the teachers of the public free schools of this State prior to the first day of March, 1873, and to provide for the payment of the same."

No. 370, "An act to provide for the payment of sheriffs for guards employed in conveying prisoners to the Penitentiary of the State."

Also the following bills originating in the House, viz:

No. 66, "An act to amend an act to incorporate the Dallas and Wichita Railroad Company, and to aid in the construction thereof."

No. 599, "An act to incorporate the Corpus Christi and Rio Grande Railway Company, and to aid in the construction of the same."

No. 775, "An act amendatory of and supplemental to an act to incorporate the Texas Timber and Prairie Railroad Company, approved August 15, 1870."

No. 867, "An act to levy a special tax in the county of Angelina, for the purpose of building a court house and jail."

No. 874, "An act to authorize the County Court of Colorado county to issue interest bearing bonds for the purpose of funding the present outstanding indebtedness of said county."

No. 881, "An act for the relief of the heirs of Wigginson Loving."

No. 902, "An act to amend section one of an act to amend the thirty-fourth and thirty-sixth sections of an act prescribing the times of holding the District Courts in the several judicial districts in the State, approved August 10, 1870, approved February 6, 1871."

And that the Senate had adopted the report of the Committee of Conference on House bill No. 721, "An act to regulate the assessment and collection of taxes."

Also, that the Senate had passed the following bill originating in the Senate, No. 227, "An act requiring the Treasurer of the State to receive all payments due on all notes given by purchasers of university lands, sold under the provisions of an act for the disposition and sale of the university lands, approved August 30, 1856; and an act amendatory thereof, approved November 6, 1866; and to

require the Commissioner of the General Land Office to issue patents on said lands."

Also, that the Senate had passed House bill No. 927, "An act to provide for the safe keeping and protection of the State house, or so much thereof as may include the public halls, the committee rooms used by the members of the Legislature, and all the furniture and fixtures belonging to the same, and all the books, maps, charts and papers belonging to or appertaining to the library of the State."

Senate bill No. 75, "An act to authorize the County Court of Washington county to issue bonds for the purpose of funding the indebtedness of said county contracted for the building of a jail, and to provide for their payment," was taken up, pending a motion to reconsider the vote passing the bill. The House refused to reconsider.

House bill No. 857, "An act to provide for the holding of an election for county officers in the county of Waller, and authorizing commissioners to hold the same," was taken up, and the Senate amendments thereto read and concurred in, thus passing the bill.

Mr. Green moved to reconsider the vote passing the bill, and to lay that motion on the table, which carried.

The Senate joint resolution returning thanks to General McKenzie and troops for recent services against the Kickapoo Indians, was taken up.

On motion of Mr. Ireland, the reading of the resolution was dispensed with, and the resolution passed to second reading.

On motion the rules were suspended, the resolution read second time and passed to third reading.

On motion of Mr. Ireland, the rules were further suspended, the resolution read third time and passed.

Senate bill No. 182, "An act providing and making appropriation for the payment of certain unpaid contingent expenses of the Twelfth Legislature," was read first time and referred to the Committee on Claims and Accounts.

Senate bill No. 310, "An act to confer additional jurisdiction on the presiding justices of the peace of Lamar and Fannin counties, and to prescribe the powers and duties of the officers of said court," was taken up.

On motion of Mr. Cunningham, its reading was dispensed with, and the bill passed to second reading.

On motion of Mr. Cunningham, the rules were suspended, the bill read by caption second time and passed to third reading.

On motion of Mr. Anderson, the rules were further suspended, the bill read by caption third time and passed.

Senate joint resolution No. 41, "Joint resolution proposing amendments to section twenty of article one, Bill of Rights; to section two, section three and section four of article five; to section twenty-eight, section forty, and to section forty-eight of article twelve, General Provisions of the Constitution of the State of Texas," was read first time.

On motion of Mr. Russell, the bill was referred, together with an amendment offered by that gentleman, to the Committee on Constitutional Amendments.

Mr. Brown of Dallas, in the chair.

Senate bill No. 86, "An act supplementary and amendatory of an act to provide for the establishment of the Agricultural and Mechanical College of Texas, approved April 17, 1871," was read first time.

On motion of Mr. Sabin, the rules were suspended, and the bill read second time.

Mr. Broaddus moved to amend by inserting "or district" between the words "county" and "surveyor" wherever they occur conjointly. The amendment was adopted.

Mr. Harrison moved to refer the bill to the Committee on Education.

Mr. Denton moved to postpone the bill until Tuesday, May 27, at 12 M., make it special order for that hour, and have one hundred copies printed.

The motion to refer was put and lost.

The motion to make special order and print was then put and carried.

On motion of Mr. Westfall, House bill No. 887, "An act supplementary to and amendatory of an act supplementary to an act supplementary to an act to regulate railroad companies, approved February 7, 1853, and an act approved December 19, 1857," was taken up and made special order for Tuesday, May 27, at 10 A. M.

On motion of Mr. Storey, Senate bill No. 54, "An act to incorporate the Hibernian Benevolent and Mutual Aid Association of Austin, Texas," was taken up.

The Committee on State Affairs submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on State Affairs instruct me to recommend the passage of Senate bill No. 54, "An act to incorporate the Hibernian Benevolent and Mutual Aid Association of the City of Austin.

J. H. BROWN, Chairman.

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

On motion of Mr. Brown of Dallas, the rules were suspended, the bill read third time and passed.

Leave being granted, Mr. Hollingsworth offered the following resolution, which was adopted :

Resolved, That the Committee on Claims and Accounts be authorized to report at an early day as possible an omnibus bill, embracing all such bills as they may agree to favorably recommend.

On motion of Mr. Moore, Mr. Roberts was added to the special committee on Senate bill No. 307.

On motion of Mr. Robb, Messrs. Bewley and Kemble were added to the same committee.

On motion of Mr. Smith of Houston, the House adjourned until 3 P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

Absent—Messrs. Armstrong, Booty, Day, Ellett, Ford, Gallaway, Hester, Killough, Leyendecker, Mills, Prendergast, Russell, Salter, Shaw, Short, Watts and Wood.

On motion of Mr. Denton, Mr. Smith of Colorado was excused on account of sickness.

On motion of Mr. Bordeaux, Mr. Trolinger was excused on account of sickness.

The unfinished business of Saturday, being House bill No. 615, "An act amendatory of an act supplementary to an act authorizing the sale and disposition of the university lands, approved August 30, 1856, approved November 12, 1866," was resumed, pending the following amendment offered by Mr. Sayers: Add to section twenty-two, line six, after the word "same," "give notice to the district attorney in whose district the land is situated." And the following amendment offered by Mr. Washington:

Strike out the word "freeholder," where it occurs in the bill, and insert in lieu thereof "registered voter."

The amendment offered by Mr. Washington was lost.

The House then adopted the amendment offered by Mr. Sayers.

Mr. Anderson moved the previous question, which was seconded, and the main question ordered. The bill was then ordered engrossed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Bewley, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Davenport, Gillette, Gilpin, Green, Hoffman, Hollingsworth, Ireland, Lane, Manning, Moore, Nelson, Noeggerath, Phelps, Rainey, Roberts, Rosborough, Sabin, Schmidt, Thurmond, Tilson, Tivy, Tom, Venters and Westfall—39.

Nays—Messrs. Abbott, Denton, Eastland, Ford, Gaston, Ghent, Harrison, Hester, Ireland, Kemble, Mabry, McDonald, Morris, Payne, Powers, Rimes, Sayers, Smith of Houston, Storey, Stockbridge, Washington, Williams and Winkler—23.

On motion of Mr. Ford, Mr. Watts was excused on account of sickness.

Mr. Brown, of Dallas, called up Senate bill No. 259, "An act to incorporate the Fort Worth and Denver City Railway Company."

The Special Railway Committee offered the following amendments, which were read and adopted:

1. Section one, line twelve, strike out the words "ninety-nine" and insert "sixty."

2. Section eight, strike out all after the word "State" in line eight.

3. Section eleven, insert after the word "law" in line five, the following: "By a skillful engineer to be appointed by the Governor, should there be no State engineer, who shall report on oath whether said section has been completed in a good, substantial manner as a first class railroad." Also, same section after the word "sections" in line fifteen, insert "that is to say, said company shall cause to be surveyed two sections of land for each certificate to which it may be entitled." Also, same section, after the word "office," in line nineteen, insert "who shall proceed to number the section so surveyed and." Also, add to the same section the following: "And the

land hereby granted shall be alienated by said company as follows, to-wit: one-fourth in eight years, one-fourth in twelve years, one-fourth in sixteen years, and the remaining one-fourth in twenty years from the date of said certificates, respectively, so that the whole of said lands shall pass out of the hands of said company in twenty years from the date of said certificates; and the lands hereby granted shall not be sold to any other corporation, except so far as may be necessary for the proper use and conducting the business of such corporation; nor shall said lands be sold to any person, firm or company in trust for said railroad company, or to any firm or company of which any officer or stockholder of said Fort Worth and Denver City Railway Company is a member."

4. Change sections fourteen and fifteen to sections fifteen and sixteen respectively, and add as section fourteen the following: "SEC. 14. Said Fort Worth and Denver City Railway Company shall not lease, rent or sell its road, or sell its franchise to, or purchase, or be merged in or consolidated with any other parallel, connecting or competing line of railroad in this State; and a violation of the provisions of this section shall forfeit all the charter rights and privileges of said company. Whenever the direct line of said road passes within five miles of the county seat of any county through which it may be constructed, said road shall run to said town, and said company shall construct and maintain a depot for freight and passengers within one-half mile of the business portion of said town; *provided*, the citizens or corporate authorities of such town will donate to said company the right of way through said town and sufficient ground for the switches, turnouts, depot and other necessary buildings, not to exceed fifteen acres; *provided also*, that it shall not be necessary for said company to run said road to any such county seat when from natural obstacles it is impracticable to do so, but in such case said road shall pass and said company shall establish and maintain a depot as near such town as such natural obstacles will admit; *and provided further*, that when the line of said road has been surveyed and definitely located, before the permanent location of the county seat of any county through which it may pass, then it shall not be necessary for said line to be so varied as to pass within one-half mile of said town."

The bill then passed to a third reading.

On motion of Mr. Brown of Dallas, the rules were suspended, the bill read third time, and passed by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Bewley, Bledsoe, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Cunningham, Day, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Killough, Lane, Mabry, Manning, McDonald, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Robb, Roberts, Russell, Sabin, Sayers, Schmidt, Shaw, Short, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Venters, Washington, Westfall, Winkler and Wood—56.

Nays—Messrs. Bordeaux, Chambers, Cook, Denton, Moore, Rimes, Rosborough, Scott and Williams—9.

Mr. Short called up House bill No. 668, to amend section six of "An act to incorporate the Galveston and Eastern Texas Railway Company."

The special railway committee offered the following substitute therefor : "An act amendatory of and supplemental to an act entitled an act to incorporate the Galveston and Eastern Texas Railway Company, approved December 1, 1871." The substitute was read and adopted.

Mr. Booty moved to amend by striking out "the first day of January, 1875," and inserting in lieu thereof, "within two years from the passage of this act." Adopted.

The bill was then ordered engrossed.

On motion of Mr. Booty, the rules were suspended, the bill read third time and passed by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Bledsoe, Booty, Broaddus, Brown of Upshur, Carroll, Cook, Cunningham, Davenport, Day, Denton, Eastland, Ford, Gallaway, Gaston, Gilpin, Green, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Mabry, Manning, McDonald, Moore, Nelson, Noeggerath, Payne, Phelps, Powers, Rainey, Rimes, Robb, Roberts, Russell, Sabin, Sayers, Schmidt, Shaw, Short, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Washington, Westfall, Williams, Winkler and Wood—61.

Nay—Chambers—1.

Mr. Cook called up Senate bill No. 200, upon which the following report was submitted :

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on Commerce and Manufactures, to whom was referred Senate bill No. 200, entitled "An act to amend an act incorporating the Houston and San Jacinto Canal and Navigation Company, approved August 13, 1870," have examined the same. The amendments change the name and extend the improvement from Trinity river to Sabine. Your Committee recommend its passage.

JOSEPH, Chairman.

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

On motion of Mr. Cook, the rules were suspended, the bill read third time and passed.

Mr. Stockbridge called up Senate bill No. 248, "An act to empower the Commissioner of the General Land Office to issue to Willett Holmes a headright certificate of one league and one labor of land."

The Committee on Private Land Claims recommended the passage of the bill.

The bill was read second time and ordered engrossed.

On motion of Mr. Stockbridge, the rules were suspended the bill read third time and passed.

Mr. Bewley called up House bill No. 640, "An act to incorporate the Orange, Jasper and Shelby Railroad Company, and to aid in the construction of their road."

The Special Railway Committee offered the following amendments to the bill, which were adopted:

1. Section eight, strike out all after the word "towns," line twenty-one, and all of line twenty-two, section eight, and insert the following: "Unless the direct line of said road passes within five miles of such towns."

2. Strike out all of section twelve down to the word "may," line four, and insert as follows: "When said company and the owner or owners of any land through which it is proposed to construct said road, cannot agree as to the amount of compensation, said company."

3. Section sixteen, strike out the words "date of the completion of said railway," in lines three and four, section sixteen, and insert in lieu thereof "the passage of this act."

The bill was read second time by caption and ordered engrossed.

On motion of Mr. Bewley, the rules were suspended, the bill read third time and passed by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Armstrong, Berends, Bewley, Bledsoe, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Davenport, Day, Eastland, Ford, Gallaway, Gaston, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Killough, Kleberg, Lane, Mabry, Manning, McDonald, Mills, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Robb, Roberts, Russell, Sabin, Sayers, Schmidt, Shaw, Short, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Watts, Westfall, Williams, Winkler and Wood—61.

Nays—Messrs. Abbott, Senate, Chambers, Ellett and Moore—4.

Mr. Ellett called up Senate bill No. 235, "An act for the relief of the heirs and assigns of Joseph Percival, deceased," whose passage was recommended by the Committee on Private Land Claims. The bill was read second time and passed to third reading.

On motion of Mr. Mills, the rules were further suspended, the bill read third time and passed.

Mr. Ireland in the chair.

Upon the call of Mr. Bordeaux, the Committee on Agriculture and Stock Raising submitted the following report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Agriculture and Stock Raising, to whom was referred a petition of certain citizens of Cooke county, in relation to fences, have considered the same, and instruct me to report the accompanying bill, and recommend that the same do pass.

THURMOND, for Committee.

The bill, being "An act for the protection of the farming interests of a certain portion of Cooke county," was read by caption; rules suspended, read second time by caption, and ordered engrossed.

On motion of Mr. Bordeaux, the rules were further suspended, the bill read third time by caption and passed.

Mr. Berends moved to suspend the rules to allow him to call up House bill No. 507, "An act for the relief of Charles Hummell." The House refused.

On the call of Mr. Kleberg the following report was submitted :

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred the petition of A. S. Thurmond, claiming of the State the sum of \$2530 as a balance due him for services rendered the Republic of Texas in the capacity of an interpreter for Colonel W. S. Fisher's command, have had the same under careful advisement, and instruct me to report the accompanying bill, and recommend its passage.

ARMSTRONG, Chairman.

The bill, being "An act for the relief of Alfred S. Thurmond," was read first time.

On motion of Mr. Kleberg, the rules were suspended, the bill read second time and ordered engrossed.

On motion of Mr. Kleberg, the rules were further suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Anderson, Armstrong, Bewley, Bledsoe, Bordeaux, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Davenport, Eastland, Ellett, Ford, Ghent, Gilpin, Green, Hoffman, Hollingsworth, Ireland, Joseph, Kleberg, Leyendecker, Mabry, Noeggerath, Payne, Phelps, Powers, Rainey, Robb, Roberts, Rosborough, Sabin, Schmidt, Smith of Houston, Storey, Stockbridge, Tivy, Watts, Winkler and Wood—43.

Nays—Messrs. Berends, Booty, Day, Denton, Gaston, Gillette, Killough, Lane, Manning, McDonald, Mills, Moore, Nelson, Prendergast, Russell, Scott, Shaw, Tom, Washington, Westfall and Williams—21.

Mr. Bledsoe called up House bill No. 751, "An act to donate one hundred and sixty acres of land to the county of Stephens for certain purposes."

The Committee on State Affairs submitted the following report thereon:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on State Affairs respectfully recommend the passage of House bill No. 751, to donate one hundred and sixty acres of land to the county of Stephens, for certain purposes, with the accompanying amendments.

J. H. BROWN, Chairman.

Add to section two: "And the County Court of said

county shall be and is hereby authorized to lay out a town as a county seat on such land ; and after setting apart suitable grounds for public buildings, squares, etc., to sell the remainder in lots and blocks, on such terms as said court may deem best for the interest of said county, the proceeds of such sales to be appropriated by said court to the erection of county buildings." The amendment was adopted, the bill read second time and ordered engrossed.

On motion of Mr. Bledsoe, the rules were suspended, and the bill read third time.

On motion of Mr. Bledsoe, the bill was then laid on the table.

A message was received from his Excellency the Governor, returning House bill No. 113, "An act concerning landlords and tenants," with his objections to the same.

Mr. Bledsoe, for Mr. Doyle, called up Senate bill No. 124, upon which the following report was submitted :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Town and City Corporations, to whom was referred Senate bill No. 124, "An act to incorporate the town of Granberry, in Hood county," have had the same under consideration, and beg leave to report the same back and recommend that it do pass.

W. H. TILSON, for Committee.

The bill was read second time and ordered engrossed.

On motion of Mr. Bledsoe, the rules were suspended, the bill read third time and passed.

On motion of Mr. Ghent, leave was granted the Committee on the State Asylums to report. The following was submitted :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your special committee to whom has been entrusted the duty of visiting and examining into the condition and ascertaining the wants of the various benevolent institutions of the State, report that they have carefully inspected the Institution for the Deaf and Dumb, and beg leave to submit the following as the result of their investigations :

BUILDING AND GROUNDS.

The institution is situated on the west bank of the Colo-

rado river, opposite the city of Austin, and commands a fine view of the city and surrounding country. The buildings, although of wood and of a temporary nature, are comfortable and convenient, and are kept with a remarkable neatness and cleanliness. The recent additions and repairs that have been made have increased the capacity of the institution for the accommodation of pupils and vastly improved its general appearance. There is at present room for about seventy (70) pupils. Your committee are of the opinion that by the time these buildings are crowded the State will be in a condition to erect new and permanent ones such as the increased population will require.

Your committee cordially recommend the Legislature to make the additional appropriation asked by the trustees and superintendent for completing the repairs and for enclosing the fifty-seven and one-half acres of ground belonging to the institution with a suitable fence.

APPEARANCE OF THE PUPILS.

Your committee were agreeably impressed and gratified with the general appearance of the pupils—their neatness, cheerfulness and healthfulness. Their sunny smiles, and the alacrity with which they exhibited their attainments, made the visits of your committee events which will not soon fade from their memories. Your committee take this opportunity to impress upon their fellow-members of the Legislature their duty to make known to their constituents having deaf and dumb children the existence and character of this institution, and urge upon them by all means to place them where they can acquire an education, and at the same time be carefully and tenderly cared for. Besides obtaining an education, the pupils enjoy, as a community, social pleasures and advantages which are not possible at their homes.

WHEN PUPILS SHOULD ENTER.

Children should be sent to the institution at the age of ten (10) years, which is the limit fixed by the rules, in order that they may complete their education by the time they are seventeen (17) years of age, which will leave them four years, until they attain their majority, in which to

learn a trade, if they desire to do so. At this early age the mind is easily impressible, and the labor of acquiring language is less difficult than when admitted at a later period of life.

THE INADEQUATE PAY OF THE SUPERINTENDENT.

Your committee learned with surprise that the superintendent was induced to resign his position in a leading institution, and to take charge of this on the assurance that the small pay allowed him at the outset should be increased, and that afterwards, after serving for a bare subsistence during the war, his pay was reduced, though it was to some extent reinstated by the last Legislature. Your committee think that skilled and competent labor should be paid for according to its value, and that the honor of the State demands that the pay of the superintendent should be increased to at least twenty-five hundred dollars (\$2500) per annum. Even that reasonable salary would not indemnify him for past years of service inadequately paid for.

In conclusion, your committee would express their high appreciation of the conscientious fidelity of all the officers of the institution, in the discharge of their respective duties. The manifest affection of the children for them affords a pleasing evidence that the happiness and well being of the pupils, no less than their advancement was the chief aim of them all.

H. C. GHENT, Chairman.
THOMAS M. JOSEPH,
C. P. SALTER,
Committee.

Mr. Payne called up House bill No. 55, "An act to more particularly define the name and route of the Houston and Great Northern Railroad Company," upon which the following report was submitted:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 55, entitled "An act to change the name of the Houston and Great Northern railroad," have had the same under consideration, and have instructed me to report the accompanying substitute for the original bill, with the recommendation that it do pass.

J. PAYNE, for Committee.

Mr. Westfall moved a call of the House, which was sustained

The following gentlemen were found absent: Messrs. Anderson, Armstrong, Bewley, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Cook, Day, Denton, Gallaway, Green, Lane, Morris, Noeggerath, Robb, Sayers, Scott, Short, Washington.

On motion of Mr. Storey, the call was suspended.

The substitute of same caption was adopted, read second time and ordered engrossed.

On motion of Mr. Payne, the rules were suspended and the bill read third time.

Mr. Ellett offered the following amendment: After the word "company," in line fifteen, insert, "and shall form a junction with the Texas and Pacific railway within one-half mile of the court house in the town of Clarksville, in Red River county."

Mr. Nelson offered the following amendment to the amendment: "*Provided further*, that should the said road run within five miles of the city of Sulphur Springs, in Hopkins county, it shall run through and establish a freight and passenger depot within one-half mile of the public square of said city; *provided further*, the citizens of said city donate to said company the right of way, and sufficient grounds for depot purposes, not to exceed fifteen acres.

A message from the Senate announced the passage, by that body of Senate bill No. 244, "An act to incorporate the Austin and Pacific Short Line Railroad Company."

On motion of Mr. Abbott, the House adjourned until 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, May 27, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

Absent—Messrs. Bewley, Booty, Cook, Ellett, Hester; Joseph and Russell.

On motion of Mr. Kemble, the reading of the journal was dispensed with.

The following communication was submitted by the Speaker:

MAYOR'S OFFICE, GALVESTON, TEXAS, }
 May 23, 1873. }

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: I have the honor to acknowledge the receipt of your letter, extending an invitation to our Congressional guests to visit Austin, and become the guests of the State, which invitation was promptly presented.

The accompanying communication was received in response.

Very respectfully, Sir,

Your obedient servant,

C. W. HURLEY.

GALVESTON, May 21, 1873.

C. W. Hurley, Esq., Mayor of Galveston :

SIR: The congressional excursionists have the honor to acknowledge the receipt, at your hands, of the invitation of the Governor, and of the Honorable Senate and House of Representatives of the State of Texas, to visit their capital during their visit to the State.

They have instructed the undersigned committee to request you to convey to His Excellency the Governor, and to both bodies of the Honorable Legislature of this State, assurance of their appreciation of the courtesy extended to them, together with the expression of their regrets that the arrangements previously made for the prosecution will deprive them of the pleasure of an acceptance of these courtesies.

We are, sir, very respectfully, your obedient servants,

JOHN A. KARSON, M. C. Iowa,
 G. S. ORTH, M. C. Indiana,
 E. O. STANDARD, M. C. Missouri,
 PHILIP COOKE, M. C. Georgia,
 J. B. SENER, M. C. Virginia.

A true copy.

C. W. HURLEY, Mayor.

On motion of Mr. Kemble, the special committee upon House joint resolution No. 944, "An act requiring prompt settlement of accounts from the treasurers of school boards and sheriffs," submitted the following report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your special committee to whom was referred

joint resolution No. 944, beg leave to report that after careful consideration they would recommend the enclosed substitute and ask that it do pass.

J. W. KEMBLE,
STEPHEN POWERS,
JOHN T. SMITH.

The substitute of same caption as original was read and adopted, and ordered engrossed.

On motion of Mr. Kemble, the rules were suspended, the joint resolution read third time and passed.

On motion of Mr. Morris, the Finance Committee submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Finance Committee, to whom was referred Senate bill No. 371, entitled "An act making appropriations to supply the deficiencies in the appropriations for the years 1870, 1871 and 1872, for the support of the State government," have considered the same, and have instructed me to report the same back to the House with the accompanying amendment, and recommend its passage.

MORRIS, Chairman.

Amendment offered by the committee: "*Provided*, the Comptroller shall not draw his warrant on the Treasurer for any of the items mentioned in this bill, except the item of three hundred dollars in the appropriation for the Executive department, until the parties claiming the same have filed his or their accounts therefor with the Comptroller, showing the items in said account, and its correctness and justness, properly sworn to before some officer authorized to administer oaths." The amendment was adopted.

The bill was then read second time.

Mr. Wood moved to amend by adding: "If the oath of the claimant does not satisfy the Comptroller that such claim is just and legal, he shall have the right, and he is hereby required to demand additional proof, and in no case shall the Comptroller allow any claim unless the proof shall show that such claim is just and reasonable, and authorized by law, and that the party has never received any portion of said claim.

On motion of Mr. Smith, of Colorado, the bill and amendment were referred to the following special com-

mittee, appointed by the Speaker, with instructions to report thereon as early as practicable: Messrs. Booty, chairman, Wood and Denton.

Leave being granted, Mr. Armstrong offered the following resolution:

Resolved, That a committee of five managers be appointed by the Speaker to conduct the impeachment against Judge William Chambers on the part of the House of Representatives. The resolution was adopted.

The Speaker appointed the following gentlemen said committee: Messrs. Armstrong, chairman, Bewley, Joseph, Short and Story.

Mr. Sayers presented a petition from citizens of Rancho, Gonzales county.

Mr. Sayers introduced a bill to prohibit the sale or disposition of spirituous or other intoxicating liquors within three miles of the town of Rancho, in Gonzales county. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Sayers, the rules were further suspended, the bill read third time and passed.

Mr. Brown of Dallas introduced a bill to validate a bounty land warrant issued to the heirs of William Fishbaugh, deceased. Read first time; rules suspended and ordered engrossed.

On motion of Mr. Brown of Dallas, the rules were further suspended, the bill read third time and passed.

Mr. Bewley introduced a joint resolution making an appropriation of eighteen hundred dollars for the purpose of erecting a tomb over the remains of General A. S. Johnston. Read first time.

On motion of Mr. Ireland, the special committee on the Land Office submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your select committee, to whom was referred House bill No. 940, on the subject of the General Land Office, beg leave to report same back with the recommendation that the same, together with an amendment to the same, do pass.

JOHN IRELAND, Chairman.

Amendment by committee: "SEC. 2. That the Commissioner of the General Land Office, and the sureties on his official bond, shall be responsible to any parties in-

jured by removal, withdrawal or alteration of any record or file of said General Land Office, unless said Commissioner can show that said removal, withdrawal or alteration has taken place by permission of the party owning said file or record." The amendment was adopted.

The bill, being "An act to better protect the papers, records and files in the General Land Office," was read second time.

Mr. Brown of Dallas moved to amend by inserting in section ten, line twelve, after the word "office," the words, "or who shall perform any work out of office hours, or receive extra compensation in money or otherwise for any work performed in office hours, or who shall interfere with the records and files of said office, except in office hours; *provided*, the business of said office shall be transacted within office hours, except when under the supervision of the Commissioner." The amendment was adopted.

Mr. Wood offered the following amendment: "When a certificate has been patented, the Commissioner shall write in ink across the face of said certificate 'Patented,' and sign his name to said endorsement; and when a survey has become forfeited and void from any cause, so soon as such forfeiture is discovered, the Commissioner shall notify the party interested in such survey or location of such forfeiture, and no new file or location shall be made on the land covered by such forfeited surveys, except by the owner of such forfeited survey or location, for a period of ninety days after such notice to the interested party." Adopted.

Mr. Powers offered the following amendment: "*Provided*, that all papers shall be filed by the Commissioner, or, in his absence, by the chief clerk." Adopted.

The bill was then ordered engrossed.

On motion of Mr. Anderson, the rules were suspended, the bill read third time and passed.

A message from the Senate announced that that body had concurred in the House amendments to Senate joint resolution authorizing the accountants employed by the joint committee of the Legislature to investigate the Treasurer's and Comptroller's offices to write up and properly balance the books of Treasurer George W. Honey.

Also, in House amendments to Senate bill No. 259,

“An act to incorporate the Fort Worth and Denver City Railroad Company;” and to the House amendments to Senate bill No. 2404, “An act to incorporate the Burleson Male and Female Academy, in Bastrop county.”

The special order, House bill No. 887, “An act supplementary to and amendatory of an act supplementary to an act entitled an act to regulate railroad companies, approved February 7, 1853, and an act approved December 19, 1857,” was taken up, pending an amendment offered by Mr. Payne.

Mr. Carroll moved to amend the amendment by striking out “forty” and inserting in lieu thereof “one hundred.”

The large amount having preference, the original amendment was put and adopted.

Mr. Anderson moved to amend section three by striking out “twenty” and inserting in lieu thereof “thirty cents per mile, per car, where the distance is six miles or less; thirty cents per mile, per car, where the distance is over six miles and not over twelve miles; twenty-five cents per mile, per car, where the distance is over twelve miles and not over twenty-five miles; and twenty cents per mile, per car, where the distance is over thirty miles.” Adopted.

Mr. Booty moved to amend by striking out “four cents” for passengers, and insert in lieu thereof “five cents per mile.” The House refused to adopt the amendment.

Mr. Anderson in the chair.

Mr. Kemble offered the following amendment: “When the voting population in any county is one thousand, the company running a road through such county shall establish and maintain freight and passenger depots, and station houses at intervals not to exceed thirteen miles; and a failure to comply with this requirement shall work a forfeiture of all freight and fare between depots of a greater distance apart.”

Mr. Tilson moved to amend the amendment by striking out “thirteen” and inserting “fifteen,” which was adopted.

On motion of Mr. Westfall, the amendment thus amended was laid on the table.

The bill was then ordered engrossed.

On motion of Mr. Mills, the rules were suspended, and the bill read third time.

Mr. Payne moved to amend by prefacing the first section with an enacting clause. Adopted.

Mr. Denton moved to refer the bill to a special committee of three, with instructions to report at as early a date as practicable, which carried.

The Speaker in the chair.

The Speaker appointed the following gentlemen said committee: Messrs. Denton, chairman; Tilson, Chambers.

The Committee on Enrolled Bills submitted the following reports:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined the following bills, to-wit:

No. 927, "An act to provide for the safe keeping and protection of the State house, or so much thereof as may include the public halls, committee rooms used by the members of the Legislature, and all the furniture and fixtures belonging to the same, and all the books, maps, charts and papers belonging to or appertaining to the library of the State."

No. 902, "An act to amend section one of an act entitled an act to amend the thirty-fourth and thirty-sixth sections of an act entitled an act prescribing the times of holding the District Courts in the several judicial districts in the State, approved August 10, 1870, approved February 6, 1871."

And find the same correctly enrolled, and have this the twenty-seventh day of May, at 10:05 o'clock A. M., presented the same to the Governor for his signature.

SHAW, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined the following bills, to-wit:

No. 857, "An act to provide for the holding of an election of county officers in the county of Waller, and authorizing commissioners to hold the same."

No. 924, "An act to re-incorporate the city of Corsicana, in Navarro county."

And find the same correctly enrolled, and have this the twenty-sixth day of May, at 10:05 o'clock A. M., presented them to the Governor for his approval.

SHAW, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined the following bill, to-wit :

No. 574, "An act in relation to the Corpus Christi Ship Canal."

And find the same correctly enrolled, and have this the twenty-seventh day of May, at 10:05 o'clock A. M., presented it to the Governor for his signature.

SHAW, Chairman.

The special committee upon House bill No. 813, "An act to provide for the purchase of Paschal's Annotated Digest of the laws of the State of Texas, and to provide for payment for the same," submitted the following report—said report having been made the special order for this hour :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House bill No. 813, entitled "An act to provide for the purchase of Paschal's Annotated Digest of the laws of Texas, and payment of same," have made a full investigation of the subject and report the accompanying substitute for said bill, and respectfully recommend its passage.

In making this recommendation your committee is actuated by the following considerations :

Section thirty-five of article twelve of the Constitution of the State requires that "within five years after the acceptance of this Constitution, the laws, civil and criminal, shall be revised, digested, arranged and published in such manner as the Legislature shall direct; and a like revision, digest, and publication shall be made every ten years thereafter."

This provision imperatively demands a digest of all laws, civil and criminal, to be published "*within five years*" from the acceptance of the Constitution.

Three years and two months have already passed since the acceptance of our Constitution (it having been accepted by the act of Congress of thirtieth of March, 1870), and no steps have been taken to carry the provision into effect—indeed nothing has been done looking to that end. Is it likely that any such steps will be taken in time to enable the Legislature to comply with the duty imposed by the organic law? This question, we feel con-

strained to answer in the negative, and we do so with the conviction that nothing can be done now to so effectually comply with the demand of the Constitution as the passage of the substitute submitted.

To revise, digest and arrange the laws of the State is, under any circumstances, a laborious task—a task which requires much research and great familiarity with the laws passed since we first became an independent nation, and subsequently a State. Whatever might be said in favor of the appointment of commissioners for the purpose, the work, in our opinion, can be better accomplished by a single mind.

It is known to the bar of Texas, and to every one familiar with the habits of Judge Paschal, that he is one of the most laborious jurists of our State. It is also known that he has expended much time, labor and money in the arrangement and preparation of his digest. Without the slightest inclination on our part to disparage any one, we are prepared to say that as a digester Judge Paschal stands second to no one, and that the labor performed, and the digest prepared by him, meets the wants of the State, and that its adoption by the Legislature will be a compliance with the constitutional requirement.

In point of expense, it is economy to adopt this work. By the law of 1858 (see laws of that session, page 253) the State paid Messrs. Oldham & White for the digest prepared and published by them, the sum of \$20,000, when printing cost at least forty per cent. less than at the present time. It must also be borne in mind that while Oldham & White's Digest contains only eight hundred and thirty-six pages, Paschal's Digest contains more than twice that number of pages, and because of the greater number of type per page, more than three times the amount of printed matter that there is in Oldham & White's.

While it may be said that some of the laws then in force have been changed or repealed, yet it is necessary to publish most of them for the reason that rights have been acquired under them, which fact makes a reference to them indispensable; and indeed, the publication of such repealed laws was required by the only law of our State in regard to a digest.

A digest of the statutes of a State cannot be too comprehensive for the guidance of the administrator of jus-

tice, the jurist or the historian. But more than all, the notes and references in Paschal's Digest are of the greatest utility and importance, not only to the legal profession, but, what is more important, to all judicial and other officers who are called upon to apply them, not only in the decisions of questions before them, but also in the discharge of other duties. This digest, containing as it does references to all decisions made by the Supreme Court down to the last published volume of reports, thus furnishes, as it were, the laws as well as the adjudications made under them.

We are of the opinion that the digest provided for in the bill and substitute, is the cheapest work of the kind ever offered to or purchased by the State. In comparing its cost at the price fixed with the cost to the State of the reports of the decisions of the Supreme Court, we find that the ratio of the latter to the former per one thousand ems, printer's measurement, is as eight to one; that is, the Texas reports cost the State, on an average, fourteen dollars per volume; at the same ratio for the matter contained, Paschal's Digest *would cost one hundred and twelve dollars per copy*. We can now purchase the books at twenty dollars per copy, (which is a fraction more than one cent per page) comply with the constitutional requirement, and thus fulfill a duty devolving upon this Legislature.

Under these circumstances, we think no further argument is needed to secure the passage of the substitute.

BOOTY, for Committee.

The substitute offered by the committee of same caption was read and adopted.

Mr. Morris offered as a substitute for the bill "Joint resolution providing for the election by joint ballot of the two Houses of the Legislature of three commissioners to revise and digest the laws of the State of Texas, as provided for by the Constitution of Texas."

Mr. Payne moved to amend the substitute joint resolution, by adding thereto, "said commissioners shall receive for their compensation for the revision and digest of the laws herein mentioned, the sum of ten dollars per day for the time employed in making said revision and digest, and the sum of two thousand dollars, or so much as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated for that purpose."

On motion of Mr. Broadus, Senate bill No. 86, "An act supplementary and amendatory of an act to provide for the establishment of the Agricultural and Mechanical College of Texas, approved April 17, 1871," which had been made the special order for 12 M, was taken up and made special order for 10:30 A. M., May 28.

Report from the Committee on Engrossed Bills:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined the following bills:

No. 668, a bill to be entitled "An act amendatory of and supplemental to an act entitled an act to incorporate the Galveston and Eastern Texas Railway Company, approved December 1, 1871."

No. 897, "An act to authorize C. H. Randolph, W. A. Pitts and John O. Johnson to compile an abstract of titled and patented lands."

No. 953, a bill to be entitled "An act for the relief of Alfred S. Thurmond,"

And find the same correctly engrossed.

BOOTY, Chairman.

Leave being granted, Mr. Gaston, of the special committee upon Senate bill No. 162, "An act for the relief of Thos. F. McKinney," reported the bill back, with the recommendation that it be referred to the Committee on Public Debt. The reference was made.

On motion of Mr. Denton, the House adjourned till 3 P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

Absent—Messrs. Abbott, Anderson, Bewley, Booty, Cook, Gallaway, Gillette, Mabry, Morris, Russell, Salter, Short.

On motion of Mr. Bordeaux, Messrs. Trolinger and Venters were excused on account of sickness.

On motion of Mr. Roberts, Mr. Wilder was excused on account of sickness.

On motion of Mr. Ghent, the special committee upon the State asylums submitted the following report, which was ordered to be spread upon the journals:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your special committee appointed to examine into the condition of the Lunatic Asylum, beg leave to make the following report :

We have repeatedly visited this institution, and have no hesitation in saying that the management of the same is in every respect creditable to the State. The Superintendent appeared to be fully conversant with the duties of his responsible position, and executes the important public trusts confided to him with marked devotion and surpassed fidelity. He seems to feel a praiseworthy pride in the success and prosperity of the institution and a lively interest in the welfare of his patients. Your committee have thoroughly examined and inspected every department of the asylum, such as the wards, dining room, bath rooms, kitchen, laundry and store room, and find everything neat, clean and comfortable, orderly and conducted with a great deal of method and system. Your committee were especially gratified at the kind and gentle treatment pursued toward the inmates and the attention paid to their health and comfort.

Your committee feel assured that the success of the Superintendent in the treatment of this unfortunate class of our people will compare favorably with that of any similar institution in the United States.

We found the grounds belonging to the institution in a high state of cultivation, and the flower garden laid out and arranged with great care and taste.

Your committee would earnestly recommend a speedy extension of the building in consequence of the great number of applications for admission for whom no provision can be made.

We respectfully call your attention to the fact that a slight increase of the number of attendants a much larger number of these unfortunates could be accommodated. Your committee avail themselves of this opportunity of calling your attention to the fact that there are in the institution a number of so-called criminal lunatics sent there under the order of different courts in this State, some of whom are now sane, and yet there is no provision in the law for their discharge, and respectfully suggest that suitable legislation be had in reference to such cases. In conclusion, your commi

in consideration of the fact that the benefits and advantages of this Institution are confined to an unfortunate class entitled to our heart-felt sympathies, and for the credit and good name of our State, and in response, we believe, to the wishes of our constituency, that the appropriation should be fully and liberally provided for, commend the following appropriations:

For salary of Superintendent.....	\$2,000
For salary of Assistant Physician.....	2,000
For salary of Steward.....	1,500
For salary of Treasurer and Book-keeper.....	1,500
For furniture.....	3,000
For repairs on buildings and fences.....	10,000
For support of Asylum.....	48,000
For erection of additional buildings.....	50,000
<hr/>	
Total.....	\$118,000

H. C. GHENT, Chairman
THOMAS M. JOSEPH,
C. P. SALTER.

The unfinished business of yesterday was resumed, bringing House bill No. 55, "An act to more particularly fine the name and route of the Houston and Great Northern Railroad Company," pending amendment offered Mr. Ellett and amendment thereto by Mr. Nelson. sic

On motion of Mr. Sayers, the vote passing the bill third reading was reconsidered.

Mr. Nelson then withdrew his amendment and offered the following in lieu thereof: "And that said railroad company, in locating and defining the line of the same be required to construct and run said road to the city Sulphur Springs, in Hopkins county, and establish freight and passenger depot within one half mile of public square of said city; *provided*, the citizens of said city shall grant the right of way free of charge through the same, and so much ground for depot purposes as may be agreed upon by the said railroad company and the citizens of said city, not to exceed twenty acres."

A communication was received from his Excellency the Governor relative to the investigations of the Comptroller's and Treasurer's offices by the joint committee both houses of the Legislature.

Mr. Bledsoe moved the previous question, which was seconded, and the main question ordered.

The amendment to the amendment was then adopted.

The amendment thus amended was adopted.

The bill was ordered engrossed.

On motion of Mr. Russell, the rules were suspended and the bill read third time.

Mr. Russell offered the following amendment: "*Provided*, should said road run within five miles of the town of Quitman, in Wood county, it shall run through said town, and establish a freight and passenger depot within one-half mile of the public square of the said town; *provided further*, that the citizens of the town of Quitman shall donate land sufficient for right of way and depot purposes, not to exceed fifteen acres." The amendment was adopted.

The bill then passed.

Mr. Thurmond called up Senate bill No. 304, "An act to incorporate the Clinton Bridge Company."

On motion of Mr. Brown of Dallas the reading of the bill was dispensed with, and the bill passed to third reading.

On motion of Mr. Kleberg, the rules were further suspended, the bill read third time and passed.

On motion of Mr. Hollingsworth, Senate bill No. 244, "An act to incorporate the Austin and Short Line Railroad Company," was read first time and referred to the special railway committee.

Mr. Mills called up Senate bill No. 326, "An act to validate first class land certificate No. 150, issued to Freeman Prewitt by the board of land commissioners of Jasper county, July 5, 1839," the passage of which was recommended by Judiciary Committee No. 2.

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

On motion of Mr. Ireland, the rules were suspended, the bill read third time and passed.

The Committee on Engrossed Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined the following bills:

No. 944, "Joint resolution requiring county courts to make settlements with sheriffs and treasurers of school boards."

No. 487, a bill to be entitled "An act to provide for the construction and repairing of court houses and jails by the several counties of this State.

And find the same correctly engrossed.

BOOTY, Chairman.

Mr. Hester called up House bill No. 653, "An act to incorporate the Lavaca Tap Railway Company," upon which the following report was submitted :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House bill No. 653, entitled "An act to incorporate the Lavaca Tap Railroad Company," have had the same under consideration, and herewith submit the following amendment thereto, on the adoption of which, recommend the passage of the bill.

PAYNE, for Committee.

Amend section so as to read as follows: "SEC. 10. The said company in its charge for freight and passage shall be governed by the general laws now in force or that may hereafter be enacted; and the State reserves also the right to prescribe and regulate the duties and liabilities of said company as a common carrier; and said railroad company shall have the right to cross all public highways and streets of towns and cities that may be necessary to cross, to establish said railway; *provided,* said railway shall not run through the streets of any town and city in such a way or manner as shall damage the property situate on said street, unless by the consent of the city or town authorities, and by making compensation to the owner or owners of said property for any damage to said property."

The amendment was adopted, the bill read second time and ordered engrossed.

On motion of Mr. Hester, the rules were suspended, the bill read third time and passed.

Upon the call of Mr. Smith of Colorado, the following report was submitted :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred resolution to inquire into plan discovery of J. G. G. Garrett for the destruction of the cotton worm, etc., have had the same under consideration, and instruct me to report the same

back with the accompanying bill, and recommend that it do pass.

A. S. THURMOND, Chairman.

The bill, being "An act to provide for testing and purchasing of James G. G. Garrett his patent right improvement in insect destroyer, No. 133023, dated November 12, 1872," was read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Smith of Colorado, the rules were further suspended, the bill read third time and passed.

A message from the Senate announced the passage by that body of the following bills:

House bill No. 766, a bill to incorporate the Paris and Cleburne Railway Company.

Substitute House bill No. 563, "An act to amend sections three, five and six of an act entitled an act to incorporate the Carthage Branch Railway Company, approved May 22, 1871, and to grant lands to said company to aid in the construction of its road."

Senate bill No. 135, "An act relating to paupers and minor offenders, and to establish county farms for manual labor, poor houses and houses of correction."

Senate bill No. 362, "An act to authorize the lessees of the State penitentiary to delay the payment of certain amounts of money to become due the State until the expiration of their lease," and in connection with the latter bill, that its passage had been prematurely reported to the House on the twenty-fourth instant, a motion having been made to reconsider the vote passing it, which motion was pending at the time; that the Senate had reconsidered the vote passing the bill, and made material amendments to it.

Mr. Leyendecker called up House bill No. 880, "An act to amend section seven of an act entitled an act to organize the Bureau of Immigration, approved May, 23, 1871." The bill was read second time.

Mr. Russell moved to amend by striking out that portion relating to the appointment of an agent in New York.

Mr. Sabin moved to recommit the bill, which carried.

On motion of Mr. Denton, the House adjourned till 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, May 28, 1873. }

House met pursuant to adjournment. Prayer by Rev. Mr. Willmuth. Roll called; quorum present.

Absent—Messrs. Ellett and Hester.

On motion of Mr. Lane, the reading of the journal was dispensed with.

Mr. Mills introduced "An act to prohibit the sale or otherwise disposing of intoxicating liquors within a radius of three miles of Dougald McAlpine's East and West Academies, in Wallace's Prairie, in the county of Grimes, State of Texas." Read first time.

On motion of Mr. Mills, the rules were suspended, the bill read second time and ordered engrossed.

On motion of Mr. Washington, the rules were further suspended, the bill read third time and passed.

Mr. Watts introduced a bill to be entitled "An act limiting the amount of bonds to be issued to the International Railroad Company, and providing for the payment of the same." Read first time.

Mr. Bewley moved to reject the bill, and moved the previous question upon that motion. The previous question having been seconded, the main question was ordered by the following vote:

Yeas—Messrs. Allison, Anderson, Armstrong, Bewley, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Ford, Gaston, Ghent, Gillette, Gilpin, Hester, Ireland, Kemble, Killough, Leyendecker, Payne, Powers, Prendergast, Rimes, Robb, Rosborough, Russell, Sayers, Short, Smith of Colorado, Storey, Thurmond, Tom, Watts, Westfall, Winkler and Wood—42.

Nays—Messrs. Speaker, Abbott, Berends, Booty, Cook, Eastland, Green, Harrison, Hoffman, Hollingsworth, Joseph, Kleberg, Lane, Mabry, Manning, McDonald, Mills, Moore, Morris, Nelson, Noeggerath, Phelps, Rainey, Roberts, Sabin, Salter, Shaw, Smith of Houston, Stockbridge, Tilson, Tivy, Washington, Wilder and Williams—34.

The House then rejected the bill by the following vote:

Yeas—Messrs. Abbott, Allison, Anderson, Armstrong, Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of

Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Davenport, Day, Denton, Ford, Gaston, Ghent, Gillette, Gilpin, Hester, Ireland, Kemble, Killough, Kleberg, Lane, Leyendecker, Mills, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Sabin, Sayers, Schmidt, Short, Smith of Colorado, Smith of Houston, Storey, Tilson, Tom, Watts, Westfall, Wilder, Winkler and Wood—56.

Nays—Messrs. Speaker, Berends, Eastland, Green, Harrison, Hoffman, Hollingsworth, Joseph, Mabry, Manning, McDonald, Moore, Phelps, Roberts, Salter, Shaw, Stockbridge, Tivy, Washington and Williams—20.

Mr. Cook moved to reconsider the vote rejecting the bill.

Pending the discussion the special order was announced, Senate bill No. 86, "An act supplementary and amendatory of an act to provide for the establishment of the Agricultural and Mechanical College of Texas, approved April 17, 1871.

On motion of Mr. Watts, the special order was postponed fifteen minutes.

Resuming the discussion, Mr. Rimes moved to lay the motion on the table, which was carried.

Mr. Chambers offered the following resolution, which was read and laid over under the rules :

WHEREAS, It is indispensably necessary that appropriate tax, finance and appropriation laws be passed at the present session of the Thirteenth Legislature, and

Whereas, the session is evidently drawing rapidly to a close ; be it therefore

1. *Resolved*, That, the constitutional amendments excepted, all measures heretofore introduced bearing upon any one or more of the above-named subjects, whether originating in the Senate or House of Representatives, or that may hereafter be introduced on any one or more of said subjects, shall have precedence in the consideration of this House until said measures be completed.

2. *Resolved*, That should it become necessary, in order to promote the more speedy accomplishment of the object of the foregoing resolution, that any committee, standing or special, having under consideration any measure or matter bearing on the afore-mentioned subject or subjects, shall be excused from attendance on the House, and report at any time when prepared to do so.

Mr. Gilpin introduced a bill for the relief of C. R. Johns & Co., assignees of George Dye, sheriff of Cameron county. Read first time and referred to the Special Finance Committee, Booty, chairman.

Mr. Payne offered the following resolution :

Resolved, That one hundred copies of the evidence in the case against T. C. Barden, Judge of the Sixteenth Judicial District, be published for the use of the House.

Adopted.

Mr. Powers introduced a bill to amend the sixth section of "An act entitled an act to incorporate the town of Ysleta, in El Paso county," approved May 9, 1871. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Powers, the rules were further suspended, the bill read third time and passed.

Mr. Ghent introduced a bill to authorize and empower the County Court of Milam county to levy and collect a special tax for the purpose of building a county jail. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Ghent, the rules were further suspended, the bill read third time and passed.

Mr. Smith of Colorado introduced a bill to amend sections twenty-nine and forty-three of "An act concerning private corporations," approved December 2, 1871. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Ireland, the rules were further suspended, the bill read third time and passed.

Mr. Short offered the following resolution :

Resolved, That the chief clerk of the House of Representatives be instructed to inform the Senate that the House of Representatives has rejected the following bill : "An act limiting the amount of bonds to be issued to the International Railroad Company, and to provide for the payment of the same."

On motion of Mr. Harrison, the resolution was laid on the table.

House bill No. 766, "An act to incorporate the Paris, Greenville and Cleburne Railroad Company," was taken up and the Senate amendments thereto read and concurred in.

Senate bill No. 135, "An act relating to paupers and

minor offenders, and to establish county farms for manual labor, poor houses, and houses of correction," was taken up, read by caption first time and referred to a special committee of three, with instructions to report thereon Thursday, May 29, at 12 M.

The Speaker appointed the following gentlemen said committee: Messrs. Sayers, chairman, Berends and Killough.

A message from the Senate announced the passage by that body of Senate joint resolution No. 45, for the relief of Mrs. Belle Murray.

Senate bill No. 362, "An act to authorize the lessees of the State penitentiary to delay the payment of certain amounts of money to become due the State until the expiration of their lease," was taken up, read first time; rules suspended, read second time and passed to third reading.

Mr. Mills moved to suspend the rules and put the bill on its third reading. The House refused.

Senate bill No. 369, "An act to ascertain the amounts due the teachers of the public free schools of this State prior to the first day of March, A. D. 1873, and to provide for the payment of the same," was read first time, and on motion of Mr. Mills, referred to a special committee of three, of which Mr. Kemble was named chairman.

The Speaker appointed Messrs. Chambers and Mills on said committee.

Mr. Allison moved to reconsider the vote tabling the resolution offered by Mr. Short this morning.

No quorum voting, Mr. Booty moved a call of the House, which was seconded.

Absent—Messrs. Berends, Brown of Dallas, Ellett, Gillette and Smith of Houston.

On Motion of Mr. Westfall, the call was suspended.

The vote was then reconsidered, and the House refused to adopt the resolution.

Senate bill No. 227, "An act requiring the Treasurer of the State of Texas to receive all payments due on all notes given by purchasers of University lands, sold under the provisions of an act for the disposition and sale of the University lands, approved August 30, 1856, an act amendatory thereof, approved November 6, 1866, and to require the Commissioner of the General Land

Office to issue patents on said lands," was taken up and referred to a special committee of five, with instructions to report thereon Thursday, May 29, at 10 A. M.

The Speaker appointed the following gentlemen said committee: Messrs. Bordeaux, chairman; Harrison, Ireland, Payne and Wood.

The special order, Senate bill No. 86, "An act supplementary to and amendatory of an act to provide for the establishment of the Agricultural and Mechanical College of Texas, approved April 17, 1871," was then taken up and considered by sections.

Mr. Wood moved to amend section five, line four, by inserting "district or" after the word "county." Adopted.

Mr. Wood moved to amend section four, line eighteen, by striking out "two" and inserting "fifteen" in lieu thereof; and by striking out "thirteen" in line nineteen and inserting in lieu thereof "sixteen." Adopted.

On motion of Mr. Thurmond, the House adjourned for thirty minutes.

The thirty minutes having elapsed, the House was again called to order. Roll called

Absent—Messrs. Allison, Anderson, Armstrong, Ellett, Ford, Ghent, Gilpin, Hoffman, Kleberg, Mabry, Morris, Nelson, Rimes, Rosborough, Schmidt, Shaw, Short, Vinters and Winkler.

A quorum not being present, on motion of Mr. Sabin, the House adjourned until 3. P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

Absent—Armstrong, Berends, Bewley, Booty, Bordeaux, Brown of Dallas, Cook, Ellett, Green, Morris, Phelps, Rosborough and Winkler.

Mr. Denton asked leave to make a report from the special committee upon House bill No. 887, "An act supplementary to and amendatory of an act supplementary to an act to regulate railroad companies, approved February 7, 1873, and an act approved December 19, 1857." The House refused.

Mr. Broadus called up Senate bill No. 86, "An act

supplementary to and amendatory of an act to provide for the establishment of the Agricultural and Mechanical College of Texas, approved April 7, 1871," pending the following amendment: Amend section four, line twenty-three, by inserting after the word "patents" the words "or sold under any law heretofore passed." The amendment was adopted.

Mr. Brown of Dallas in the chair.

Mr. Mills moved to amend by striking out of section three all after the word "same," line ten, to the word "for," line twelve, and inserting in lieu thereof the words "and that a similar amount of the university fund now in the treasury of the State be appropriated." Adopted.

The Speaker in the chair.

A message was received from His Excellency the Governor announcing his approval of various bills.

A message from the Senate announced the passage by that body of Senate joint resolution "Granting leave of absence to the Hon. Moses B. Walker, Justice of the Supreme Court, from the adjournment of the present term of the Supreme Court, to the assembling of the next term of the same," and Senate bill No. 352, "An act amendatory of an act to amend an act entitled an act prescribing the times of holding the District Courts in the several judicial districts in the State, approved August 10, 1870, approved April 17, 1871."

Resuming the discussion of the pending bill, Mr. Wood moved to amend section six, line one, by inserting "or district" after the word "county." Adopted.

Mr. Wood moved to amend section nine, line four, by inserting after the word "thereof" the words "and the one-tenth of the principal." Adopted.

Mr. Broadus moved to amend by adding at the end of section ten, the words: "And the United States bonds, when so placed in the treasury, shall be under the control of the Legislature of the State." Adopted.

Mr. Anderson moved to lay the bill on the table. Lost by the following vote:

Yeas—Messrs. Anderson, Booty, Davenport, Denton, Eastland, Ford, Gallaway, Gaston, Harrison, Hester, Hoffman, Joseph, Kemble, Killough, Lane, Leyendecker, Mabry, McDonald, Moore, Morris, Nelson, Powers, Rimes, Robb, Roberts, Rosborough, Shaw, Smith of Houston, Tom, Westfall—30.

Nays—Messrs. Speaker, Allison, Armstrong, Berends, Bewley, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Day, Gillette, Gilpin, Green, Hollingsworth, Ireland, Manning, Mills, Noeggerath, Payne, Phelps, Prendergast, Russell, Salter, Schmidt, Storey, Stockbridge, Thurmond, Tivy, Washington, Watts, Wilder, Williams and Wood—37.

Mr. Denton moved to amend by adding to section one the following: "Not to exceed five dollars per day for the time actually engaged."

Mr. Broaddus moved to amend the amendment by striking out "five" and inserting in lieu thereof "eight." Lost.

The amendment was then adopted, and the bill ordered engrossed, by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Armstrong, Berends, Bewley, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Carroll, Cook, Cunningham, Day, Gilpin, Green, Hollingsworth, Ireland, Leyendecker, Manning, Mills, Noeggerath, Payne, Phelps, Prendergast, Russell, Salter, Schmidt, Smith of Colorado, Storey, Stockbridge, Thurmond, Tivy, Tom, Washington, Wilder, Williams and Wood—38.

Nays—Messrs. Abbott, Booty, Chambers, Davenport, Denton, Eastland, Ford, Gaston, Gillette, Harrison, Hester, Hoffman, Joseph, Kemble, Killough, Kleberg, Lane, Mabry, McDonald, Moore, Morris, Nelson, Powers, Rimes, Robb, Roberts, Rosborough, Smith of Houston, Watts and Westfall—30.

Mr. Mills moved to suspend the rules and put the bill on its third reading. The House refused.

Report from the Committee on Engrossed Bills:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have examined the following bills:

No. 955, "An act to prohibit the sale or disposition of spirituous or other intoxicating liquors within three miles of the town of Rancho, Gonzales county."

No. 826, "An act to validate a bounty land warrant issued to the heirs of Wm. Fishbaugh, deceased."

No. 615, "An act amendatory to an act supplementary to an act authorizing the sale and disposition of the uni-

versity lands, approved August 30, 1856, approved November 12, 1866."

Substitute for House bill No. 640, "An act to incorporate the Orange, Jasper and Shelby Railroad Company," and to aid in the construction of their road."

No. 940, "An act to better protect the papers, records and files in the General Land Office."

And find the same correctly engrossed.

BOOTY, Chairman.

Mr. Killough called up House bill No. 542, "An act to incorporate the Ledbetter and La Grange Railway Company," upon which the following report was submitted: *Hon. M. D. K. Taylor, Speaker of the House of Representatives* :

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 542, "An act to incorporate the Ledbetter and La Grange Railway Company," have carefully considered the same, and recommend that it do pass with the accompanying substitute for section fifteen (15) of said bill.

A. J. BOOTY, Chairman *pro tem*.

"SEC. 15. That this charter shall remain in full force for the period of sixty years from the date of completion of said railroad, and the company shall be entitled to receive sixteen sections of land for each and every mile of railroad completed; and whenever the Governor shall be informed that ten miles of said road shall have been completed, he shall at once appoint some competent person to inspect the same, and if the report of the inspector shall be favorable, the Governor shall immediately notify the Commissioner of the General Land Office, whose duty it shall be to immediately issue to said company sixteen land certificates of six hundred and forty acres each for each and every mile of road completed, and so on for every additional ten miles when completed, which said certificates shall be located, surveyed and patented according to the provisions of the general railroad law, on the principle of alternate sections; *provided*, that each succeeding section of ten miles shall be inspected in like manner as provided in this section for the first ten miles; *provided further*, that the said company shall not have the right to sell, rent, lease or consolidate with any parallel or competing railroads in this State; *provided further*, that in no case shall the State be in any way liable

for deficiency of vacant domain; *provided further*, that the field notes and maps to be returned to the General Land Office, and the odd sections patented to said company, and all the alternate or even sections shall be reserved, and set apart, and appropriated to, and constitute a part of, the common school fund, as provided by law. And the lands granted to said company by virtue of the provisions of this act, shall be alienated by said company, except so far as may be necessary to the maintenance and running of its road, as follows: one-fourth in eight years, one-fourth in ten years, one-fourth in twelve years, one-fourth in sixteen years, from the time of acquiring said lands; *provided*, said lands shall not be alienated, directly nor indirectly, to any other corporation, for its use, except so far as may be necessary for the proper uses and convenience, of the business of such corporation; and on failure to alienate said lands, as herein directed, they shall be proceeded against as the laws in force may direct; *and provided further*, that the State of Texas shall not be held liable for a deficiency in the lands hereinbefore mentioned."

Add the following section: "SEC. . . That the State reserves the right to regulate the rates of freight and passage on said road, by any general law of the State applicable to railroads, and also to place the officers and employes of the same under the provisions of any general law which is now in force, or may hereafter be enacted, to prevent wrong towards passengers or other patrons of the road, and said company shall be subject to any law now in force, or hereafter enacted, in relation to railroads in this State."

The amendments were adopted.

On motion of Mr. Killough, the reading of the bill was dispensed with, and it was ordered engrossed.

On motion of Mr. Killough, the rules were suspended, the bill read by caption third time and passed by the following vote:

Yeas—Messrs. Speake, Adriance, Allison, Anderson, Berends, Bledsoe, Booty, Brown of Upshur, Brown of Dallas, Carroll, Cook, Cunningham, Davenport, Day, Denton, Eastland, Gallaway, Gaston, Gillette, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Lane, Mabry, Manning, McDonald, Morris, Noeggerath, Phelps, Powers, Prender-

gast, Robb, Roberts, Russell, Sabin, Salter, Schmidt, Short, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Washington, Watts, Westfall, Wilder, Williams and Wood—58.

Nays—Messrs. Abbott, Armstrong, Chambers, Moore, Nelson, Rimes, Rosborough—7.

Mr. Noeggerath called up Senate bill No. 266, "An act for the relief of the heirs of Augustus W. Shipley," whose passage was recommended by the Committee on Private Land Claims. Read second time and passed to third reading.

On motion of Mr. Killough, the rules were suspended, the bill read third time and passed.

Mr. Ireland called up House bill No. 465, "An act to incorporate the West Texas Water Company," the passage of which was recommended by the Committee on Agriculture and Stock Raising. The bill was read second time.

Mr. Harrison moved to strike out that portion making a donation of land, which carried. The bill was ordered engrossed.

On motion of Mr. Sayers, the rules were suspended, the bill read third time and passed.

A message from the Senate announced the passage by that body of House bill No. 453, "An act regulating taxation," with amendments by the Senate.

The bill just announced was taken up, and the Senate amendments thereto read.

The House refused to concur in the amendments, and the clerk was instructed to inform the Senate of that fact.

Mr. Sayers called up Senate bill No. 95, "An act for the relief of Luke G. Lee," the passage of which was recommended by the Committee on Claims and Accounts.

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

On motion of Mr. Sayers, the rules were suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Adair, Allison, Anderson, Berends, Bledsoe, Booty, Boreaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Davenport, Day, Denton, Eastland, Gaston, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Lane, Leyendecker, Mabry, McDonald, Morris, Noeggerath, Payne, Powers, Prendergast, Rimes,

Roberts, Rosborough, Russell, Sabin, Sayers, Schmidt, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—61.

Nays—Messrs. Armstrong, Cunningham, Manning, Mills, Moore and Salter—6.

The following message from his Excellency the Governor was ordered to be spread upon the journals:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, May 27, 1873. }

To the Honorable Senate and House of Representatives of the State of Texas:

GENTLEMEN: I have the honor to inform you that the following named acts have been received by me and approved, viz:—

House bill No. 171, "An act to be entitled an act amendatory of and supplementary to an act entitled an act to incorporate the Central Bank, passed March 31, 1871," approved May 14, 1873.

Senate bill No. 297, "An act for the relief of R. C. Hunt," approved May 14, 1873.

House bill No. 196, "An act to amend an act entitled an act to incorporate the city of Calvert, in Robertson county, approved April 12, A. D. 1871," approved May 14, 1873.

House bill No. 424, "An act to amend an act entitled an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870," approved May 14, 1873.

Senate bill No. 305, "An act to incorporate the Texas Land and Colonization Company," approved May 14, 1873.

House bill No. 274, "An act to be entitled an act to amend an act entitled an act to reorganize the town of Bryan, in Brazos county, Texas, and incorporate said town as the city of Bryan, approved November 29, 1871," approved May 14, 1873.

House bill No. 381, "An act to incorporate the town of Ladonia, in Fannin county," approved May 14, 1873.

House bill No. 392, "An act to incorporate the Garden Valley Seminary, in Smith county, Texas," approved May 14, 1873.

Senate bill No. 111, "An act to provide for supply-

ing the records of Lampasas county, destroyed by fire," approved May 14, 1873.

Senate bill No. 274, "An act to validate and supplement the charter of the Bastrop Coal Company of Texas," approved May 15, 1873.

Senate bill No. 254, "An act to incorporate the city of El Paso," approved May 17, 1873.

Senate bill No. 351, "An act making an additional appropriation to pay the per diem and mileage of witnesses in the case of the impeachment of Judge John G. Scott, and other expenses incident to said case," approved May 17, 1873.

Senate bill No. 241, "An act to amend section thirteen (13), fourteen (14), sixteen (16) and seventeen (17) of an act entitled an act to incorporate the town of Palestine, in Anderson county," approved May 17, 1873.

Senate bill No. 136, "An act to amend article seven hundred and sixty-six of the penal code," approved May 17, 1873.

Senate bill No. 97, "An act to incorporate the Hallville Mason Institute, at Hallville, Harrison county, Texas," approved May 17, 1873.

House bill No. 912, "An act to amend an act entitled an act to organize and incorporate the East Line and Red River Railroad Company, approved March 22, 1871," approved May 17, 1873.

House bill No. 754, "An act to incorporate the board of trustees of Centerville Academic School," approved May 17, 1873.

Senate bill No. 263, "An act to incorporate the town of Zavala, in the county of Smith," approved May 17, 1873.

Senate bill No. 301, "An act making an appropriation for the payment of the State police and employes," approved May 17, 1873.

Senate bill No. 349, "An act making an appropriation to carry into effect an act authorizing quarantine on the coast of Texas, and elsewhere within the State, approved June 10, 1870," approved May 19, 1873.

House bill No. 297, "An act to prevent horse racing in certain places, approved May 19, 1873.

House bill No. 915, "An act to provide for the registration of the voters in the city of Denison, Grayson county, State of Texas," approved May 21, 1873.

House bill No. 723, "An act to reincorporate the city of Corpus Christi," approved May 22, 1873.

House bill No. 934, "An act to provide for a special election in the city of Dallas," approved May 23, 1873.

House bill No. 853, "An act supplementary to and amendatory of an act entitled an act to re-incorporate the city of Corpus Christi," approved May 24, 1873.

Senate bill No. 100, "An act to provide for the merger of the Waco and Northwestern Railroad Company, with its properties, rights, privileges and franchises, in the Houston and Texas Central Railway Company," approved May 24, 1873.

House bill No. 850, "An act prescribing the times of holding general elections in this State," approved May 26, 1873.

The following bills not having been returned by me to the house in which they originated, within the time prescribed by the Constitution, have become laws without my approval, to-wit :

House bill No. 605, "An act to authorize Ezra Carpenter, his associates and successors, to construct, own and keep a toll bridge on Big Cypress," passed April 13, 1873.

House bill No. 468, "An act for the relief of J. Lancaster," passed April 30, 1873.

House bill No. 819, "An act amendatory of an act entitled an act to incorporate the Bastrop Casino Association, approved October 27, 1866," passed May 3, 1873.

House bill No. 747, "An act to authorize the County Court of Freestone county to levy and collect a special tax for the purpose of repairing the court house and jail in said county," passed May 3, 1873.

Senate bill No. 173, "An act to prohibit the sale of intoxicating liquors within two miles of the Lime Flat High School House, in Nacogdoches county," passed May 5, 1873.

House bill No. 47, "An act supplemental to and amendatory of an act entitled an act to incorporate the Rockport, Fulton, Laredo and Mexican Pacific Railroad Company, passed November 11, 1871," passed May 5, 1873.

House bill No. 156, "An act to authorize the Commissioner of the General Land Office to issue a patent for four millions eight hundred and forty thousand square varas of land located in San Augustine county, by virtue of the grant of land made by John B. Dillard, on the twelfth day of December, 1835, and to validate said survey," passed May 6, 1873.

House bill No. 243, "An act granting a charter to O. M. Airheart to create, keep and run a ferry boat at the Spring Crossing, on Trinity river, in Henderson county and Navarro county," passed May 6, 1873.

House bill No. 293, "An act to incorporate the Lee Fire Engine Company No. 5, of the city of Galveston, State of Texas," passed May 6, 1873.

House bill No. 573, "An act to validate the municipal election in the town of Crockett, county of Houston, on the fifth, sixth, seventh and eight days of November, A. D. 1872," passed May 6, 1873.

Senate bill No. 311, "An act to incorporate the Bastrop Turn Verein," passed May 6, 1873.

House bill No. 264, "An act to authorize the Police Court of Ellis county to levy a special tax for the purpose of building a jail," passed May 6, 1873.

House bill No. 665, "An act to prohibit the sale of intoxicating or spirituous liquors within three miles of the institution of learning situated near Mt. Enterprise, in Rusk county," passed May 6, 1873.

House bill No. 416, "An act to prohibit the sale of spirituous liquors within six miles of Davilla Institute, in the county of Milam, except for medical or sacramental purposes," passed May 6, 1873.

Senate bill No. 331, "An act to prohibit the sale of intoxicating liquors within two miles of Pattonville, in Lamar county," passed May 6, 1873.

House bill No. 391, "An act to be entitled an act to prevent the gift or sale of intoxicating liquors within two miles of Garden Valley Seminary, in Smith county, Texas," passed May 6, 1873.

House bill No. 566, "An act to prohibit the sale of intoxicating liquors within two miles of Cotton Gin Seminary, Freestone county," passed May 6, 1873.

House bill No. 498, "An act for the relief of the heirs of Charles Forrister," passed May 6, 1873.

House bill No. 126, "An act for the relief of A. S. Thurmond," passed May 6, 1873.

House bill No. 756, "An act to authorize the Police Court of Denton county to levy a special tax to build a court house," passed May 6, 1873.

House bill No. 553, "Joint resolution authorizing I. G. Killough to draw the pay of the Hon. Louis Frankee, deceased," passed May 6, 1873.

House bill No. 320, "An act to authorize the County Court of Comanche county to issue bonds in the name of said county for the purpose of erecting public buildings, and to fund the present indebtedness of said county," passed May 6, 1873.

House bill No. 473, "An act to authorize the County Court of Bell county to issue interest bearing bonds, and levy and collect a special tax for the payment of the same, for building a jail and poor house in said county," passed May 6, 1873.

House bill No. 173, "An act to prohibit the sale of intoxicating or spirituous liquors within two miles of the institution of learning situated at Woods, in Panola county, Texas," passed May 6, 1873.

House bill No. 457, "An act for the relief of Michael B. Botcham," passed May 6, 1873.

House bill No. 575, "An act for the relief of the estate of John T. Story," passed May 6, 1873.

House bill No. 467, "An act to adjust and define the rights of the Texas and Pacific Railway Company within the State of Texas, in order to encourage the speedy construction of a railway through the State to the Pacific Ocean," passed May 2, 1873.

House bill No. 304, "An act to validate bounty land warrant issued to John B. Fox," passed May 7, 1873.

Senate bill No. 258, "An act to amend sections seven, ten and twenty, of an act entitled an act to incorporate the Tyler Tap Railroad Company, approved December 1, 1871, and to grant lands to said company to aid in the construction of its road," passed May 7, 1873.

Senate bill No. 271, "An act for the relief of C. C. De Witt, and other persons therein named," passed May 7, 1873.

House bill No. 429, "An act to authorize H. B. Boston, Alex. Hamilton and R. B. Hudson to erect a pontoon bridge over the Guadalupe river, in the county of De Witt, Texas," passed May 7, 1873.

House bill No. 664, "An act to amend section three (3) of an act entitled an act to incorporate the Falls County Turnpike Road and Bridge Company, approved April 12, 1871," passed May 7, 1873.

House bill No. 691, "An act to prohibit the sale of intoxicating, spirituous or vinous liquors within one and one-half ($1\frac{1}{2}$) miles of Sylvan Academy, in Lamar county," passed May 7, 1873.

Senate bill No. 228, "An act to incorporate the town of Jacksonville, in Cherokee county," passed May 7, 1873.

House bill No. 727, "An act to prohibit the sale of intoxicating, spirituous or vinous liquors within three (3) miles of Roxton Chapel and Seminary, in Lamar county," passed May 7, 1873.

House bill No. 200, "An act granting a charter to James A. Mitcham and H. L. Gilmore, to erect, keep and run a ferry boat at New Bazette landing or crossing on the Trinity river, in Henderson county and Navarro county," passed May 7, 1873.

Senate bill No. 327, "An act supplemental to an act entitled an act reimbursing Bastrop county, and appropriating the sum of two hundred and twenty-five dollars for that purpose, approved March 20, 1873," passed May 8, 1873.

House bill No. 489, "An act to aid in the construction of the Atlantic and Pacific Railroad," passed May 9, 1873.

House bill No. 846, "An act authorizing the city of Galveston to issue her bonds to the amount of five hundred thousand dollars in aid of the bar and harbor improvement of Galveston, and to provide a tax of one-fourth of one per centum for a sinking fund wherewith to pay the principal and interest of said bonds," passed May 9, 1873.

Senate bill No. 293, "An act for the relief of A. Horrell," passed May 12, 1873.

Senate bill No. 342, "An act to authorize and require the County Court of Robertson county to retire certain county scrip therein specified, and to issue the bonds of said county in lieu thereof," passed May 12, 1873.

Senate bill No. 322, "An act to authorize G. W. Harper to construct and keep a toll bridge across South Sulphur Fork of Red River," passed May 12, 1873.

Senate bill No. 256, "An act to authorize the County Court of Lampasas county to levy a special tax," passed May 12, 1873.

Respectfully,

EDMUND J. DAVIS, Governor.

On motion of Mr. Prendergast, the Committee on Constitutional Amendments submitted the following report:
Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Constitutional Amendments,

to whom was referred Senate joint resolution No. 211, proposing certain amendments to the Constitution, after duly considering the same, have instructed me to report the joint resolution back with the accompanying amendments, and, after the adoption of the amendments, they recommend the passage of the joint resolution.

The committee state further that several other resolutions proposing amendments to the Constitution have been referred to them, which they do not think it advisable to act upon at this time. The Senate joint resolution, with the amendments proposed thereto, contains all the amendments to the Constitution the committee, after mature consideration, think it proper to submit under existing circumstances.

PRENDERGAST, Chairman.

1. Change section two to section three, and insert as section two the following:

“SEC. 2. That sections one and fourteen of article three of said constitution be so amended as to hereafter read as follows, to-wit: Section 1. Every male citizen of the United States, and every male person who shall have declared his intention to become a citizen of the United States, in accordance with the laws thereof, of the age of twenty-one years and upwards, not laboring under the disabilities named in this Constitution, without distinction of race, color or previous condition of servitude, who shall have resided in this State one year and in the county in which he may offer to vote six months next preceding an election, shall be entitled to vote for all officers elected by the people, and upon all questions submitted to the electors at any election; *provided*, that Indians not taxed, soldiers, seamen or marines in the army or navy of the United States, persons kept in any asylum, or confined in prison, or who have been or may hereafter be convicted of a felony, or who may be of unsound mind, shall not be allowed to vote.

“Sec. 14. No person shall be eligible to any office, State, county or municipal, who is not a qualified voter of this State, or who may be disqualified therefor by the constitution of the United States, until such disqualification shall be removed by the Congress of the United States.”

2. Section two (as is numbered in the joint resolution), line two, strike out the word “and,” and insert after the

word "four," same line, the words "and section six," and insert at the proper place: "SEC. 6. The State shall be divided into convenient districts, which may be increased or diminished in size or number, for each of which there shall be elected by the qualified voters thereof, at a general election of members of the Legislature, a judge, who shall reside in the district in which he is elected, and shall hold his office for the term of six years from the date of his election, and until his successor is qualified, or until his district is abolished, and shall hold a court in each county in the district twice in each year, at such time and place as may be prescribed by law. In case of a vacancy by death, resignation or otherwise, such vacancy shall be filled for the unexpired term by appointment by the Governor, by and with the advice and consent of the Senate, when that body is in session; and should the Senate not be in session, such appointment shall continue in force until ten days after that body shall assemble, when, if such appointment is not confirmed, the office shall immediately become vacant; *provided*, that no election shall be held under the provisions of this section until the first general election after this amendment shall have been ratified and become a part of the Constitution."

3. Also amend section two, as numbered in the joint resolution, by striking out of section three (under that head) all after the word "State," in line six, down to and including the word "prescribe," in line ten.

4. Change section three to section six, and insert as section four as follows: "SEC. 4. That section eight of article nine of said Constitution be so amended as to hereafter read as follows: SEC. 8. All public lands which have been heretofore, or may be hereafter, granted for public schools to the various counties of this State, shall be under the control of the Legislature, and may be sold on such terms and under such regulations as the Legislature shall by law prescribe, and the proceeds of the sale of said lands shall be added to the perpetual school fund of the State; but each county shall receive the full benefit of the interest arising from the proceeds of the sale of the lands granted to them respectively."

5. Amend further by adding as section five as follows: "SEC. 5. That section six of article ten of said Constitution be amended so as hereafter to read as follows:

Sec. 6. The public property and the public domain of this State shall be under the control and subject to the disposition of the Legislature; *provided, nevertheless*, that one-half of said public domain, or the proceeds thereof, shall be used exclusively for the endowment of public free schools and institutions of learning."

6. Change section three to section six, and amend section forty (under said head) by striking out all after the word "any" in line three; and inserting the following: "case where a general law can be made applicable."

7. Add as section seven the following: "SEC. 7. That section one of article six, and section forty-six of article twelve, of said Constitution, be annulled, set aside, and declared to no longer constitute any part of the Constitution of this State."

8. Amend the caption by inserting after the word "rights," line four, the following: "Section one and section fourteen of article three."

9. Also, insert after the word "five," line six, the words, "section eight of article nine, section six of article ten."

10. Also, strike out the word "of," between the words "twelve" and "general," line eight, and insert after the word "provisions," line nine, the following: "And annulling and setting aside section one of article six, and section forty-six of article twelve."

The following amendment, offered by Mr. Russell, was ordered spread upon the journals: "Section six of article nine shall be so amended as to hereafter be and read as follows: As a basis for the establishment and endowment of said public free schools, all the funds, lands and other property heretofore set apart and appropriated for the support and maintenance of public schools shall constitute the public school fund; and the Legislature shall appropriate all the proceeds resulting from sales of public lands of this State to such public school fund; and the Legislature shall also cause to be levied and collected an annual poll tax of one dollar on all male persons in this State between the ages of twenty-one and fifty years old, for the benefit of public schools; and said fund and the income derived therefrom, and the taxes herein provided for school purposes, shall be a perpetual fund, to be applied as needed, exclusively for educational purposes; and no law shall ever be made appropriating such fund for any other use or purpose whatever."

Mr. Morris moved to amend by adding the following proviso to section five of the amendments: "*Provided*, that nothing in this section, nor in the amendments hereof to be submitted, shall be held or construed to abrogate or change the right to, or disposition of the public domain, for the purpose of internal improvements and schools, as provided in the Constitution and amendment thereto, adopted at the present session of the Legislature."

Mr. Booty moved to amend by striking out all that portion of section three of the Senate joint resolution which provides for the election of an assessor and collector of taxes.

On motion of Mr. Anderson, the further consideration of the subject was postponed until 9 A. M. to-morrow.

Mr. Storey called up House bill No. 793, for the relief of the heirs of Frederick Rowe, whose passage was recommended by Judiciary Committee No. 2.

The bill was read second time and ordered engrossed.

On motion of Mr. Storey, the rules were suspended, the bill read third time and passed.

Mr. Hollingsworth called up House bill No. 397, supplementary to an act entitled "An act in relation to the Missouri, Kansas and Texas Railway Company, late Union Pacific Railway Company, southern branch," passed August 2, 1870.

The special committee upon the bill submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The special committee to whom was referred House bill No. 397, entitled "An act supplementary to an act entitled an act in relation to the Missouri, Kansas and Texas Railway Company, late Union Pacific Railway Company, southern branch, passed August 2, 1870," having considered the same, have instructed me to report the bill back to the House with the recommendation that it do not pass.

The original charter of this company, or act in relation thereto, in the opinion of the committee, contains several provisions which are not only unusual in such charters, but are obnoxious to serious objections. By said original act, said road, with its "appurtenances of every description," is exempted from "all taxation" "until the

period of two years shall have elapsed from the completion" of the road to the city of Austin; and for all time thereafter, said company, "in lieu of all taxes of every description whatever," is authorized to pay "two per cent. per annum upon the earnings of its road in Texas." What the term "earnings" in this connection may mean is by no means clear. It may mean either the net or the gross receipts; and if the former should be held to be the proper meaning, the committee think the prospect of revenue from this source exceedingly remote. The committee also think this provision objectionable on the ground that it is not "equal and uniform" in the sense of the Constitution as to other railroads; and on the further ground that it is violative of that provision of the Constitution which requires all property to be taxed in proportion to its value.

Said act also confers upon said company "all the rights, powers, privileges, benefits and immunities conferred by all general laws now existing, or that hereafter may be passed," in relation to railroad corporations, without placing it under any restrictions whatever. These rights, powers, privileges, etc., may be very great; and while these advantages are enjoyed by the company, it would seem but proper that the State should have the right to prevent their use to the public detriment.

By still another provision of said act said company has "the right to purchase, sell, lease, join stocks, unite or consolidate with any connecting railroad company." This the committee think contrary to sound policy. It will have a tendency to not only destroy competition, but will necessarily lead to a dangerous concentration of power and wealth. Other objections might be presented, but these are deemed sufficient for the present purpose.

With these views the committee have felt constrained to recommend the rejection of the bill in its present form. They were disposed to propose certain amendments as conditions to the extension of time sought, modifying to some extent the more prominent objections to said original act, and reserving certain powers to the State, but have not felt at liberty to do so in consequence of a written request from the vice-president of the company, to report the bill back, either favorably or unfavorably, without amendment. All of which is respectfully submitted.

PRENDERGAST, Chairman.

A message from the Senate announced that that body adhered to its amendments to House bill No. 453, "An act regulating taxation," and had appointed Senators Shelley, Dillard and Dohoney a committee of conference on the difference between the two houses, with a request for the appointment of a like committee on the part of the House.

Under instructions from the House, the Speaker appointed Messrs. Wood, Payne and Armstrong a conference committee on the part of the House to confer with the like Senate committee.

Reports from the Committee on Enrolled Bills:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined the following bills, to-wit:

No. 111, "An act to incorporate the Dallas, Palestine and Southeast Texas Railroad Company."

No. 327, "An act to reincorporate the town of Denton, State of Texas."

And find the same correctly enrolled, and have this the twenty-seventh day of May, at 4:15 o'clock P. M., presented the same to the Governor for his approval.

SHAW, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined the following bills, to wit:

No. 66, "An act to amend an act to incorporate the Dallas and Wichita Railroad Company, and to aid in the construction thereof."

No. 904, "An act to amend section eight of an act entitled an act to incorporate the town of Seguin, in Guadalupe county."

No. 881, "An act for the relief of the heirs of Migginson Loving, deceased."

No. 874, "An act to authorize the County Court of Colorado county to issue interest-bearing bonds for the purpose of funding the present indebtedness of said county."

No. 599, "An act to incorporate the Corpus Christi and Rio Grande Railway Company, and to aid in the construction of the same."

And find the same correctly enrolled, and have this the

twenty-eighth day of May, at 11 o'clock A. M., presented the same to the Governor for his approval.

SHAW, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined the following bill, to wit :

No. 563, "An act to amend sections three, five and six of an act entitled on act to incorporate Carthage Branch Railroad Company, approved May 22, 1871, and to grant lands to aid said company in the construction of its road."

And find the same correctly enrolled, and have this twenty-eighth day of May, at 11 o'clock A. M., presented the same to the Governor for his signature.

SHAW, Chairman.

On motion of Mr. Anderson, the House adjourned until 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, May 29, 1873. }

House met pursuant to adjournment. Prayer by Rev. Mr. Riggs. Roll called ; quorum present.

Absent—Messrs. Broaddus, Cook, Ellett and Killough.

On motion of Mr. Kemble, Mr. Mabry was indefinitely excused on account of sickness.

On motion of Mr. Brown, of Dallas, Mr. Bewley was excused on account of sickness.

On motion of Mr. Denton, the reading of the journal was dispensed with.

Mr. Westfall presented a petition of sundry citizens of Austin against the donation of public squares to private use. Referred to a special committee consisting of Messrs. Ireland, Hester and Prendergast.

Mr. Mills presented a petition of Miss Sallie F. Thompson. Referred to the Committee on State Affairs.

Mr. Abbott presented a petition of Wm. Chambers, Judge of the First Judicial District, asking the appointment of a committee to investigate the charges against him, and to have the evidence taken by said committee printed.

Mr. Armstrong moved to lay the petition on the table.

Lost by the following vote:

Yeas—Messrs. Speaker, Allison, Armstrong, Bledsoe, Broaddus, Brown of Upshur, Carroll, Davenport, Denton, Ford, Gaston, Gillette, Gilpin, Harrison, Hester, Hollingsworth, Lane, Manning, McDonald, Robb, Russell, Salter, Sayers, Smith of Colorado, Thurmond, Tivy, Tom, Watts, Westfall and Wood—30.

Nays—Messrs. Abbott, Adriance, Berends, Booty, Brown of Dallas, Chambers, Cook, Cunningham, Eastland, Green, Hoffman, Ireland, Joseph, Leyendecker, Mills, Moore, Morris, Nelson, Noeggrath, Phelps, Prendergast, Rainey, Rimes, Roberts, Rosborough, Sabin, Schmidt, Short, Smith of Houston, Storey, Stockbridge, Tilson, Washington, Wilder, Williams and Winkler—36.

Mr. Anderson moved to defer the further consideration of the petition until Thursday, June 5.

Mr. Green moved to lay that motion on the table. Lost by the following vote:

Yeas—Messrs. Abbott, Adriance, Berends, Green, Joseph, Leyendecker, Mills, Moore, Noeggertah, Phelps, Roberts, Sabin, Salter, Short, Smith of Colorado, Storey, Stockbridge, Washington, Wilder and Williams—20.

Nays—Messrs. Allison, Anderson, Armstrong, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Cunningham, Davenport, Denton, Eastland, Ford, Gallaway, Gaston, Gillette, Gilpin, Harrison, Hester, Hoffman, Ireland, Kemble, Kleberg, Lane, Manning, McDonald, Morris, Nelson, Powers, Prendergast, Rainey, Rimes, Robb, Russell, Sayers, Smith of Houston, Thurmond, Tilson, Tivy, Watts, Westfall, Winkler and Wood—47.

The hour having arrived, the special order was announced, viz.: Senate joint resolution No. 41, "Joint resolution proposing amendments to the Constitution."

Mr. Rainey moved to postpone the special order until the pending business should be disposed of. The House refused.

On motion of Mr. Bordeaux, the special order was postponed, and the second special order was taken up, Senate bill No. 227, "An act requiring the Treasurer of the State of Texas to receive all payments due on all notes given by purchasers of University lands sold under the provisions of an act for the disposition and sale of

the University lands, approved August 30, 1856, and an act amendatory thereof, approved November 6, 1866, and to require the Commissioner of the General Land Office to issue patents on said lands." The passage of the joint resolution was recommended by the special committee to whom it had been referred.

The joint resolution was read second time.

On motion of Mr. Bordeaux, the rules were suspended and the joint resolution was read third time.

Mr. Bordeaux moved the previous question, which was seconded and the main question ordered. The joint resolution then passed.

The Committee on Engrossed Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined the following House bills:

Substitute for House bill No. 55, "An act to more particularly define the name and route of the Houston and Great Northern Railway Company."

No. 956, "An act to provide for testing and purchasing of James Garrett his patent right improvement in insect destroyers, No. 133,023, July 12, 1873."

No. 961, "An act to amend sections twenty-nine and forty-three of an act concerning private corporations, approved December 2, 1871."

An find the same correctly engrossed.

BOOTY, Chairman.

A message was received from the Senate, informing the House that the Senate had passed the following bills, originating in the Senate, viz.:

No. 339, "An act to amend the thirty-third and three hundred and fourth section of an act prescribing the mode of proceeding in district courts in matters of probate, approved August 15, 1870."

No. 380, "An act to amend section ten of an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870."

And that the Senate had passed a substitute for House bill No. 441, "An act making appropriations for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for deficiencies for the years 1870, 1871 and 1872."

Also, the following bills, originating in the House, with amendments by the Senate:

No. 291, "An act to incorporate the Gulf, Colorado and Sante Fé Railway Company."

No. 837, "An act to incorporate the San Marcos, Guadalupe and Galveston Canal Company."

No. 877, "An act to authorize the County Court of Colorado county to levy a special tax for the erection of a county jail."

No. 936, "An act providing for an election of officers for the town of Cameron."

Also, the following House bills without amendments, viz:

No. 178, "An act to authorize the County Court of Navarro county to levy and collect a special tax."

No. 481, "An act to incorporate the Defiance Hook and Ladder Company No. 1, of the city of Jefferson."

No. 610, "An Act to incorporate the City Bank of Dallas."

No. 759, "An act to authorize and require the Adjutant General to pay out certain funds heretofore appropriated for the frontier force of the State."

No. 760, "An act to authorize the holders of State warrants to surrender the same to the Treasurer, and receive State bonds for the same."

No. 888, "An act to amend an act to provide for districting the State into judicial districts, approved July 1, 1870."

No. 890, "An act granting the right of way to the United States for the construction of a coastwise canal along the coast of Texas, through the inland waters and mainland thereof."

No. 892, "An act to incorporate the town of McKinney, in Collin county."

No. 906, "An act to incorporate the Brazos Santiago and Rio Grande Canal Company."

No. 907, "An act supplementary and amendatory of an act passed April 19, 1773, to reorganize the town of Sherman, Grayson county."

No. 947, "An act to locate the county seat of Trinity county."

Also, that the Senate had reconsidered the vote by which it passed House bill No. 902, "An act to amend an act prescribing the times of holding the District Courts in the

several districts of the State," and ask that the bill be returned to the Senate.

A further message announced the passage of House bill No. 234, "An act to encourage stock raising, and for the protection of stock raisers," with amendments by the Senate.

Mr. Brown of Dallas in the chair.

On motion of Mr. Sayers, substitute Senate bill No. 441, "An act making appropriations for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for the fiscal year beginning September 1, 1873, and ending August 31, 1874," was taken up.

On motion of Mr. Booty the reading of the bill was dispensed with, and it was referred to a special committee, with authority to report at any time.

Mr. Cook moved to suspend the rules and allow the Committee on Commerce and manufactures to report upon Senate bill No. 151, "An act to incorporate the Mechanics' Real Estate and Building Association, of Harris county." The House refused,

Leave being granted, Mr. Anderson offered the following resolution, which was adopted:

WHEREAS, House bill No. 902, "An act amendatory of the statute regulating the time of holding District Courts, so as to specially regulate the time of holding the District Courts in the Thirty-third Judicial District," and passed by the House and the Senate, and the vote passing the same was reconsidered in the Senate; therefore, be it

Resolved, That the Governor be and he is hereby requested to return the same to this House, that the same may be returned by the Speaker to the Senate.

The clerk was instructed to inform his Excellency the Governor of the adoption of this resolution.

The Speaker in the chair.

Mr. Denton moved to allow the special committee upon House bill No. 887, "An act supplementary to and amendatory of an act supplementary to an act supplementary to an act supplementary to an act to regulate railroad companies, approved February 7, 1853, and an act approved December 19, 1857," to report.

No quorum voting, Mr. Tilson moved a call of the House, which was sustained.

Absent—Messrs. Abbott, Cunningham, Day, Ellett, Ford, Gillette, Hester, Ireland, Kemble, Leyendecker and Mabry.

A quorum having been obtained, on motion of Mr. Booty, the call was suspended.

Pending the matter, Mr. Booty moved to reconsider the vote referring Senate substitute for House bill No. 441, known as the general appropriation bill, to a special committee, which carried.

The House refused to adopt the substitute.

The previous matter having been resumed, the motion of Mr. Denton was put and carried.

The following report was submitted :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your special committee to whom was referred House bill No. 867, a bill to be entitled "An act supplementary to and amendatory of an act supplementary to an act to regulate railroad companies, approved February 7, 1853, and an act approved December 19, 1857," with accompanying amendments, have carefully considered the same, and herewith report the same back to the House and recommend the adoption and passage of the accompanying substitute.

DENTON, Chairman.

The substitute having been read, Mr. Sabin moved to make it special order for Friday, May 30, 11 A. M., and that one hundred copies be printed. Lost.

The substitute was then adopted and read second time.

Mr. Sabin moved to lay the bill on the table. Lost by the following vote :

Yeas—Messrs. Adriance, Allison, Joseph, Moore, Phelps, Sabin, Salter, Shaw, Smith of Houston, Washington, Wilder and Williams—12.

Nays—Messrs. Speaker, Anderson, Armstrong, Berends, Bledsoe, Booty, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Davenport, Denton, Eastland, Ford, Gaston, Gillette, Green, Harrison, Hester, Hoffman, Hollingsworth, Killough, Kleberg, Lane, Lyendecker, Manning, McDonald, Nelson, Noegerath, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Sayers, Schmidt, Short, Smith of Colorado, Storey, Stockbridge, Tilson, Tivy, Tom, Watts, Westfall and Wood—52.

The bill was then ordered engrossed.

On motion of Mr. Tilson, the rules were suspended and the bill read third time.

Mr. Harrison moved to amend the section relating to fare of children by striking out "two" and inserting in lieu thereof "five." Adopted.

The bill then passed.

On motion of Mr. Sayers, the special committee on the deficiency appropriation bill were granted leave to report, and submitted the following :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your special committee to whom was referred Senate bill No. 371, "An act making appropriations to supply the deficiencies in the appropriations for the years 1870, 1871 and 1872, for the support of the State government," instruct me to report as follows: That they know nothing of the correctness or incorrectness of the several items therein charge^d against the State; that they have no evidence, nor time to procure evidence at this late period of the session, enable them to determine whether or not said items are valid claims against the State. Your committee observe certain charges in said bill which seems to be for improvements made to some of the public institutions of this State, which said improvements were not authorized by the Legislature, and they are of opinion that no charge should be created against the State, without authority from the State, unless required by the most pressing necessity. Your committee further instruct me to report the accompanying section as an amendment to said bill, and recommend its adoption. Committee also recommend the following amendment:

1. "For claim of George Dye, sheriff of Cameron county, \$998.66."

BOOTY, Chairman.

2. "SEC. ... Where the items, matters of account, and sums of money in this act, have not been expressly ascertained and fixed by law, the Comptroller shall not draw his warrant for any of said sums of money herein mentioned, or any part thereof, unless the party interested shall make out an itemized account for the same, and shall make oath before some officer having a seal and authorized to administer oaths generally, that such account is just, that the services charged for or labor performed have been rendered or performed as stated, that the

charges are legal and reasonable, and that no part of the amount claimed or charged has been paid; and if the account or charge is for articles or materials furnished, he shall also swear that the same were furnished as stated, and that the value of same as charged is reasonable and fair, and that no part of the same has been paid. If such oath is not satisfactory to the Comptroller, he may require, and is hereby authorized to require, such additional proof as to the justness of such claim, by sworn affidavit, as he may deem reasonable and proper; nor shall the Comptroller draw his warrant on the Treasurer for any of the amounts specified in this act, or any part of the same, unless the proof is to his satisfaction, under this section, that the same are legal and authorized by law; *provided*, this section shall not apply to the appropriation for the payment of clerks, sheriffs, and district attorneys, mentioned in this act."

The amendments offered by the committee were adopted.

Mr. Russell in the chair.

Mr. Prendergast moved to indefinitely postpone the further consideration of the bill. Lost by the following vote:

Yeas—Messrs. Allison, Broaddus, Brown of Upshur, Cunningham, Denton, Gillette, Harrison, Hester, Joseph, Kemble, Killough, Lane, Leyendecker, Manning, McDonald, Mills, Nelson, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Salter, Shaw, Smith of Colorado, Smith, of Houston, Storey, Thurmond, Tivy, Tom and Watts—32.

Nays—Messrs. Speaker, Adriance, Anderson, Armstrong, Berends, Booty, Brown of Dallas, Chambers, Eastland, Ford, Gallaway, Gaston, Gilpin, Green, Hollingsworth, Kleberg, Mabry, Moore, Morris, Noeggerath, Payne, Phelps, Powers, Roberts, Sabin, Sayers, Short, Stockbridge, Tilson, Venters, Washington, Westfall, Wilder, Winkler and Wood—35.

On motion of Mr. Wood, the amendment offered by himself to the bill on the twenty-seventh instant, and adopted, was stricken out.

The bill then passed to third reading.

The Committee on Engrossed Bills submitted the following reports:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills have carefully examined the following bill :

No. 952, "An act for the protection of the farming interests of a certain portion of Cooke county."

And find the same correctly engrossed.

BOOTY, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills beg leave to report that they have carefully examined the following House bill :

No. 793, to be entitled "An act for the relief of the heirs of Frederick Rowe, deceased."

And find the same correctly engrossed.

STOREY, for Committee.

A message from the Senate announced that that body adhered to its amendments to House bill No. 441, making appropriations for the support of the State government, and had appointed Senators Sayers, Shelley and Henry a conference committee upon the same, with request for a like committee on the part of the House.

The following privileged report was submitted :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Select Committee on Pensions, to whom was referred Senate bill No. 281, have had the same under consideration, and instruct me to report the accompanying substitute, and recommend its passage.

WATTS, for Committee.

The substitute offered by the committee, "An act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico," was read and adopted.

Mr. Cook offered as a substitute, a bill granting pensions to the veterans of the revolution which separated Texas from Mexico, and the Mier and Santa Fé prisoners, and providing for the payment thereof."

Pending the discussion, the Speaker announced the Senate message refusing to recede from its amendments to House bill No. 441, "An act making appropriations for the support of the State government for the fiscal year beginning September 1, 1872, and ending August

31, 1873, and for deficiencies for the years 1870, 1871 and 1872," and asking the appointment of a conference committee thereon on the part of the House.

Under instructions from the House, the Speaker appointed Messrs. Morris, Prendergast and Kleberg said committee.

Resuming the discussion, Mr. Kleberg moved to make both bill and substitute special order for to-morrow at 11 A. M., and that one hundred copies be printed. The House refused.

Mr. Tom moved to lay the bill and substitute on the table.

On motion of Mr. Prendergast, the House adjourned until 3 P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

Absent—Messrs. Armstrong, Bewley, Booty, Cook, Day, Ellett, Gallaway, Green, Harrison, Kleberg, Morris, Nelson, Prendergast, Salter, Sayers, Smith and Short.

On motion of Mr. Joseph, House bill No. 291, "An act to incorporate the Gulf, Colorado, and Santa Fé Railway Company," was taken up, and the Senate amendments thereto were read and concurred in.

On motion of Mr. Kemble, the following report was submitted:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your special committee, raised by the House, to whom was referred Senate bill No. 369, "An act to ascertain the amounts due the teachers of the public free schools of this State, prior to the first day of March, A. D. 1873, and to provide for the payment of the same," beg leave to report the same back to the House, with the accompanying amendments, and recommend that the same do pass.

J. W. KEMBLE,
ED. CHAMBERS,
J. S. MILLS.

Amendments to Senate bill No. 369:

1. Section five, amend by adding after the word "respectively," in line five, "taking into the account all

moneys heretofore paid to the several counties of this State, or to individuals of any of the counties of this State, out of any of the available school fund, under an act entitled 'An act to establish a system of public free schools for the State of Texas,' approved August 13, 1870, without reference to the fund that may have accrued from the one per cent. tax, known as the school house tax; and upon the estimate so made by the Comptroller, the appropriation herein provided for shall be distributed *pro rata* among the several counties according to scholastic population, so that each county may receive its *pro rata* share of the school fund from the passage of said act, in the distribution of this appropriation."

2. Section six, after the word "conviction," line three from the end of section six, insert, "before any court of competent jurisdiction;" and add at the end of same section, "and may be removed from office at the option of the court trying the same."

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

On motion of Mr. Hollingsworth, the rules were suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Berends, Bledsoe, Booty, Bordeaux, Broadus, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Davenport, Day, Eastland, Ford, Gaston, Gillette, Green, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Lane, Leyendecker, Manning, McDonald, Mills, Moore, Nelson, Noeggerath, Payne, Phelps, Powers, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Sayers, Shaw, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Washington, Westfall, Wilder, Williams and Winkler—61

Nays—None.

The conference committee on House bill No. 453, "An act regulating taxation," submitted the following report, which was adopted:

Hon. E. B. Pickett, President of the Senate, and Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIRS: Your committee of free conference, to whom

was referred the matters of difference between the two houses on House bill No. 453, entitled "An act regulating taxation," have carefully considered the same, and we are instructed to report as follows :

1. The House concurs in the Senate's first amendment to section one.

2. Substitute Senate's second amendment to section one as follows: Also add to section one the following: "*Provided*, that the tax herein levied shall include all special assessments required by any law now in force, to be made by the Comptroller, to provide for the payment of interest and sinking fund on bonds authorized to be issued by the State of Texas, under any previous law; and the Comptroller is hereby required to set apart a sufficient per centage of the tax herein provided to be assessed and collected, to cover all the said interest and sinking fund, and shall make his deposit warrants specifying the same; *provided*, the interest and two per cent. sinking fund on principal provided for in this act, on bonds issued under the provisions of the following acts, and no others, to-wit: 'An act to provide for the issuance and sale of the bonds of the State, for the purpose of meeting the appropriation made for maintaining ranging companies on the frontier,' approved August 5, 1870; 'An act to provide for the payment of the public debt of the State of Texas,' approved May 2, 1871; 'An act to authorize the Governor to prepare and issue bonds to an amount sufficient to meet any deficiencies in receipts of the revenue for the years 1871 and 1872, and also providing for the payment of said bonds and interest thereon,' approved May 19, 1871, except forty-three bonds issued under this act, declared by the Governor to be fraudulently obtained and held; 'An act to ascertain the amount of and adjusting and funding the State debt, and to state any and all accounts between the State and individuals,' approved November 9, 1866; such bonds and certificates validated and ascertained under this act as were validated under the afore recited act, May 2, 1871, and such other bonds as may be authorized to be issued or sold by any act of the present Legislature."

3. Amend Senate amendment to section three by striking out the words "three hundred" and inserting the words "two hundred"; also, amend Senate amendment to section three by striking out the word "fifty," in lines

nine and ten of the Senate printed bill, and inserting the words "one hundred," so that the section will read, "in quantities over one quart, and less than ten gallons, one hundred dollars."

Your committee further recommend that the House concur in Senate amendment to section three, lines eighteen and nineteen of the Senate printed bill.

That the Senate recede from its amendment to section three, lines one hundred and eighty-four and one hundred and eighty-seven inclusive; and your committee recommend that the words "two dollars and fifty cents," in line one hundred and eighty-six, printed bill, be stricken out, and the words "one dollar" be inserted.

That the House concur in Senate amendment to section three, line twenty-four, inserting after the word "dollars" the words "from every skating rink used for profit, ten dollars."

That the House concur in the Senate's fifth amendment to section three.

That the House concur in Senate's sixth amendment to section three.

Your committee recommend substitute for Senate's seventh amendment to section three by striking out the words "five hundred" in lines one hundred and forty-one and one hundred and forty-two, printed bill, and inserting the word "ten."

That the House concur in Senate's eighth amendment to section three.

That the Senate recede from its amendment to section eight.

Your committee recommend additional amendments to House bill by inserting after the word "rings" and before the word "provided" in line seventy, printed bill, the words "wharves, wharf privileges and ship yards; and the enumeration herein shall not be so construed as to exclude any other property having an ascertainable value, and which is not specially exempted herein; *provided*, notes and accounts shall not be included herein except as specially provided in the previous sections of this act."

N. G. SHELLEY,
Chairman Senate Committee,
W. D. WOOD,
Chairman House Committee.

On motion of Mr. Smith of Colorado, the following report was submitted :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Judiciary Committee No. 1, to whom was referred Senate bill No. 51, entitled "An act for the relief of securities upon official bonds," have had the same under consideration, and instruct me to report the bill back with recommendation that it do pass.

SMITH, Chairman.

The bill was read second time.

Mr. Kemble offered the following amendment: Amend so as to allow the same benefits to sureties on large notes for one thousand dollars or upwards.

Mr. Watts moved the previous question, which was seconded and the main question ordered.

The House refused to adopt the amendment.

The bill then passed to third reading.

On motion of Mr. Hollingsworth, the rules were suspended, the bill read third time and passed by the following vote :

Yeas—Messrs. Speaker, Abbott, Adriance, Anderson, Berends, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Eastland, Ford, Gallaway, Gillette, Green, Harrison, Hoffman, Hollingsworth, Kemble, Killough, Lane, Leyendecker, Manning, Moore, Nelson, Noeggerath, Payne, Powers, Rainey, Robb, Rosborough, Shaw, Short, Smith of Colorado, Stockbridge, Thurmond, Venters, Washington, Watts, Williams, Winkler and Wood—48.

Nays—Messrs. Armstrong, Denton, Gaston, Hester, Ireland, Joseph, McDonald, Phelps, Rimes, Roberts, Russell, Sabin, Sayers, Smith of Houston, Storey, Tilson, Tivy, Tom, Westfall and Wilder—18.

The unfinished business of yesterday, House bill No. 397, An act supplementary to an act entitled an act in relation to the Missouri, Kansas and Texas Railway Company, late Union Pacific Railway Company, southern branch, passed August 2, 1870," was resumed, pending the report of the special committee upon the bill.

Mr. Anderson moved to lay the report on the table.

Mr. Denton moved a call of the House, which was sustained.

Absent—Messrs. Allison, Bewley, Cook, Day, Ellett, Salter, Schmidt, Smith of Colorado and Washington.

On motion of Mr. Russell, the call was suspended.

The House refused to table by the following vote :

Yeas—Messrs. Speaker, Adriance, Anderson, Berends, Carroll, Davenport, Gallaway, Harrison, Hoffman, Hollingsworth, Joseph, McDonald, Mills, Moore, Phelps, Robb, Roberts, Rosborough, Sabin, Shaw, Short, Smith of Houston, Stockbridge, Thurmond, Tivy, Tom, Washington, Westfall, Wilder and Williams—30.

Nays—Messrs. Abbott, Allison, Armstrong, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Day, Denton, Eastland, Ford, Gaston, Gilpin, Green, Hester, Ireland, Kemble, Killough, Lane, Leyendecker, Manning, Nelson, Noeggerath, Payne, Powers, Rainey, Rimes, Russell, Sayers, Smith of Colorado, Storey, Tilson, Venters, Watts, Winkler and Wood—40.

Mr. Gilpin moved the previous question, which was seconded, and the main question ordered.

The report of the committee rejecting the bill was then adopted by the following vote :

Yeas—Messrs. Abbott, Allison, Armstrong, Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Day, Denton, Eastland, Ford, Gaston, Hester, Hollingsworth, Ireland, Kemble, Killough, Lane, Leyendecker, Manning, Nelson, Payne, Powers, Rainey, Rimes, Russell, Sabin, Smith of Colorado, Storey, Tilson, Tivy, Tom, Venters, Watts, Westfall and Wood—42.

Nays—Messrs. Speaker, Adriance, Anderson, Berends, Gilpin, Green, Hoffman, Joseph, McDonald, Mills, Moore, Noeggerath, Phelps, Robb, Roberts, Rosborough, Shaw, Short, Smith of Houston, Stockbridge, Thurmond, Washington, Wilder and Williams—24.

A message from the Senate announced the passage by that body of the following House bills :

No. 223, "An act for the relief of A. T. Watts."

No. 203, "An act to establish a ferry across the Trinity river at Prewitt's old mill."

No. 94, "An act for the relief of the heirs of George W. Miller, deceased."

No. 114, "An act to amend the first section of an act entitled an act to provide for the creating of two counties

out of the territory now embraced within the limits of Refugio county, and to provide for their organization," passed September 18, 1871.

No. 364, "An act to validate the quadruplicate certificate for one league and labor, issued April 4, 1872, to the heirs of Naham Mixon, deceased."

No. 383, "An act to incorporate the Beaumont, Corsicana and Fort Worth Railroad Company."

No. 386, "An act to validate a certain land certificate therein named."

No. 470, "An act to compensate Aaron S. Mangum for services rendered as a soldier in the army of the Republic of Texas."

No. 570, "An act to create the county of Wegefath."

No. 631, "An act to authorize the County Court of Brazos county to levy and collect a special tax of one-fourth of one per cent. to complete the court house and make secure the jail in said county."

No. 637, "An act to authorize the County Court of Victoria county to levy a special tax to repair the jail in said county."

No. 770, "An act to amend an act to incorporate the city of Brenham, and to grant a new charter to said city, approved February 4, 1873."

No. 876, "An act to incorporate the Navasota Real Estate and Building Association."

No. 897, "An act to authorize C. H. Randolph, W. A. Pitts and Jno. O. Johnson to compile an abstract of titled and patented lands."

No. 930, "An act to amend an act entitled an act to provide for districting the State of Texas into judicial districts, approved July 2, 1870."

No. 931, "An act supplemental to an act entitled an act to amend the twenty-second section of an act entitled an act prescribing the times of holding the District Courts in the several judicial districts in the State, approved February 6, 1871."

No. 955, "An act to prohibit the sale or disposition of spirituous or other intoxicating liquors within three miles of the town of Rancho, Gonzales county."

No. 131, "An act for the relief of Obadiah Marsh."

No. 826, "An act to validate a bounty land warrant issued to the heirs of Wm. Fisbaugh, deceased."

No. 859, "An act entitled an act to prohibit the sale

and giving away of intoxicating liquors within three miles of Prairie Grove church and seminary of learning, situated in Hill county, and Evergreen, in Washington county, Texas."

No. 905, "An act to incorporate the Greenville, Boham and Oklahoma Railroad Company."

Senate bill No. 366, "An act to incorporate the town of Elgin, in Bastrop county, Texas."

Report from the Committee on Enrolled Bills:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined the following bills, to-wit:

No. 775, "An act amendatory of and supplemental to an act entitled an act to incorporate the Texas Timber and Prairie Railroad Company, approved August 15, 1870."

No. 803, "An act to incorporate the town of Honey Grove, in the county of Fannin."

No. 867, "An act to levy a special tax in the county of Angelina for the purpose of building a court house and jail."

No. 906, "An act to incorporate the Brazos Santiago and Rio Grande Canal Company,"

And find the same correctly enrolled, and have this the twenty-ninth day of May, at 11 o'clock A. M., presented them to the Governor for his approval.

W. A. SHAW, Chairman.

On motion of Mr. Sayers, House bill No. 234, "An act to encourage stock raising, and for the protection of stock raisers," was taken up. The House refused to concur in the Senate amendments to the bill.

Mr. Westfall called up Senate bill No. 66, upon which the following report was submitted:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 66, entitled "An act to dedicate to the use of Travis county certain land in the city of Austin on which to erect a court house and jail, and to enable the county to build the same," have considered the same, and instruct me to report it back with the recommendation that it do pass.

M. E. KLEBERG, for Committee.

Mr. Booty moved to indefinitely postpone the bill.

Mr. Gilpin moved the previous question, which was seconded, and the main question ordered.

The House refused to postpone by the following vote :

Yeas—Messrs. Allison, Armstrong, Berends, Booty, Cook, Denton, Gaston, Harrison, Kemble, Killough, Kleberg, Manning, Mills, Moore, Morris, Nelson, Powers, Rimes, Robb, Roberts, Shaw, Short, Smith of Colorado, Smith of Houston, Venters—25.

Nays—Messrs. Adriance, Anderson, Bewley, Bledsoe, Bordeaux, Broadus, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Eastland, Ford, Gilpin, Hoffman, Hollingsworth, Ireland, Joseph, Lane, McDonald, Noeggerath, Payne, Phelps, Rosborough, Russell, Sabin, Sayers, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—41.

Mr. Sabin offered the following amendment, which was adopted : “*Provided*, that this lease shall revert to the State, in case the county of Travis shall fail to keep up and maintain a jail cleanly and comfortable for prisoners, and adequately provided against the inclemency of the weather.”

Mr. Ireland offered the following amendment, which was adopted : “*Provided*, said bonds shall not be issued, nor shall said taxes be levied or collected, unless a majority of all the registered voters in Travis county shall, at an election to be held for that purpose, vote in favor of said bonds and taxation ; said vote to be submitted to the voters of said county by the County Court of Travis county.”

Mr. Sayers offered the following amendment, which was adopted : “*Provided*, said buildings shall be erected within five years from the passage of this act, or this lease shall be void.”

Mr. Smith of Colorado offered the following amendment, which was adopted : Amend by striking out of section one the words “during the session of the Legislature.”

Mr. Smith of Colorado moved to amend by inserting after the words “court house and jail,” in section one, line nine, “of not less value than \$90,000.” Adopted.

Mr. Denton moved to amend by inserting in line seventeen, section one, after the words “court house” “not less than five.” Adopted.

Mr. Winkler moved to amend by striking out of the bill all relating to a jail. Lost.

Mr. Cook offered the following amendment: "*Provided further*, that any county in this State, requiring land for public buildings, shall have the right to select and condemn any public land in their respective counties, not exceeding twenty thousand dollars in value, and use and enjoy the same for the period of sixty years." Lost.

Mr. Cook offered the following amendment: "*Be it further enacted*, that in order to place the other counties of this State upon an equal footing, the State hereby releases to the counties, respectively, such portion of the taxes due the State annually, as shall equal the yearly rental value of the property leased by this act, to continue for sixty years; such yearly rental to be assessed by the Governor, Comptroller and State Treasurer each year, and certified to by the Comptroller, who shall enter the same to the credit of the counties respectively."

Mr. Payne moved the previous question, which was seconded, and the main question ordered.

The House refused to adopt the amendment.

The bill then passed to third reading.

Mr. Hollingsworth moved to suspend the rules and put the bill on third reading. The House refused.

Leave being granted, Mr. Sayers introduced a bill to prescribe the time of holding the next regular session of the Legislature. Read first time, and referred to the following select committee: Ireland, chairman, Harrison, Davenport, Allison and Sayers.

A message from the Senate announced the passage by that body of the following House bills:

No. 663, "An act to provide for the protection of life and property in certain counties in this State," with amendments by the Senate.

No. 182, "An act to authorize the Police Court of Leon county to levy a special tax to build a jail, and for other improvements."

Also that the Senate had reconsidered House bill No. 902, "An act to amend section one of an act entitled an act to amend the thirty-fourth and thirty-sixth sections of an act entitled an act prescribing the times of holding the District Courts in the several judicial districts in the State, approved August 10, 1870, approved

February 6, 1871," after which the bill was amended and passed.

Also the passage of the following Senate bills :

No. 245, "An act to authorize the sale of portions of the public domain."

No. 210, "An act to change the line between the counties of Burnet and Lampasas."

No. 340, bill supplementary to and amendatory of "An act to incorporate the city of Jefferson, in Marion county, and to repeal all laws heretofore passed incorporating said city, or amendatory thereof," approved April 15, 1873.

Mr. Harrison moved to suspend the rules and take up Senate joint resolution No. 41, proposing amendments to the Constitution. The House refused.

Mr. Rosborough called up Senate bill No. 244, "An act to incorporate the Austin and Short Line Railroad Company."

The special railway committee offered the following amendments to the bill, which were adopted :

1. Section one, line fourteen, after the word "for," strike out "ninety-nine" and insert "sixty."

2. Add to section two: "And the organization of said company shall be completed within eight months after the passage of this act."

3. Add to section four: "And shall complete and put in running order twenty miles of said road within one year thereafter, and twenty-five miles each succeeding year until said line of road shall be completed; and on failure to do so, said company shall forfeit all benefits under this charter, except upon completed road."

4. Add to section five: "And said company shall alienate their said lands, acquired under the provisions of this act (except so much thereof as may be necessary for the uses and successful operation of their said road) as follows: one-fourth in eight years, one-fourth in twelve years, one-fourth in sixteen years and one-fourth in twenty years from the passage of this charter; *provided*, said company shall not alienate or sell said lands to any other corporation, nor to any person, or firm, in trust for said company, nor to any firm or corporation of which any officer or stockholder of said company is a member. And on failure to comply with the provisions of this section, or on violation of the same, said company shall for-

feit all benefits under this charter; *provided further*, that the State shall in no case be liable for a deficiency of public domain, and no land certificate issued under the provisions of this act, which may not be located because of the previous exhaustion of the public domain, shall ever constitute any claim against the State."

5. Add the following: "SEC. 6. That said company shall not sell, rent or lease their said road to or consolidate the same with any competing, parallel or converging line of road, nor purchase, rent or lease any such competing, parallel or converging line of road, under penalty of a forfeiture of this charter. And said company shall be subject to all general laws now in force or that may hereafter be enacted in this State regulating railroads and railroad companies, both as to the rates of freight and passage, as well as to the conduct of its officers and employés."

6. Change section six of the bill to section seven.

On motion of Mr. Westfall, the reading of the bill was dispensed with, and the bill passed to third reading.

On motion of Mr. Watts, the rules were suspended, the bill read third time by caption and passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Bewley, Bledsoe, Booty, Broadus, Brown of Dallas, Carroll, Cook, Cunningham, Davenport, Day, Eastland, Ford, Gallaway, Gaston, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Manning, McDonald, Noeggerath, Payne, Phelps, Powers, Prendergast, Robb, Roberts, Rosborough, Sabin, Sayers, Shaw, Short, Smith of Colorado, Storey, Stockbridge, Thurmond, Tivy, Tom, Washington, Watts, Westfall, Williams, Winkler and Wood—54.

Nays—Messrs. Chambers, Kemble, Mills, Moore, Nelson, Smith of Houston and Wilder—7.

Report from Committee on Engrossed Bills:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined the following bill:

No. 542, "An act to incorporate the Ledbetter and La Grange Railway Company."

And find the same correctly engrossed.

BOOTY, Chairman.

On motion of Mr. Phelps, the House adjourned till 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, May 30, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

Absent—Abbott, Brown of Dallas, Cook, Ellett, Galloway, Ireland, Killough, Morris, Sayers and Smith of Houston.

On motion of Mr. Lane, the reading of the journal was dispensed with.

Mr. Thurmond presented a petition of citizens of Refugio county against the fence law. Referred to the Committee on Agriculture and Stock Raising.

A message from the Senate announced that a motion was pending in that body to reconsider the vote passing House bill No. 291, "An act to incorporate the Gulf, Colorado and Santa Fé Railway Company."

Mr. Booty introduced a bill to authorize the employment of special bailiffs to serve grand juries. Read first time.

Mr. Powers moved to amend so as to vest the appointing power in the judge.

On motion of Mr. Payne, the bill and amendment were laid on the table.

Mr. Rimes introduced a bill to amend sections one, three and thirteen of "An act to provide for the public printing," approved February 17, 1873. Read first time; rules suspended and read second time.

Mr. Brown of Dallas moved to refer the bill to the Committee on Printing and Contingent Expenses, which was carried.

Mr. Armstrong presented the following protest, which was read and ordered to be spread on the journals:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The undersigned, being one of the committee of conference, to whom was referred House bill No. 453, entitled "An act regulating taxation," with the amendment made thereto by the Senate, increasing & double

the amount of the *ad valorem* tax over what the House bill provides, objects to the report of said committee accepting said amendment, and protests against its adoption by the House. Said amendment fixes upon the country an unnecessary and excessive tax, and is little if any reduction of said tax heretofore imposed.

JAMES ARMSTRONG.

Mr. Broaddus introduced a bill to allow the Superintendent of Public Instruction an additional clerk on and after the first day of September, 1873. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Brown of Upshur, the rules were further suspended, the bill read third time and passed.

Mr. Sabin introduced a bill to define malfeasance in office, in certain cases, by sheriffs to prisoners, and defining such cruelty. Read first time; rules suspended and read second time.

Mr. Ireland moved to amend the first section by inserting after the word "practicable," the words "or necessary," which was adopted.

Mr. Booty moved to amend by adding: "*Provided*, that the County Court shall furnish the sheriff with the means of furnishing such necessaries."

Mr. Powers moved to refer the bill and amendment to Judiciary Committee No. 1, with instructions to report a general bill upon malfeasance in office. The House refused to refer.

The House then adopted the amendment

Mr. Smith of Colorado offered the following amendment, to take the place of the caption, and to become section one of the bill:

"A bill, to be entitled an act to amend article three hundred and fifty of an act to adopt and establish a penal code for the State of Texas, approved twenty-eighth August, 1856.

"SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That article three hundred and fifty of 'An act to adopt and establish a penal code for the State of Texas,' be and the same is amended so as to read as follows: Article 350. Any and every person holding an office of profit or trust under this State, or its authority, who shall under color of his office do and perform an act he has no right to do or perform, or who shall in the performance of an act which might lawfully be done, do and perform

the same in an improper and unjust manner, by which any other person or persons may be injured or damaged, or who shall fail or neglect to do and perform any act or acts required by a constitutional law to be done and performed as such officer, shall be deemed guilty of the offense of malfeasance in office, and on conviction by indictment on information, shall be fined in the sum not exceeding five hundred dollars and removed from office by suitable order or decree made for that purpose by the court, and shall be liable in a civil action to any party injured or damaged."

Mr. Anderson moved to lay the amendment on the table. Lost.

Mr. Payne moved the previous question, which was seconded and the main question ordered.

The amendment was then adopted and the bill ordered engrossed.

On motion of Mr. Powers, the rules were suspended and the bill read third time.

Mr. Bordeaux moved to amend by inserting after the word "shall" in line four of section two, and also after "shall" in line eight, the words "knowingly and willfully." Lost.

The bill then passed.

Mr. Sabin introduced a bill to pay sheriffs for furnishing blankets, musquito bars and fuel to prisoners, and for cleaning and purifying the jails. Read first time; rules suspended and read second time.

Mr. Smith, of Colorado, moved to strike out the words "district judge," in line twelve, section one, and insert in lieu thereof "County Court." Adopted.

The bill was then ordered to be engrossed.

On motion of Mr. Sayers, the rules were suspended, the bill read third time and passed.

The special committee upon House bill No. 441, submitted the following report, which was read and adopted:

Hon. E. B. Pickett, President of the Senate, and Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIRS: Your committee to whom was referred House bill No. 441, entitled "An act making appropriations for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for deficiencies for 1870, 1871 and 1872," to-

gether with Senate substitute bill No. 441, entitled "An act making appropriations for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for the fiscal year beginning September 1, 1873 and ending August 31, 1874," have carefully examined both bills, and recommend the adoption of the Senate substitute bill instead of the House bill, with the accompanying amendments to said Senate bill.

JOS. D. SAYERS,
Chairman Senate Committee.
W. W. MORRIS,
Chairman House Committee.

1. In the appropriation for the Adjutant General's department, line twenty-three of page . . . , strike out "800," and insert "500;" in line twenty-four of same page, strike out "700" and insert "400;" in line twenty-eight of same page, strike out "two" and insert "one;" in line twenty-nine of same page, strike out "clerks at \$1500 each, \$3000," and insert "clerk at \$1800;" in vacancy in line thirty of same page insert "\$600."

2. In the appropriation for the school department, in line twelve, of page . . . , strike out the words "for postage and traveling expenses, \$1800;" in line seventeen, of same page strike out "at \$. . . ;" in lines nineteen and twenty of same page, strike out the words and figures "payment of inspectors to May 30, 1873, \$15,000."

3. In appropriation for Lunatic Asylum, at the end of line one of page . . . , add the words "and freights;" in line three of same page strike out "\$4000" and insert "\$2000;" in line five of same page strike out "for live stock \$700;" in line six of same page strike out "\$760" and insert "\$300;" in line seven of same page strike out "\$2000" and insert "\$1000;" in line eighteen of same page, strike out "one carpenter, \$480;" in line nineteen of same page, strike out "For one mason, \$480;" in line twenty of same page, strike out "For one gardener, \$300;" in line twenty-two of same page, strike out "three farm hands at \$240 each, \$720," and insert "two farm hands at \$240 each, \$480;" in line twenty-four of same page, strike out "\$250" and insert "\$500;" in lines twenty-four and twenty-five of same page, strike out "For drayage and freights, \$640;" in line twenty-nine of same page, strike out "\$58,200" and insert "\$52,150."

4. In appropriation for Deaf and Dumb Asylum, in line eighteen of page, strike out "\$20,000" and insert "\$15,000."

5. In appropriations for Judiciary Department, in lines twenty-seven and twenty-eight of page, strike out "For postage and contingent expenses, \$800;" in line twenty-nine of same page, strike out "\$400" and insert "\$300;" in line fifteen of second page of appropriation to same department, strike out \$400" and insert "\$300;" in lines twenty-four and twenty-five of same page, strike out "For furniture for Supreme Court room and clerk's office, \$5000."

6. In appropriation for Immigration Bureau, in lines twenty-nine and thirty of page . ., strike out, "For printing forty thousand maps of Texas, \$3000." In lines three and four of second page of same appropriation, strike out "newspaper articles and other publications in Texas, \$300." In line six of same page, strike out "1500," and insert, "1200." In lines seven and eight of same page, strike out, "salary of agent in Great Britain, \$2500."

7. In miscellaneous appropriation, in lines twenty-four, twenty-five and twenty-six of page . ., strike out "for services of attorneys in prosecuting the rights of the State to the Great Salt Lake, called the Sal del Rey, \$3000." In lines one and two of next page, strike out, "\$20,000. For ornamenting public grounds, \$10,000," and insert, "\$10,000, to be expended under the direction and supervision of the Commissioners of Public Buildings."

8. In appropriation for pensions, strike out all in lines one, two, three, four, five and six, of page . . .

9. Amend section two so as to read as follows: "SEC. 2. All printing provided for in this act shall be done by the Public Printer; and this act shall take effect and be in force from and after its passage."

Mr. Mills offered the following resolution, which was adopted:

Resolved, That a committee of three be appointed by the Speaker, to inquire into the sales heretofore made of the University lands, and what has become of the money for which said sales were made.

The Speaker appointed Messrs. Mills, Denton and Gilpin said committee.

Mr. Brown of Dallas introduced a bill to create county

offices and provide for filling the same. Read first time; rules suspended and read second time.

Mr. Smith of Colorado moved to amend by adding at the end of section two the following: "And such other bonds as may be prescribed by law." Adopted.

Mr. Wood moved to amend section one by striking out "two" before "years," and inserting in lieu thereof "four." The House refused to adopt the amendment.

Mr. Prendergast moved to amend by striking out "county treasurer" wherever it occurs in the bill. Lost.

Mr. Smith of Colorado offered the following amendment, which was adopted: "In case of a vacancy in either of the said offices before their term expires, by death or otherwise, then the County Court shall fill the same by appointment, for the residue of the unexpired term, the appointee being required to take the oath and give bond or bonds as herein prescribed for those who may be elected."

The bill was ordered engrossed.

On motion of Mr. Anderson, the rules were suspended and the bill read third time.

Mr. Nelson offered the following amendment: "*Provided*, the county surveyors and county treasurers elected at the last general election, shall hold their respective offices until the general election, 1875." Lost.

The bill then passed.

Mr. Westfall introduced a bill to prohibit the selling, bartering, giving away, or in any other manner disposing of, alcoholic, spirituous, or other intoxicating liquors of any kind, within certain limits. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Westfall, the rules were further suspended, the bill read third time and passed.

A message was received from the Senate informing the House that the Senate had passed bill No. 383, to effect a loan to meet deficiencies in the revenue, and that the Senate had adopted the report of the committee of conference on House bill No. 441, making appropriations for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for deficiencies for 1870, 1871 and 1872.

Senate passed House bill No. 542, "An act to incorporate the Ledbetter and La Grange Railway Company."

House bill No. 105, "An act for the relief of citizens of Limestone county," with amendment.

The Committee on Engrossed Bills submitted the following reports:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills have examined the following bills :

No. 962, "An act to transfer certain causes pending in the District Court of Kaufman county to the District Court of Rockwall county."

No. 513, "An act to authorize and empower the County Court of Milam county to levy and collect a special tax for the purpose of building a county jail."

No. 960, "An act to amend the sixth section of an act entitled an act to incorporate the town Ysleta, in El Paso county, approved May 9, 1871."

No. 887, "An act supplementary to and amendatory of an act supplementary to and amendatory of an act to regulate railroad companies, approved February 7, 1853, and an act approved December 19, 1857."

No. 653, "An act to incorporate the Lavaca County Tap Railway Company."

And find the same correctly engrossed.

BOOTY, Chairman.

Unfinished business, House bill No. 902, to amend section first of an act entitled "An act to amend the thirty-fourth and thirty-sixth sections of an act entitled an act prescribing the times of holding the District Courts in the several judicial districts in the State," approved August 10, 1870, approved February 6, 1871, was taken up.

On motion of Mr. Anderson, the reading of the Senate amendments thereto was dispensed with, and the House concurred therein.

House bill No. 877, "An act to authorize the County Court of Colorado county to levy a special tax for the erection of a county jail," was taken up, and the House concurred in the Senate amendments thereto.

House bill No. 837, "An act to incorporate the San Marcos, Guadalupe and Galveston Canal Company," was taken up, and the House concurred in the Senate amendments thereto.

Senate bill No. 380, an act to amend section ten of an act entitled "An act prescribing the times of holding the District Courts in the several judicial districts in the

State," approved August 10, 1870, was taken up, read first time; rules suspended, and read second time.

Mr. Nelson moved to refer the bill to the delegation from the Ninth Judicial District. The House refused to refer.

Mr. Russell moved to amend section first by inserting, "in Rains county two weeks." The House refused to adopt the amendment.

The bill then passed to third reading.

On motion of Mr. Gaston, the rules were suspended, the bill read third time and passed.

Senate bill No. 324, "An act to incorporate the Sabine and Santa Fé Central Railway Company, and to provide the aid of the State of Texas in constructing the same," was taken up, and referred to the special committee on railways."

Senate bill No. 383, to effect a loan to meet deficiencies in the revenue was taken up, upon which the following report was submitted:

To the Hon. E. B. Pickett, President of the Senate, and Hon. M. D. K. Taylor, Speaker of the House of Representatives:

GENTLEMEN: The joint committee appointed by the two houses to take into consideration the financial condition of the State, and report some measure by which to meet the deficiency in the revenue, have considered the same, and instruct us to report a bill to effect a loan of nine hundred thousand (\$900,000) dollars on the bonds heretofore issued; four hundred under act of August 5, 1870, and five hundred under act of December 2, 1871. These bonds have been issued and are now ready for sale. The bill provides for a settlement of the claim of Williams & Guion, amounting to about \$350,000, out of the first money that may be realized from the sale of said bonds, and the residue to be paid into the Treasury of the State to meet appropriations made for the support of the State Government, excepting claims and appropriations for the common schools which, are provided for by special legislation, etc.

The ten per cent. revenue bonds issued under act of May 19, 1871, are directed to be taken up from Williams & Guion, canceled and destroyed, for the reason that they will in a short time be due, and a sale of them will give the State but short relief.

We believe the amount that will be realized from the sale of said bonds will meet the wants of the treasury for this fiscal year, and therefore we recommend the passage of the bill here reported.

A. J. FOUNTAIN,
GEO. P. FINLAY,
JNO. L. HENRY,

For Committee of the Senate.

GEO. W. SMITH,
J. W. CARROLL,
W. W. MORRIS,

For Committee of the House.

The bill was read first time.

On motion of Mr. Broaddus, the rules were suspended, the bill read second time and passed to third reading.

On motion of Mr. Sayers, the rules were further suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Bewley, Bledsoe, Broaddus, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Eastland, Ford, Gaston, Gillette, Gilpin, Green, Harrison, Hester, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rimes, Robb, Rosborough, Sabin, Salter, Sayers, Schmidt, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Washington, Watts, Westfall, Wilder, Williams and Winkler—62.

Nays—Messrs. Cook and Russell—2.

House bill No. 105, "An act for the relief of certain citizens of Limestone and Walker counties," was taken up and the Senate amendments thereto concurred in.

Senate bill No. 340, "An act supplementary to and amendatory of an act to incorporate the city of Jefferson, in Marion county, and to repeal all laws heretofore passed incorporating said city or amendatory thereof, approved April 15, 1873."

Mr. Winkler in the chair.

On motion of Mr. Taylor the reading of the bill was dispensed with, and the bill read by caption and passed to second reading.

On motion of Mr. Westfall, the rules were suspended, the bill read second time and passed to third reading.

On motion of Mr. Brown of Dallas, the rules were further suspended, the bill read third time and passed.

Senate bill No. 366, "An act to incorporate the town of Elgin, in Bastrop county, Texas," was taken up.

On motion of Mr. Kleberg, the reading of the bill was dispensed with, and it passed to a second reading.

On motion of Mr. Killough, the rules were suspended, the bill read second time and passed to a third reading.

On motion of Mr. Brown of Dallas, the rules were further suspended, the bill read third time and passed.

Senate bill No. 370, "An act to provide for the payment of sheriffs for guards employed in conveying prisoners to the penitentiary of the State," was taken up and read first time.

On motion of Mr. Powers, the rules were suspended, the bill read second time and passed to a third reading.

On motion of Mr. Denton, the rules were further suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Berends, Bordeaux, Brown of Dallas, Chambers, Davenport, Day, Denton, Eastland, Ellett, Ford, Gaston, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Killough, Kleberg, Lane, Leyendecker, McDonald, Moore, Noeggerath, Phelps, Powers, Rainey, Rimes, Roberts, Sabin, Schmidt, Shaw, Smith of Houston, Storey, Tivy, Tom, Washington, Watts, Williams, Winkler—45.

Nays—Messrs. Armstrong, Bledsoe, Booty, Broaddus, Brown of Upshur, Cook, Cunningham, Joseph, Manning, Morris, Payne, Prendergast, Robb, Russell, Salter, Tilson, Westfall, Wilder, Wood—19.

The Speaker in the chair.

Mr. Payne moved to suspend the rules and take up House bill No. 609, "An act to authorize the Commissioner of the General Land Office to issue patents to certain persons therein named." The House refused.

Senate joint resolution No. 45, "Joint resolution for the relief of Mrs. Belle Murray," was taken up, read first time; rules suspended and read second time.

On motion of Mr. Hollingsworth, the rules were further suspended, the joint resolution read third time and passed by the following vote:

Yeas—Messrs. Adriance, Anderson, Berends, Bewley, Bordeaux, Broaddus, Brown of Upshur, Carroll, Cham-

bers, Cook, Cunningham, Day, Denton, Eastland, Ellett, Ford, Gilpin, Hester, Hollingsworth, Joseph, Killough, Kleberg, Leyendecker, Manning, Mills, Moore, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Roberts, Sabin, Salter, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tivy, Washington, Watts, Williams and Winkler—47.

Nays—Messrs. Speaker, Allison, Armstrong, Bledsoe, Booty, Gaston, Gillette, Harrison, Ireland, Kemble, Lane, McDonald, Morris, Robb, Rosborough, Russell, Sayers, Shaw, Tilson, Tom, Westfall, Wilder and Wood—23.

Mr. Killough moved to suspend the rules and take up Senate bill No. 275, "An act to create the county of Green." The House refused.

On motion of Mr. Storey, the Senate resolution providing for a *sine die* adjournment of the Legislature on May 26, was taken up, pending an amendment to strike out May 26 and insert in lieu thereof June 2, and an amendment to the amendment to strike out June 2 and insert in lieu thereof June 4.

Mr. Kleberg moved the previous question, which was seconded, and the main question ordered.

The House adopted the amendment to the amendment, providing for adjournment Wednesday, June 4, 12 M., by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Bewley, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Denton, Eastland, Ellett, Ford, Gallaway, Gaston, Gillette, Green, Harrison, Hester, Hollingsworth, Ireland, Kemble, Kleberg, Lane, Leyendecker, McDonald, Moore, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Roberts, Sayers, Short, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Tivy, Tom, Watts, Westfall, Williams and Wood—51.

Nays—Messrs. Abbott, Berends, Bledsoe, Cook, Cunningham, Davenport, Day, Gilpin, Hoffman, Joseph, Killough, Manning, Mills, Morris, Phelps, Robb, Rosborough, Russell, Sabin, Salter, Schmidt, Shaw, Thurmond, Tilson, Washington, Wilder and Winkler—27.

The House then adopted the resolution by the following vote:

Yeas—Messrs. Speaker, Allison, Anderson, Armstrong, Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of

Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Eastland, Ford, Gallaway, Gaston, Gillette, Green, Harrison, Hester, Hollingsworth, Ireland, Kemble, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Mills, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Salter, Sayers, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Tilson, Tivy, Tom, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—66.

Nays—Messrs. Abbott, Adriance, Berends, Cook, Gilpin, Hoffman, Joseph, Powers, Sabin, Schmidt and Thurmond—11.

A message was received from the Senate informing the House that the Senate had passed the following bills originating in the House, viz :

No. 104, "An act to amend section four of an act to incorporate Paine Female Institute, approved August 6, 1856."

No. 396, "An act granting H. M. Matthis, principal, L. D. De Lyon, Miss Mollie E. Beaver, Miss Fannie Bradford and Miss Nannie Hughes, assistant teachers of the Dangerfield High School, Dangerfield, Titus county, the privilege of granting diplomas to students who complete the course of studies established by the principal and faculty of the institution."

No. 104, "Joint resolution in relation to the printing of railroad charters."

No. 547, "An act to incorporate Davilla Institute, in Milam county."

No. 711, "An act to amend the thirty-sixth section of an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved August 13, 1870."

No. 824, "An act requiring the Commissioner of the General Land Office to furnish the surveyor's office of Hays county with a transcript of the records of said office."

No. 871, "An act to amend section ten of an act amendatory of and supplemental to an act to incorporate the city of New Braunfels, approved January 7, 1869."

No. 901, "An act to incorporate the towns of Farmersville, Plano and Weston, in Collin county."

No. 941, "An act to appropriate five hundred and three dollars to pay second class certificate No. 2886 of the public debt of the Republic of Texas, issued to John R. Cunningham, September 1, 1851."

No. 944, "Joint resolution requiring County Courts to make settlements with sheriffs and treasurers of school boards."

No. 949, "An act to secure uniformity of courses and measurements of lines by surveyors," with amendments by the Senate.

Also, House bill No. 868, "An act to amend the first and fourth sections of an act to reduce into one and amend the several acts concerning executions, approved January 27, 1842," with amendments.

Also the following bills originating in the Senate :

No. 360, "An act to establish, organize and define the powers of the Criminal District Court in and for the cities of Dallas, McKinney and Sherman."

Joint resolution No. 38, "Joint resolution for the relief of John G. Todd, surviving captain of the navy of the Republic of Texas."

And that the Senate had laid on the table the motion to reconsider the vote passing House bill No. 291, "An act to incorporate the Gulf, Colorado and Santa Fe Railroad Company."

Also the passage of the following Senate bills:

No. 261, "An act to prevent the sale or gift of spirituous or intoxicating liquors within three miles of Palo Alto Institute, in Bell county."

No. 318, "An act for the relief of Richard S. Walker."

No. 312, "An act for the relief of G. Hoffman."

No. 225, "An act to amend the twenty-second section of an act entitled an act to consolidate in one act and amend the several acts incorporating the town of Rusk, in Cherokee county."

Also, that the Senate had passed House bill No. 914, "An act authorizing and requiring the issuance of certificates to certain persons therein named," with amendments by the Senate; and that the Senate had concurred in the House amendments to Senate bill No. 244, "An act to incorporate the Austin and Short Line Railway Company;" and had passed House bill No. 668, "An act amendatory of and supplemental to an act entitled an act to incorporate the Galveston and Eastern Texas Railway Company, approved December 1, 1871."

Mr. Bewley moved to adjourn. The House refused.

Mr. Sayers moved to reconsider the vote adopting the resolution, and to lay that motion on the table.

On motion of Mr. Payne, the House adjourned until 3 P. M., by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Bewley, Booty, Brown of Dallas, Carroll, Cook, Cunningham, Eastland, Gillette, Gilpin, Green, Hester, Hoffman, Hollingsworth, Joseph, Lane, Leyendecker, McDonald, Nelson, Payne, Phelps, Powers, Prendergast, Roberts, Sabin, Schmidt, Short, Smith of Colorado, Smith of Houston, Stockbridge, Thurmond, Tivy, Tom, Winkler and Wood—39.

Nays—Messrs. Abbott, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Chambers, Davenport, Day, Denton, Ford, Gaston, Harrison, Ireland, Kemble, Killough, Kleberg, Manning, Mills, Moore, Morris, Noeggerath, Rainey, Rimes, Robb, Rosborough, Russell, Salter, Sayers, Shaw, Storey, Tilson, Washington, Watts, Westfall, Wilder and Williams—36.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called ; quorum present.

Absent—Messrs. Anderson, Bewley, Booty, Brown of Dallas, Ellett, Gilpin and Killough.

Leave being granted, Mr. Broaddus introduced a bill making an appropriation for the *per diem* pay of the members and the *per diem* pay of the officers and employés of the Thirteenth Legislature. Read first time ; rules suspended, read second time and ordered engrossed.

On motion of Mr. Broaddus, the rules were further suspended, the bill read third time and passed, by the following vote :

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Armstrong, Berends, Bledsoe, Broaddus, Brown of Upshur, Carroll, Chambers, Cook, Cunningham, Davenport, Day, Denton, Eastland, Ford, Gallaway, Gaston, Gillette, Gilpin, Green, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Kleberg, Lane, Leyendecker, Manning, McDonald, Mills, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb,

Roberts, Russell, Sabin, Salter, Schmidt, Smith of Colorado, Smith of Houston, Stockbridge, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall, Williams and Winkler—63.

Nays—Messrs. Bordeaux, Ireland, Rosborough, Sayers, Shaw, Storey, Washington and Wilder—8.

Leave being granted, on motion of Mr. Ireland, the special committee upon House bill No. 963 submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your select committee to whom was referred House bill No. 963, "An act to prescribe the time of the annual meetings of the Legislature," beg leave to report herewith a substitute, and ask its passage.

IRELAND, Chairman.

The substitute, of the same caption, was read and adopted.

Mr. Mills moved to amend by striking out the word "annually," after the word "April" in the bill, and inserting in lieu thereof "biennially."

On motion of Mr. Ireland, that motion was laid on the table.

The bill was then ordered engrossed.

On motion of Mr. Ireland, the rules were suspended, the bill read third time and passed.

The Committee on Enrolled Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined the following bills, to wit:

No. 386, "An act to validate a certain land certificate therein named."

No. 178, "An act to authorize the County Court of Navarro county to levy and cause to be collected a special tax, and to apply the same."

No. 907, "An act supplementary and amendatory to an act passed April 19, 1873, entitled an act to reorganize the town of Sherman, in Grayson county, Texas."

No. 760, "An act to authorize the holders of State warrants to surrender the same to the Treasurer, and receive State bonds for the same."

No. 94, "An act for the relief of the heirs of George W. Miller, deceased."

No. 931, "An act supplemental to an act to amend an act prescribing the times of holding the district courts in the several judicial districts, approved February 6, 1871."

No. 930, "An act to amend an act entitled an act to provide for districting the State of Texas into judicial districts, approved July 2, 1870."

No. 169, "An act incorporating the town of Willis, in Montgomery county, Texas."

No. 481, "An act to incorporate the Defiance Hook and Ladder Company No. 1, of the city of Jefferson, Texas."

No. 888, "An act to amend an act to provide for districting the State of Texas into judicial districts, approved July 1, A. D. 1870."

No. 947, "An act to locate the county seat of Trinity county."

No. 766, "An act to incorporate the Paris, Greenville and Cleburne Railway Company."

No. 291, "An act to incorporate the Gulf, Colorado and Santa Fé Railway Company."

And find them correctly enrolled, and have this thirtieth day of May, at 1 o'clock P. M., presented the same to his Excellency the Governor for his approval.

SHAW, Chairman.

On motion of Mr. Bordeaux, the rules were suspended and Senate bill No. 360, "An act to establish, organize and define the powers of the Criminal District Court in and for the cities of Dallas, McKinney, and Sherman," was taken up and referred to a special committee consisting of Messrs. Bordeaux, Brown of Dallas, and Chambers.

Mr. Davenport called up Senate bill No. 66, "An act to dedicate to the use of Travis county certain land in the city of Austin, on which to erect a court house and jail, and to enable said county to build the same." on its third reading.

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

Yeas—Messrs. Speaker, Abbott, Adriance, Bledsoe, Bordeaux, Broaddus, Carroll, Chambers, Cook, Cunningham, Davenport, Day, Eastland, Ford, Gillette, Gilpin, Green, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Lane, Leyendecker, Manning, McDonald, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt,

Smith of Colorado, Storey, Stockbridge, Thurmond, Tilson, Tivy, Washington, Watts, Westfall. Williams Winkler and Wood—51.

Nays—Messrs. Allison, Armstrong, Berends, Brown of Upshur, Denton, Gaston, Harrison, Killough, Kleberg Mills, Moore, Morris, Nelson, Rimes, Robb, Roberts sic Shaw, Short, Smith of Houston, Tom, Trolinger, Venter and Wilder—23.

On motion of Mr. Sabin, Senate bill No. 362, "An act to authorize the lessees of the State Penitentiary to delay the payment of certain amounts of money, to become due this State, until the expiration of their lease," was taken up and read third time.

The House refused to pass the bill by the following vote:

Yeas—Messrs. Speaker, Abbott, Adrijance, Allison, Booty, Eastland, Ellett, Gallaway, Green, Harrison, Hoffman, Hollingsworth, Joseph, Killough, Kleberg, Lan McDonald, Mills, Moore, Noeggerath, Phelps, Rime Robb, Roberts, Sabin, Schmidt, Short, Stockbridge, Trolinger, Washington, Watts and Williams—32.

Nays—Messrs. Berends, Bledsoe, Bordeaux, Broaddus Brown of Upshur, Brown of Dallas, Chambers, Cool Cunningham, Davenport, Day, Denton, Ford, Gaston Gilpin, Hester, Kemble, Leyendecker, Manning, Morris Nelson, Payne, Powers, Prendergast, Rainey, Rosborough, Russell, Salter, Sayers, Shaw, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom Westfall, Wilder, Winkler and Wood—41.

Mr. Noeggerath called up Senate bill No. 86, "An act supplementary to and amendatory of an act to provide for the establishment of the Agricultural and Mechanical College of Texas, approved April 17, 1871," which was read third time.

Mr. Broaddus moved to amend by striking out all of section three from the word "named", in line four, down to the end of the section, and inserting in lieu thereof: "That the Treasurer of the State is hereby directed to deliver to the commissioners hereinbefore named, forty thousand dollars of the State five per cent. one thousand dollar bonds, now in the Treasury to the credit of the State University fund and the said commissioners are hereby fully authorized to sell and dispose of said bonds, and transfer the same to the purchaser or purchasers, in writing, and the mone

arising from such sale the commissioners are to use in erecting all needed buildings for the use of the Agricultural and Mechanical College and University of Texas." Adopted.

Mr. Robb moved to amend by adding to the list of directors the following names: F. F. Foscue, S. W. Blunt, S. J. Adams and Thos. J. Brown. Adopted.

Mr. Harrison moved a call of the House. Not sustained.

The bill then passed by the following vote :

Yeas—Messrs. Speaker, Adriance, Berends, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Galloway, Green, Hoffman, Hollingsworth, Ireland, Joseph, Manning, Mills, Noeggerath, Payne, Phelps, Rainey, Russell, Sabin, Salter, Schmidt, Storey, Thurmond, Tivy, Tom, Trolinger, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—41.

Nays—Messrs. Allison, Anderson, Booty, Cook, Eastland, Ford, Gaston, Gillette, Harrison, Hester, Kemble, Killough, Kleberg, Lane, Leyendecker, McDonald, Moore, Morris, Nelson, Powers, Robb, Roberts, Rosborough, Sayers, Short, Smith of Houston, Tilson—27.

Mr. Schmidt moved to suspend the rules and take up Senate bill No. 151, "An act to incorporate the Mechanics' Real Estate and Building Association of Harris county." The House refused.

Mr. Berends called up Senate bill No. 149, "An act to amend an act entitled an act to incorporate the German Casino of Columbus, Texas," upon which the following report was submitted :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Town and City Corporations have carefully examined Senate bill No. 149, referred to them by the House, the object of which is to exempt the German Casino of Columbus from all occupation taxes. The committee are not fully informed as to the object of this institution, and therefore can not imagine why they should desire to secure such exemption, unless they propose to engage in the sale of liquors. If this be the object, and they propose only to sell native wine and home-made beer, they are now, under the law, exempt. If they seek this exemption because they propose to sell foreign

wines, whiskies, etc., the committee can see no valid reason why they should be exempted from tax. They therefore instruct me to report the bill back to the House with the recommendation that it do not pass.

WOOD, for Committee.

The House refused to adopt the report.

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

On motion of Mr. Brown of Dallas, the rules were suspended, the bill read third time and passed.

Mr. Hoffman called up House bill No. 796, "An act to amend an act to incorporate the Pecos Irrigation, Manufacturing and Live Stock Company, approved December 1, 1871," upon which the following report was submitted:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred House bill No. 796, have duly considered the same, and instruct me to report the bill back, with the following amendment, viz: Strike out in line two, section two, the word "twelve," and insert "eight," and recommend that it do pass.

THURMOND, Chairman.

The bill was read second time.

Mr. Harrison moved to strike out all that portion relating to a donation of land, which was carried.

Mr. Sayers moved to suspend the rules and put the bill on its third reading.

Mr. Prendergast moved a call of the House, which was sustained.

Absent—Messrs. Abbott, Armstrong, Ellett, Ford, Gillette, Hester, Leyendecker, Rainey and Tilson.

On motion of Mr. Thurmond, the call was suspended.

The rules were suspended and the bill read third time. The House refused to pass the bill.

On motion of Mr. Brown of Upshur, Mr. Gallaway was granted indefinite leave of absence on account of business.

Mr. Tivy called up House bill No. 938, "An act supplementary to and amendatory of act to incorporate the Indianola, San Antonio and El Paso Railway Company, passed April 3, 1871, and to grant lands in aid of the construction of the same." The special railway committee submitted the following amendments to the bill, which were adopted:

1. Add to section five the following: "And the lands hereby granted shall not be sold or conveyed to any other corporation except so far as may be necessary for the proper use and conducting the business of such corporation; nor to any person, firm or company in trust for said railroad company; or to any firm or company of which any officer or stockholder of said railroad company is a member."

2. Amend further by adding to section six the following: "And the State reserves the right to fix and regulate by general law the charges for freight and passage on said railroad."

The bill was read second time and ordered engrossed.

On motion of Mr. Tivy, the rules were suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Allison, Anderson, Berends, Bledsoe, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Cook, Cunningham, Davenport, Day, Eastland, Gaston, Gillette, Gilpin, Green, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Killough, Kleberg, Lane, Manning, McDonald, Moore, Morris, Nelson, Noeggrath, Payne, Phelps, Powers, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Shaw, Short, Smith of Colorado, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Washington, Watts, Westfall, Williams, Winkler and Wood—58.

Nays—Messrs. Leyendecker, Smith of Houston, Venters and Wilder—4.

Reports from Committee on Engrossed Bills:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined the following House bills, to-wit:

No. 968, "An act to pay sheriffs for furnishing blankets, musquito bars, and fuel to prisoners, and for cleaning and purifying the jails."

No. 970, "An act to prohibit the selling, bartering, giving away, or in any other manner disposing of alcoholic, spirituous, or other intoxicating liquors of any kind, within certain limits."

No. 965, "An act to amend sections one, three and thirteen, of an act entitled an act to provide for the public printing, approved February 17, 1873."

No. 967, "An act to define malfeasance in office in cer-

tain cases by sheriffs to prisoners, and defining such cruelty."

No. 864, "An act to amend article three hundred and fifty of an act to adopt and establish a penal code for the State of Texas, approved August 28, 1856."

BOOTY, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills have carefully examined the following bills:

No. 465, "An act to incorporate the West Texas Water Company."

No. 957, "An act to prohibit the sale or otherwise disposing of intoxicating liquors within a radius of three miles of Dougald McAlpin's East and West Academy, in Wallace's Prairie, in the county of Grimes, State of Texas."

No. 894, "An act to legalize the unconditional certificate for three hundred and twenty acres of land issued to Josiah Powers, and the survey made by virtue of the same."

And find the same correctly engrossed.

BOOTY, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills have carefully examined the following bill:

House bill No. 969, "An act to create certain county offices, and to provide for filling the same."

And find the same correctly engrossed.

BOOTY, Chairman.

Mr. Denton called up the Senate resolution providing for *sine die* adjournment May 26, amended by the House so as to read June 4, 12 M., pending the motion of Mr. Sayers to reconsider the vote adopting the resolution, and to lay that motion on the table. The motion carried.

Mr. Ireland in the chair.

On the call of Mr. Powers, the following report was submitted:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Counties and County Boundaries, to whom was referred the memorial of a portion of the citizens of the county of Harrison, have had the

same under consideration, and find that those citizens residing in that portion of Harrison county named in the petition live in close proximity to the city of Jefferson, the county site of Marion county, some living within less than one mile of the city limits, and remote from the county site of Harrison county, and we are satisfied that, as they state in their memorial, their convenience and interest would be enhanced by being attached to the county of Marion. We therefore report the accompanying bill and recommend its passage.

TROLINGER, Chairman.

The bill, being "An act to extend the limits of Marion county, so as to include a portion of Harrison county, and to define the boundary thereof," was read first time.

On motion of Mr. Taylor, the rules were suspended and the bill read second time.

Mr. Brown of Dallas moved the previous question, which was seconded, and the main question ordered.

The bill was ordered engrossed.

On motion of Mr. Taylor, the rules were further suspended, the bill read third time, and passed by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Day, Denton, Eastland, Ford, Gaston, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Noeggerath, Payne, Powers, Prendergast, Rimes, Sayers, Shaw, Short, Smith of Colorado, Storey, Thurmond, Tilton, Tivy, Tom, Westfall and Winkler—47.

Nays—Messrs. Bledsoe, Cook, Moore, Morris, Roberts, Sabin, Schmidt, Smith of Houston, Stockbridge, Trolinger, Venters, Washington, Watts, Wilder, Williams and Wood—16.

On the call of Mr. Tom, the following report was submitted :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee to whom was referred memorial of the citizens of Austin, in regard to certain property in the city, beg leave to report that they find that by an act of the Congress of the Republic of Texas, passed in 1840, the property referred to was dedicated and set apart for a

“market square” for said city, and that it is so designated and set apart on the maps and plats of said city. Your committee therefore recommend the adoption of the accompanying joint resolution.

IRELAND, Chairman.

The joint resolution, to prevent the diverting from its proper use of south half block 59, in the city of Austin, was read first time; rules suspended and ordered engrossed.

On motion of Mr. Westfall, the rules were further suspended, read third time and passed.

Mr. Ireland gave notice of a motion to reconsider the vote passing House bill No. 397, supplementary to “An act in relation to the Missouri, Kansas and Texas Railway Company, late Union Pacific Railway Company, southern branch,” passed August 2, 1870.

Mr. Gilpin called up House bill No. 611, upon which the following report was submitted:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 611, “An act to incorporate the Central Wharf and Warehouse Company of Corpus Christi,” have carefully examined the same, and have instructed me to report favorably thereon and recommend its passage.

JOSEPH, for Committee.

The bill was read second time by caption and ordered engrossed.

On motion of Mr. Thurmond, the rules were suspended, the bill read third time and passed.

On motion of Mr. Brown of Dallas, Senate bill No. 312, “An act for the relief of G. Hoffman,” was taken up. Read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Brown of Dallas, the rules were further suspended, the bill read third time and passed.

On motion of Mr. Schmidt, Senate bill No. 151, “An act to incorporate the Mechanics’ Real Estate and Building Association of Harris county,” was taken up, read second time by caption and passed to third reading.

On motion of Mr. Kleberg, the rules were suspended, the bill read third time and passed.

A message was received from the Senate informing the

House of the passage of the following House bills, viz.:

No. 646, "An act to incorporate the Middle Texas Fair Association."

No. 686, "An act to authorize T. C. Jordan to purchase one hundred and sixty acres of land situate in the county of Hood, being a part of the land surveyed for the county of Milam for the purposes of education."

No. 792, "An act to organize the county of McMullen."

No. 793, "An act for the relief of the heirs of Frederick Rowe, deceased."

No. 847, "An act supplementary to an act incorporating the city of Dallas."

No. 895, "An act to amend the first section of an act to establish and incorporate the College of De Kalb."

No. 913, "An act making an appropriation to defray the contingent expenses of the first session of the Thirteenth Legislature of the State."

No. 928, "An act to authorize the issuance of land certificates to the heirs of those who were killed in the Dawson massacre."

No. 952, "An act for the protection of the farming interests of a certain portion of Cooke county."

No. 953, "An act for the relief of Alfred S. Thurmond."

~~No. 869, "An act to amend the tenth and twelfth sections of an act to regulate proceedings in the District Courts, approved May 13, 1846."~~

And that the Senate adheres to its amendments to House bill No. 234, "An act to encourage stock raising and for the protection of stock raisers."

Also, the passage of the following House bills :

No. 285, "An act to be entitled an act to validate head-right land certificate No. 102, dated February 15, 1838, issued to Walter Campbell, for three hundred and sixty-nine acres of land, instead of three hundred and twenty and one-third acres, as now stated in said certificate."

No. 410, "An act to amend an act entitled an act to incorporate the Magnolia Grove Association, approved June 20, 1870."

No. 588, "An act to authorize the Police Court of Jasper county to levy and have collected a special tax for the purpose of building a jail in said county."

No. 617, "An act to authorize the County Court of Hays.

county to issue bonds for the purpose of funding the indebtedness of said county, and to provide for their payment."

No. 852, "An act to prohibit the sale or otherwise disposing of spirituous or intoxicating liquors within six miles of Little River Academy, in Bell county, Texas."

No. 952, "An act for the protection of the farming interests of a certain portion of Cooke county."

No. 653, "An act to incorporate the Lavaca County Tap Railway Company."

And that the Senate had concurred in the House amendment to the Senate resolution to adjourn *sine die*, and had laid on the table a motion to reconsider the vote concurring in said amendment.

On motion of Mr. Rainey, the House adjourned until 8 P. M.

EVENING SESSION.

House met pursuant to adjournment. Roll called.

Absent—Messrs. Allison, Anderson, Bewley, Booty, Brown of Upshur, Cook, Denton, Ellett, Gallaway, Hester, Ireland, Kemble, Kleberg, Leyendecker, Manning, McDonald, Mills, Moore, Morris, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Roberts, Russell, Salter, Short, Smith of Colorado, Smith of Houston, Stockbridge, Thurmond, Tilson, Tom, Washington, Wilder, Williams, Winkler and Wood.

Mr. Sayers moved to adjourn. The House refused.

Mr. Bordeaux moved a call of the House, which was sustained.

Absent—Messrs. Allison, Anderson, Bewley, Booty, Brown, of Upshur, Cook, Denton, Ellett, Gallaway, Hester, Ireland, Kleberg, Leyendecker, Manning, Mills, Moore, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Roberts, Russell, Salter, Short, Smith of Houston, Thurmond, Tilson, Tom, Washington, Wilder, Winkler and Wood.

On motion of Mr. Watts, the sergeant-at-arms was dispatched after the absentees.

Mr. Shaw moved to adjourn. The House refused.

A quorum having been obtained, Mr. Bordeaux moved to suspend the call, which carried.

The Speaker announced that the Senate refused to re-

cede from its amendments to House bill No. 234, "An act to encourage stock raising and for the protection of stock raisers," and had appointed a committee of conference upon the disagreement between the two Houses, with a request for a like committee on the part of the House.

Under instructions from the House, the Speaker appointed Messrs. Thurmond, Smith of Colorado and Storey a conference committee on the part of the House.

On motion of Mr. Payne, House bill No. 609, "An act requiring the Commissioner of the General Land Office to issue patents upon certain surveys therein mentioned," was taken up.

The passage of the bill was recommended by the Committee on Private Land Claims.

The bill was read second time.

Mr. Powers moved to amend by consolidating with the bill the certificates of James Walworth for one hundred and sixty acres, and Johanna Shaw, also, for one hundred and sixty acres, each for island scrip.

The amendment was adopted.

The bill was ordered engrossed.

On motion of Mr. Payne the rules were suspended, the bill read third time and passed.

Mr. Kemble offered the following resolution, which was read and laid over under the rules :

Resolved, That business of this House will hereafter be taken up by Senatorial Districts, alternately; first from the top of the list, second from the bottom of the list, and so on during the balance of the session : *provided*, that only one bill from each district will be presented.

Mr. Watts offered the following resolution, which was read and laid over under the rules :

Resolved, That this House will not take up, receive or act upon, any bill or bills, resolution or resolutions, after Monday, June 2, 1873, and that this rule shall not be suspended except by a unanimous vote of the House ; *provided*, that this resolution shall not be so construed as to include any veto message of the Governor, which may be acted upon at any time before 12 o'clock M. Wednesday, June 4, 1873.

On motion of Mr. Storey, the special committee on Senate bill No. 307, "An act to reorganize certain judicial districts, and to abolish certain other judicial districts, therein named," submitted the following report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The committee to whom was referred Senate bill No. 307, "An act to reorganize certain judicial districts, and to abolish certain other judicial districts therein named," have carefully examined said bill, and find it to be very defective. We find that the Sixth District, composed of the counties of Rusk and Harrison, was abolished, but the two counties were left unattached to any other district, which would leave them entirely without the pale of judicial protection. The bill attaches the county of Chambers to the Nineteenth District, a most unnatural alliance, for the judge and the district attorney can only reach said county by some small sail boat or other water craft, or else by making a long overland journey down the east bank of the Trinity river.

The bill only proposes to abolish six districts, and it is done in such a manner as to create confusion.

Owing to these and other objections, the committee recommend that the bill do not pass.

J. T. SMITH, Chairman.

I respectfully dissent from the report of the majority of the committee.

W. B. SAYERS.

Mr. Storey moved to lay the report upon the table, upon which the vote stood as follows:

Yeas—Messrs. Speaker, Allison, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Eastland, Ford, Gaston, Gilpin, Harrison, Hester, Hollingsworth, Killough, Kleberg, Lane, McDonald, Morris, Payne, Prendergast, Rainey, Robb, Rosborough, Russell, Sayers, Short, Storey, Tilson, Tom, Trolinger, Watts, Westfall, Winkler and Wood—42.

Nays—Messrs. Adriance, Anderson, Cook, Gillette, Green, Joseph, Kemble, Leyendecker, Nelson, Powers, Sabin, Smith of Houston, Stockbridge, Thurmond, Tivy and Williams—16.

Whereupon it appeared a quorum had not voted.

On motion of Mr. Wood, the House adjourned till 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, May 31, 1873.

House met pursuant to adjournment. Prayer by Rev. Mr. Riggs. Roll called; quorum present.

Absent—Messrs. Bewley and Ellett.

On motion of Mr. Booty, the reading of the journal was dispensed with.

Mr. Green introduced a bill to amend "An act entitled an act to amend the twenty-second section of an act entitled an act prescribing the times of holding the district courts in the several judicial districts in the State, approved February 6, 1871." Read first time; rules suspended and read second time.

Mr. Smith, of Colorado, moved to refer the bill to Judiciary Committee No. 2, with instructions to report Monday, June 2, at the morning session, which carried.

Mr. Bordeaux introduced a bill to authorize the County Court of Cooke county to issue bonds for funding the county indebtedness. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Bordeaux, the rules were further suspended, the bill read third time and passed.

Mr. Bordeaux introduced a bill to create and define Clay land district. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Bordeaux, the rules were further suspended, the bill read third time and passed.

Mr. Bordeaux introduced a bill to create and define Montague land district. Read first time by caption; rules suspended, read second time and ordered engrossed.

On motion of Mr. Bordeaux, the rules were further suspended, the bill read third time and passed.

Mr. Bordeaux introduced a bill to authorize the County Court of Cooke county to levy and collect a special tax for the purpose of building a jail. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Mills, the rules were suspended, the bill read third time and passed.

Mr. Salter introduced a bill to amend "An act approved August 13, 1870, incorporating the town of Bremond," approved December 1, 1871. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Salter, the rules were further suspended, the bill read third time and passed.

Mr. Thurmond introduced a bill to release the State tax collected in Goliad county for the year 1873, to said county. Read first time and referred to the Committee on State Affairs.

Report from the Committee on Engrossed Bills:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully compared the following House bills, to-wit:

No. 938, "An act supplementary to and amendatory of an act to incorporate the Indianola, San Antonio and El Paso Railroad Company, passed April 3, 1871, and to grant lands in aid of the construction of the same."

No. 972, "An act to extend the limits of Marion county so as to include a portion of Harrison county, and to define the boundary thereof."

And fine the same correctly engrossed.

BOOTY, Chairman.

House bill No. 868, "An act to amend the first and fourth sections of an act entitled an act to reduce into one and amend the several acts," etc., was taken up and the Senate amendments thereto read. The House refused to concur in the amendments.

House bill No. 949, "An act to secure uniformity of courses and measurements of lines by surveyors," was taken up and the Senate amendments thereto read and concurred in.

House bill No. 936, "An act providing for an election of officers for the town of Cameron," was taken up, and the Senate amendments thereto read and concurred in.

Mr. Anderson asked leave to introduce a bill. The House refused.

The Committee on Enrolled Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined the following bills, to wit:

No. 453, "An act regulating taxation."

No. 902, "An act to amend the thirty-fourth and thirty-sixth sections of an act entitled an act prescribing the times of holding the District Courts in the several Judi-

cial Districts in the State, approved August 10, 1870, approved February 6, 1871."

No. 610, "An act to incorporate the City Bank of Dallas."

No. 104, "An act to amend section four of an act entitled an act to incorporate Paine Female Institute, approved August 6, 1856."

No. 484, "Joint resolution in relation to the printing of railroad charters."

No. 470, "An act to compensate Aaron S. Mangum for services rendered as a soldier in the army of the Republic of Texas."

No. 826, "An act to validate a bounty land warrant issued to the heirs of Wm. Fishbaugh, deceased."

No. 897, "An act to authorize C. H. Randolph, W. A. Pitts, John O. Johnson, to compile an abstract of titled and patented lands."

No. 131, "An act for the relief of Obadiah Marsh."

No. 631, "An act to authorize the County Court of Brazos county to levy and collect a special tax of one-fourth of one per cent., to complete the court house, and make more secure the jail in said county."

No. 383, "An act to incorporate the Beaumont, Corsicana and Fort Worth Railroad Company."

No. 859, "An act to prohibit the sale and giving away of intoxicating liquors within three miles of Prairie Grove Church and seminary of learning, situated in Hill county, and Evergreen, in Washington county, Texas."

No. 637, "An act to authorize the County Court of Victoria county, to repair the jail in said county."

No. 955, "An act to prohibit the sale or disposition of spirituous or other intoxicating liquors within three miles of the town of Rancho, Gonzales county."

No. 890, "An act granting the right of way to the United States for the construction of a coastwise canal along the coast of Texas, through the inland waters and main land thereof."

No. 114, "An act to amend the first section of an act entitled an act to provide for the creating of two counties of the territory now embraced within the limits of Refugio county, and to provide for their organization, passed September 18, 1871."

No. 721, "An act to regulate the assessment and collection of taxes."

And find the same correctly enrolled, and have this the thirtieth day of May, at 9:45 o'clock A. M., presented the same to the Governor for his approval.

SHAW, Chairman.

A message from the Senate announced the passage by that body of the following House bills:

No. 328, "An act to prohibit the sale of all intoxicating liquors within three miles of Fairview Academy, Williamson county."

No. 407, "An act to incorporate the Central Texas Agricultural and Mechanical Fair Association."

No. 561, "An act to incorporate a savings bank in Bonham, Fannin county, Texas."

No. 580, "An act to incorporate the town of Decatur, in Wise county."

No. 589, "An act to incorporate the Texas University."

No. 744, "An act to authorize the Police Court of Hunt county to collect a special tax."

No. 860, "An act to incorporate Little River Academy, in Bell county."

No. 940, "An act to better protect the papers, records and files in the General Land Office."

No. 503, "An act supplemental to an act entitled an act to incorporate the Pacific and Great Eastern Railway Company, approved August 13, 1870," with amendments by the Senate.

No. 749, "An act to authorize the County Courts of Chambers, Orange, Newton, Polk, Hill and Houston counties to issue interest bearing bonds for the purpose of funding the outstanding indebtedness of said counties," with amendments by the Senate.

No. 809, "An act providing for the condemnation and sale of land for delinquent taxes," with amendments by the Senate.

Senate bill No. 316, "An act authorizing the purchase of additional grounds for the use of the Asylum for the Blind, and making appropriation therefor."

House bill No. 869, "An act to amend the tenth and twelfth sections of an act to regulate proceedings in the District Courts, approved May 13, 1846," was taken up and the Senate amendments thereto read.

The House refused to concur in the amendments.

House bill No. 914, "An act authorizing and requiring the issuance of certificates to certain persons therein

named," was taken up and the Senate amendments there- to read and concurred in by the following vote :

Yeas—Messrs. Speaker, Adriance, Armstrong, Bewley, Bordeaux, Brown of Dallas, Chambers, Cook, Davenport, Day, Gilpin, Green, Hester, Hoffman, Ireland, Joseph, Killough, Kleberg, Lane, Leyendecker, Manning, Nelson, Noeggerath, Payne, Phelps, Powers, Rimes, Robb, Roberts, Sabin, Schmidt, Smith of Houston, Storey, Stock- bridge, Thurmond, Tivy, Washington, Westfall, Wil- liams and Winkler—40.

Nays—Messrs. Abbott, Allison, Anderson, Bledsoe, Booty, Brown of Upshur, Carroll, Cunningham, Eastland, Ford, Gaston, Gillette, Harrison, Kemble, McDonald, Moore, Morris, Prendergast, Rainey, Russell, Sayers, Short, Tilson, Trolinger, Watts and Wilder—26.

Senate bill No. 360, "An act to establish, organize and define the powers of the Criminal District Court in and for the cities of Dallas, McKinney and Sherman," was taken up, and the following report thereon submitted :

Hon. M. D. K. Taylor, Speaker of the House of Repre- sentatives :

Sir: Your special committee to whom was referred Senate bill No. 360, "An act to establish, organize and define the powers of the Criminal District Court, in and for the cities of Dallas, McKinney and Sherman," have carefully considered the same, and find—

1. The present regular courts, for lack of time, can dis- patch very little of the business of said courts, and amounts to a practical denial of justice.

2. The Criminal Court proposed to be established will be no additional expense to the State, and is an absolute necessity.

We therefore recommend the passage of the bill.

BORDEAUX, Chairman ;
J. H. BROWN,
CHAMBERS.

The bill was read second time and passed to third read- ing.

On motion of Mr. Brown, of Dallas, the rules were sus- pended, the bill read third time and passed.

A message was received from His Excellency the Gov- ernor returning House bill No. 332, "An act supplemental to and amendatory of the several acts concerning injunc- tions," with his objections to the same.

House bill No. 809, "An act providing for the condemnation and sale of land for delinquent taxes," was taken up, and the Senate amendments thereto read and concurred in.

Senate bill No. 352. "An act amendatory of an act to amend an act entitled an act prescribing the times of holding the District Courts in the several judicial districts in the State, approved August 10, 1870, approved April 17, 1871," was taken up: read first time: rules suspended and read second time.

Mr. Bewley offered as a substitute therefor a bill to regulate the time of holding the District Courts.

Mr. Powers moved to lay the substitute on the table, which carried by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Berends, Bledsoe, Booty, Broaddus, Brown of Upshur, Carroll, Chambers, Denton, Gaston, Gilpin, Hollingsworth, Killough, Kleberg, Manning, Mills, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Rainey, Rimes, Roberts, Sabin, Salter, Sayers, Schmidt, Smith of Colorado, Storey, Stockbridge, Tilson, Tivy, Tom, Trolinger, Venters, Washington, Wilder, Williams and Winkler—46.

Nays—Messrs. Anderson, Armstrong, Bewley, Bordeaux, Brown of Dallas, Cook, Cunningham, Davenport, Eastland, Ford, Gillette, Harrison, Hoffman, Ireland, Joseph, Kemble Lane, McDonald, Prendergast, Robb, Rosborough, Russell, Short, Thurmond, Watts, Westfall and Wood—27.

Mr. Powers moved to strike out all that part of the bill relating to Zapata county.

Mr. Bewley moved to lay that motion on the table. Lost.

The motion then carried.

Mr. Powers moved to amend so as to limit the time of holding court in Cameron county to two weeks, which carried.

The bill then passed to third reading.

On motion of Mr. Harrison, the rules were further suspended, the bill read third time and passed.

A message from the Senate announced the passage by that body of the following House bills:

No. 729, "Joint resolution for the relief of Rufus A. Upton, late sheriff of Refugio county."

Substitute for House bill No. 640, "An act to incorporate the Orange, Jasper and Shelby Railroad Company, and to aid in the construction of their road."

And the following Senate bills:

No. 48, "Joint resolution authorizing the Governor to effect the removal of the Indians from the frontier of this State, and making an appropriation for that purpose."

Senate bill No. 264, "An act to authorize Zimri Tate to construct, own and keep a toll bridge on the Sabine river."

No. 321, "An act to incorporate the Houston City Park."

No. 374, "An act to amend article three hundred and ninety-two of the Criminal Code."

No. 287, "An act to incorporate the Lake City Navigation Company, and to aid said company to improve the navigation of Big Cypress bayou."

And that the Senate had concurred in the House amendments to Senate bill No. 66, "An act to dedicate to the use of Travis county certain land in the city of Austin on which to erect a court house and jail."

Also that the Senate had concurred in House amendments to Senate bill No. 86, "An act supplementary to and amendatory of an act to provide for the establishment of the Agricultural and Mechanical College of Texas, approved April 17, 1871."

Report from the Committee on Engrossed Bills:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined the following bill:

No. 609, "An act requiring the Commissioner of the General Land Office to issue patents upon surveys therein mentioned." And find the same correctly engrossed.

BOOTY, Chairman.

On motion of Mr. Watts, the resolution introduced by himself on yesterday, in relation to the order of business, was taken up.

Mr. Watts offered the following amendment: "And provided further, that this resolution shall not be so construed as to include any bill or bills prescribing the time of holding the several judicial district courts in this State, or any of them."

Mr. Russell moved to lay the resolution and amendment on the table, which carried by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Anderson, Bewley, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Cook, Cunningham, Day, Eastland, Gillette, Gilpin, Green, Harrison, Hester, Hollingsworth, Joseph, Manning, McDonald, Mills, Moore, Nelson, Noeggerath, Payne, Rainey, Russell, Sabin, Salter, Schmidt, Shaw, Smith of Colorado, Smith of Houston, Stockbridge, Thurmond, Tilson, Tivy, Trolinger, Venters, Washington, Wilder and Williams—44.

Nays—Messrs. Armstrong, Bledsoe, Booty, Carroll, Chambers, Davenport, Denton, Ford, Hoffman, Ireland, Kemble, Killough, Lane, Leyendecker, Morris, Powers, Prendergast, Rimes, Robb, Roberts, Sayers, Storey, Tom, Watts, Westfall, Winkler, Wood—27.

House bill No. 749, "An act to authorize the County Courts of Chambers, Orange, Newton, Polk, Hill and Houston counties to issue interest-bearing bonds for the purpose of funding the outstanding indebtedness of said counties," was taken up, and the Senate amendments thereto read. The House refused to concur in the amendments.

House bill No. 503, "An act supplemental to an act entitled an act to incorporate the Pacific and Great Eastern Railway Company, approved August 13, 1870," was taken up, and the Senate amendments thereto read and concurred in.

Senate bill No. 289, "An act to incorporate the Hebrew Sinai Congregation," was taken up, read second time and passed to third reading.

On motion of Mr. Tilson, the rules were suspended, the bill read third time and passed.

Senate bill No. 277, "An act to authorize the County Court of Mason county to issue interest-bearing bonds to pay the present outstanding indebtedness of said county," was taken up; read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Brown, of Dallas, the rules were further suspended, the bill read third time and passed.

Senate bill No. 380, "An act to transfer certain causes pending in the District Court of Kaufman county to the District Court of Rockwall county," was read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Kemble, the rules were further suspended, the bill read third time and passed.

Senate bill No. 210, "An act to change the line between the counties of Burnet and Lampasas," was read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Westfall, the rules were further suspended, the bill read third time and passed.

Senate bill No. 339, "An act to amend the thirty-third and three hundred and fourth sections of an act entitled an act prescribing the mode of proceeding in district courts in matters of probate, approved August 15, 1870," was read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Sayers, the rules were suspended, the bill read third time and passed.

Mr. Manning moved to reconsider the vote by which the House refused to pass Senate bill No. 362, "An act to authorize the lessees of the State penitentiary to delay the payment of certain amounts to become due the State until the expiration of their lease," and to make that motion special order for 3:30 P. M.

Senate bill No. 243, "An act for the relief of S. B. Buckley, late Assistant State Geologist," was read second time, and on motion of Mr. Sayers referred to the following special committee: Messrs. Hollingsworth, Sayers and Booty.

Senate joint resolution No. 38, "Joint resolution for the relief of John G. Todd, surviving captain of the navy of the Republic of Texas," was read first time.

Mr. Russell moved to refer the bill to the Committee on Claims and Accounts, with instructions to report thereon Monday, June 2, 11 A. M.

Report from the Committee on Engrossed Bills:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have examined the following bills:

No. 976, "An act to authorize the County Court of Cooke county to levy and collect a special tax for the purpose of building a jail."

No. 405, "An act entitled an act to amend an act approved August 13, 1870, incorporating the town of Bremond, approved December 1, 1871."

No. 611, "An act to incorporate the Central Wharf and Warehouse Company of Corpus Christi."

No. 975, "An act to create and define Clay land district."

No. 978, "An act authorizing the County Court of Cooke county to issue bonds for the purpose of funding the county indebtedness."

No. 977, "An act to create and define Montague land district."

And find the same correctly engrossed.

STOREY, for Committee.

The Committee on Enrolled Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined the following House bills:

No. 876, entitled "An act to incorporate the Nevada Real Estate and Building Association."

No. 944, "An act requiring County Courts to make settlements with sheriffs and treasurers of school boards."

And find them correctly enrolled, and have this day at 10:45 o'clock, presented the same to the Governor for his signature.

SHAW, Chairman.

On motion of Mr. Sayers, the following report was submitted:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred Senate bill No. 135, to be entitled "An act relating to paupers and minor offenders, and to establish county farms for manual labor, poor houses and houses of correction," have considered the same, and have instructed me to report the bill back recommending its passage.

W. B. SAYERS, Chairman.

The bill was considered by sections.

Mr. Watts moved to amend section two by striking out of line four the words "Secretary of State" and inserting in lieu thereof "clerk of the District Court." Also, to make the same amendment in lines eighteen and nineteen of section one. Adopted.

Mr. Smith, of Colorado, moved to amend section three by inserting after the word "collected," the words "on all taxes by the State." Adopted.

Mr. Smith, of Colorado, moved to amend section three

by striking out of line twenty the words "call a meeting," and inserting in lieu thereof the words "order an election." Also, by striking out the word "meeting," in line twenty-three, and inserting in lieu thereof "election." Adopted.

Mr. Wood moved to amend by adding to section three the following proviso, which carried:

"*Provided further*, that this act shall not take effect and be in force in any county of this State having a population less than twenty thousand inhabitants, unless the question be submitted by order of the County Court to legal voters in such county, at some general election; sixty days' notice of said election being given by publication in some newspaper, if one be published in the county; if not, by posting advertisements in four public places in each precinct in said county. At such election the voters shall have written on their tickets for or against the 'poor house.' If a majority of the legal voters vote in favor of said poor house at such election, then the law shall take effect in said county."

Mr. Killough moved to lay the bill on the table. Lost by the following vote:

Yeas—Messrs. Booty, Ford, Gaston, Gilpin, Green, Holdingsworth, Killough, Kleberg, McDonald, Mills, Moore, Morris, Noeggerath, Payne, Phelps, Powers, Rainey, Rimes, Robb, Roberts, Russell, Stockbridge, Thurmond, Tivy, Washington, Watts, Wilder, Williams and Winkler—29.

Nays—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Bewley, Bledsoe, Brown of Upshur, Chambers, Cook, Cunningham, Davenport, Day, Denton, Eastland, Harrison, Hester, Hoffman, Ireland, Joseph, Kemble, Lane, Leyendecker, Manning, Prendergast, Rosborough, Sabin, Sayers, Schmidt, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Tilson, Tom, Trolinger, Venters, Westfall and Wood—41.

A message from the Senate announced the passage by that body of Senate bill No. 386, "An act for the relief of P. Jenks Mahan."

Also, No. 385, "An act fixing the number of days the District Court of Leon county shall continue in session at its March term each year."

Mr. Morris offered the following amendment: Line twenty-seven, strike out the balance of section three, in

relation to bonds, and all after the word "election," in line twenty-seven.

Mr. Thurmond moved to refer the bill to a special committee of five, of which Mr. Morris should be chairman. The House refused to refer.

The House then refused to adopt the amendment.

Mr. Wood moved to pass the bill to a third reading, which carried by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Booty, Bordeaux, Brown of Upshur, Brown of Dallas, Chambers, Cook, Cunningham, Day, Eastland, Ford, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Lane, Leyendecker, Manning, Payne, Prendergast, Rimes, Robb, Rosborough, Russell, Sabin, Sayers, Schmidt, Shaw, Smith of Colorado, Storey, Thurmond, Tilson, Tom, Trolinger, Venters, Westfall and Wood—45.

Nays—Messrs. Denton, Gaston, Green, Kemble, Killough, McDonald, Mills, Moore, Morris, Noeggerath, Phelps, Powers, Rainey, Roberts, Smith of Houston, Stockbridge, Washington, Watts, Wilder Williams and Winkler—21.

On motion of Mr. Wood, the rules were suspended and the bill read third time.

Mr. Anderson moved to amend section twenty-two, line twenty-three, by striking out the word "court," and inserting in lieu thereof the word "jury."

Mr. Roberts moved to adjourn. The House refused.

Mr. Prendergast moved the previous question, which was seconded and the main question ordered by the following vote :

Yeas—Messrs. Speaker, Adriance, Anderson, Armstrong, Berends, Bledsoe, Bordeaux, Brown of Upshur, Brown of Dallas, Chambers, Cook, Cunningham, Davenport, Day, Denton, Eastland, Gaston, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Lane, Leyendecker, Manning, Payne, Prendergast, Rimes, Robb, Rosborough, Sabin, Sayers, Schmidt, Shaw, Short, Smith of Colorado, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Westfall, Winkler and Wood—49.

Nays—Messrs. Allison, Booty, Green, Kemble, Killough, McDonald, Mills, Moore, Morris, Noeggerath,

Phelps, Powers, Rainey, Smith of Houston, Stockbridge, Washington, Watts, Wilder and Williams—19.

The amendment was then adopted.

The bill then passed by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Bledsoe, Bordeaux, Brown of Upshur, Brown of Dallas, Chambers, Cook, Davenport, Day, Denton, Eastland, Gaston, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Lane, Leyendecker, Manning, Payne, Prendergast, Rimes, Robb, Rosborough, Sabin, Sayers, Schmidt, Shaw, Short, Smith of Colorado, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall, and Wood—48.

Nays—Messrs. Booty, Cunningham, Gillette, Green, Kemble, Killough, McDonald, Mills, Moore, Morris, Noeggerath, Phelps, Powers, Rainey, Smith of Houston, Stockbridge, Washington, Wilder, Williams and Winkler—20.

On motion of Mr. Wood, Senate bill No. 385, "An act fixing the number of days the District Court of Leon county shall continue in session at its March term each year," was taken up; read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Wood the rules were further suspended, the bill read third time and passed.

Leave being granted, Mr. Ireland introduced a bill to attach Guadalupe county to the Twenty-third District for judicial purposes, and to define the times of holding the courts in said district.

On motion of Mr. Brown of Dallas, the reading of the bill was dispensed with.

Rules suspended, bill read second time by caption and ordered engrossed.

On motion of Mr. Ireland, the rules were further suspended, the bill read third time and passed.

On motion of Mr. Hollingsworth, Messrs. Brown of Dallas and Gaston were added to the special committee on Senate bill No. 243, "An act for the relief of S. B. Buckley, late Assistant State Geologist."

On Motion of Mr. Wood, the House adjourned till 3. P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called ; quorum present.

Absent—Messrs. Bewley, Ellett, Ireland, Kemble, Kleberg, Moore and Prendergast.

On motion of Mr. Winkler, House bill No. 943, "An act to provide for the repayment to James J. Gathings, of Hill county, money illegally extorted from him by the State police," was taken up and read second time.

On motion of Mr. Winkler, the preamble was stricken out.

The bill was then ordered engrossed.

Mr. Brown of Dailas moved to suspend the rules and put the bill on its third reading, which carried by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broadus, Brown of Dallas, Carroll, Cook, Davenport, Day, Denton, Ford, Gaston, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Manning, McDonald, Morris, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Salter, Sayers, Shaw, Short, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall and Winkler—54.

Nays—Messrs. Abbott, Eastland, Green, Nelson, Phelps, Roberts, Sabin, Stockbridge, Washington, Wilder and Williams—11.

The bill was then read third time, and put upon its passage, with the following result :

Yeas—Messrs. Speaker, Adriance, Anderson, Armstrong, Bledsoe, Booty, Bordeaux, Broadus, Brown of Dallas, Carroll, Chambers, Davenport, Day, Ford, Gillette, Gilpin, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Leyendecker, Manning McDonald, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Salter, Sayers, Schmidt, Short, Smith of Houston, Thurmond, Tilson, Tivy, Tom, Westfall and Winkler—43.

Nays—Messrs. Abbott, Allison, Berends, Cunningham, Denton, Eastland, Gaston, Green, Harrison, Lane, Mills, Morris, Nelson, Noeggerath, Phelps, Roberts, Russell, Sabin, Shaw, Storey, Stockbridge, Trolinger, Venters, Washington, Wilder and Williams—26.

Whereupon, it was evident two-thirds had not voted for the bill.

Mr. Allison moved to reconsider the vote refusing to pass the bill.

Mr. Nelson moved to lay that motion on the table.

The House refused to table the motion by the following vote.

Yeas—Messrs. Abbott, Berends, Green, Lane, Leyendecker, Mills, Morris, Nelson, Phelps, Roberts, Russell, Sabin, Schmidt, Short, Storey, Stockbridge, Washington, Wilder and Williams—19.

Nays—Messrs. Speaker, Adriance, Anderson, Armstrong, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Day, Denton, Eastland, Ford, Gaston, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Manning, McDonald, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Salter, Sayers, Shaw, Smith of Houston, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall, Winkler and Wood—54.

The vote was then reconsidered.

On motion of Mr. Cook, Mr. Schmidt was granted leave of absence during the remainder of the session.

On motion of Mr. Shaw, Mr. Ellett was excused for the remainder of the session on account of sickness.

Mr. Nelson offered the following amendment: "*Provided*, that the citizens of all the counties of this State who have suffered loss by the police, be entitled to the provisions of this bill upon complying with the provisions of this act."

Mr. Winkler moved to lay the amendment on the table.

Mr. Sabin moved to amend the motion by adding "that the bill lay on the table."

Division of the question being called for the amendment was tabled.

The House refused to table the bill by the following vote:

Yeas—Messrs. Abbott, Cunningham, Day, Denton, Green, Lane, Mills, Morris, Nelson, Noeggerath, Phelps, Roberts, Russell, Sabin, Shaw, Storey, Stockbridge, Trolinger, Washington, Wilder and Williams—21.

Nays—Messrs. Speaker, Adriance, Anderson, Armstrong, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Davenport, Ford, Gillette, Gilpin, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Manning, McDonald, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Salter, Short, Smith of Houston, Thurmond, Tilson, Tivy, Tom, Venters, Westfall, Winkler and Wood—45.

Mr. Nelson moved a call of the House, which was sustained.

Absent—Messrs. Bewley and Moore.

Mr. Hollingsworth moved to suspend the call. The House refused.

Mr. Nelson moved to dispatch the sergeant-at-arms after the absent members.

Mr. Tom moved to excuse the absent members, which carried.

Mr. Mills raised a point of order, that no one could move to excuse the absentees without their request.

The Speaker decided the point not well taken.

Mr. Mills appealed from the decision. The chair was sustained.

The absentees were excused.

Mr. Payne moved the previous question, which was seconded, and the main question ordered by the following vote :

Yeas—Messrs. Speaker, Adriance, Anderson, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Davenport, Eastland, Ford, Gaston, Gillette, Gilpin, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Kleberg, Leyendecker, Manning, McDonald, Morris, Payne, Powers, Prendergast, Rimes, Robb, Rosborough, Salter, Sayers, Shaw, Short, Smith of Houston, Thurmond, Tilson, Tivy, Tom, Venters, Westfall, Winkler and Wood—50.

Nays—Messrs. Abbott, Allison, Cunningham, Day, Denton, Green, Harrison, Lane, Mills, Nelson, Noeggerath, Phelps, Rainey, Roberts, Russell, Sabin, Smith of Colorado, Storey, Stockbridge, Trolinger, Washington, Watts, Wilder and Williams—24.

The House then refused to pass the bill by the following vote :

Yeas—Messrs. Speaker, Adriance, Anderson, Armstrong, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Davenport, Ford, Gillette, Gilpin, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Leyendecker, Manning, McDonald, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Salter, Sayers, Short, Smith of Houston, Thurmond, Tilson, Tivy, Tom, Venters, Watts, Westfall, Winkler and Wood—48.

Nays—Messrs. Abbott, Allison, Berends, Cunningham, Day, Denton, Eastland, Gaston, Green, Harrison, Lane, Mills, Moore, Morris, Nelson, Noeggerath, Phelps, Roberts, Russell, Sabin, Shaw, Smith of Colorado, Storey, Stockbridge, Trolinger, Washington, Wilder and Williams—28.

The motion of Mr. Manning, to reconsider the vote by which the House refused to pass Senate bill No. 362, "An act to authorize the lessees of the State penitentiary to delay the payment of certain amounts of money to become due the State until the expiration of their lease," was taken up. The vote was reconsidered.

On motion of Mr. Denton, the bill was referred to the following special committee, with instructions to report thereon June 2, at 9:30 A. M.: Messrs. Ireland, Sayers and Joseph.

Mr. Brown of Dallas moved to take up Senate bill No. 281, "An act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico." The House refused.

The Committee on Engrossed Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills have carefully examined the following House bills:

No. 973 "Joint resolution regarding the diversion of a certain square in the city of Austin from the purpose for which it was dedicated."

No. 963, "An act to prescribe the time of the annual meetings of the Legislature."

No. 981, "An act to attach Guadalupe county to the Twenty third District, for judicial purposes, and to define the time for holding the courts in said district."

No. 971, "An act making appropriations for the *per*

diem pay of the members and the *per diem* pay of the officers and employés of the Thirteenth Legislature."

And find the same correctly engrossed.

BOOTY, Chairman.

Report from the Committee on Enrolled Bills :

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 182, "An act to authorize the Police Court of Leon county to levy a special tax for the purpose of building a jail and for other improvements," and find the same correctly enrolled, and have this day, May 30, at 4:20 o'clock P. M. presented the same to the Governor for his approval.

WOOD, Chairman.

Mr. Bledsoe called up House bill No. 797, "An act to define the power of the county courts of this State in relation to *ex officio* services of sheriffs and district clerks."

The bill was read second time.

Mr. Morris offered the following amendment, which was adopted :

"*Provided*, that the said allowances shall in no case exceed the amount now fixed by law for extra services."

Mr. Ireland moved to amend section two by inserting after the words "ordered paid," the words "by the county courts," which was adopted.

Mr. Anderson moved to amend the bill by adding the following: "All laws and parts of laws in conflict with this act are hereby repealed." Adopted.

The bill was ordered engrossed.

On motion of Mr. Bledsoe, the rules were suspended, the bill read third time and passed.

Mr. Sabin moved to reconsider the vote passing Senate bill No. 135, "An act relating to paupers and minor offenders, and to establish county farms for manual labor, poor houses, and houses of correction," which motion carried.

On motion of Mr. Sabin, section twenty-two was stricken out.

On motion of Mr. Smith of Colorado, the bill was referred to the following special committee, with instructions to report Monday, June 2, 10 A. M.: Messrs. Smith of Colorado, Wood and Storey.

A message was received from the Senate informing the

House of the passage of the following House bills, viz.:

No. 326, bill to prohibit the sale or disposition of spirituous, vinous, or other intoxicating liquors within three miles of Mont Calm Masonic Institute.

No. 638, bill to incorporate the Fort Worth, Cleburne and Waco Railway Company, and granting lands in aid of the construction of said railway.

No. 848, bill to provide for the investigation of fires in certain cases.

No. 856, bill to incorporate the officers and members of Gaiety Lodge No. 84, of the Independent Order of Odd Fellows, situated at Carthage, Texas.

No. 875, bill to incorporate the Texas Well and Irrigating Company.

No. 960 bill to amend the sixth section of "An act to incorporate the town of Ysleta, in El Paso county," approved May 9, 1871.

No. 970, bill to prohibit the selling, bartering, giving away, or in any other manner disposing of alcoholic, spirituous, or other intoxicating liquors, within certain limits.

Also, Senate bill No. 377, bill to amend section second of "An act concerning county seats," approved May 9, 1838.

And the following House bills :

No. 863, "An act to amend section three of an act supplementary to an act to provide for the payment of the public debt of the State of Texas, approved May 2, 1871, approved November 13, 1871," with amendments by the Senate.

No. 920, "An act to authorize the city of Austin to become a stockholder in any company or corporation, for the purpose of supplying said city with water and gas," with amendments by the Senate.

A message was received from His Excellency the Governor announcing his approval of various bills.

The call by districts being resumed, Mr. Ford called up House bill No. 791, "An act to promote the speedy construction of a canal between the waters of Galveston Bay and Sabine Lake, and in aid thereof," upon which the following report was submitted :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : Your Committee on Internal Improvements, to

whom was referred House bill No. 791, entitled "An act to promote the speedy construction of a canal between the waters of Galveston Bay and Sabine Lake, and in aid thereof," have, after due consideration, instructed me to report the same with the recommendation that it pass with accompanying amendment.

JOSEPH, for Committee.

Add to section five: "The said certificates shall be located and surveyed in alternate sections, and field notes and maps of the same shall be returned to the General Land Office, and the odd sections patented to said company, and all the alternate or even sections shall be reserved, and held, and set apart and appropriated to, and shall constitute a part of the common school fund, as provided by the laws of this State now in force or that may hereafter be enacted. And the said corporation shall alienate the lands herein granted as follows: One-fourth thereof in eight years, one-fourth in ten years, one-fourth in twelve years, and one-fourth in sixteen years, from the time of the issuance of patents thereto; *provided*, the State of Texas shall in no event be responsible for a deficiency of public land; and said certificate issued to said company under the provisions of this act, not located because the public lands are exhausted, shall constitute no claim against the State. The depth of water in said canal shall be not less than four feet at ordinary tide. The State reserves the right to regulate the amount to be paid for freight and passage, and the conduct of said company as common carriers; and said company shall be bound by all general laws applicable to canal companies."

The amendment was adopted.

The bill was read second time.

Mr. Sabin offered the following amendment: Add to section one as follows: "*Provided*, that nothing in this act contained shall in any way interfere with, or impede any right of way that may now or hereafter be granted to the United States of America for the establishment of a coastwise canal along the coast of Texas." Adopted.

Mr. Morris offered the following amendment, which was adopted: Insert "the report shall be made by a competent engineer under oath."

Mr. Sabin offered the following amendment, which was adopted: Add to section one the following: "*Provided*

further, that nothing contained in this act shall in anywise validate, or invalidate any subsidy, real or pretended, from the county of Galveston."

The bill was then ordered engrossed.

On motion of Mr. Ford, the rules were suspended, the bill read third time and passed by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Cunningham, Davenport, Day, Denton, Eastland, Ford, Gaston, Gillette, Gilpin, Green, Harrison, Hoffman, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Manning, Mills, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Rainey, Rimes, Robb, Roberts, Rosborough, Sabin, Salter, Sayers, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Washington, Watts, Westfall, Williams, Winkler—61.

Nays—Messrs. Chambers, Wilder—2.

Mr. Kemble moved to take up a resolution offered by himself, changing the order of business.

The House refused.

Mr. Armstrong called up Senate bill No. 307, "An act to reorganize certain judicial districts, and to abolish certain other judicial districts therein named," pending an amendment and a motion to lay the report of the committee on the table.

Mr. Mills moved to adjourn. The House refused.

Mr. Mills moved a call of the House. Not sustained.

The report was then laid on the table by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Day, Denton, Eastland, Ford, Gaston, Gilpin, Harrison, Hoffman, Hollingsworth, Joseph, Killough, Kleberg, Lane, Manning, McDonald, Morris, Nelson, Payne, Prendergast, Rainey, Robb, Rosborough, Russell, Sayers, Shaw, Short, Smith of Colorado, Storey, Tilson, Tivy, Watts, Westfall, Winkler, Wood—46.

Nays—Messrs. Anderson, Broaddus, Cook, Gillette, Green, Kemble, Mills, Moore, Noeggerath, Phelps, Powers, Rimes, Roberts, Sabin, Salter, Smith of Houston, Stockbridge, Thurmond, Washington, Wilder, Williams—21.

Mr. Green moved to re-commit the bill to a special committee of five.

Mr. Storey moved the previous question, which was seconded, and the main question ordered by the following vote :

Yeas—Messrs. Anderson, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Brown of Dallas, Chambers, Cunningham, Davenport, Day, Eastland, Ford, Gaston, Gilpin, Harrison, Hester, Hollingsworth, Joseph, Kleberg, Manning, McDonald, Morris, Payne, Prendergast, Robb, Rosborough, Sayers, Shaw, Short, Smith of Colorado, Storey, Tilson, Watts, Westfall, Winkler, Wood—37.

Nays—Messrs. Speaker, Adriance, Allison, Broaddus, Brown of Upshur, Carroll, Cook, Denton, Green, Hoffman, Kemble, Killough, Lane, Leyendecker, Mills, Moore, Nelson, Noeggerath, Phelps, Powers, Rainey, Rimes, Roberts, Russell, Sabin, Salter, Smith of Houston, Stockbridge, Thurmond, Tivy, Washington, Wilder, Williams—33.

The House then refused to recommit by the following vote :

Yeas—Messrs. Allison, Broaddus, Cook, Green, Leyendecker, Moore, Nelson, Noeggerath, Phelps, Roberts, Sabin, Smith of Houston, Stockbridge, Tivy, Washington, Wilder, Williams—17.

Nays—Messrs. Speaker, Adriance, Anderson, Armstrong, Berends, Bledsoe, Bordeaux, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Eastland, Ford, Gaston, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Kleberg, Lane, Manning, McDonald, Morris, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Salter, Sayers, Short, Smith of Colorado, Storey, Tilson, Watts, Westfall, Winkler, Wood—50.

The House then adopted the pending amendment by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Bledsoe, Booty, Bordeaux, Brown of Dallas, Carroll, Chambers, Day, Denton, Eastland, Ford, Gilpin, Hester, Hoffman, Hollingsworth, Joseph, Manning, Moore, Morris, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Sabin, Sayers, Short, Storey, Stockbridge, Tivy, Tom, Washington, Wilder, Williams, Wood—43.

Nays—Messrs. Armstrong, Brown of Upshur, Cook, Cunningham, Davenport, Gaston, Gillette, Green, Harrison, Kemble, Killough, Kleberg, Lane, Leyendecker, McDonald, Nelson, Russell, Salter, Smith of Colorado, Smith of Houston, Thurmond, Tilson, Westfall and Winkler—24.

And the bill as amended passed to a third reading by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broadus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Eastland, Ford, Gaston, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Killough, Kleberg, Lane, Manning, McDonald, Morris, Nelson, Payne, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Salter, Sayers, Short, Storey, Thurmond, Tilson, Tivy, Tom, Washington, Watts, Westfall, Winkler and Wood—54.

Nays—Messrs. Cook, Denton, Joseph, Kemble, Leyendecker, Moore, Noeggerath, Phelps, Powers, Roberts, Sabin, Smith of Houston, Stockbridge, Wilder and Williams—14.

A message from the Senate announced the passage by that body of House bill No. 310, "An act to incorporate the city of San Antonio," with amendments by the Senate.

Also, that the Senate had adopted the report of the conference committee upon House bill No. 234, "An act to encourage stock raising, and for the protection of stock raisers."

Mr. Brown of Dallas, offered the following resolution, which was adopted :

Resolved, That there shall be printed for the use of the House fifteen hundred copies of the captions of all acts and joint resolutions of the present Legislature, which shall have become laws on or before the thirty-first day of May, 1873 ; *provided*, the said copies shall be delivered to the House by 3 o'clock P. M., on Monday next.

Resolved, further, That the Public Printer be requested to publish in his paper of Wednesday, June 4, a list of the captions of all acts and joint resolutions which may become laws after the thirty-first day of May, and before the fourth day of June.

Mr. Denton offered the following resolution :

Resolved, That the rules heretofore adopted requiring the names of members to be called by districts, for calling up bills during the evening sessions, is hereby rescinded for the remainder of this session.

Laid over under the rules.

Mr. Roberts moved to adjourn. The House refused.

On motion of Mr. Thurmond, the conference committee on the disagreement between the two houses upon House bill No. 234, submitted the following report, which was adopted :

Hon. E. B. Pickett, President of the Senate, and Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIRS: Your joint conference committee, to whom was referred a bill to be entitled "An act to encourage stock raising, and for the protection of stock raisers," having carefully considered the same, we are instructed to report the following amendment to section one, and recommend its adoption, and that the Senate recede from its amendment to said section one.

GEO. P. FINLAY,
Chairman Senate Committee.
GEO. W. SMITH,
Chairman House Committee.

Amend section one by striking out all after the word "Texas," in fifth line, down to and including the word "inspector," in the tenth line. Also, strike out all after the word "animals," in line seventeen.

Amend section two by substituting the following, viz :
"SEC. 2. Every inspector so appointed shall hold his office for the term of two years ; and in case of vacancy in the office of inspector in any district, the County Court of such district shall appoint an inspector, in accordance with the provisions of the first section of this act."

The following message from his Excellency the Governor was ordered spread upon the journals :

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, May 31, 1873. }

To the Honorable Senate and House of Representatives of the State of Texas :

GENTLEMEN: I have the honor to inform you that the following-named acts have been received by me and approved, to-wit :

House bill No. 857, "An act to provide for holding an election for county officers in the county of Waller, and authorizing commissioners to hold the same," approved May 26, 1873.

House bill No. 188, "An act for the benefit of actual occupants of the public lands," approved May 26, 1873.

House bill No. 927, "An act to provide for the safe keeping and protection of the State House, or so much thereof as may include the public halls, the committee rooms used by the members of the Legislature, and all the furniture and fixtures belonging to the same, and all the books, maps, charts and papers belonging to or appertaining to the library of the State," approved May 27, 1873.

Senate joint resolution No. 43, "Joint resolution authorizing the accountants employed by the joint committee appointed by the Legislature to investigate the Treasurer's and Comptroller's offices of this State, to write up and properly balance and adjust the books of the late State Treasurer, George W. Honey, to the twenty-seventh of May, 1872, and to perform other duties herein specified, also prescribing the duties of the Comptroller in connection therewith," approved May 27, 1873.

House bill No. 228, "An act to amend article 435 of the Code of Criminal Procedure," approved May 27, 1873.

Senate bill No. 353, "An act to organize Clay county," approved May 27, 1873.

Senate bill No. 52, an act entitled "An act to amend an act prescribing the mode of proceeding in District Courts in matters of probate, approved August 15, A. D. 1870," approved May 27, 1873.

Senate bill No. 199, "An act to amend section eleven of an act entitled an act concerning divorce and alimony, approved the sixth of January, 1841," approved May 27, 1873.

Senate bill No 355, "An act prescribing the times of holding the District Courts in Kaufman and Rockwall counties, in the Tenth Judicial District," approved May 27, 1873.

House bill No. 327, "An act to re-incorporate the town of Denton, in Denton county, State of Texas, and to grant a new charter of incorporation to said town," approved May 28, 1873.

House bill No. 760, "An act to authorize the holders of State warrants to surrender the same to the State Treas-

urer, and receive State bonds in lieu thereof," approved May 30, 1873.

House bill No. 169, "An act incorporating the town of Willis, in Montgomery county, Texas," approved May 30, 1873.

House bill No. 888, "An act to amend an act to provide for districting the State of Texas into judicial districts, approved July 1, A. D. 1870," approved May 30, 1873.

Senate bill No. 95, "An act for the relief of Luke G. Lea," approved May 30, 1873.

Senate bill No. 200, "An act to amend an act incorporating the Houston and San Jacinto Canal and Navigation Company, approved August 13, 1870," approved May 30, 1873.

House bill No. 930, "An act to amend an act entitled an act to provide for districting the State of Texas into judicial districts, approved July 2, 1870," approved May 30, 1873.

House bill No. 931, "An act supplemental to an act entitled an act to amend the twenty-second section of an act entitled an act prescribing the times of holding the District Courts in the several judicial districts in the State, approved February 6, 1871," approved May 30, 1873.

Senate bill No. 124, "An act to incorporate the town of Granberry, in Hood county, State of Texas," approved May 30, 1873.

House bill No. 603, "An act to incorporate the town of Honey Grove, in the county of Fannin," approved May 30, 1873.

Senate bill No. 240½, "An act to incorporate the Burleson Male and Female Academy, in Bastrop county," approved May 30, 1873.

House bill No. 318, "An act to repeal section sixty of an act entitled an act concerning private corporations, approved December 2, 1871," approved May 30, 1873.

House bill No. 742, "An act amendatory of an act to incorporate the Galveston Agricultural, Horticultural and Industrial Association," approved May 30, 1873.

House bill No. 947, "An act to locate the county seat of Trinity county," approved May 30, 1873.

House bill No. 902, "An act to amend section one of an act entitled an act to amend thirty-fourth and thirty-

sixth sections of an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870, approved February 6, 1871," approved May 31, 1873.

The following bills not having been returned by me to the House in which they originated within the time prescribed by the Constitution, have become laws without my approval, to-wit:

House bill No. 179, "An act to authorize the County Court of Falls county to levy and collect a special tax for the purpose therein expressed," passed March 25, 1873.

Senate bill No. 292, "An act to incorporate the Sherman, Tyler and Henderson Railway Company, and to grant lands to aid in the construction thereof," passed May 6, 1873.

Senate bill No. 269, "An act empowering the Police Court of Cherokee county to levy and collect a special tax for the purpose of paying off the present outstanding indebtedness of said county," passed May 12, 1873.

Senate joint resolution No. 23, "Joint resolution instructing our Senators and requesting our Representatives in Congress to urge upon the Federal Government the propriety of removing certain tribes of hostile Indians from the frontier of Texas," passed May 15, 1873.

House bill No. 50, "An act to regulate the practise of medicine," passed May 16, 1873.

House bill No. 155, "An act to be entitled an act for the protection of the farming interests of the State," passed May 16, 1873.

House bill No. 596, "An act amendatory to and supplementary of an act entitled an act to organize and incorporate the East Line and Red River Railroad Company, approved March 22, 1871, and to aid in the construction of said railroad," passed May 17, 1873.

Senate bill No. 102, "An act for the relief of the heirs of Anthony McGee," passed May 20, 1873.

Senate bill No. 116, "An act for the relief of Lyeurgus E. Griffith," passed May 20, 1873.

Senate bill No. 82, "An act for the relief of John S. Menifee," passed May 20, 1873.

House bill No. 700, "An act granting land to the Buffalo Bayou Ship Channel Company, in aid of the improvement of the navigation from Bolivar Channel, near the Gulf of Mexico, to the city of Houston," passed May 21, 1873.

House bill No. 858, "An act to authorize the County Court of Gillespie county to contract a loan by issuing interest-bearing bonds for the purpose of building a court house and jail," passed May 22, 1873.

Respectfully,

EDMUND J. DAVIS, Governor.

Report from the Committee on Engrossed Bills :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined the following bills, to wit :

No. 824, "An act requiring the Commissioner of the General Land Office to furnish the surveyor's office of Hays county with a transcript of the surveys of said county up to 1869, and give original efficacy to them in the courts."

No. 759, "An act to authorize and require the Adjutant General to pay out certain funds heretofore appropriated for the frontier force of the State."

No. 871, "An act to amend section two of an act entitled an act amendatory of and supplemental to an act entitled an act to incorporate city of New Braunfels, approved January 7, 1860."

No. 901, "An act to incorporate the towns of Farmer-ville, Plano and Weston, in Collin county, Texas."

No. 542, "An act to incorporate the Ledbetter and La Grange Railway Company."

No. 547, "An act to incorporate the Davilla Institute, in the county of Milam."

No. 396, "An act granting H. M. Mathis, principal, and Colonel L. D. De Lyon, Miss Mollie E. Beaver, Miss Fannie Bradfield, Miss Anne Peacock, and Miss Nannie Hughes, assistant teachers of the Dangerfield High School, Dangerfield, Titus county, Texas, the privilege of granting diplomas to students who complete the course of study established by the principal and faculty of the institution."

No. 941, "An act to appropriate five hundred and three dollars to pay second class certificate No. 2.886 of the public debt of the Republic of Texas, issued to John R. Cunningham, September 1, 1851."

No. 646, "An act to incorporate the Middle Texas Fair Association, of Navarro county, Texas."

No. 952, "An act for the protection of the farming interests of a certain portion of Cooke county, Texas."

No. 617, "An act to authorize the County Court of Hays county to issue bonds, for the purpose of funding the indebtedness of said county, and to provide for their payment."

No. 668, "An act amendatory of and supplemental to an act entitled an act to incorporate the Galveston and Eastern Texas Railway Company, approved December 1, 1871."

No. 711, "An act to amend an act to amend the thirty-sixth section of an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved August 13, 1870."

No. 588, "An act to authorize the Police Court of Jasper county to levy and have collected a special tax, for the purpose of building a jail in said county."

And find the same correctly enrolled, and have this the thirty-first day of May, at 5:50 o'clock P. M., presented the same to the Governor for his approval.

SHAW, Chairman.

On motion of Mr. Prendergast, the House adjourned until 9 A. M. Monday.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, June 2, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

Absent—Messrs. Cook, Mills, Phelps, Sabin, Salter and Short.

A message from the Senate announced the passage by that body of the following House bills:

No. 975, "An act to create and define Clay land district."

No. 611, "An act to incorporate the Central Wharf and Warehouse Company of Corpus Christi."

No. 942, "An act to prohibit the sale or disposal of intoxicating liquors within three miles of Pecan Grove male and female school, in Hill county."

No. 919, "An act to appropriate three hundred dollars to buy postage stamps for the office of Superintendent of Public Instruction."

No. 358, "An act to make provisions for the better security of public funds."

No. 865, "An act to validate bounty land warrant No. . . . , issued to the heirs of Thomas Jackson."

No. 403, "An act for the relief of the heirs of John Short, deceased."

No. 348, "An act to prohibit the sale of intoxicating liquors within certain limits of Jonesborough school, in Coryell county."

No. 966, "An act to allow the Superintendent of Public Instruction an additional clerk on and after the first day of September, 1873," with amendments by the Senate.

No. 778, "An act to regulate the fees to be charged by the Commissioner of the General Land Office."

No. 883, "An act to incorporate the Wilson Creek and Colorado Canal Company."

No. 654, "An act amendatory of and supplementary to an act entitled an act to amend sections two and twelve of an act to incorporate the Hempstead, Eastern and Western Trunk Railway Company of Texas, approved August 12, 1871, passed April 28, 1871."

No. 976, "An act to authorize the County Court of Cooke county to levy and collect a special tax for the purpose of building a jail."

No. 412, "An act for the relief of G. W. Patterson and son."

No. 329, "An act prohibiting the sale or disposal of intoxicating liquors within five miles of the academy in the town of Clifton, Bosque county."

No. 284, "An act for the relief of L. W. Ludlow."

No. 894, "An act to legalize the unconditional certificate for three hundred and twenty acres of land issued to Josiah Powers, and the survey made by virtue of the same."

No. 288, "An act for the relief of heirs or assignees of E. S. Williams, deceased."

No. 330, "An act prohibiting the sale of intoxicating liquors within two miles of Valley Mills Academy, in Bosque county."

No. 802, "An act to enable certain towns and cities to erect hospitals."

No. 977, "An act to create and define Montague land district."

No. 972, "An act to extend the limits of Marion county, so as to include a portion of Harrison county, and to

define the boundary thereof," with amendments by the Senate."

No. 466, "An act to amend the Penal Code of the State of Texas."

No. 806, "An act to prohibit the sale or giving away of spirituous, vinous, malt or other intoxicating liquors within two miles of certain places therein named."

No. 948, "An act to amend an act to incorporate the town of Pilot Point, passed October 8, 1866."

And the following Senate bills:

No. 250, "An act to prevent the sale or gift of spirituous or intoxicating liquors within two miles of Concrete College."

No. 392, "An act to authorize the Judge of the Twenty-third Judicial District to hold a special term of the District Court of McLennan county for the trial of criminal causes."

No. 372, "An act to amend an act to incorporate the town of Millican, county of Brazos, approved March 13, 1871."

No. 373, "An act to provide for the improvement of the navigation of the Trinity river, and to grant the aid of the State therefor."

No. 282, "An act to authorize the County Court of Menard county to levy and collect a special tax to build a court house and jail."

No. 350, "An act to incorporate the Columbus Engine and Hook and Ladder Company No. 1."

No. 267, "An act to incorporate Tyler Chapter No. 24, Royal Arch Masons."

No. 393, "An act to promote the construction of water works for the city of Galveston."

No. 294, "An act to incorporate the Irish Immigration Aid and Colonization Association of the State of Texas."

No. 276, "An act to authorize the County Court of Kendall county to levy and collect a special tax to pay the outstanding debt of said county."

No. 278, "An act authorizing the County Court of Kendall county to have transcripts made of deeds, mortgages, judgments etc., from records of the counties of Bexar, Comal and Blanco."

No. 402, "An act supplemental to and explanatory of an act to provide for the printing of the general laws of the State in the German and Spanish languages," passed at the present session of the Legislature."

No. 388, "An act making appropriation to pay salaries of certain extra clerks in the Comptroller's and Treasurer's offices, appointed to serve during the session of the Thirteenth Legislature."

No. 394, "An act for the relief of C. C. King."

No. 395, "An act to amend an act approved March 9, 1848, entitled an act concerning the forfeiture of certain neat cattle."

No. 384, "An act to amend section first of article third of an act to incorporate the city of Austin," approved April 5, 1873.

No. 396, "An act supplementary to an act entitled an act to ascertain the amounts due the teachers of the public free schools of this State prior to the first day of March, A. D. 1873, and to provide for the payment of the same."

No. 332, "An act to incorporate the Bayou City Hook and Ladder Company No. 2, of the city of Houston."

No. 242, "An act for the relief of certain pre-emption settlers in Bandera county."

Also the following House bills:

No. 968, "An act to pay sheriffs for furnishing blankets, mosquito bars and fuel to prisoners, and for cleaning and purifying the jails."

No. 971, "An act making an appropriation for the *per diem* pay of the members, and the *per diem* pay of the officers and employes of the Thirteenth Legislature."

No. 969, "An act to create certain county offices, and provide for filling the same," with amendments by the Senate.

On motion of Mr. Harrison, the reading of the journal was dispensed with.

Mr. Bordeaux, arose to a point of order, and stated that the "notice of motion to reconsider" given on Saturday, by Mr. Ireland, was not under the rules properly a motion to reconsider; and if it were, it was not made in time—that is, before the orders of the day were taken up.

The Speaker ruled the point of order not well taken.

Mr. Bordeaux appealed from the decision of the Chair.

The yeas and nays being called the House sustained the Chair by the following vote:

Yeas—Messrs. Adriance, Allison, Anderson, Brown of Upshur, Brown of Dallas, Carroll, Cook, Cunningham, Davenport, Day, Denton, Eastland, Gaston, Gillette, Har-

risson, Hollingsworth, Ireland, Joseph, Kemble, Killough, Lane, Manning, McDonald, Mills, Moore, Morris, Nelson, Noeggerath, Payne, Powers, Rainey, Rimes, Robb, Roberts, Rosborough, Sabin, Shaw, Short, Storey, Stockbridge, Thurmond, Tilson, Tivy, Washington, Westfall, Wilder, Williams and Winkler—49.

Nays—Messrs. Abbott, Armstrong, Bledsoe, Booty, Bordeaux, Ford, Hester, Hoffman, Kleberg, Leyendecker, Prendergast, Sayers, Tom, Trolinger, Venters, Watts and Wood—17.

The question then being on the motion to reconsider the vote which adopted adverse report on House bill No. 397, "An act in relation to the Missouri, Kansas and Texas Railway Company, late Union Pacific Railway Company, Southern Branch, passed August 2, 1870," Mr. Washington moved the previous question, which was seconded and the main question ordered.

The vote was reconsidered by the following vote :

Yeas—Messrs. Speaker, Allison, Anderson, Booty, Broaddus, Brown of Upshur, Carroll, Cook, Cunningham, Davenport, Day, Eastland, Gaston, Gillette, Green, Hoffman, Hollingsworth, Ireland, Joseph, Killough, Kleberg, Manning, McDonald, Mills, Moore, Nelson, Noeggerath, Powers, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Sayers, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Washington, Westfall, Wilder and Winkler—49.

Nays—Messrs. Abbott, Armstrong, Berends, Bledsoe, Bordeaux, Chambers, Denton, Ford, Gilpin, Hester, Kemble, Lane, Leyendecker, Payne, Prendergast, Salter, Tom, Trolinger, Venters, Watts and Wood—21.

A message was received from his Excellency the Governor returning House bill No. 114, "An act to amend the first section of an act entitled an act to provide for the creating of two counties out of the territory now embraced within the limits of Refugio county, and to provide for their organization, passed September 18, A. D. 1871," with his objections to the same.

Resuming the subject, Mr. Cook moved to refer the bill to a special committee, of which Mr. Prendergast should be chairman, with instructions to report thereon this evening at 3 o'clock, which carried.

Mr. Trolinger moved to take up House bill No. 615.

supplementary and amendatory of "An act authorizing the sale and disposition of University lands." The House refused.

Mr. Payne presented the following memorial, which was read and ordered spread upon the journal:

MARSHALL, TEXAS, May 25, 1873.

Hon. T. J. Watts and J. Payne, members House Representatives, Austin, Texas:

SIRS: Enclosed please find memorial of myself to the Thirteenth Legislature, in regard to the subsidy of six millions of dollars granted to the Southern Pacific and Southern Trans-Continental Railroad Company, known now as the Texas and Pacific Railroad Company.

I want the memorial presented to the Legislature; and if my presence is required to facilitate an investigation, I can be found. I appeal to you as servants of the State, in the behalf of the people of the State.

Respectfully,

(Signed)

W. B. JOHNSTON,

Late Sergeant-at-Arms Senate, Twelfth Legislature, State of Texas.

N. B. I send you two copies.

(Signed)

J.

To Hon. E. B. Pickett, President of the Senate, and Hon. M. D. K. Taylor, Speaker of the House of Representatives:

GENTLEMEN: I would most respectfully submit to the Senate and House of Representatives of our State, of which you have the honor to be the presiding officers, the following facts, to-wit:

Whereas, during the sessions of the Legislature in the years 1870 and 1871, I, as sergeant-at-arms of the Senate, became cognizant of the great swindle and robbery done the people of the State of Texas by a certain railroad company, known now by the name and title of Texas Pacific; and

Whereas, I at that time was a poor man working for an honest salary, and knowing that divulgence of my knowledge of the facts of the great robbery then being perpetrated by the said company upon the people of the State of Texas, would cost me my position as sergeant-at-arms of the Senate; and believing, further, that a day was not far distant when I would be able, without detriment to myself, to present to your honorable bodies the facts of

my knowledge of these things. Therefore, I do hereby memorialize the Thirteenth Legislature of the State of Texas, in behalf of the people of said State, and to relieve myself of the fearful consciousness of the knowledge of bribery and corruption committed by the Texas and Pacific Railroad Company, through their agent, James H. Bell, in concert with several members of both branches of the Twelfth Legislature, whereby there was caused to be granted by the people of our State, through these corrupt Representatives, *six millions* of dollars, upon the conditions fully prescribed in an act which passed November 25, A. D. 1871, and entitled "An act amendatory of and supplementary to an act entitled 'An act to encourage the speedy construction of a railroad through the State of Texas to the Pacific Ocean,' " passed on the twenty-fourth day of May, A. D. 1871, which bill was intended to be the golden arrow whose irresistible force—for the sake of, and with a humane feeling for the suffering families upon the borders of our State—was to hurl back the marauding bands of hostile Indians, and change our fertile public domain from a howling wilderness to a second "Garden of Eden." And at the same time that these corrupt men were clamoring loudly that the relief of our border from Indians were their arguments for sustaining the bill, they were as persistently impressing upon the aforementioned James H. Bell the necessity of a monied consideration to secure the passage of the bill, and avowed not to vote for it unless the amounts which he had already promised, and which had brought about the Indian argument to prepare the minds of the people for its final passage, *should be paid*, and which amounts were paid in the presence of myself, at least a portion of it—a part of the money being paid down, and the other to be paid conditional upon the final passage of the bill.

The names of the parties so being bribed and corrupted it is needless for me to state here, as the delineations of the facts connected with each separate case would make this memorial too long and tedious, and at the same time could not serve the purpose of a thorough examination under oath before a committee of investigation, and I have already made out a careful and succinct statement of all the facts in each separate case, thoroughly authenticated and qualified to, which statements will be presented almost simultaneously with this memorial; and in

making my memorial to the Thirteenth Legislature, I do so under a profound sense of duty to the people of our State, whose servant I was at the time of these occurrences, and also to make reparation to the honest members of the Twelfth Legislature for any dereliction of duty I may have committed by allowing my knowledge of the facts herein set forth to remain concealed from them and the public, and my reasons for so doing was in the belief that I was utterly powerless for remedy until now, because I believe that with a slight advance on the money used—and the Constitution had authorized a special tax upon the people—the bill could have been passed, though there was not an Indian within ten thousand miles of our border and not an acre of public land in the State. I know whereof I speak, and all the immunity I claim is that I make this exposure with the understanding that I claim the prerogative of State witness under the laws of this State and the United States. And I ask the people of our State in all that may look strange in my silence until now their careful scrutiny of my conduct, and to newspaper men, except those who were engaged in this thing, I ask your support in this matter for the interest and in the name of our common country. I think that I can show that "Credit Mobilier and Tammany" have their parallel in Texas, to the discredit of our noble State it must be said.

THE STATE OF TEXAS, HARRISON COUNTY.—Before me, C. E. Bolles, clerk of the District Court of Harrison county, Texas, appeared W. B. Johnston, who on oath says that the statements set forth in the above and foregoing memorial are true.

Sworn to and subscribed before me, this [SEAL.] twenty-fifth of May, A. D. 1873, seal of office affixed.

C. E. BOLLES, Clerk.

On motion of Mr. Watts, the memorial was referred to a special committee, consisting of Messrs. Smith, of Colorado, Payne and Rainey, with instruction to report thereon at 3:30 P. M.

Mr. Denton introduced a bill to prohibit the sale or otherwise disposing of spirituous, vinous or other intoxicating liquors within three miles of Union Valley, Wilson county.

Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Denton, the rules were further suspended, the bill read third time and passed.

Mr. Denton introduced a bill to amend the first section of an act entitled "An act to muster into service minute men for the protection of the frontier," approved November 25, 1871.

Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Denton, the rules were further suspended, the bill read third time and passed.

Mr. Kemble introduced a concurrent resolution to authorize the payment of certain scholastic census takers, which was read and adopted.

Mr. Wood offered the following resolution:

WHEREAS, The colored pages of this House have been and are receiving four dollars *per diem* each, and the white pages, Victor Kleabe, James Hardeman and Holbert Randolph, who have been equally as active and useful as the colored pages, receive but two dollars each per day; therefore,

Resolved by the House of Representatives of the State of Texas, That said three above named pages are entitled to and shall receive four dollars per day each from the date of their appointment.

Mr. Gillette moved to amend by striking out "pages," wherever it follows "colored," and inserting in lieu thereof "porters," which carried. The resolution was then adopted.

A message from the Senate announced the passage by that body of Senate bill No. 51, "An act for the relief of sureties upon official bonds," notwithstanding the objections of his Excellency the Governor.

Mr. Thurmond introduced a bill legalizing certain locations in Nueces county. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Payne, the rules were further suspended, the bill read third time and passed.

Mr. Thurmond introduced a bill for the relief of the heirs of Rev. John W. Kenney, deceased.

On motion of Mr. Kleberg the reading of the bill was dispensed with; the rules were suspended, the bill read by caption a second time and ordered engrossed.

On motion of Mr. Thurmond, the rules were further suspended, the bill read third time and passed.

Mr. Powers introduced a bill to incorporate the Carijo Bridge and Ferry Company.

On motion of Mr. Harrison, the reading of the bill was dispensed with.

On motion of Mr. Powers, the rules were suspended, the bill read by caption second time and ordered engrossed.

On motion of Mr. Powers, the rules were further suspended, the bill read third time and passed.

On motion of Mr. Shaw, Senate bill No. 319, "An act for the relief of the heirs of James W. Dickson, deceased," was taken up, read second time and passed to a third reading.

On motion of Mr. Shaw, the rules were suspended, the bill read third time and passed.

A message from the Senate announced the passage of the following Senate bills:

No. 309, "An act to incorporate the Weatherford Hook and Ladder Company No. 1."

No. 397, "An act granting charter to Weatherford City Cotton and Wool Manufacturing Company."

And the following House bills:

No. 956, "An act to provide for testing and purchasing of James G. G. Garrett his patent right improvement in insect destroyers."

No. 844, "An act to authorize the County Court of Walker county to levy a special tax to repair the court house and jail in said county."

No. 791, "An act to promote the speedy construction of a canal between the waters of Galveston bay and Sabine Lake, and in aid thereof."

Unfinished business, House bill No. 863, "An act to amend section three of an act supplementary to an act to provide for the payment of the public debt of the State of Texas, approved May 2, 1871, approved November 13, 1871," was taken up, and the Senate amendments read and concurred in.

House bill No. 970, "An act to prohibit the selling, bartering, giving away, or in any other manner disposing of alcoholic, spirituous or other intoxicating liquors of any kind within certain limits," was taken up, and the Senate amendments thereto read and concurred in.

House bill No. 920, "An act to authorize the city of Austin to become a stockholder in any company or cor-

poration for the purpose of supplying said city with water and gas," was taken up, and the Senate amendments thereto read and concurred in.

House bill No. 972, "An act to extend the limits of Marion county, so as to include a portion of Harrison county, and to define the boundary thereof," was taken up, and the Senate amendments thereto read and concurred in.

House bill No. 969, "An act to create certain county offices, and provide for filling the same," was taken up and the Senate amendments thereto read and concurred in.

House bill No. 310, "An act to incorporate the city of San Antonio," was taken up, and the Senate amendments thereto read and concurred in.

Senate bill No. 402, "An act supplemental to and explanatory of an act entitled an act to provide for the printing of the general laws of the State in the German and Spanish languages," passed at the present session of the Legislature, was read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Brown of Dallas, the rules were further suspended, the bill read third time and passed.

A message from the Senate announced that that body refused to concur in the House amendments to Senate bill No. 352, "An act amendatory of an act to amend an act entitled an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870, approved April 17, 1871," and had appointed Senators Fountain, Shelley and Tracy, a conference committee thereon, with the request for like committee on the part of the House.

Mr. Storey moved to take up Senate bill No. 307, "An act to reorganize certain judicial districts, and to abolish certain other judicial districts therein named." The House refused.

Mr. Phelps moved to take up House substitute for Senate bill No. 281, "An act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico," which was carried by the following vote:

Yeas—Messrs. Speaker, Abbott, Anderson, Bledsoe, Booty, Bordeaux, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Davenport, Denton, Eastland, Ford, Gaston, Gillette, Gilpin, Green, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble,

Killough, Kleberg, Lane, Leyendecker, Manning, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Roberts, Rosborough, Russell, Salter, Sayers, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Tilson, Tivy, Trolinger, Venters, Westfall, Williams and Winkler—56.

Nays—Messrs. Allison, Berends, Broaddus, McDonald, Mills, Moore, Robb, Short, Watts, Wilder and Wood—11.

Whereupon the bill was taken up, pending a substitute therefor offered by Mr. Cook.

Leave having been granted, Mr. Cook withdrew his substitute.

The question then was upon the engrossment of the bill, pending which Mr. Tom offered the following amendment:

1. Amend so as to include those only that are in need of actual help.

2. That this act shall not include any person owning taxable property to the amount of twenty-five hundred dollars worth of property, or a larger amount.

Mr. Cook offered the following amendment to the amendment: "*Provided*, that any pensioner entitled under the provisions of the act of August 13, 1870, granting pensions to the veterans, etc., who shall elect not to accept the benefits of this act, shall not be in any manner prejudiced in any right he may have under the act of August 13, 1870."

The House refused to adopt the amendment to the amendment.

The amendment was then adopted by the following vote:

Yeas—Messrs. Abbott, Allison, Berends, Booty, Broaddus, Brown of Upshur, Carroll, Cunningham, Day, Denton, Eastland, Ford, Gaston, Gillette, Harrison, Hoffman, Kemble, Killough, Lane, Leyendecker, Manning, McDonald, Mills, Moore, Morris, Nelson, Noeggerath, Powers, Prendergast, Rimes, Robb, Rosborough, Russell, Shaw, Short, Smith of Houston, Tilson, Tom, Venters, Washington, Watts, Wilder and Wood—43.

Nays—Messrs. Adriance, Anderson, Bledsoe, Bordeaux, Brown of Dallas, Chambers, Cook, Davenport, Green, Hester, Hollingsworth, Ireland, Joseph, Kleberg, Payne, Phelps, Rainey, Roberts, Sabin, Salter, Sayers,

Smith of Colorado, Storey, Stockbridge, Tivy, Trolinger, Westfall, Williams and Winkler—29.

Mr. Prendergast offered the following amendment: Amend by striking out of section one the following: "And the surviving Mier and Santa Fé prisoners, and those taken prisoners at San Antonio and at Dawson's massacre in September, 1842," and insert in lieu thereof as follows: "are hereby declared."

Mr. Cunningham moved the previous question, which was seconded, and the main question ordered.

The amendment was adopted by the following vote:

Yeas—Messrs. Speaker, Abbott, Armstrong, Bledsoe, Booty, Broaddus, Brown of Upshur, Carroll, Chambers, Cunningham, Day, Denton, Eastland, Ford, Gaston, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Lane, Leyendecker, Manning, McDonald, Mills, Morris, Nelson, Noeggerath, Powers, Prendergast, Rimes, Rosborough, Russell, Sayers, Shaw, Short, Smith of Houston, Storey, Tilson, Tom, Trolinger, Venters, Watts, Wilder and Winkler—49.

Nays—Messrs. Adriance, Anderson, Berends, Bordeaux, Brown of Dallas, Cook, Davenport, Green, Ireland, Kleberg, Moore, Payne, Phelps, Rainey, Roberts, Smith of Colorado, Stockbridge, Tivy, Washington, Westfall and Williams—21.

The bill was then ordered engrossed.

On motion of Mr. Kleberg, the rules were suspended, and the bill read third time.

Mr. Smith of Colorado, offered the following amendment: "*Provided*, that every veteran who may be excluded from the provisions of this act by reason of owning as much as twenty-five hundred dollars worth of taxable property as here provided, shall have the full amount due them under the act of August, 1870, aforesaid, and that the said bonds shall be issued to them for the same up to the first day of July, 1873, and they shall be entitled to no further pensions under this act, or that of the thirteenth of August, 1870."

Mr. Mills moved to adjourn. The House refused.

Mr. Winkler offered the following amendment to the amendment: "Unless they shall hereafter become pecuniarily reduced below twenty-five hundred dollars worth of property."

Mr. Armstrong moved to lay the bill and amendments

upon the table. Division being called for, the amendments were tabled.

The House then refused to table the bill by the following vote :

Yeas—Messrs. Adriance, Allison, Armstrong, Berends, Brown of Dallas, Cook, Gillette, Gilpin, Kleberg, Moore, Payne, Phelps, Shaw, Short, Smith of Colorado, Stockbridge, Tivy, Trolinger and Wilder—19.

Nays—Messrs. Speaker, Anderson, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Chambers, Cunningham, Davenport, Day, Denton, Eastland, Ford, Gaston, Green, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Killough, Lane, Leyendecker, Manning, McDonald, Mills, Morris, Nelson, Noeggerath, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Sabin, Sayers, Smith of Houston, Storey, Tilson, Venters, Washington, Watts, Westfall, Williams and Winkler—49.

Mr. Killough moved the previous question, which was seconded, and the main question ordered.

The bill then passed by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Booty, Bordeaux, Broaddus, Brown of Upshur, Chambers, Cook, Cunningham, Davenport, Day, Denton, Eastland, Ford, Gaston, Gillette, Green, Harrison, Hester, Ireland, Joseph, Kemble, Killough, Lane, Leyendecker, Manning, McDonald, Mills, Nelson, Noeggerath, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Sabin, Sayers, Shaw, Smith of Houston, Storey, Stockbridge, Tilson, Tivy, Venters, Washington, Watts, Westfall, Williams and Winkler—55.

Nays—Messrs. Bledsoe, Brown of Dallas, Gilpin, Hollingsworth, Kleberg, Moore, Morris, Payne, Short, Smith of Colorado, Trolinger and Wilder—12.

A message from the Senate announced the passage by that body of the following Senate bills :

No. 404, "An act supplemental to an act entitled an act making appropriations for the support of the State Government for the fiscal year beginning September 1, 1872, and ending August 31, 1873; and for the fiscal year beginning September 1, 1873, and ending August 31, 1874."

No. 403, "An act making appropriation of all unexpended balances of appropriations for the support of the State Government for the fiscal year 1873, and for the fiscal year 1874."

The Committee on Enrolled Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined the following bills, to-wit:

No. 928, "An act to authorize the issuance of land certificates to the heirs of those who were killed in the Dawson massacre, in September, 1842."

No. 646, "An act to incorporate the Middle Texas Fair Association."

No. 941, "An act to appropriate five hundred and three dollars to pay second class certificate No. 2886 of the public debt of the Republic of Texas, issued to John R. Cunningham, September, 1851."

No. 588, "An act to authorize the Police Court of Jasper county to levy and have collected a special tax for the purpose of building a jail in said county."

No. 617, "An act to authorize the County Court of Hays county to issue bonds for the purpose of funding the indebtedness of said county, and to provide for their payment."

No. 547, "An act to incorporate Davilla Institute, in Milam county."

No. 396, "An act granting H. M. Matthis, principal, and L. D. DeLyon, Miss Mollie E. Beaver, Miss Fannie Bradford, and Miss Nannie Hughes, assistant teachers of the Dangerfield High School, Dangerfield, Titus county, Texas, etc."

No. 871, "An act to amend section two of an act entitled an act amendatory of and supplemental to an act to incorporate the city of New Braunfels, approved January 7, 1860."

No. 944, "An act requiring county courts to make settlements with sheriffs and treasurers of school boards."

No. 824, "An act requiring the Commissioner of the General Land Office to furnish the surveyor's office of Hays county with a transcript of the records of said office."

No. 759, "An act to authorize and require the Adjutant General to pay out certain funds heretofore appropriated for the frontier force of the State."

No. 223, "An act for the relief of A. T. Watts."

No. 913, "An act making an appropriation to defray

the contingent expenses of the first session of the Thirteenth Legislature of the State of Texas."

No. 542, "An act to incorporate the Ledbetter and La Grange Railway Company."

No. 182, "An act to authorize the Police Court of Leon county to levy and collect a special tax to build a jail, and for other improvements."

No. 901, "An act to incorporate the towns of Farmersville, Plano and Weston, in Collin county."

No. 952, "An act for the protection of the farming interests of a certain portion of Cooke county."

No. 711, "An act to amend the twenty-sixth section of an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duty, approved August 13, 1870."

No. 892, "An act to incorporate the town of McKinney, Collin county."

No. 364, "An act to validate the quadruplicate certificate for one league and labor issued April 4, 1872, to the heirs of Naham Mixon, deceased."

No. 668, "An act amendatory of and supplemental to an act entitled an act to incorporate the Galveston and Eastern Texas Railway Company, approved December 1, 1871."

No. 793, "An act for the relief of the heirs of Frederick Rowe, deceased."

No. 953, "An act for the relief of Alfred S. Thurmond."

No. 895, "An act to amend the first section of an act to establish and incorporate the College of DeKalb."

No. 105, "An act for the relief of certain citizens of Limestone and Walker counties."

No. 503, "An act supplemental to an act entitled an act to incorporate the Pacific and Great Eastern Railway Company, approved August 13, 1870."

No. 847, "An act supplementary to the acts incorporating the city of Dallas."

No. 877, "An act to authorize the County Court of Colorado county to levy a special tax for the erection of a county jail."

No. 837, "An act to incorporate the San Marcos, Guadalupe and Galveston Canal Company."

No. 570, "An act to create the county of Wegefath."

No. 203, "An act to establish a ferry across the Trinity river, at Prewit's old mill."

No. 776, "An act to prevent the herding of stock on certain lands therein named."

No. 770, "An act to amend an act to incorporate the city of Brenham, and to grant a new charter to said city, approved February 4, 1873."

No. 809, "An act providing for the condemnation and sale of land for delinquent taxes."

No. 729, House joint resolution for the relief of Rufus A. Upton, late sheriff of Refugio county.

No. 949, "An act to secure uniformity of courses and measurements of lines by surveyors."

No. 589, "An act to incorporate the Texas University."

No. 285, "An act to validate headright land certificate No. 102, dated fifteenth of February 1838, issued to Walter Campbell for three hundred and sixty-nine acres of land, instead of three hundred and seventy and one-third acres, as now stated in said certificate."

No. 686, "An act to authorize T. C. Jordan to purchase one hundred and sixty acres of land situate in the county of Hood, being a part of the land surveyed for the county of Milam for the purposes of education."

No. 852, "An act to prohibit the sale of, or otherwise disposing of spirituous liquors within six miles of Little River Academy, in Bell county, Texas."

No. 848, "An act to provide for the investigation of fires in certain cases."

No. 914, "An act authorizing and requiring the issuance of certificates to certain persons therein named."

No. 792, "An act to organize the county of McMullen."

No. 326, "An act to prohibit the sale or disposition of spirituous, vinous, or other intoxicating liquors within three miles of Mt. Calvert Masonic Institute."

No. 960, "An act to amend the sixth section of an act entitled an act to incorporate the town of Ysleta, in El Paso county, approved May 9, 1871."

No. 378, "An act to prohibit the sale of all intoxicating liquors within three miles of Fairview Academy, Williamson county, Texas."

No. 875, "An act to incorporate the Texas Well and Irrigation Company."

No. 653, "An act to incorporate the Lavaca County Tap Railway Company."

No. 744, "An act to authorize the Police Court of Hunt county to collect a special tax."

No. 936, "An act providing for an election of officers for the town of Cameron."

No. 856, "An act to incorporate the officers and members of Gaiety Lodge No. 84 of the Independent Order of Odd Fellows, situated at Carthage, Texas."

No. 638, "An act to incorporate the Fort Worth, Cleburne and Waco Railway Company, and granting lands in aid of the construction of said railway."

No. 940, "An act to better protect the papers, records and files in the General Land Office."

No. 561, "An act to incorporate a Savings Bank, in Bonham, Fannin county, Texas."

No. 407, "An act to incorporate the Central Texas Agricultural and Mechanical Fair Association."

No. 806, "An act to prohibit the sale or giving away of spirituous, vinous, malt, or other intoxicating liquors, within two miles of certain places therein named."

No. 948, "An act to amend an act to incorporate the town of Pilot Point, passed October 8, 1866."

No. 975, "An act to create and define Clay land district."

No. 611, "An act to incorporate the Wharf and Warehouse Company, of Corpus Christi."

And find the same correctly enrolled, and have this the second day of June, at 10:25 o'clock A. M., presented the same to the Governor for his approval.

SHAW, Chairman.

Report from the Committee on Engrossed Bills:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills have carefully examined the following House bills:

No. 984, a bill to be entitled "An act to prohibit the sale or otherwise disposing of spirituous, vinous or other intoxicating liquors within three miles of Union Valley, Wilson county, Texas."

No. 983, a bill to be entitled "An act to amend the first section of an act entitled an act to muster into service minute men for the protection of the frontier, approved November 25, 1871."

No. 671, a bill to be entitled "An act to legalize certain locations in Nueces county."

No. 625, a bill to be entitled "An act for the relief of the heirs of Rev. John W. Kenney, deceased."

No. 635, a bill to be entitled "An act to incorporate the Carijo Bridge and Ferry Company."

And find the same correctly engrossed.

BOOTY, Chairman.

On motion of Mr. Rainey, the House adjourned until 3 P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

Absent—Messrs. Abbott, Bewley, Brown of Dallas, Cook, Day, Green, Hester, Mills, Phelps, Short and Smith of Colorado.

Leave being granted, Mr. Wood introduced a bill supplementary to "An act regulating taxation," passed at the present session of the Legislature. Read first time.

On motion of Mr. Watts, the rules were suspended, the bill read second time and ordered engrossed.

On motion of Mr. Denton, the rules were further suspended, the bill read third time and passed.

House bill No. 966, "An act to allow the Superintendent of Public Instruction an additional clerk on and after the first day of September, 1873," was taken up, and the Senate amendment thereto read and concurred in.

A message from the Senate announced the passage by that body of the following House bills:

No. 609, "An act requiring the Commissioner of the General Land Office to issue patents upon surveys therein mentioned."

No. 937, "An act supplemental and amendatory of an act to provide for prompt settlement of accounts by sheriffs with the State and counties, approved April 28, 1873."

No. 531, "An act to authorize the Commissioner of the General Land Office to furnish photographic county maps to the several counties of the State."

No. 978, "An act authorizing the County Court of Cooke county to issue bonds for the purpose of funding the county indebtedness."

No. 939, "An act to amend article seven hundred and two of an act to establish a code of criminal procedure for the State of Texas, approved August 26, 1856."

Also, that the Senate receded from its amendments to

House bill No. 185, "An act defining the duties of the Comptroller."

Also, of the passage of the following Senate bills:

No. 391, An act making an appropriation to carry into effect a joint resolution requiring the Commissioner of the General Land Office to make certain publications," passed March 14, 1873.

No. 399, "An act to amend section five of an act entitled an act to authorize the holders of State Warrants to surrender the same to the State Treasurer and receive State bonds in lieu thereof," passed during the present session of the Legislature.

No. 390, "An act making an appropriation for the Supreme Court."

Mr. Prendergast moved to reconsider the vote passing House substitute for Senate bill No. 281, "An act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico," which motion carried.

Mr. Prendergast offered the following amendment, which was adopted:

Strike out of section six the following: "Save and except the survivors of the Santa Fé and Mier prisoners, and Dawson's massacre of 1842."

The bill then passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Anderson, Berends, Booty, Bordeaux, Broaddus, Brown of Upshur, Carroll, Chambers, Cook, Cunningham, Davenport, Denton, Eastland, Ford, Gaston, Gillette, Harrison, Hester, Hoffman, Ireland, Joseph, Kemble, Killough, Lane, Leyendecker, Manning, McDonald, Mills, Morris, Nelson, Noeggerath, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Sayers, Shaw, Smith of Houston, Storey, Stockbridge, Tivy, Tom, Venters, Washington, Watts, Westfall, Williams, Winkler and Wood—56.

Nays—Messrs. Armstrong, Bewley, Bledsoe, Brown of Dallas, Gilpin, Hollingsworth, Kleberg, Moore, Payne, Smith of Colorado, Trolinger and Wilder—12.

The Speaker announced the following committee upon the bill known as the Missouri, Kansas and Texas Railway bill, viz: Messrs. Prendergast, Brown of Dallas and Anderson.

On motion of Mr. Bordeaux, Mr. Trolinger was added to the committee.

Upon his call, Mr. Watts moved to take up all Senate bills on the Speaker's table.

Mr. Killough moved the previous question upon the motion, which was seconded, and the main question ordered.

The motion then carried.

On motion of Mr. Broaddus, Mr. Carroll was excused during the remainder of the session, on account of pressing business.

Senate bill No. 250, "An act to prevent the sale or gift of spirituous or intoxicating liquors within two miles of Concrete College," was read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Sayers, the rules were further suspended, the bill read third time and passed.

Senate bill No. 388, "An act making appropriation to pay salaries of certain extra clerks in the Comptroller's and Treasurer's offices, appointed to serve during the session of the Thirteenth Legislature," was read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Denton, the rules were further suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Day, Denton, Eastland, Ford, Gaston, Gillette, Gilpin, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Mills, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Shaw, Short, Smith of Colorado, Storey, Stockbridge, Tilton, Venters, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—65.

Nays—Messrs. Moore and Smith of Houston—2.

Senate bill No. 384, "An act to amend section one of article three of an act to incorporate the city of Austin, approved April 5, 1873," was read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Westfall, the rules were further suspended, the bill read third time and passed.

Senate bill No. 378, "An act to provide for the improve-

ment of the navigation of the Trinity river, and to grant the aid of the State therefor," was read first time; rules suspended and read second time.

Mr. Mills moved to amend by striking out "by the State of Texas," and inserting in lieu thereof "by the persons asking for this charter."

On motion of Mr. Wood, the amendment was laid on the table. The bill then passed to third reading.

On motion of Mr. Rainey, the rules were further suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Anderson, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broadus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Davenport, Day, Denton, Eastland, Ford, Gaston, Gillette, Gilpin, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Kleberg, Lane, Leyendecker, Manning, McDonald, Moore, Nelson, Noeggerath, Payne, Phelps, Prendergast, Rainey, Rimes, Robb, Russell, Sabin, Salter, Sayers, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Washington, Watts, Westfall, Williams, Winkler and Wood—60.

Nays—Messrs. Allison, Harrison, Killough, Mills, Rosborough and Wilder—6.

Senate bill No. 255, "An act to incorporate the Paris Street Railway Company," was read second time and passed to third reading.

On motion of Mr. Brown of Dallas, the rules were further suspended, the bill read third time and passed.

Senate bill No. 287, "An act to incorporate the Lake City Navigation Company, and to aid said company to improve the navigation of Big Cypress Bayou," was read first time; rules suspended, and read second time.

Mr. Winkler offered the following amendment, which was adopted:

Amend as follows: "*Provided*, that the lands hereby donated by the State, except such portions thereof as may be necessary for protecting the right of way and for operating the canal and stream, shall be alienated as follows: One-fourth in eight (8) years, one-fourth in twelve (12) years, one-fourth in (16) years, and the remaining one-fourth in twenty (20) years, after the issuance of the

certificate, and any failure to so alienate shall work a forfeiture of the lands so alienated."

The bill then passed to third reading.

On motion of Mr. Anderson, the rules were further suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Anderson, Berends, Bewley, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Cunningham, Day, Eastland, Ford, Gaston, Gillette, Gilpin, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Lane, Leyendecker, Manning, McDonald, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Shaw, Short, Smith of Colorado, Stockbridge, Tilson, Tivy, Washington, Watts, Williams, Winkler and Wood—54.

Nays—Messrs. Bledsoe, Bordeaux, Harrison, Hester, Mills, Smith of Houston, Storey, Tom, Venters and Wilder—9.

Senate bill No. 377, "An act to amend section second of an act concerning county seats, approved May 9, 1838," was read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Anderson, the rules were further suspended, the bill read third time and passed.

Senate bill No. 267, "An act to incorporate Tyler Chapter No. 24, Royal Arch Masons," was read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Gaston, the rules were further suspended, the bill read third time and passed.

Senate bill No. 392, "An act to authorize the Judge of the Thirty third Judicial District to hold a special term of the District Court of McLennan county, for the trial of criminal causes," was read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Anderson, the rules were further suspended, the bill read third time and passed.

Senate joint resolution No. 48, authorizing the Governor to effect the removal of the Indians from the frontier of this State, and making an appropriation for that purpose," was read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Bordeaux, the rules were further suspended, the resolution read third time and passed by the following vote :

Yeas—Messrs. Speaker, Abbott, Allison, Anderson, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Cook, Cunningham, Davenport, Eastland, Ford, Gaston, Gillette, Gilpin, Harrison, Hollingsworth, Ireland, Joseph, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Mills, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Robb, Roberts, Rosborough, Sabin, Salter, Sayers, Shaw, Short, Smith of Houston, Storey, Stockbridge, Tivy, Tom, Venters, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—60.

Nays—Messrs. Kemble and Tilson—2.

Senate bill No. 278, "An act authorizing the County Court of Kendall county to have transcripts made of deeds, mortgages, judgments, etc., from records of counties of Bexar, Comal and Blanco," was read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Tivy, the rules were further suspended, the bill read third time and passed.

Senate bill No. 276, "An act to authorize the County Court of Kendall county to levy and collect a special tax to pay the outstanding debt of said county," was read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Tivy, the rules were further suspended, the bill read third time and passed.

Senate bill No. 390, "An act making an appropriation for the Supreme Court," was read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Brown of Dallas, the rules were further suspended, the bill read third time and passed by the following vote :

Yeas—Messrs. Speaker, Allison, Anderson, Armstrong, Berends, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cook, Davenport, Day, Denton, Eastland, Ford, Gaston, Green, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Killough, Kleberg, Lane, Leyendecker, Moore, Morris, Nelson, Noeggerath, Payne, Powers, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Salter, Sayers, Shaw, Smith of Colorado,

Storey, Stockbridge, Thurmond, Tivy, Tom, Venters, Watts, Wilder Williams, Winkler and Wood—56.

Nays—Messrs. Bledsoe, Cunningham, Gillette, Harrison, Manning, McDonald, Mills, Prendergast, Short, Smith of Houston and Westfall—11.

Senate bill No. 225, "An act to amend the twenty-second section of an act entitled an act to consolidate into one act and amend the several acts incorporating the town of Rusk, in Cherokee county," was read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Rainey, the rules were further suspended, the bill read third time and passed.

A message from the Senate announced the passage by that body of Senate joint resolution No. 50, providing for the completion of the examination of the accounts of the Comptroller and Treasurer, and making appropriation therefor.

And House bill No. 983, "An act to amend section one of an act entitled an act to muster into service minute men for the protection of the frontier, approved November 15, 1871."

Senate bill No. 245, "An act to authorize the sale of portions of the public domain," was read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Payne, the rules were further suspended, the bill read third time and passed.

Senate bill No. 242, "An act for the relief of certain pre-emption settlers in Bandera county," was read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Brown of Dallas, the rules were further suspended, the bill read third time and passed.

On motion of Mr. Westfall, Mr. Tilson was excused for the remainder of the session.

Senate joint resolution No. 46, granting leave of absence to Hon. Moses B. Walker, Justice of the Supreme Court, from the adjournment of the present term of the Supreme Court, to the assembling of the next term of the same, was read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Payne, the rules were further suspended, the bill read third time and passed.

Senate bill No. 261, "An act to prevent the sale or gift

of spirituous or intoxicating liquors within three miles of the Palo Alto Institute, in Bell county," was read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Westfall, the rules were further suspended, the bill read third time and passed.

Senate bill No. 316, "An act authorizing the purchase of additional ground for the use of the Asylum for the Blind, and making appropriation therefor," was read first time; rules suspended and read second time.

Mr. Wood moved to lay the bill on the table, which carried.

Senate joint resolution No. 50, providing for the completion of the examination of the accounts of the Comptroller and Treasurer, and making appropriation therefor, was read first time; rules suspended and read second time.

Mr. Denton moved to strike out the name of Senator Fountain, and insert instead, Senator Shelley. Lost.

Mr. Mills moved to strike out "\$5000," and insert in lieu thereof "\$2500."

On motion of Mr. Cook, that motion was laid on the table.

Mr. Denton moved to lay the joint resolution on the table.

The House refused to table by the following vote:

Yeas—Messrs. Speaker, Allison, Armstrong, Bledsoe, Broadus, Brown of Upshur, Cunningham, Day, Denton, Ford, Gaston, Gillette, Hollingsworth, Ireland, Killough, Lane, Manning, McDonald, Mills, Nelson, Noeggerath, Powers, Rainey, Rimes, Robb, Rosborough, Russell, Sayers, Short, Smith of Colorado, Storey and Tom—32.

Nays—Messrs. Anderson, Berends, Bewley, Booty, Bordeaux, Brown of Dallas, Chambers, Cook, Eastland, Gilpin, Green, Harrison, Hoffman, Joseph, Kleberg, Moore, Morris, Payne, Prendergast, Roberts, Sabin, Shaw, Smith of Houston, Stockbridge, Thurmond, Tilson, Tivy, Venters, Washington, Watts, Westfall, Williams, Winkler and Wood—35.

Mr. Nelson moved to strike out "\$5000" and insert instead "\$3000."

Mr. Denton moved to strike out "\$3000" and insert instead "\$2000," which was adopted.

The amendment thus amended was adopted.

The joint resolution then passed to third reading.

On motion of Mr. Denton, the rules were further suspended and the joint resolution read third time, whereupon it failed to pass by the following vote :

Yeas—Messrs. Anderson, Berends, Bordeaux, Brown of Dallas, Chambers, Davenport, Day, Eastland, Gaston, Gilpin, Green, Harrison, Ireland, Joseph, Morris, Payne, Prendergast, Rosborough, Sayers, Shaw, Thurmond, Tilson, Venters, Watts, Westfall, Winkler and Wood—27.

Nays—Messrs. Abbott, Armstrong, Bewley, Bledsoe, Booty, Broaddus, Brown of Upshur, Cunningham, Denton, Hoffman, Hollingsworth, Killough, Kleberg, Lane, Manning, McDonald, Mills, Moore, Nelson, Noeggerath, Phelps, Powers, Rainey, Rimes, Robb, Roberts, Russell, Sabin, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Tom, Washington, Wilder and Williams—36.

A message from the Senate announced the passage by that body of the following Senate bills :

No. 488, "An act to provide for the employment and payment of attorneys to attend to certain suits instituted in the District Court of Travis county, under an act to ascertain and adjudicate certain claims for land against the State, situated between the Nueces and Rio Grande rivers, approved August 15, 1870."

No. 166, "An act for the relief of Hugh Reid."

And the following House bills :

No. 985, "An act supplementary to an act regulating taxation, passed at the present session of the Legislature."

No. 635, "An act to incorporate the Carijo Bridge Company."

Mr. Mills moved to reconsider the vote by which the House refused to pass Senate joint resolution No. 50, providing for the completion of the examination of the accounts of the Comptroller and Treasurer, and making appropriation therefor.

Mr. Robb moved to lay that motion on the table, which carried.

Mr. Westfall moved to reconsider the vote tabling Senate bill No. 316, "An act authorizing the purchase of additional grounds for the use of the Asylum for the Blind, and making appropriation therefor."

The vote was reconsidered.

Mr. Denton moved to amend by striking out all that portion relating to the appropriation.

Mr. Smith of Colorado, moved to amend the amendment by providing that the purchase should be approved by the Governor.

Mr. Kleberg moved to indefinitely postpone the further consideration of the subject, which carried.

Senate bill No. 391, "An act making an appropriation to carry into effect a joint resolution requiring the Commissioner of the General Land Office to make certain publications," passed March 14, 1873, was read first time; rules suspended, read second time, and, on motion of Mr. Brown of Dallas, referred to the Committee on Printing and Contingent Expenses, with instructions to report to-morrow.

In response to a request of the Senate for a conference committee on the part of the House upon Senate bill No. 352, "An act amendatory of an act to amend an act entitled an act prescribing the times of holding the District Courts in the several judicial districts in the State, approved August 10, 1870, approved April 17, 1871," and under instructions from the House, the Speaker appointed Messrs. Powers, Gilpin and Morris, said conference committee.

Senate bill No. 395, "An act to amend an act approved March 9, 1848, entitled an act concerning the forfeiture of certain neat cattle," was read first time; rules suspended, read second time, and on motion of Mr. Armstrong referred to the Committee on Agriculture and Stock Raising.

Senate bill No. 59, "An act for the relief of A. H. Cook," was read first time.

Mr. Westfall moved to suspend the rules and put the bill on its second reading. The House refused.

Mr. Tilson moved to reconsider the vote refusing to suspend the rules, which carried.

The rules were then suspended, the bill read second time and passed to third reading.

Mr. Hollingsworth moved to suspend the rules and put the bill upon its passage. The House refused.

Senate bill No. 396, "An act supplemental to an act entitled an act to ascertain the amounts due the teachers of the public free schools in this State prior to the first day March, 1873, and to provide for the payment of the same,"

was read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Kemble, the rules were further suspended, the bill read third time and passed.

Reports from the Committee on Engrossed Bills:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined the following House bill:

No., substitute for Senate bill No. 281, a bill to be entitled "An act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico."

And find the same correctly engrossed.

BOOTY, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined the following House bills:

No. 797, "An act to define the powers of the County Courts of this State in relation to *ex officio* services of sheriffs and district clerks."

No. 791, "An act to promote the speedy construction of a canal between the waters of Galveston Bay and Sabine Lake, and in aid thereof."

No. 966, "An act to allow the Superintendent of Public Instruction an additional clerk on and after the first of September, 1873."

No. 985, "An act supplementary to an act regulating taxation, passed at the present session of the Legislature."

And find the same correctly engrossed.

BOOTY, Chairman.

The Committee on Enrolled Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined the following bills, to-wit:

No. 358, "An act to make provision for the better security of public funds."

No. 977, "An act to create and define Montague land district."

No. 197, "An act to authorize the county courts of the

several counties to keep up and to improve roads and bridges."

No. 640, "An act to incorporate the Orange, Jasper and Shelby Railroad Company, and to aid in the construction of their road."

No. 348, "An act to prohibit the sale of intoxicating liquors within certain limits of Jonesboro school, in Coryell county."

No. 403, "An act for the relief of the heirs of John Short, deceased."

No. 330, "An act prohibiting the sale of intoxicating liquors within two miles of Valley Mills Academy, in Bosque county."

No. 942, "An act to prohibit the sale or disposal of intoxicating liquors within three miles of Pecan Grove male and female school, in Hill county."

No. 284, "An act for the relief of L. W. Ludlow."

No. 410, "An act to amend an act to incorporate the Magnolia Grove Association, approved June 20, 1870."

No. 894, "An act to legalize the unconditional certificate for three hundred and twenty acres of land, issued to Josiah Powers, and the survey made by virtue of the same."

No. 778, "An act to regulate the fees to be charged by the Commissioner of the General Land Office."

No. 329, "An act prohibiting the sale or disposal of intoxicating liquors within five miles of the academy in the town of Clifton, Bosque county."

No. 802, "An act to enable certain town and cities to erect hospitals."

No. 883, "An act to incorporate the Wilson Creek and Colorado Canal Company."

No. 384, "An act to authorize the County Court of Walker county to levy a special tax to repair the court house and jail in said county."

No. 210, "An act to incorporate the town of Whitesboro, in Grayson county."

No. 956, "An act to provide for the testing and purchasing of James G. G. Garrett his patent right improvement in insect destroyers."

No. 969, "An act to create certain county offices, and provide for filling the same."

No. 791, "An act to promote the speedy construction of a canal between the waters of Galveston Bay and Sabine Lake, and in aid thereof."

No. 865, "An act to validate bounty land warrant No., issued to the heirs of Thomas Jackson."

No. 972, "An act to extend the limits of Marion county so as to include a portion of Harrison county, and to define the boundary thereof."

No. 971, "An act making an appropriation for the *per diem* pay of the members and the *per diem* pay of the officers and employés of the Thirteenth Legislature."

No. 412, "An act for the relief of G. W. Patterson and son."

No. 580, "An act to incorporate the town of Decatur, in Wise county."

No. 863, "An act to amend section three of an act supplementary to an act to provide for the payment of the public debt of Texas, approved May 2, 1871, approved November 13, 1871."

No. 654, "An act amendatory of and supplementary to an act entitled an act to amend sections two and twelve of an act to incorporate the Hempstead Eastern and Western Trunk Railway Company of Texas, approved August 12, 1870, passed April 28, 1871."

No. . . "An act to authorize the County Court of Cooke county to levy and collect a special tax for the purpose of building a jail."

And find the same correctly enrolled, and have this the second day of June, at 4:30 o'clock P. M., presented the same to the Governor for his approval.

SHAW, Chairman.

Mr. Brown of Dallas moved to adjourn until 8:30 o'clock P. M.

Mr. Russell moved to amend by striking out 8:30 P. M. and inserting in lieu thereof 9 A. M. to-morrow. Lost.

The motion of Mr. Brown of Dallas then carried.

EVENING SESSION.

House met pursuant to adjournment. Roll called; quorum present.

Absent—Messrs. Anderson, Bewley, Booty, Cook, Hoffman, Moore, Payne, Phelps, Powers, Salter, Trolinger and Williams.

On motion of Mr. Ireland, Senate bill No. 408, "An act to provide for the employment and payment of attorneys, to attend to certain suits instituted in the District Court of

Travis county, under an act of the Legislature entitled an act to ascertain and adjudicate certain claims for land against the State situated between the Nueces and Rio Grande rivers, approved August 15, 1870," was taken up and read first time.

On motion of Mr. Ireland, the rules were suspended and the bill read second time.

Mr. Short moved the previous question, which was seconded, and the main question ordered by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Bledsoe, Booty, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Davenport, Day, Eastland, Ford, Gaston, Gillette, Gilpin, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kleberg, Manning, Mills, Noeggerath, Payne, Phelps, Prendergast, Rimes, Robb, Sayers, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom. Venters, Washington, Watts, Winkler—44.

Nays—Messrs. Abbott, Armstrong, Berends, Bordeaux, Broadus, Denton, Green, Harrison, Killough, Lane, Leyendecker, McDonald, Morris, Nelson, Powers, Rainey, Roberts, Rosborough, Russell, Sabin, Stockbridge, Westfall, Wilder and Williams—25.

The bill then passed to third reading.

Mr. Hollingsworth moved to suspend the rules and put the bill on its third reading.

The House refused by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Bledsoe, Booty, Brown of Dallas, Chambers, Davenport, Denton, Eastland, Ford, Gillette, Green, Harrison, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Kleberg, Mills, Morris, Noeggerath, Payne, Phelps, Powers, Prendergast, Rimes, Robb, Sayers, Shaw, Storey, Stockbridge, Tilson, Tivy, Tom, Venters, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—44.

Nays—Messrs. Allison, Armstrong, Berends, Bordeaux, Broadus, Brown of Upshur, Cunningham, Day, Gaston, Gilpin, Hester, Killough, Lane, Leyendecker, Manning, McDonald, Rainey, Roberts, Rosborough, Russell, Sabin, Short, Smith of Houston—24.

Leave being granted, Mr. Sayers introduced a bill to pay the old pensions. Read first time.

Mr. Brown of Dallas, moved to suspend the rules and

put the bill on its second reading. The House refused to suspend.

Mr. Joseph asked leave to make a report from the special committee upon Senate bill No. 362, "An act to authorize the lessees of the State penitentiary to delay the payment of certain amounts of money to become due the State, until the expiration of their lease," which request was granted.

Mr. Winkler moved to suspend the report and take up the bill to pay the old pensions, which carried.

The bill was then ordered engrossed.

On motion of Mr. Brown of Dallas, the rules were further suspended, the bill read third time and passed by the following vote :

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broadus, Brown of Upshur, Brown of Dallas, Chambers, Cook, Cunningham, Davenport, Denton, Eastland, Ford, Gaston, Gillette, Gilpin, Green, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Mills, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Sayers, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Venters, Washington, Watts, Westfall, Williams, Winkler and Wood—58.

Nay—Wilder—1.

Under the leave previously granted the following report was submitted :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your special committee appointed to examine Senate bill No. 362, entitled "An act to authorize the lessees of the State Penitentiary to delay the payment of certain amounts of money to become due the State until the expiration of their lease," have carefully discharged the duty assigned them; and fully approving the report of the committee of this body heretofore made, and being fully satisfied that the State will be benefitted thereby through the improvements made and necessary for the penitentiary, recommend the passage of the bill without amendment.

JOHN IRELAND,

W. B. SAYERS,

THOMAS M. JOSEPH.

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

On motion of Mr. Russell, the rules were suspended, the bill read third time and passed.

On motion of Mr. Tivy, Senate bill No. 275, "An act to organize the county of Green," was read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Bordeaux, the rules were further suspended, the bill read third time and passed.

Senate bill No. 404, "An act supplemental to an act entitled an act making appropriation for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for the fiscal year beginning September 1, 1873, and ending August 31, 1874," was taken up; read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Watts, the rules were further suspended, the bill read third time and passed.

Senate bill No. 394, "An act for the relief of C. C. King," was taken up and read first time.

On motion of Mr. Smith of Colorado, the rules were suspended, the bill read second time and passed to third reading.

On motion of Mr. Booty, the rules were further suspended, the bill read third time and passed.

Senate bill No. 393, "An act to promote the construction of water-works for the city of Galveston," was taken up; read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Booty, the rules were further suspended, the bill read third time and passed.

Senate bill No. 294, "An act to incorporate the Irish Immigration Aid and Colonization Association of the State of Texas" was taken up and read first time.

On motion of Mr. Killough, the rules were suspended and the bill read second time.

Mr. Ireland moved to strike out of the list of incorporators the name of John J. Hand, which carried by the following vote :

Yeas—Messrs. Allison, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broadus, Brown of Upshur, Chambers, Cook, Cunningham, Davenport, Denton, Eastland, Ford, Gaston, Gillette, Gilpin, Harrison, Hollingsworth,

Ireland, Kemble, Killough, Lane, Leyendecker, Manning, McDonald, Morris, Nelson, Payne, Powers, Prendergast, Rainey, Rimes, Rosborough, Russell, Sayers, Smith of Colorado, Storey, Thurmond, Tilson, Tivy, Tom, Venters, Watts, Westfall, Winkler and Wood—48.

Nays—Messrs. Speaker, Green, Joseph, Kleberg, Mills, Noeggerath, Phelps, Robb, Roberts, Shaw, Smith of Houston, Stockbridge, Washington, Wilder and Williams—15.

Mr. Roberts moved to adjourn. The House refused. The bill then passed to third read reading.

On motion of Mr. Payne, the rules were further suspended and the bill read third time.

Mr. Rainey moved to reconsider the vote adopting the amendment offered by Mr. Ireland.

Mr. Cook moved to lay that motion on the table, which was carried.

Mr. Wilder moved to adjourn. The House refused.

Mr. Rainey moved a call of the House. The call was not sustained.

Mr. Rainey moved to adjourn. The House refused.

A message was received from the Senate informing the House that the Senate had passed House bill No. 377, to prohibit the sale of intoxicating liquors within two miles of Bluffton school, in Llano county.

Also, the following bills originating in the Senate, viz :

No. 209, "An act authorizing the County Court of Llano county to levy and collect a special tax to build a court house and jail."

No. 401, "An act to incorporate the Texas Bridge Building Company."

No. 407, "An act making an appropriation for postage, wood, porter hire, and contingent expenses for the Educational department, for the year ending August 31, 1874."

No. 409, "An act for obtaining the portraits of Hon. John Hemphill, former Chief Justice, and Hon. Royal T. Wheeler, Associate Justice, and the late Thomas Green, Clerk of the Supreme Court, and making appropriation therefor."

Also, that the Senate had passed the House substitute for Senate bill No. 281, "An act making an appropriation to carry out the provisions of the act of August 13, 1870 granting pensions to the surviving veterans of the revolu-

tion which separated Texas from Mexico," as a substitute for House bill granting pensions to the surviving veterans of the revolution which separated Texas from Mexico.

The Committee on Enrolled Bills submitted the following reports:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined the following House bills:

No. 377, "An act to prohibit the sale of intoxicating liquors within three miles of Bluffton school, in Llano county."

No. 310, "An act to incorporate the city of San Antonio, and grant a new charter to said city, and to repeal an act entitled an act to incorporate the city of San Antonio, approved July 17, 1856, and an act to incorporate the city of San Antonio, approved February 11, 1860, and an act to incorporate the city of San Antonio, and grant a new charter to said city, approved August 13, 1870."

And find them correctly enrolled; and have this second day of June, at 11 o'clock P. M., presented the same to the Governor for his signature.

SHAW, Chairman.

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined the following bills, to-wit:

No. 531, "An act to authorize the Commissioner of the General Land Office to furnish photographic county maps to the several counties of this State."

No. 609, "An act requiring the Commissioner of the General Land Office to issue patents upon surveys therein mentioned."

No. 185, "An act defining the duties of the Comptroller."

No. 234, "An act to encourage stock raising, and for protection of stock raisers."

No. 905, "An act to incorporate the Greenville, Bonham and Oklahoma Railway Company."

No. 985, "An act supplementary to an act regulating taxation, passed at the present session of the Legislature."

No. 635, "An act to incorporate the Carijo Bridge and Ferry Company."

No. 982, concurrent resolution to permit certain scholastic census takers to be paid.

And find the same correctly enrolled, and have this the . . . day of June, at 5 o'clock P. M. presented the same to the Governor for his signature.

SHAW, Chairman.

Mr. Roberts moved to adjourn, upon which the vote stood as follows:

Yeas—Messrs. Allison, Morris, Roberts, Sabin—4.

Nays—Messrs. Speaker, Adriance, Armstrong, Berends, Booty, Bordeaux, Brown of Dallas, Chambers, Cook, Cunningham, Denton, Eastland, Gaston, Gillette, Gilpin, Green, Hester, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Leyendecker, Manning, McDonald, Mills, Nelson, Noeggerath, Payne, Phelps, Powers, Rimes, Robb, Shaw, Short, Smith of Colorado, Storey, Stockbridge, Thurmond, Tilson, Tivy, Westfall, Wilder, Williams and Winkler—46.

Whereupon it appeared a quorum had not voted.

On motion of Mr. Sabin, the House adjourned until 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, June 3, 1873. }

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present.

Absent—Messrs. Berends, Bewley, Green and Venters.

On motion of Mr. Kemble, the reading of the journal was dispensed with.

Mr. Adriance introduced a bill to amend an act entitled "An act to incorporate the Island City Real Estate and Homestead Association of Galveston," approved June 24, 1870, and an act amendatory thereof, approved December 1, 1871. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Adriance, the rules were further suspended, the bill read third time and passed.

Mr. Kemble introduced "An act to authorize the County Court of Ellis county to have records transcribed from the counties of Robertson and Navarro, and have the same recorded in Ellis county." Read first time;

rules suspended, read second time and ordered engrossed.

On motion of Mr. Kemble, the rules were further suspended, the bill read third time and passed.

Mr. Robb moved to take up Senate bill No. 318, "An act for the relief of Richard S. Walker." The House refused.

Mr. Gillette asked leave to offer a resolution. The House refused.

A message from the Senate announced the passage by that body of Senate bill No. 286, "An act for the relief of Benjamin C. Franklin."

Mr. Gillette offered a concurrent resolution requesting the Governor to offer a reward for the apprehension and delivery to the sheriff of Hill county of John A. Purnell, and making appropriation therefor. Read and adopted by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cook, Cunningham, Day, Eastland, Gaston, Gillette, Gilpin, Green, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Manning, McDonald, Moore, Morris, Nelson, Powers, Rainey, Robb, Roberts, Russell, Sabín, Salter, Shaw, Smith of Houston, Stockbridge, Thurmond, Tivy, Trolinger, Wilder, Williams and Winkler—51.

Nays—Messrs. Armstrong, Denton, Ford, Hoffman, Leyendecker, Mills, Payne, Rosborough, Sayers, Short, Storey, Tilton, Tom, Venters, Washington, Watts and Westfall—17.

On motion of Mr. Harrison, House bill No. 415, "An act to authorize the several county courts in this State to offer premiums for wolf scalps," was taken up, read second time and ordered engrossed.

On motion of Mr. Harrison, the rules were suspended, the bill read third time and passed.

Mr. Broaddus submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee, to whom was referred Senate bill No. 391, "An act making an appropriation to carry into effect a joint resolution requiring the Commissioner of the General Land Office to make certain publications,"

passed March 14, 1873, have had the same under consideration, and report the same back to the House and recommend that it do pass.

A. S. BROADDUS, Chairman.

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

On motion of Mr. Hollingsworth, the rules were suspended, the bill read third time and passed by the following vote :

Yeas—Messrs. Allison, Anderson, Armstrong, Berends, Bledsoe, Booty, Broaddus, Brown of Upshur, Cook, Cunningham, Davenport, Eastland, Gilpin, Green, Hoffman, Hollingsworth, Joseph, Killough, Lane, Leyendecker, Manning, Mills, Morris, Nelson, Noeggerath, Phelps, Powers, Prendergast, Robb, Roberts, Sabin, Salter, Short, Stockbridge, Tilson, Tivy, Venters, Watts, Wilder, Williams and Wood—42.

Nays—Messrs. Speaker, Brown of Dallas, Chambers, Denton, Ford, Gaston, Gillette, Hester, Ireland, Kemble, McDonald, Payne, Rainey, Rimes, Rosborough, Russell, Sayers, Shaw, Smith of Colorado, Smith of Houston, Storey, Trolinger, and Westfall—23.

Mr. Booty moved to reconsider the vote just taken.

Mr. Mills moved to lay that motion on the table. The House refused to table.

The vote was then reconsidered.

On motion of Mr. Mills, the further consideration of the matter was postponed until 12 M.

Report from the Committee on Engrossed Bills :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills have carefully examined House bill No. 986, to be entitled "An act to make appropriation to pay the old pensions," and find the same correctly engrossed.

BOOTY, Chairman.

Mr. Cook introduced a bill to prohibit the municipal corporation, of the mayor, aldermen and inhabitants of the city of Houston, from hereafter contracting any debt, or issuing bonds for any debt hereafter contracted, or from making any contract or lease to extend beyond the twenty-first day of January, A. D. 1874." Read first time ; rules suspended, read second time and ordered engrossed.

On motion of Mr. Cook, the rules were further suspended, the bill read third time and passed.

On motion of Mr. Cook, the following report was submitted :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR : The Committee on Town and City Corporations, to whom was referred House bill No. 628, to be entitled "An act to reincorporate the city of Houston," etc., beg leave to report the following substitute, and recommend that the same do pass.

WOOD, Chairman.

The substitute was adopted, and ordered engrossed.

On motion of Mr. Mills, the rules were suspended, the bill read third time and passed.

Mr. Wood, on behalf of the special committee upon the Comptroller and Treasurer's offices, submitted the following report, which was ordered spread upon the journals :
To the Hon. E. B. Pickett, President of the Senate, and Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIRS : Your select joint committee appointed to examine thoroughly into the condition of the offices of the Comptroller of Public Accounts and of the Treasurer of the State, and to whom was referred the message of the Governor relative thereto, ask leave to report as follows :

1. "As to whether there was any deficiency of funds in the treasury when Mr. Honey vacated the office, and the amount thereof," your committee find that there was a deficit in the funds in the treasury at the time of the seizure of the office by the order of the Governor; what the amount of that deficit was, is not so easily determined. Your committee employed three skilled accountants, who have made a full and complete statement of the condition of that office as shown from the books and papers, and which is hereto attached, marked exhibit "A," and made a part of the report.

Upon the recapitulation of this statement it will be seen that after giving Mr. Honey credit for all amounts claimed by him, including \$153,381.37 in warrants not entered on the cash book or canceled, as required by law, which may or may not have been paid, so far as any evidence in his office goes to show, there would still remain the amounts of \$55,734.39 currency and \$57,000 specie standing against

Mr. Honey. In offset to these amounts Mr. Honey claims a credit of \$28,896.13 currency, for amounts of sight drafts drawn by Bremond & Co., Austin, on B. A. Botts, President of the City Bank of Houston, found in the treasury, and which he claims were held by him as cash at the time of the seizure of his office, and of twenty-five frontier defense bonds of \$1000 each, at ninety cents, equal to \$22,500, and four United States five per cent. bonds, with coupons, equal to \$2502.50.

These transactions are exceedingly irregular. If the drafts of a private party are allowed to lie in the cash drawer of the Treasury, while the money which they represent is in the hands of other parties, possibly at interest for the benefit of the Treasurer, there would seem to be no limit to the action of that officer; while as to the bonds mentioned, the law authorized the Treasurer to invest the sinking fund as fast as it accrued in United States interest bearing bonds, or in the bonds issued under authority of the law creating the frontier bonds. No other bonds were authorized to be purchased, and the sinking fund was alone allowed to be used. Your committee do not understand that there was, or could, under the law, have been so large a sum as \$25,000 of the sinking fund in the Treasury at the time of this investment applicable to the purchase of these bonds, and believe that this transaction was irregular, to the extent that the investment was in excess of the sinking fund thus applicable, because Mr. Honey must have drawn upon other funds to make the purchase.

If, however, these last credits be allowed, the amounts remaining outstanding against Mr. Honey would be \$1835.75 currency and \$5700 gold.

Mr. Honey and his chief clerk, Mr. Burns, were more than once present, and called upon to explain why these deficits existed; but at the close of the examination, after a close scrutiny of all the books, papers and accounts of the office, there does exist a deficit as above stated; and even this may be increased by a claim which has been made that there was \$2590.32 currency in the Treasury, claimed to have been deposited there for safe keeping by the sheriff of Angelina county.

2. As to "whether or not the Treasury has been used for shaving the State's warrants, and the extent of its use in that way," your committee have examined quite a

number of witnesses, whose sworn statements are hereto attached and made a part of this report, to which, as well as to the evidence furnished by the condition of the office when vacated by Mr. Honey, as shown in the statement, exhibit "A," your committee would refer without undertaking to express any conclusion.

3. As to "whether the accounts of the Treasurer have been regularly balanced by the Comptroller at the end of each quarter, as required by law," your committee feel no hesitancy in answering that the books of the Comptroller and Treasurer had not been properly balanced as required by law, for a period extending over several quarters, and that the books of the Treasurer, Mr. Honey, especially, were in a state of the most reckless disorder.

4. As to "whether at any time there was collusion between the Comptroller, or any of his clerks, and the Treasurer, in regard to shaving warrants at the treasury," your committee have been unable to find any evidence which would enable them to answer in the affirmative.

5. As to "whether the Comptroller's office is competently managed, and whether the books and accounts therein are kept correctly, and in such manner as to show the true condition of the finances," a thorough examination of the books of the Comptroller's office by your committee develops the fact that they have never been properly balanced since the present incumbent entered upon the duties of his office in 1870. We find that the books are kept in an inaccurate and confused manner, and in such reckless disregard of any system whatever, as to render any attempt to obtain from them a correct statement of the State finances extremely difficult, if not impossible.

6. As to "whether the Comptroller has duly paid into the treasury all moneys received by him from taxes and other sources, and belonging to the State," your committee would state that the main sources from which moneys are received by the Comptroller, are out-county and back taxes, and occupation taxes from insurance companies.

No accurate account of such transactions is kept by the Comptroller. His books only show gross sums received, aggregated at intervals. No statement is kept of the accounts of insurance companies paying in money, and we have been compelled to resort to such evidence as we could avail ourselves of, to ascertain the amount of money

received from this source, and it has not been possible for us to determine whether all, or how many companies, doing business in this State, have paid the occupation tax; but it is evident from the information obtained by us that the Comptroller has not paid into the Treasury all of the money received from this source, as may be seen by reference to the accompanying statement of accountants hereto attached and marked exhibit "B," as well as to the statement of some of the witnesses. Of the moneys received by the Comptroller for out-county and back taxes, no account is kept except statements of the aggregate amounts, and the stubs of the receipts given to the persons paying the taxes.

We have not found it practicable to make up his account from these stubs, and verify the aggregate amounts, and hence are unable to report whether all the moneys from this source have or have not been paid into the Treasury.

7. As to "whether the Comptroller has drawn money from the Treasury and permitted the same to be used for other purposes than as directed by law," your committee would state that there is no evidence before them that such is or has been the fact.

8. As "to whether the Comptroller or any of his clerks have profited by way of per centage retained on any contracts for work done for his office," your committee would refer to the statement of Governor Davis, and the statements of Mr. Philips and others, hereto annexed.

In conclusion, your committee would report that out of the great confusion existing in the accounts of the late Treasurer, Mr. Honey, they have by great labor and the untiring exertions of the accountants succeeded at last in arriving at something approaching order, but that to insure the State against great loss, or at least against the necessity of having this work all done over, the work of the committee should be completed, settlements made between the two offices, and the warrants and other evidences of indebtedness duly entered and canceled, and to this end your committee would recommend the adoption of the accompanying resolution.

JOHN L. HENRY,	}	Senate Committee.
A. J. BALL,		
A. J. FOUNTAIN,		
W. D. WOOD,	}	House Committee.
JNO. ADRIANCE,		

Joint resolution, providing for the completion of the examination of the accounts of the Comptroller and Treasurer, and making an appropriation therefor.

Mr. Westfall introduced a bill to provide for the payment of a certain employé therein named. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Westfall, the rules were further suspended, the bill read third time and passed by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Bledsoe, Booty, Bordeaux, Brown of Upshur, Brown of Dallas, Chambers, Cook, Cunningham, Davenport, Day, Denton, Eastland, Gaston, Gilpin, Green, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Manning, Mills, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Sabin, Salter, Sayers, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Trolinger, Washington, Westfall, Wilder, Williams, Winkler and Wood—62.

Nays—Messrs. Armstrong, Harrison and Watts—3.

Mr. Anderson offered the following resolution :

Resolved, That the chief clerk of the House of Representatives be required to make a complete index of all the unfinished business of the House of the present session, and file the same with the Secretary of State; to index the House journal of the present session, and to forward all mail matter coming to members after the adjournment, to their respective homes; also, to forward to each member a copy of the general and special laws, and the journals of the present session; and that he be continued in office for ninety days, or until the duties herein required are performed, from adjournment, for that purpose, and that he be required to read and correct the proof sheets of the journals of the Legislature.

Resolved, further, That all bills, resolutions, memorials and other papers, remaining in the hands of committees, shall be delivered to the chief clerk of the House, to be by him arranged and filed among the other archives of the House of Representatives; *provided*, that members shall have the right to withdraw from the clerk any bill, resolution or other paper introduced by them respectively.

The resolution was adopted.

Mr. Mills moved to take up Senate bill No. 371, "An act making appropriations to supply the deficiencies in the appropriations for the years 1870, 1871 and 1872, for the support of the State government." The House refused.

Leave being granted, Mr. Smith of Colorado submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The special committee to whom was referred Senate bill No. 127, fixing the times of holding the courts of the Twenty-second Judicial District, have had the same under consideration, and instruct me to report the accompanying substitute, and recommend its adoption.

GEO. W. SMITH, for Committee.

The substitute, being a bill to amend the twenty-second section of "An act prescribing the times of holding the District Courts in the several judicial districts in the State," approved February 6, 1871, was read and adopted, and ordered engrossed.

On motion of Mr. Smith of Colorado, the rules were further suspended, the bill read third time and passed.

Mr. Hollingsworth introduced a joint resolution prescribing the number of copies of the laws of the Thirteenth Legislature to be furnished the State Department. Read first time, rules suspended and read second time.

The House refused to order the bill engrossed.

Mr. Prendergast moved to take up the veto messages from the Governor, on the Speaker's table, which motion carried.

Mr. Kemble moved a call of the House, which was sustained.

Absent—Berends, Ford, Gillette, Ireland, Shaw, Tilson, Venters and Wilder.

On motion of Mr. Anderson, the call was suspended.

The following message was then read:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, May 31, 1873. }

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: I return to the House of Representatives, where it originated, the act entitled "An act supplemental to and amendatory of the several acts concerning injunctions."

This bill is dangerous, because it seems to invite the getting out writs of injunction against the collection of taxes. In fact, it will be an encouragement to the throwing of such obstacle in the way of collecting the necessary taxes for the support of the government or local authorities. I think that it must, on reflection, be agreed to be better to leave the parties to their remedy by suit against the officer or party levying, to recover the tax claimed to have been illegally or unconstitutionally exacted.

Very little harm can be done to the individual by requiring him to pay the tax (which in each particular case is generally of small moment), and resort to the courts to test its legality and recover it back. On the other hand, it is obvious that great public inconvenience, to say the least, may occur, if this sweeping power of injunction is allowed.

It is not safe to pass a bill which may be used to obstruct the public service.

Very respectfully,

EDMUND J. DAVIS, Governor.

The bill was then reconsidered and passed, notwithstanding the objections of his Excellency, the Governor, by the following vote;

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas Chambers, Cook, Cunningham, Davenport, Day, Denton, Eastland, Gaston, Harrison, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Lane, Leyendecker, Manning, McDonald, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Salter, Sayers, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tivy, Tom, Trolinger, Watts, Westfall, Winkler and Wood—56.

Nays—Messrs. Abbott, Green, Mills, Moore, Morris, Phelps, Roberts, Sabin, Stockbridge, Washington, Wilder and Williams—12.

The following message was then taken up and read :

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, May 29, 1873. }

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: I respectfully return to the House of Representatives, where it originated, the act entitled "An act sup-

plementary to an act entitled an act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane, approved February 5, 1858."

This act is an innovation on the system regulating the management of the Lunatic Asylum, which, on investigation, will, for several reasons, I think, not be found beneficial.

Section first strikes out all liability of counties for the support of indigent insane, thus at once adding probably fifteen thousand dollars per annum to the current expenses of the Lunatic Asylum, to be met by appropriations from the treasury, and this extra expenditure must, of course, increase annually. There is no reason why the county authorities should be relieved of this burden. On the contrary, the mere fact of such relief would encourage them to put off upon the asylum the numerous cases of weak minded indigent who, without any danger to themselves or others, could be as well cared for at home, and to whom the asylum can be of no benefit as a curative institution.

Section second is still more objectionable, because it requires the asylum authorities to keep insane persons at the institution without regard to whether it is found possible to effect a cure or not, unless the relatives of such person apply for their discharge. It must be remembered that the Lunatic Asylum, upon its present basis, is intended solely for the cure of the insane. In its present capacity it cannot hold more than from a hundred to a hundred and ten persons, but if all the insane of the State are to be gathered there, its capacity must be increased to include a thousand or more. It has been found that after insanity continues for one year it may be considered chronic, and not likely to be cured. Now, then, if incurable or chronic insane are to be detained there against the judgment of the authorities, they must, until the capacity of the institution is vastly increased, exclude other applicants who might, by early attention, be cured and restored to their friends and usual associations.

I think the House will, on reflection, conclude with me that it is safer to leave this matter to the discretion of the managers and superintendent. Those officers may err

sometimes, but on the whole their discretion will not go far wrong.

Very respectfully,

EDMUND J. DAVIS, Governor.

The bill having been read was put upon its passage, whereupon the House refused to pass it over the veto by the following vote :

Yeas—Messrs. Allison, Bewley, Bordeaux, Brown of Upshur, Chambers, Cunningham, Day, Denton, Gaston, Gillette, Gilpin, Hollingsworth, Joseph, Kemble, Killough, Leyendecker, Morris, Nelson, Payne, Powers, Rainey, Rimes, Robb, Rosborough, Russell, Salter, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tivy, Tom, Trolinger, Venters and Watts—36.

Nays—Messrs. Abbott, Adriance, Anderson, Berends, Broaddus, Cook, Davenport, Eastland, Green, Harrison, Hoffman, Ireland, Kleberg, Lane, Manning, McDonald, Mills, Moore, Noeggerath, Phelps, Prendergast, Roberts, Sabin, Shaw, Stockbridge, Washington, Westfall, Wilder Williams, Winkler and Wood—31.

A message was received from His Excellency the Governor returning House bill No. 954, "An act for the relief of Alfred S. Thurmond," and House joint resolution No. 484, "An act in relation to the printing of railroad charters," with his objections to the same.

A message was received from the Senate announcing that that body had reconsidered and passed Senate joint resolution No. 45, for the relief of Mrs. Belle Murray, notwithstanding the objections of His Excellency the Governor.

The following message was then taken up and read :

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, May 23, 1873. }

Hon. M. D. A. Taylor, Speaker of the House of Representatives of the State of Texas :

SIR : I return to the House of Representatives, where it originated, the act entitled "An act to be entitled an act to authorize parties in certain cases to sue in the District Courts for headright certificates and bounty and donation warrants, and to provide for the issuance of such certificates and warrants."

It has been my construction of article ten, section six, of the Constitution, that the Legislature could make no

further grants of land, but the Legislature, by more than two-thirds majority, has repeatedly overruled this objection, on the theory, I understand, that such certificates are not grants of lands, but only evidences of such grants previously made.

I do not propose to enter upon a discussion of this question, but if the theory is correct and it is desirable that the Legislature should be relieved of the multitude of applicants for that sort of relief who infest its halls and obstruct the legitimate business of the houses, this certainly is not a safe way of effecting it. Applicants for headright certificates under this act may sue the State in any of the most remote counties. It is not made the interest of the district attorneys, who are required to defend on the part of the State, to defeat any application; on the contrary, they are paid the same fees, whether successful or unsuccessful, thus inviting negligence and collusion.

I am very much afraid that this act will inaugurate a wholesale system of land stealing. A committee of the House, as I am informed, has developed some rather startling facts of this nature, the result of proceedings under the similar act of 1860, relating to land titles between the Nueces and Rio Grande rivers.

I do not believe that there are many persons who have just claims against the State at this late day for land certificates. I don't see, in fact, how any one can have claims entitled to consideration, who has slept upon his rights for a period of from twenty to thirty years. But if there are any such, it might be safe to provide for them by an act authorizing suit in their behalf in the District Court here at the capital, requiring the district attorney of this district to appear, under the supervision of the Attorney General, and defend on the part of the State, a reasonable fee to be paid him in the event *only* of successful defense.

Respectfully,

EDMUND J. DAVIS, Governor.

The bill was reconsidered.

The House refused to pass the bill by the following vote:

Yeas—Messrs. Adriance, Berends, Bewley, Bordeaux, Broadus, Davenport, Gillette, Hester, Ireland, Joseph, Kleberg, Leyendecker, Manning, McDonald, Payne, Powers, Prendergast, Sayers, Smith of Colorado, Thurmond, Tivy, Westfall, Winkler and Wood—24.

Nays—Messrs. Speaker, Abbott, Allison, Anderson, Armstrong, Bledsoe, Brown of Upshur, Brown of Dallas, Chambers, Cook, Cunningham, Day, Denton, Eastland, Harrison, Hoffman, Hollingsworth, Kemble, Killough, Mills, Moore, Morris, Nelson, Noeggerath, Phelps, Rainey, Rimes, Roberts, Rosborough, Russell, Sabin, Shaw, Short, Smith of Houston, Storey, Stockbridge, Tom, Trolinger, Washington, Wilder and Williams—41.

A message from the Senate announced the passage by that body of House bill No. 986, "An act to make appropriation to pay old pensioners."

A message was received from his Excellency the Governor, returning House bill No. 897, "An act to authorize C. H. Randolph, W. A. Pitts and John O. Johnson, to compile an abstract of titled and patented lands," with his objections to the same.

A message from the Senate announced the passage by that body of the following House bills:

No. 509, "An act to amend an act entitled an act to incorporate the Island City Real Estate and Homestead Association of Galveston, approved June 24, 1870, and an act amendatory thereof, approved December 1, 1871."

House bill No. 79, "An act for the relief of Antonio Menchaca."

The Committee on Enrolled Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined the following bills, to-wit:

No. 966, "An act to allow the Superintendent of Public Instruction an additional clerk on and after the first day of September, 1873."

No. 937, "An act supplemental and amendatory of an act to provide for prompt settlement of accounts by sheriffs with the State and counties."

No. 968, "An act to pay sheriffs for furnishing blankets, mosquito bars and fuel to prisoners, and for cleaning and purifying the jail."

No. 970, "An act to prohibit the selling, bartering, giving away, or in any other manner disposing of alcoholic spirituous or other intoxicating liquors of any kind within certain limits."

No. 288, "An act for the relief of the heirs or assignees of E. S. Williams, deceased."

No. 920, "An act to authorize the city of Austin to become a stockholder in any company or corporation for the purpose of supplying said city with water and gas."

No. 978, "An act authorizing the County Court of Cooke county to issue bonds for the purpose of funding the county indebtedness."

No. 919, "An act to appropriate three hundred dollars to buy postage stamps for the office of Superintendent of Public Instruction."

No. 939, "An act to amend article 702 of an act to establish a code of criminal procedure for the State of Texas, approved August 26, 1856."

No. 983, "An act to amend the first section of an act entitled an act to muster into service minute men for the protection of the frontier, approved November 25, 1871."

And find the same correctly enrolled, and have, this third day of June, at 12 o'clock M. presented the same to the Governor for his signature.

SHAW, Chairman.

A message from the Senate announced the passage by that body of House bill No. 990, "An act to provide for the payment of a certain employé therein named."

The following message from his Excellency the Governor was taken up and read :

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, May 26, 1873. }

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: I return to the House of Representatives, where it originated, the act entitled "An act concerning landlords and tenants."

I am sure that the pressure and burden of legislation has caused the House to overlook the legal effect of this act, and the oppression it will work towards that large class of the community that would be affected by it under the head of tenantry. The constitutional provision, article twelve, section fifteen, and the laws passed in pursuance thereof, providing for the exemption from forced sale of certain property of debtors, was certainly intended as much for the benefit of tenants as of landlords. It is a good enactment, and stands as a shield to protect the poor against the exactions of the rich, but this act does away with its effect entirely as regards the tenant class, or rather the class of our population, white or black, which owns

no real estate, and have to rent land for agriculture, or houses for shelter.

If this act becomes a law, that class can keep nothing sacred against the rapacity of the landlord. The tenant's supply of daily food for his family and himself, his furniture and bedding, his tools of trade, the very clothes on his back, all belong to the landlord. The latter cannot have more from his tenant unless it be the figurative pound of flesh. That I do not exaggerate the effect in this respect of the statute will be apparent from a careful reading of section first. It is there provided that the landlord shall have a preference lien upon *all the "property of the tenant;"* that this lien shall not be limited to the amount of rent which may be due for the premises, but shall apply to the full extent of any money or supplies which the landlord may advance the tenant. And it is expressly declared that this lien "shall be superior to," and "excepted out of any exemptions provided by law as to forced sales." I quote the words of the statute.

It is impossible, I think, to use stronger terms as against the tenant, or to have left him more completely at the mercy of the landlord. As the landlord has a lien on all the tenant's property, not only for his rent due, but also for any advances that he may make him, it is to his interest to encourage the tenant to involve himself. After that is effectually done, the tenant can only escape from his clutches with his skin.

I need go no further in the analyzation of this act, as I feel confident that these and other oppressive features thereof were not distinctly presented to the scrutiny of the Houses on its passage.

I ask its reconsideration.

Very respectfully,

EDMUND J. DAVIS, Governor.

The bill having been read, and pending the discussion thereon, Mr. Mill moved the previous question, which was seconded, and the main question ordered.

The bill then passed, notwithstanding the objections of the Governor, by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Bewley, Bledsoe, Booty, Bordeaux, Brown of Upshur, Cook, Cunningham, Davenport, Day, Denton, Eastland, Gaston, Harrison, Hoffman, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Man-

ning, McDonald, Morris, Nelson, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tivy, Tom, Trolinger, Watts, Westfall and Winkler—50.

Nays—Messrs. Abbott, Berends, Gillette, Gilpin, Mills, Moore, Noeggerath, Phelps, Roberts, Sabin, Stockbridge, Washington, Wilder and Williams—14.

A message from the Senate announced the passage by that body of Senate bill No. 188, "An act appropriating certain forfeited and illegal surveys to the general school fund."

Senate joint resolution No. 45, for the relief of Mrs. Belle Murray, was taken up, and the veto message thereon by the Governor read.

The House then passed the bill, notwithstanding the objections of the Governor, by the following vote:

Yeas—Messrs. Speaker, Adriance, Anderson, Armstrong, Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Chambers, Cook, Cunningham, Davenport, Day, Denton, Gilpin, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Kleberg, Leyendecker, Manning, Mills, Nelson, Noeggerath, Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Sabin, Short, Smith of Colorado, Thurmond, Tivy, Tom, Washington, Williams and Winkler—43.

Nays—Messrs. Abbott, Allison, Berends, Brown of Upshur, Eastland, Gaston, Gillette, Harrison, Lane, McDonald, Moore, Morris, Payne, Roberts, Russell, Sayers, Shaw, Storey, Trolinger, Westfall and Wilder—21.

The Committee on Enrolled Bills submitted the following report:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined the following House bills:

No. 79, "An act for the relief of the assignee of Antonio Menchaca."

No. 986, "An act to make appropriation for old pensioners."

And find them correctly enrolled, and have this third day of June, at 1 o'clock P. M., presented the same to the Governor for his signature.

SHAW, Chairman.

Mr. Abbott moved to adjourn. Lost.

On motion of Mr. Sayers, Senate joint resolution No. 41, proposing amendments to section twenty of article one, Bill of Rights; to section two, section three and section four of article five; to section twenty-eight, section forty, and to section forty-eight of article twelve, general provisions of the Constitution of the State of Texas, was taken up and read second time.

On motion of Mr. Prendergast, the further consideration of the joint resolution was postponed until 4 P. M., and made special order for that hour.

On motion of Mr. Prendergast, the House adjourned till 3 P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called; quorum present.

Absent—Messrs. Abbott, Berends, Bewley, Brown of Upshur, Day, Green, Phelps, Russell, Salter, Thurmond, Trolinger and Washington.

By special leave, Mr. Storey introduced a bill providing the time for holding the District Courts in the Twenty-second Judicial District. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Ireland, the rules were further suspended, the bill read third time and passed.

Mr. Nelson introduced a joint resolution authorizing the Governor to offer a reward of five hundred dollars for the arrest of James Wheat. Read first time.

On motion of Mr. Mills, the rules were suspended, the resolution read second time and ordered engrossed.

On motion of Mr. Nelson, the rules were further suspended, the resolution read third time and passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Booty, Bordeaux, Broaddus, Brown of Dallas, Chambers, Cook, Cunningham, Davenport, Denton, Eastland, Gaston, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Mills, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Shaw, Short, Smith of

Houston, Storey, Stockbridge, Tilson, Tivy, Tom, Venters, Westfall, Williams, Winkler and Wood—59.

Nay—Wilder—1.

On motion of Mr. Tom, Senate bill No. 170, "An act to incorporate the El Paso Real Estate, Trust and Immigration Company," was taken up; read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Brown of Dallas, the rules were further suspended, the bill read third time and passed.

On motion of Mr. Gaston, Senate bill No. 264, "An act to authorize Zimri Tate to construct, own and keep a toll bridge on the Sabine river," was taken up; read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Gaston, the rules were further suspended, the bill read third time and passed.

Mr. Ireland in the chair.

On motion of Mr. Sabin, Senate bill No. 286, "An act for the relief of Benjamin C. Franklin," was taken up; read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Taylor, the rules were further suspended, the bill read third time and passed.

Mr. Armstrong introduced a bill granting the privilege of collecting tolls at certain places and fixing the rates thereof. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Kleberg, the rules were further suspended, the bill read third time and passed.

On motion of Mr. Hoffman, Senate bill No. 162, "An act for the relief of Thomas F. McKinney," was taken up, and the following report thereon submitted:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Claims, to whom was referred Senate bill No. 162, entitled "An act for the relief of Thomas F. McKinney," respectfully report that they have carefully examined the act, as well as the memorial of Thomas F. McKinney; that they have obtained all the information necessary from parties familiar with the times and circumstances under and in which the claim originated. They have examined the legislation on the subject of claims against the Republic.

By the act of fifth of February, 1844, the Congress of the

Republic acknowledged the services of Thomas F. McKinney and his partner, Samuel M. Williams, and admitted the indebtedness of the government to the extent of \$54,408.11 for advances made during the struggle for independence. This sum had been advanced some seven years before the passage of the act of 1844, and when that sum was liquidated by taking land scrip at fifty cents per acre, no scrip was issued to cover the interest that had accumulated. In the sum of \$54,408.11 was included six thousand dollars advanced by Dr. Conley through the house of McKinney & Williams. Deduct that amount from the \$54,408.11, will leave the sum of \$48,408.11. The one-half of which sum was due to Thomas F. McKinney on the fifth of February, 1844. The half amounted to the sum of \$24,204. The interest on that sum for seven years at ten per cent., usually allowed, and allowed by the government on its funded debt, would amount to the sum of \$16,942.80, justly due to Thomas F. McKinney on the fifth of February, 1844.

By the sixth section of the act of the eleventh of February, 1850, it is provided "that all liabilities of the late Republic of Texas, whether the same have or have not been presented to the Auditor and Comptroller, under the provisions of the act to provide for ascertaining the debt of the late Republic of Texas, approved March, 1848, shall cease to draw interest from and after the first day of July in the year eighteen hundred and fifty." Your committee recognize in this section the admission of the government, that claims for advances to the government were entitled to bear interest. That the interest should cease on the first of July, 1850, was, perhaps, a just requirement, in order to compel parties to present their claims so that they might be liquidated and settled. Add the interest on the debt of \$16,942.80, from the fifth of February, 1844, to the first of July, 1850, and the sum then due would be \$27,673.24.

Your committee find by the provision of the act of the twentieth of March, 1848, to provide for ascertaining the public debt of the late Republic of Texas, that all claims that were not presented before the second Monday in November, 1839, were to be postponed. The time for presentation of claims was extended to the first of September, 1851, by the act of February 8, 1850, and provided that all claims not presented *should be barred*. Again,

by the act of the seventh of February, 1853, the time was further extended for eighteen months.

Your committee have examined "An act providing for the liquidation and payment of the debt of the late Republic of Texas," approved January 31, 1852, and also "An act making appropriation for the payment of the third class debt," approved February 16, 1852. Under this act we find that three thousand dollars were appropriated to McKinney & Williams for a third class debt, which had been presented to the Auditor and Comptroller, and has no connection with the claim presented by the memorial of Thomas F. McKinney. The act of the thirty-first of January, 1852, had reference alone to the settlement of claims that had been allowed through the disbursement of the five million dollars due from the United States and dedicated to the payment of the debts of the Republic.

Your committee are satisfied, from testimony that cannot be questioned, that Thomas F. McKinney was one of the most active, energetic and liberal contributors to the success of the revolution and the establishment of independence; that in all human probability, without the pecuniary aid and active energy of McKinney & Williams, the cause would have been defeated or greatly delayed. Your committee, in examining the facts and looking over the memorial, find that Thomas F. McKinney is as liberal now as he was ready in 1835 and 1836, to aid the government. There is no measure of damages by which the country can fix the great debt due him. The bill only covers a small portion that can be ascertained and determined—that sum is \$27,673.24. The bill only proposes to pay him one thousand six hundred and ninety-four dollars annually during his life—a sum far less than the interest of the debt due him. The memorialist is old, infirm and broken in fortune, resulting, perhaps, in no small degree from the aid he rendered the government when the government was weak. Your committee respectfully return the bill and recommend its passage.

JOHN T. SMITH, Chairman,

A. J. BOOTY,

B. W. RIMES,

JOSEPH A. TIVY,

J. NOEGGERATH,

JUL. BERENDS,

J. H. WASHINGTON.

The following report was also submitted :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Claims and Accounts, to whom was referred Senate bill No. 162, "An act for the relief of Thomas F. McKinney," have carefully examined the same, and a majority of said committee have instructed me to report the bill back, with a request that it be indefinitely postponed, for the following reasons, namely :

In the first place, the committee are of opinion that no evidence was produced that the State, at this time, is indebted to the petitioner, further than a debt of gratitude, which it owes and acknowledges to all who assisted and participated in her struggles for liberty ; yet they believe justice should be done to all ; and should the State undertake at this time to pay claims predicated mainly upon the fact that the petitioner had been a faithful friend and done much for his country, injustice might be done to many who are equally deserving and meritorious, who have not asked for anything beyond what has been given them in the way of donations of land, and a *pro rata* share of what their claims called for at the time of a general, and as was then thought to be a final, settlement of all such claims by the State.

Petitioner alleges that he expended large sums of money and furnished a great amount of supplies to carry on the war with Mexico, and that the State is yet due him, as interest on claims, to the amount of \$16,942.80. The committee do not deny that he may have contributed largely to support the cause of the country at a time when it was much needed. But no one should expect to be fully reimbursed for what he loses financially in a great revolution ; such would not accord with the history of past events. Upon examination, your committee find that large amounts of money were paid McKinney and Williams by the Republic and State of Texas, between the years 1836 and 1856, amounting in the aggregate to near \$143,000, of which sums \$40,729.00 was paid as late as 1856, under what was known as the Scaling Act, which was to be a final settlement of all equitable claims against the government, or, at least, it was so understood by the members of the Legislature at that time and the people generally :

Therefore, the committee are unwilling again to open the doors of the Treasury for the payment of such claims, or to discriminate in favor of any particular one, believing it to be their duty to guard the interest of the whole people.

R. K. GASTON, Chairman.

The hour for the special order having arrived, on motion of Mr. Prendergast, it was postponed until the pending business should be disposed of.

A message from the Senate announced the passage by that body of House bill No. 938, "An act supplementary to and amendatory of an act to incorporate the Indianola, San Antonio and El Paso Railroad Company, passed April 3, 1871, and to grant lands in aid of the construction of the same."

House bill No. 415, "An act to authorize the several county courts in this State to offer a premium for wolf scalps."

Resuming the pending question, Mr. Sabin moved to amend by providing that the amount appropriated should be divided between General Sidney Sherman and Thomas F. McKinney.

Mr. Denton moved the previous question, which was seconded and the main question ordered.

The House refused to adopt the amendment, and the bill passed to third reading.

Mr. Kleberg moved to suspend the rules and put the bill on its third reading. The House refused to suspend.

On motion of Mr. Smith of Colorado, the following report was submitted:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The special committee, to whom was referred House bill No. 411, entitled "An act making an appropriation for C. R. Gibson," and the veto thereof by the Governor, have considered the same, and do report that the claim of Gibson, though appearing somewhat irregular, was approved by the district judge, who had the authority to do so, and we do not see that the same is unjust, and therefore do recommend that the bill be passed, notwithstanding the veto of the Governor.

GEO. W. SMITH, for Committee.

The bill having been read and put upon its passage, it appeared that a quorum had not voted.

Mr. Kemble moved a call of the House, which was sustained.

Absent—Messrs. Berends, Bewley, Bledsoe, Booty, Broadus, Cook, Denton, Ford, Rimes and Watts.

On motion of Mr. Westfall, the call was suspended.

The House then refused to pass the bill over the veto of the Governor by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Bordeaux, Brown of Dallas, Chambers, Davenport, Eastland, Gaston, Gillette, Gilpin, Green, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, McDonald, Nelson, Payne, Powers, Rainey, Robb, Rosborough, Sabin, Sayers, Smith of Colorado, Smith of Houston, Thurmond, Tivy, Venters and Winkler—37.

Nays—Messrs. Abbott, Armstrong, Brown of Upshur, Cunningham, Day, Denton, Hoffman, Leyendecker, Manning, Mills, Moore, Morris, Noeggerath, Phelps, Prendergast, Roberts, Russell, Salter, Shaw, Short, Storey, Stockbridge, Tom, Washington, Westfall, Wilder and Williams—27.!

The Committee on Enrolled Bills submitted the following report :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined the following bills, to-wit :

No. 990, "An act to provide for the payment of a certain appointee therein named."

No. 509, "An act to amend an act entitled an act to incorporate the Island City Real Estate and Homestead Association of Galveston, approved June 24, 1870, and an act amendatory thereof, approved December 1, 1871."

And find the same correctly enrolled, and have this the third day of June, at 4 o'clock P. M., presented the same to his Excellency the Governor for his approval.

SHAW, Chairman.

A message from the Senate announced the passage by that body of House bill No. 543, "An act for the relief of the heirs of Rev. Martin Ruter, deceased," and House bill No. 950, to be entitled "An act concerning judicial advertisements in Comanche county," and the adoption of the House concurrent resolution, requesting the Governor to offer a reward for the arrest of John A. Purnell ;

also, that the Senate had receded from its amendments to House bill No. 868, "An act to amend an act concerning executions." and that the Senate had adopted the report of the conference committee upon Senate bill No. 352, amendatory of "An act to amend an act prescribing the times of holding the District Courts in the several judicial districts in the State, approved April 17, 1871."

The special order was then announced, Senate joint resolution No. 41. "Joint resolution proposing amendments to section twenty of article one, Bill of Rights; to section two, section three and section four of article five; to section twenty-eight, section forty, and to section forty-eight of article twelve, general provisions of the Constitution of the State of Texas."

Mr. Mills moved to postpone the special order for ten minutes. The House refused.

After discussion thereon, Mr. Rimes moved to postpone the special order until 10 A. M., to-morrow, and make it special order for that hour, which carried.

Mr. Powers, chairman of House committee, submitted the following report upon Senate bill No. 352, amendatory of "An act to amend an act prescribing the times of holding the District Courts in the several judicial districts in the State, approved April 17, 1871," which report was adopted.

Hon. E. B. Pickett, President of the Senate, and Hon. M. D. K. Taylor, Speaker of the House of Representatives:

GENTLEMEN: The joint committee of conference, to whom was referred Senate bill No. 352, have agreed to recommend as follows:

That the House recede from its amendments.

That the bill be so amended as to limit the term of the courts in Cameron county to three weeks.

Amend further by striking out "La Salle" county, the same having been attached to McMullen county, by an act of the present Legislature.

S. POWERS,

Chairman House Committee.

A. J. FOUNTAIN,

Chairman Senate Committee.

Mr. Anderson offered the following resolution, which was adopted, and ordered spread upon the journals:

Be it resolved by the House of Representatives of the

State of Texas, That we tender to the Speaker, Hon. M. D. K. Taylor, our thanks for, and our entire approval of, the able, prompt and impartial manner in which he has presided over the deliberations of this House.

Mr. Sabin offered the following resolution, which was ordered spread upon the journals :

At a meeting of the Republican members of the House of Representatives of the Thirteenth Legislature, C. B. Sabin was elected chairman, and J. H. Washington was elected secretary thereof; whereupon it was resolved unanimously as follows :

1. *Resolved*, That the political minority of this House do hereby tender their thanks to the Hon. M. D. K. Taylor, Speaker of the House, for his uniform justness and courteous bearing toward the minority thereof, and that the House of Representatives be respectfully requested through the chairman to permit this expression of their respects to be spread upon the journals of the House, and that a duly attested copy hereof be presented to the Speaker.

2. *Resolved*, That the minority will cordially unite with the majority in testifying their respects to the Speaker for his fairness, ability, competency and courtesy as an officer of this House.

C. B. SABIN, Chairman.

J. H. WASHINGTON, Secretary.

AUSTIN, May 30, 1873.

On motion of Mr. Leyendecker, Senate bill No. 350, "An act to incorporate the Columbus Engine and Hook and Ladder Company No. 1," was taken up; read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Chambers, the rules were further suspended, the bill read third time and passed.

A message from the Senate announced the passage by that body of Senate bill No. 411, "An act to grant leave of absence from the State to Judge James Masterson, in 1873."

And Senate bill No. 410, "An act supplemental to an act of May 3, A. D. 1873, defining the boundaries of Palo Pinto land district."

On motion of Mr. Hollingsworth, Senate bill No. 371, "An act making appropriations to supply the deficiencies

in the appropriations for the years 1870, 1871 and 1872, for the support of the State government," was taken up, being on its third reading.

Mr. Wood moved to strike out, under the head of "Comptroller's Office," "\$5000" and insert in lieu thereof "\$2000."

The vote having been taken, it was evident a quorum was not present.

Mr. Robb moved to adjourn. The House refused.

Mr. Chambers moved a call of the House, which was sustained.

Absent—Messrs. Abbott, Berends, Bewley, Bledsøe, Brown of Upshur, Ford, Rimes, Salter, Short, Tilson, Trolinger and Watts.

On motion of Mr. Kleberg, the call was suspended.

The House then adopted the amendment.

Under the head of Deaf and Dumb Asylum, Mr. Denton moved to strike out "\$2024.25" and insert in lieu thereof "\$1000."

Mr. Cook moved to amend the amendment by striking out the whole item.

Pending the discussion, by special leave, Mr. Brown of Dallas offered the following resolution, which was adopted:

Resolved, That the Speaker appoint a committee on the part of the House, to act with a like committee on part of the Senate, to wait upon the Governor and inform him that the two houses of the Legislature will adjourn without day at 12 o'clock M. to-morrow, June 4.

The Speaker appointed the following gentlemen the committee called for by the resolution: Messrs. Brown of Dallas, Hoffman, Killough, Washington and Tivy.

Mr. Kleberg moved to adjourn. The House refused.

Mr. Payne moved a call of the House. Not sustained.

On motion of Mr. Robb, the House adjourned until 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, June 4, 1873. }

House met pursuant to adjournment. Song and prayer by the chaplain. Roll called; quorum present.

Absent—Messrs. Abbott, Bewley, Bledsoe, Booty, Chambers, Davenport, Payne, Rosborough, Salter, Stockbridge, Tilson, Trolinger, Watts and Wood.

On motion of Mr. Westfall, the reading of the journal was dispensed with.

A message was received from his Excellency the Governor returning House bill No. 956, "An act to provide for testing and purchasing of James G. G. Garrett his patent right improvement in insect destroyer, No. 133,023, dated November 12, 1872."

House bill No. 863, "An act to amend section three (3) of an act entitled an act supplementary to an act to provide for the payment of the public debt of the State of Texas, approved May 2, 1871."

House bill No. 914, "An act authorizing and requiring the issuance of land certificates to certain parties therein named."

House bill No. 589, "An act to incorporate the Texas University."

House bill No. 969, "An act to create certain county offices, and provide for filling the same."

House joint resolution No. 944, "Joint resolution requiring county courts to make settlements with sheriffs and treasurers of school boards."

House bill No. 859, "An act to prohibit the sale or giving away of intoxicating liquors within three miles of Prairie Grove Church and Seminary of Learning, situated in Hill county, and Evergreen, Washington county."

House bill No. 977, "An act to create and define Montague land district."

House bill No. 972, "An act to extend the limits of Marion county so as to include a portion of Marion county, and to define the boundaries thereof."

House bill No. 906, "An act to incorporate the Prazos Santiago and Rio Grande Canal Company."

House bill No. 403, "An act for the relief of the heirs of John Short, deceased."

House bill No. 865, "An act validating bounty land

warrant No. . . ., issued to the heirs of Thomas Jackson.”

House bill No. 284, “An act for the relief of L. W. Ludlow.”

House bill No. 894, “An act to legalize the unconditional certificate of three hundred and twenty (320) acres of land issued to Josiah Powers, and the survey made by virtue of the same.”

House bill No. 285, an act to be entitled “An act to validate the headright land certificate, No. 102, of Walter Campbell, for three hundred and sixty-nine (369) acres of land, instead of three hundred and seventy and one-third (370 $\frac{1}{3}$), as now stated in said certificate.”

House bill No. 288, “An act for the relief of the heirs or assignees of Earl Stanley Williams, deceased.”

House bill No. 826, “An act to validate a bounty land warrant issued to the heirs of Wm. Fisbaugh, deceased.”

House bill No. 793, “An act for the relief of the heirs of Frederick Rowe, deceased,” with his objections to the same.

Report from the Committee on Enrolled Bills :

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined the following bills, to-wit :

No. 950, “An act concerning judicial advertisements in Comanche county.”

No. 988, concurrent resolution to authorize the Governor to issue a reward for the apprehension of John A. Pernell.

No. 543, “An act for the relief of the heirs of the Rev. Martin Ruter, deceased.”

No. 415, “An act to authorize the several County Courts in this State to offer a premium for wolfs’ scalps.”

No. 938, “An act to incorporate the Indianola, San Antonio and El Paso Railroad Company, and to grant land in the aid of the construction thereof.”

No. 868, “An act to amend the first and fourth sections of an act entitled an act to reduce into one and to amend the several acts concerning executions, approved January 27, 1842.”

No. 992, “An act providing the times of holding the District Court in the Twenty-second Judicial District.”

And find the same correctly enrolled, and have this

the fourth day of June, at 9:28 o'clock A. M., presented the same to the Governor for his approval.

W. A. SHAW, Chairman.

On motion of Mr. Westfall, House joint resolution No. 973, "Joint resolution regarding diversion of a certain square in the city of Austin from the purpose for which it was dedicated," was taken up.

The Senate substitute therefor was read and adopted.

On motion of Mr. Westfall, Senate bill No. 371, "An act making appropriation to supply deficiencies in the appropriations for the years 1870, 1871 and 1872, for the support of the State government," was taken up, pending an amendment offered by Mr. Wood, and an amendment thereto by Mr. Cook.

The amendment to the amendment was put and failed to be carried.

The House refused to adopt the amendment.

Mr. Chambers offered the following amendment: That said bill be so amended as to include the following: "SEC. . . . That the Comptroller of Public Accounts be and he is hereby authorized to draw his warrant upon the Treasurer of the State for the sum of three thousand dollars in favor of Robards & Blackburn, on account of legal services performed for the State, and that said amount shall be received by said Robards & Blackburn in full of all claim."

On motion of Mr. Mills, the amendment was laid on the table.

The bill then passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Bordeaux, Cunningham, Day, Gaston, Gillette, Green, Hoffman, Hollingsworth, Ireland, Joseph, Kilgough, Kleberg, Leyendecker, Mills, Morris, Noeggerath, Payne, Phelps, Powers, Rainey, Roberts, Sabin, Shaw, Smith of Colorado, Smith of Houston, Tivy, Venters, Washington, Westfall, Wilder, Williams and Winkler—37.

Nays—Messrs. Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cook, Denton, Eastland, Gilpin, Harrison, Hester, Kemble, Lane, Manning, McDonald, Nelson, Prendergast, Rimes, Robb, Russell, Sayers, Short, Storey, Thurmond and Tom—24.

Mr. Prendergast rose to a point of order, viz., that as

the bill made appropriations to individuals, a two-thirds majority was requisite for its passage.

The Speaker decided the point not well taken.

Mr. Prendergast appealed from the decision.

The Chair was sustained.

On motion of Mr. Anderson, the veto message upon Senate bill No. 51, "An act for the relief of sureties upon official bonds," was taken up.

Mr. Chambers moved a call of the House, which was sustained.

Absent—Messrs. Abbott, Armstrong, Bledsoe, Booty, Brown of Upshur, Devenport, Day, Ford, Phelps, Rosborough, Stockbridge, Tilson, Trolinger, Washington, Watts and Wood.

On motion of Mr. Payne, the sergeant-at-arms was dispatched after absent members.

Mr. Russell moved to adjourn for one hour. The House refused.

Mr. Wilder moved to suspend the call. The House refused.

A quorum having been obtained, on motion of Mr. Chambers, the call was suspended.

The bill was then read, and the message thereon.

The House then refused to pass the bill by the following vote:

Yeas—Messrs. Speaker, Abbott, Anderson, Bewley, Bordeaux, Brown of Upshur, Chambers, Cunningham, Gillette, Gilpin, Green, Hollingsworth, Kemble, Kleberg, Lane, Leyendecker, Manning, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Salter, Sayers, Shaw, Smith of Colorado, Thurmond, Venters and Winkler—31.

Nays—Messrs. Adriance, Armstrong, Berends, Broadus, Brown of Dallas, Day, Denton, Eastland, Ford, Gaston, Harrison, Hester, Hoffman, Ireland, Joseph, Kirlough, McDonald, Mills, Moore, Morris, Nelson, Noeggerath, Roberts, Russell, Sabin, Short, Smith of Houston, Storey, Stockbridge, Tivy, Tom, Washington, Westfall, Wilder and Williams—35.

On motion of Mr. Kemble, House joint resolution No. 944, requiring county courts to make settlements with sheriffs and treasurers of school boards, was taken up and the following veto message thereon read.

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, June, 3, 1873. }

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: I return to the House of Representatives, where it originated, the joint resolution entitled "Joint resolution requiring County Courts to make settlements with sheriffs and treasurers of school boards."

This act is retroactive in its effect, and therefore unconstitutional. It proposes to go back and unsettle all accounts of treasurers of school boards or sheriffs, without regard whatever to any settlement they may have made with the proper authorities for the time being.

The act is calculated in the highest degree to stir up bad blood and law suits.

I ask that it be reconsidered.

Very respectfully,

EDMUND J. DAVIS, Governor.

The bill having been read was put upon its passage, and passed notwithstanding the objections of the Governor, by the following vote :

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Armstrong, Bewley, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Denton, Eastland, Ford, Gaston, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, McDonald, Mills, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Russell, Sabin, Sayers, Short, Smith of Houston, Storey, Thurmond, Tivy, Tom, Venters, Washington and Westfall—54.

Nays—Messrs. Green, Moore, Stockbridge, Wilder, Williams and Winkler—6.

Mr. Hester, moved to take up House bill No. 914, "An act authorizing and requiring the issuance of land certificates to certain persons therein named," with the veto message thereon. The House refused.

Mr. Killough moved to take up Senate bill No. 204, "An act to incorporate the Irish Immigration Aid and Colonization Association of the State of Texas." The House refused.

Mr. Bordeaux moved to take up House bill No. 977, "An act to create and define Montague land district,"

with the veto message of the Governor thereon. The House refused.

Mr. Ireland in the chair.

Mr. Sabin asked leave to introduce a bill for the relief of Gen. Sidney Sherman. The House refused.

Mr. Taylor moved to take up House bill No. 972, "An act to extend the limits of Marion county so as to include a portion of Harrison county, and to define the boundary thereof," with the veto message of the Governor thereon. The House refused.

Mr. Storey moved to take up the veto messages upon the Speaker's table, in the order of the number of the bills, which motion carried.

Mr. Sabin moved to adjourn for one hour. The House refused.

On motion of Mr. Mills, the use of the Hall of Representatives was granted to the Principal of the Texas Military Institute on Friday evening, June 6.

House joint resolution No. 484, in relation to the printing of railroad charters, was then announced, and the following veto message thereon read :

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, June 2, 1873.

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: I return to the House of Representatives, where it originated, the joint resolution entitled "Joint resolution in relation to the printing of railroad charters."

The printing of all railroad charters now in force in this State, as called for in this bill, will cost several thousands of dollars, and when printed will be of no substantial use to anybody other than the parties owning the roads, and of not much to them.

This act requires that they shall be printed as an appendix to the general laws, and of this appendix five thousand copies are required, by the act passed at this session, to be printed. The railroad charters now in force would fill a large volume by themselves.

There is another difficulty about the act, in regard to the question of the railroad charters now in force.

It is provided in the act that only charters now in force shall be printed.

There might be a deal of doubt raised as to the vitality of many charters. It is true, it is left to the Attorney

General to designate or point out such as are in force, but this puts upon him judicial functions which are not consonant with the nature of his office.

Very respectfully,

EDMUND J. DAVIS, Governor.

The joint resolution having been read, was put upon its passage, whereupon it appeared a quorum had not voted.

Mr. Westfall moved a call of the House, which was sustained.

A quorum having been obtained, the call was suspended.

The House then refused to pass the joint resolution by the following vote :

Yeas—Messrs. Adriance, Harrison, Ireland, Leyendecker, Prendergast, Rimes and Winkler—6.

Nays—Messrs. Speaker, Allison, Anderson, Armstrong, Berends, Bewley, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Denton, Eastland, Ford, Gaston, Gillette, Gilpin, Green, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Kleberg, Lane, Manning, McDonald, Mills, Moore, Morris, Nelson, Noeggerath, Payne, Powers, Rainey, Robb, Roberts, Russell, Sabin, Salter, Sayers, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tivy, Tom, Venters, Westfall, Wilder and Williams—56.

Leave being granted, Mr. Joseph offered the following resolution, which was adopted :

Resolved, That the Committee on Contingent Expenses be authorized to approve the account for copies of the *Galveston Times* furnished this House, from March 20 to May 31, 1873, at five cents per copy.

The special order was then announced, Senate joint resolution No. 41, proposing amendments to section twenty of article one, Bill of Rights ; to section two, section three and section four of article five ; to section twenty-eight, section forty, and to section forty-eight of article twelve, general provisions of the Constitution of the State of Texas.

The joint resolution was read.

A message from the Senate announced the passage by that body of House bill No. 987, to authorize the County Court of Ellis county to have records transcribed from the counties of Robertson and Navarro, and have the same recorded in Ellis county ; also, that the Senate concurred

in the House amendments to Senate bill No. 371, "An act making appropriation to supply deficiencies in the appropriations for the years 1870, 1871 and 1872, for the support of the State government."

Resuming the question, Mr. Green moved to lay the joint resolution on the table.

The vote having been taken thereon, it appeared a quorum had not voted.

Mr. Chambers moved a call of the House, which was sustained.

Absent—Abbott, Bewley, Hester, Leyendecker, Noeggerath, Phelps, Rainey and Wilder.

A quorum having been obtained, on motion of Mr. Westfall, the call was suspended.

The House refused to lay the joint resolution on the table by the following vote:

Yeas—Messrs. Speaker, Green, Mills, Moore, Morris, Noeggerath, Roberts, Washington and Williams—9.

Nays—Messrs. Adriance, Allison, Anderson, Armstrong, Berends, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Denton, Eastland, Ford, Gaston, Gillette, Gilpin, Harrison, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Klerberg, Lane, Manning, McDonald, Morris, Nelson, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Russell, Sabin, Salter, Sayers, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tivy, Tom, Vinters, Westfall and Winkler—51.

A message was received from His Excellency the Governor, returning House bill No. 928, "An act to authorize the issuance of land certificates to the heirs of those who were killed in the Dawson massacre, near the Salado, in September, 1842, and of those who were taken prisoners there and died while in prison," with his objections to the same.

A message was received from the Senate announcing that that body had reconsidered Senate bill No. 362, "An act to authorize the lessees of the State Penitentiary to delay the payment of certain amounts of money to become due the State, until the expiration of their lease," and had passed the same by a two-third majority, notwithstanding the objections of His Excellency the Governor.

Also that that body had reconsidered Senate bill No.

336, to provide for the printing of the general laws of this State in the German and Spanish languages, and had passed the same by a two-thirds vote, notwithstanding the objections of His Excellency the Governor.

Also that that body had reconsidered Senate bill No. 402, supplementary to "An act to provide for the printing of the general laws of this State in the German and Spanish languages," and had passed the same by a two-thirds vote, notwithstanding the objections of His Excellency the Governor.

Also, that that body had adopted the House resolution providing for a committee to wait upon the Governor and announce to him that the two houses would adjourn without day at 12 M., June 4, and had appointed Senators Finlay, Shelley and Tracy a committee on the part of the Senate.

The joint resolution then passed by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Bewley, Bordeaux, Broaddus, Brown of Upshur, Chambers, Cook, Cunningham, Day, Denton, Eastland, Ford, Gaston, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Kemble, Kleberg, Lane, Manning, McDonald, Mills, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Russell, Sabin, Salter, Sayers, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tivy, Tom, Venters, Westfall and Winkler—52.

Nays—Messrs. Green, Joseph, Leyendecker, Moore, Phelps, Roberts, Washington and Williams—8.

On behalf of the special committee to investigate the charges against Hon. T. C. Barden, Judge of the Tenth Judicial District, Mr. Payne submitted the following report :

Hon. E. B. Pickett, President of the Senate, and Hon. M. D. K. Taylor, Speaker of the House of Representatives :

GENTLEMEN: Your joint select committee appointed to investigate the charges against T. C. Barden, Judge of the Sixteenth Judicial District of the State of Texas, beg leave to report that they have fully investigated said charges, and herewith submit to your honorable bodies the evidence taken by them for such deposition as you may see proper to make of it.

Your committee would respectfully report that owing

to the great number of witnesses they have had to examine, and the difficulties and delay they have encountered in procuring their attendance, they have not been able to make their report at an earlier day.

In view of the fact that the time fixed for the adjournment of the Legislature has arrived, and of the fact that the evidence is too voluminous to be considered now, and not believing it was contemplated or is proper for your committee to do more than collect the evidence, your committee respectfully recommend the adoption of the accompanying resolution, and ask to be discharged.

All of which is respectfully submitted.

H. C. KING,	} Senate Committee.
N. G. SHELLEY,	
JOHN L. HENRY,	
F. G. FRANKS,	
J. PAYNE,	} House Committee.
JOHN M. McDONALD,	
M. KLEBERG,	
W. B. SAYERS,	

Resolved, by the Legislature of the State of Texas, That the evidence taken by the joint select committee appointed by the two houses to investigate the charges against T. C. Barden, Judge of the Sixteenth Judicial District, be filed with the Secretary of State, to be by him preserved, subject to such uses as the Legislature may see proper hereafter to make.

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

The House refused to table by the following vote:

Yeas—Messrs. Green, Joseph, Mills, Moore, Phelps, Roberts, Sabin, Washington, and Williams—8.

Nays—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Bewley, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cook, Cunningham, Denton, Eastland, Gaston, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Kemble, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Morris, Nelson, Noeggerath, Payne, Powers, Rainey, Rimes, Robb, Russell, Salter, Sayers, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tivy, Tom, Venters, Westfall, and Winkler—53.

The resolution was then adopted.

On motion of Mr. Mills, Senate bill No. 362, "Au act

to authorize the lessees of the State penitentiary to delay the payment of certain amounts of money to become due the State, until the expiration of their lease," was taken up and the veto message thereon read.

The House then passed the bill, notwithstanding the objections of his Excellency the Governor, by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Bewley, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Cook, Cunningham, Denton, Eastland, Gaston, Gilpin, Green, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Kleberg, Lane, Manning, McDonald, Mills, Moore, Nelson, Noeggerath, Payne, Phelps, Powers, Rainey, Rimes, Robb, Roberts, Russell, Sabin, Salter, Sayers, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tivy, Tom, Washington, Westfall, Williams and Winkler—55.

Nays—Messrs. Berends, Chambers, Gillette, Hester, Leyendecker, Morris, Shaw and Venters—8.

A message was received from the Senate announcing that that body had reconsidered Senate bill No. 360, "An act to establish and define the powers of the Criminal District Court in and for the cities of Dallas, McKinney and Sherman," and had passed the same, notwithstanding the objections of his Excellency the Governor.

On motion of Mr. Chambers, the above recited bill was taken up and the veto message thereon read.

The bill then passed, notwithstanding the objections of his Excellency the Governor, by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Bewley, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cook, Cunningham, Denton, Eastland, Gaston, Gillette, Gilpin, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Russell, Sabin, Salter, Sayers, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tivy, Tom, Venters, Watts—57.

Nays—Messrs. Mills, Moore, Wilder, Williams—4.

A message was received from his Excellency announcing that he had vetoed certain items in House bill No. 441, "An act making appropriation for the support of the

State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for deficiencies for the years 1870, 1871 and 1872."

On motion of Mr. Killough, Senate bill No. 402, "An act supplementary to an act to provide for the printing of the general laws of this State in the German and Spanish languages," was taken up and the veto message thereon read.

The bill was then put upon its passage, with the following result:

Yeas—Messrs. Speaker, Adriance, Anderson, Berends, Bewley, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cook, Cunningham, Denton, Gilpin, Hoffman, Hollingsworth, Ireland, Joseph, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Nelson, Noeggerath, Payne, Phelps, Powers, Rainey, Rimes, Sabin, Salter, Sayers, Shaw, Smith of Colorado, Smith of Houston, Storey, Tivy, Winkler—40.

Nays—Messrs. Abbott, Armstrong, Eastland, Ford, Gaston, Gillette, Green, Harrison, Hester, Moore, Morris, Robb, Roberts, Russell, Short, Tom, Venters, Westfall, Wilder—19.

Whereupon it was evident a quorum had not voted.

In pursuance of notice previously given, Mr. Brown, of Dallas, presented the following protest, which was ordered to be spread upon the journals:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Having given notice to the House on yesterday, immediately on the passage of the Senate pension bill, as amended and passed by the House, that I should claim the constitutional right of spreading upon the journals my objections to the same, I now submit the same.

The Senate bill provided pensions as follows:

1. For all who served in the Texas revolutionary army prior to April 22, 1836.

2. To the Santa Fé, Mier, San Antonio and Dawson massacre prisoners.

In that shape, though far from including all having strong claims to pensions, I was willing to vote for the bill, hoping another Legislature would supply its deficits. But when the House so amended the bill as to strike from its provisions the survivors of the Santa Fé, Mier, San Antonio and Dawson massacre prisoners, my sense of

equity and historical justice compelled me to vote against the emasculated measure.

Wild and vague notions pervade the country on the subject of pensions. Few men seem to have digested the matter so as to form opinions safe, prudent and just for legislative adoption. I blush to say some few of the old veterans have complicated the question and weakened the general cause by indiscreetly stepping forward to indicate what should be done, assuming a sort of quasi right of determining what the Legislature should do and what it should not do. In this they have manifested the same weakness betrayed by an occasional old citizen in writing notes of history, in the Texas Almanac and elsewhere, by way of personal recollections. A small number of such, however obscure at the time, have so written as to leave the impression that they played a part in glorious transactions forty years ago, of which their now surviving comrades seem to have been wholly unconscious at the time. (See letters of F. W. Johnson and William J. Russell, in the *Galveston News* some two months ago.)

But another manifest injustice in nearly every proposition before this Legislature (excepting the substitute offered by the Hon. Gustave Cook of Harris), has been in limiting the pensions proper (outside of the various classes of prisoners referred to) to those only who served before April 22, 1836. It is an absolute historical truth that some men served as citizen volunteers in the fall of 1835, and others for a few weeks in the spring of 1836, and *never afterwards*; while but a few days or weeks after the battle of San Jacinto large numbers of volunteers from the United States (previously *en route* to reinforce Gen. Sam. Houston) arrived, and mainly constituted the army of the Republic, successively commanded by Generals Rusk, Felix Huston, Albert Sidney Johnston and T. J. Green, until its disbandment in 1837.

Let it be remembered that both, Generals Felix Huston and Albert Sidney Johnston, in the memorable year of 1836, successively commanded the army stationed on our southwestern border, and successfully prevented a second Mexican invasion under Generals Filinola and Bravo; yet, under the bill as passed, neither they, if living, nor a great majority of their surviving soldiers, volunteers from the United States, are allowed pensions for at least a year's service in an unhealthy district, ragged, ill-fed

and substantially unpaid, while, as before said, many who served only a few weeks before, and then returned to their already acquired homes, are liberally pensioned for life. I assert as an undeniable truth that the men who became the bold and successful defenders of our Mexican and Indian frontier for ten years of war after the battle of San Jacinto, were composed, on an average of about three to one, of men who arrived in the country after that battle—men whose names and deeds are indelibly impressed on the pages of our history—among which stand the names of Johnston, Felix Huston, Gen. John A. Quitman, John C. Hays, Samuel H. Walker, McCulloch, Owen, Mark B. Lewis, Cameron, Baker, Neill, Chandler, and a host of others, endeared to all who prize *all* that is chivalrous, noble and glorious in our ten years struggle from 1835 to 1845. Those ten years constitute the true period of the revolution which separated Texas from Mexico. If not, how comes it that late in 1844, nearly nine years after the battle of San Jacinto, about two hundred of our prisoners were liberated from Mexican dungeons, after two years' incarceration? Or that the Santa Fé prisoners were liberated in 1842, more than seven years after the same battle? Or, further still, that some of our citizens were still in Mexican prisons up to the hour of annexation?

If the object of pensions in a Republic or State is not only to assist the defenders of their country when old and decrepid, but to reward distinguished gallantry and suffering in the cause, then I maintain that, however noble and meritorious, the men who served in the brief campaign of 1835, or in March and April, 1836, can show no higher title to their country's gratitude and parental care, than can many other survivors who, at a later day, heroically performed their parts—gave unfading glory to our arms—and languished, some for months, others for years, in Mexican prisons; while others, and often many of the same men, stood for long years as a bulwark of safety on our Mexican and Indian frontier, some of whom have long been helpless from wounds received in such warfare, and more than one of whom was scalped alive.

It follows, that to include all of equal or similar merit, would increase the number of pensioners to such proportions as to make it a heavy burthen upon the people of the State. Our old veterans must bear in mind that with-

in the last few years our present population have passed through another and greater revolutionary struggle, in which thousands lost their substance and are now poor, and thousands of homes are yet clad in mourning for their fallen members.

The premises considered, I am forced to the conclusion, on grounds of sound public policy, good faith and a discriminating sense of public benevolence, that our true policy is—

First. To pay up in full to this date all accrued claims for pensions under the law of 1870 and therewith to repeal said law.

Second. To enact a new pension law for the future, by which moderate annual pensions shall be granted to all surviving veterans who fought for Texas from the beginning of the revolution in 1835 to annexation, and who are now disabled by wounds received in such service, or are unable by reason of age, decrepitude, or otherwise physical infirmity, to support themselves. The law should be continuing, so that the veteran who is hale today, should become a pensioner the moment he becomes helpless. Thus arranged on the true principles of public benevolence, the amount annually required to uphold those who really need the fostering care of a grateful people, would be cheerfully furnished by the people of Texas.

This statement, though long, is necessary to a proper understanding of the position occupied by myself and various other gentlemen of the House of Representatives, and is respectfully submitted to be spread upon the journals.

J. H. BROWN.

In the main we endorsed the foregoing.

JNO. IRELAND,
L. J. STOREY,
J. PAYNE,
A. N. DENTON,
A. S. THURMOND,
JOHN ADRIANCE,
JOS. A. TIVY,
HENRY PHELPS.

I endorse most of this protest, and only differ in this, that I am disposed to go even further in pensioning, *at this time*, all who deserve the gratitude of this country,

without reference to their ability or inability to support themselves.

GUSTAVE COOK.

Mr. Cook, chairman House committee to investigate the charges against Hon. Henry Maney, Judge of the Twenty-second Judicial District, submitted the following report, which was ordered to be spread upon the journals:

Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The special committee appointed to investigate charges against Hon. Henry Maney, Judge of the Twenty-second Judicial District, beg leave to report that they have performed that duty to the best of their ability, and ask the adoption of this report, and that they be discharged.

They notified Judge Maney of the investigation, and invited him to be present. He declined. The evidence produced before the committee shows contumacious refusal of Judge Maney to obey the mandates of the Supreme Court, and the obstruction of justice in his district. His conduct as judge has been arbitrary, tyrannical, capricious, and in many respects subversive of law and justice; and it appears, further, that Judge Maney persists in his determination to resist the mandates of the Supreme Court, and to obstruct the course of justice and the administration of law in the Twenty-second District.

Wherefore your committee say that the evidence exhibits, in their judgment, a proper case for this Legislature to move an address to his Excellency the Governor, advising the removal of Judge Henry Maney as a district judge.

GUSTAVE COOK, Chairman.

Mr. Abbott presented a minority report, which was ordered to be spread upon the journals.

[In the confusion and hurry of the moment this paper was mislaid and could not be found.]

Mr. Brown of Dallas, on behalf of the special committee to wait upon his Excellency the Governor and inform him of the approaching adjournment of the Thirteenth Legislature, reported that the committee had discharged their duty; that the Governor presented his compliments to the Legislature, and informed them that he had no further communication to make.

The Speaker then delivered the following valedictory:

Gentlemen of the House of Representatives: Our labors have closed, and we are about to separate, perhaps many of us forever. Sad to me is the word farewell. Whether it be spoken amid these halls, or in the silent wood, there is associated with it a serious reflection; yet, the sadness of this parting is relieved in a great degree, by the prospect of a speedy and happy reunion with those we love best, and with this consolation in the breast of each of you, I believe that you feel that you have done your whole duty to promote the general good, to maintain the dignity of the State, and to preserve the liberties of those you represent. You have performed a vast amount of business; you have been devoted to your duties; early and late have you been at your post. You were compelled, under the circumstances, to do much business of a private nature, which some are disposed to condemn. But this is not your fault. The Constitution, which each of us have sworn to support, allows any citizen, however humble, to seek redress at your hands, and permits the Legislature to pass upon matters of this character; and the representative who turns a deaf ear to the constitutional rights of his constituents, deserves not to represent a free people. But you have by your acts relieved future Legislatures from most of this character of business, by the passage of general laws under which it may be accomplished.

Upon your assemblage here much was expected of you. The great mass of the people felt that by the then existing laws they were oppressed. They looked with fond anticipation and hope to you for relief, and gratified am I to know that they did not look or hope in vain. You have, by a prudent and conservative course, removed from the statute books many of the laws complained of and modified many others, but would have done more if permitted. With an Executive adverse to you in feeling upon many questions of reform demanded by the people, with a Senate by no means in accord with you, and environed by a Constitution forbidding many wholesome reforms, you have accomplished more than the most sanguine could have reasonably anticipated when your labors commenced.

It is finished! And the acts of the Thirteenth Legislature become a part of the history of our loved State, to be passed upon by an intelligent and, I trust, an unprejudiced constituency, who must, in the opinion of your

humble Speaker, upon mature reflection and consideration of all the surroundings and the difficulties with which you have had to contend, approve your acts.

During a long legislative experience, I have never witnessed so much harmony and good feeling as with the members of this House. Although you have had many exciting and perplexing questions to grapple with, reason in every instance has held its sway.

I part with each of you, fellow-members and officers, with feelings the most kind. In the performance of my duties, I may have committed errors; if so, I assure you it was rather of the head than of the heart. With me our associations in these halls, and our efforts to promote a common good, will last with my life, and be among the fond recollections of my declining years.

To each of you I return my heartfelt thanks for the assistance you have been pleased to render me in the performance of the duties assigned me at the commencement of the session; and to the officers and employés of the House, I take great pleasure in saying, you have performed your arduous duties without a fault; each has been at his post, and did his duty to the letter, thereby making my duties lighter and more agreeable, for which I return each and all my thanks.

I wish you, gentlemen, members and officers, a speedy and pleasant return to loved ones at home, prayerfully invoking the blessings of Almighty God on you and yours.

“Farewell! a word that must be, and hath been,—
A sound which makes one linger; yet, farewell.”

In obedience to a resolution of the two houses, I pronounce the House of Representatives of the Thirteenth Legislature adjourned without day.

After prayer and benediction by the chaplain, in pursuance of a concurrent resolution adopted by both Houses, May 30, the Speaker declared the House adjourned without day.

Approved:

M. D. K. TAYLOR,
Speaker of the House of Representatives.

Correct:

W. C. WALSH,
Chief Clerk of the House of Representatives.

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