

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

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 deportment 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, but 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, Broadus, 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, Broadus, 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.