

Yeas—Messrs. Armstrong, Bledsoe, Bordeaux, Broad-
 dus, Brown of Upshur, Brown of Dallas, Carroll, Cham-
 bers, Cunningham, Davenport, Day, Denton, Doyle,
 Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Harri-
 son, Hester, Killough, Leyendecker, Manning, Payne,
 Powers, Prendergast, Robb, Rosborough, Russell, Say-
 ers, Scott, Smith of Colorado, Smith of Houston, Storey,
 Thurmond, Tilson, Tom, Trolinger, Venters, Watts, West-
 fall, Winkler and Wood—44.

Nays—Messrs. Speaker, Abbott, Adriance, Allison, An-
 derson, Berends, Ellett, Gallaway, Green, Hoffman, Hol-
 lingsworth, Joseph, Lane, Mabry, McDonald, Moore,
 Morris, Nelson, Phelps, Roberts, Sabin, Schmidt, Shaw,
 Shelton, Stockbridge, Tivy, Wilder and Williams—28.

Whereupon it was declared the motion to table had
 prevailed.

The House then tabled the amendment by the following
 vote:

Yeas — Messrs. Armstrong, Bordeaux, Broaddus,
 Brown of Upshur, Brown of Dallas, Carroll, Chambers,
 Cunningham, Davenport, Day, Denton, Doyle, Ford,
 Gaston, Ghent, Gilpin, Hester, Killough, Leyendecker,
 Manning, Payne, Powers, Prendergast, Robb, Rosbor-
 ough, Russell, Sayers, Scott, Smith of Colorado, Smith
 of Houston, Storey, Thurmond, Tilson, Tom, Trolinger,
 Venters, Watts, Westfall and Wood—39.

Nays—Messrs. Speaker, Abbott, Adriance, Allison,
 Anderson, Berends, Bledsoe, Eastland, Ellett, Gallaway,
 Gillette, Green, Harrison, Hoffman, Hollingsworth, Jo-
 seph, Kleberg, Lane, Mabry, McDonald, Moore, Morris,
 Nelson, Phelps, Roberts, Sabin, Schmidt, Shaw, Shelton,
 Stockbridge, Tivy, Wilder, Williams and Winkler—34.

The question being upon the adoption of the resolution,
 division was called for.

The House adopted section first of the resolution by the
 following vote:

Yeas—Messrs. Speaker, Allison, Anderson, Armstrong,
 Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Brown
 of Dallas, Carroll, Chambers, Cunningham, Davenport,
 Day, Denton, Doyle, Eastland, Ellett, Ford, Gaston,
 Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hol-
 lingsworth, Killough, Kleberg, Lane, Leyendecker, Man-
 ning, McDonald, Nelson, Payne, Powers, Prendergast,
 Robb, Rosborough, Russell, Sayers, Scott, Shelton,

Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tom, Trolinger, Venters, Watts, Westfall, Wilder, Winkler and Wood—56.

Nays—Messrs. Abbott, Adriance, Berends, Galloway, Green, Joseph, Mabry, Moore, Morris, Phelps, Roberts, Sabin, Schmidt, Shaw, Stockbridge, Tivy and Williams—17.

The House then adopted section second of the resolution by the following vote:

Yeas—Messrs. Allison, Anderson, Armstrong, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Kilough, Kleberg, Leyendecker, Manning, McDonald, Morris, Nelson, Payne, Powers, Prendergast, Robb, Rosborough, Russell, Sayers, Schmidt, Scott, Shelton, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tom, Trolinger, Venters, Watts, Westfall, Wilder, Winkler and Wood—55.

Nays—Messrs. Speaker, Abbott, Adriance, Berends, Ellett, Galloway, Green, Joseph, Lane, Mabry, Moore, Phelps, Roberts, Sabin, Shaw, Stockbridge, Tivy and Williams—18.

The following message from the Governor was read and ordered spread on the journals:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, May 9, 1873. }

GENTLEMEN: I have concluded that I cannot approve the act originating in the House of Representatives entitled "An act to release certain taxes to the residents of the counties of Montague, Wise, Parker, Hood, Erath, Hamilton, Lampasas, Burnet, Blanco, Kendall, Bandera, Medina, Frio, McMullen, Duval, Starr, and all the counties lying west and southwest of the same," but as I have not returned it with objections it became a law to-day by force of the Constitution.

The tenderness towards our suffering frontiersmen which I feel in common with, I suppose, most other people, has prompted me to overlook the obstacle presented to the passage of such an act by the Constitution in section nineteen of article twelve, but I must not permit this sentiment to stand in the way of my pointing out to you the circumstance, that under cover of relief to those suf-

ferers many counties have been, I may say, "*run*g" into the act which have no fair claim to be called frontier counties—at any rate, no fairer claim than have many other counties excluded therefrom.

The counties of Wise, Parker, Hood, Lampasas, Starr, etc., are no more liable to raids of Indians than are Travis, Hays or Bexar. They are populous and wealthy (Parker, for instance, by the census of 1870 had upwards of four thousand people, and has now a population double that), and are a hundred miles or more within the outside settlers. Some of them, such as Lampasas, suffer a great deal more affliction from white desperadoes than from Indians.

The people of the frontier counties should be protected, but a better plan therefor than this remission of tax, and also one less liable to constitutional difficulty, would be the employment of minute companies or other similar organizations, made up of the frontiersmen, whose time thus employed in defense of themselves and neighbors would be recompensed by the State, thereby offering some guarantee that the hundred thousand dollars thus annually to be given to the frontier will actually benefit the needy pioneer himself, who, with his plow and rifle, but perhaps very little more of worldly goods to pay taxes on, is extending our settlements into the wilderness. It was, however, the understanding that such companies would not be authorized, that finally prevailed with me not to make an objection that might defeat all relief to the frontier. But if not too late, I trust the act may yet be modified. In its present shape the courts may be compelled to hold it invalid. On this point I herewith transmit a copy of an opinion of the Hon. William Alexander, Attorney General.

The amount of tax remitted by this act will probably be about \$100,000 per annum, and for *three* years, not *two*, as the act would seem at first sight to warrant.

Very respectfully,

EDMUND J. DAVIS, Governor.

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

| Opinion. |

ATTORNEY GENERAL'S OFFICE, May 5, 1873.
House bill No. 662, intended to release taxes to the in-

habitants of certain frontier counties therein named, has been carefully examined. It practically exempts for three years, though apparently operative only for two. It is clearly an attempted evasion of sections five (V) of article twelve (XII), and of section six (VI) of article nine (IX), of the Constitution, as well as of section two (II) of the Bill of Rights.

No "pre-existing law" provides for the compensation of any of our citizens for exercising the right of self-defense of themselves, their families and property. The poll tax which has to be expended among those who pay it, being a tax prescribed by the Constitution, cannot be set aside by a statute. The Legislature is required to make taxation "equal and uniform throughout the State," not throughout all of the State except the frontier; and the Bill of Rights declares that "no man or set of men is entitled to exclusive, separate public emoluments or privileges; not even in consideration of public services, as was formerly the case.

The bill is unconstitutional.

(Signed) ALEXANDER, Attorney General.

A true copy.

JOHN J. STEVENS, Private Secretary.

The following additional message was received, ordered spread upon the journal, and referred to Judiciary Committee No. 1, with instructions to report thereon Friday, May 16.

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, May 13, 1873. }

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

SIR: I return to the House of Representatives, where it originated, the act entitled "An act to incorporate the Brazos Santiago and Rio Grande Canal Company."

In the seventh section the act exempts this corporation from all taxation until five years after its completion, and even for an indefinite time after that, in a certain contingency.

There has certainly been enough already done in the way of exempting corporations from taxation.

There is also a question as to the effect the treaty of Guadalupe Hidalgo might have on this act.

I recommend that the act be reconsidered.

Very respectfully,

EDMUND J. DAVIS, Governor.

The select committee upon House bill No. 869, "An act to amend the tenth and twelfth sections of an act to regulate proceedings in the District Courts, approved May 13, 1846," reported a substitute of same caption, and recommended its passage. The substitute was read and adopted, and ordered engrossed.

Mr. Sabin moved to suspend the rules and put the bill on third reading, which carried.

Mr. Chambers moved a call of the House, which was seconded. The call being made, the following gentlemen were found absent: Abbott, Berends, Booty, Carroll, Ford, Gallaway, Hester, Hoffman, Hollingsworth, Kleberg, Mills, Rosborough, Tom, Veale.

Mr. Westfall moved to suspend the call, which carried.

On motion of Mr. Allison, Mr. Booty was excused on account of sickness.

On motion of Mr. Broaddus the leave of absence of Mr. Salter was extended one day.

The bill then passed.

The same select committee, upon House bill No. 863 to amend the first and fourth sections of "An act entitled an act to reduce into one and amend the several acts concerning executions," approved January 27, 1842, reported a substitute of same caption, and recommended its passage. The substitute was read and adopted and ordered engrossed.

On motion of Mr. Sabin, the rules were suspended, the bill read third time and passed.

On motion of Mr. Powers, the special committee on House bill No. 812, submitted the following report:

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

SIR: The undersigned special committee, to whom was referred House bill No. 820, entitled "An act to regulate sales of landed property made under decrees of courts," have had the same under consideration, and respectfully report the bill back with certain amendments thereto, and do recommend their adoption and their passage with the bill.

We will state that we are of the opinion there is no law now in force requiring the advertisement of sheriffs' sales.

S. POWERS,

GEO. W. SMITH.

1. Strike out the word "landed," in line one of the

title of the act, and add at the end of it the words "and execution."

2. Strike out all after the word "state," in line five of section one, down to "it," in line six.

3. Insert section two here offered as an amendment.

4. Change section two for section four.

5. In line twelve of section one, strike out the words "is disputed" and insert "there are clouds or incumbrances thereon."

"SEC. 2. Whenever any property shall have been seized by virtue of an execution, or ordered to be sold by decree of court, it shall be the duty of the sheriff or other officer to advertise the same, if it be personal property, at least ten days at three public places in the county, one of which shall be the place where the property is to be sold; if it be lands, twenty days, by advertisements posted up, one at the court house door of the county; *provided*, all sales of lands shall be made at the court house door of the county in which the sale takes place, on the first Tuesday in the month, between the hours of 10 A. M. and 4 o'clock P. M.; *and provided, further*, that all other property may be sold on the premises where it is seized on execution.

"SEC. 3. That an act entitled 'An act to regulate sales of lands under the decrees of the courts,' approved April 13, 1870, and the act entitled 'An act to repeal the third section, and to amend the second section of an act to regulate the sale of land under decrees of courts,' approved August 17, 1870, approved May, 1871, be and the same are hereby repealed."

The amendments were adopted; the bill read second time and ordered engrossed.

On motion of Mr. Payne, the rules were suspended, the bill read third time and passed.

Mr. Brown of Dallas offered the following resolution:

Resolved, That there shall be printed for the use of this House twelve hundred copies, duly authenticated by the Secretary of State, of the "Act providing for a registration of voters," and "An act regulating elections," passed at the present session of the Legislature.

The resolution was adopted.

Mr. Russell introduced a bill for the relief E. A. Merchant, upon which the following report was submitted:
Hon. M. D. K. Taylor, Speaker of the House of Representatives.

Sir: Your Committee on Private Land Claims, to whom

was referred the petition of E. A. Merchant, have carefully examined the evidence in the case, and instruct me to report the accompanying bill, with the recommendation that the same do pass.

SCOTT, for Committee.

The bill was read first time ; rules suspended, read second time and ordered engrossed.

On motion of Mr. Russell, the rules were further suspended, the bill read third time and passed.

Mr. Westfall introduced a bill supplementary to "An act to organize the District Courts, and to define their powers and jurisdiction," approved May 11, 1846. Read first time and referred to Judiciary Committee No. 2.

Also a bill supplementary to and amendatory of "An act to regulate railroad companies," approved February 7, 1853, approved December 19, 1857. Read first time and referred to Judiciary Committee No. 2.

Mr. Brown of Upshur introduced a bill to amend "An act to provide for districting the State into judicial districts," approved July 1, 1870. Read first time ; rules suspended, read second time and ordered engrossed.

On motion of Mr. Brown of Upshur, the rules were further suspended, the bill read third time and passed.

Mr. Brown of Upshur also introduced a bill to amend section ten of "An act prescribing the times of holding the District Courts in the several judicial districts," approved August 10, 1870. Read first time ; rules suspended, read second time and ordered engrossed.

On motion of Mr. Brown of Upshur, the rules were further suspended, the bill read third time and passed.

On motion of Mr. Anderson, the House adjourned until 3 P. M.

AFTERNOON SESSION.

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

Absent—Messrs. Ellett, Mills, Russell, Veale and Winkler.

On motion of Mr. Shaw, Mr. Watts was excused on account of sickness.

On motion of Mr. Gilpin, House bill No. 599, to be entitled "An act to incorporate the Corpus Christi and Rio Grande Railway Company, and to aid in the construction of the same," was taken up.

The following amendments were offered thereto by the special committee on railroads :

Strike out section fifteen and insert the following: "That this charter shall remain in force for the period of sixty years from the date of completion of the railway herein designated. The State of Texas, in aid of the construction of said railway, hereby donates sixteen sections of land, of six hundred and forty acres each, out of any of the unappropriated public domain of the State; *provided*, that said company shall survey the alternate or even sections of land, for public schools, and return said surveys to the General Land Office of the State; *and provided further*, that said railway company shall be subject to all general laws that are now in force, or may hereafter be enacted, in relation to donation of land to objects of internal improvement, and [all laws enacted by the Legislature heretofore, or that may be hereafter enacted regulating railroads and railroad companies ; *and provided further*, that the guage of said road shall be four feet eight and a half inches ; *and provided further*, that said railway shall be completed in accordance with its charter, and shall not receive any lands until it shall have completed a section of at least ten consecutive miles or more of its road, and shall have given notice of the same to the Governor of this State, whose duty it shall be to appoint some skillful engineer (if there be no State engineer) to examine said section of road ; and if upon the report of said engineer, under oath, that said section of the road has been constructed in accordance with its charter, this act and the general laws governing railroads, thereupon it shall become the duty of the Commissioner of the General Land Office to issue to said company certificates of six hundred and forty acres each, equal in amount to sixteen sections per mile of road so completed, which said certificates shall be located and surveyed in alternate sections, and field notes and maps to be returned to the General Land Office, and the odd sections patented to the said company, and all the alternate or even sections shall be reserved and held to be set apart and appropriated to, and constitute a part of the common school fund, as provided by law ; and the lands granted to said company by virtue of the provisions of this act shall be alienated by said company except so far as may be necessary to the maintenance and run-

ning of its road, as follows, to-wit: One-fourth in eight years, one-fourth in ten years, one-fourth in twelve years, and one-fourth in sixteen years from the time of the issuance of such land certificates; *provided*, said lands shall not be alienated directly or indirectly, to any other corporation except so far as may be necessary for the proper uses and convenience of the business of such corporation, or to any person, firm or company in trust for said railroad company, or to any firm or company of which any officer or stockholder thereof is a member; and on failure to alienate said lands as herein directed, or a violation of the provisions of this section, they shall be proceeded against as the laws in force may direct; *provided also*, that the company shall not have the right to sell, rent, lease, or consolidate with any parallel or competing railroad or railroads in this State; *and provided further*, that in no case shall the State be in any way liable for deficiency in vacant public domain, to absorb the land certificates that may issue under the provisions of this act."

2. Strike out of section nine the following: "And of such gauge as shall be deemed best adapted to the nature of the country and the transaction of business of the locality where located." Section nine, after the word "site," fourth line from the bottom, insert "and establish and maintain a depot within one-half mile of the business part thereof."

3. Add to the end of section fourteen, the following: "and the right is expressly reserved to the State to regulate the charges for freight and passage on said road, and also its duties and responsibilities as a common carrier."

The amendments were adopted.

Mr. Powers moved to change the time of alienating the land granted so as to read, "one-fourth in eight, one-fourth in twelve, one-fourth in sixteen, and one-fourth in twenty years." The change was ordered to be made.

Mr. Anderson moved to dispense with the reading of the bill. The House refused.

Mr. Powers moved to strike out "six months" in the third section, and insert in lieu thereof "twelve months," which amendment was made.

Pending the reading, a message was received from his Excellency the Governor, returning House bill No. 536, "An act to change and define the boundary line of Trin-

ity county, and to provide for the further organization of the same," with his objections thereto.

The bill having been read second time was ordered engrossed.

On motion of Mr. Brown of Dallas, the rules were suspended, the bill read third time and passed by the following vote :

Yeas—Messrs. Speaker, Abbott, Allison, Anderson, Berends, Bledsoe, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Davenport, Day, Denton, Doyle, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Joseph, Killough, Kleberg, Lane, Mabry, Manning, McDonald, Moore, Nelson, Payne, Phelps, Powers, Prendergast, Robb, Roberts, Rosborough, Sabin, Sayers, Schmidt, Scott, Shaw, Shelton, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Westfall, Wilder and Williams—58.

Nays—Armstrong, Bordeaux, Chambers, Cunningham, Leyendecker, Trolinger and Venters—7.

On motion of Mr. Scott, Mr. Russell was excused on account of sickness.

On motion of Mr. Broaddus, the Committee on Education submitted the following report :

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

SIR: Your Committee on Education, to whom was referred House bill No. 547, "An act to incorporate Davilla Institute, in Milam county," have considered the same, and beg leave to report said bill to the House and recommend its passage.

FORD, for Committee.

On motion, the reading of the bill was dispensed with and it was ordered engrossed.

On motion of Mr. Broaddus, the rules were suspended, the bill read third time and passed.

On motion of Mr. Sayers, the Committee on Agriculture and Stock Raising submitted the following report :

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

SIR: Your Committee on Agriculture and Stock Raising, to whom was referred House bill No. 407, entitled "An act to incorporate the Central Texas Agricultural and Mechanical Fair Association," have had the same

under consideration, and instruct me to report the same back and recommend its passage.

THURMOND, Chairman.

The bill was read second time by caption and ordered engrossed.

On motion of Mr. Rosborough, the rules were suspended, the bill read third time and passed.

On motion of Mr. Cunningham, the Committee on Commerce and Manufactures submitted the following report: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: The Committee on Commerce and Manufactures, to whom was referred House bill No. 561, entitled "An act to incorporate a Savings Bank in Bonham," have had the same under consideration and unanimously instruct me to recommend the passage of said bill.

JOSEPH, Chairman.

The bill was read second time and ordered engrossed. On motion of Mr. Cunningham, the rules were suspended, the bill read third time and passed.

On motion of Mr. Chambers, the Committee on Agriculture and Stock Raising submitted the following report: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Your Committee, to whom was referred House bill No. 565, to be entitled "An act concerning unlawful animals," have duly considered the same, and instruct me to report back with the following amendments: Strike out the words "and dangerous," wherever they occur, and insert at the bottom of section one, "*provided*, the same care shall be taken in doing so that a prudent man would take of his own stock;" and recommend that it do pass.

THURMOND, Chairman.

The amendments recommended by the committee were adopted.

Mr. Ghent moved to amend by striking out the word "male" wherever it occurs before the word "mule," and insert in lieu thereof the word "stud." The amendment was adopted.

Mr. Storey offered the following amendment: "*Provided*, that this act shall not apply and be in force west of the Colorado river, in Colorado county, the Twelfth Senatorial District, the Fifteenth Senatorial District, or the counties of Cherokee and Houston."

Mr. Phelps offered the following amendment to the amendment: "Provided, nothing herein shall apply to any horse or jack kept for stock purposes."

Leave being granted. Mr. Abbott offered the following resolution:

Resolved, That the rules of this House be so changed that private bills shall be called by districts every evening, and to continue in regular order as they have been previously called, until each separate district has been called.

Laid over under the rules.

The Committee on Engrossed Bills submitted the following report:

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

SIR: Your Committee on Engrossed Bills beg leave to report that they have carefully examined House bill No. 577, to be entitled "An act to authorize the County Court of Colorado county to levy a special tax for the erection of a county jail;" also House bill No. 570, a bill to be entitled "An act to create the county of Wegefath," and find the same correctly engrossed.

L. J. STOREY, for Committee.

Mr. Bordeaux moved to adjourn. The House refused.

The consideration of the pending matter having been resumed, the amendment to the amendment was put and carried.

Mr. Gillette moved to amend by exempting the Twentieth Senatorial District, which amendment was adopted.

Mr. Armstrong moved to lay the bill and amendments on the table, which carried.

On motion of Mr. Thurmond, the Committee on Military Affairs submitted the following report:

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

SIR: Your committee to whom was referred joint resolution No. 661, directing that criminal proceedings against Santos Benavides, Major A. J. Hogan and others, for acts done by them under the authority of the United States government be dismissed, have carefully considered the same and instruct me to report the same back and recommend that it do pass.

BORDEAUX, for Committee.

The bill was then read second time.

Mr. Gallaway moved to adjourn. The House refused.

Mr. Nelson moved to adjourn. The House refused.

Mr. Manning moved the previous question, which was seconded, and the main question ordered.

The House refused to order the bill to engrossment.

On motion of Mr. Hollingsworth, the vote by which the House refused to engross the bill was reconsidered.

On motion of Mr. Denton, the bill was recommitted to the Committee on Military Affairs.

On motion of Mr. Ghent, the House adjourned until 8 P. M.

EVENING SESSION.

House met pursuant to adjournment. Roll called.

Absent—Messrs. Abbott, Anderson, Denton, Ellett, Gallaway, Gillette, Mabry, Mills, Moore, Morris, Phelps, Powers, Prendergast, Thurmond, Veale, Williams and Winkler.

There being no quorum present, Mr. Sabin moved to adjourn. The House refused.

Mr. Sabin again moved to adjourn. The House refused.

Mr. Phelps moved a call of the House. The call was not sustained.

Mr. Sayers moved to adjourn until 9 A. M. to-morrow, which carried.

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

House met pursuant to adjournment. Prayer by Rev. Dr. Fisher. Roll called; quorum present.

Absent—Messrs. Brown of Dallas, Ellett, Mills and Powers.

On motion of Mr. Smith of Houston, Mr. Thurmond was excused for two days.

On motion of Mr. Russell, Mr. Scott was excused for the day on account of sickness.

On motion of Mr. Denton, the reading of the journal was dispensed with.

On motion of Mr. Bordeaux, Mr. Morris was excused for the day on account of business.

On motion of Mr. Doyle, Mr. Veale was indefinitely excused on account of sickness.

On motion of Mr. Robb, Mr. Tom was excused during the morning session.

Mr. Sabin introduced a bill granting the right of way to the United States of America for the construction of a coastwise canal along the coast of Texas, through the inland waters and mainland thereof. Laid on the table, and one hundred copies ordered printed.

Mr. McDonald offered the following resolution :

WHEREAS, The special and counsel friends of John G. Scott, late Judge of the Tenth Judicial District of this State, are falsely endeavoring to prejudice the minds of uninformed citizens of this State, in this, that this House of Representatives, together with the good people of the Tenth Judicial District, through partisan motives, are persecuting, without just cause, the said John G. Scott; therefore, in order that this House and the people aforesaid may be fully vindicated from the foul aspersions aforesaid, be it

Resolved, That one thousand copies of the evidence taken by the special committee of this House in the case of the State of Texas v. John G. Scott aforesaid, together with the charges preferred thereunder, be printed in pamphlet form for the use of this House, and for general distribution.

Adopted.

Mr. Payne introduced a bill authorizing interest on treasury warrants. Read first time; rules suspended and read second time.

Mr. Joseph offered the following by way of amendment: "SEC. 3. *Be it further enacted*, that treasury warrants payable out of the general fund shall be receivable by sheriffs for three-fourths of the *ad valorem*, license and occupation taxes; *provided*, the warrant is equal to or less than said three-fourths due by the tax payer offering the same, so that in no case shall the sheriff be required to pay in money any balance on such draft. When any warrant is offered in payment of taxes as above, the tax payer offering the same shall indorse thereon the amount thereof, when paid, and the name of the sheriff to whom paid, and shall sign his name to the same, and the sheriff shall indorse from whom and when received. And the sheriff shall keep a book wherein he shall make an entry of all treasury warrants so received, the time when received, and the date, number and amount

of such warrant, and shall at the expiration of each month report to the Comptroller the warrants so received, and all the entries on his registration book, and return said warrants with such report to the Comptroller.

“SEC. 4. *Be it further enacted*, that treasury warrants drawn against the school fund shall in like manner, and on the same terms and conditions, be receivable for the one-fourth tax due and accruing to the school fund, and the Comptroller shall receive and credit the accounts of sheriffs with the amounts of treasury warrants by them respectively paid in under the provisions of this act.”

Mr. Winkler moved to refer the bill and amendment to the Committee on Finance. The House refused.

Mr. Anderson moved to refer the bill and amendment to a special committee. The House refused.

The House then refused to adopt the amendment.

The bill was then ordered engrossed by the following vote:

Yeas—Messrs. Abbott, Adriance, Allison, Anderson, Berends, Bordeaux, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Day, Denton, Ford, Gaston, Ghent, Gillette, Gilpin, Green, Hester, Hoffman, Joseph, Killough, Kleberg, Mabry, Manning, McDonald, Moore, Nelson, Payne, Phelps, Rimes, Robb, Roberts, Russell, Sabin, Salter, Shaw, Storey, Stockbridge, Tivy, Trolinger, Watts, Wilder, Williams and Wood—45.

Nays—Messrs. Speaker, Armstrong, Bledsoe, Broadus, Davenport, Eastland, Harrison, Hollingsworth, Kemble, Lane, Leyendecker, Morris, Prendergast, Rosborough, Sayers, Schmidt, Smith of Colorado, Smith of Houston, Tilson, Westfall, and Winkler—21.

Mr. Anderson moved to suspend the rules and put the bill on its third reading. The House refused to suspend.

On motion of Mr. Cunningham, Mr. Shelton was granted indefinite leave of absence from May 15, on account of urgent business.

Mr. Westfall introduced a bill for the relief of Geo. W. Grimes. Referred to the Committee on Private Land Claims.

Also a bill to incorporate the town of McKinney.

On motion of Mr. Westfall, the reading of the bill was dispensed with; the bill read second time by caption and ordered engrossed.

On motion of Mr. Westfall, the rules were further suspended, the bill read third time by caption and passed.

The Committee on Engrossed Bills reported as follows;
Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined and compared the following House bills:

No. 820, "An act to regulate sales of property made under decrees of courts and executions."

No. 66, "An act to amend an act to incorporate the Dallas and Wichita Railroad Company, and to aid in the construction thereof."

And find the same correctly engrossed.

STOREY, for Committee.

Mr. Kleberg offered the following resolution:

Resolved, That the rule of this House providing for night sessions be and is hereby revoked.

Laid over under the rules.

Mr. Tilson introduced a bill to amend the first section of "An act to establish and incorporate the College of De Kalb. Read first time by caption; rules suspended, read second time by caption and ordered engrossed.

On motion of Mr. Tilson the rules were further suspended, the bill read third time and passed.

On motion of Mr. Armstrong, the special committee upon "An act to regulate the fees of office" reported as follows:

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

SIR: The select committee on taxation and fees of office respectfully present the accompanying bill to regulate the fees of office, and recommend its passage.

WOOD, for Select Committee.

The bill was made special order for Saturday, May 17, at 10 A. M.

Mr. Smith of Colorado introduced a bill to legalize the unconditional certificate for three hundred and twenty acres of land issued to Joseph Powers and the survey made by virtue of the same. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Smith of Colorado, the rules were further suspended, the bill read third time and passed.

On motion of Mr. Russell, House bill No. 615, "An act amendatory to an act supplementary to an act authorizing the sale and disposition of the university lands, approved August 30, 1856, approved November 12, 1860," was

taken up and made special order for Thursday, May 15, at 12 M.

The resolution of Mr. Abbott changing the order of business was taken up.

Mr. Abbott offered the following substitute therefor:

Resolved, That the rules governing afternoon sessions on Mondays, Wednesdays and Fridays, be applied to all afternoon sessions of the House.

The substitute was adopted, and the resolution, thus substituted, adopted.

The resolution offered by Mr. Brown of Dallas, changing the order of business, was taken up and adopted by the following vote:

Yeas—Messrs. Speaker, Allison, Anderson, Armstrong, Berends, Bledsoe, Bordeaux, Brown of Dallas, Carroll, Chambers, Davenport, Day, Eastland, Ford, Gillette, Gilpin, Hollingsworth, Kemble, Killough, Kleberg, Lane, Leyendecker, Manning, Nelson, Payne, Prendergast, Rimes, Robb, Rosborough, Sayers, Schmidt, Shaw, Smith of Houston, Storey, Tilson, Tivy, Tom, Watts, Westfall, Winkler and Wood—41.

Nays—Messrs. Abbott, Adriance, Broaddus, Brown of Upshur, Gaston, Ghent, Green, Harrison, Joseph, McDonald, Phelps, Roberts, Russell, Sabin, Salter, Shelton, Smith of Colorado, Trolinger, Wilder and Williams—20.

The special order, House bill No. 809, "An act providing for the condemnation and sale of land for taxes," was announced.

Mr. Wood offered the following substitute therefor:

A bill to be entitled "An act providing for the condemnation and sale of land for delinquent taxes." The substitute was read and adopted.

Mr. Russell moved to amend section three by striking out the words "twenty per cent" and inserting in lieu thereof "fifty per cent."

Mr. Sayers moved to lay the amendment on the table, which was carried by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Berends, Brown of Dallas, Cunningham, Davenport, Day, Eastland, Ellett, Ford, Gaston, Ghent, Gillette, Gilpin, Hester, Hollingsworth, Joseph, Kemble, Killough, Mabry, Payne, Phelps, Prendergast, Sabin, Sayers, Schmidt, Storey, Stockbridge, Watts, Westfall, Williams and Wood—33.

Nays—Allison, Bledsoe, Broaddus, Brown of Upshur, Carroll, Chambers, Doyle, Gallaway, Green, Harrison, Lane, Leyenkecker, Manning, McDonald, Moore, Nelson, Rimes, Roberts, Rosborough, Russell, Salter, Smith of Colorado, Smith of Houston, Tilson, Tivy, Tom and Winkler—27.

The bill was then ordered engrossed.

On motion of Mr. Payne, the rules were suspended, the bill read third time and passed.

Special order, House bill No. 737, to define swindling by immigrants, and the punishment for the same, was announced.

Mr. Storey moved to postpone its consideration until Saturday, May 17, at 10 A. M. The House refused to postpone.

Mr. Sabin moved to lay the bill on the table. Lost by the following vote:

Yeas—Messrs. Abbott, Allison, Armstrong, Berends, Davenport, Denton, Ford, Gallaway, Gaston, Gilpin, Green, Harrison, Hester, Hoffman, Killough, Kleberg, Lane, Leyendecker, McDonald, Moore, Payne, Roberts, Rosborough, Sabin, Schmidt, Stockbridge, Tilson, Tivy, Venters, Westfall, Williams and Winkler—32.

Nays—Messrs. Speaker, Adriance, Bledsoe, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Day, Doyle, Eastland, Ellett, Ghent, Gillette, Hollingsworth, Joseph, Kemble, Mabry, Manning, Nelson, Phelps, Prendergast, Rimes, Robb, Russell, Salter, Sayers, Shaw, Smith of Colorado, Smith of Houston, Storey, Tom, Trolinger and Wood—35.

Mr. Hester offered the following amendment: "*Provided further*, that any person or persons inducing emigrants to come to this State, from any State or country, who is not able to produce a certificate of good moral character, shall be liable to all the pains and penalties imposed by this bill."

Mr. Anderson moved to amend by adding: "*Provided*, that the punishment herein provided shall not apply to persons from Europe, Asia, Africa, North or South America, or any of the isles of the sea, except Comanche Indians, Kiowas, Kickapoo and Apache Indians."

Mr. Denton moved to recommit the bill and amendments to the committee which reported it, with instructions to report thereon Saturday, May 17.

Mr. Payne moved to lay the motion to recommit the bill and amendments on the table, which motion carried, by the following vote:

Yeas—Messrs. Abbott, Adriance, Allison, Anderson, Armstrong, Berends, Chambers, Davenport, Eastland, Gallaway, Gaston, Gillette, Gilpin Green, Harrison, Hester, Hoffman, Hollingsworth, Killough, Kleberg, Lane, Leyendecker, Mabry, McDonald, Moore, Payne, Roberts, Rosborough, Sabyn, Schmidt, Smith of Houston, Stockbridge, Tivy, Trolinger, Venters Westfall, Wilder, Williams and Winkler—39.

Nays—Messrs. Speaker, Bledsoe, Bordeaux, Broadus, Brown of Upshur, Carroll, Cunningham, Day, Denton, Doyle, Ellett, Ghent, Joseph, Kemble, Manning, Nelson, Phelps, Prendergast, Rimer, Robb, Russell, Salter, Sayers, Shaw, Smith of Colorado, Storey, Tilson, Tom and Wood—29.

Leave being granted, Mr. Wood offered the following resolution, which was adopted:

Resolved, That the Committee on Private Land Claims be instructed and required to incorporate into one bill all claims for relief in their hands, on which said committee reported favorably.

House bill No. 880, to amend section seven of "An act to organize a Bureau of Immigration," approved May 23, 1871, was taken up.

On motion of Mr. Berends, the House adjourned until 3 P. M.

AFTERNOON SESSION.

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

Absent—Messrs. Anderson, Bordeaux, Brown of Upshur, Doyle, Ellett, Green, Killough, Mills, Morris, Stockbridge, Venters.

On motion of Mr. Watts, Mr. Smith of Colorado was excused until Friday, May 17.

The unfinished business of the evening session of yesterday was resumed, being House bill No. 503, a bill to be entitled "An act supplemental to an act entitled an act to incorporate the Pacific and Great Eastern Railway Company, approved August 13, 1870."

The substitute offered by the special committee on rail-ways was read and adopted.

Mr. Denton offered the following amendment to section first, to be inserted after the word "state," in the proviso, at the end of the section: "exclusive of that set apart for the benefit of the school fund." The amendment was adopted.

The bill was then ordered engrossed.

On motion of Mr. Russell, the rules were suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Bledsoe, Broadus, Brown of Dallas, Carroll, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hollingsworth, Joseph, Kemble, Lane, Mabry, Manning, McDonald, Moore, Nelson, Payne, Phelps, Powers, Prendergast, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Scott, Shaw, Shelton, Smith of Houston, Storey, Tilson, Tivy, Watts, Wilder, Williams, Winkler and Wood—50.

Nays—Messrs. Abbott, Armstrong, Chambers, Hoffman, Leyendecker, Trolinger, Venters and Westfall—8.

Mr. Watts moved to take up the motion to reconsider the vote passing Senate bill No. 301, making an appropriation to pay the State police and employés. The motion was carried.

He then moved to lay the motion to reconsider on the table, which was carried by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Bledsoe, Brown of Dallas, Chambers, Davenport, Day, Denton, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, McDonald, Moore, Nelson, Payne, Phelps, Powers, Roberts, Rosborough, Sabin, Salter, Sayers, Schmidt, Shaw, Shelton, Smith of Colorado, Storey, Stockbridge, Tilson, Trolinger, Venters, Watts, Westfall, Wilder, Williams and Winkler—53.

Nays—Messrs. Broadus, Carroll, Cunningham, Doyle, Prendergast, Rimes, Robb, Russell, Scott, Smith of Houston, Tivy and Wood—12.

The Committee on Engrossed Bills submitted the following report:

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

SIR: Your Committee on Engrossed Bills beg leave to

report that they have carefully examined the following bills:

House bill No. 868, to be entitled "An act to amend the first and fourth sections of an act entitled an act to reduce into one and amend the several acts concerning executions, approved January 27, 1842."

House bill No. 888, to be entitled "An act to amend an act to provide for districting the State into judicial districts, approved July 1, A. D. 1870."

House bill No. 889, to amend section ten of "An act prescribing the times of holding the District Courts in the several judicial districts in the State," approved August 10, 1870.

House bill No. 885, to be entitled "An act for the relief of E. A. Merchant, his heirs or assigns."

House bill No. 869, to be entitled "An act to amend the tenth and twelfth sections of an act to regulate proceedings in the District Courts, approved May 13, 1846."

House bill No. 871, to be entitled "An act to amend section two of an act entitled an act amendatory of and supplemental to an act entitled an act to incorporate the city of New Braunfels, approved January 7, 1860."

And find the same correctly engrossed.

L. J. STOREY, for Committee.

Mr. McDonald called up House bill No. 638, "An act to incorporate the Fort Worth, Cleburne and Waco Railway Company, and granting lands in aid of the construction of said railway."

The following amendments were offered by the special committee on railways:

1. Add to section six: "Said company shall not sell, lease or rent said road to, or purchase or be consolidated with any other parallel, converging or competing railroad line, but this restriction shall not be so construed as to prevent said road from connecting with and forming a continuing part of another road running in the same direction."

2. Section seven, line sixty-two, strike out the word "railroad;" same section, line sixty-four, after the word "corporation" insert as follows: "nor to any person, firm or company in trust for said railroad company, or to any firm or company of which any officer or stockholder is a member;" same section, line sixty-five, after the word "with" insert "or on a violation of;" same

section, line sixty-six, after the word "section" insert as follows: "or the general laws regulating railroads;" same section, add as follows: "and the State expressly reserves the right to regulate the charges for freight and passage on said road. and to fix and determine the duties and responsibilities of said railroad company as a common carrier."

The amendments were adopted.

On motion of Mr. Gillette, the name of J. M. C. Wilson was inserted in section one.

Mr. Prendergast moved to amend section two by striking out the word "Peoria" in line seven, and inserting "the county seat of," and by adding to the section: "*provided*, said road shall not be required to go to the county seat of Hill county, unless the direct line of said road shall pass within five miles of said county seat."

The House refused to adopt the amendment.

Mr. Manning moved to amend section five by inserting the words "State of Texas," which was done.

Mr. Denton offered the following amendment: Insert in section seven "exclusive of that set apart by the Legislature for the benefit of the school fund."

The amendment was adopted.

Mr. Winkler offered the following amendment to section two: "*Provided*, that if the direct practicable route of said road shall pass nearer to the town of Hillsboro than to the town of Peoria, then it shall run by and make and maintain a depot at Hillsboro, instead of running by Peoria." The amendment was adopted.

Mr. Brown of Dallas moved to strike out "two years," in section eight, line eight, and insert in lieu thereof, "three years," which amendment was adopted.

The bill was then ordered engrossed.

On motion of Mr. Gillette the rules were suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Berends, Bledsoe, Broadus, Brown of Upshur, Brown of Dallas, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gallaway, Gaston, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Lane, Mabry, Manning, McDonald, Moore, Nelson, Payne, Phelps, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Shelton, Smith of Houston, Storey, Tilson, Tivy, Tom, Westfall, Wilder, Williams, Winkler and Wood—56.

Nays—Messrs. Armstrong, Chambers, Lyendecker, Scott and Trolinger—5.

Mr. Shelton called up House bill No. 766, to incorporate the Paris, Greenville and Cleburne Railway Company.

The special railway committee offered the following amendments, which were adopted :

1. Amend by striking out all after the word "completed" in line twenty-one, in section fourteen, and insert in lieu thereof the following: "Which said certificates the said company shall cause to be surveyed in alternate sections, that is to say, for each certificate said company shall cause to be surveyed two sections of land of six hundred and forty acres each, adjoining, and shall return the field notes and maps thereof to the General Land Office; and it shall be the duty of the Commissioner of the General Land Office to number said sections and issue to the said company or its assignees, patents to the odd sections thereof, the even sections being reserved to the State for the school fund; *provided*, the State of Texas shall in no event be responsible for a deficiency of public land; and said certificates issued to said company under the provisions of this act, not located because the public lands are exhausted, shall constitute no claim against the State of Texas." Also, in same section, strike out line three and insert as follows: "Passage of this act."

2. Amend by striking out section sixteen and inserting in lieu thereof the following: "SEC. 16. That said company shall have the power to charge and collect such rates of passage for the transportation of persons and property as it shall deem right and proper, not to exceed the rates prescribed by the laws of this State. And it shall be lawful for the Legislature at any time to prescribe other or newer rates of charges for the transportation of persons and property upon such road, and to regulate the conduct of such company as common carriers."

On motion of Mr. Hollingsworth the reading of the bill was dispensed with.

The bill was then ordered engrossed.

On motion of Mr. Brown, of Dallas, the rules were suspended and the bill read third time.

Mr. Cunningham offered the following amendment: "*Provided*, that said Paris, Greenville and Cleburne railroad shall run to the town of Ladonia, in Fannin

county, and establish a freight and passenger depot within one-half mile of the centre of said town, the town granting grounds sufficient for depot purposes." The amendment was adopted.

Mr. Nelson offered the following amendment: "*Provided*, that should the said Paris, Greenville and Cleburne Railroad Company construct its line within five miles of the town of Roxton, in Lamar county, the said company shall be required to run to and establish a depot for freight and passage within one-half mile of the business portion of said town; *provided*, the citizens of said town shall furnish the right of way through said town, and donate to said company a sufficient amount of land for all depot purposes, not to exceed fifteen acres in quantity." The amendment was adopted.

Mr. Denton offered the following amendment: "Exclusive of that set apart by the Legislature for the benefit of the school fund." The amendment was adopted.

The bill then passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Bledsoe, Broaddus, Brown of Upshur, Brown of Dallas, Cunningham, Davenport, Day, Doyle, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hollingsworth, Joseph, Kemble, Killough, Lane, Mabry, Manning, McDonald, Moore, Nelson, Payne, Phelps, Prendergast, Rimes, Robb, Roberts, Russell, Sabin, Salter, Sayers, Shaw, Smith of Houston, Stockbridge, Tilson, Tivy, Tom, Watts, Wilder, Williams, Winkler, Wood—49.

Nays—Messrs. Abbott, Armstrong, Berends, Bordeaux, Chambers, Denton, Kleberg, Schmidt, Scott, Storey, Trolinger, Venters, Westfall—13.

On motion of Mr. Russell, Mr. Doyle was excused for ten days.

Leave being granted, Mr. Denton offered the following resolution:

Resolved, That this House will not entertain any more bills for the incorporation of railroad companies during the remainder of this session until all bills or other business of a general character are disposed of.

Laid over under the rules.

Mr. Day called up House bill No. 603, a bill to incorporate the town of Honey Grove, in the county of Fanin, upon which the following report was submitted:

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

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 603, a bill to incorporate the town of Honey Grove, in the county of Fannin, have carefully examined the same, and beg leave to report the same back with the recommendation that it do pass.

DAVENPORT, for Committee.

On motion, the reading of the bill was dispensed with, and it was ordered engrossed.

On motion of Mr. Sayers, the rules were suspended, the bill read third time and passed.

Mr. Storey moved to reconsider the vote passing House bill No. 766, to incorporate the Paris, Greenville and Cleburne Railway Company. The House refused to reconsider.

Mr. Adriance called up House bill, No. 597, to cure irregularities in the manner of submitting to vote which was by law authorized to be voted on, and to cure and validate bonds issued by any county in this State in cases where the majority, etc.

The following report thereon was submitted by Judiciary Committee No. 2 :

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

SIR: Your committee to whom was referred House bill No. 597, entitled "An act to cure irregularities in the manner of submitting to vote which was by law authorized to be voted on, and to cure and validate bonds issued by any county in this State, in cases where the majority," etc., beg leave to report the same back, with the recommendation that it do not pass.

IRELAND, Chairman.

The report was adopted, and the bill indefinitely postponed.

On motion of Mr. Ghent, House bill No. 565, concerning unlawful animals, was taken up and referred to the following special committee appointed by the Speaker: Messrs. Chambers, chairman; Denton, Eastland, Nelson, Phelps, Storey.

Mr. Joseph called up House bill No. 410, "An act to amend an act entitled an act to incorporate the Magnolia Grove Association, approved June 20, 1870," upon which the following report was submitted :

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

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 410, have carefully considered the same, and report it back to the House, and recommend that the same do pass.

WOOD, Chairman.

On motion of Mr. Joseph, the reading of the bill was dispensed with.

The bill was then ordered engrossed.

On motion of Mr. Joseph the rules were suspended, the bill read third time and passed.

Report from the Committee on Engrossed Bills :

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

SIR: Your Committee on Engrossed Bills beg leave to report that they have examined the following House bills, and find the same correctly engrossed, viz.:

No. 407, "An act to incorporate the Central Texas Agricultural and Mechanical Fair Association."

No. 561, "An act to incorporate a savings bank in Bonham, Fannin county, Texas."

STOREY, for Committee.

Mr. Hollingsworth moved to adjourn. The House refused.

Mr. Abbott called up House bill No. 674, "An act for the relief of Johnson Hensley," upon which the following report was submitted :

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

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 674, to be entitled, "An act for the relief of Johnson Hensley," have carefully examined the same, and instruct me to report the same back to the House, and recommend its passage.

LEYENDECKER, for Committee.

On motion of Mr. Robb, the bill was recommitted to the Committee on Private Land Claims.

Mr. Hollingsworth moved to adjourn. The House refused to adjourn.

Mr. Phelps called up House bill No. 574, in relation to the Corpus Christi Ship Canal.

The Committee on Internal Improvements offered the following amendments to the bill :

1. Add to section first: "*Provided*, that nothing in this act contained shall be construed to give any validity to any bond or bonds which the city council may have at any time heretofore issued with the professed object of aiding in the construction of said channel, and whereby it is assumed to bind the said city of Corpus Christi or its people."

2. In section four, line three, after word "aforesaid," strike out "twenty" and insert "sixteen."

3. Strike out section six and insert as section six: "That whenever the Governor shall be informed that the said canal is completed according to the provisions of this act, he shall at once appoint some competent person (if there be no State engineer) to inspect the same; and if the report of said inspector, which shall be made under oath, be favorable, the Governor shall notify the Commissioner of the General Land Office, whose duty it shall be immediately to issue to said city of Corpus Christi, or their agents as aforesaid, sixteen land certificates of six hundred and forty acres each for each and every mile of said canal completed, and so on for every additional mile of said canal, as provided in this act, which certificates shall be located and surveyed in alternate sections, and field notes and maps of the same shall be returned to the General Land Office, and the odd sections patented to said company, and all the alternate or even sections shall be reserved, and held, and set apart and appropriated to and shall constitute a part of the common school fund, as provided by the laws of this State now in force or that may hereafter be enacted; and said city of Corpus Christi, or their agents aforesaid, shall proceed to alienate the lands herein granted as follows: One-fourth in eight years, one-fourth in ten years, one-fourth in twelve years, and one-fourth in sixteen years from the date of acquiring said lands; and on failure to alienate the lands as herein provided, then the said city of Corpus Christi shall be proceeded against as provided by law now in force or that may hereafter be enacted for a violation of this charter."

Mr. Sabin moved to strike out "sixteen sections" in the amendment and insert in lieu thereof "twenty sections."

There being no quorum voting, on motion of Mr. Abbott, the House adjourned until 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS; May 15, 1873. }

House met pursuant to adjournment. Prayer by Rev. Dr. Fisher. Roll called; quorum present.

Absent—Messrs. Ellett and Mills.

On motion of Mr. Shaw, Mr. Wood was added to the Committee on Private Land Claims.

On motion of Mr. Wilder, the reading of the journal was dispensed with.

On motion of Mr. Bordeaux, the Committee on Indian Affairs submitted the following report:

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

SIR: Your Committee on Indian Affairs, to whom was referred Senate joint resolution No. 23, "Instructing our Senators and requesting our Representatives in Congress to urge upon the Federal Government the propriety of removing certain tribes of hostile Indians from the frontier of Texas," instruct me to report the same back and recommend that it do pass.

BORDEAUX, for Committee.

The joint resolution was read second time, and passed. to third reading.

On motion of Mr. Bordeaux the rules were suspended, the joint resolution was read third time and passed.

Mr. Bewley presented a memorial of the Texas and Mississippi River Canal and Navigation Company. Referred to the Committee on Internal Improvements.

Mr. Wood introduced a bill to authorize C. H. Randolph, W. A. Pitts and John O. Johnson to compile an abstract of titled and patented lands. Read first time by caption, and referred to the Special Committee on Abstracts and Land Titles.

Mr. Stockbridge introduced a joint resolution, approving the action of the members of Congress from Texas in voting themselves back pay and increased compensation.

Mr. Bledsoe moved to reject the joint resolution, which carried by the following vote:

Yeas—Messrs. Speaker, Allison, Anderson, Berends, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gallaway, Gaston,

Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Kleberg, Lane, Lyendecker, Mabry, Manning, McDonald, Morris, Nelson, Payne, Powers, Prendergast, Rimes, Robb, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Scott, Shaw, Smith of Houston, Storey, Stockbridge, Tilson, Tivy, Trolinger, Venters, Watts, Westfall and Winkler—61.

Nays—Messrs. Abbott, Green, Moore, Phelps, Roberts and Wilder—6.

Mr. Stockbridge introduced a joint resolution censuring the action of the members of Congress from Texas in voting themselves back pay and increased compensation, and inviting them to resign. Read first time; rules suspended, read second time.

Mr. Sabin moved to refer the joint resolution to the Committee on Federal relations.

Mr. Denton moved to lay it on the table, which carried by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Bledsoe, Brown of Upshur, Carroll, Denton, Doyle, Eastland, Gaston, Ghent, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Kleberg, Lane, Mabry, Manning, McDonald, Morris, Powers, Rimes, Rosborough, Russell, Sabin, Schmidt, Scott, Shaw, Smith of Houston, Storey, Tilson, Tivy, Venters and Wilder—41.

Nays—Messrs. Abbott, Bordeaux, Broaddus, Brown of Dallas, Chambers, Cunningham, Davenport, Day, Ford, Gillette, Green, Leyendecker, Moore, Nelson, Payne, Phelps, Prendergast, Robb, Roberts, Salter, Sayers, Stockbridge, Trolinger, Watts, Westfall, Williams, Winkler and Wood—28.

Unfinished business, the resolution abolishing night sessions, was taken up and adopted.

The resolution declaring the House will consider no more railroad charters, during the session was taken up, and on motion of Mr. Harrison, laid on the table.

On motion of Mr. Watts, House bill No. 526, "An act amendatory of and supplementary to an act concerning private corporations, approved December 2, 1871," was taken up and read by sections.

On motion of Mr. Powers, Mr. Morris was excused for the day, on account of important business.

Mr. Sayers moved to amend by striking out of section one, line two, all after the word "that," which carried.

Mr. Watts moved to amend by striking out line seven, which carried.

Mr. Watts moved to amend section one, line nineteen, by striking out "eighty-five" and inserting in lieu thereof "three," which carried.

Mr. Brown of Dallas moved to amend section one by inserting after the word "continue" in line two, on page .. the following: "In no case to exceed fifty years." Adopted.

Mr. Prendergast moved to amend section two by striking out of clause three all after the word "by" to the end of the clause, and inserting in lieu thereof "law." Adopted.

Mr. Winkler moved to add to clause eight, "as is now or may hereafter be prescribed by law." Adopted.

On motion of Mr. Prendergast, the vote adopting the amendment was reconsidered.

Mr. Prendergast offered the following substitute therefor, which was adopted: Add to the end of clause eight, page five: "But the Legislature expressly reserves the power at any time to fix the rates of fare and freight to be charged by any company, under this act, and to make such regulations for the government of such companies in regard to the transportation of freight and passengers, as may be deemed proper and expedient."

The amendment was then adopted.

A message from the Senate announced that that body refused to recede from its amendments to House bill No. 185, defining the duties of the Comptroller, and had appointed Senators Shelley, Saylor and Finlay a conference committee upon the disagreement between the two houses.

The consideration of the bill being resumed, Mr. Brown of Dallas moved to strike out the last five words of clause six, which was adopted.

Mr. Powers moved to amend clause four by striking out all after the word "stream" in line six.

Division being called for upon the vote, it was found no quorum was present.

Mr. Kleberg moved a call of the House, which was sustained.

The following members were found absent: Messrs.

Abbott, Berends, Ellett, Lane, Leyendecker, Mills, Robb, Tilson, Venters, Winkler.

A quorum being present, the call was suspended.

The amendment was then adopted.

Mr. Payne moved to amend section six, clause six, by inserting in line three, before the word "transfer," the words "stock and," which was adopted.

Special order, Senate bill No. 231, "An act to provide for the sale of lands belonging to the common school fund, and the lands set apart for the several asylums of the State," was announced.

On motion of Mr. Bordeaux, it was postponed and made special order for Friday, May 16, at 10 A. M.

Special order, House bill No. 615, "An act amendatory to an act supplementary to an act authorizing the sale and disposition of the university lands, approved August 30, 1856, approved November 12, 1866," was taken up and on motion of Mr. Russell, postponed until the pending matter should be disposed of.

The consideration of the pending matter was resumed.

Mr. Wood moved to amend section eleven by inserting after the word "road," in line twenty-four, page twelve, "that such earth, stone, wood, water or other material shall not be taken without first obtaining the consent of the owner, or by having the same condemned as provided for in this section, and first paying the award." Adopted.

Mr. Denton moved to amend by inserting after the word "liable," in line one, page fourteen, the words "in damages." Adopted.

Mr. Wood moved to amend section thirteen by striking out all after the word "corporation," in line twelve, to the word "such," in line seventeen. Adopted.

Mr. Sayers moved to amend section fourteen by inserting in line eighteen, after the word "executed," the following: "upon the payment of the money, or its being secured, as the court may direct." Adopted.

A message from the Senate announced that that body had adopted the report of the conference committee on House bill No. 467, to adjust and define the rights of the Texas and Pacific Railway Company within the limits of the State of Texas, in order to encourage the speedy construction of a railroad through the State of Texas to the Pacific ocean; also, that that body had adopted the re-

port of the conference committee upon Senate bill No. 52, a bill to carry into effect the provision of the Constitution in reference to the probate duties of district clerks.

The consideration of the bill being resumed, Mr. Denton moved to amend section nineteen, line seven, page eighteen, by striking out "two hundred and fifty," and inserting in lieu thereof "five hundred." Adopted.

Mr. Denton moved to amend section nineteen by inserting in line six, page eighteen, after the word "Comptroller," the words "or make a false report." Adopted.

Mr. moved to amend section twenty-eight, page twenty-one, line twenty-four, by striking out the word "school" and inserting in lieu thereof the word "jury."

There being no quorum present, Mr. Abbott moved to adjourn. The House refused.

Mr. Nelson moved a call of the House, which was sustained.

Mr. Abbott again moved to adjourn. The House refused.

The call being made, the following members were found absent: Ellett, Gallaway, Killough, Mills, Robb, Shaw and Stockbridge.

A quorum having been obtained, on motion of Mr. Denton, the call was suspended.

The amendment was then adopted.

Mr. Wood moved to amend section twenty-six by adding to line four, page twenty-one, the following: "and shall receive and transport such freight without breaking bulk, unless the same be absolutely necessary." Adopted.

Mr. Payne moved to amend section twenty-eight by striking out "twenty," in line fifteen, after the word "for," and inserting in lieu thereof "sixty." Adopted.

On motion of Mr. Green, the House adjourned till 3 o'clock P. M.

AFTERNOON SESSION.

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

Absent—Messrs. Abbott, Adriance, Berends, Ellett, Green, Hester, Killough, Kleberg, Mills, Robb, Russell, Tilson, Venters and Winkler.

Mr. Tom asked leave for the Committee on Counties.

and County Boundaries to make a report upon a bill relative to McMullen county. The House refused.

The unfinished business of yesterday, being House bill No. 574, "An act in relation to the Corpus Christi ship canal," was taken up, pending the amendment offered by Mr. Sabin to the amendments offered by the committee. The House refused to adopt the amendment to the amendments.

The amendments by the committee were then adopted.

The bill was read second time.

Mr. Denton offered the following amendment: "*Provided*, that the State shall not be held responsible for any compensation incurred in making such inspection." Adopted.

The bill was then ordered engrossed.

On motion of Mr. Brown, of Dallas, the rules were suspended, the bill read third time by caption and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Allison, Anderson, Armstrong, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cunningham, Davenport, Day, Denton, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Lane, Mabry, Manuing, McDonald, Moore, Morris, Nelson, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Sabin, Salter, Sayers, Schmidt, Storey, Stockbridge, Thurmond, Tivy, Tom, Watts, Westfall, Wilder, Williams, Wood—55.

Nays—Messrs. Bledsoe, Bordeaux, Harrison, Rosborough, Russell, Scott, Smith of Houston, Tilson, Trolinger, Venters—10.

Mr. Schmidt called up House bill No. 700, upon which the following report was submitted:

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

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 700, entitled "An act granting land to the Buffalo Bayou Ship Channel Company in aid of the improvement of navigation from Bolivar Channel, near the Gulf of Mexico, to the city of Houston," having had the same under careful consideration, instruct me to report the accompanying substitute

for the same, incorporating certain amendments adopted by the committee, and recommend its passage.

BOOTY, Chairman *pro tem.*

The substitute was taken up by sections.

Mr. Abbott moved to amend section three by striking out all that relates to improvement by the Federal government. Lost.

Mr. Denton moved to amend by adding to section six, "exclusive of that set apart by the Legislature for the benefit of the school fund." Adopted.

Mr. Powers moved to strike out "location" in line six, section six, and insert in lieu thereof "issuance," and to strike out in line ten "their location" and insert in lieu thereof "the issuance of said certificates." Adopted.

Mr. Abbott moved to amend section by striking out in line six the word "eight" and inserting in lieu thereof "ten."

Mr. Kleberg moved to lay the amendment on the table, which carried by the following vote :

Yeas—Messrs. Adriance, Anderson, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Carroll, Chambers, Davenport, Day, Denton, Eastland, Ford, Gaston, Ghent, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Kleberg, Leyendecker, Mabry, McDonald, Payne, Phelps, Powers, Prendergast, Rimes, Robb, Salter, Sayers, Schmidt, Shaw, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Trolinger, Watts and Westfall—48.

Nays—Messrs. Speaker, Abbott, Allison, Cunningham, Lane, Manning, Moore, Nelson, Rainey, Roberts, Rosborough, Russell, Scott, Venters and Wilder—15.

The substitute was adopted, and the bill ordered engrossed. On motion of Mr. Brown, of Dallas, the rules were suspended and the bill read third time.

The House refused to pass the bill by the following vote, two-thirds not voting for it :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Davenport, Ford, Gallaway, Ghent, Gilpin, Green, Hoffman, Hollingsworth, Joseph, Kleberg, Leyendecker, Mabry, Manning, McDonald, Moore, Payne, Phelps, Powers, Prendergast, Robb, Rosborough, Salter, Sayers, Schmidt, Storey, Stockbridge, Tilson, Tom, Watts, Westfall and Winkler—40.

Nays—Messrs. Abbott, Bledsoe, Chambers, Cunningham, Denton, Doyle, Eastland, Gaston, Harrison, Kemble, Lane, Nelson, Rainey, Rimes, Roberts, Russell, Scott, Smith of Houston, Thurmond, Tivy, and Williams—21.

Mr. Rainey moved to reconsider the vote just taken.

Pending the discussion, a message was received from his Excellency the Governor, returning House bill No. 794, "An act to amend section seven of an act entitled an act to incorporate the city of Waco, approved April 26, 1871," with his objections to the same.

The pending matter being resumed, Mr. Broaddus moved the previous question, which was seconded, and the main question ordered.

The vote was then reconsidered.

Mr. Watts moved to amend by adding "not to exceed forty miles in length." The amendment was adopted.

The bill then passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Bewley, Bledsoe, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Eastland, Ford, Galloway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Joseph, Leyendecker, Mabry, Manning, McDonald, Moore, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Russell, Sabin, Salter, Sayers, Schmidt, Shaw, Smith of Houston, Storey, Stockbridge, Tilson, Tivy, Tom, Watts, Westfall, Wilder, Williams and Winkler—59.

Nays—Messrs. Abbott, Doyle, Kemble, Lane, Nelson, Roberts and Scott—7.

On motion of Mr. Prendergast, the Committee on Constitutional Amendments were granted leave to report, and submitted the following:

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

SIR: The Committee on Constitutional Amendments have had under consideration various resolutions, referred to them, and have instructed me to report the accompanying joint resolution proposing certain amendments to the Constitution, as a substitute for and in lieu of all those submitted to them, and recommend its passage.

The committee do not claim to have presented amendments to all the objectionable features of the Constitution,

but only to such as seem, by common consent, to be most prominent.

PRENDERGAST, Chairman.

“Joint resolution proposing amendments to the Constitution of the State of Texas,” was read, and on motion of Mr. Brown, of Dallas, one hundred copies were ordered printed.

The Committee on Enrolled Bills submitted the following report:

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

SIR: Your Committee on Enrolled Bills have carefully examined the following bills, to-wit:

No. 200, “An act granting a charter to James A. Mitcham and H. L. Gilmore to create, keep and run a ferry boat at New Bazette landing or crossing on the Trinity river, in Henderson county and Navarro county.”

No. 754, “An act to incorporate the board of trustees of the Centerville Academic School.”

No. 489, “An act to aid in the construction of the Atlantic and Pacific Railroad.”

No. 846, “An act authorizing the city of Galveston to issue her bonds to the amount of five hundred thousand dollars, in aid of the bar and harbor improvement of Galveston, and to provide a tax of one-fourth of one per centum for a sinking fund wherewith to pay the principal and interest of said bonds.”

And find the same correctly enrolled, and have this the fifteenth day of May, at 12:30 o'clock P. M., presented the same to the Governor for his signature.

SHAW, Chairman.

On motion of Mr. Hoffman, the House adjourned until 9 A. M. to-morrow.

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

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

Absent—Messrs. Ellett and Hollingsworth.

On motion of Mr. Sabin, Mr Bewley was excused on account of sickness.

On motion of Mr. Watts, Mr. Ford was excused on account of sickness.

On motion of Mr. Green, Mr. Stockbridge was excused on account of sickness.

On motion of Mr. Rainey, Mr. Smith of Houston was excused for two days.

On motion of Mr. Denton, Mr. Berends was excused on account of sickness.

On motion of Mr. Morris, Mr. Killough was excused on account of sickness.

On motion of Mr. Doyle, Mr. Bledsoe was excused on account of sickness.

On motion of Mr. Kleberg, Mr. Noeggerath was granted an indefinite leave of absence on account of sickness.

On motion of Mr. Ireland, the reading of the journal was dispensed with.

Mr. Harrison introduced a bill to incorporate the towns of Farmersville, Plano and Weston, in Collin county.

On motion of Mr. Wood, the reading of the bill was dispensed with, the bill read second time by caption and ordered engrossed.

On motion of Mr. Harrison, the rules were further suspended, the bill read third time and passed.

Mr. Anderson introduced a bill to amend section one of "An act entitled an act to amend the thirty-fourth and thirty-sixth sections of an act entitled an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870, approved February 6, 1871." Read first time; rules suspended, read second time by caption and ordered engrossed.

On motion of Mr. Anderson, the rules were further suspended, the bill read third time by caption and passed.

Mr. Gilpin introduced a bill entitled "An act for the relief of Michael Haley." Read first time and referred to the Committee on Private Land Claims.

Mr. Ireland introduced a bill to amend section eight of "An act entitled an act to incorporate the town of Seguin, in Guadalupe county." Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Ireland, the rules were further suspended, the bill read third time by caption and passed.

Mr. Cunningham introduced a bill to incorporate the Greenville, Bonham and Oklahoma Railroad Company.

Read first time and referred to the special Railway Committee.

Mr. Powers introduced a bill to incorporate the Brazos, Santiago and Rio Grande Canal Company. Read first time, rules suspended and read second time.

Mr. Denton moved to strike out of section four, lines one and two, "and twenty," which carried.

The bill was then ordered engrossed.

On motion of Mr. Powers, the rules were further suspended, the bill read a third time and passed.

Mr. Powers introduced a bill to provide for the construction of court houses and jails in the various counties of this state. Read first time.

Mr. Trolinger moved to amend section one by striking out "twenty-five and inserting in lieu thereof "sixty." Adopted.

Mr. Wood offered the following amendment: "No member of the County Court, district clerk, sheriff, county treasurer, or any other county officer, shall take or have any interest in any contract for the erection or repair of any building under this act, either directly or indirectly, or any interest in any contracts for the furnishing materials for the erection or repair of any building erected or repaired under this act, and the violation of the provisions of this section by any of the officers mentioned in this act shall work a forfeiture of all right to compensation under such contract." Adopted.

Mr. Tilson moved to amend the caption by inserting "or repairing" after the word "construction." Adopted.

Mr. Joseph moved to amend section one by striking out "five thousand" and inserting in lieu thereof "twelve thousand." Adopted.

On motion of Mr. Ireland, the bill was made the special order for Monday, May 19, at 10:30 A. M., and one hundred copies were ordered printed.

A message from the Senate announced the passage, by that body, of Senate joint resolution No. 42, making an appropriation to carry into effect the provisions of a joint resolution awarding Winchester rifles to certain persons, approved March 28, 1873.

Senate bill No. 349, "An act making an appropriation to carry into effect an act authorizing quarantine on the coast of Texas and elsewhere within the State, approved June 10, 1870."

House bill No. 853, to be entitled "An act supplementary to and amendatory of an act entitled an act to reincorporate the city of Corpus Christi," with amendments by the Senate.

House bill No. 35, a bill to be entitled "An act to authorize parties in certain cases to sue in District Courts for headright certificates and bounty and donation warrants, and to provide for the issuance of such certificates and warrants," with amendments by the Senate.

Senate bill No. 351, making additional appropriation to pay the per diem and mileage of witnesses in the case of Judge John G. Scott, and other expenses incident to said case.

The Committee on Engrossed Bills reported as follows:

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

SIR: Your Committee on Engrossed Bills have examined the following bills:

No. 599, a bill to be entitled "An act to incorporate the Corpus Christi and Rio Grande Railway Company, and to aid in the construction of the same."

No. 895, a bill to be entitled "An act to amend the first section of an act to establish and incorporate the College of De Kalb."

No. 547, "An act to incorporate Davilla Institute, in Milam county."

No. 892, a bill to incorporate the town of McKinney, in Collin county.

No. 881, "An act to authorize interest on treasury warrants."

No. 882, "An act for the relief of the heirs and legal representatives of Daria Hoffman, deceased."

No. 878, a bill to prohibit the granting of license for the sale of intoxicating liquors within two and one half miles of any college, academy, seminary or school, not embraced in any incorporated town or county seat.

No. 881, a bill for the relief of the heirs of Migginson Loving, deceased.

And find the same correctly engrossed.

BOOTY, Chairman.

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

SIR: Your Committee on Engrossed Bills have care-

fully examined and compared the following House bills :

No. 603, a bill to incorporate the town of Honey Grove, in the county of Fannin.

No. 638, "An act to incorporate the Fort Worth, Cleburne and Waco Railway Company, and granting lands in aid of the construction of said railway."

No. 700, "An act granting land to the Buffalo Bayou Ship Channel Company in aid of the improvement of the navigation from Bolivar Channel, near the Gulf of Mexico, to the city of Houston."

No. 809, a bill to be entitled "An act providing for the condemnation and sale of land for delinquent taxes."

And find the same correctly engrossed.

BOOTY, Chairman.

Mr. Kemble introduced a bill to provide for transcribing records in certain cases in the different counties of this State. Read first time; rule suspended, read second time and ordered engrossed.

Mr. Brown of Dallas moved to suspend the rules and put the bill on its third reading, which was carried.

The bill having been read third time, Mr. Anderson offered the following amendment: "*Provided*, no party shall be precluded from showing by competent testimony that there was an error in said transcript."

Mr. Winkler offered the following substitute for section two :

"That such transcribed record, or certified copies thereof, may be used as evidence as the original records or certified copies thereof are now used."

On motion of Mr. Brown of Dallas, the bill and amendments were referred to a special committee composed of Messrs. Ireland, Anderson, Winkler and Kemble.

Mr. Robb introduced a bill to authorize the lessees of the State penitentiary to delay the payment of certain amounts of money to become due the State, until the expiration of their lease. Read first time and referred to the Committee on the Penitentiary, with instructions to report thereon Monday, May 19, 12 M.

Mr. Williams introduced a bill to establish a normal school at Harmony, Walker county, Texas.

The bill was ruled out of order as coming under the provisions of the general incorporation act.

A message from the Senate announced the concurrence by that body in the House amendments to Senate bill No.

292, "An act to incorporate the Sherman, Tyler and Henderson Railway Company, and to grant lands to aid in the construction thereof."

Mr. Trolinger introduced a bill to be entitled "An act supplementary to and amendatory of an act passed April 19, 1873, entitled an act to reorganize the town of Sherman, in Grayson county, Texas, and to incorporate said town as the city of Sherman." Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Trolinger, the rules were further suspended, the bill read third time and passed.

Unfinished business, House bill No. 853, "An act supplementary to and amendatory of an act entitled an act to reincorporate the city of Corpus Christi," was taken up, and the Senate amendments thereto concurred in.

Senate bill No. 351, "An act making additional appropriations to pay the *per diem* and mileage of witnesses in the case of the impeachment of Judge John G. Scott, and other expenses incident to said case," was read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Russell the rules were further suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Armstrong, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Davenport, Day, Denton, Eastland, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Kemble, Leyendecker, Mabry, McDonald, Moore, Nelson, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Shaw, Storey, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall, Wilder, Williams, Winkler and Wood—58.

Nays—Messrs. Scott and Thurmond—2.

Senate bill No. 349, "An act making an appropriation to carry into effect an act authorizing quarantine on the coast of Texas, and elsewhere within the State, approved June 10, 1870," was read first time; rules suspended, read second time and passed to third reading.

On motion of Mr. Brown of Dallas, the rules were further suspended, the bill read third time and put upon its passage, with the following result:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Davenport, Day, Denton, Eastland, Gallaway, Gaston, Ghent, Gillette, Gilpin, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Lane, Lyendecker, Mabry, Manning, McDonald, Moore, Nelson, Payne, Phelps, Powers, Prendergast, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Salter, Scott, Shaw, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Westfall, Wilder, Williams and Winkler—56.

Nays—None.

Whereupon it was evident a quorum had not voted.

Mr. Anderson moved a call of the House, which was sustained.

The following members were found absent: Messrs. Abbott, Ellett, Kleberg, Morris and Sayers.

A quorum being present, on motion of Mr. Westfall, the call was suspended.

The bill then passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Eastland, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Lane, Lyendecker, Mabry, Manning, McDonald, Moore, Nelson, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Salter, Scott, Shaw, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall, Wilder, Williams, Winkler and Wood—64.

Nays—None.

Senate joint resolution No. 42, making an appropriation to carry into effect the provisions of a "Joint resolution awarding Winchester rifles to certain persons, approved March 28, 1873," was read first time.

Mr. Denton moved to amend by striking out "seven hundred and fifty" and inserting in lieu thereof "one thousand."

On motion of Mr. Chambers, the bill was laid on the table.

Under the call for the special order, Judiciary Committee No. 2 submitted the following report:

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

SIR: Judiciary Committee No. 2, to whom was referred House bill No. 887, entitled "An act supplementary to and amendatory of an act supplementary to an act supplementary to an act to regulate railroad companies, approved February 7, 1853, and an act approved December 19, 1857," have considered the same and recommend its passage.

ANDERSON, for Committee.

Mr. Sabin moved to make the substitute special order for Monday, May 19, 12 M., and that one hundred copies be printed. The House refused to make special order and print.

Mr. Winkler moved to temporarily suspend the pending matter and take up House bill No. 35, authorizing parties in certain cases to sue in the District Courts for headright certificates and bounty and donation warrants, and to provide for the issuance of such certificates and warrants, which carried.

The Senate amendments thereto were read and concurred in.

The pending bill being resumed, Mr. Denton moved to suspend it and take up Senate joint resolution No. 42, making an appropriation to carry into effect the provisions of a joint resolution awarding Winchester rifles to certain persons, approved March 28, 1873.

There being no quorum present, Mr. Denton moved a call of the House, which was sustained, made, and the following members found absent: Abbott, Bordeaux, Day, Ellett, Ghent, Gilpin, Hoffman, Kleberg, Phelps, Roberts, Scott, Shaw and Thurmond.

On motion of Mr. Williams, the sergeant-at-arms was dispatched after the absent members.

The clerk announced a quorum was present.

Mr. Russell moved to suspend the call. The House refused.

Mr. Chambers moved to suspend the call. The House refused.

Mr. Denton moved to suspend the call. The House refused.

Mr. Nelson moved to suspend the call, which carried.

The motion to take up then carried, and the joint resolution was read second time, pending the amendment by Mr. Denton.

Mr. Ireland offered a joint resolution, directing the Governor to turn over arms to certain persons named in the joint resolution of date March 28, 1873, as a substitute for the pending joint resolution and amendment.

Mr. Booty moved the previous question, which was seconded, and the main question ordered.

The substitute was then adopted by the following vote :

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Armstrong, Booty, Brown of Upshur, Carroll, Cunningham, Day, Eastland, Gallaway, Gaston, Ghent, Green, Harrison, Hester, Ireland, Kemble, Lane, Manning, McDonald, Moore, Morris, Nelson, Phelps, Powers, Prendergast, Rimes, Robb, Roberts, Russell, Sabin, Salter, Sayers, Shaw, Thurmond, Tilson, Tom, Venters, Wilder, Williams and Wood—43.

Nays—Messrs. Anderson, Bordeaux, Broaddus, Brown of Dallas, Chambers, Davenport, Denton, Doyle, Gillette, Gilpin, Hoffman, Hollingsworth, Joseph, Kleberg, Leyendecker, Mabry, Payne, Rainey, Rosborough, Scott, Storey, Tivy, Trolinger, Watts, Westfall and Winkler—26.

The joint resolution then passed.

The Committee on Engrossed Bills submitted the following report :

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

SIR: Your Committee on Engrossed Bills have carefully examined the following House bills :

House bill No. 410, "An act to amend an act entitled an act to incorporate the Magnolia Grove Association, approved June 20, 1870."

No. 503, a bill to be entitled "An act supplemental to an act entitled an act to incorporate the Pacific and Great Eastern Railway Company, approved August 13, 1870."

No. 766, a bill to be entitled "An act to incorporate the Paris, Greenville and Cleburne Railway Company."

No. 904, "An act to amend section eight of an act entitled an act to incorporate the town of Seguin in Guadalupe county."

And find the same correctly engrossed.

BOOTY, Chairman.

The pending bill, No. 887, "An act supplementary to and amendatory of an act supplementary to an act supplementary to an act to regulate railroad companies, ap-

proved February 7, 1853, and an act approved December 19, 1857," was then resumed.

On motion of Mr. Hester, the House adjourned until 3 P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called.

Absent—Messrs. Anderson, Armstrong, Bordeaux, Ellett, Gallaway, Ghent, Green, Kleberg, Payne, Rimes, Shelton, Tivy and Tom.

There being no quorum present, Mr. Booty moved a call of the House, which was sustained, made, and the following members found absent: Messrs. Anderson, Armstrong, Bordeaux, Brown of Dallas, Ellett, Kleberg, Rimes and Tivy.

A quorum being present, the call was suspended.

Leave being granted, Mr. Ireland offered the following resolution :

WHEREAS, There now appears to be some disturbance in Lampasas county, which may or may not demand legislation ; therefore,

Resolved, That a committee of three be raised to take the matter under advisement, with power to send for persons and papers, and that said committee report to this House by bill or otherwise.

The resolution was adopted and the following committee appointed: Messrs. Westfall, Sabin and Gallaway.

The Committee on Engrossed Bills submitted the following report:

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

SIR: Your Committee on Engrossed Bills have carefully examined the following House bills :

No. 902, "An act to amend section one of an act entitled an act to amend the thirty-fourth and thirty-sixth sections of an act entitled an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870, approved February 6, 1871."

No. 906, "An act to incorporate the Brazos, Santiago and Rio Grande Canal Company."

And find the same correctly engrossed.

BOOTY, Chairman.

Mr. Sabin called up House bill No. 742, "An act amendatory of an act to incorporate the Galveston Agricultural, Horticultural and Industrial Association."

The reading being dispensed with, on motion of Mr. Joseph the bill was ordered engrossed.

On motion of Mr. Sabin the rules were suspended, the bill read by caption third time and passed.

Mr. Williams called up Senate bill No. 270, a bill to amend sections one, two, fourteen and fifteen of "An act to incorporate the Calvert and Belton Railway Company, passed May 25, 1871, and to grant lands to aid in the construction of the same," upon which the following report was submitted:

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

SIR: The special committee to whom was referred Senate bill No. 270, having examined the same, have instructed me to report the bill back with the accompanying amendments and recommend their adoption.

PRENDERGAST, Chairman.

1. Strike out the words "thirty inches and not wider than" in lines five and six, section three.

2. Section four, line seventeen, after the word "services" insert "to be paid by said company." Also same section, line twenty, after the word "completed" insert "and equipped." Also same section, line twenty-seven, after the word "sections" insert "the even and odd sections, to be designated by the Commissioner of the General Land Office." Also same section, strike out all between the word "the," line forty-nine, and the word "one," line fifty, and insert "date of the certificates." Also same section, line fifty-four, after the word "company" insert "within twenty years from the date of said certificates." Also same section, strike out all between the word "person," line fifty-six, and the word "and," line fifty-seven, and insert: "firm or company in trust for said company, or to any company or firm of which any officer or stockholder is a member, and a violation of or a failure to comply with the provisions of this section, or the general laws regulating railroads or railroad companies, shall forfeit all the benefits of this act, and sales made in violation of this act shall be null and void."

3. Add as section five: "SEC. 5. That whenever the direct line of said road shall be within five miles of any

county seat, then said road shall go through such county seat, and establish and maintain a passenger and freight depot within one-half mile of the business portion thereof; *provided*, the people of such town shall donate to said company sufficient land for right of way, switches, turnouts, side tracks and depot buildings, not to exceed fifteen acres."

The amendments were adopted.

Mr. Rosborough presented a remonstrance against the passage of this bill, by citizens of Bell county, which was read.

Mr. Denton offered the following amendment: "*Provided*, that the State shall in no case be liable for any deficiency of vacant domain, exclusive of that set apart by the Legislature for the benefit of the school fund." Adopted.

Mr. Denton offered the following additional amendment: Strike out of section three, the words "domestic violence, epidemics and floods." Adopted.

Mr. Rosborough moved to indefinitely postpone the bill.

Mr. Winkler moved to postpone the further consideration of the bill until Monday, May 19, at 4 P. M., which carried.

Mr. Wilder called up House bill No. 770, upon which the Committee on Town and City Corporations submitted the following report:

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

SIR: Your committee, to whom was referred House bill No. 770, entitled "An act to amend an act to incorporate the city of Brenham, and to grant a new charter to said city," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

WM. H. WESTFALL, for Committee.

The bill was read second time and ordered engrossed.

On motion of Mr. Wilder, the rules were suspended, the bill read third time and passed.

Mr. Broaddus called up House bill No. 232, upon which Judiciary Committee No. 2 submitted the following report:

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

SIR: Your committee, to whom was referred House

bill No. 232, entitled "An act supplemental to an act to provide for the establishment of the Agricultural and Mechanical College of Texas, approved April 17, 1871," beg leave to report the same back with the recommendation that the same do not pass.

IRELAND, Chairman.

Pending the discussion, the House was informed by message of the adoption, by the Senate, of a concurrent resolution providing for a *sini die* adjournment of the Legislature May 26, at 12 M.

The discussion having been resumed, Mr. Thurmond moved to indefinitely postpone the bill.

On motion of Mr. Roberts, the House adjourned until 9 o'clock A. M. to-morrow.

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

House met pursuant to adjournment. Prayer by Rev. Mr. Cunningham, of Bosqueville. Roll called; quorum present.

Absent—Messrs. Anderson, Ellett, Schmidt, Storey.

On motion of Mr. Green, Mr. Stockbridge was excused for the day, on account of sickness.

On motion of Mr. Watts, Mr. Ford was excused on account of sickness.

On motion of Mr. Westfall, that gentleman was excused from service on the special committee to investigate affairs in Lampasas county, and Mr. McDonald was substituted in his stead.

On motion of Mr. Lane, the reading of the journal was dispensed with.

A message from the Senate announced the passage by that body of the following bills:

No. 50, a bill to be entitled "An act to regulate the practice of medicine."

No. 297, "An act to prevent horse racing in certain places."

No. 155, "An act for the protection of the farming interests of the State," with amendments by the Senate.

Also, that the Senate refused to agree to the House amendments to Senate bill No. 100, "An act to provide

for the merger of the Waco and Northwestern Railway Company, with its properties, rights and franchises, in the Houston and Texas Central Railway Company," and had appointed Senators Dohoney, Flanagan and Ball a committee of conference, and asked a like committee on the part of the House.

Mr. Russell introduced a bill to define the duties of the chief clerk of the House and the secretary of the Senate, and fixing the salaries of said officers. Read first time and referred to a special committee, with instructions to report thereon Monday, May 19.

Mr. Wood offered the following resolution :

WHEREAS, It is desired that the journals of the Thirteenth Legislature be completed and bound in book form as soon as possible, in order to do which the index should keep pace with the printing of the same; therefore, be it

Resolved, That the Speaker of the House of Representatives be authorized to appoint a competent person to index the House journals of the present session; *provided*, the compensation for indexing shall not exceed twenty-five cents per printed page of the journals.

Adopted.

Mr. Booty in the chair.

Mr. Trolinger introduced a bill to amend an act entitled "An act to organize and incorporate the East Line and Red River Railroad Company, approved March 22, 1871." Read first time; rules suspended and read second time.

Mr. Nelson offered the following amendment :

"*Provided*, if said company accepts the benefits of this act it shall never set up claim to the one hundred and fifty thousand dollar subsidy now claimed from the people of Hopkins county, and the acceptance of this act shall be a complete release of all such claim, real or pretended."

Mr. Tilson moved to lay the amendment on the table, which was carried by the following vote :

Yeas—Messrs. Speaker, Abbott, Adriance, Berends, Booty, Brown of Dallas, Ellett, Gallaway, Gilpin, Green, Harrison, Hoffman, Hollingsworth, Joseph, Mabry, McDonald, Moore, Morris, Powers, Robb, Roberts, Sabin, Scott, Shaw, Short, Thurmond, Tilson, Tivy, Washington, Watts, Westfall, Wilder, Williams and Wood—34.

Nays—Messrs. Anderson, Armstrong, Bledsoe, Bordeaux, Brown of Upshur, Chambers, Cunningham, Daven-

port, Day, Denton, Eastland, Gaston, Gillette, Ireland, Kemble, Killough, Lane, Leyendecker, Manning, Nelson, Payne, Prendegast, Rainey, Rimes, Rosborough, Russell, Salter, Smith of Colorado, Storey, Tom, Trolinger, Venters and Winkler—33.

The bill was then ordered engrossed.

On motion of Mr. Taylor, the rules were suspended and the bill read third time.

Mr. Cunningham offered the following amendment: "Provided, the said railroad runs within three miles of the town of Orangeville, in Fannin county, the said road shall be required to run to said town, and establish and maintain a freight and passenger depot within one half mile of the business centre of said town, the said town granting sufficient grounds for depot purposes." Lost.

The bill then passed.

The Speaker in the chair.

The special order was announced, "An act to regulate the fees of office."

Mr. Killough moved to suspend the special order and take up House bill No. 880, "An act to amend section seven of an act entitled an act to organize the Bureau of Immigration, approved May 23, 1871." The House refused to suspend.

The special order was then taken up, pending an amendment offered by the special committee to whom the bill had been referred. The amendment was adopted.

Mr. Winkler in the chair.

The bill was read second time.

The Speaker in the chair.

Mr. Green moved to make the bill the special order for Tuesday next at 11 A. M., and that one hundred copies be printed.

On motion of Mr. Kemble, that motion was laid on the table.

A message was received from His Excellency the Governor withdrawing his objections to House bill No. 723, "An act to reincorporate the city of Corpus Christi," and asking the return of the same.

Mr. Booty in the chair.

A message from the Senate announced the passage by that body of House bill No. 596, amendatory of and supplementary to an act entitled "An act to organize and

incorporate the East Line and Red River Railroad Company," approved, with amendments by the Senate.

On motion of Mr. Russell, the pending bill was suspended temporarily, and the bill just received from the Senate was taken up.

The Senate amendments thereto were read and concurred in.

The previously pending bill was then resumed.

Mr. Storey moved to amend by striking out the third clause of section three and inserting "to summons each witness, fifty cents."

Mr. Powers moved to amend the amendment by striking out "fifty" and inserting "twenty-five."

The larger amount having preference, the amendment of Mr. Storey was put and adopted.

Mr. Payne moved the previous question, which was seconded and the main question ordered.

The bill was then ordered engrossed.

On motion of Mr. Harrison, the rules were suspended and bill read third time.

Mr. Ghent offered the following amendment: In section four, line five, of the printed bill, after "five dollars," insert "When deemed necessary by the coroner he shall summon a skillful surgeon or physician to make a *post-mortem* examination, and it is made his duty to make such thorough examination of the dead body as he, the coroner, or the jury, shall deem proper, and for his services he shall be entitled to a fee not to exceed ten dollars, and the usual customary mileage from his place of residence or office to the place of such examination, to be allowed by the County Court and paid by the county treasurer." Adopted.

The bill then passed by the following vote :

Yeas — Messrs. Speaker, Allison, Anderson, Armstrong, Berends, Bledsoe, Broadus, Brown of Upshur, Brown of Dallas, Cunningham, Davenport, Day, Denton, Eastland, Gallaway, Gaston, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Kemble, Kleberg, Lane, Leyendecker, Manning, McDonald, Morris, Nelson, Payne, Powers, Prendergast, Rimes, Robb, Rosborough, Sayers, Short, Smith of Colorado, Storey, Thurmond, Tivy, Tom, Watts, Westfall, Winkler and Wood—48.

Nays—Messrs. Adriance, Booty, Bordeaux, Chambers, Ghent, Green, Joseph, Killough, Mabry, Moore, Phelps, Rainey, Roberts, Russell, Sabin, Salter, Scott, Shaw, Tilson, Trolinger, Venters, Washington, Wilder and Williams—24.

On motion of Mr. Anderson, the special committee upon House bill No. 909, "An act to provide for transcribing records in certain counties in the State," was granted leave to report.

On motion of Mr. Sabin, the House adjourned until 3 P. M.

AFTERNOON SESSION.

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

The following gentlemen were absent: Abbott, Anderson, Bewley, Cook, Ellett, Ford, McDonald, Schmidt and Short.

On motion of Mr. Payne, Mr. Bordeaux was excused on account of sickness.

On motion of Mr. Denton, Mr. Storey was excused for the evening.

The following reports were submitted by the Committee on Enrolled Bills:

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

SIR: Your Committee on Enrolled Bills have carefully examined the following bill:

No. 853, "An act supplementary to and amendatory of an act entitled an act to re-incorporate the city of Corpus Christi."

And find the same correctly enrolled, and have this the sixteenth day of May, at 12:20 o'clock P. M., presented the same to the Governor for his signature.

SHAW, Chairman.

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

SIR: Your Committee on Enrolled Bills have carefully examined the following bill:

No. 467, "An act to adjust and define the rights of the Texas and Pacific Railway Company within the State of Texas, in order to encourage the speedy construction of a railway through the State to the Pacific Ocean."

And find the same correctly enrolled, and have this the sixteenth day of May, at 3:30 o'clock P. M., presented the same to the Governor for his signature.

SHAW, Chairman.

The Speaker announced the following gentlemen the committee upon House bill No. 910, a bill to define the duties of the chief clerk of the House and secretary of the Senate, and fixing the salaries of said officers: Messrs. Russell, chairman; Anderson, Brown of Dallas, Green, Winkler.

The following message from his Excellency the Governor was submitted:

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, May 17, 1873.

SIR: I have to request the return of the act entitled "An act to re-incorporate the city of Corpus Christi," returned to your House on the twelfth instant. I withdraw my objections, because the features named in my message as objectionable have been removed by the passage of an amendment to the same.

Very respectfully,

EDMUND J. DAVIS, Governor.

HON. M. D. K. TAYLOR, Speaker of the House of Representatives of the State of Texas.

The request was granted and the clerk instructed to return the bill.

Unfinished business of yesterday, House bill No. 232 "An act supplemental to an act entitled an act to provide for the establishment of the Agricultural and Mechanical College, approved April 17, 1871," was taken up.

Mr. Hollingsworth moved to postpone its consideration for the present, and to take up House bill No. 837, to incorporate the San Marcos, Guadalupe and Galveston Canal Company. The House refused.

Mr. Russell moved to lay the report of the committee upon the pending bill upon the table, which carried.

Mr. Wood offered as a substitute for the bill and amendments, a bill to provide for the disposal of the land purchased in the county of Brazos for an agricultural college also, for the disposal of the material for said building and to provide for the payment of the proceeds of such sale into the State Treasury for the benefit of the common school fund, and to return to the county of Brazos the

bonds of said county now held by the State, issued on account of said college.

Mr. Ireland in the chair.

Mr. Gallaway moved to lay the substitute on the table, upon which a rising vote was taken, and it was evident there was no quorum present.

Mr. Ghent moved a call of the House, which was seconded.

Absent—Bewley, Ellett, Rosborough and Short.

A quorum having been obtained the call was suspended.

The bill was then laid on the table by the following vote :

Yeas—Messrs. Adriance, Allison, Anderson, Berends, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Day, Gallaway, Ghent, Gilpin, Green, Joseph, Killough, Kleberg, Lane, Leyendecker, Manning, Nelson, Payne, Phelps, Prendergast, Rainey, Rimes, Russell, Sabin, Salter, Scott, Shaw, Thurmond, Tivy, Trolinger, Washington, Wilder, Williams and Winkler—40.

Nays—Messrs. Speaker, Abbott, Armstrong, Bledsoe, Booty, Davenport, Denton, Eastland, Gaston, Gillette, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Kemble, Mabry, McDonald, Moore, Morris, Powers, Robb, Roberts, Sayers, Smith of Colorado, Tilson, Tom, Venters, Westfall and Wood—30.

A message from the Senate announced the passage, by that body, of House bill No. 912, "An act to amend an act to organize and incorporate the East Line and Red River Railroad Company, approved March 21, 1871."

The question then recurring upon the amendment offered by the committee, Mr. Denton moved a call of the House, which was sustained.

Absent—Messrs. Ellett, Morris, Robb, Rosborough, Short, and Smith of Colorado.

On motion of Mr. Westfall, Mr. Watts was excused on account of sickness.

The House refused to adopt the amendment by the following vote :

Yeas—Messrs. Abbott, Adriance, Berends, Bordeaux, Broaddus, Cunningham, Day, Green, Kleberg, Leyendecker, Manning, Phelps, Russell, Sabin, Salter, Scott, Tivy, Washington, Williams and Winkler—20.

Nays—Messrs. Speaker, Allison, Anderson, Armstrong,

Bledsoe, Booty, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Davenport, Denton, Eastland, Galway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hest Hoffman, Hollingsworth, Ireland, Joseph, Kemble, K lough, Lane, Mabry, McDonald, Moore, Nelson, Payr Powers, Prendergast, Rainey, Rimes, Roberts, Saye Shaw, Thurmond, Tilson, Tom, Trolinger, Venters, We fall, Wilder and Wood—47.

sic

On motion of Mr. Broadus, the third section of t bill was then stricken out.

Mr. Broadus moved to amend section four by stri ing out, in line nine, the word "school," before the wo "fund," and the words, "of the State," after the wo "fund," and add, at the end of the section, the worc "heretofore appropriated by the Twelfth Legislature f the Agricultural and Mechanical College."

The Committee on Engrossed Bills submitted the f llowing report:

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

SIR: Your Committee on Engrossed Bills have ca fully examined the following bills :

No. 742, "An act amendatory of an act to incorp rate the Galveston, Agricultural, Horticultural and I dustrial Association."

No. 770, "An act to amend an act to incorporate tl city of Brenham, and to grant a new charter to said cit, approved February 4, 1873."

No. 574, "An act in relation to the Corpus Christi Sh Canal."

No. 901, "An act to incorporate the towns of Farmer ville, Plano and Weston, in Collin county."

No. 907, "An act supplementary to an act passed Apr 19, 1873, entitled an act to reorganize the town of She man, in Grayson county, Texas, and incorporate sai town as the city of Sherman."

No. 912, "An act to amend an act entitled an act organize and incorporate the East Line and Red Riv Railroad Company, approved March 21, 1871."

And find the same correctly engrossed.

BCOTY, Chairman.

A quorum not voting upon the amendment, on moti of Mr. Killough, the House then adjourned until 9 A. Monday.

HOUSE OF REPRESENTATIVES,)
AUSTIN, TEXAS, May 19, 1873.)

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

Absent—Messrs. Ellett, Green, Schmidt, Stockbridge.

On motion of Mr. Powers, House bill No. 24, for the better protection of the archives in the Land Office, was taken up, and made special order for Tuesday, May 20, at 9:30 A. M.

On motion of Mr. Westfall, the reading of the journal was dispensed with.

On motion of Mr. Ireland, the Committee on Internal Improvements submitted the following report:

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

SIR: Your Committee on Internal Improvements, to whom was referred bill No. 712, granting land to the International Railroad Company, instruct me to report the same back, with the recommendation that the bill do pass. The committee beg leave further to state, that the original bill has been mislaid, but that the one here reported is a correct copy.

JNO. IRELAND, for Committee.

The bill was read second time.

Mr. Scott offered the following amendment: "*Provided*, said company be required to build said road from Longview to Jefferson."

Mr. Prendergast offered as a substitute for the bill and amendment a bill entitled "An act granting lands to the International Railway Company."

Mr. Nelson in the chair.

The substitute was read and adopted.

Mr. Gallaway offered the following amendment: "*provided*, said company shall not be compelled to build said road further on the northeast end of the same than Longview, in Upshur county."

Mr. Speaker in the chair.

Mr. Wood moved to lay the amendment on the table. Carried.

Mr. Denton offered the following amendment: "*provided*, that the State shall in no case be liable for any deficiency of public domain, exclusive of that set apart for

the benefit of the school fund, and any remaining unlocated certificates after the public domain is exhausted shall constitute no claim against the State." Adopted.

Mr. Watts moved to strike out section five.

Mr. Ireland offered the following substitute for the motion: "*provided*, shall build and maintain depots within one-half mile of the business portions of the towns of San Marcos and New Braunfels, on the west side of the Guadalupe, and at such points in the cities of Austin, San Antonio and Jefferson, as those cities may designate."

Pending the discussion, the special order was announced, House bill No. 487, "An act to provide for the construction and repairing of court houses and jails by the several counties of the State."

On motion of Mr. Anderson, the special order was postponed until 12 M.

Mr. Ireland withdrew his substitute. The motion of Mr. Watts then carried.

Mr. Ireland then renewed his amendment, which was adopted. The bill was then ordered engrossed.

On motion of Mr. Brown, of Dallas, the rules were suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Booty, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Kemble, Killough, Kleberg, Lane, Mabry, Manning, McDonald, Moore, Morris, Nelson, Powers, Prendergast, Rainey, Rimes, Roberts, Robb, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Scott, Shaw, Smith of Colorado, Smith of Houston, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Washington, Watts, Westfall, Williams, Winkler and Wood—64.

Nays—Armstrong, Bledsoe, Bordeaux, Leyendecker and Payne—5.

On motion of Mr. Denton, Mr. Storey was excused for the day.

Mr. Sayers offered the following resolution:

WHEREAS, It is currently reported and generally believed that a certain railroad charter granted by the Twelfth Legislature of the State of Texas, and known as the "International Railroad Company," was procured by gross bribery and corrupt influences; and

Whereas, The passage of said measure imposes on the people of the whole State of Texas an onerous and oppressive taxation, which in its results is favorable to certain portions of the State, and is thereby discriminating in favor of certain corporations and people of the State to the detriment and injury of others equally deserving ;

Resolved, That it is the duty of a body representing the true interests, good name and credit of this great and growing commonwealth to place before the world their condemnation of such legislation ; and that while we express our willingness to aid by fair and just means the encouragement of internal improvements, we cannot and will not countenance the attempt to obtain such legislation by improper, illegal and corrupt means. That while we will jealously guard the good faith of the State of Texas in all legislation honorably accomplished, and deprecate the least intention towards the repudiation of legal contracts, we insist that if said legislation, as mentioned in the preamble of this resolution, was accomplished as reported, and if it can be proven by good and competent evidence, as is claimed, then the State should not be held accountable therefor.

Mr. Morris offered the following amendment :

Resolved, That a committee of three be appointed by the Speaker, the mover of the resolution to be the chairman, whose duty it shall be to investigate the truth of the matters named in said resolutions, and report the same to this House.

Mr. Shaw offered the following substitute for the resolution and amendment :

WHEREAS, The House of Representatives have already taken such action as was thought reasonable and just toward the International Railway Company ; therefore, be it

Resolved, That no further action or discussion will be entertained by the House on this subject during this session.

Mr. Bordeaux moved the previous question, which was seconded, and the main question ordered.

The substitute was then adopted.

On motion of Mr. Ireland, the substitute was laid on the table.

A message was received from the Senate, informing the House that the Senate had passed the following bills originating in that body, viz.:

No. 80, a bill to provide for the payment of sheriffs for guards employed in conveying prisoners to the penitentiary of the State in certain cases.

No. 199, a bill to amend section eleven of an act entitled, "An act concerning divorce and alimony," approved January 6, 1841.

No. 353, a bill to organize Clay county.

No. 355, a bill prescribing the times of holding the District Courts in Kaufman and Rockwall counties, in the Tenth Judicial District.

Also, House bill No. 174, to amend and supplemental to "An act to provide for the incorporation of towns and cities," approved January 27, 1858.

Also, House bill No. 188, for the benefit of the actual occupants of the public lands, with amendments.

And that the Senate refused to adopt the substitute of the House for Senate joint resolution No. 40, authorizing and requiring the sheriff of Williamson county, by himself or deputy, to summon a *posse* for the purpose of pursuing and arresting certain persons accused of crime, and providing rewards for such arrests.

House bill No. 155, for the protection of the farming interests of the State, was taken up, and the Senate amendments thereto read and concurred in.

The Committee on Enrolled Bills submitted the following reports:

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

SIR: Your Committee on Enrolled Bills have carefully examined the following bills, to-wit:

No. 297, "An act to prevent horse racing in certain places."

No. 35, "An act to authorize parties in certain cases to sue in the District Courts for headright certificates and bounty and donation warrants, and to provide for the issuance of such certificates and warrants."

No. 50, "An act to regulate the practice of medicine."

And find them correctly enrolled, and have presented the same to the Governor this the nineteenth day of May at 12 o'clock M., for his signature.

SHAW, Chairman.

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

SIR: Your Committee on Enrolled Bills have carefully examined and compared the following bill, to-wit:

No. 596, "An act amendatory of and supplementary to an act entitled an act to organize and incorporate the East Line and Red River Railroad Company, approved March 22, 1871."

And find the same correctly enrolled, and have this the sixteenth day of May, at 4:20 o'clock P. M., presented the same to the Governor for his signature.

SHAW, Chairman.

House concurrent resolution, concerning parties who surrounded the jail of Williamson county, and released the prisoners therefrom, and offering a reward for the same, being a substitute for Senate joint resolution No. 40, of same character, was taken up, the Senate having refused to adopt the substitute. The House refused to recede from its substitute.

In response to the request of the Senate for a conference committee on the part of the House upon House bill No. 100, to provide for the merger of the Waco and North Western Railway Company, with its properties, rights, privileges and franchises, in the Houston and Texas Central Railway Company, the Speaker appointed Messrs. Sabin, Anderson and Carroll said committee.

Senate joint resolution providing for *sine die* adjournment May 26, 1873, was taken up.

Mr. Harrison moved to refer it to the Committee on State Affairs, with instructions to report thereon Friday, May 23, at 12 M.

Mr. Washington moved to lay the resolution on the table, which carried by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Booty, Broaddus, Brown of Dallas, Carroll, Chambers, Davenport, Denton, Ford, Gillette, Gilpin, Green, Hoffman, Hollingsworth, Ireland, Joseph, Kemple, Lane, Leyendecker, Manning, Morris, Nelson, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Roberts, Rosborough, Sabin, Schmidt, Shaw, Smith of Colorado, Tivy, Tom, Venters. Washington, Watts, Westfall, Winkler and Wood—46.

Nays—Messrs. Abbott, Berends, Bledsoe, Bordeaux, Cunningham, Day, Eastland, Gallaway, Gaston, Harrison, Killough, Mabry, McDonald, Moore, Russell, Sayers, Scott, Smith of Houston, Thurmond, Tilson, Trolinger, Wilder and Williams—23.

Mr. Payne moved to suspend the rules and take up

House bill No. 891, authorizing interest on treasury warrants. The House refused.

Senate bill No. 353, to organize Clay county, was read by caption first time.

On motion of Mr. Brown of Dallas, the rules were suspended, the bill read second time and passed to a third reading.

On motion of Mr. Bordeaux, the rules were further suspended, the bill read by caption third time and passed.

Senate bill No. 355, "An act prescribing the times of holding the district courts in Kaufman and Rockwall counties, in the Tenth Judicial District," was read first time by caption.

On motion of Mr. Brown of Dallas, the rules were suspended, the bill read second time and passed to a third reading.

On motion of Mr. Kemble, the rules were further suspended, the bill read third time and passed.

Mr. Ireland in the chair.

Mr. Ghent asked leave for the special committee on asylums to report. The House refused leave.

Mr. Phelps moved to adjourn. The House refused.

Mr. Russell asked that the special committee on House bill No. 910, to define the duties of chief clerk of the House and secretary of the Senate, and fixing the salaries of said officers, be allowed to postpone their report until to-morrow, which request was granted.

Senate bill No. 199, "An act to amend section eleven of an act entitled an act concerning divorce and alimony, approved January 6, 1841," was read by caption first time; rules suspended, read a second time and passed to third reading.

On motion of Mr. Brown of Dallas, the rules were further suspended, the bill read third time by caption and passed.

Senate bill No. 80, "An act to provide for the payment of sheriffs for guards employed in conveying prisoners to the penitentiary of the State, in certain cases," was read first time, rules suspended and read second time.

Mr. Gallaway moved to adjourn. The House refused.

Mr. Harrison moved to refer the bill to a special committee to be composed of Messrs. Powers, Hollingsworth and Wood, with instructions to report on Wednesday, May 21. The House refused to refer and the bill passed to third reading.

On motion of Mr. Kemble, the rules were suspended and the bill read third time:

Mr. Denton moved to adjourn. The House refused.

The bill then passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Bledsoe, Booty, Broaddus, Brown of Upshur, Carroll, Chambers, Davenport, Eastland, Gillette, Gilpin, Green, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Lane, Leyendecker, Mabry, Moore, Morris, Phelps, Powers, Prendergast, Rainey, Rimes, Roberts, Rosborough, Russell, Sabin, Sayers, Scott, Smith of Colorado, Smith of Houston, Thurmond, Tilson, Tivy, Venters, Washington, Watts, Williams and Winkler—48.

Nays—Messrs. Armstrong, Cunningham, Denton, Gaston, Ghent, Harrison, Hester, Kleberg, Manning, Robb, Shaw, Tom, Westfall, Wilder, and Wood—15.

On motion of Mr. Wood, House bill No. 487, to provide for the construction and repairing of court houses and jails by the several counties in this State, was made special order for Tuesday, May 20, at 11 A. M.

On motion of Mr. Hollingsworth, House bill No. 837, "An act to incorporate the San Marcos, Guadalupe and Galveston Canal Company," was taken up and referred to the special railway committee.

Leave being granted, Mr. Broaddus introduced a bill making an appropriation to defray the contingent expenses of the first session of the Thirteenth Legislature of the State of Texas. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Broaddus, the rules were further suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Bledsoe, Booty, Broaddus, Brown of Upshur, Carroll, Chambers, Cunningham, Davenport, Denton, Eastland, Gaston, Ghent, Gillette, Gilpin, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, Moore, Morris, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Sayers, Scott, Shaw, Smith of Colorado, Smith of Houston, Thurmond, Tilson, Tivy, Tom, Venters, Watts, Westfall, Williams, Winkler and Wood—60.

Nays—Mr. Wilder—1.

Message from the Senate announced the passage, by that body, of the following concurrent resolution:

WHEREAS, A more intimate association between the people of the Northwestern States and State of Texas will contribute much to the enhancement of the material interest of our State; and

Whereas, We learn with pleasure that many of the Governors, official dignitaries and members of Congress of the Northwest, contemplate visiting the city of Galveston in the next few weeks; therefore be it

Resolved by the Senate, the House concurring, That a cordial invitation be, and is hereby, extended to the aforesaid Governors, official dignitaries and Members of Congress to extend their visit to the capital of our State, and that a copy of this resolution be transmitted by the President of the Senate and Speaker of the House to the Mayor of Galveston, with the request to communicate the same to our distinguished visitors on their arrival at Galveston.

On motion of Mr. Hoffman, the House adjourned till 3 o'clock P. M.

AFTERNOON SESSION.

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

Absent—Messrs. Armstrong, Bledsoe, Bordeaux, Chambers, Ellett, Ghent, Kemble, Killough, Lane, Payne, Rainey, Shaw, Smith of Colorado, Tivy, Venters.

Leave being granted, Mr. Tom introduced a bill to organize McMullen county. Read first time by caption; rules suspended and read second time.

Mr. Powers moved to amend by attaching the county of La Salle to the county of McMullen for judicial purposes. The motion carried and the bill was ordered engrossed.

On motion of Mr. Tom the rules were further suspended, the bill read third time and passed.

On motion of Mr. Watts, the Senate concurrent resolution inviting certain Governors, State officials and members of Congress of the Northwestern States to visit Austin was taken up and adopted.

The unfinished business of Saturday was resumed, being House bill No. 232, "An act supplemental to an

act entitled an act to provide for the establishment of the Agricultural and Mechanical College, approved April 17, 1871."

On motion of Mr. Broadus its consideration was postponed until Wednesday, May 21, at 4 P. M.

The special order was announced, Senate bill No. 270, "An act to amend sections one, two, fourteen and fifteen of an act to incorporate the Calvert and Belton Railroad Company, passed May 25, 1871, and to grant land to aid in the construction of said railroad."

On motion of Mr. Booty the special order was postponed one hour.

Mr. Allison called up House bill No. 563, "An act to incorporate the Sabine Pass and Jefferson Railway Company, and to aid in the construction of said Railway," upon which the following report was submitted:

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

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 563, a bill entitled "An act to incorporate the Sabine Pass and Jefferson Railway Company, and to aid the construction of said railway," instruct me to report the accompanying substitute, entitled "An act to amend sections three, five and six of an act entitled an act to incorporate the Carthage Branch Railway Company, approved May 22, 1871, and to grant lands to said company to aid in the construction of its road," and recommend that the same do pass.

SHAW, for Committee.

On motion of Mr. Anderson, the reading of the substitute was dispensed with.

The substitute was then adopted and ordered engrossed.

On motion of Mr. Allison the rules were suspended, the bill read third time.

Mr. Short moved to recommit the bill to a special committee of five. The House refused to recommit.

The bill then passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriaance, Allison, Anderson, Berends, Bledsoe, Booty, Brown of Dallas, Carroll, Davenport, Day, Eastland, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hollingsworth, Ireland, Kemble, Killough, Kleberg, Lane, Mabry, McDonald, Moore, Morris, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Salter, Sayers,

Schmidt, Shaw, Short, Thurmond, Tilson, Tivy, Watts, Westfall, Wilder, Williams, Winkler and Wood—52.

Nays—Messrs. Bewley, Bordeaux, Broaddus, Brown of Upshur, Cunningham, Denton, Hoffman, Joseph, Manning, Nelson, Russell, Sabin, Scott, Smith of Colorado, Smith of Houston, Tom, Trolinger and Venters—18.

Mr. Green called up House bill No. 654, "An act to amend an act amending sections two and twelve of an act to incorporate the Hempstead Eastern and Western Trunk Railway Company."

The special railway committee offered as a substitute therefor, a bill amendatory of and supplementary to an act entitled "An act to amend sections two and twelve of an act to incorporate the Hempstead Eastern and Western Trunk Railway Company of Texas, approved August 12, 1870," passed April 28, 1871, and recommended its passage. The substitute was read, adopted and ordered engrossed.

On motion of Mr. Green, the rules were suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Berends, Bledsoe, Booty, Broaddus, Brown of Dallas, Carroll, Davenport, Day, Eastland, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Mabry, Manning, McDonald, Moore, Morris, Nelson, Phelps, Powers, Prendergast, Robb, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Shaw, Short, Smith of Colorado, Thurmond, Tilson, Tivy, Tom, Washington, Watts, Westfall, Wilder, Williams and Wood—59.

Nays—Messrs. Bordeaux, Denton, Leyendecker, Rimes, Scott, Smith of Houston, Trolinger and Venters—8.

Mr. Rainey in the chair.

The special order was then announced, Senate bill No. 270, "An act to amend sections one, two, fourteen and fifteen of an act to incorporate the Calvert and Belton Railway Company, passed May 25, 1871, and to grant land to aid in the construction of said railroad," the question being on the passage of the bill to third reading.

A message was received from his Excellency the Governor, announcing his approval of bills.

The bill passed to third reading.

Mr. Speaker in the chair.

On motion of Mr. Rosborough, the rules were suspended and the bill read third time by caption.

The House then refused to pass the bill by the following vote:

Yeas—Messrs. Broaddus, Carroll, Cunningham, Green, Killough, Manning, Moore, Phelps, Prendergast, Roberts, Salter, Shaw, Thurmond, Tivy, Washington, Williams, Winkler and Wood—18.

Nays—Messrs. Speaker, Adriance, Anderson, Berends, Bledsoe, Booty, Bordeaux, Brown of Upshur, Brown of Dallas, Davenport, Day, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Kleberg, Lane, Leyendecker, McDonald, Morris, Nelson, Powers, Rainey, Rimes, Robb, Rosborough, Russell, Sabin, Schmidt, Scott, Short, Smith of Colorado, Smith of Houston, Tilson, Tom, Trolinger, Venters and Westfall—47.

Mr. Washington called up House bill No. 883, upon which the following report was submitted:

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

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 883, to incorporate the Wilson Creek and Colorado Canal Company, have considered the same and recommend its passage with the accompanying amendments.

ADRIANCE,

J. H. BROWN,

DENTON, for Committee.

1. Add to section thirteen, "subject at all times to such rates and to such laws as are now in force or may be hereafter enacted in relation to canals for navigation."

2. Amend section fifteen by striking out all between the word "date," in line three, and the word "that," in line seven.

3. Strike out the words "loan and," in line nine, section fifteen.

4. Amend section fifteen by striking out all after the word "company," in line ten, and insert the following: "For a like number of miles of navigable canal of equal depth and width in water, not to exceed in any case six-

teen sections of land for each mile of completed navigable canal; *provided*, that no part of Wilson creek or the Colorado river now navigable shall be included in the distance for which aid may be granted by the State."

The amendments were adopted and the bill read by caption second time.

Mr. Denton offered the following amendment: "And upon the completion of said canal it shall be the duty of said company to report the fact to the Governor of the State, who shall appoint some suitable person, at the charge and expense of said company, which charge shall be paid in advance by said company, to said agent, and the said agent shall proceed to inspect said canal; and if he find that the said canal is in accordance with the requirements of this act, he shall report the same to the Governor of the State, whose duty it shall be to immediately notify the Commissioner of the General Land Office, and the said Commissioner shall proceed to issue to said company the number of land certificates of six hundred and forty acres each, to which it may be entitled under the provisions of this act; and the said company shall locate said certificates in alternate sections—the odd sections being set apart to said company, and the even sections reserved to the school fund as provided by law; *provided*, that the State shall in no case be liable for any deficiency of public domain, and any unlocated certificates to said company shall constitute no claim against the State by reason of exhaustion of the vacant domain of the State."

Amendment adopted.

The bill was then ordered engrossed.

On motion of Mr. Washington, the rules were suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Berends, Bewley, Brown of Upshur, Brown of Dallas, Carroll, Cunningham, Day, Denton, Eastland, Ford, Gallaway, Gaston, Gillette, Gilpin, Green, Hoffman, Hollingsworth, Ireland, Joseph, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Moore, Payne, Phelps, Powers, Robb, Roberts, Rosborough, Sabin, Sayers, Schmidt, Smith of Colorado, Storey, Thurmond, Tivy, Tom, Washington, Watts, Wilder, Williams, Winkler and Wood—51.

Nays—Messrs. Bledsoe, Harrison, Kemble, Killough,

Nelson, Prendergast, Rimes, Salter, Scott, Shaw, Short, Smith of Houston, Tilson, Trolinger, Venters and Westfall—16.

Leave being granted, Mr. Hollingsworth offered the following resolution :

Resolved, That immediately after roll call, on the twenty-first instant, A. M., the regular order of business shall be suspended, and the Speaker shall proceed to call the committees in their regular order, and the call shall be continued until each committee shall have been called and allowed to report, and that in all cases where it is expedient the respective committees are authorized to consolidate bills into an omnibus bill or bills."

Laid over under the rules.

On motion of Mr. Brown, of Dallas, the Speaker was instructed to appoint a special committee of three to distribute the copies of the election and registration laws recently ordered printed.

The Speaker appointed Messrs. Brown, of Dallas, Smith, of Houston, and Tom, said committee.

Mr. Carroll called up the omnibus bill, entitled "An act authorizing and requiring the issuance of certificates to certain persons therein named," upon which the following report was submitted :

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

SIR: Your Committee on Private Land Claims, to whom was referred bills and petitions amounting to about forty-five in number, asking for relief, have had the same under careful consideration, and after a careful, full and complete examination of the evidence in each case, and in compliance with a resolution passed by this House at a former day, have instructed me to report all the accompanying bills back to the House, with the accompanying substitute, which contains all the bills in the committee's possession, on which they can report favorably, and which from its nature can be included in said substitute, and recommend that said substitute do pass.

ROBB, for Committee,
LANE, Chairman,
LEYENDECKER,
ABBOTT,
JOHN SMITH,
WOOD,
ROBERTS.

The substitute was read and adopted.

Mr. Wood moved to amend by adding the name of "Frederick Grimes, for six hundred and forty acres," which carried.

Mr. Short moved to lay the bill on the table. The House refused to table.

Mr. Bewley moved to amend by adding "the heirs of R. L. Anderson, for one league of land."

Mr. Russell moved to amend the amendment by adding thereto: "To Henry Stout, for one league and one labor of land."

Mr. Kleberg moved the previous question, which was seconded, and the main question ordered.

The House refused to adopt the amendment offered by Mr. Russell, by the following vote:

Yeas—Messrs. Abbott, Adriance, Anderson, Bewley, Bordeaux, Carroll, Cunningham, Day, Eastland, Gaston, Harrison, Ireland, Joseph, Manning, McDonald, Moore, Nelson, Phelps, Powers, Prendergast, Roberts, Russell, Sabin, Thurmond, Trolinger, Williams and Winkler—27.

Nays—Messrs. Berends, Broaddus, Brown of Upshur, Brown of Dallas, Davenport, Denton, Ford, Ghent, Gillette, Gilpin, Hester, Hoffman, Hollingsworth, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Payne, Rainey, Rimes, Robb, Salter, Sayers, Scott, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Tilson, Tivy, Tom, Venters, Washington, Westfall and Wood—38.

The House refused to adopt the amendment offered by Mr. Bewley.

The bill was then ordered engrossed.

Mr. Kleberg moved to suspend the rules and put the bill on its third reading.

Mr. Denton moved to adjourn. The House refused to adjourn.

The House then refused to suspend the rules.

On motion of Mr. Allison, Mr. Booty was excused until Wednesday, May 21, 12 M.

On motion of Mr. Manning, the House adjourned until 9 A. M. to-morrow.

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

House met pursuant to adjournment. Prayer by Rev. Mr. Riggs. Roll called; quorum present.

Absent—Messrs. Bewley, Ellett and Mabry.

On motion of Mr. Anderson, the reading of the journal was dispensed with.

Mr. Morris presented a petition from citizens of Rusk county. Referred to the Committee on State Affairs.

Mr. Thurmond presented a petition from citizens of Aransas county for the passage of the Ohio Liquor Law. Referred to the Committee on Roads, Bridges and Ferries.

Mr. Smith, of Colorado, presented a petition from citizens of Waller county. Referred to Committee on Counties and County Boundaries.

Mr. Trolinger introduced a bill to provide for the registration of the voters in the city of Denison, in Grayson county, Texas, preparatory to an election to be held for city officers on the second Monday in June, 1873. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Bordeaux the rules were further suspended, the bill read third time and passed.

Mr. Ireland introduced a bill amending section twelve of "An act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Anderson the rules were further suspended, the bill read third time and passed.

Mr. Smith, of Colorado, introduced a bill to prohibit the sale of spirituous or intoxicating liquors within three miles of Bordenville, in Colorado county, Texas. Read first time by caption; rules suspended and read second time.

Mr. Leyendecker presented a protest against the passage of the bill, by citizens of that neighborhood, which was read.

Mr. Smith, of Colorado, presented a counter petition from other citizens of the same neighborhood asking the passage of the bill, which was read.

Mr. Leyendecker moved to refer the bill to the Committee on Education. The House refused to refer.

Mr. Killough moved to amend the bill by striking out "three miles" and inserting in lieu thereof "one mile." Lost.

The bill was then ordered engrossed.

On motion of Mr. Smith, of Colorado, the rules were further suspended, the bill read third time and passed.

Mr. Rimes introduced a bill for the protection of life and property from the use of explosive kerosene and other inferior illuminative oils. Read first time; rules suspended and read second time.

On motion of Mr. Anderson, the words "and fifteen," were inserted after the words, "one hundred." The bill was then ordered engrossed.

On motion of Mr. Anderson, the rules were further suspended, and the bill read third time.

Mr. Allison moved to amend section one by striking out the words "five hundred," and inserting "one hundred," and by striking out "one thousand," and inserting in lieu thereof, "two hundred."

Mr. Thurmond moved the previous question, which was seconded, and the main question ordered.

The amendment was adopted.

The bill then passed by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Bledsoe, Broaddus, Brown of Upshur, Chambers, Cunningham, Day, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Hollingsworth, Ireland, Kemble, Killough, Lane, Lyendecker, Mabry, McDonald, Nelson, Powers, Prendergast, Rainey, Rimes, Rosborough, Russell, Salter, Sayers, Scott, Shaw, Short, Smith of Colorado, Storey, Tilson, Tivy, Tom, Trolinger, Watts, Westfall, Wilder and Winkler—49.

Nays—Messrs. Berends, Bordeaux, Brown of Dallas, Davenport, Hester, Hoffman, Joseph, Kleberg, Manning, Moore, Phelps, Robb, Roberts, Sabin, Schmidt, Smith of Houston, Thurmond, Washington, Williams and Wood—20.

On motion of Mr. Storey, Mr. Denton was excused for the day on account of sickness.

Mr. Storey introduced a bill to appropriate three hundred dollars to buy postage for the office of Superintendent of Public Instruction. Read first time.

On motion of Mr. Ireland, the rules were suspended, and the bill read second time.

Mr. Ireland moved to amend by striking out "three hundred," and inserting "one hundred."

Mr. Sabin moved, as a substitute for the amendment, to add after "three hundred," the words "and fifty."

The motion to strike out, being put, failed to carry.

The bill was then ordered engrossed.

On motion of Mr. Storey, the rules were further suspended, the bill read third time and passed by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Bledsoe, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Day, Eastland, Ford, Gaston, Gillette, Gilpin, Green, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, Moore, Morris, Nelson, Phelps, Powers, Rainey, Rimes, Roberts, Russell, Sabin, Salter, Schmidt, Shaw, Short, Smith of Houston, Storey, Thurmond, Tivy, Trolinger, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—53.

Nays—Messrs. Armstrong, Broaddus, Davenport, Ghent, Hester, Ireland, McDonald, Robb, Rosborough, Scott, Smith of Colorado, Tilson and Tom—13.

Mr. Ireland in the chair.

A message from the Senate announced the passage, by that body, of Senate bill No. 336, "An act to provide for the printing of the general laws of this State in the German and Spanish languages."

Mr. Westfall introduced a bill to authorize the city of Austin to become a stockholder in any company or corporation, for the purpose of supplying said city with water and gas. Read first time, rules suspended and read second time.

On motion of Mr. Storey, the bill was referred to a special committee of three, with instructions to report thereon Wednesday, May 21, at 4 P. M.

The Speaker appointed the following gentlemen said committee: Messrs. Westfall, Ghent, Joseph.

Mr. Williams introduced a bill to appropriate twenty-five thousand dollars for payment of judicial officers for costs accruing in criminal cases. Read first time.

On motion of Mr. Williams, the rules were suspended, and the bill read second time.

On motion of Mr. Powers, the bill was indefinitely postponed.

Mr. Thurmond introduced a bill supplementary to "An act entitled an act to adopt and establish a penal code for the State of Texas," approved August 26, 1856. Read first time; rules suspended and read second time.

On motion of Mr. Bordeaux, the bill was referred to Judiciary Committee No. 1.

Mr. Sabin introduced a joint resolution to amend section six of article ten of the Constitution. Read first time and laid over under the rules.

Leave being granted, on motion of Mr. Brown of Dallas, the special committee on the distribution of the printed copies of the registration and election laws submitted the following report:

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

SIR: The special committee appointed to apportion the number of copies of the acts regulating registration and elections, to be distributed among the members from each representative district, to be by them transmitted to their respective district clerks, as chief registrars of counties, respectfully submit the following allotment to govern in said distribution:

First district—nine counties, six copies each.....	54
Second district—six counties, six copies each to five counties, and ten to Nacogoches.....	40
Third district—two counties, twelve copies each....	24
Fourth district—three counties, eight copies each...	24
Fifth district—two counties, ten copies each.....	20
Sixth district—three counties, twelve copies to two counties, and six to Gregg.....	30
Seventh district—one county, twelve copies.....	12
Eighth district—three counties, eight copies each....	24
Ninth district—two counties, ten copies each.....	20
Tenth district—five counties, ten copies each.....	50
Eleventh district—two counties, twelve copies to Fannin and Lamar.....	24
Twelfth district—three counties, ten copies each....	30
Thirteenth district—four counties, seven copies each, Waller.....	28
Fourteenth district—two counties, sixteen copies to Harris and six to Montgomery.....	22

Fifteenth district—four counties, six copies to two each, and ten to two each 32

Sixteenth district—one county, sixteen copies to Washington 16

Seventeenth district—three counties, ten copies each, Brazos, etc. 30

Eighteenth district—three counties, ten copies each, Leon, etc. 30

Nineteenth district—three counties, ten copies each, Falls, etc. 30

Twentieth district—five counties, nine copies each, Rockwall, Ellis, etc. 45

Twenty-first district—three counties, fourteen copies to two and eight to one 36

Twenty-second district—seven copies to five, and fourteen to Grayson 49

Twenty-third district—six counties, seven copies to each, Johnson, etc. 42

Twenty-fourth district—nine counties, six copies each, Aransas, etc. 54

Twenty-fifth district—two counties, ten copies each, Colorado and Lavaca 20

Twenty-sixth district—two counties, ten copies each, Fayette and Bastrop 20

Twenty-seventh district—three counties, ten copies each, Gonzales, etc. 30

Twenty-eighth district—ten counties, six copies to eight, ten to Bell, and sixteen to Travis 74

Twenty-ninth district—twelve counties, six copies to eleven, and sixteen to Bexar 82

Thirtieth district—fourteen counties, seven copies each 98

Making copies 1090

Leaving to each member an extra copy for his own use.

J. H. BROWN,
JOHN SMITH,
TOM,

Report adopted. Committee.

Mr. Tivy introduced a bill to facilitate the assessment of taxes on real estate. Read first time.

On motion of Mr. Tivy the rules were suspended, the bill read second time and referred to a special committee of five, of which Mr. Anderson should be chairman. The

Speaker appointed the following gentlemen said committee: Anderson, chairman, Allison, Davenport, Tivy and Washington.

On motion of Mr. Wood, the journal of yesterday was corrected so as to make House bill No. 437, to provide for the construction and repairing of court houses and jails by the several counties in this State, special order for 10 A. M. instead of 11.

The above special order was then taken up and considered by sections.

Mr. Wood moved to amend section first by inserting after the word "be" in line five as follows: "or the court house and jail of such county, or either of them may need repairs." Adopted.

Mr. Wood moved to amend the same section by inserting in line eighteen after the word "erected" the words "or the repairs proposed to be made." Adopted.

Mr. Killough moved to amend section one by striking out of line twenty "sixty" and inserting in lieu thereof "fifteen."

On motion of Mr. Kleberg, the amendment was laid on the table.

Mr. Brown of Upshur moved to amend section one by striking out of lines twenty-five and twenty-six the words "the happening of." Adopted.

Mr. Wood moved to amend section two by inserting in line twenty-five after the word "building," as follows: "or the repairs proposed to be made to the court house or jail, or both, as the case may be." Adopted.

Mr. Winkler moved to amend section two by inserting after the word "county" in line sixteen "and posted at the court house door, and at least four other public places." Adopted.

Mr. Wood moved to amend section three by inserting in line seven after the word "buildings" the words "or repairs;" also to amend the same section by inserting in line eleven, after the word "buildings," the words "or repairs." The House refused to adopt the amendments.

Mr. Tilson moved to amend section three by striking out in line five, the words "in favor of erecting county building or buildings, as the case may be," and inserting in lieu thereof, "for the proposition;" and in line ten, by striking out all after the word "words" down to the word "be," in line twelve, and insert in lieu thereof, "against the proposition." Adopted.

Mr. Wood moved to amend section four by striking out the word "either," in line forty-two; also, by striking out of line forty-three all after the word "for" to the word "said," in line forty-four; also, by striking out of line forty-five the word "have." Adopted.

Mr. Sayers moved to insert in line twenty-four, section four, the words "not less than two per cent. annually as a sinking fund."

Mr. Wood offered the following substitute: Section four, line twenty-four, strike out the words "shall therein be expressed," and insert in lieu thereof "as in this act provided." The substitute was adopted, and the amendment then adopted.

Mr. Smith of Colorado moved to amend section four, lines six and seven, by striking out the words "vote cast at said election," and insert in lieu thereof "registered voters of the county."

Mr. Green moved to lay the amendment on the table. The House refused to table by the following vote:

Yeas—Messrs. Abbott, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Cunningham, Day, Ford, Ghent, Green, Harrison, Hester, Joseph, Mabry, Payne, Prendergast, Robb, Roberts, Salter, Sayers, Storey, Stockbridge, Thurmond, Tivy, Trolinger, Venters, Washington, Watts, Wilder, Williams and Wood—33.

Nays—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Carroll, Chambers, Davenport, Denton, Eastland, Gaston, Gillette, Gilpin, Hoffman, Hollingsworth, Ireland, Kemble, Killough, Lane, Leyendecker, McDonald, Moore, Morris, Nelson, Powers, Rainey, Rimes, Rosborough, Russell, Sabin, Schmidt, Scott, Shaw, Short, Smith of Colorado, Smith of Houston, Tilson, Tom and Westfall—40.

The amendment was then adopted.

Mr. Abbott moved to reconsider the vote adopting the amendment, which carried.

The House then refused to adopt the amendment by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Carroll, Denton, Gaston, Ireland, Kemble, Killough, Lane, Leyendecker, Moore, Morris, Nelson, Rainey, Rimes, Rosborough, Russell, Sabin, Schmidt, Scott, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Tilson and Tom—29.

Nays—Messrs. Abbott, Armstrong, Berends, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Chambers, Cunningham, Davenport, Day, Eastland, Ford, Ghent, Green, Harrison, Hester, Hoffman, Joseph, Mabry, McDonald, Payne, Phelps, Powers, Prendergast, Robb, Roberts, Salter, Sayers, Tivy, Trolinger, Venters, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—39.

Mr. Smith of Colorado moved to amend section four by inserting after the word "property," in lines twenty and twenty-one, the words, "a poll tax of one dollar on every resident male person in the county under sixty and over twenty-one years of age." Lost.

On motion of Mr. Powers, the vote adopting the amendment offered by Mr. Wood to section four, was reconsidered.

The House then refused to adopt the amendment.

Mr. Powers moved to amend section four by adding thereto the following: "*Provided*, that if the contractor for the work proposed shall not elect to take the said bonds in payment therefor, but to be paid out of their avails when sold, then it shall be lawful for the County Court to contract with the person or persons undertaking such proposed work to make payment therefor at such time or times as shall be mutually agreed upon by the said contracting parties; *and provided further*, that nothing herein contained shall prevent any county court from shortening the time for which said bonds may be issued, as above expressed, if they shall deem it best for the interests of the county, by an order entered on the minutes of their proceedings, and which shall have been expressed in the notice hereinbefore provided to be published; and the proposition shall have been ratified and adopted by the votes of the county as hereinbefore provided." The amendment was adopted.

Mr. Powers moved to add to section four as amended the following: "*Provided*, that it shall be the duty of the County Court to contract for said work with the person or persons who will do the same cheapest, according to the plan or plans and specifications, after advertising for proposals to do said work at least one month before closing the contract for the same. The amendment was adopted.

Mr. Payne moved to insert the following section in the

bill as section five: "SEC. 5. That whenever the court house or jail in any county of this State needs enlarging or repairing, it shall be the duty of the County Court to levy a tax upon all the taxable property of the county sufficient to make the necessary repairs, and have the same assessed and collected as other taxes, and to issue bonds therefor without submitting the same to a vote of the people, as provided in this act, unless the estimated cost of such enlargement or repairs shall exceed three thousand dollars, in which case the vote shall be taken, as hereinbefore provided, and bonds issued accordingly."

Mr. Wood moved to amend the amendment by striking out "three thousand" and inserting in lieu thereof "fifteen hundred," which carried.

The amendment was then adopted.

Mr. Wood moved to insert in section six, line twelve, between the blank and the word "and" the words "in registration book, page ..." Adopted.

Mr. Allison moved to amend by inserting before the word "registered" the words "numbered and," which carried.

The Committee on Engrossed Bills submitted the following report:

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

SIR: Your Committee on Engrossed Bills have carefully examined the following bills:

No. 896, "An act to regulate the fees of office."

No. 913, "An act making an appropriation to defray the contingent expenses of the first session of the Thirteenth Legislature of the State of Texas,"

No. 915, "An act to provide for the registration of voters in the city of Denison, in Grayson county, Texas, preparatory to an election to be held for city officers on the second Monday in June, A. D. 1873."

And find the same correctly engrossed.

STOREY, for Committee.

Report from Committee on Enrolled Bills:

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

SIR: Your Committee on Enrolled Bills have carefully examined the following bills, to-wit:

No. 174, "An act to amend and supplemental to an act to provide for the incorporation of towns and cities, approved January 27, 1858."

No. 155, "An act for the protection of the farming interest of the State."

No. 188, "An act for the benefit of the actual occupants of the public lands."

And find the same correctly enrolled, and have this the twentieth day of May, at 10:15 o'clock A. M., presented the same to His Excellency the Governor for his signature.

SHAW, Chairman.

On motion of Mr. Abbott, the House adjourned until 3 P. M.

AFTERNOON SESSION.

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

Absent—Messrs. Abbott, Armstrong, Berends, Bewley, Cunningham, Day, Ellett, Gallaway, Hollingsworth, Robb, Short, Storey, Stockbridge, Thurmond and Wood.

Leave being granted, on motion of Mr. Bordeaux, Mr. Winkler introduced a bill to reincorporate the city of Corsicana.

On motion of Mr. Winkler, the reading of the bill was dispensed with, the rules suspended, the bill read second time by caption and ordered engrossed.

On motion of Mr. Winkler, the rules were further suspended, the bill read by caption third time and passed.

On motion of Mr. Brown of Upshur, Mr. Gallaway was excused for the evening on account of sickness.

On motion of Mr. Tilson, he was granted leave to withdraw from the Committee on Private Land Claims, House bill No. 518, "An act for the relief of the heirs of John D. Groesbeck, assignee of Peter Effingham," and House bill No. 519, "An act for the relief of John D. Groesbeck, assignee of Cyrus C. Chrisman."

Leave being granted, Mr. Sabin offered the following resolution:

Resolved, the Senate concurring, That this House stand adjourned *sine die* on the third Monday of June, 1873, at 12 M. of that day.

Laid over under the rules.

On motion of Mr. Brown of Dallas, House bill No. 914, a bill entitled "An act authorizing and requiring the issuance of land certificates to certain parties therein

named," was taken up, being unfinished business of yesterday evening.

Mr. Thurmond moved the previous question, which was seconded, and the main question ordered.

The bill then passed by the following vote :

Yeas—Messrs. Speaker, Anderson, Bledsoe, Bordeaux, Broadus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Eastland, Ford, Gaston, Ghent, Gilpin, Green, Hester, Hoffman, Ireland Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Payne, Phelps, Powers, Rainey, Robb, Roberts, Rosborough, Sabin, Salter, Sayers, Schmidt, Shaw, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tivy, Tom, Trolinger, Watts, Westfall, Williams and Wood—52.

Nays—Messrs. Allison, Gillette, Harrison, Manning, McDonald, Moore, Morris, Prendergast, Russell, Scott, Tilson, Venters, Washington, Wilder, and Winkler—15.

Mr. Ghent called up House bill No. 891, "An act to authorize interest on Treasury warrants," the question being on the passage of the bill. The bill passed.

Mr. Manning called House bill No. 548, a bill to be entitled "An act to amend the first section of an act to incorporate the Texas Banking and Insurance Company, approved July 1, 1870."

The Committee on Commerce and Manufactures submitted the following report thereon :

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

SIR : Your Committee on Commerce and Manufactures, to whom was referred House bill No. 548, "An act to amend the first section of an act to incorporate the Texas Banking and Insurance Company, approved first day of July, A. D. 1870," have examined the same, and find the only amendment proposed is striking out this proviso in original act, to-wit : " *Provided*, that no real estate be acquired, than for the purpose of erecting thereon a suitable building for the company's office." Your committee can see no objection to the proposed change, and accordingly recommend the passage of the bill.

JOSEPH, Chairman.

On motion of Mr. Manning, the reading of the bill was dispensed with, and it was ordered engrossed.

On motion of Mr. Manning, the rules were suspended, the bill read by caption third time and passed.

Mr. Salter called up Senate bill No. 102, for the relief of the heirs of Anthony McGee.

Mr. Payne moved that the Committee on Private Land Claims be allowed to include two other Senate bill in their report upon the above bill, which carried by the following vote :

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Davenport, Day, Denton, Eastland, Gaston, Ghent, Gilpin, Hester, Hoffman, Ireland, Joseph, Kemble, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Morris, Noeggerath, Payne, Phelps, Powers, Rimes, Robb, Roberts, Rosborough, Sabin, Sayers, Schmidt, Smith of Colorado, Storey, Tilson, Tivy, Tom, Trolinger, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—55.

Nays—Messrs. Ford, Gillette, Killough, Moore, Prendergast, Rainey, Russell, Salter, Scott, Shaw, Smith of Houston and Venters—12.

The following report from the Committee on Private Land Claims was then submitted :

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

SIR: The Committee on Private Land Claims, have had under consideration the following Senate bills” No. 82, “An act for the relief of John S. Menifee;” No. 116, “An act for the relief of Lycurgus E. Griffith;” also No. 102, “An act for the relief of the heirs of Anthony McGee,” and respectfully recommend that the same do pass.

C. L. ABBOTT, for Committee.

Senate bill No. 102, for the relief of the heirs of Anthony McGee, was read second time by caption, and passed to a third reading.

On motion of Mr. Salter, the rules were suspended, the bill read a third time and passed.

Senate bill No. 82, “An act for the relief of John S. Menifee,” was then taken up.

On motion of Mr. Ireland, the bill was laid on the table.

Mr. Ireland moved to reconsider the vote tabling the bill, which carried.

The bill was read second time and passed to third reading.

On motion of Mr. Payne, the rules were further suspended, the bill read third time and passed.

Senate bill No. 116, "An act for the relief of Lycurgus E. Griffith," was taken up, read second time and passed to third reading.

On motion of Mr. Payne, the rules were suspended, the bill read third time and passed.

Mr. Rimes called up House bill No. 396, entitled "An act supplementary to an act in relation to the Missouri, Kansas and Texas Railway Company, late Union Pacific Railway Company, southern branch, passed August 2, 1870."

Judiciary Committee No. 2 submitted the following report thereon:

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

SIR: Judiciary Committee No. 2, to whom was referred House bill No. 377, entitled "An act supplementary to an act entitled an act in relation to the Missouri, Kansas and Texas Railway Company, southern branch, passed August 2, 1870," have had the same under consideration, and direct me to report the same back, with a substitute, and recommend that said substitute do pass.

BLEDSOE, for Committee.

The substitute offered by Judiciary Committee No. 2 was read.

Pending the discussion, a message was received announcing that the Senate adhered to its amendments to House bill No. 179, "An act to authorize the County Court of Falls county to levy and collect a special tax for purposes therein named," and had appointed Senators Ford, Dohoney and Sayers a conference committee upon the disagreement between the two houses, and asked a like committee on the part of the House.

The pending bill being resumed, on motion of Mr. Rainey, the whole matter was referred to the special committee on railways.

Mr. Denton moved to add to the special committee Messrs. Smith of Colorado, Ireland, Winkler and Anderson.

Mr. Russell moved to amend by adding Mr. Bordeaux. The House refused to make the additions.

Report from the Committee on Engrossed Bills:

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

SIR: Your Committee on Engrossed Bills have carefully examined the following bills:

No. 712, "An act granting lands to the International Railroad."

No. 563, "An act to amend sections three, five and six, of an act entitled an act to incorporate the Carthage Branch Railway Company, approved May 22, 1871, and to grant lands to said company to aid in the construction of its road."

No. 883, "An act to incorporate the Wilson Creek and Colorado Canal Company."

And find the same correctly engrossed.

STOREY, for Committee.

On motion of Mr. Harrison, the House adjourned until 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES,)
AUSTIN, TEXAS, May 21, 1873. }

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

Absent—Berends, Bewley, Broaddus, Carroll, Ellett, Storey, Stockbridge, Washington.

On motion of Mr. Brown of Upshur, Mr. Gallaway was excused on account of sickness.

On motion of Mr. Rainey, the reading of the journal was dispensed with.

Mr. Russell moved to suspend the usual business of the morning, and take up the joint resolution proposing amendments to the Constitution, submitted by the Committee on Constitutional Amendments. The motion failed to carry.

On motion of Mr. Morris, the Committee on Finance were granted leave to report, and submitted the following: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Your Committee on Finance, to whom was referred the resolution of this House relating to the unsettled matters between the State, acting through the Governor, and Messrs. Raymond & Whitis, instruct me to report that they find, on or about the thirty-first day of January, 1872, his Excellency the Governor notified the parties then in possession of the forty-three bonds mentioned, that the same had been fraudulently taken and

disposed of, and that the State would never pay them. Under this statement of the Governor the bonds have been condemned by the stock exchange of New York. The committee are of opinion that the State can never be held responsible for said bonds, and that to institute a suit against Messrs. Raymond & Whitis would be an admission on the part of the State that said bonds are valid outstanding obligations, which admission your committee does not think should be made. The committee therefore recommend that no action be taken against said Raymond & Whitis for said bonds.

Your committee are of opinion that no legislation is necessary, the law being ample in order to secure the one and a half per cent. retained by said Raymond & Whitis beyond the amount allowed by law for making sales.

IRELAND, for Committee.

The following minority report was submitted:

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

SIR: The undersigned minority of the Finance Committee, to whom was referred the resolution of the House to make inquiry into the liability of the State, etc., on account of the forty-three State bonds said to have been improperly taken from Messrs. Raymond & Whitis, feel constrained to differ with the majority of the committee as to what course should be taken in respect to said bonds.

We are of opinion that as these bonds were payable to bearer and not due, though it be the fact that they were surreptitiously obtained from the agents of the State, as contended, still if it be true that they afterwards found their way on the market, and were purchased and paid for, or advancements were made on them in *good faith*, that is, if any person or bank corporation purchased and paid for them, or advanced money on them, without notice of the fraudulent manner in which it is said they were obtained from the State or her agents; that having been thus purchased and paid for "in due course of trade," we believe in law and justice the State should pay them, or the amount for which they may have been hypothecated, as the case may be. Though the State may never have and never may receive one cent for them, this result would not be from any fault or wrong of the purchaser of the bonds, but owing to the carelessness or wrong of the State or her agents; and to say the least, it must be said

to be the *misfortune* of the State in trusting her bonds in the hands of such agents, and is not the *fault* of the innocent purchaser.

The rule is old and well established, that where one of two innocent persons must suffer, the party who trusted the most must sustain the loss. In this case the purchaser, if in good faith, trusted to nothing. He relied, and had a right to rely, upon the negotiable character of the bonds put on the market in the usual course of trade. The State trusted the bonds in the hands of her agents, and if a loss be sustained, it must fall upon the State and not the purchaser in good faith.

But, on the contrary, if it *be true* that these bonds were fraudulently taken from the agent of the State, and without his authority, passed off to those persons who had notice of this fraud, or entered into combinations to cheat and swindle the State, and none have bought and paid for them in good faith, we say with these *facts established*, we would agree with the majority of the committee that the State should not pay them, or any amount for which they were thus fraudulently sold or hypothecated. And we further say that owing to the great uncertainty and complication in which the real facts are involved (for we can not say that we have half the real facts of the case before us) we are of opinion that it is not advisable, and indeed, *extremely impolitic* for the Legislature to take charge of and decide upon the rights and liabilities of the State, and all others concerned in the bonds, upon what is necessarily an *ex parte* showing, and without giving the real purchasers and holders of these bonds any hearing before us or opportunity to show that they were purchasers in good faith, and mainly, basing our action in this doubtful matter of facts upon the *ex parte* affidavit of persons alone whose interest it is to show that the State is not liable for any of the bonds, for by the establishment of that point (the non-liability of the State to pay the bonds), they thereby release and exonerate themselves from any liability to the State for this misappropriation of these bonds.

And we further state we believe the courts of the State are better suited to investigate all the complicated facts and matters of evidence, and the law of this case in connection with the same, and after giving each party a full hearing in the District and Supreme Courts, the legal

rights and liabilities of the States and *all others concerned* can be more properly settled and adjudicated in accordance with law and justice. And with a view to that end, and in order that full justice may be done to all persons concerned, we respectfully report a bill to the House and recommend that it be adopted and passed.

GEO. W. SMITH,
W. W. MORRIS,
JOHN ADRIANCE.

The bill, being "An act to authorize suit to be instituted to define the rights and liabilities of the State and other persons in connection with the forty-three State bonds, and to enforce the rights of the State therein," was read first time.

A message was received from the Senate informing the House that the Senate had passed the following bills originating in that body, viz.:

No. 182, "An act providing and making appropriation for the payment of certain unpaid contingent expenses of the Twelfth Legislature."

No. 307, "An act to reorganize certain judicial districts, and to abolish certain other judicial districts therein named."

No. 113, "An act concerning landlords and tenants," with amendments.

Also that the Senate had adopted the report of the conference committee on Senate bill No. 100, "An act to provide for the merger of the Waco and Northwestern Railroad Company, with its properties, franchises and privileges, in the Houston and Texas Central Railroad Company."

Mr. Cunningham moved to reconsider the vote by which the House refused to suspend the rules and take up the joint resolution proposing amendments to the Constitution, which motion carried.

The House then refused to take up the joint resolution referred to by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Bledsoe, Brown of Upshur, Carroll, Chambers, Cunningham, Day, Denton, Eastland, Gaston, Ghent, Gillette, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Lane, Leyendecker, Manning, McDonald, Nelson, Noeggerath, Prendergast, Rainey, Rimes, Robb, Russell, Sabin, Sayers, Scott, Short, Storey, Tilson, Tivy, Tom, Trolinger, Venters, Westfall, Winkler and Wood—44.

Nays—Messrs. Anderson, Armstrong, Berends, Bordeaux, Davenport, Ford, Gilpin, Hoffman, Killough, Kleberg, Mabry, Moore, Morris, Payne, Phelps, Powers, Roberts, Rosborough, Salter, Schmidt, Shaw, Smith of Colorado, Smith of Houston, Thurmond, Washington, Watts, Wilder and Williams—28.

Under instructions from the House the Speaker appointed the following conference committee on the part of the House upon the disagreement of the two houses upon House bill No. 179, "An act to authorize Falls county to levy and collect a special tax for purposes therein named:" Messrs. Rimes, chairman, Harrison and Wilder.

Also the following conference committee upon House bill No. 185, to define the duties of the Comptroller: Messrs. Shaw, Adriance, Hollingsworth.

House bill No. 113, "An act concerning landlords and tenants," was taken up, and the Senate amendments thereto read and concurred in.

The previous discussion upon the bill reported by the minority of the Finance Committee was then resumed, the question being upon the adoption of the report of the majority of the committee.

Pending the discussion, a message from the Senate announced the passage by that body of House bill No. 95, "An act to provide for the registration of the voters in the city of Denison, in Grayson county, Texas, preparatory to an election to be held for city officers on the second Monday in June, A. D. 1873."

The discussion having been resumed, Mr. Sayers moved to lay the majority report upon the table. The House refused to table by the following vote:

Yeas—Messrs. Speaker, Adriance, Berends, Bledsoe, Carroll, Ford, Hoffman, Joseph, Lane, Morris, Phelps, Powers, Prendergast, Rainey, Rimes, Roberts, Rosborough, Sabin, Sayers, Schmidt, Shaw, Smith of Colorado, Smith of Houston, Tilson, Tivy, Venters, Washington, Watts, Wilder and Williams—30.

Nays—Messrs. Allison, Anderson, Armstrong, Bordeaux, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Davenport, Day, Denton, Eastland, Gaston, Gilpin, Green, Harrison, Ireland, Kemble, Killough, Mabry, Manning, McDonald, Moore, Nelson, Payne, Robb, Russell, Salter, Scott, Storey, Thurmond, Tom, Westfall, Winkler and Wood—35.

On motion, Mr. Trolinger was excused on account of sickness.

On motion of Mr. Carroll, Mr. Broaddus was excused on account of sickness.

The report of the majority was then adopted by the following vote :

Yeas—Messrs. Allison, Armstrong, Bordeaux, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Davenport, Day, Denton, Eastland, Gaston, Gilpin, Harrison, Hollingsworth, Ireland, Kemble, Killough, Mabry, Manning, McDonald, Nelson, Payne, Robb, Russell, Salter, Scott, Storey, Thurmond, Tom, Venters, Westfall and Winkler—33.

Nays—Messrs. Speaker, Adriance, Anderson, Berends, Bledsoe, Carroll, Ford, Green, Hoffman, Joseph, Lane, Moore, Morris, Phelps, Powers, Prendergast, Rainey, Roberts, Rosborough, Sabin, Sayers, Schmidt, Shaw, Smith of Colorado, Smith of Houston, Tilson, Tivy, Washington, Watts, Wilder and Williams—31.

On motion of Mr. Prendergast, House bill No. 526, "An act amendatory of and supplementary to an act entitled an act concerning private corporations, approved December 2, 1871," was taken up and made special order for Thursday, May 22, 10 A. M.

On motion of Mr. Russell, House bill No. 24, "An act to provide for the better protection of the archives and files in the General Land Office," was taken up and read second time.

Mr. Denton offered as a substitute therefor "An act to better protect the archives and files in the General Land Office," which was read.

The House refused to adopt the substitute.

Mr. Payne moved to amend section three, line four, by inserting between the words "writing" and "all," the words "in ink." The amendment was adopted.

On motion of Mr. Anderson, the bill was referred, with amendments offered by Messrs. Wood and Powers, to a special committee, composed of Messrs. Watts, chairman, Wood, Denton, Prendergast and Powers.

Mr. Brown of Dallas in the chair.

On motion of Mr. Russell, House bill No. 595, "An act to divide the State of Texas into six Congressional Districts," was taken up, upon which the following report was submitted :

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

SIR: The select committee to whom was referred House bill No. 595, have had the same under consideration, and instruct me to report the accompanying substitute, and recommend its passage.

WATTS, for Committee.

The Speaker in the chair.

Mr. Anderson moved to make the substitute offered by the committee special order for Saturday, May 24, and that one hundred copies be printed, which motion carried.

Mr. Rimes submitted the following report from the Conference Committee upon House bill No. 179 :

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

SIR: Your Committee of Conference on the disagreement of the two houses on House bill No. 179, entitled, "An act to authorize the County Court of Falls county to levy and collect a special tax for the purpose therein expressed," have had the same under consideration, and have agreed that the House adopt the amendments recommended by the Senate to the bill.

FORD,

Chairman Senate Committee.

RIMES,

Chairman House Committee.

The report was adopted.

Mr. Sabin submitted the following report from the Conference Committee on Senate bill No. 100 :

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

SIR: Your committee on the part of the House, appointed to confer with the like committee on the part of the Senate, to take into consideration amendments made by the House to Senate bill No. 100, "An act to provide for the merger of the Waco and Northwestern Railroad Company, with its properties, rights, privileges and franchises, in the Houston and Texas Central Railway Company," agree to make the following report :

1. That the House recede from that portion of its amendment designated as section two, included between the word "road," in line seven, in said section, and the word "and" in line twelve of said section.

2. That the Senate concur in the residue of the amendments adopted by the House.

C. B. SABIN,
Chairman House Committee.
E. L. DOHONEY,
Chairman Senate Committee.

Mr. Nelson in the chair.

Pending the discussion, a message from the Senate announced the passage by that body of House bill No. 700, "An act granting land to the Buffalo Bayou Ship Channel Company, in aid of the improvement of the navigation from Bolivar channel, near the Gulf of Mexico, to the city of Houston."

The Committee on Engrossed Bills submitted the following report:

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

SIR: Your Committee on Engrossed Bills have examined the following bills:

No. 548, "An act to amend the first section of an act to incorporate the Texas Banking and Insurance Company, approved first day of July, A. D. 1870."

No. 917, "An act to prohibit the sale of spirituous or intoxicating liquors within three miles of Bordenville, in Colorado county, Texas."

No. 918, "An act for the protection of life and property from the use of explosive kerosine and other inferior illuminating oils."

No. 916, "An act amending twelfth section of an act to organize courts of justices of the peace and county courts, and to define their jurisdiction and duties."

No. 654, "An act amendatory of and supplementary to an act entitled an act to amend sections two and twelve of an act to incorporate the Hempstead Eastern and Western Trunk Railway Company, of Texas, approved August 12, 1870, passed April 28, 1870."

No. 919, "An act to appropriate three hundred dollars to buy postage for the office of Superintendent of Public Instruction."

And find the same correctly engrossed.

STOREY, for Committee.

The discussion upon the report of the committee upon Senate bill No. 100 being resumed, Mr. Schmidt moved the previous question, which was seconded, and the main question ordered.

The report of the committee was then adopted by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Brown of Upshur, Carroll, Gaston, Gillette, Gilpin, Harrison, Hoffman, Hollingsworth, Joseph, Killough, Mabry, McDonald, Moore, Noeggerath, Phelps, Rainey, Robb, Sabin, Schmidt, Shaw, Smith of Houston, Thurmond, Tivy, Washington, Watts, Wilder, Williams and Winkler—32.

Nays—Messrs. Berends, Bledsoe, Chambers, Cunningham, Davenport, Denton, Eastland, Kemble, Lane, Leyendecker, Manning, Nelson, Payne, Powers, Prendergast, Rimes, Rosborough, Russell, Scott, Short, Smith of Colorado, Storey, Tilson, Tom, Venters, Westfall and Wood—28.

Mr. Kemble offered a concurrent resolution making valid reports of scholastic census takers during 1872, returned to the State Superintendent or State Treasurer prior to March 1, 1873.

Pending which, on motion of Mr. Kleberg, the House adjourned until 3 P. M.

AFTERNOON SESSION.

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

Absent—Messrs. Bewley, Cunningham, Day, Ellett, Leyendecker, Mabry, Russell, Scott, Short, Stockbridge, Tilson and Venters.

On motion of Mr. Wood, the special order, House bill No. 232, "An act supplemental to an act entitled an act to provide for the establishment of the Agricultural and Mechanical College, approved April 17, 1871," was postponed and made special order for Thursday, May 22, at 3 P. M.

The Committee on Enrolled Bills submitted the following reports :

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

SIR: Your Committee on Enrolled Bills have carefully examined the following bill, to-wit :

No. 915, "An act to provide for the registration of the voters in the city of Denison, in Grayson county, Texas, preparatory to an election to be held for city officers on the second Monday in June, A. D. 1873."

And find the same correctly enrolled, and have this the day of May, at o'clock M., presented the same to the Governor for his signature.

SHAW, Chairman.

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

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 179, entitled "An act to authorize the County Court of Falls county to levy and collect a special tax for the purpose therein expressed," and have this the twenty-first day of May, at 12:35 o'clock P. M., presented the same to the Governor for his signature.

SHAW, Chairman.

By special leave, Mr. Anderson introduced a bill to reserve the right of way for any railway company now incorporated by the laws of the State of Texas, or that may hereafter be incorporated by the Legislature of the State, across or through any lands granted to the Atlantic and Pacific Railway Company by the Legislature of the State of Texas, or that may hereafter be granted to said company. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Anderson the rules were further suspended, the bill read third time and passed.

Mr. Nelson asked leave to introduce a bill. The House refused.

Mr. Brown, of Dallas, moved to reconsider the vote of yesterday passing House bill No. 891, "An act to authorize interest on treasury warrants."

On motion of Mr. Bordeaux, the consideration of the question was postponed until Thursday, May 22, at 10 A. M.

Mr. Prendergast called up House bill No. 326, upon which the following report was submitted :

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

SIR: Your Committee on State Affairs, to whom was referred House bill No. 326, a bill to be entitled "An act to prohibit the sale or disposition of spirituous or other intoxicating liquors within three miles of Mount Calm Masonic Institute," herewith report the same back to the House and recommend its passage, with the following amendment: In section one strike out the word "three" and insert "two."

DENTON, for Committee.

The bill was read second time and ordered engrossed.

On motion of Mr. Prendergast, the rules were suspended, the bill read third time and passed.

Mr. Anderson called up House bill No. 794, to amend section seven of "An act entitled an act to incorporate the city of Waco," approved April 26, 1871, upon which the following veto message had been received:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, May 15, 1873. }

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

SIR: I have to return to the House of Representatives, where it originated, the act entitled, "An act to amend section seven of an act entitled an act to incorporate the city of Waco, approved April 26, 1871."

I have to make objection to the thirty-eighth clause of section one, which provides the manner in which the city of Waco can take stock in railroad companies. There is some doubt whether, under our present Constitution, the people of cities and towns can be taxed to aid private enterprises, under the name of internal improvements, even if two-thirds of the people vote in favor of such aid. The Constitution authorizes this to be done by counties, but nowhere provides for the doing of it by cities and towns. Thus, in conformity with the legal maxim that the expression of one thing excludes the other, perhaps it was not intended that cities and towns should have that authority. But, without proposing fully to assume this ground, the act is objectionable because it authorizes this to be done by *two-thirds of those voting*, instead of two-thirds of all the registered voters of the city, as required by the general act on the subject, approved April 12, 1871, and the amendments thereto.

I think it will be apparent to the House, that it is unsafe to forsake the rule laid down in that act, as regards the proportionate number of voters whose assent should be required before such enterprise is engaged in.

Very respectfully,

EDMUND J. DAVIS, Governor.

The bill, having been read, was passed, notwithstanding the objections of his Excellency the Governor, by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Bledsoe, Bordeaux, Brown of Upshur, Brown of Dallas,

Carroll, Chambers, Cunningham, Davenport, Day, Denton, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Lane, Leyendecker, Manning, McDonald, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Sabin, Salter, Schmidt, Scott, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Venters, Watts, Westfall and Winkler—61.

Nays—Messrs. Abbott, Armstrong, Berends, Mabry, Phelps, Roberts, Washington, Wilder and Williams—9.

A message from the Senate announced the passage, by that body, of House bill No. 857, "An act to provide for holding an election for county officers in the county of Waller, and authorizing commissioners to hold the same," with amendments by the Senate.

The following message from his Excellency the Governor, was submitted.

On motion of Mr. Brown of Dallas, the reading of the message was dispensed with, and it was ordered spread upon the journals :

EXECUTIVE OFFICE, STATE OF TEXAS,)
AUSTIN, May 19, 1873. }

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

GENTLEMEN : I have the honor to inform you that the following named acts have been received by me and approved, to-wit :

House bill No. 93, "An act to better provide for the protection of agricultural interests," approved April 23, 1873.

House bill No. 443, "An to incorporate the town of Cuero, in DeWitt county," approved April 23, 1873.

House bill No. 150, "An act amendatory of and supplementary to an act entitled an act to incorporate the Home Insurance and Trust Company of Texas, approved December 1, 1871," approved April 23, 1873.

House bill No. 395, "An act amendatory of and supplementary to an act concerning private corporations, approved December 2, 1871," approved April 23, 1873.

House bill No. 261, "An act to amend article two hundred and eighty-four of an act entitled an act to adopt

and establish a penal code for the State of Texas, approved August 26, 1856," approved April 23, 1873.

Joint resolution, granting leave of absence from the State to J. M. Onins, Judge of the Twenty-eighth Judicial District, approved April 24, 1873.

House bill No. 138, "An act to dispense with the use of scrolls and seals in certain cases, approved February 2, 1858," approved April 28, 1873.

Senate bill No. 298, "An act to authorize the Judge of the Tenth Judicial District of the State to hold a special term of the District Court in and for the county of Anderson, in said tenth district," approved 28, 1873.

House bill No. 123, "An act to provide for the prompt settlement of accounts by sheriffs with the State and counties," approved April 28, 1873.

Senate bill No. 163, "An act for the relief of William W. Wallace," approved April 28, 1873.

Senate bill No. 144, "An act to incorporate the Real Estate Building and Savings Association, of Dallas, Texas," approved April 28, 1873.

House bill No. 38, "An act to incorporate the Falls County Real Estate and Savings Association," approved April 28, 1873.

House bill No. 790, "An act defining a further cause of continuance in civil cases," approved April 29, 1873.

House bill No. 630, "An act to provide for the registration of voters, and to repeal an act to provide for a special registration of voters preparatory to an election under the provisions of an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvement, approved May 31, 1871," approved April 29, 1873.

Senate joint resolution No. 37, joint resolution granting leave of absence from the State to I. N. Everett, Judge of the Twenty-sixth Judicial District, approved May 1, 1873.

Senate bill No. 167, "An act to incorporate the Jefferson Institute, located in the city of Jefferson, in the county of Marion, in the State of Texas," approved May 3, 1873.

House bill No. 133, "An act to accurately define the land district of Palo Pinto, and to make valid the surveys and locations heretofore made therein," approved May 3, 1873.

Senate bill No. 302, "An act to incorporate the town of McDade, in Bastrop county, Texas," approved May 3, 1873.

Senate bill No. 184, "An act to incorporate the German Germania, of Columbus," approved May 3, 1873.

Senate bill No. 306, "An act to incorporate the town of Wharton, in Wharton county," approved May 3, 1873.

Senate joint resolution No. 32, joint resolution instructing our senators and requesting our representatives in Congress to endeavor to secure the improvement of the harbor of Galveston, and requesting for the memorial of the mayor and board of aldermen of the city of Galveston, upon that subject, the early and favorable consideration of the Congress of the United States, approved May 3, 1873.

House bill No. 402, "An act to incorporate the Milam Real Estate and Immigration Association," approved May 3, 1873.

House bill No. 399, "An act to provide for the registration of births," approved May 3, 1873.

House bill No. 448, "An act to incorporate the Austin Trust Company," approved May 3, 1873.

House bill No. 218, "An act to incorporate the Pioneer Fire Company No. 1 of the city of Corpus Christi, State of Texas," approved May 7, 1873.

House bill No. 808, "An act to enable the district judges to make temporary appointments of clerks of district courts in cases of vacancies," approved May 7, 1873.

House bill No. 125, "An act to prescribe the mode and manner of designating exemption homesteads in certain cases," approved May 7, 1873.

House bill No. 262, "An act to amend the seventh section of an act entitled an act to incorporate the city of Rockport, approved May 26, 1871," approved May 8, 1873.

Senate bill No. 13, "An act to consolidate the Houston Tap and Brazoria railway, the Huntsville Branch railway and the Victoria and Columbia railroad with the Houston and Great Northern railroad," approved May 8, 1873.

Senate bill No. 181, "An act regulating contested elections," approved May 8, 1873.

Senate joint resolution No. 39, "Joint resolution memorializing Congress to provide for the improvement of the entrance into Matagorda bay," approved May 8, 1873.

House bill No. 746, "An act to incorporate the Texas and European Beef Company of Galveston, Texas," approved May 8, 1873.

House bill No. 357, "An act to incorporate Owensville High School," approved May 8, 1873.

House bill No. 367, "An act to incorporate the Marvin College," approved May 8, 1873.

House bill No. 618, "An act to aid the Bayland Orphans' Home situated on Galveston bay, in Harris county, Texas," approved May 8, 1873.

Senate bill No. 179, "An act making appropriation for the payment of the expenses of the several contested election cases and special investigations before the present Legislature," approved May 8, 1873.

House bill No. 148, "An act amendatory of and supplementary to an act entitled an act to incorporate the Merchant's Mutual Insurance Company, approved September 18, 1866," approved May 9, 1873.

House bill No. 671, "An act to incorporate the Mechanic's Real Estate and Savings Association of Dallas," approved May 10, 1873.

House bill No. 256, "An act to incorporate the Hebrew Benevolent Society of Calvert, in Calvert, Robertson county, Texas," approved May 12, 1873.

House bill No. 525, "An act to incorporate the Hebrew Benevolent Association of Waco," approved May 12, 1873.

House bill No. 602, "An act to amend an act passed at the present session of the Legislature, entitled an act to amend an act entitled an act incorporating the Galveston Artillery Company, approved January 30, 1841," approved May 12, 1873.

The following bills, not having been returned by me to the House in which they originated, within the time prescribed by the Constitution, have become laws without my approval, to-wit:

House bill No. 23, "An act to create and provide for the organization of the county of Gregg (named in honor of the late General John Gregg)," passed April 12, 1873.

House bill No. 152, "An act to authorize the County Court of Hays county to levy and collect a special tax for the purpose of building a jail at the county seat," passed April 14, 1873.

Senate bill No. 272, "An act for the relief of Stephen

F. Minton, requiring the Commissioner of the General Land Office to issue certain land certificates to him," passed April 17, 1873.

House bill No. 287, "An act to authorize and empower the County Court of Bosque county to levy and collect a special tax for the purpose of building a court house and jail, and to validate a tax already levied," passed April 18, 1873.

House bill No. 552, "An act to incorporate the Bridgeport Bridge Company, in Wise county, Texas," passed April 18, 1873.

Senate bill No. 208, "An act to appoint an agent to take charge of property bequeathed to the State of Texas for certain purposes, by Oscar L. Holmes, and to carry into effect said bequest," passed April 24, 1873.

House bill No. 250, "An act to authorize Thomas M. Cain and W. J. Agee to construct a toll bridge across Sabine river," passed April 24, 1873.

Senate bill No. 140, "An act making an appropriation to pay the contingent expenses of the Thirteenth Legislature of the State of Texas," passed April 25, 1873.

House bill No. 420, "An act for the relief of the heirs of William Garnett, deceased," passed April 26, 1873.

House bill No. 254, "An act to authorize the County Court of Upshur county to issue interest bearing bonds to finish paying for the building of the court house of said county, and to levy and collect a tax to pay the same," passed April 26, 1873.

House bill No. 305, "An act to authorize and require the Commissioner of the General Land Office to issue certain land certificates therein named," passed April 26, 1873.

House bill No. 379, "An act to authorize James P. Dumas and such other persons as he may associate with him, and their successors, to construct, own and keep a toll bridge on, over and across Choctaw Bayou, in Grayson county, Texas," passed April 26, 1873.

Senate bill No. 44, "An act to incorporate a company to be styled the Palestine Fire Company," passed April 26, 1873.

House bill No. 347, "An act to incorporate the Leon River Bridge Company," passed April 26, 1873.

House bill No. 411, "An act to create the county of Waller," passed April 28, 1873.

Page 1099 Missing in Original

Page 1100 Missing in Original