

Mr. Watts moved to amend the fifth subdivision of section eight, by inserting after the words on foolscap paper, "to be twenty ems wide and sixty-five in length," which was adopted.

Mr. Wood moved to amend section two, by striking out the word "five," and insert instead the word "ten," which was adopted.

The bill was then ordered engrossed.

On motion the rules were suspended, and bill considered engrossed. The bill then passed.

Mr. Kemble offered a petition of certain citizens of Ellis county, which was referred, without reading, to Judiciary Committee No. 2.

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

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

SIR: Your Committee on Engrossed Bills have carefully examined House bill No. 14, being "An act requiring treasurers of the boards of school directors to give bond and security," and House bill No. 42, being "An act to amend article three hundred and eighty-two, of the Code of Criminal Procedure, approved August 26, 1856," and find the same correctly engrossed.

BOOTY, Chairman.

Mr. Wood moved that leave of absence until Wednesday next be granted the gentleman from Guadalupe, which was granted.

Mr. Ireland offered the following concurrent resolution:

*Resolved by the Senate and House of Representatives,* that the two special committees of the Senate and House, for investigation of the accounts, etc., of the Superintendent of Public Instruction, be and the same constitute a joint committee of the two houses, which was adopted.

On motion of Mr. Wood the House then adjourned until Monday at 10 A. M.

HOUSE OF REPRESENTATIVES,  
AUSTIN, TEXAS, January 27, 1873. }

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

The following gentlemen failed to answer to their names: Messrs. Anderson, of Montgomery, Allen, Diller and Walker.

Mr. Allen was excused on account of sickness.

The journal of Saturday was read and adopted.

Mr. Nelson presented a memorial of the heirs of M. Loring, which was referred, without reading, to the Committee on Private Land Claims.

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

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

SIR: The Committee on State Affairs, to whom was referred a bill to repeal "An act to enforce section twenty-one, article eleven, of the State Constitution, approved October 28, 1871," unanimously instruct me to report it back and recommend that it do not pass. The committee regard the act sought to be repealed as a statute simply giving effect to a plain declaration in the bill of rights.

J. H. BROWN, Chairman.

Adopted.

A second report from the same committee was as follows:

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

SIR: The Committee on State Affairs instruct me to report back a bill for the relief of Burnet county, and recommend that it do not pass. The bill provides for relinquishing the State taxes for three years to said county to enable it to build a court house and jail. While reporting against it as a special matter, the committee propose, later in the session, with more light as to our general revenue and expenditures, to consider the propriety of a more general bill of a similar character applicable to all of the thinly settled frontier counties.

J. H. BROWN, Chairman.

The bill was read and the report adopted.

The chairman of the Finance Committee reported as follows:

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

SIR: The Committee on Finance, to whom was referred the bill entitled "An act concerning the settlement of accounts at the State Treasury," and the substitute offered for the same, having considered the same in committee, have instructed me to report both back, and recommend that neither the original nor the substitute do pass. Your committee beg leave to add that the object of both the original and the substitute is to authorize what are commonly called Treasury warrants, to be receivable at the Treasury at par value, in discharge of debts due to any person from the State. This question has received that deliberate consideration which its importance is believed to have demanded, and your committee have arrived at the following conclusions: That the State Treasury should be confined to the receipt and disbursement of the money of the State merely; that to permit those holding State funds to convert them into claims against the State at a depreciated value, to be paid at par into the Treasury, would have the effect to obstruct the speedy transmission of the State revenues to the same, to powerfully array the interests of the revenue collectors against their duty, and practically to the extent of the claims, to transfer the working and control of the Treasury to the tax gatherers and those interested in claims against the State. It is difficult to see how a measure that appeals so strongly to the revenue officers to withhold the public funds in their hands from the Treasury, would result in an increase of the value of the claims under consideration as insisted upon by the friends of the measure. It seems that the reverse would be the inevitable effect of the enactment of the bill. It is believed that the Legislature should seriously pause in adopting a measure which offers to the revenue collectors a temptation to wrong so direct and so inviting. It must by no means be inferred from what has been said that it is the intention of your committee to recommend any evasion or unnecessary delay in providing for the full payment of all the debts against the State promptly as they fall due, and have inaugurated active measures looking to that desirable result.

With an empire State, blessed with a soil of unsurpassed fertility, and a climate of marked salubrity—with

mineral and mechanical resources, affording elements of wealth, of which her citizens may well be proud—added to these are long lines of railway in process of rapid construction to almost every part of the State, advancing the value of lands, and speaking into existence cities and towns on all hands, with their busy populations of tax payers added to the common stock of wealth—with a State debt less than two millions, and taxable property now estimated at three hundred millions, represented by this House, speaking the voice of the tax payers thereof, untainted with any breath of repudiation, and with no political troubles to mar the present or cloud the future, afford a bright picture that inspires your committee with just expectations that by timely and prudent legislation, the credit of the State may be speedily redeemed and firmly fixed at a point unsurpassed by that of any other State in the Union.

Pending the discussion on the adoption of the report, the chairman of the Committee on Engrossed Bills reported as follows:

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

Sir: Your Committee on Engrossed Bills instruct me to report that they have carefully examined House bill No. 106, an act entitled "An act to provide for the public printing," and find the same correctly engrossed.

BOOTY, Chairman.

Adopted.

Mr. Wood moved to lay the report of the Finance Committee on the table. The yeas and nays being called resulted as follows:

Yeas—Messrs. Speaker, Abbott, Adriance, Anderson of Montgomery, Anderson of McLennan, Berends, Booty, Bordeaux, Chambers, Cunningham, Davenport, Day, Doyle, Eastland, Frankee, Gallaway, Ghent, Gillette, Green, Harrison, Joseph, Mabry, Manning, Michael, Moore, Nelson, Prendergast, Rainey, Roberts, Russell, Short, Story, Trolinger, Van Zandt, Venters, Washington, Wilder, Williams and Wood—39.

Nays—Messrs. Allison, Armstrong, Bewley, Bledsoe, Broadus, Brown of Dallas, Brown of Upshur, Carroll, Denton, Ford, Gaston, Gilpin, Hester, Hoffman, Hollingsworth, Kemble, Killough, Kleberg, Lane, Leyendecker, McDonald, Mills, Noeggerath, Payne, Powers, Rimes,

Robb, Roseborough, Salter, Sayers, Scott, Shaw, Shelton, Smith of Colorado, Thurmond, Tilson, Tivy, Tom, Veale, Watts, Westfall and Winkler—43.

Whereupon the motion was declared lost.

On motion of Mr. Brown of Dallas, further consideration of the matter was postponed until Wednesday next at 11 A. M.

The chairman of the Committee on Federal Relations reported as follows :

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

SIR: Your Committee on Federal Relations, to whom was referred joint resolutions of thanks to Brevet Brigadier General McKenzie for late brilliant victories over the Indians on our frontier, and a substitute for the same, have carefully considered both the original and the substitute, and I am instructed by the committee to report them back to the House and recommend the adoption of the substitute, and the passage of the same with the following amendment :

“And that his Excellency the Governor be requested to furnish Gen. McKenzie with a copy of this resolution.”

All of which is respectfully submitted.

RUSSELL, Chairman.

The amendment was adopted, and the substitute thus amended was then adopted and ordered engrossed.

The chairman of the Committee on Counties and County Boundaries reported as follows :

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

SIR: Your Committee on Counties and County Boundaries, to whom was referred House bill No, 77, being “An act permanently establishing the county seat of Kinney county,” have had the same under consideration, and herewith return the same and recommend its passage.

TROLINGER, Chairman.

The bill having been read, was then ordered engrossed.

On motion, the bill was considered engrossed, and put on its third reading, after which the bill passed.

A second report from the same committee read as follows :

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

SIR: Your Committee on Counties and County Boundaries, to whom was referred House bill No. 82, being "An act to authorize the county of Maverick to issue interest-bearing bonds, and to levy a tax to pay the same," have had the bill under consideration, and herewith return the same and recommend its passage.

TROLINGER, Chairman.

The bill was then read, and on motion of Mr. Powers, the preamble was ordered to be stricken out.

The bill thus amended was then ordered engrossed.

On motion of Mr. Powers, the rules were suspended and bill put on its third reading, after which the bill passed.

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

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

The Committee on Military Affairs, to whom was referred House bill No. 105, to be entitled "An act for the relief of certain citizens of Limestone county," respectfully report that the same has been examined by the committee, and its passage recommended.

J. M. ANDERSON, Chairman.

On motion of Mr. Killough, the further consideration of the bill was postponed until Monday next at 11 o'clock A. M., and made the special order for that time.

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

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

Your committee to whom was referred a resolution to inquire into the furnishing of certain rooms for the Speaker of the House and the President of the Senate, by the last Legislature, beg leave to report as follows :

That the northwest room on the base of the Capitol was fitted up for the Hon. Don Campbell, President of the Senate, with the following articles of furniture, to-wit :

One walnut wardrobe.....	\$ 92 00
One bureau.....	103 00
One bedstead.....	92 00
One walnut rocking chair.....	23 00
One spring lounge.....	36 80

One lamp.....	4	31
Window curtains.....		
Sixty-four and a half yards carpeting.....	88	32
One spring mattress.....	63	25
Making and putting down carpet.....	11	00

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\$514 18

All of which we find in and about the Capitol, with the exception of the walnut rocking chair, the lamp and the spring mattress.

ROSEBOROUGH, Chairman.

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

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

Your committee to whom was referred House bill No. 79, being "An act for the relief of the assignees of Antonio Menchaca," have carefully considered the same, and a majority of the committee have instructed me to report back the same, and recommend that it do pass.

LANE, Chairman.

On motion of Mr. Morris, the bill was referred to Judiciary Committee No. 2.

A message from the Senate was received which announced that that body had passed House bill No. 71, without amendment.

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

The following report of special committee was then made:

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

SIR: The special committee to whom was referred the communication of the Governor, in relation to the report of the Comptroller, has had this subject under consideration, and beg to submit the following report:

The committee deprecates the high state of personal feeling existing between the Governor and the Comptroller, as disclosed by the correspondence, in regard to which we do not feel ourselves called upon to examine;

but, considering the importance of the subject, and the relative positions of these two officials as Governor and Comptroller, and the influence that the document in question would have upon the fair name and fame of our State, as well in its fiscal interests as in other regards, if were to be received and published without objection or comment, we feel impelled to state: That the document in question is not such a report as the law requires the Comptroller to make. That it is officiously encumbered with matters, suggestions and illusions not proper or pertinent to the report required of the Comptroller. That said document is not couched in language so decorous as the committee would recommend as an example to be followed in communications between the different departments of the government; and upon this consideration we think the Governor rightfully refused to receive it, and that our journal should not be encumbered with it. The committee does not feel itself called upon to examine the general correctness of the document as a report, as to the tabular statement and details; we consider this matter as properly cognizable by the standing committee on the accounts of the Comptroller and Treasurer, to which committee we respectfully recommend a reference of the subject.

Finally, the committee considers that the Comptroller has not furnished the Governor with the report in the time and as prescribed by law; and we therefore recommend the passage by this House of the accompanying resolution, and that the committee be discharged from the further consideration of the subject.

Respectfully submitted.

POWERS,  
ADRIANCE,  
PAYNE,  
ALLISON,  
WINKLER,  
GREEN,

Committee.

*Resolved by the House of Representatives of the State of Texas, That the Comptroller of Public Accounts be and he is hereby requested to furnish to the Governor of this State, as required by law, an exact and complete statement of the funds of the State, of its revenues, and of the public expenditure during the preceding fiscal*



year, and with a detailed estimate of the expenditures to be defrayed from the Treasury for the ensuing fiscal year, specifying therein each object of expenditure, and distinguishing between such as are provided for by special or general appropriations, and such as are required to be provided for by law, and showing the means by which such expenditures are to be defrayed.

Resolution adopted.

Bills and resolutions being in order, Mr. Shaw introduced a bill for the relief of John Hendricks. Read and referred to Committee on Private Land Claims.

Mr. Berends offered the following resolution :

WHEREAS, The Governor of the State of Texas has appointed commissioners to represent the State at the Vienna Exposition; therefore,

*Be it resolved*, That the Committee on Finance be instructed to consider the importance and expediency of representing the State of Texas at the Vienna Exposition, to be held in the course of this summer, and if found expedient, to report to the House by bill the appropriation necessary to pay the expenses of those commissioners.

Adopted.

Mr. Gallaway presented a joint resolution proposing amendments to sections two, three, four and six of article five of the Constitution of the State of Texas, which was read and referred to the Committee on Constitutional Amendments.

Mr. Scott presented a bill for the relief of David M. Callahan. Read and referred to the Committee on Private Land Claims.

Mr. Brown of Dallas introduced a bill to incorporate the Dallas, Palestine and Southeast Texas Railway Company. Read by caption, and referred to the Committee on Internal Improvements.

Mr. Tom introduced a bill to be entitled "An act to amend an act entitled an act to amend an act prescribing the times of holding district courts in the several judicial districts in the State, approved August 10, 1870, approved October 13, 1871." Read and referred to Judiciary Committee No. 1.

Mr. Kemble offered the following resolution :

*Resolved*, That the Committee on Roads, Bridges and Ferries be instructed to inquire into the expediency of so amending the road law as to require contracts for build-

ing bridges, improving roads, or any work done on roads, to be let out to the lowest bidder in the vicinity where the work is to be done, and that the committee be requested to report at their earliest convenience.

Adopted.

Mr. Bewley introduced a bill for the protection of farming interests. Read and referred to the Committee on Agriculture and Stock Raising.

Mr. Payne offered the following resolution :

*Resolved*, That the Committee on Private Land Claims be instructed to inquire into the expediency of establishing a commission, to consist of not more than three persons, to examine into all private land claims which may be presented to them, the action of said committee thereon to be final, and that said committee report by bill or otherwise.

Adopted.

Mr. Thurmond introduced "A bill to adjust and define the boundary lines between the counties of Aransas, Refugio, San Patricio and Nueces." Read and referred to the Committee on Counties and County Boundaries.

Mr. Gillette introduced "A bill to refund to J. J. Gathings a sum of money therein specified, and to provide for the payment of the same." Read by caption and referred to the Committee on Military Affairs.

Mr. Abbott moved to adjourn until 10 A. M. to morrow. Lost.

Mr. Anderson of Montgomery offered the following resolution :

*Resolved*, That the people of Montgomery county do hope and truly desire your honorable body, as the Thirteenth Legislature, will take delight in and some compassion upon us, the people of the county, and pass some good laws, so as to prohibit any person or persons from using any ten pin alleys within three miles of any town or village in the county of Montgomery. This act shall take effect from and after its passage.

Read and referred to the Committee on Counties and County Boundaries.

Mr. Prendergast introduced a bill to amend the first section of "An act entitled an act to amend the first section of an act to regulate proceedings in the district courts, approved May 13, 1846, approved December 10, 1863," the reading of which was dispensed with, and it was referred to Judiciary Committee No. 1.

Mr. Denton introduced "A bill for the encouragement and protection of the farming interests of the State of Texas." Read by caption and referred to the Committee on Agriculture and Stock Raising.

On motion of Mr. Westfall the House adjourned until 10 A. M. to-morrow.

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HOUSE OF REPRESENTATIVES, }  
AUSTIN, TEXAS, January 28, 1873. }

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

The following gentlemen failed to answer to their names: Messrs. Diller, Ellett, Gaston, Hollingsworth and Walker.

Messrs. Ellett and Gaston were excused on account of sickness.

The journal of yesterday was read and adopted.

A messenger from the Senate announced the passage by that body of House bill No. 44, "An act to incorporate the city of Brenham, and grant a new charter to the same;" House bill No. 59, "An act to re-incorporate the city of Navasota, and repeal former act of incorporation;" and Senate bill No. 11, an act to repeal an act entitled "An act to establish a State police, and provide for the regulation and government of the same," approved July 1, 1870; and the joint resolution passed by the House, that the committees from the House and Senate to investigate the accounts of De Gress, should form a joint committee.

On motion of Mr. Booty, Mr. Hollingsworth was excused on account of sickness in his family.

Mr. Booty, chairman of Committee on Engrossed Bills reported as follows:

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

SIR: Your committee on Engrossed Bills have examined House bill No. 35, "An act to authorize the Commissioner of the General Land Office to issue headright certificates, and county and donation warrants for land to

certain persons entitled to the same;" also House bill No. 47, "An act to amend the second and thirteenth sections of an act entitled an act to incorporate the Rockport, Fulton, Laredo and Mexican Pacific Railway Company," approved November 11, 1871; also substitute for House bill No. 84, an act entitled "An act to repeal an act entitled an act to provide for the appointment by the Governor of certain officers to fill vacancies," approved June 28, 1870, and find the same correctly engrossed.

BOOTY, Chairman.

On motion, the regular order of business was suspended, and Senate bill No. 2, an act entitled "An act to provide for the enrollment of the militia, the organization and discipline of the State Guards, and for the public defense," approved June 24, 1870, was taken up and read.

On motion, the rules were suspended, and the bill put on its second reading.

The bill was then read and passed to a third reading.

On motion, the rules were further suspended, and the bill put on its third reading.

The bill was then read a third time.

Yeas and nays being called for resulted as follows:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson of McLennan, Armstrong, Berends, Bewley, Bledsoe, Booty, Bordeaux, Broadus, Brown of Dallas, Brown of Upshur, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Frankee, Gallaway, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Roseborough, Russell, Salter, Sayers, Scott, Shaw, Shelton, Short, Smith of Colorado, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Veale, Venters, Watts, Westfall, Winkler and Wood—69.

Nays—Messrs. Abbott, Allen, Anderson of Montgomery, Mabry, Michael, Mills, Moore, Roberts, Washington, Wilder and Williams—12.

Whereupon the bill passed.

On motion of Mr. Brown, of Dallas, the regular order of the day was suspended and the Senate bills taken up.

Senate bill No. 1, "An act to repeal an act entitled an act to provide for the appointment, by the Governor, of

certain officers to fill vacancies, approved June 28, 1870," was read and passed to second reading.

On motion the rules were suspended and bill read second time; rules being further suspended, the bill was read third time and passed.

Senate bill No. 11, "An act to repeal an act entitled an act to establish a State police and provide for the regulation and government of the same, approved July 1, 1870," was read first time and passed to second reading.

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

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

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 71, entitled "An act to authorize the Comptroller of Public Accounts to receive from the Secretary of the Treasury of the United States the balance of the fund appropriated by the acts of September 9, 1850, and February 28, 1855, for the payment of the creditors of the late Republic of Texas," and find it correctly enrolled, and said bill was this day at 10 o'clock presented to the Governor for his signature.

SHAW, Chairman.

Petitions and memorials being in order, Mr. Nelson offered a memorial of the heirs of David Hoffman, which was referred without reading to the Committee on Private Land Claims.

The Finance Committee reported as follows:

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

SIR: Your Committee on Finance, to whom was referred a resolution of the House instructing the committee to inquire into the deficiency of appropriations for the support of the officers and employes of the State government, amounting to one hundred and fifty thousand dollars since September 1, 1872, as estimated by the Governor's message, have considered the same and instruct me to say that the matter referred to will be attended to by a general bill at an early day, and therefore ask to be discharged from the further consideration of said resolution.

WOOD, for Committee.

Adopted.

Judiciary Committee No. 1 reported as follows:

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

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 49, being "An act for the relief of persons therein named," have had the same under consideration, and find it provides for extending patents to the persons therein named for headrights claimed by them, and instruct me to report the bill to the House with the recommendation that it be referred to the Committee on Private Land Claims. It is believed that committee has better facilities for the determination of the matter therein claimed.

GEO. W. SMITH, Chairman.

Adopted.

On motion of Mr. Winkler, the House adjourned, on account of the severe cold, until 10 A. M. to-morrow.

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HOUSE OF REPRESENTATIVES, }  
AUSTIN, TEXAS, January 29, 1873. }

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

The following gentlemen failed to answer to their names:

Messrs. Michael, and Phelps.

The journal of yesterday was read and adopted.

The Finance Committee reported as follows:

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

SIR: Your Committee on Finance, to whom was referred House bill No. 83, entitled "An act for the relief of Rev. W. C. Crawford," beg leave to report that they have carefully considered said bill, and there being no reason apparent to your committee why special legislation should be had in his behalf, they respectfully return the same and recommend that it do not pass.

VAN ZANDT, for Committee.

Adopted.

On motion of Mr. Brown of Upshur the vote was reconsidered and the bill referred back to the Committee on Finance.

Mr. Nelson offered a memorial of Martha J. Thompson, heir of A. M. Lynch, which was referred, without reading, to the Committee on Private Land Claims.

Messrs. J. T. Smith and U. G. M. Walker, of Third Senatorial District, came forward and were sworn in.

On motion, Mr. Anderson of Montgomery was granted leave to withdraw his bill prohibiting the use of ten pin alleys in Montgomery county.

On motion of Mr. Smith of Colorado, Mr. Leyendecker was excused for a week on account of important business.

A message from the Governor was received.

Mr. Anderson of McLennan moved to reconsider the vote on the bill to repeal the militia law.

The hour for the special order of the day having arrived, on motion of Mr. Sayers its consideration was postponed until 12 M. on Thursday.

The yeas and nays being called on the motion to reconsider, resulted as follows:

Yeas—Messrs. Speaker, Abbott, Adriance, Allen, Allison, Anderson of Montgomery, Anderson of McLennan, Berends, Bledsoe, Booty, Bordeaux, Carroll, Chambers, Doyle, Eastland, Frankee, Gaston, Gillette, Green, Harrison, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Kleberg, Lane Leyendecker, Mabry, Manning, McDonald, Michael, Mills, Moore, Morris, Nelson, Noeggerath, Powers, Prendergast, Roseborough, Salter, Sayers, Scott, Shaw, Smith of Colorado, Smith of Houston, Storey, Trolinger, Van Zandt, Venters, Washington, Wilder, Williams, Winkler and Wood—56.

Nays—Messrs. Armstrong, Bewley, Broadus, Brown of Upshur, Cunningham, Davenport, Day, Denton, Ford, Gallaway, Ghent, Gilpin, Payne, Rainey, Rimes, Robb, Russell, Shelton, Short, Thurmond, Tilson, Tivy, Tom, Walker, Watts and Westfall—26.

Whereupon the motion to reconsider was declared carried.

By special leave Mr. Short offered the following resolution:

*Resolved*, That the Committee on Privileges and Elections be authorized to employ a clerk, at not exceeding eight dollars a day; his appointment to continue only so long as is necessary to investigate the contested election cases now pending before said committee.

Mr. Prendergast moved to amend by striking out the word "eight" and inserting instead "five."

Mr. Mills moved to lay the amendment on the table. Lost.

The amendment was then carried, and the resolution thus amended was adopted.

On motion of Mr. Ghent, Mr. Carroll was granted leave of absence for a week.

On motion of Mr. Watts, the House adjourned until 10 A. M. to-morrow.

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HOUSE OF REPRESENTATIVES, }  
AUSTIN, TEXAS, January 30, 1873. }

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

The following gentlemen failed to answer to their names: Messrs. Gaston, Phelps and Tivy. The journal of yesterday was read and adopted.

The Secretary of the Senate announced the passage by the Senate of Senate bill No. 40, "An act to renew and continue in force an act entitled an act to charter Nacogdoches University, approved February 3, 1845;" and Senate joint resolution No. 5, requiring the payment of Treasury warrants without regard to date or numbers.

Senate bill No. 2, being "An act to repeal an act providing for the enrollment and discipline of the State guards, and for the public defense, approved June 24," 1870, was taken up.

Mr. Allen moved to recommit the bill.

Mr. Bewley moved to lay the motion on the table, which was carried.

Mr. Ireland moved to postpone the further consideration of the matter until Saturday, 12 M., and make it the special order for that time.

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

Yeas and nays being called for, the previous question was sustained by the following vote:

Yeas—Messrs. Anderson of McLennan, Armstrong, Bewley, Bledsoe, Booty, Bordeaux, Broadus, Brown of



Dallas, Brown of Upshur, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Frankee, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Kemble, Kleberg, Killough, Lane, McDonald, Morris, Nelson, Noeggerath, Payne, Rainey, Rimes, Robb, Roseborough, Russell, Salter, Scott, Shelton, Short, Smith of Houston, Thurmond, Tilson, Tom, Van Zandt, Veale, Walker, Watts and Westfall—54.

Nays—Messrs. Speaker, Abbott, Adriance, Allen, Allison, Anderson of Montgomery, Berends, Ellett, Green, Ireland, Joseph, Mabry, Manning, Michael, Mills, Powers, Prendergast, Roberts, Sayers, Shaw, Smith of Colorado, Storey, Trolinger, Venters, Washington, Wilder, Williams, Winkler and Wood—29.

Whereupon the main question was declared ordered.

The main question, being the passage of Senate bill No. 2, was then put.

The yeas and nays being called resulted as follows :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson of McLennan, Armstrong, Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Brown of Upshur, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Frankee, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Manning, McDonald, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Roseborough, Russell, Salter, Sayers, Scott, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tom, Trolinger, Van Zandt, Veale, Venters, Walker, Watts, Westfall, Winkler and Wood—70.

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

Whereupon the bill was declared to have passed.

Mr. Morris moved to suspend the rules, and asked for leave to introduce a bill, which was granted.

He then presented a bill entitled "An act concerning the militia," which was read and referred to the Committee on Military Affairs, with instructions to report thereon on Saturday next, or earlier if practicable.

The Committee on Enrolled Bills reported as follows :

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

SIR: Your Committee on Enrolled Bills would respectfully report that House bill No. 18, entitled "An act to amend the first section of article second of title two of an act to incorporate the city of Galveston, and to grant a new charter to said city, and to repeal all acts heretofore passed incorporating said city, which may be in force by virtue of any existing charter, approved May 16, 1871," was on the twenty-eighth day of January, 1873, presented to the Governor for his signature.

SHAW, Chairman.

Mr. Denton offered a resolution asking that part of the unorganized territory known as the "Territory of Bexar," be annexed to Menard county for judicial and other purposes. Read and referred to the Committee on Counties and County Boundaries.

Mr. Morris offered a memorial of certain citizens of Rusk county remonstrating against the formation of a new county, as therein stated. Read and referred to the Committee on Counties and County Boundaries.

Mr. Gillette offered a memorial of certain citizens of Hill and McLennan counties asking the passage of a liquor law. Read and referred to the Committee on State Affairs.

Mr. Westfall offered a memorial of certain citizens of Williamson, Bell, Burnet and Lampasas counties, praying for the creation of a new county. Read and referred to the Committee on Counties and County Boundaries.

Mr. Bewley offered a petition of certain citizens of Sabine county relative to a change of the county seat. Read and referred to the Committee on Counties and County Boundaries.

The Committee on Education reported as follows :

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

The Committee on Education to whom was referred a bill prohibiting the sale of intoxicating or vinous liquors within two miles of Pleasant Grove Academy, Hunt county, have considered the same and recommend its passage.

ARMSTRONG, Chairman.

The bill therein named was read the second time and ordered engrossed.

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

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

The Committee on Education to whom was referred the resolution offered by Mr. Morris to inquire and report to this House :

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

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

3. The amount located as University lands, and in what counties located.

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

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

Beq leave respectfully to report :

1. That they find by the Comptroller's report, in the Treasury on November 30, 1872 :

IN PERMANENT SCHOOL FUND.

1. U. S. 6 per cent bonds....	\$70,800 00	
2. U. S. 5 per cent bonds....	271,250 00	
3. State 6 per cent bonds, Nov. 15, 1864.....	320,367 17	
4. State 5 per cent bonds, Nov. 12, 1866.....	32,168 32	
5. Railroad bonds, 6 per cent.	1,744,535 99	
6. U. S. currency.....	314 75	
	<hr/>	\$2,498,217 74

Brought forward.....	\$2,498,217 74
In addition to the above included 6 per cent railroad bonds, the several companies yet owe on consolidated interest, under act of August 13, 1870, and upon which interest has been paid under protest. . . .	\$705,761 41
Less the balance of bonds of the Houston, Tap and Brazoria Railroad, which has been sold by the Governor..	295,300 00
Total added to above assets in the Treasury.....	410,461 41
Grand total.....	<u>\$2,908,179 15</u>
Amount of productive bonds.	\$2,209,343 16
Amount of non-productive State bonds and bonds of the H. T. and B. Railroad.	698,835 99
Total.....	\$2,908,179 15

## AVAILABLE SCHOOL FUND.

Specie.....	\$18,756 13
Currency.....	63,078 05
Bonds (10 per cent interest) Brazos county...	12,000 00
	<u>\$93,854 28</u>

In addition to this amount there is charged :

Geo. W. Honey, in specie .....	\$6,413 77
Geo. W. Honey, in currency.....	158,214 75
Total charge.....	<u>\$164,628 50</u>

Against this amount, however, there is a charge against the fund of *all amounts* disbursed by Mr. Honey during the months of March, April and May, 1872, which can only be ascertained upon settlement of his accounts.

2. Your committee further report that, by the information from the General Land Office, there have been granted to railroads and other companies, 9,916,160 acres. Out of this, 655 certificates of 640 acres each (419,200) have issued, not to be located on alternate sections, which, deducted, leaves a balance of 9,496,960 acres, or 14,839 certificates for 640 acres each, in alternate sections.

On account of the location of certificates having been entered not by counties, but by land districts, the Commissioner was not able to give a statement of the location in the several counties, but has ordered that a tabular statement shall be made immediately, and will report the same in a short time to this House.

Your committee further report that the Commissioner of the General Land Office, in his official report, has given a tabular statement of all lands belonging to the university fund granted to high schools, academies and to the several counties, for four leagues each, as located in the several counties; and your committee respectfully suggest that the House allow the committee further time to report, when the official report of the General Land Commissioner shall be transmitted to the House.

JULIUS BERENDS, for the committee.

Laid on the table.

The Committee on Constitutional Amendments reported as follows:

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

SIR: The Committee on Constitutional Amendments have had under consideration a joint resolution, which had been referred to them, ratifying an amendment to the Constitution proposed by the Twelfth Legislature, and voted on by the people at the last general election.

In such cases the Constitution requires the several returning officers to "make a return to the Secretary of State of the names of all those voting for Representatives who have voted on such proposed amendments." The committee are of opinion that the object and purpose of this requirement of the Constitution was evidently to ascertain with certainty that a majority of those voting for Representatives had voted for the amendment.

In this case the committee understand that returns have been made of the names of all those voting for Represent-

atives, but without designating the names of the particular persons who had voted on the proposed amendment. By comparing the vote polled for Representatives with the vote on the amendment, and the entire vote cast, it will, however, be seen that a large majority of those voting for Representatives must necessarily have voted for the amendment. This the committee think, if not in exact and literal conformity with the constitutional requirement, is at least a substantial compliance with its spirit and intent.

Believing that the proposed amendment has received a large majority of the popular vote, and deeming the change desirable, they report the joint resolution back to the House and recommend its passage.

PRENDERGAST, Chairman.

The time having arrived for taking up the special orders of the day, on motion of Mr. Morris, they were postponed until Saturday, 12 M.

On motion of Mr. Russell, the report just read, with accompanying resolution, was made special order for Monday at 12 M.

On motion Mr. Burley was added to the Committee on Finance, Mr. Gillette to the special committee to investigate the accounts of the Superintendent of Public Schools, and Mr. Broadus to the Committee on Constitutional Amendments.

A communication from the Governor was read, informing the House that he had approved the act making an appropriation for the mileage and per diem pay of the members, and the per diem pay of the officers and employes of the Thirteenth Legislature, on the twenty-seventh of January, 1873.

A communication was also read from the Commissioner of the General Land Office, showing the number of land certificates applied for and issued to the Houston and Texas Central Railroad Company, and other railroad and land statistics, and containing, also, a protest by the Attorney General against the issuance of any further certificates to the Houston and Texas Central, the Southern Pacific, the International and Trans-Continental Railroads.

On motion of Mr. Morris the House ordered one hundred copies of the communication from the Commissioner of the General Land Office to be printed, and that the papers be laid on the table.

Mr. Mills introduced "A bill for the relief of certain minors therein named." Read and referred to Judiciary Committee No. 2.

Mr. Broadus introduced a bill to amend the twenty-ninth section of "An act entitled an act prescribing the times of holding the district courts of the several judicial districts in the State." Read and referred to Judiciary Committee No. 1.

Mr. Rimes introduced "A bill making an appropriation to pay the mileage and per diem of the Presidential electors." Read and referred to the Committee on Public Debt.

Mr. Veale introduced a bill to amend "An act to amend articles seven hundred and fifty-seven and seven hundred and sixty-six of an act to adopt and establish a penal code for the State of Texas, approved November 12, 1866." Read and referred to Judiciary Committee No. 2.

Mr. Payne introduced "A bill to provide for prompt settlement of accounts by sheriffs with the State and counties." Read and referred to the Committee on Finance.

Mr. Wood introduced a bill to amend "An act entitled an act to better define marital rights, approved March 13, 1848." Read and referred to Judiciary Committee No. 1.

Mr. Wood introduced a second bill in regard to homesteads. Read and referred to Judiciary Committee No. 1.

Mr. Brown of Dallas introduced "A bill for the relief of A. S. Thurmond." Read and Referred to the Committee on Private Land Claims.

Mr. Shaw offered the following resolution :

*Resolved*, That the Speaker be authorized, when in his judgment it may be necessary, from time to time to employ an assistant enrolling clerk.

Adopted.

Mr. Payne introduced a bill entitled "An act to authorize Isaac Franklin to erect a pontoon bridge over the San Antonio river, in the county of Goliad, Texas." Read by caption and referred to the Committee on Roads, Bridges and Ferries.

Mr. Winkler offered the following resolution :

*Resolved*, That the Committee on Printing and Contingent Expenses be directed to report to this House at its earliest convenience some plan by which the necessary printing can be obtained.

Mr. Killough moved to lay the resolution on the table.  
Lost.

The resolution was then adopted.

Mr. Winkler introduced a bill for the relief Mrs. America P. McCall. Read and referred to Judiciary Committee No. 1.

Mr. Powers introduced a bill for the relief of William Seanlan, sheriff of Cameron county. Read and referred to Judiciary Committee No. 1.

On motion of Mr. Allen the House adjourned until 10 A. M. to-morrow.

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HOUSE OF REPRESENTATIVES, )  
AUSTIN, TEXAS, January 31, 1873. }

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

The following gentlemen failed to answer to their names:

Messrs. Tivy and Veale.

Pending the reading of the journal of yesterday the Secretary of the Senate announced the passage by that body of "An act creating the county of Rockwall." Also, the passage of the following concurrent resolution:

*Resolved by the Senate, the House concurring,* That J. C. De Gress, Superintendent of Public Instruction, be permitted to appear in person or by counsel, before the joint committee of the Senate and House, now investigating his official conduct, and that he be authorized to have witnesses summoned before said committee, and that the sessions of the committee be public.

Also, the following concurrent resolution.

*Resolved by the Senate, the House concurring,* That the committee of the House and Senate on the Land Office be consolidated and act in conjunction as a joint committee.

The reading of the journal was finished and it was adopted.

On motion Mr. Joseph was excused for eight days from Monday next on account of important business.

On motion, Mr. Killough was excused for three days.



On motion, Mr. Michael was excused until Tuesday next.

Mr. Tivy was excused on account of sickness.

The bill of Mr. Westfall to create the county of Florence was taken up, read and referred to Committee on Counties and County Boundaries.

Petitions and memorials being in order, Mr. Abbott offered a petition from the people on the east side of the Brazos river, in Austin county, for a new county. Read by caption and referred to the Committee on Counties and County Boundaries.

Mr. Hollingsworth offered a memorial from the police court of Hays county. Read by caption and referred to the Committee on Counties and County Boundaries.

Mr. Hollingsworth offered a petition from citizens of Brown county, asking that back taxes due the State be donated or loaned to the county to enable it to build a court house and jail. Read by caption and referred to the Committee on Counties and County Boundaries.

The Judiciary Committee No. 1 reported as follows:  
*Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Judiciary Committee No. 1 has had under consideration House bill No. 68, entitled "An act to authorize and require sheriffs and constables to serve process issued by either house of the Legislature or any committee thereof," and have instructed me to report the same to the House, with an amendment appended to the bill and numbered "section three," the original section three be changed to "four," and recommend the passage of the bill with said amendment.

GEO. W. SMITH, Chairman.

The original bill having been read, the amendment was read and adopted, and the bill, thus amended, was ordered engrossed.

A second report from the same committee was offered:  
*Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 97, entitled "An act entitled an act to regulate the conduct of public officers," have had the same under consideration, and have directed me to report the same back to the House with the blank amount of the penalty fixed and inserted in the bill at not less than

“ten” dollars and not more than “one hundred” dollars, and recommend its passage.

GEO. W. SMITH, Chairman.

The bill and amendment were read, amendment adopted and bill ordered engrossed.

Judiciary Committee No. 2 reported as follows:

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

SIR: Your committee to whom was referred House bill No. 81, beg leave to report the bill herewith submitted as a substitute, and recommend its passage.

IRELAND, Chairman.

The original bill having been read, the substitute was read and adopted, and the bill ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed by a two-thirds vote.

Judiciary Committee No. 1 offered a second report as follows:

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

SIR: The Judiciary Committee No. 1, to whom was referred House resolution No. —, have had the same under consideration, and have directed me to state, that to the first proposition, to-wit, “Whether a law to take effect in a county of this State, upon a vote of the people of said county, would be constitutional,” we answer in the affirmative. If such a law can constitutionally be passed absolutely and unconditionally by the Legislature, the Legislature can authorize an act to be done at the discretion of another body or person, or command it done directly; and if done by another body or person in pursuance of said authority, it would be as valid as if done by an express command of the law-making power. Laws may be made to take effect and go into force on the happening of a future event or contingency, and we know of no reason why that event or contingency may not be the vote of the people as well as any other event or contingency. In such a case, we are of opinion that the law would not derive its validity and force as a law from the vote of the people, but from the expressed legislative will. We do not regard it as a delegation of legislative power to the people in such cases, but only the exercise of a discretion on their part that goes to the practical efficacy or exercise of the power conferred by the Legisla-

ture on them, and not to the power itself of making the law. In such cases the Legislature makes the law, coupled with a suspension of its practical operations, until the event (the vote of the people) shall take place; upon which it is made by the Legislature to go into effect and practical operation.

The second proposition is, "If the Legislature has the power to submit such a law, can the voters of an incorporated town or city be excluded from voting thereon?" Article six of the Constitution provides that a legal voter, residing for sixty days in the county in which he offers to vote, shall have the right to vote upon all questions submitted to the electors at any election.

Section twenty-one, article one, of the Constitution, provides that the equality of all persons before the laws are herein recognized and shall ever remain inviolate;" and section ten, article one, provides that "All freemen, when they form a social compact, have equal rights, and no man or set of men is entitled to *exclusive separate* public emoluments or privileges."

These are all the provisions of the Constitution believed to have any bearing upon the proposition under consideration, and from them it seems that it was the intention of the convention to place all persons on terms of equality of rights and privileges, and that no man or set of men should have exclusive public privileges upon any subject in which the whole social compact may have a like interest; and that all the electors of the county in which any one offers to vote, on any question submitted to them, should have a right to vote; and we are strongly inclined to the opinion, that a law passed and intended to operate upon all the people of a county, those in the towns and cities as well as those in the rural districts of the county, but made to depend upon the votes of those out of the towns and cities, would have the effect to destroy that constitutional equality of rights and privileges of all persons affected thereby, and in violation of the Constitution, would confer the exclusive public privilege of voting upon a part of the freemen composing the social compact (the county), upon the question that must affect the best interests of the whole people thereof, while it denies the same privilege to a part living in the towns or cities, who would be equally affected by the law. And we are strongly inclined to the opinion, that such a law would be

unconstitutional and void ; but we will say that such a law would be so repugnant to our notions of common justice and simple fairness, that we believe all would deprecate its passage.

All of which is respectfully reported.

GEO. W. SMITH, Chairman.

Mr. Broaddus offered the following resolution :

*Resolved*, That the Speaker of this House tender to Colonel George Hancock, of Louisville, Kentucky, a seat upon the floor of this House, on account of distinguished and valuable services rendered by said Hancock to Texas, in her early struggle with Mexico.

Adopted.

Mr. Bordeaux offered the following resolution :

*Resolved*, That the Speaker be requested to invite the Hon. J. W. Throckmorton to a seat within the bar, and extend to him the privileges of this House during his stay in this city.

Adopted.

The Committee on State Affairs reported as follows :

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

SIR: The Committee on State Affairs, to whom was referred the petition of about one hundred citizens of Houston county, asking relief for Obadiah Marsh, by restoring him to the rights of citizenship forfeited by his conviction of felony and consequent confinement in the penitentiary in 1860, which are asked to be restored on account of his uniformly good conduct and character during the nine years that have elapsed since his release, unanimously instruct me to report the accompanying bill for his relief, and recommend its passage.

J. H. BROWN, Chairman.

The bill for the relief of Obadiah Marsh was read and passed to its second reading.

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

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

SIR: Your Committee on State Affairs, to whom was referred "A bill to repeal the act to regulate the keeping and bearing of deadly weapons," have maturely considered the same, and instruct me to report the accompanying bill as a substitute therefor, and recommend its passage.

The bill, as will be seen by the House, is substantially the present law, with a provision added aiming at the suppression of the habit of carrying concealed weapons, and with the objectionable features of the present law so modified as to avoid the difficulties and hardships often complained of by peaceful and law abiding citizens. The committee are unanimously of the opinion that a stringent law on the subject is a necessity; but while anxious to suppress the habit of lawless men carrying pistols and other arms in peaceful communities, they have sought to prepare a bill which may control the vicious, and at the same time work no hardship on the peaceful citizen.

J. H. BROWN, Chairman.

The original bill having been read, the substitute was read and adopted. It was then made the special order for Wednesday next at 12 M., and one hundred copies thereof were ordered printed for the use of the House.

Third report from same committee :

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

SIR: The Committee on State Affairs, to whom was referred a joint resolution providing for the painting of portraits of deceased ex-Presidents Burnet, Lamar and Jones, and of the late General T. J. Rusk and James Pinckney Henderson, first Governor of the State of Texas, instruct me to report the same back and recommend its passage, with the following amendments. The committee trust that this work of respect to the memory of the illustrious deceased patriots of our State may be unanimously passed by both Houses of the Legislature.

J. H. BROWN, Chairman.

Amendments: First, add to the first resolution: "And resolved further, that the Governor be authorized to have the portraits of Stephen F. Austin, now in the Representative Hall, repaired and renovated by a competent artist."

Second, fill the blank in the second resolution with the words "three thousand five hundred."

The amendments were adopted and the joint resolution ordered engrossed.

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

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

**SIR :** Your Committee on Engrossed Bills instruct me to report that they have carefully examined House bills as follows :

No. 40, "An act to repeal sections thirty-one and thirty-two of an act entitled an act concerning private corporations," approved December 2, 1871 ; No. 53, "An act to provide for appeals from interlocutory orders and decrees made by the district courts of this State, and the judges thereof, and to repeal an act entitled an act to provide for appeals from interlocutory judgments in the district courts of this State ;" No. 57, "An act to prohibit the sale or giving away of intoxicating or spirituous liquors within one mile of the Institution of Learning, situated at Caledonia, in Rusk county, Texas ;" No. 77, a bill to be entitled "An act permanently establishing the county seat of Kinney county ;" No. 82, a bill to be entitled "An act to authorize the County Court of Maverick county to issue interest-bearing bonds, and to levy a tax to pay the same ;" No. 91, a bill to be entitled "An act to amend an act to establish a code of criminal procedure for the State of Texas ;" No. 98, a bill to be entitled "An act to amend section five of an act entitled an act prescribing the powers and duties of clerks of the district courts," approved August 12, 1870 ; No. 34, "joint resolution of thanks to Gen. McKenzie and his command ;" and find the same correctly engrossed.

BOOTY, Chairman.

The Committee on Public Buildings and Grounds reported as follows :

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

**SIR :** Your Committee on Public Buildings and Grounds beg leave to report that they have had the resolution inquiring how much of the seventeen thousand dollars appropriated for the purpose of having the artesian well completed, under consideration, and find after examination that three thousand three hundred and eighty-five dollars and sixty-two cents has been expended, for which herewith we submit the accompanying account and vouchers as part of our report.

ROSEBOROUGH, Chairman.

ACCOUNT

To Complete the Artesian Well, and for the Better Protection of Public Buildings, etc.

Dr. 1872.		Cr.
Mar. 4.. J. G. Tracy.....A	\$180 00	By appropriation \$17,000 00
Mar. 4.. Tracy & Quick...B	160 00	
April 4.. Millican & Steele..C	500 00	
May 7.. Millican & Steele..D	634 09	
May 13.. Millican & Steele..E	126 67	
May 15.. A. Siemering & Co..F	76 50	
Aug. 7.. Millican, Steele & Fisher.....G	487 33	
Aug. 30.. Millican, Steele & Fisher.....H	687 20	
Sept. 5.. Millican, Steele & Fisher.....K	500 00	
Oct. 5.. J. F. Haden.....L	15 00	
Nov. 26.. Galveston News..M	18 82	
Balance.....	13,614 39	
	17,000 00	17,000 00
		By balance.....13,614 39

Mr Westfall offered the following resolution :

*Resolved*, That the Committee on Immigration be and they are hereby requested to report to this House at an early day upon the expediency of taking the necessary steps to discontinue the Bureau of Immigration.

Adopted.

Mr. Hester introduced a bill entitled "An act to provide for the employment of private clerks for the judges of the Supreme Court, approved April 5, 1871." Read and referred to Judiciary Committee No. 1.

Mr. Ghent offered the following resolution :

*Resolved*, That the Speaker appoint a special committee of three to examine the present "schedule of distances to Austin and return," and suggest what changes, if any, are required to make said schedule correspond with correct figures as to distances from the various court houses to the capital.

Mr. Prendergast offered the following concurrent resolution as a substitute :

*Resolved by the House of Representatives, the Senate concurring*, That the mileage of members shall be estimated by the nearest route to the capital by public conveyance, from the county seat of the county of the residence of each member ; and in case there is no mode of

public conveyance, then by the nearest route usually traveled ; that the concurrent resolution of May 13, 1870, fixing a schedule of distances, be suspended and held inoperative ; and that in issuing certificates to members, and auditing their claims for mileage, said schedule shall be disregarded, as the same is in many instances incorrect.

Adopted.

Mr. Short offered the following resolution :

*Resolved*, That the Secretary of State be requested to furnish each member of this House with a copy of Oldham & White's Digest.

Adopted.

Mr. Anderson of McLennan introduced the following resolution :

*Resolved*, That the Rev. B. A. Rogers, Rector of the Episcopal Church of this city, be and he is hereby requested to address the members of the Legislature on Tuesday evening next at half-past seven o'clock, in the Representative Hall, on the subject of prison reform, and that the public generally be invited to attend and the daily newspapers of the city be requested to give notice that this address will be made.

Adopted.

Mr. Veale introduced a bill to be entitled "An act to accurately define the land district of Palo Pinto, and to make valid the surveys and locations heretofore made therein. Read and referred to the Committee on Public Lands.

On motion Mr. Brown of Upshur and Mr. Rimes were added to the committee to examine the Comptroller's accounts.

Mr. Roberts introduced a bill entitled "An act amendatory of an act entitled an act to organize and maintain a system of public free schools in the State of Texas, and amendatory of an act approved November 29, 1871." Read by caption and referred to the Committee on Education.

Mr. Anderson of McLennan introduced a bill, to be entitled "An act for the protection of purchasers at sales made by executors and administrators, by requiring certain deeds to be recorded within a certain time." Read and referred to Judiciary Committee No. 1.

Mr. Anderson of McLennan introduced a second bill,



entitled "An act to redistrict the State of Texas into judicial districts, and reducing the number of the same." Read by caption and referred to a special committee of one from each judicial district in the State. Said committee to be appointed by the Speaker.

Mr. Booty introduced a bill concerning fences. Read by caption and referred to the Committee on Agriculture and Stock Raising.

Mr. Booty introduced a second bill, "An act to amend an act to dispense with the use of scrolls and seals in certain cases." Read by caption and referred to Judiciary Committee No. 2.

Mr. Bewley introduced a bill regulating proceedings in the several courts of the State. Read by caption and referred to Judiciary Committee No. 1.

Mr. Allen introduced a bill to incorporate the Benevolent Aid Society of the city of Houston. Read by caption and referred to the Committee on State Affairs.

Mr. Wood introduced a bill entitled "An act to amend article 973 of the penal code of the State of Texas." Read and referred to Judiciary Committee No. 1.

Mr. Denton introduced a bill to attach certain unorganized territory to Menard county for judicial and other purposes. Read by caption and referred to Judiciary Committee No. 1.

Mr. Frankee introduced a bill to incorporate the Teutonia Association in Fayette county. Read by caption and referred to the Committee on State Affairs.

Mr. Watts introduced a bill to be entitled "An act to amend an act entitled an act to establish a code of criminal procedure for the State of Texas, approved August 26, 1856." Read by caption and referred to Judiciary Committee No. 2.

Mr. Tilson introduced a bill to amend the thirteenth section of an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties. Read and referred to Judiciary Committee No. 2.

Mr. Payne introduced the following resolution :

*Resolved*, That his Excellency the Governor is hereby requested to inform this House in relation to the following matters, to-wit :

First. How many of the bonds of the State of Texas, specifying the kind, have been sold or hypothecated, and

the amounts received by the State from such sale or hypothecation?

Second. Did the State receive the amount of \$327,074.70, advanced to T. H. McMahan & Co. by Williams & Guion, of New York, and for which 459 of the \$1000 bonds of the State are deposited with said firm of Williams & Guion?

Third. What disposition has been made of the funds derived from the sale or hypothecation of State bonds, specifying the amount received, who from, and the amount paid out, to whom and for what purpose?

Adopted.

Mr. Ireland introduced a bill to amend "An act incorporating Austin College, approved November 22, 1849." Read by caption and referred to the Committee on Education.

Mr. Joseph introduced "A bill to incorporate the Bolivar and Red River Railroad Company." Read by caption and referred to the Committee on Internal Improvements.

Mr. Joseph introduced a second bill, to amend "An act incorporating the Merchants' Mutual Insurance Company, approved September 19, 1866." Read by caption and referred to Judiciary Committee No. 1.

Mr. Joseph introduced a third bill, to amend the "Act incorporating the Galveston Artillery Company." Read by caption and referred to the Committee on Military Affairs.

Mr. Joseph introduced a fourth bill, to amend the "Act incorporating the Home and Trust Company of Texas." Read by caption and referred to Judiciary Committee No. 1.

Mr. Sayers introduced a bill authorizing Jacob Carroll to construct a bridge across Peach creek, in Gonzales county. Read by caption and referred to the Committee on Roads, Bridges and Ferries.

On motion Mr. Nelson was added to the Committee on Immigration.

Mr. Hollingsworth introduced "A bill authorizing the County Court of Hays county to levy and collect a special tax." Read by caption and referred to the Committee on Counties and County Boundaries.

Mr. Hollingsworth introduced a second bill, changing the time of holding district courts in Brown county.

Read by caption and referred to Judiciary Committee No. 1.

On motion Mr. Allison was added to the Committee on Counties and County Boundaries.

Mr. Smith of Colorado introduced a bill to provide for the election of city officers for the city of Columbus, and to regulate their duties. Read first time; rules suspended and read second time.

Mr. Mills offered the following amendment:

Strike out all money and literary qualifications wherever they occur in said act.

Mr. Brown of Dallas moved to lay the bill and amendment on the table, which was adopted.

Mr. Mills moved to reconsider the concurrent resolution of Mr. Prendergast, relating to the revision of the mileage schedule.

Mr. Prendergast moved to lay the motion on the table, which was adopted.

Mr. Brown of Dallas offered a memorial of Mariano Caifassi, relative to the bust of General Sam. Houston. Referred to the Committee on Public Buildings and Grounds.

Mr. Storey introduced a bill for the protection of the farming interests of the State. Read by caption and referred to the Committee on Agriculture and Stock Raising.

On motion Mr. Wilder was excused until Tuesday at 12 M.

On motion of Mr. Harrison the House adjourned until 10 A. M. to-morrow.

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HOUSE OF REPRESENTATIVES, )  
AUSTIN, TEXAS, February 1, 1873. (

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

The following gentlemen failed to answer to their names:

Messrs. Gilpin, Tivy and Williams.

On motion of Mr. Mills, Mr. Williams was granted leave of absence for three days.

The secretary of the Senate announced that that body

had passed a joint resolution requiring Jacob Kuechler, Commissioner of the General Land Office, to cause to be published certain land certificates found in the office when he took possession of the same.

The journal of yesterday was read and adopted.

The following communication from the Governor was read :

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

GENTLEMEN : As requested by the accompanying petition signed by citizens of Madison county, I forward the same for your consideration. In regard to the disturbances in that county, I have sent a body of police to the county and taken other measures to secure peace and arrest the offenders.

Respectfully,

EDMUND J. DAVIS, Governor.

Mr. Morris offered the following resolution :

*Resolved*, That the memorial of some of the citizens of Madison county be referred to a committee of three, who are hereby empowered to send for persons and papers, and make a full investigation into the facts as alleged in said memorial, and report the result of said investigation to this House at their earliest convenience ; and if said committee shall deem best, they are hereby empowered to go to the county of Madison and make their investigations personally.

Adopted.

The Speaker appointed Messrs. Watts, Smith of Houston, and Mills said committee.

Mr. Kleberg offered a petition of A. S. Thurmond for relief. Read by caption and referred to the Committee on Military Affairs.

Mr. Salter offered a bill to amend "An act incorporating the city of Calvert, in Robertson county." Read and referred to the Committee on Town and City Corporations.

Mr. Hollingsworth offered a memorial of certain citizens of Brown, Lampasas, Comanche and Hamilton counties, asking the formation of a new county. Read by caption and referred to the Committee on Counties and County Boundaries.

The Finance Committee reported as follows :

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

SIR: Your Committee on Finance, to whom was referred House bill No. 87, entitled "An act to prevent speculation by officers in county, city and town liabilities," have had the same under consideration, and have directed me to state that they are of opinion the bill is not sufficiently comprehensive to remedy all the evils that it is intended to accomplish, and to report a substitute therefor, which accompanies this report, and recommend its adoption and passage.

GEO. W. SMITH, of Committee.

The original bill having been read, the substitute was read and adopted and the bill ordered engrossed.

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

The Committee on Military Affairs reported relative to a matter referring to the militia, which had been referred to them, asked further time, and submitted the following resolution:

*Resolved*, That the Adjutant General be and he is hereby required to report to this House, at a day as early as possible, a statement of all arms, munitions of war, and other property under his control belonging to the State of Texas, and the value of the same, and report where they are at this time.

Resolution adopted and further time granted.

The same committee submitted a second report as follows:

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

SIR: The Committee on Military Affairs, to whom was referred House bill No. 115, entitled "An act to refund to J. J. Gathings a sum of money therein specified, and provide for the payment of the same," have instructed me to report that the same has been carefully considered by the committee, and its passage is unanimously recommended.

J. M. ANDERSON, Chairman.

The bill reported was read a second time and ordered engrossed.

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

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

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

SIR: The Committee on Private Land Claims, to whom was referred the House resolution inquiring into the expediency of establishing a commission to examine into all private land claims, have had the same under consideration and report that they do not deem it expedient to establish the commission therein referred to, and ask to be relieved from the further consideration of the subject.

LANE, Chairman.

Adopted.

Second report from same committee :

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

SIR: Your committee to whom was referred the petition of Rev. O. Fisher and wife, have considered the same, and report that the petition does not properly come under the purview of this committee, and ask leave to return the same to the House, and ask to be relieved from its further consideration.

LANE, Chairman.

The report was adopted, and on motion of Mr. Westfall the memorial was referred to the Committee on State Affairs.

Third report :

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

SIR: The Committee on Private Land Claims, to whom was referred the petition of F. B. Dixon, praying for relief, which petition sets forth the following allegations, to wit:

That one John B. Dillard obtained a grant of land from the authorities of Mexico, being one of those comprehended in article thirty-two of the Mexican Colonization law of March 26, 1834, it being for one league and labor of land titled to him by George W. Smith.

Of this league and labor, 4,840,000 square varas, or 888 acres, including the said Dillard's house and field, were located in the county of San Augustine, the said grant and survey above mentioned having been made on the twelfth day of December, 1835.

Petitioner says that the General Land Office was closed by law on the thirteenth day of November, 1835, which invalidated the survey above spoken of as petitioner is

informed and believes. Petitioner further says that he and others purchased the above land in San Augustine county, and that they and those under whom they claim have had possession of the same under a regular chain of title from the grantee, and have paid taxes on the same for thirty consecutive years; that they have during said time held it in good faith, and have had no suspicion of the irregularity of the grant and survey until very recently.

The allegations contained in said petition having been verified by abundant testimony, the committee, after a thorough investigation, have directed me to report the accompanying bill, and recommend its passage.

SHORT, of Committee.

The accompanying bill, "An act to validate the survey of John B. Dillard, and authorize patent to issue on the same," was read and passed to second reading.

Mr. Ireland offered the following resolution:

*Resolved*, That the Speaker of the House appoint a committee of three, whose duty it shall be to examine and report to this House what legal obligations the State of Texas is under to the International and Texas Pacific Railroad Companies, and that said committee report to this House at their earliest convenience; also,

*Resolved*, That the said committee be excused from attendance on this House until said report can be made.

Adopted.

Mr. Brown of Dallas, introduced a bill amending the act incorporating the city of Dallas. Read by caption and referred to the Committee on Town and City Corporations.

Mr. Sayers introduced a bill to repeal an act further regulating proceedings in the several courts of the State of Texas. Read and referred to Judiciary Committee No. 1.

Mr. Russell introduced a bill to amend the first section of the act creating the county of Raines. Read by caption and referred to the Committee on Counties and County Boundaries.

Mr. Lane introduced a bill incorporating the town of Greenville, in Hunt county. Read and referred to the Committee on Town and City Corporations.

Mr. Rainey introduced a bill to abolish the office of school superintendent, and the office of school inspector. Read and referred to the Committee on Education.

Mr. Hoffman introduced a bill to authorize the County Court of Comal county to levy a special tax. Read and referred to the Committee on State Affairs.

Mr. Ireland introduced a bill to validate the Brazoria county bonds, voted by the people thereof, and paid out by the commissioner's court, or County Court of the said county, to the Houston Tap and Brazoria Railway Company. Read by caption and referred to the Committee on Counties and County Boundaries.

Mr. Doyle introduced a bill to prohibit the sale or otherwise disposing of intoxicating liquors within two miles of the Acton Masonic Institute, in Hood county. Read by caption and referred to the Committee on Education.

Mr. Cunningham introduced a bill for the protection of game. Read and referred to the Committee on State Affairs.

On motion, Mr. Green was excused until Wednesday.

Mr. Prendergast introduced a bill to amend article three hundred and fifty-four of the Penal Code, as amended by act of February 12, 1858. Read by caption and referred to Judiciary Committee No. 2.

Mr. Hollingsworth introduced a bill providing for the organization of enclosed or open pasture districts. Read by caption and referred to the Committee on Agriculture and Stock Raising.

Mr. Rainey offered the following concurrent resolution:

*Resolved*, That the House of Representatives, the Senate concurring, hereby pledge themselves that they will in perfecting a school system take no action which will in effect repudiate the pay of the teachers who have been and who are now employed in this service.

The hour for the special order having arrived, Mr. Mills moved to postpone it ten minutes, which was adopted.

The resolution was then unanimously adopted.

Mr. Booty offered the following resolution:

*Resolved*, That the Governor be requested to furnish this body with any information in his possession in relation to the progress of work on the Texas Pacific railway, together with all reports or communications which he may have received from the officers of that company on this subject.

Adopted.

House bill No. 16, being a bill to amend the first section of an act entitled "An act to amend the seventy-first and



ninety-second sections of an act to regulate proceedings in the district courts," approved May 13, 1846, was then taken up.

On motion of Mr. Morris, its consideration was postponed until Friday, February 7, at 12 M.

On motion, Messrs. Trolinger and Venters were excused until Friday next.

On motion, Mr. Gilpin was excused on account of sickness.

The second special order of the day, being the report of the Committee on Finance upon an act concerning the settlement of accounts at the State Treasury, was taken up, but was, on motion, postponed until Thursday next and made the special order for that day at 12 M.

Mr. Powers offered the following concurrent resolution :

WHEREAS, The official election returns published over the certificate of the returning board, consisting of the Governor, Secretary of State, and Attorney General, disclose the fact that the said board have assumed to set aside and annul the election had and held in the counties of El Paso and Webb, on the fifth, sixth, seventh and eighth days of November, 1872; and

Whereas, It is believed that the election in El Paso was thus annulled and set aside upon *ex parte* statements; and

Whereas, The election in Webb county was annulled and set aside on the determination of a question of law; and

Whereas, Such acts and doings were beyond the jurisdiction of the said returning board; therefore,

Be it resolved by the House of Representatives of the State of Texas, the Senate concurring, That the Secretary of State be and he is hereby required to issue forthwith, certificates of election to the parties receiving the highest number of votes at the late election in the counties of El Paso and Webb, and to other persons who would have been returned elected had the vote of the aforesaid counties been counted by the returning board, subject to the right of any aggrieved party to contest their seats in the proper courts of this State.

Adopted.

The Speaker announced Messrs. Ireland, Smith of Colorado and Morris, the committee to investigate the State

indebtedness to the International and Texas Pacific railroad companies.

On motion of Mr. Booty the House adjourned until 10 A. M. Monday.

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HOUSE OF REPRESENTATIVES,  
AUSTIN, TEXAS, February 3, 1873. }

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

The following gentlemen failed to answer to their names: Messrs. Gilpin and Wilder.

The journal of Saturday was read and adopted.

Mr. Mills requested to be excused from service on the Madison county investigating committee on account of other committee business requiring his attention. His request was granted, and the chair appointed Mr. Green in his place.

Mr. Kemble moved to suspend the rules, and in place of the regular order of the day to take up House bill No. 14, "An act requiring treasurer of the board of school directors to give bond and security. Carried.

The bill was read a third time.

On motion of Mr. Wood its further consideration at present was postponed.

Mr. Hollingsworth moved to suspend the rules and take up Senate bills and messages. Carried.

Senate joint resolution No. 5, requiring the payment of treasury warrants without regard to date or numbers, was taken up and read first time and passed to second reading.

On motion of Mr. Brown, of Dallas, the constitutional rule was suspended and bill read a second time. It was then referred to the Committee on Finance.

Senate joint resolution No. 10, requiring Jacob Kuechler, Commissioner of the General Land Office, to cause to be published certain land certificates found in the office when he took possession of the same, was taken up and read.

On motion of Mr. Brown, of Dallas, the constitutional rule was suspended, the bill read a second time and referred to the Committee on Public Lands and Land Office.

Senate bill No. 11, "An act to repeal an act entitled an act to establish a State police, and provide for the regulation and government of the same," approved July 1, 1870, was read the second time.

On motion of Mr. Hollingsworth the constitutional rule was suspended and the bill put on the third reading.

The bill having been read a third time was, on motion of Mr. Brown of Dallas, referred to the Committee on Military Affairs.

Senate bill No. 37, "An act to create the county of Rockwall" was taken up and read the first time.

On motion of Mr. Winkler the constitutional rule was suspended and the bill read a second time.

On motion of Mr. Ghent the bill was referred to Judiciary Committee No. 2.

Senate bill No. 40, "An act to renew and continue in force an act entitled an act to charter the Necogdoches University," approved February 3, 1845, was read.

On motion of Mr. Bewley the constitutional rule was suspended and the bill read a second time.

On motion of Mr. Bewley, the constitutional rule was suspended, the bill considered engrossed, read third time and passed.

The concurrent resolution of the Senate, allowing J. C. De Gress, Superintendent of Public Instruction, to be present before the joint committee in investigating his conduct, was read.

After a second reading, Mr. Anderson of McLennan offered the following substitute :

*Resolved*, That the Superintendent of Public Instruction shall not be present at the session of the joint committee of the Senate and House now investigating his official conduct, nor to be permitted to summon witnesses before said committee, nor be permitted to be represented to cross-examine witnesses brought before the committee, and thereby delay the proceedings of the committee; but after the evidence taken by the committee shall have been concluded, said superintendent shall have five days to examine said testimony, and submit a statement in writing explanatory of any portion of said evidence he may deem fit, which shall be submitted with the report of the committee.

Mr. Broaddus offered the following amendment: Strike out "shall not be permitted to be present," and insert

“shall be permitted to be present;” and strike out “shall not be permitted to cross-examine witnesses,” and insert “shall be permitted to cross-examine witnesses.”

The special order of the day having arrived, on motion of Mr. Sayers was postponed until next Wednesday week at 12 M.

Mr. Morris moved to postpone the whole matter, and make it the special order of the day on Tuesday, 12 M.

Mr. Smith of Houston moved to lay the whole matter on the table, which was carried by a rising vote of thirty-five yeas to thirty-two nays.

The following concurrent resolution of the Senate was then adopted :

*Resolved by the Senate, the House concurring, That the committee of the House and Senate on Land Office be consolidated, and act in conjunction as a joint committee.*

Mr. Nelson offered a memorial of the heirs of Eliza R. Huffman for one-half of the James T. White league. Read by caption and referred to the Committee on Private Land Claims.

Mr. Frankee offered a petition of citizens of the county of Fayette. Read by caption and referred to the Committee on Agriculture and Stock Raising.

Mr. Roseborough offered a petition of citizens of Bell county to prohibit the sale of intoxicating liquors within certain bounds. Read by caption and referred to the Committee on State Affairs.

Judiciary Committee No. 1 reported as follows :

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

SIR: Your committee, to whom was referred House bill No. 116, to regulate proceedings in the district courts in respect to the venue of causes, etc., have considered the same, and have instructed me to report the bill back, with an amendment for all that part of the original bill after the word “situated,” in the seventh line from the top of the last page, and beginning with the figures “12,” and to recommend that the bill thus amended do pass.

GEO. W. SMITH, Chairman.

The bill having been read, the amendment proposed was read and adopted. The bill was then read a second time and ordered engrossed.

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

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

SIR: The Judiciary Committee No. 1, to whom was referred House bill No. 64, entitled "An act in aid of the financial condition of Cameron county," have considered the same, and have directed me to report the same back, with the recommendation that it pass:

GEO. W. SMITH, Chairman.

The bill was then read a second time, and, on motion, ordered engrossed.

On motion of Mr. Powers, the rules were suspended, and the bill put on its third reading, read a third time and passed.

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

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

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 129, entitled "An act for the relief of Mrs. Amelia P. McCall," have considered the claim she presents against the State of Texas for the board of certain prisoners and guards in 1864, and have directed me to state that they are of opinion that the State was never liable for the board of prisoners and guards; that all such claims were then (1864) made payable by the proper county (see Art. 3388, Paschal's Digest); but that if her claim ever did exist as a just and valid claim against the State, the Legislature is prohibited from making provisions for its acknowledgment or payment by section thirty-four of article twelve of the present State Constitution, which reads as follows: "All debts contracted by the so-called State of Texas from and after the twenty-fifth day of January, 1861, and prior to the fifth day of August, 1865, were and are declared null and void, and the Legislature is prohibited from making any provision for the acknowledgment or payment of such debts." And a similar provision was made in the third section of Ordinance No. 2 of the Constitution of 1866. That this claim appears to have been presented to and rejected by the Auditorial Board, and, we think, according to the laws of this State. And the committee desire me to report the bill to the House, with their opinion that the bill should not pass.

GEO. W. SMITH, Chairman.

The report was adopted.

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

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

SIR: The Committee on Town and City Corporations, to whom was referred House bill No. 52, entitled "An act to establish a uniform time of holding municipal elections in the State of Texas," have carefully examined the same, and have unanimously instructed me to report the same back, with the following amendment: Strike out "first Monday in April" wherever it occurs, and insert, "first Tuesday in April," and ask that the same do pass.

TILSON, Chairman *pro tem*,

The amendment reported by the committee was adopted.

Mr. Booty moved the following amendment: "Provided, that those towns now supplied with officers of their own selection, shall not be compelled to elect officers until the first Tuesday in April, A. D. 1874."

Mr. Powers offered the following amendment: "Provided, that as to all corporations whose elections shall have been held since the first day of January, 1873, the elections in such corporations shall not be required to be held until the regular time for holding such election by this act, in the year 1874."

Mr. Brown, of Dallas, moved to recommit the bill and amendments to the Committee on Town and City Corporations, which was carried.

Second report from same committee:

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

SIR: Your committee to whom was referred House bill No. 104, "An act to amend section four of an act entitled an act to incorporate Payne Female Institute, approved August 6, 1856," instruct me to report the same, with the recommendation that it do pass.

WOOD, Chairman.

The bill was read the second time and ordered engrossed.

Third report from same committee:

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

SIR: Your committee to whom was referred the petition of citizens of Woods, in Panola county, Texas, asking

the prohibition of the sale of intoxicating liquors within two miles of the institution of learning, situated in said town, instruct me to report the accompanying bill, and recommend its passage.

BOOTY, for Committee.

The bill was read and passed to a second reading.

Fourth report from same committee:

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

SIR: Your committee to whom was referred House bill No. 8, entitled "An act to incorporate the city of Sulphur Springs, in the county of Hopkins," have considered the same, and instruct me to report the bill back to the House, and recommend that it pass with the following amendments:

Amendment first—In third line of section one, strike out "at the next general election," and insert "on the first Tuesday in April next."

Amendment second—In fifth line of section six, strike out the words "every three years," and insert "annually."

WOOD, Chairman.

Amendments adopted.

On motion, the rule was suspended, the bill read a second time, and ordered engrossed.

On motion, the rule was further suspended, the bill considered engrossed, read a third time, and passed by a two-thirds vote.

The Committee on Private Land Claims reported as follows:

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

SIR: Your committee to whom was referred a petition of Samuel Andrews, praying for relief, instruct me to report that a bill now pending before this House gives the relief prayed for, and your committee ask to be discharged from the further consideration of the same.

LANE, Chairman.

Report adopted.

Mr. Ellett asked leave to offer a resolution, which being granted, he offered the following:

*Resolved*, That this House hold one session each night, except Sunday night, at which the business on the Speaker's table shall be disposed of.

Laid over under the rules.

Mr. Payne introduced a joint resolution, requesting the Governor of the State to remove T. C. Barden, Judge of the Sixteenth Judicial District. Read first time; rules suspended and read second time.

Mr. Kleberg offered the following resolution:

*Resolved*, That the joint resolution asking the Governor to remove T. C. Barden, Judge of the Sixteenth Judicial District, be referred to a special committee of five, to act in conjunction with a like committee of the Senate, to investigate the charges therein contained; that this resolution, together with a copy of the charges against T. C. Barden, be communicated to the Senate for their action and co-operation; and

*Resolved*, That said committee be authorized and empowered to send for persons and papers; and be it further

*Resolved*, That a copy of these resolutions and charges be served on T. C. Barden, and that he be notified to appear and defend the same forthwith.

Adopted.

Mr. Broaddus introduced a bill to be entitled "An act amendatory of and supplementary to an act to incorporate the Central Bank, passed March 31, 1871." Read by caption and referred to Judiciary Committee No. 1.

Mr. Watts introduced a bill entitled "An act regulating elections." Read by caption and referred to Judiciary Committee No. 1.

Mr. Robb introduced a bill incorporating the town of Willis, in Montgomery county, Texas. Read by caption and referred to the Committee on Town and City Corporations.

Mr. Powers introduced "An act incorporating the El Paso Irrigation Company." Read by caption and referred to the Committee on Agriculture and Stock-raising.

Mr. Brown, of Dallas, introduced a bill to be entitled "An act to amend and supplemental to an act to provide for the incorporation of towns and cities, approved January 27, 1858." Read and referred to the Committee on Town and City Corporations.

Mr. Ghent offered the following resolution:

*Resolved*, That the reporter for the *State Journal*, a newspaper published in the city of Austin, be and he is hereby censured by this House on account of the *false*



and *libellous* report made by him of the proceedings of this House on Saturday last, in this, that said reporter used the following language: "Sayers howled loudly and muchly over the returns; raised his voice so high that it threatened to leave; squirmed around, flourished his fists, talked bunkum, and fell back into his seat exhausted;" and further, because in the same number of said *Journal* insulting and disrespectful and indecent caricatures are contained as to another member of this House, Hon. D. M. Short, and in reporting heretofore what purported to be a speech from the honorable gentleman from Guadalupe.

Pending this Mr. Brown of Dallas moved to adjourn until to-morrow at 10 o'clock A. M.

Pending this, by special leave, Mr. Prendergast moved to make the bill to reimburse certain citizens of Limestone county the special order for Tuesday at 11 o'clock A. M., which carried.

The motion to adjourn then carried.

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HOUSE OF REPRESENTATIVES,  
AUSTIN, TEXAS, February 4, 1873. }

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

Mr. Tivy only was absent.

The journal of yesterday was read and adopted.

The resolution censuring the *State Journal* reporter was taken up and adopted.

Leave was granted the Finance Committee to hold a sitting during the session of the House.

A communication was received from his Excellency the Governor, stating the disposition made of the bonds of the State of Texas, said communication being in response to a resolution of inquiry from the House. Read and referred to the Committee on Finance.

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

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

SIR: Your Committee on Engrossed Bills have examined House bill No. 22, "An act to incorporate the

city of Fort Worth." and find the same correctly engrossed.

BOOTY, Chairman.

Second report from same committee:

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

SIR: Your Committee on Engrossed Bills instruct me to report that they have examined the following House bills, and find the same correctly engrossed:

No. 68, "An act to authorize and require sheriffs and constables to execute process ordered by the Legislature."

No. 86, "Joint resolution authorizing the painting of certain portraits."

No. 96, "Joint resolution of thanks to each of the persons engaged in the late encounter with the Indians in Live Oak county."

No. 97, an act entitled "An act to regulate the conduct of public officers."

No. 168, "Joint resolution asking the Governor of the State to remove T. C. Barden, Judge of the Sixteenth Judicial District."

BOOTY, Chairman.

Petitions and memorials being in order, Mr. Sayers offered a memorial of the County Court of Gonzales county asking for authority to levy a special tax for repair of court house and jail.

Read by caption and referred to the Committee on State Affairs.

Judiciary Committee No. 1 reported as follows:

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

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 112, prescribing the times of holding the district courts in the twenty-fourth judicial district of this State, have considered the same, and instruct me to report it back to the House and recommend its passage.

GEO. W. SMITH, Chairman.

The bill being a local one, was read by caption, the rules suspended, read a third time, and passed under further suspension of the rules.

The Committee on Agriculture and Stock Raising reported as follows:

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

SIR: Your committee, to whom was referred House bill No. 113, entitled "A bill for the protection of the farming interests," having carefully examined its objects, have instructed me to report the same back and ask that it be referred to Judiciary Committee No. 2.

THURMOND, Chairman.

Adopted.

Second report from same committee:

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

SIR: Your committee to whom was referred House bill No. 27, entitled "A bill in relation to fences in certain counties," having carefully examined the objects sought in its passage, have instructed me to report the same back and recommend that it pass.

A. S. THURMOND, Chairman.

Read second time and laid on the table for future consideration.

The Committee on State Affairs reported as follows:

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

SIR: The Committee on State Affairs, to whom was referred "A bill for the relief of the counties of Delta and Raines," instruct me to report the accompanying substitute and recommend its passage.

The committee, after considerable deliberation, arrived at the conclusion that these two new and small counties constitute exceptional cases for the relief sought. The one is bounded by the two forks of Sulphur creek in such manner as in wet seasons to be isolated from the surrounding country, while the other is similarly hedged in by the waters of the Sabine, constituting them almost islands at certain seasons of the year. The territory of each thus confined is very small, and the committee think an exception may be made in their favor without serious detriment to the State.

J. H. BROWN, Chairman.

The substitute was then read.

Mr. Winkler moved the following amendment: Strike out "Raines and Delta," and insert "all the counties in this State."

The hour for the special order having arrived, it was, on motion, postponed for half an hour.

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

The special order, being the bill for the relief of certain citizens of Limestone county, was taken up and read, the reading of the names being dispensed with.

Mr. Mills offered the following amendment: Amend caption so as to include Walker county. Section 3. And be it further enacted, that the like warrants issue to the citizens of Walker county, for the sums which were assessed and collected of them by reason of martial law having been declared and enforced in said Walker county during the year 1871, said citizens and amounts being as follows:

J. F. Kelley	\$296 80
H. M. Gant	600 31
M. Butler	406 68
W. H. Webb	1062 79
L. A. Cox	478 43
R. M. Bankhead	74 70
J. A. Cabiness	18 00
W. Whitley	276 41
C. Brieffield	10 00
Sam Wilson	100 00
G. Luff	100 00
C. Hess	250 00
J. Gannett	100 00
Thomas Walker	100 00

Section —. Be it further enacted, that before said warrants shall issue the person to whom the same is issued shall take and subscribe the following oath, before some officer authorized to administer oaths: "I do swear (or affirm) that I did no illegal act, nor incited any other person to do any illegal act which caused the declaration of martial law in the county of Limestone (or Walker, as the case may be), nor did I do, say or write anything for the purpose of procuring martial law in said county."

The bill and amendments were then, on motion, recommended to the Committee on Military Affairs.

The consideration of the bill for the relief of Delta and Raines counties being resumed, the substitute recommended by the committee was adopted.

Mr. Westfall offered the following amendment: After the names of Raines and Delta insert "Burnet, San Saba and Lampasas."

Mr. Armstrong offered the following amendment: After the word San Saba insert "county of Liberty." Accepted by Mr. Westfall.

Mr. Denton offered the following amendment, which was also accepted: Insert "all the counties in this State subject to Indian raids."

Mr. Payne moved to amend by inserting, "the county of Goliad," which was also accepted.

Mr. Payne moved to lay the whole matter on the table, which carried.

A second report from the Committee on State Affairs was submitted, as follows:

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

SIR: The Committee on State Affairs, to whom was referred a bill entitled "An act to incorporate the Falls County Real Estate and Savings Association," instruct me to report the same back and recommend its passage, with the suggestion, however, that all such associations can be incorporated under the act of the last Legislature entitled "An act concerning private corporations," without an appeal to the Legislature.

J. H. BROWN, Chairman.

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

The Chairman of the Committee on Finance reported as follows:

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

SIR: Your committee to whom was referred the resolution to inquire into the expediency of bringing in a bill making an appropriation necessary to pay the commissioners to represent the State of Texas at the Vienna Exposition, have considered the same, and have instructed me to report that it is inexpedient at this time, and ask leave to be discharged from the further consideration of the same.

W. W. MORRIS, Chairman.

Adopted.

The Chairman of the Committee on Finance reported further as follows:

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

SIR: Your Committee to whom was referred the Senate

joint resolution, requiring the payment of Treasury warrants without regard to date or numbers, have considered the same, and instruct me to report it back to the House and recommend its passage.

W. W. MORRIS, Chairman.

Mr. Ireland offered the following substitute:

*Resolved by the Senate and House of Representatives,*  
That all Treasury warrants shall be paid in the order of their dates, the oldest first, but that the Treasurer may pay any warrant when presented for payment; *provided,* there may be money in the Treasury sufficient to pay all warrants of a senior date on the same appropriation, and he shall set apart said money to meet the said senior warrants when presented for payment.

Substitute adopted; rules suspended, read second time and ordered engrossed.

Mr. Sayers moved to further suspend the rules, and the resolution be put on its third reading.

Mr. Denton moved the House adjourn until 10 A. M., to-morrow. Lost.

On motion of Mr. Anderson of McLennan the House adjourned until 10 A. M., to-morrow.

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HOUSE OF REPRESENTATIVES, }  
AUSTIN, TEXAS, February 5, 1873. }

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

Messrs. Ellett and Smith of Houston failed to answer to their names.

Pending the reading of the journal, the secretary of the Senate was announced, and informed the House of the appointment by the Senate of Senators King, Shelley and Dohoney, a joint select committee, to take under consideration a bill to re-open the Court of Claims, and requesting the appointment of a like committee on the part of the House.

The journal of yesterday was then adopted.

The Speaker announced the following committee on the resolution asking the Governor to remove T. C. Barden, Judge of the Sixteenth Judicial District: Messrs. Payne, chairman; Abbott, Kleberg, McDonald and Sayers.

The substitute for the Senate joint resolution, relating to the payment of Treasury warrants, was taken up and read a third time.

Mr. Armstrong moved to reconsider the vote adopting the substitute.

Pending the discussion, the secretary of the Senate announced the passage by that body of Senate bill No. 49, "An act supplementary and amendatory to an act entitled an act to incorporate the Galveston Medical College Hospital, approved May 31, 1871;" also Senate bill No. 17, "An act to incorporate Rusk Masonic Institute, located in Rusk, Cherokee county, Texas;" also Senate bill No. 23, "An act to amend an act entitled an act to incorporate the city of Tyler, and to provide for the administration of its municipal affairs, approved April 26, 1871."

Also the adoption of the following resolution:

*Resolved*, That a committee of five be appointed, to act in conjunction with a like committee of the House, to investigate certain charges preferred against T. C. Barden, Judge of the Sixteenth Judicial District, a copy of which was transmitted to the Senate by the House on the fourth instant. That said committee be authorized and empowered to send for persons and papers, and to administer oaths, and that Judge T. C. Barden be permitted to appear before said committee in person, or by counsel, or both.

Senators King, Shelley, Henry, Baker and Franks were appointed said committee on the part of the Senate.

Mr. Chambers moved to defer the consideration of the matter before the House, and make it the special order for 12 M., on Monday next.

A division being called for, resulted in a vote of thirty-three yeas and forty-three nays, whereupon the motion to postpone was declared lost.

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

The main question was then ordered.

The yeas and nays being ordered, resulted as follows:

Yeas—Messrs. Abbott, Adriance, Allison, Armstrong, Bewley, Booty, Brown of Dallas, Brown of Upshur, Chambers, Cunningham, Day, Denton, Ellett, Ford, Galaway, Gaston, Ghent, Lane, Manning, Michael, Moore, Morris, Nelson, Payne, Rimes, Roberts, Russell, Scott, Shaw, Shelton, Short, Smith of Colorado, Thurmond,

Tilson, Tivy, Van Zandt, Veale, Walker, Washington and Wilder—40.

Nays—Messrs. Speaker, Allen, Anderson of Montgomery, Anderson of McLennan, Berends, Bledsoe, Broaddus, Carroll, Davenport, Doyle, Eastland, Frankee, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Kemble, Killough, Kleberg, Mabry, McDonald, Noeggerath, Powers, Prendergast, Rainey, Robb, Roseborough, Salter, Sayers, Storey, Tom, Westfall, Winkler, Williams and Wood—38.

Whereupon the vote was declared reconsidered.

Mr. Ellett moved the previous question, which, being seconded, was lost by the following vote :

Yeas—Messrs. Abbott, Adriance, Allen, Allison, Armstrong, Bewley, Brown of Upshur, Cunningham, Day, Denton, Ellett, Ford, Gallaway, Gaston, Ghent, Lane, Manning, Michael, Moore, Morris, Nelson, Payne, Rimes, Roberts, Russell, Scott, Shaw, Shelton, Short, Smith of Colorado, Thurmond, Tilson, Tivy, Van Zandt, Veale, Walker, Washington, Wilder and Williams—39.

Nays—Mr. Speaker, Anderson of Montgomery, Anderson of McLennan, Berends, Bledsoe, Booty, Broaddus, Brown of Dallas, Carroll, Chambers, Davenport, Doyle, Eastland, Frankee, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Kemble, Killough, Kleberg, Mabry, McDonald, Noeggerath, Powers, Prendergast, Rainey, Robb, Roseborough, Salter, Sayers, Storey, Tom, Westfall, Winkler and Wood—39.

Mr. Morris moved to commit the whole matter to a special committee of three to be appointed by the Speaker, which carried.

The hour for the special order having arrived, Mr. Allen moved to postpone the special order until the business now before the House be disposed of. Lost.

Mr. Payne moved to postpone the special order until Friday next at 12 o'clock, and that one hundred copies of the bill be printed for the use of the House.

Division of the motion being called for, the special order was postponed until Friday next, and made the special order for 12 o'clock M.

The motion to print one hundred copies of the bill was then put and lost.

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



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

SIR: Your Committee on Enrolled Bills have carefully considered "An act to incorporate the city of Brenham, and to grant a new charter to said city," and find the same correctly enrolled, and have this day presented the same to the Governor for his signature.

SHAW, Chairman.

By special leave Mr. Ireland introduced a bill to repeal all laws and parts of laws now in force authorizing the State of Texas to aid in the construction of railroads in bonds or money donations, or subsidies. Read by caption and referred to the special committee on the International and other railways.

The Speaker announced the special committee upon the matter of the payment of Treasury warrants, as follows: Messrs. Adriance, Veale and Killough.

Mr. Gaston moved to take up out of its regular order the Senate bill incorporating the city of Tyler, which carried.

The bill having been read, on motion, the rules were suspended and the bill put on its second reading.

On motion, the rules were further suspended, the bill read a third time and passed by a two-thirds vote.

The Finance Committee reported as follows:

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

Your committee, to whom was referred the petition of sundry citizens of Titus county, in behalf of John Massey, respectfully report that they have carefully considered said petition, and there being no good cause shown why special relief should be granted to said John Massey, and believing that if relief should be granted as asked for, it would establish a precedent which would beget innumerable applications of a like character, they respectfully return the same, and recommend that the prayer of the petitioners be refused.

VAN ZANDT, for the Committee.

Report adopted.

Mr. Winkler offered a petition of citizens of Hockley, Harris county, asking the privilege of purchasing six hundred and forty acres of the school lands. Read by caption and referred to the Committee on Education.

The Speaker submitted a memorial of T. Clay, which

being read, was, on motion of Mr. Westfall, laid on the table.

Mr. Chambers offered a petition of certain citizens of Collin county, in relation to the sale of intoxicating liquors. Read and referred to the Committee on Education.

Mr. Morris offered a remonstrance of the people of Rusk county against the dismemberment of said county. Read by caption and referred to the Committee on Counties and County Boundaries.

Mr. Adriance offered a petition of T. F. McKinney, relative to an old revolutionary claim against the government of Texas. Referred without reading to the Committee on Public Debt.

Mr. Robb offered a petition of citizens of Sabine county, remonstrating against any legislative interference in removing their county site.

Mr. Shelton introduced a bill to repeal an act entitled "An act to provide for a special registration of voters, preparatory to any elections under the provisions of an act to authorize counties cities and towns to aid in the construction of railroads and other works of internal improvement, approved April 12, 1871, and to declare who shall be considered qualified voters at any election held under the provisions of said act, approved May 31, 1871." Read by caption and referred to the Committee on Internal Improvements.

Read by caption and referred to the Committee on Internal Improvements.

Mr. Denton moved to take up out of its regular order the bill legalizing and making valid the recent election in Wilson county. Adopted.

The bill having been read, Mr. Denton offered an amendment requiring the Secretary of State to furnish certificates of election to the persons who received the highest number of votes, which was adopted by a unanimous vote. The bill thus amended then passed.

Mr. Sayers moved to take up the bill repealing sections thirty-one and thirty-two of the act concerning private corporations, which was adopted, and the bill having been read a third time, passed.

Mr. Anderson of McLennan moved to take up the Senate bill incorporating the Galveston Medical College Hospital. Adopted.

The bill was read by caption and referred to the Committee on Town and City Corporations.

Mr. Winkler introduced a bill to authorize the County Court of Navarro county to levy and cause to be collected a special tax, and to apply the same. Read and passed to second reading.

Mr. Rimes introduced a bill to authorize the County Court of Falls county to levy a special tax. Read and referred to the Committee on State Affairs.

Mr. Morris offered the following resolution :

*Resolved*, That the Committee on Roads, Bridges and Ferries inquire into the necessity of a general law regulating the toll bridges and ferries of this State, both as to their safety to persons using the same and just rates of ferriage, and if necessary to commit the necessary authority to the police courts of each county, or otherwise, and to classify the ferries and bridges and regulate the ferriages thereof from time to time, as may seem just to the people, as well as to the owners of said ferries and bridges.

Adopted.

Mr. Bewley introduced a bill amending the penal code. Read and referred to Judiciary Committee No. 1.

On motion of Mr. Rainey the House adjourned until to-morrow at 10 A. M.

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HOUSE OF REPRESENTATIVES,  
AUSTIN, TEXAS, February 6, 1873. (

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

The journal of yesterday was read and adopted.

Special leave being granted, the Finance Committee offered the following report:

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

SIR: Your Committee on Finance, to whom was referred that part of the Governor's message relating to the indebtedness of the State of Texas and providing for the payment of the same, have carefully considered the same, and as the result of their deliberations beg leave to report :

That there is due to Williams & Guion on the first of March, 1873, for which 350 frontier defense and 100 deficiency \$1000 bonds were hypothecated, with interest, commissions, exchange and charges, all amounting to \$348,634.08, due March 1, 1873.

Interest six months on deficiency revenue bonds, sold at ten per cent. per annum currency, due March 1, 1873.....	\$12,850 00
Gold interest on 350 frontier defense bonds, sold seven per cent. gold interest per annum for six months, due March 1, 1873.....	12,250 00
	<hr/>
	\$25,100 00
Add outstanding State warrants, as estimated by the Comptroller, due July 1, 1873, say.....	406,000 00
	<hr/>
	\$431,100 00
Interest six months on \$282,757 05, at six per cent. currency per annum on old State debt of six per cent. currency, certificates, etc.....	6,892 71
One-third of the \$400,000 of ten per cent. currency bonds authorized by the act of May 19, 1871, due on first of July next...	133,333 33
	<hr/>
	\$202,226 04

Whole estimated amount to be provided, \$981,960.68.

It will be observed that the estimate of the amount to be provided, as stated, foots up \$981,960.68, whilst the bonds authorized to be sold amount to \$950,000. In explanation of this the committee say that the estimate of \$400,000 outstanding Treasury warrants is that put by the Comptroller, while his Excellency fixed by rough estimate the amount at \$210,000 or \$215,000. Therefore, looking to the outstanding State revenue in the hands of the collectors, estimated by the Comptroller at \$469,915.19, which is yet due the Treasury, it is fair to conclude that the amount of bonds authorized to be sold will be sufficient to meet the present wants of the State as indicated. Your committee therefore submit the accompanying bill, and recommend its passage.

In conclusion the committee beg leave to add that not having been furnished with the reports of the Comp-

troller and Treasurer, time would not admit of further delay; therefore they have based their report on information furnished by the Governor, which was promptly furnished when called for, and which is made a part of this report, marked Exhibit A.

MORRIS, Chairman.

The accompanying bill, being "An act for the sale of State bonds to meet the liabilities due from the State of Texas," was read.

Mr. Winkler offered the following resolution:

*Resolved*, That the report and accompanying bill lie on the table and be made the special order of the day for noon on Tuesday next, and that one hundred copies of the report and bill be printed for the use of the House, under the supervision of the Committee on Printing and Contingent Expenses, at the expense of the members of this House, to be paid by them equally in voluntary contributions.

Mr. Short offered the following amendment: Strike out "members of this House," and insert in lieu thereof "that each member have as many copies as he wants at his own expense." Lost.

The resolution was then adopted.

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

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

SIR: Your committee, to whom was referred a bill, to be entitled "An act to provide for the prompt settlement of the accounts by sheriffs with the State and counties," have considered the same and instructed me to report the accompanying substitute for the original bill, and recommend its passage.

MORRIS, Chairman.

The original bill having been read, the substitute was read and adopted. The bill was then ordered engrossed.

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

Mr. Powers offered the following amendment:

*Provided*, That the provisions of this act shall be deemed to relate, so far as applicable, to suits on bonds of defaulting sheriffs now existing, and hereafter to be put in suit. Lost.

The bill then passed.

Petitions and memorials being in order, Mr. Westfall offered a petition of G. W. Davis, relative to a certain land matter. Read by caption and referred to the Committee on Claims and Accounts.

Mr. Mills offered a petition of the citizens of Midway, Madison county, asking the incorporation of Midway Male and Female Academy, and the prohibition of sale of intoxicating liquors within five miles of Midway. Read by caption and referred to the Committee on State Affairs.

Mr. Tilson offered a petition of the Mechanic's Fire Company of the city of Jefferson, Texas. Read by caption and referred to the Committee on State Affairs.

Mr. Bordeaux offered a petition of citizens of Wise county, asking the retention of State taxes for the purpose of building a jail. Read by caption and referred to the Committee on State Affairs.

Mr. Bordeaux offered a second petition, from the County Court of Wise county, relative to the school lands in that county. Read by caption and referred to the Committee on State Affairs.

Mr. Bordeaux offered a third petition of the County Court of Wise county, asking the passage of a bill allowing that county to levy and collect a special tax. Read by caption and referred to the Committee on State Affairs.

The hour for the special order having arrived the bill entitled, "An act concerning Treasury warrants," was taken up.

The question being the adoption of the report of the committee, which was adverse to the passage of both bill and substitute, Mr. Berends moved to refer the whole matter to the special committee appointed on yesterday.

After considerable discussion, Mr. Sayers moved the previous question, which being seconded, was put and carried.

The main question, being the adoption of the report of the committee, was then put, and the yeas and nays being called for resulted as follows:

Yeas—Messrs. Allen, Anderson of Montgomery, Armstrong, Bewley, Booty, Bordeaux, Broaddus, Brown of Dallas, Brown of Upshur, Carroll, Davenport, Day, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollings-

worth, Ireland, Kleberg, Kemble, Lane, Leyendecker, McDonald, Michael, Mills, Moore, Morris, Payne, Powers, Robb, Roberts, Roseborough, Russell, Sayers, Scott, Shelton, Smith of Colorado, Storey, Thurmond, Tilson, Tivy, Tom, Washington, Westfall, Wilder and Winkler—53.

Nays—Messrs. Speaker, Abbott, Adriance, Allison, Anderson of McLennan, Berends, Chambers, Cunningham, Frankee, Gallaway, Killough, Mabry, Manning, Noeggerath, Prendergast, Rainey, Rimes, Shaw, Short, Van Zandt, Veale, Williams and Wood—23.

Whereupon the report of the committee was declared adopted.

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

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

SIR: Your Committee on Engrossed bills, having examined the following House bills: No. 64, "An act in aid of the financial condition of Cameron county;" No. 81, "An act to amend an act to authorize the transcript of the records of the County Court of Bowie county;" No. 87, substitute, "An act to prevent speculations by officers and agents in county, city and town contracts and liabilities;" No. 115, "An act entitled an act to refund to J. J. Gathings a sum of money therein specified, and to provide for the payment of the same;" No. 116, "An act to amend the first section of an act entitled an act to amend the first section of an act to regulate proceedings in the district courts, approved December 10, 1863," and find the same correctly engrossed.

BOOTY, Chairman.

Mr. Mills moved to reconsider the vote just taken, and to lay the motion on the table.

Mr. Prendergast moved to adjourn until 10 A. M., tomorrow, which carried.

HOUSE OF REPRESENTATIVES, }  
AUSTIN, TEXAS, February 7, 1873. }

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

The journal of yesterday was read and adopted.

Under unfinished business of yesterday, the motion of Mr. Mills to reconsider the vote adopting the report of the Finance Committee relative to the payment of Treasury warrants, was resumed.

Mr. Mills moved to lay his motion on the table. Carried.

A communication from his Excellency Governor E. J. Davis, enclosing copies of communications from the State Treasurer and Attorney General in regard to certain obligations created before the war, was read and referred, with enclosures, to the Committee on Public Debt.

Also, a message enclosing copy of the report of the Chief Engineer of the Southern Pacific and Trans-continental railways, which was referred, with enclosure, to the special committee on the International and Southern Pacific railways.

House bill No. 14, being "An act requiring treasurers of the boards of school directors to give bond and security," was taken up and read the third time.

Mr. Storey offered the following amendments:

Amend section first by striking out the words "treasurer of the board of school directors" and inserting "treasurer of the county."

Second—Also, insert the word "school" immediately after the word "public," in tenth line of said section.

Third—Amend section third by striking out all after the word "purpose," in eighth line.

On motion the bill with amendments was recommitted to the Committee on Education.

On motion the Speaker was requested to appoint a joint select committee of five to act with a like committee from the Senate, to consider the propriety of reporting a bill to reopen the Court of Claims.

The following gentlemen were appointed: Messrs. Joseph, Hoffman, Cunningham, Russell and Winkler.

On motion the leave of absence of Messrs. Joseph, Trolinger and Venters was extended until Tuesday next.

Senate bill No. 17, "An act to incorporate Rusk



Masonic Institute, located in Rusk, Cherokee county, Texas," was read first time by caption and referred to the Committee on Town and City Corporations.

House bill No. 22, "An act to incorporate the city of Fort Worth," was taken up, read a third time and passed by a two-thirds vote.

House bill No 35, a bill to be entitled "An act to authorize the Commissioner of the General Land Office to issue headright certificates and bounty and donation warrants for land to certain persons entitled to the same," was read a third time.

Mr. Prendergast offered the following substitute:

A bill to be entitled "An act to authorize parties in certain cases to sue in the district courts for headright certificates and bounty and donation warrants, and to provide for the issuance of such certificates and warrants."

On motion, the bill and substitute were recommitted to Judiciary Committee No. 2.

The Speaker announced the following committee on re-districting the State:

District No. 33, Anderson of McLennan, chairman.

District No. 1, Mr. Armstrong; No. 2, Mr. Ford; No. 3, Mr. Robb; No. 4, Mr. Bewley; No. 5, Mr. Short; No. 6, Mr. Morris; No. 7, Mr. Scott; No. 8, Mr. Tilson; No. 9, Mr. Gallaway; No. 10, Mr. McDonald; No. 11, Mr. Lane; No. 12, Mr. Bordeaux; No. 13, Mr. Veale; No. 14, Mr. Van Zandt; No. 15, Mr. Powers; No. 16, Mr. Thurmond; No. 17, Mr. Payne; No. 18, Mr. Joseph; No. 19, Mr. Allen; No. 20, Mr. Hester; No. 21, Mr. Leyendecker; No. 22, Mr. Storey; No. 23, Mr. Hoffman; No. 24, Mr. Tom; No. 25, Mr. ———; No. 26, Mr. Tivy; No. 27, Mr. Hollingsworth; No. 28, Mr. Broadus; No. 29, Mr. Frankee; No. 30, Mr. Williams; No. 31, Mr. Wood; No. 32, Mr. Westfall; No. 34, Mr. Roseborough; No. 35, Mr. Winkler.

House bill No. 42, "An act to amend article 382 of the code of criminal procedure, approved August 26, 1856," was read a third time and passed.

House bill No 47, a bill to be entitled "An act to amend the second and thirteenth sections of an act entitled an act to incorporate the Rockport, Fulton, Laredo and Mexican Pacific Railroad Company, approved November 11, A. D. 1871," was taken up, read a third time and re-committed to the Committee on Internal Improvements.

House Bill No. 53, "An act to provide for appeals from interlocutory orders and decrees made by the district courts of this State, and the judges thereof, and to repeal an act entitled an act to provide for appeals from interlocutory judgments in the district courts of this State," was taken up, read a third time, and recommitted to the Judiciary Committee No. 2.

House bill No. 57, "An act to prohibit the sale or giving away of intoxicating or spirituous liquors within one mile of the institution of learning situated at Caledonia, in Rusk county, Texas," was taken up, read a third time and passed.

House bill No. 68, "An act to authorize and require sheriffs and constables to execute process ordered by the Legislature, or any committee thereof," was taken up, read a third time and passed.

House bill No. 86, being a joint resolution authorizing the painting of certain portraits, was taken up and read a third time.

Mr. Kleberg moved to recommit the joint resolution to the Committee on State Affairs.

Discussion of the matter was cut off by the arrival of the special order for the day.

The special order, being "An act entitled an act to regulate the keeping and bearing of deadly weapons," was taken up, read a second time and laid on the table.

The motion to recommit the previous joint resolution was put and carried.

House bill No. 91, a bill to be entitled "An act to amend an act entitled an act to establish a code of criminal procedure for the State of Texas," was taken up and read a third time.

Mr. Anderson of McLennan offered the following amendment:

*Provided*, That should such warrant be issued by a justice of the peace, he shall be required to impress thereon his notarial seal, in order to permit its being served beyond the limits of the county in which it is issued.

On motion the bill and amendment was recommitted to Judiciary Committee No. 2.

The joint resolution of thanks to each of the persons engaged in the late encounter with the Indians in Live Oak county, was taken up, read a third time and passed.

A joint resolution of thanks to General McKenzie and his command, was taken up, read a third time and passed.

House bill No. 97, "An act entitled an act to regulate the conduct of public officers," was taken up, read a third time and passed.

House bill No. 98, a bill to be entitled "An act to amend section five of an act entitled an act prescribing the powers and duties of clerks of the district courts, approved August 12, 1870," was taken up, read a third time and passed.

House bill No. 116, "An act to amend the first section of an act entitled an act to amend the first section of an act to regulate proceedings in the district courts, approved May 13, 1846, approved December 10, 1863," was taken up, read a third time and passed.

House bill No. 101, a bill to be entitled "An act granting a charter to Hugh P. Clark, to create and keep and run a ferry boat at or near the northeast corner of the Hugh Neal survey, on Sabine river, in Van Zandt county," was taken up and read a second time.

On motion the rules were suspended, the bill read a third time and passed by a two-thirds vote.

On motion of Mr. Allen, leave of absence for fifteen days was granted Mr. Anderson of Montgomery.

The second special order, being a bill to be entitled "An act to amend the first section of an act entitled an act to amend the seventy-first and ninety-second sections of an act to regulate proceedings in the district courts, approved May 13, 1846," was taken up, and on motion of Mr. Ireland, recommitted to Judiciary Committee No. 1.

Mr. Wood introduced a bill to authorize the police court of Leon county to levy a special tax to build a jail. Read by caption and referred to Judiciary Committee No. 2.

Also a second bill, entitled "An act to prescribe the time of holding the District Court of Leon county, and to regulate proceedings therein." Read by caption and referred to Judiciary Committee No. 2.

Mr. Brown, of Dallas, introduced "An act amendatory of and supplementary to an act entitled an act amendatory of and supplementary to an act to encourage the speedy construction of a railway through the State of Texas to the Pacific coast, passed May 24, 1871, passed

November 1, 1871." Read by caption and referred to Committee on Internal Improvements.

On motion of Mr. Bewley, the House adjourned until 10 A. M., to-morrow.

HOUSE OF REPRESENTATIVES, }  
AUSTIN, TEXAS, February 8, 1873. }

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

Mr. Salter was excused for sickness, and Mr. Storey for two days, on account of business.

The journal of yesterday was read and adopted.

Petitions and memorials being in order, Mr. Hester offered a petition of sundry citizens of Fayette and Lavaca counties. Referred to Committee on State Affairs.

Mr. Denton offered a petition of certain citizens of Bandera county, in reference to building a jail. Referred to Committee on State Affairs.

Mr. Adriance offered a petition of Captain James Ingram, Captain commanding Company A, Minute Men, Blanco county. Referred to Committee on Indian Affairs.

Mr. Williams offered a petition relative to the establishment of a system of normal schools. Referred to Committee on Education.

Mr. Bewley offered a petition of certain citizens of San Augustine county. Referred to Committee on State Affairs.

Mr. Ghent offered a petition of citizens of Hearne, Robertson county, asking the repeal of their charter. Referred to Committee on Town and City Corporations.

Judiciary Committee No. 2 reported as follows:

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

SIR: Your Committee to whom was referred House bill No. 48, a bill to be entitled "An act regulating juries," beg leave to report the substitute herewith returned and recommend its passage.

IRELAND, Chairman.

The original bill having been read, the substitute was read and adopted.

Both bill and substitute were then laid on the table.

Second report from Judiciary Committee No. 2 :

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

SIR: Your Committee to whom was referred House bill No. 102, amending the code of criminal procedure, beg leave to report the same back with an amendment by striking out the words "without regard to the legal definition of such offenses," and recommend the passage of the bill as amended.

IRELAND, Chairman.

The amendment was adopted and the bill ordered engrossed.

The Secretary of the Senate announced the adoption by that body of the following resolution :

*Resolved,* That the message of the Executive, together with the communication of the Attorney General, relative to civil suits against the State heretofore authorized by law, and the necessity for making suitable provisions for the defense of said suits, be referred to a joint committee of three on the part of the Senate, and a like committee on the part of the House, and that said committee be instructed to report by bill or otherwise.

The Senate committee was appointed as follows :

Senators Shelley, Finlay and Word.

A second message announced the passage by the Senate of House bill No. 106, an act entitled "An act to provide for the public printing," with some amendments.

Senate bill No. 37, "An act to create the county of Rockwall," was taken up.

After some discussion, it was temporarily postponed, and the House printing bill as amended was taken up.

The previous question being seconded, was put and carried, and the main question ordered.

The yeas and nays being called, resulted as follows :

Yeas—Messrs. Allison, Ford, Gallaway, Gaston, Mabry, Manning, McDonald, Mills, Moore, Rainey, Scott and Westfall—12.

Nays—Messrs. Speaker, Abbott, Adriance, Allen, Anderson of McLennan, Berends, Bledsoe, Bewley, Booty, Bordeaux, Broaddus, Brown of Dallas, Brown of Upshur, Carroll, Cuninghame, Davenport, Day, Denton,

Doyle, Eastland, Frankee, Gillette, Ghent, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Kemble, Killough, Kleberg, Lane, Leyendecker, Michael, Morris, Nelson, Payne, Powers, Prendergast, Rimes, Robb, Roberts, Roseborough, Russell, Sayers, Shaw, Shelton, Short, Thurmond, Tilson, Tivy, Tom, Van Zandt, Veale, Walker, Washington, Wilder, Williams, Winkler and Wood—61.

Whereupon the House refused to concur in the amendments.

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

SIR: Your committee have examined the following House bills :

No. 38, "An act to incorporate the Falls County Real Estate and Savings Association."

No. 104, "An act to amend section four of an act entitled an act to incorporate the Payne Female Institute, approved August 6, 1856."

No. 112, "An act to amend an act entitled an act to amend an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870, approved October 13, 1871."

No. 123, "An act to provide for prompt settlement of accounts by sheriffs with the State and counties, and find the same correctly engrossed.

BOOTY, Chairman.

The chairman of Committee on Enrolled Bills reported as follows :

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

SIR: Your Committee on Enrolled Bills to whom was referred "An act to amend an act entitled an act to reincorporate the city of Navasota, Grimes county, and to grant a new charter to said city, and repeal an act approved October 27, 1866, incorporating the city of Navasota," have carefully examined and find the same correctly enrolled, and have this day presented the same to the Governor for his signature.

SHAW, Chairman.

The Rockwall bill was resumed but suspended for a few moments, and by special leave Mr. Smith of Colorado introduced the following bill: "An act defining the duties

of the Comptroller." Read and referred to Committee on Finance.

The Rockwall bill was again resumed and again suspended on motion.

Mr. Bordeaux by special leave introduced a bill to be entitled "An act to incorporate the town of Gainsville, in Cooke county, Texas." Read by caption and referred to Committee on Town and City Corporations.

The Rockwall bill being again resumed Mr. Killough moved the previous question, which being seconded was put and carried.

The main question was then put and carried, and the bill passed to a third reading.

On motion, Mr. Ellett was relieved from service on the Committee on Privileges and Elections and Mr. Abbott appointed in his place.

Special leave being granted, Mr. Morris introduced a bill to change the time of holding the district courts in the Sixth Judicial District. Read by caption and referred with accompanying memorial to the special committee of the delegations from Rusk and Harrison counties.

Special leave being granted, Mr. Russell introduced a bill to amend an act to provide for the disposal of the public domain of the State of Texas, approved August 12, 1870. Read by caption and referred to Committee on Public Lands.

On motion of Mr. Ghent the House adjourned until 10 A. M. Monday.

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HOUSE OF REPRESENTATIVES, }  
AUSTIN, TEXAS, February 10, 1873. }

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

The journal of Saturday was read and adopted.

By special leave, Mr. Robb introduced a bill requiring the next term of the District Court of Trinity county to be held at the town of Trinity. The rules were suspended and the bill put on its second reading; after which the rules were further suspended, the bill considered engrossed, read a third time and passed.

A communication from the Governor, enclosing a communication from the Attorney General, was read and laid on the table.

A communication from the Secretary of State relative to the vote at the recent election was read and referred to the Committee on Apportionment.

A second communication from the Secretary of State relative to furnishing copies of Paschal's Digest was read.

A communication was also received from the Commissioner of the General Land Office, which was read, and referred, with enclosures, to the Committee on Public Lands.

The Committee on Counties and County Boundaries reported as follows:

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

Sir: Your Committee on Counties and County Boundaries, to whom was referred the petition from the people on the east side of the Brazos river, in Austin county, petitioning for a new county, have had the same under consideration, and have instructed me to report the following bill, and recommend its passage.

NELSON, Chairman.

The report, with bill and other papers, was re-referred to the Committee on Counties and County Boundaries.

A message from the Senate announced the passage by that body of House bill incorporating the city of Fort Worth.

Mr. Mills offered a petition of certain citizens of Grimes county, asking relief for Jephtha Greenwood of said county. Referred to the Committee on Private Land Claims.

Mr. Mills offered a second petition of certain citizens of Grimes county, asking not to be cut off from said county and placed in the new proposed county of Hempstead. Referred to the Committee on Counties and County Boundaries.

Mr. Williams offered a memorial from citizens of Walker county, asking the passage of a law authorizing the use of certain apartments in the penitentiary at Huntsville as a common jail for Walker county. Referred to the Committee on State Affairs.

Mr. Williams offered a second petition of citizens of



Walker county, asking relief against the accumulation of ex-convicts in and around the city of Huntsville. Referred to the Committee on Penitentiary.

Mr. Smith of Colorado offered a petition asking for a free license to peddle for C. C. King, of Colorado. Referred to the Committee on State Affairs.

Mr. Van Zandt offered a petition of A. G. Walker. Referred to Committee on State Affairs.

Mr. Shaw offered a petition of citizens of Red River county against the sale of intoxicating liquors. Referred to the Committee on State Affairs.

Mr. Rimes offered a similar petition from citizens of Falls county. Referred to the Committee on State Affairs.

Mr. Tivy offered a petition asking for the creation of Marble county out of portions of Hays, Travis, Burnet, Llano, Gillespie and Blanco counties. Referred to the Committee on Counties and County Boundaries.

Mr. Tivy offered a second petition of certain citizens of Comfort, Kendall county, to be attached to the county of Kerr. Referred to the Committee on Counties and County Boundaries.

Mr. Ford offered a petition of citizens of Jasper county asking the enactment of some prohibitory liquor law similar to the Ohio liquor law. Referred to the Committee on State Affairs.

Mr. Trolinger offered a petition of citizens of Whitesboro, Grayson county. Referred to the Committee on Town and City Corporations.

Mr. Trolinger offered a second petition of citizens of Jack county. Referred to the Committee on State Affairs.

Mr. Nelson offered a petition of citizens of Hopkins county asking the enactment of a prohibitory liquor law similar to Ohio liquor law. Referred to the Committee on State Affairs.

By special leave the special committee composed of the Representatives of the Sixth Judicial District, reported as follows:

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

SIR: The special committee to whom was referred the bill changing the time of holding the district courts therein named, have considered the same, and have in-

structed me to report the accompanying bill and recommend its passage.

**MORRIS, Chairman.**

The accompanying bill was read; the rules suspended, read a second time; rules further suspended, read a third time and passed.

The secretary of the Senate announced the adoption by that body of a concurrent resolution for a joint select committee, to consider the propriety of establishing two additional lunatic asylums.

By special leave Mr. McDonald introduced a bill to authorize the County Court of Henderson county to levy a tax to pay the outstanding indebtedness, the repairing of bridges, jail and court house, and for all other purposes for which the said County Court is by law authorized to levy a tax. Read by caption and referred to Judiciary Committee No. 2.

The Judiciary Committee No. 2 reported as follows:

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

SIR: Your committee to whom was referred House bill No. 92, being a bill to amend "An act amendatory of an act entitled an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved May 8, 1871," beg leave to report the same back to the House, with an amendment of an additional section, providing for service of process, and recommend the passage of the bill thus amended.

**IRELAND, Chairman.**

The amendment was read and adopted, and the bill read a second time and ordered engrossed.

Second report from the same committee:

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

SIR: Your committee to whom was referred House bill No. 99, "An act to amend section twenty-third of an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved August 13, 1870," beg leave to report the same back to the House, and recommend its passage.

**IRELAND, Chairman.**

Mr. Leyendecker introduced a substitute, which was read and adopted.

Mr. Bledsoe offered an amendment, which was adopted.

On motion of Mr. Winkler, the bill and substitute were re-referred to Judiciary Committee No. 2.

On motion, the Finance Committee was granted leave to withdraw for the purpose of holding a session.

Judiciary Committee No. 2, reported further, as follows:

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

SIR: Your committee, to whom was referred House bill No. 122, a bill to be entitled "An act to amend an act entitled an act to amend articles seven hundred and fifty-seven and seven hundred and sixty-six of an act to adopt and establish a penal code for the State of Texas, approved November 12, 1866," beg leave to report the same back to the House, and recommend its passage.

IRELAND, Chairman.

The bill was read a second time and ordered engrossed.

The same committee reported further, as follows:

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

SIR: Your committee to whom was referred House bill No. 138, "An act to amend an act to dispense with the use of scrolls and seals in certain cases," beg leave to return said bill, and recommend its passage.

IRELAND, Chairman.

The bill was read a second time and ordered engrossed.

The same committee reported further, as follows:

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

SIR: Your committee to whom was referred House bill No. 144, to be entitled "An act to amend an act entitled an act to establish a code of criminal procedure for the State of Texas, approved August 26, 1856," respectfully return said bill to the House, and recommend its passage.

IRELAND, Chairman.

The bill was read a second time and ordered engrossed.

The Committee on State Affairs reported as follows:

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

SIR: Your committee to whom was referred House bill No. 162, a bill to be entitled "An act to authorize the County Court of Comal county to levy a special tax," have considered the same, and authorize me to report the same back to the House, and recommend its passage.

J. H. BROWN, Chairman.

The bill was read a second time and ordered engrossed.  
Mr. Hoffman offered an amendment.

On motion of Mr. Brown of Dallas the vote passing the bill to engrossment was reconsidered, and the bill and amendments were recommitted to the Committee on State Affairs.

Second report from same committee:

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

SIR: Your committee instruct me to report back a bill referred to them, entitled "An act to incorporate the Teutonia Association of Fayette county," and recommend its passage with the following amendment:

Amendment—Strike out section six of the bill and insert:

Sec. 6. That the grounds and buildings owned by said association, and used for their meetings, exercises and benevolent objects, so long as so used, shall be exempt from all taxation, whether State, county or municipal.

J. H. BROWN, Chairman.

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

On motion the rules were suspended, the bill considered engrossed, read a third time and passed by a two-thirds vote.

The Chairman of the Committee on Education reported as follows:

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

SIR: Your committee to whom was referred House bills Nos. 146, 164 and 161, after a proper examination, refer them back for the consideration of the House, recommending that they should pass. They would particularly recommend the speedy passage of House bill No. 161, which abolishes the offices of supervisors and inspectors of public schools.

RAINEY, for Committee.

House bill No. 146, a bill to be entitled "An act to amend an act entitled 'A act to incorporate Austin College,' approved November 22, 1849," was read second time and ordered engrossed.

House bill No. 164, a bill to be entitled "An act to prohibit the sale or otherwise disposing of intoxicating liquors

within two miles of the Acton Masonic Institute, in Hood county," was read second time and ordered engrossed.

House bill No. 161, a bill to be entitled "An act to abolish the office of school supervisor and the office of school inspector," was read second time, and on motion recommended to the Committee on Education.

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

SIR: Your committee have examined House bills as follows: No. 52, "An act prohibiting the sale of intoxicating, spirituous or vinous liquors within two miles of Pleasant Grove Academy, in Hunt county;" No. 101, "An act granting a charter to Hugh P. Clark to create, and keep and run a ferryboat at or near the northeast corner of the Hugh Neal survey over the Sabine river, in Van Zandt county;" No. 198, "An act requiring the next term of the District Court of Trinity county to be held at the town of Trinity," and find the same correctly engrossed.

BOOTY, Chairman.

The Finance Committee reported as follows:

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

SIR: Your Committee to whom was referred the letter of the Comptroller of Public Accounts and the bill entitled "An act defining the duties of the Comptroller," have considered the same and have instructed me to report the bill back to the House and recommend its passage.

MORRIS, Chairman.

The bill was read second time and ordered engrossed; the rules suspended, read third time and passed.

The Committee on Agriculture and Stock Raising reported as follows:

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

SIR: Your committee to whom was referred the following petitions and bills, to-wit: Petition of citizens of Fayette county, petition of citizens of Tarrant county, House bill No. 65, to regulate fences in certain counties; House bill No. 117, for the encouragement and protection of the farming interests of the State of Texas; House bill No. 155, to be entitled "An act for the protection of the farming interests of the State," have had the several pe-

titions and bills herein named under consideration, and after mature investigation, a majority of said committee instruct me to report back that they believe that all the objects sought in the several bills and petitions above named are amply provided for in bill No. 115, entitled "An act for the protection of the farming interests of the State," and recommend its passage as amended, and that they be relieved from further consideration of the same.

A. S. THURMOND, Chairman.

The report, with accompanying papers, was laid on the table, subject to the call of the House.

By special leave, Mr. Mills introduced "An act for the relief of Jephtha Greenwood, of Grimes county." Read by caption and referred to the Committee on Private Land Claims."

By special leave, Mr. Brown, of Dallas, introduced a bill to be entitled "An act for the relief of Lewis Latham or his assigns." Read by caption and referred to the Committee on Private Land Claims.

By special leave, Mr. Broaddus introduced a bill to be entitled "An act for the relief of Morgan Collum." Read by caption and referred to the Committee on Private Land Claims.

By special leave, Mr. Berends introduced a bill to be entitled "An act for the protection of stock raisers." Read by caption and referred to the Committee on Agriculture and Stock Raising.

The chairman of the Committee on Counties and County Boundaries reported as follows:

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

SIR: The Committee on Counties and County Boundaries, to whom was referred the petition of the County Court and sundry citizens of Menard county, instruct me to report the accompanying bill, and recommend its passage.

J. H. BROWN, Chairman.

The accompanying bill, to be entitled "An act to attach a certain district to Menard county for judicial purposes," was read first time and referred to Judiciary Committee No. 1.

The hour for the special order having arrived, it was taken up, being the report of the Finance Committee on the sale of bonds, but, on motion of Mr. Mills, was made the special order for Thursday at 12 M.

The Committee on Counties and County Boundaries reported as follows :

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

SIR : Your committee to whom was referred House bill No. 163, a bill to be entitled "An act to validate the Brazoria county bonds, voted by the people thereof, and paid out by the Commissioner's Court or County Court of said county to the Houston, Tap and Brazoria Railway Company," have had the same under consideration, and have instructed me to report the bill back and recommend its passage.

NELSON, Chairman *pro tem.*

The bill was read a second time and recommitted to the Committee on Counties and County Boundaries.

The Committee on Town and City Corporations submitted a report as follows :

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

SIR : Your committee, to whom was referred the petition of the citizens of Pine Hill, in Rusk county, asking the incorporation of said town, instruct me to report the accompanying bill and recommend its passage.

BOOTY, for Committee.

The bill, being "An act to incorporate the town of Pine Hill, in Rusk county," was then read ; the rules suspended, read a second time and ordered engrossed.

The same committee reported further as follows :

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

SIR : Your committee, to whom was referred House bill No. 196, "An act to amend an act entitled an act to incorporate the city of Calvert, in Robertson county, approved April 12, 1871," instruct me to report back the same with the recommendation that it do pass.

BOOTY, for Committee.

The bill was read a second time and ordered engrossed.

The same committee reported further as follows :

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

SIR : Your committee, to whom was referred House bill No. 174, a bill to be entitled "An act to amend and supplemental to an act to provide for the incorporation of towns and cities, approved January 27, A. D. 1858,"

having examined the same, instruct me to report the bill back and recommend its passage.

WESTFALL, for Committee.

The bill was read a second time and ordered engrossed; the rules were then suspended, the bill read a third time and passed.

Fourth report from the same committee:

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

SIR: Your committee, to whom was referred the bill entitled "An act to incorporate the town of Greenville, in Hunt county," would report that they have had the same under consideration and would recommend its passage.

CARROLL, for Committee.

The bill was read a second time and ordered engrossed.

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

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

SIR: Your committee, to whom was referred a resolution instructing said committee to inquire into the expediency of amending the road law, have had the same under consideration, and would respectfully report that section forty-six, article twelve, of the Constitution excludes the change in the road law your committee would desire to be made, but have come to the conclusion that the present road law may be materially improved. They have therefore reported the accompanying bill and recommend its passage.

HARRISON, Chairman.

The bill, being a bill to be entitled "An act to authorize county courts to levy a road and bridge tax, and to improve roads and bridges," was read and passed to a second reading.

The Committee on Public Debt reported as follows:

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

SIR: Your committee, to whom was referred "An act making an appropriation to pay mileage and per diem of presidential electors," have had the same under consideration, and have instructed me to report the bill back to the House and recommend its passage.

SHELTON, Chairman.

The bill was read a second time and ordered engrossed.



The Committee on Private Land Claims reported as follows:

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

SIR: Your committee, to whom was referred House bill No. 126, being a bill for the relief of A. S. Thurmond, having had the same under consideration, have requested me to report the same back and recommend that it do pass.

ROBB, for Committee.

The bill was read a second time and ordered engrossed.

Second report from same committee :

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

SIR: Your committee to whom was referred House bill No. 94, "An act for the relief of the heirs of George W. Miller, deceased," have considered the same and have instructed me to recommend that it do pass.

LANE, Chairman.

The bill was read a second time and ordered engrossed.

A third report of the same committee was submitted :

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

SIR: The Committee on Private Land Claims, to whom was referred House bill No. 95, "An act for the relief of Mrs. Caroline A. Stevens," have carefully considered the same, and have instructed me to report the same back and recommend that it do pass.

LANE, Chairman.

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

Fourth report from same committee :

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

SIR: The Committee on Private Land Claims, to whom was referred the petition of James Smyth, have had the same under consideration, and instruct me to recommend that the prayer be granted.

LANE, Chairman.

Re-referred to the same committee.

Fifth report from same committee :

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

SIR: Your committee to whom was referred House bill

No. 109, entitled "An act for the relief of David M. Callahan," have carefully examined the records and facts in the above recited bill, and have instructed me to report it back with the recommendation that it do pass.

SHAW, for Committee.

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

The following communication was then read :

AUSTIN, TEXAS, February 10, 1873.

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

GENTLEMEN: As instructed by resolution adopted by the City Council of the city of Galveston, I have the honor herewith to inclose you an invitation to visit our city on the twenty-fifth instant.

I would respectfully request that you signify your determination in regard thereto, to the end that due preparations may be made for your reception.

ALBERT SOMERVILLE,

Mayor of Galveston.

Mr. Brown of Dallas offered the following concurrent resolution :

*Resolved by the House of Representatives, the Senate concurring,* That the members and officers of the two houses of the Legislature hereby accept the invitation of the city of Galveston, communicated through the honorable Mayor of said city, to attend a celebration in that city on Tuesday, the twenty-fifth day of the present month, and also the proffer of a special train by the Houston and Texas Central railway company, and the Galveston, Houston and Henderson railway, to facilitate the trip to and from said city.

*Resolved,* That in order to comply with the invitation aforesaid, the two houses will adjourn on Monday the twenty-fourth day of February, to meet again at 10 o'clock A. M. Thursday, February 27.

*Resolved,* That the President of the Senate and Speaker of the House are hereby authorized to act as a committee of arrangements to represent the members of the Legislature during said excursion.

*Resolved,* That during the recess hereinbefore provided for, the members of the Legislature shall receive no per diem pay.

Mr. Hester moved to amend by striking out Thursday and inserting Monday. Lost.

Mr. Killough moved to amend by returning the thanks of the House to the mayor and officers of the city of Galveston, and to table the rest of the resolution.

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

The House then refused to sustain the call for the main question.

Mr. Killough withdrew his amendment.

Mr. Ireland moved to strike out all that portion relating to the Houston and Texas Central Railroad. Mr. Allen moved to reject the amendment. Lost.

On motion of Mr. Ghent, the House adjourned until 10 A. M. to-morrow.

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HOUSE OF REPRESENTATIVES, }  
AUSTIN, TEXAS, February 11, 1873. }

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

The journal of yesterday was read and adopted.

Unfinished business, being the concurrent resolution of Mr. Brown, of Dallas, accepting the invitation of the mayor and officers of the city of Galveston, was taken up.

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

*Resolved*, That the House of Representatives hereby accept the invitation of the city of Galveston to attend the celebration of Mardi Gras, and receive the hospitalities of said city on the twenty-fifth of February instant.

Substitute adopted.

Pending the discussion, a message from the Senate announced the passage by that body of Senate bill No. 33, "An act amendatory of and supplemental to an act entitled an act amendatory of and supplemental to an act entitled an act to incorporate the Sabine and Galveston Bay Railroad and Lumber Railroad Company, passed September 1, 1856, passed December 24, 1859, which act changed the name of said company to the Texas and New Orleans Railroad Company."

The message also informed the House of the refusal of the Senate to recede from its amendments to the House printing bill, and that it had appointed Senators Shelley, Dillard, Henry, Dohoney and King a committee of con-

ference in the disagreement between the two houses, and asks a like committee on the part of the House.

A second message from the Senate announced the passage by that body of the following bills and joint resolutions originating in that body :

Joint resolution No. 7, in reference to the interment of Texas soldiers who fell at the battles of Glorietta and Valverde, and also of those who were buried at Socorro, Albuquerque and Santa Fe, in New Mexico, during the late war.

Joint resolution No. 11, authorizing the Comptroller and Treasurer each to employ two additional clerks.

Senate bill No. 44, "An act to incorporate a company to be styled the Palestine Fire Company.

Senate bill No. 63, "An act to prohibit the sale of intoxicating or spirituous liquors in the vicinity of Red Rock, in the county of Bastrop."

Senate bill No. 81, "An act to establish a bridge across Choctaw Bayou, in Grayson county."

\*The discussion having been resumed, Mr. Ghent moved the previous question, which, being seconded, the yeas and nays were called and resulted as follows :

Yeas—Messrs. Speaker, Abbott, Adriance, Allen, Allison, Anderson of McLennan, Berends, Bledsoe, Bordeaux, Brown of Dallas, Chambers, Cunningham, Day, Doyle, Eastland, Ellett, Gallaway, Ghent, Gillette, Gilpin, Hoffman, Hollingsworth, Joseph, Kleberg, Lane, Leyendecker, Manning, McDonald, Michael, Mills, Moore, Powers, Prendergast, Rainey, Roberts, Sayers, Shaw, Shelton, Short, Smith of Colorado, Thurmond, Tilson, Trolinger, Van Zandt, Venters, Washington, Wilder, Williams and Winkler—49.

Nays—Messrs. Booty, Broaddus, Brown of Upshur, Carroll, Davenport, Denton, Frankee, Gaston, Harrison, Hester, Ireland, Kemble, Killough, Mabry, Nelson, Noeggerath, Payne, Rimes, Robb, Roseborough, Russell, Salter, Scott, Storey, Tivy, Tom, Walker, Westfall and Wood—29.

Whereupon the main question was ordered.

The resolution was then adopted.

On motion of Mr. Broaddus, the rules were suspended and the message from the Senate, relative to the House printing bill, was taken up.

On motion a conference committee was ordered to be

raised, and the Speaker appointed the following gentlemen said committee: Messrs. Broaddus, Brown of Dallas, Bewley, Shaw and Payne.

On motion of Mr. Shaw, Messrs. Powers and Anderson of McLennan, were added to the special railway committee.

On motion of Mr. Winkler, Mr. Smith, of Colorado, was added to the Committee on Internal Improvements.

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

SIR: Your Committee on Engrossed Bills have carefully examined House bill No. 187, "An act to change the times of holding the courts in the Sixth Judicial District," and find the same correctly engrossed.

BOOTY, Chairman.

On motion of Mr. Booty, the vote of yesterday, passing House bill No. 187, being "An act to change the times of holding the courts in the sixth judicial district," was reconsidered.

Mr. Booty then offered the following substitute:

"An act to amend section seven of an act entitled an act prescribing the times of holding the district courts in the several judicial districts in the State."

The substitute was adopted by a two-thirds vote, and the bill passed.

Petitions and memorials being in order, Mr. Westfall offered a petition of F. Gildart. Referred to the Committee on Public Lands and Land Office.

Mr. Berends offered a memorial of the members of the bar of Bexar county. Referred to the Special Committee on Judicial Districts.

Mr. Smith of Colorado offered a petition of citizens of Colorado county opposing the enactment of a law similar to the Ohio liquor law. Referred to the Committee on State Affairs.

A communication from his Excellency the Governor, announcing that the "Act to repeal an act entitled an act to provide for the appointment by the Governor of certain officers to fill vacancies, approved June 28, 1870," had become a law by limitation, was read and referred to Judiciary Committee No. 1.

Reports of committees being called for, Judiciary Committee No. 1 reported as follows:

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

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 132, entitled "An act to repeal an act entitled an act to provide for the employment of private clerks for the judges of the Supreme Court, approved April 5, 1871," have had the same under consideration and have directed me to report the same to the House with the recommendation that it pass.

GEO. W. SMITH, Chairman.

The bill was read a second time and ordered engrossed.

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

Second report from same committee :

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

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 73, "to make county surveyors in this State *ex officio* notaries public," have had the same under consideration, and have directed me to state that they can see no necessity for making them *ex officio* notaries public, and indeed they doubt the policy of such a law, and report the bill back to the House and request that it be not passed.

GEO. W. SMITH, Chairman.

Third report from same committee :

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

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 141, to amend article 773 of the Penal Code of this State, have had the same under consideration, and propose to amend the bill by inserting in the fourteenth line of section one after the word "false," these words, to-wit: "But the buyer, or do not." and they have instructed me to report the bill to the House with that amendment, and with the same to recommend its passage.

G. W. SMITH, Chairman.

The amendment was adopted, the bill read a second time and ordered engrossed.

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

The same committee also reported as follows :

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

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 154, a bill to provide for the election of city officers for the city of Columbus, and to regulate their duties, have considered the same, and have directed me to report it to the House, with the following amendments, to-wit: In lieu of Section 1 of the bill insert amendment for the same, as follows:

"SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That an election shall be held in the city of Columbus on the first Tuesday of April next, and on that day and month each year thereafter, for the election of a mayor, five aldermen, one recorder, one treasurer and one marshal, who shall each hold his office for the term of one year from the day of his election, and until his successor shall have been duly elected and qualified. The city council of said city shall be composed of the mayor and aldermen elected and qualified as aforesaid, and the recorder shall act as clerk at their sessions. That no person shall be elected or appointed to any office in said city who is not at the date of his election a legal registered voter of the city, or had not been a resident within the limits thereof for sixty days next before the day of his election or appointment, and none shall enter upon the duties of his office until he take oath prescribed by the Constitution of this State for all officers; and also, that he was, at the date of his election or appointment, a legal registered voter of the city of Columbus, and had resided within the limits thereof for sixty days next preceding that date, which oath of office shall be made before any officer authorized to administer oaths in such cases, filed with the mayor, and preserved by him in his office as a record thereof."

Also, strike out of the bill the the last five lines of Section 9, beginning with the words "chief justice," and insert, "Presiding justice of Colorado county shall appoint three suitable persons, voters of the city, who shall conduct the registration and election, as here directed."

And in the first line of Section 5, after the word "days," and in the seventh line of Section 8, after the word "election," and in the second line of Section 9, after the word "days," insert the words "Sunday excluded."

And the committee instruct me to recommend the adoption of these amendments, and that the bill, thus amended, do pass.

GEO. W. SMITH, Chairman.

The amendments were adopted and the bill ordered engrossed.

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

The Committee on Finance reported as follows:

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

SIR: Your Committee on Finance, to whom was referred a petition of certain citizens therein named, asking a charter creating them a body corporate, under the name of the Hempstead Real Estate, Building and Banking Association, beg leave to report that they have duly considered the same, and have unanimously concluded that the capital stock therein provided is insufficient, and instruct me to report the same back with the recommendation that said petition be not granted.

TILSON, Chairman *pro tem*.

Report adopted.

By special leave, Mr. Kleberg introduced a bill entitled "An act concerning proceedings in the district courts." Read by caption and referred to Judiciary Committee No. 1.

On motion of Mr. Booty the rules were suspended for fifteen minutes to allow the introduction of bills.

Mr. Winkler introduced a bill to be entitled "An act to incorporate the Central Texas Flouring, Grist and Manufacturing Company." Referred to Committee on State Affairs.

Mr. Brown of Upshur introduced a bill to be entitled "An act granting a charter to James A. Mitcham and H. L. Gilmore to create and keep and run a ferry boat at New Barette Landing or Crossing, on the Trinity river, in Henderson county and Navarro county." Referred to the Committee on Roads, Bridges and Ferries.

Mr. Sayers introduced a bill to amend and consolidate the several acts incorporating the town of Gonzales. Referred to the Committee on Town and City Corporations.

Mr. Powers introduced a bill for the relief of William J. Russell. Referred to the Committee on Private Land Claims.



Mr. Gilpin introduced a bill to be entitled "An act to incorporate the Pioneer Fire Company No. 1 of the city of Corpus Christi, State of Texas." Referred to the Committee on Town and City Corporations.

Mr. Broaddus introduced a bill to incorporate the trustees of the Hempstead Baptist Church, Hempstead, Austin county, Texas. Referred to Judiciary Committee No. 1.

Mr. Broaddus introduced a second bill to amend "An act incorporating Baylor University." Referred to Judiciary Committee No. 2.

Mr. Bledsoe introduced a bill to be entitled. "An act regulating the disbursements of the county finances." Referred to the Committee on Finance.

Mr. Brown of Upshur introduced a bill to be entitled "An act to establish a ferry across Big Cypress." Referred to the Committee on Roads, Bridges and Ferries.

Mr. Brown of Upshur introduced a second bill, to be entitled, "An act prohibiting the sale of spirituous liquors within two miles of the High School of Summerfield, Upshur county, Texas." Referred to the Committee on Town and City Corporations.

Mr. Cunningham introduced a bill to authorize Alexander English to erect a toll bridge on Bois d'Arc creek, in the county of Fannin. Referred to the Committee on Roads, Bridges and Ferries.

Mr. Kemble introduced a bill to be entitled, "An act for the relief of C. R. Gibson, district clerk of Ellis county, and J. M. Hawkins, district attorney." Referred to the Committee on Claims and Accounts.

Mr. Kemble introduced a second bill, to be entitled, "An act to establish a ferry across Trinity river, at Prewit's old mill." Referred to the Committee on Roads, Bridges and Ferries.

Mr. Trolinger introduced a bill to incorporate the town of Whitesboro, in Grayson county. Referred to the Committee on Town and City Corporations.

Mr. Tilson introduced a bill to regulate the issue of land patents in certain cases. Referred to Judiciary Committee No. 2.

Mr. Ghent introduced a bill entitled, "An act to repeal an act entitled an act to incorporate the city of Hearne, approved April 11, 1871." Referred to the Committee on Town and City Corporations.

Mr. Allison introduced a bill repealing sections twenty-two, twenty-six and twenty-seven, of "An act entitled an act to provide for the enrollment of the militia, the organization and discipline of the State Guards, and for the public defense, approved June 24, 1870." Referred to Committee on Military Affairs.

Mr. Tivy introduced a joint resolution in relation to Indian affairs and frontier protection. Referred to Committee on Federal Relations.

Mr. Prendergast introduced a bill concerning the acquisition and alienation of lands by railroads, and to prevent land monopolies. Referred to Judiciary Committee No. 1.

Mr. Gillette introduced a bill to organize the Bureau of Immigration. Referred to Committee on Immigration.

Mr. Smith of Colorado introduced a bill to regulate the compensation of county treasurers. Referred to Judiciary Committee No. 1.

Mr. Smith of Colorado introduced a second bill to regulate the testimony of witnesses in cases of bribery. Referred to Judiciary Committee No. 1.

Mr. Bordeaux introduced a bill for the relief of early settlers. Referred to the Committee on State Affairs.

Mr. Rainey introduced a bill for the relief of A. T. Watts. Referred to the Committee on State Affairs.

Mr. Adriance introduced a bill to incorporate the State bank of Texas, Galveston. Referred to Judiciary Committee No. 1.

Mr. Bewley introduced a bill for the relief of W. B. Watson or his assignees. Referred to Committee on Private Land Claims.

Mr. Ford introduced a bill for the relief of assessors and justices of the peace in certain cases, for taking scholastic census. Referred to Committee on State Affairs.

Mr. Storey introduced a bill to amend article four hundred and thirty-five of the Code of Criminal Procedure. Referred to Judiciary Committee No. 2.

Mr. Storey introduced a second bill to amend article one hundred and fifty-seven of "An act regulating attachments, approved January 16, 1850." Referred to Judiciary Committee No. 2.

Mr. Ireland introduced a joint resolution proposing amendments to the Constitution. Referred to the Committee on Constitutional Amendments.

Mr. Smith of Colorado offered the following resolution :  
*Resolved*, That the message of the Governor inclosing communication of Attorney General be referred to the Committee on State Affairs.

Adopted.

Mr. Sayers offered the following resolution :

*Resolved*, That the Committee on State Affairs be requested to inquire into the propriety of enforcing by appropriate legislation section twenty-six, article twelve of the Constitution, and report by bill or otherwise.

Adopted.

Mr. Allen offered the following resolution :

*Resolved*, That the sergeant-at-arms be instructed to have the flag flying from the mast-head during the hours of session every day.

Adopted.

Mr. Brown of Dallas offered the following resolution :

*Resolved*, That the Committee on Penitentiary be instructed to inquire into the expediency and necessity of establishing two additional penitentiaries for the State, one to be located on or west of the Colorado river, the other at some central point in the northern part of the State.

Adopted.

Mr. Ireland called to the chair.

Mr. Taylor introduced a bill to authorize the county of Marion to issue interest bearing bonds for the building of a court house and jail in said county. Read ; rules suspend, read a second time and ordered engrossed ; rules further suspended, read a third time and passed.

Mr. Abbott moved that the Committee on Counties and County Boundaries be requested to report the bill creating the county of Hempstead, which being carried the chairman of the committee reported as follows :

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

SIR : Your committee to whom was recommitted a bill entitled "An act to create the county of Hempstead," with a petition from the citizens of Austin county on the east side of the Brazos river; and also a counter-petition from the citizens of Grimes county, have had the same under consideration, and have unanimously instructed me to return the bill and recommend its passage,

TROLINGER, Chairman.

Mr. Brown of Dallas offered the following amendment: Insert after word "Constitution," in the fourth section, the words "and laws."

On motion of Mr. Denton, the House adjourned until 10 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }  
AUSTIN, TEXAS, February 12, 1873. }

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

The journal of yesterday was adopted with slight amendments.

By special leave, the special committee of free conference on the printing bill reported as follows:

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

SIR: Your committee of free conference upon House bill No. 106, entitled "An act to provide for the public printing," and the amendments thereto made by the Senate, have maturely and, as we trust, in that spirit which should characterize the conduct of those who are charged with the duty of subserving the public interests, considered the subjects of difference between the two houses, and the committee unanimously instruct me to make to the Senate and House of Representatives the following recommendations, to-wit:

1. That the Senate recede from its amendment to the first section of the House bill.
2. That the House concur in all the other amendments of the Senate, except the amendment which changes the words "elect" to "select," "elected" to "selected," and "election" to "selection" where they occur in the House bill, from which amendments the Senate recede.

Your committee recommend that the House bill be amended by adding the following, to-wit:

SEC. 15. *Be it enacted, etc.,* That the printing already done for either house at the present session of the Legislature, shall be paid for at the rates provided for in this act, or at the rates contracted for, if done under contract.

Respectfully submitted.

N. G. SHELLEY, Chmn. Senate Com.

A. S. BROADDUS, Chmn. House Com.

The unfinished business of yesterday, being a motion of Mr. Mills to recommit the bill creating Hempstead county, was taken up.

Mr. Mills withdrew his motion and offered the following amendment:

Amend by striking out all that portion of the bill that relates to Grimes county. Adopted.

On motion of Mr. Prendergast, the bill was laid upon the table.

A message from the Senate announced the passage by that body of House bill No. 198, "An act requiring the next term of the District Court of Trinity county to be held at the town of Trinity."

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

SIR: Your committee, having examined House bill No. 95, "An act for the relief of Mrs. Caroline A. Stevens;" No. 102, "An act to amend an act entitled an act to establish a code of criminal procedure for the State of Texas, approved August 26, A. D. 1856;" No. 187, "An act to amend section seven of an act prescribing the times of holding the district courts in the several judicial districts of the State, approved August 10, 1870," and find the same correctly engrossed.

#### BOOTY, Chairman.

A communication from the Adjutant General, relative to the collection and disbursement of the tax from residents of Limestone and Freestone counties, was read and referred to the Committee on Military Affairs.

Petitions and memorials being in order, Mr. Brown of Dallas offered a petition of Horace P. Jones and Philip McCasker, of Fort Sill, Indian Territory. Referred to the Committee on Indian Affairs.

Mr. Bordeaux offered a petition of the police court of Montagne county, asking authority to levy and collect a special tax. Referred to the Committee on State Affairs.

Mr. Gaston offered a petition of citizens of Garden Valley, asking for a charter to incorporate Garden Valley Seminary. Referred to the Committee on Education.

Mr. Hoffman offered a memorial of citizens of Kimball county, asking to be attached to Mason county for all judicial purposes. Referred to the Committee on Judicial Districts.

Mr. Watts offered a memorial of citizens of Polk and Trinity counties, praying for change in county lines, etc. Referred to the Committee on Counties and County Boundaries.

The Committee on Education reported as follows:  
*Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Your committee to whom was recommitted House bill No. 161, respectfully return the same, and ask leave to offer the accompanying substitute, and recommend its passage. They would also call attention to the returned petition, and recommend its rejection by the House.

RAINEY, for Committee.

The original bill was read, and then the substitute.

The hour for the special order having arrived, on motion of Mr. Abbott, it was postponed until the matter before the House should be disposed of.

Mr. Westfall moved the previous question, which, being seconded, was put and carried.

After the reading of the substitute, the vote ordering the main question was reconsidered.

Pending the discussion, a message from the Senate announced the adoption by that body of the report of the joint committee of free conference on the House printing bill.

The substitute was then adopted.

Mr. Berends offered the following amendment: Strike out "supervisors" all through the bill. Strike out section one of section two the words "of thirteenth of August, 1870, of twenty-fourth of April, 1871, and of twenty-ninth of November, 1871."

On motion of Mr. Joseph, the amendment was laid on the table.

The bill was then read a second time and ordered engrossed.

On motion, the rules were suspended, the bill read a third time, and put upon its passage.

The yeas and nays being called, resulted as follows:

Yeas—Messrs. Speaker, Adriance, Allison, Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Brown of Upshur, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Kil-

lough, Kleberg, Lane, Leyendecker, Manning, McDonald, Morris, Nelson, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Roseborough, Russell, Sayers, Scott, Shaw, Shelton, Short, Smith of Colorado, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Veale, Venters, Walker, Watts, Westfall, Winkler and Wood—68.

Nays—Messrs. Abbott, Allen, Berends, Ellett, Frankee, Green, Mabry, Michael, Mills, Moore, Roberts, Washington, Wilder and Williams—14.

Whereupon the bill was declared to have passed.

On motion of Mr. Bordeaux, the Committee on Town and City Corporations were granted leave to report, which they did as follows:

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

SIR: Your committee to whom was referred House bill No. 186, entitled "An act to incorporate the town of Gainesville, in Cooke county," have carefully examined the same and have instructed me to report that the same do pass.

WOOD, Chairman.

The bill was read by caption and ordered engrossed; the rules further suspended, the bill read third time and passed by a two-thirds vote.

On motion of Mr. Morris, leave of absence was granted to Mr. Booty for two weeks on important business.

On motion of Mr. Ireland the Committee on Education were granted leave to sit during the hours of session for the remainder of the term.

On motion of Mr. Brown of Dallas, Mr. Trolinger was added to the Committee on Education.

By special leave the Committee on the Agricultural College reported as follows:

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

SIR: The special committee to whom was referred that part of the Governor's message in reference to the Agricultural and Mechanical College of the State, have had the same under consideration, and beg leave to report as follows:

The committee find that under the law passed by the Legislature on the seventeenth of April, 1871, the Governor appointed three commissioners, who selected a loca-

tion for said college in the county of Brazos. That the citizens of said county donated to the State 2800 acres of good land for the use of the college, and procured to be made to the State good fee simple titles to said land. The land is of good quality, a sufficient amount of timber and prairie, and is regarded as a healthy locality. The Central Railway runs through the land, and the site selected for the buildings is on an elevation in the prairie in full view of the road and within one-quarter of a mile of the same. The commissioners, after having secured the services of Carl De Grote as an architect, proceeded to contract for the erection of the main building, with the provisions contained in said contract that the work was to be by the direction of and under the personal supervision of said Carl De Grote. The undertakers commenced the work, collected on the ground a large amount of material for the building, and under the direction of said Carl De Grote, dug out the foundation and erected the walls of the building above the surface of the ground, and put on all the sills and sleepers for the first floor.

The work, although done under the supervision of and by the direction of said architect, was, upon close examination by the commissioners, aided by G. Larmour, an architect of known ability and integrity, adjudged to be insufficient upon which to erect the building. The commissioners, as your committee learn, attached no blame to the undertakers, as by their contract they were required to be governed by the directions of said Carl De Grote in the material used and the manner of doing the work, all of which the undertakers showed they had done. The commissioners permitted the undertakers to abandon the contract, and allowed them compensation for the work done and material collected for said building. The committee regard the commissioners as extremely unfortunate, to say the least of it, in the selection of the architect. Your committee have consulted G. Larmour, the architect hereinbefore referred to, who has been upon the ground and examined the material collected by the contractors for said building, and said architect informs your committee that said material will be of the value of some ten thousand dollars toward the erection of a main building for said college.

Your committee have called upon the Comptroller and procured from him a statement, which is annexed to this



report, showing how much and by whom drawn of the appropriation heretofore made for the erection of said college building, said statement being marked A. By said statement it will be seen that the \$12,000 dollars drawn for the payment of the 2800 acres of land has been refunded in Brazos county bonds, which are fully provided for by a tax that has been legally assessed by the county court of said county. It will be further seen by said statement that the further sum of \$5000 was drawn by the three commissioners, a part of which, as your committee is informed, is still in the hands of said commissioners unexpended, how much your committee is not informed. The said statement also shows that there is still unexpended in the State Treasury of the appropriation heretofore made the sum of \$38,023.20.

Your committee have made inquiry of those competent to give information, and are satisfied it will require something near the sum of \$80,000 to erect a main building of sufficient size and architectural beauty for said college. Believing as your committee does that such a college will be of incalculable benefit to the whole State of Texas, we herewith report a bill making an additional appropriation of \$50,000 out of the school fund of the State for the purposes herein set forth, and recommend its passage.

A. S. BROADDUS, Chairman.

Annexed is a statement of what some other States have done for their agricultural colleges:

Massachusetts gave out of the State Treasury toward her college \$70,000; cities gave \$75,000; private donations \$20,000; the United States gave cost of building, \$125,000.

Iowa, \$227,000.

Missouri \$50,000 annually for ten years, and \$100 annually for each scholar.

Virginia has given, in all, \$1,044,364.

Illinois, by the Legislature, \$265,544.

California, \$245,000 coin.

## A.

*Statements of amounts drawn against appropriations  
for the Texas Agricultural and Mechanical College:*

To G. B. Slaughter, <i>et al.</i> , commissioners' expenses .....	\$1,500 00
To G. B. Slaughter and T. E. Grothaus, purchase of land, refunded in Brazos county bonds .....	12,000 00
To J. W. Johnson <i>et al.</i> , commissioners' incidental expenses, no vouchers filed .....	561 75
To Carl De Grote, salary architect .....	224 70
To Carl De Grote, salary architect .....	51 50
To Carl De Grote, salary architect .....	200 00
To Ball, Hutchings & Co., assignees architect .....	250 80
To Carl De Grote, salary architect .....	313 55
To Slocum & Thompson, stationery .....	91 00
To J. W. Johnson, T. E. Grothaus and J. G. Bell, commissioners .....	1,800 00
To J. A. McMillan, clerk salary .....	150 00
To Carl De Grote, salary architect .....	220 00
To General Land Office, maps .....	40 00
To H. Mitchell .....	110 00
To Carl De Grote, salary architect .....	63 50
To Carl De Grote, salary architect .....	800 00
To Carl De Grote, salary architect .....	200 00
To Chalmers and McMillan, building .....	12,000 00
To Sam Burrell .....	100 00
To Alfred Smith .....	325 00
To J. Larmour .....	220 00
To T. H. Downard, T. M. McCarty and Wm. M. McIntosh, bricks .....	5,000 00
To J. Stewart and J. H. Bartel .....	255 00
Total amount drawn .....	\$36,476 80

The bill, an act supplemental to an act entitled "An act to provide for the establishment of the Agricultural and Mechanical College," approved April 17, 1871, was read the first time; the rules suspended, read a second time, and made the special order for Tuesday next at 11 o'clock, and one hundred copies ordered printed for the use of the House.

On motion, Mr. Smith of Houston was added to the Committee on Judicial Districts.

Mr. Booty offered the following resolution :

WHEREAS, The number of bills passed to engrossment is in excess of the capacity of one man to engross; therefore,

*Resolved*, That the Speaker of this House be and is hereby authorized to obtain such assistance for the regular engrossing clerk as from time to time he may deem necessary, and also to appoint an assistant clerk.

Adopted.

On motion of Mr. Smith of Colorado, the House adjourned until 7 P. M., with the understanding that at the night session certain bills which he proposed to introduce should be taken up.

EVENING SESSION.

House met pursuant to adjournment. Roll called, and a quorum being finally obtained the House proceeded to business.

Judiciary Committee No. 1 reported as follows :

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

SIR: Your committee to whom was referred House bill No. 29, entitled "An act to repeal an act entitled an act to provide for voters, approved July 11, 1870," have had the same under consideration, and have instructed me to report a substitute for it, and to recommend the adoption and passage of the said substitute accompanying this report.

SMITH, Chairman.

The original bill having been read, the substitute was read and adopted.

Mr. Ireland moved to amend by inserting "constable" in place of "police." Adopted.

Mr. Brown of Dallas moved to lay the bill on the table. Carried.

Judiciary Committee No. 1 reported further, as follows:

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

SIR: Your committee, to whom was referred House bill No. 25, entitled "An act to repeal an act entitled an act to provide for the mode and manner of conducting

elections, making returns, and for the protection and purity of the ballot box, approved August 15, 1870," have considered the same, and have instructed me to report the bill back to the House with a substitute for the same, and to recommend the adoption and passage of the said substitute.

SMITH, Chairman.

The bill having been read, the substitute was read and adopted.

Mr. Ireland moved to amend by striking out "police" and inserting "constable." Adopted.

Mr. Payne offered the following amendment to section twenty-seven :

Should any person or persons or firms violate the provisions of this section by giving or selling any spirituous or intoxicating liquors within the limits prescribed in this act, he or they so offending shall, on conviction, be fined in a sum of not less than one hundred dollars, nor more than five hundred dollars, for each offense.

Mr. Bewley moved to amend by inserting "during the election."

Mr. Morris offered the following substitute for Payne's amendment :

And should any person sell, barter or give away any intoxicating liquors, unless for medicinal purposes on the day or days of election, in any county, city or town in this State, he shall be guilty of a misdemeanor, and shall, on conviction, be fined not less than fifty nor more than one hundred dollars for each offense. Adopted.

Mr. Westfall offered the following amendment, to follow immediately the amendment just adopted :

"And shall be confined in the county jail not less than one nor more than six months." Lost.

Mr. Anderson of McLennan, offered the following amendment to section twenty-seven :

Should any person or persons, or firms, give away, barter or sell any spirituous, vinous or intoxicating liquors during the time of said election, within two miles of any place where said election is held, the person so offending shall, on conviction, be fined in a sum not less than one hundred, nor more than five hundred dollars for each and every offense.

Amend section twenty-seven by striking out "or places where liquors of any sort are sold or given away."

On motion of Mr. Prendergast, the House adjourned until 10 A. M. to-morrow.