

Said railroad shall not cross the Trinity river below what is known as Spanish Bluff, in the county of Houston; and from the point at which said road may cross the Trinity river, at or about Spanish Bluff, said road shall run westwardly so as not to run south of Leon Prairie, in the county of Leon, and shall not cross the Navasota river at a point below or south of the San Antonio crossing, on said stream, said San Antonio crossing being at the southwest corner of the county of Leon.³³ The amendment was adopted.

The bill was then ordered engrossed.

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

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Armstrong, Berends, Bledsoe, Brown of Upshur, Brown of Dallas, Carroll, Cunningham, Davenport, Day, Denton, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Mabry, Manning, McDonald, Morris, Nelson, Noeggrath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—67.

Nays—Leyendecker and Moore—2.

The special order was announced, being House bill No 920, "An act to authorize the city of Austin to become a stockholder in any company or corporation, for the purpose of supplying said city with water and gas."

The special committee upon the bill submitted the following amendments, which were adopted:

1. Add to section one: "*Provided*, that this act shall not take effect until it shall be voted upon at an election to be held in said city on the .. day of .., 1873, at The managers of said election shall be appointed by the council of the city, who shall hold the election and make returns thereof to the said council as prescribed by the general law governing elections, so far as applicable. Those voting for the law shall write on their ballots the words, 'I favor the law,' or if opposed to it, 'I oppose the law,' or other words of like import. None but registered voters, resident in the city sixty days before the

election, shall be allowed to vote at said election. The council shall call a meeting within ten days after said election, and make out and record the returns of the election in their minutes, and if it appears that a majority of those voting favor the law, the council will so decree and enter on their minutes, and from that day this law shall take effect. But if it appears that a majority of those voting are opposed to the law, they will so declare and enter the same upon their minutes, and in that event this act shall not take effect."

2. Add to section three: "*Provided*, that the company is hereby required to furnish to the city of Austin, free of charge, in iron or other metallic pipes, of not less than five inches in diameter, and at least one pipe to each street, so far as houses may be constructed on the same, all the water necessary to the fire department, market house and city hall. Said company is hereby required to construct and furnish two hydrants to each improved block in the city, at such points as may be designated by the council of the city, and said company shall not charge private companies or individuals more than five cents per barrel for water, each barrel to contain forty gallons."

The bill was then ordered engrossed.

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

Mr. Winkler called up House bill No. 837, to incorporate the San Marcos, Guadalupe and Galveston Canal Company.

The Committee on Internal Improvements recommended the passage of the bill.

The bill was taken up by sections.

Mr. Sabin moved to amend section one by inserting the names of John N. Camp and A. H. Casteel, which carried.

On motion of Mr. Hollingsworth, the names of M. S. Munson and Joseph Bates were added in same section.

Mr. Payne offered the following amendment, which was adopted: After the word "county," in line nine, section six, strike out "thence to Lavaca bay," and insert in lieu thereof "thence to Green Lake, thence to Powderhorn Lake, thence to Matogorda Bay."

Mr. Sabin moved to amend section six by adding the following proviso: "*Provided*, that nothing in this act

contained shall in any way interfere with or impede any right of way that may now or hereafter be granted to the United States of America for the establishment of a coast-wise canal along the coast of Texas." The amendment was adopted.

On motion of Mr. Hollingsworth, section thirteen was amended by striking out "five" in line five, and inserting in lieu thereof "ten."

On motion of Mr. Hollingsworth, the time for which the corporation shall exist was fixed at fifty years.

On motion of Mr. Adriance, the names of Samuel W. Fisher, Galen Hodges, D. E. E. Braman and W. A. Price were added to the list of incorporators.

Mr. Russell in the chair.

The bill was then ordered engrossed.

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

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Armstrong, Berends, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Davenport, Day, Denton, Eastland, Ford, Gaston, Gillette, Gilpin, Green, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Lane, Leyendecker, Mabry, Manning, McDonald, Nelson, Noeggerath, Payne, Powers, Prendergast, Rimes, Robb, Roberts, Sabin, Salter, Sayers, Schmidt, Short, Storey, Thurmond, Tivy, Tom, Washington, Watts, Wilder, Williams, Winkler and Wood—54.

Nays—Messrs. Bordeaux, Moore, Russell, Scott, Smith of Colorado, Tilson, Venters and Westfall—8.

Report from Committee on Engrossed Bills :

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

SIR: Your Committee on Engrossed Bills beg leave to report that they have carefully examined House bill No. 925, "An act to reserve the right of way for any railroad company now incorporated by laws of the State of Texas, or that may hereafter be incorporated by the Legislature of the State, across or through any land granted to the Atlantic and Pacific Railroad Company," and find the same correctly engrossed.

L. J. STOREY, for Committee.

Mr. Rainey moved to reconsider the vote adopting the report of the conference committee upon the disagree-

ment of the two houses upon Senate bill No. 100, to provide for the merger of the Waco and Northwestern Railroad Company, with its properties, rights, privileges, and franchises, in the Houston and Texas Central Railway Company.

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

Absent—Messrs. Bewley, Ellett, Ghent, Hester, Phelps.

On motion of Mr. Kleberg, the sergeant-at-arms was dispatched for the absent members.

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

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

Mr. Washington moved to adjourn. The House refused.

Mr. Brown of Upshur moved to suspend the call. The House refused.

Mr. Brown of Upshur moved to adjourn. The House refused.

On motion of Mr. Storey, the call was suspended.

Mr. Sabin moved to lay the motion to reconsider on the table, which carried by the following vote :

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Bordeaux, Brown of Upshur, Brown of Dallas, Carroll, Day, Eastland, Ford, Gaston, Gilpin, Green, Harrison, Hoffman, Hollingsworth, Joseph, Killough, Mabry, Moore, Morris, Noeggerath, Robb, Roberts, Sabin, Salter, Schmidt, Shaw, Smith of Houston, Tivy, Venters, Washington, Watts, Wilder and Williams—37.

Nays—Messrs. Armstrong, Berends, Bledsoe, Chambers, Cunningham, Davénport, Denton, Gillette, Hester, Ireland, Kemble, Kleberg, Lane, Leyendecker, Manning, McDonald, Nelson, Payne, Powers, Prendergast, Rainey, Rimes, Rosborough, Russell, Sayers, Scott, Short, Smith of Colorado, Storey, Thurmond, Tilson, Tom, Westfall, Winkler and Wood—35.

Mr. Gillette called up House joint resolution No. 350, concerning surveyors' records of Liberty, Hill and Montague counties, upon which the following report was submitted :

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

SIR: Your Committee on State Affairs, to whom was

referred House joint resolution No. 350, concerning surveyors' records of Liberty county, have considered the same, and herewith report it back to the House, together with the accompanying substitute, and recommend the adoption of the substitute.

DENTON, for Committee.

The substitute of same caption was read and adopted, and ordered engrossed.

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

Mr. Kemble called up House bill No. 411, making an appropriation for C. R. Gibson, upon which the following veto message was submitted :

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, May 8, 1873. }

SIR: I am compelled to return to the House of Representatives, where it originated, the act entitled, "An act making an appropriation for C. R. Gibson," because it appears that it is intended to pay several claims or pretended claims of this person against the State of Texas, based upon altogether different grounds. It thus conflicts with that provision of the Constitution, article twelve, section seventeen, which declares that "every law enacted by the Legislature shall embrace but one object, and that shall be expressed in its title."

On examination of the grounds or items making up this claim, I am inclined to believe that the party has no claim against the State for any of them. He certainly has not for the principal item, which seems to be for transcribing certain records in his county, which records there was no law requiring him to transcribe, and for which, even if transcribed, he has no just claim against the State.

Very respectfully,

EDMUND J. DAVIS, Governor.

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

Mr. Smith of Colorado moved to refer the bill and message to a special committee of three, with instructions to report Friday, May 24, during the morning session.

Mr. Green moved to lay that motion on the table. The House refused to table.

The motion to refer then carried, and the Speaker appointed the following gentlemen the committee called for

by the motion: Messrs. Smith of Colorado, chairman, Kemble and Sayers.

Mr. Chambers called up House bill No. 412, "An act for the relief of G. W. Patterson and son," which was read third time.

Mr. Ireland moved to amend by inserting in line six, after the word "currency," the words "upon a warrant which shall be drawn by the Comptroller of Public Accounts for said amount," which carried.

The bill then passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Bledsoe, Bordeaux, Brown of Dallas, Carroll, Chambers, Cunningham, Day, Eastland, Ford, Gaston, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Lane, Leyendecker, Mabry, Manning, McDonald, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Sayers, Schmidt, Scott, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Vinters, Watts, Westfall, Williams, Winkler and Wood—62.

Nay—Mr. Day—1.

The Committee on Enrolled Bills submitted the following report:

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

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

House bill No. 113, "An act concerning landlords and tenants."

And find the same correctly enrolled, and have this the twenty-first day of May, at 4:50 o'clock P. M., presented the same to the Governor for his signature.

WOOD, for Committee.

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

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

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

Absent—Messrs. Abbott, Bordeaux, Ellett, Russell and Stockbridge.

On motion of Mr. Washington, Mr. Wilder was excused on account of sickness.

On motion of Mr. Carroll, Mr. Broaddus was indefinitely excused on account of sickness.

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

Mr. Ireland introduced "An act supplementary to and amendatory of an act entitled an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, passed August 13, 1870." Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Nelson introduced "An act to provide for the safe keeping and protection of the State House, or so much thereof as may include the public halls and committee rooms used by the members of the Legislature, and all the furniture and fixtures belonging to the same, and all the books, maps, charts and papers belonging to or appertaining to the State Library." Read first time; rules suspended and read second time.

A message from the Senate announced the passage of the following bills:

House bill No. 228, "An act to amend article . . . of the Code of Criminal Procedure."

House bill No. 48, "An act regulating juries," with amendments by the Senate.

House bill No. 925, "An act to reserve the right of way for any railroad company now incorporated by the laws of the State of Texas, or that may hereafter be incorporated by the Legislature of the State, across or through any lands granted to the Atlantic and Pacific Railway Company," etc.

Resuming the previous matter, Mr. Morris offered the following amendment: "Said agent shall also stay in

the Capitol each night, or cause some trusty person to sleep in such building for the purpose of its protection."

Mr. Short in the chair.

Mr. Winkler moved to refer the bill to the special-committee upon House bill No. 910, Mr. Russell chairman. The House refused to refer.

The amendment was adopted.

Mr. Robb moved to amend so that the person to be placed in charge of the building, etc., should be elected by joint ballot of both houses of the Legislature. The House refused to amend.

Mr. Payne moved to amend the salary regulation by striking out "fifteen hundred," and inserting in lieu thereof "twelve hundred," which carried.

Mr. Ireland moved to amend by adding "public grounds and all buildings and property thereon." Adopted.

Mr. Killough moved to amend by adding: "It shall further be his duty to make contract with any person or persons to make repairs on the public buildings that is provided by general appropriation, and he shall superintend the same; *provided, nevertheless*, the contract shall be approved by the Governor."

Mr. Winkler moved to reconsider the vote by which "twelve hundred" was substituted for "fifteen hundred." The House refused to reconsider.

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

The House then refused to adopt the amendment.

The bill was then ordered engrossed.

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

Mr. Robb offered the following amendment: "and prevent any of the out buildings being used as a stable or carriage house." Adopted.

Mr. Brown of Upshur moved to amend by striking out "eight" dollars and inserting "six," "and that there shall be no more than two persons employed, and they shall not receive pay for more than ten days per annum." The amendment was adopted.

The bill then passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Armstrong, Berends, Bewley, Bledsoe, Booty, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Dav-

enport, Denton, Eastland, Ghent, Gillette, Gilpin, Green, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Lane, Leyendecker, Mabry, Manning, Moore, Morris, Nelson, Noeggerath, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Salter, Sayers, Scott, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tivy, Tom, Trolinger, Washington, Westfall and Winkler—59.

Nays—Messrs. Bordeaux, Ellett, Ford, Harrison, Kleberg, Payne, Sabin, Tilson, Watts and Williams—10.

The Speaker in the chair.

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

House bill No. 858, "An act to authorize the County Court of Gillespie county to contract a loan by issuing interest-bearing bonds for the purpose of building a court house and jail."

House bill No. 721, "An act to regulate the assessment and collection of taxes," with amendments by the Senate.

Senate bill No. 30, "An act to incorporate the Sherman, Wichita and Pan-handle railway, and to grant land to aid in the construction thereof."

Senate joint resolution No. 41. "Joint resolution proposing amendments to section twenty of article one, bill of rights; to section two, section three and section four of article five; to section twenty-eight, section forty and section forty-eight of article twelve, general provisions of the Constitution of the State of Texas."

Senate bill No. 324, "An act to incorporate the Sabine and Santa Fé Central Railway Company, and to provide the aid of the State of Texas in constructing the same."

Mr. Ireland introduced a bill making a donation relief for the heirs and prisoners of the Dawson massacre, A. D. 1842. Referred to Judiciary Committee No. 1.

Mr. Storey introduced a bill to provide for the recording of writ of error and appeal bonds, and to give them the force and effect of judgment liens. Read first time; rules suspended, and read second time.

Mr. Powers moved to refer the bill to Judiciary Committee No. 1.

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

Mr. Wood moved to amend by striking out of the bill that part relating to appeal bonds.

On motion of Mr. Sayers, the amendment was laid on the table.

Mr. Smith, of Colorado, moved to amend by adding, "to be enforced by execution or otherwise in case of forfeiture of the bond." Adopted.

The bill was ordered engrossed.

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

Mr. Green introduced a bill to amend "An act entitled an act to provide for districting the State of Texas into judicial districts, approved July 2, 1870." Read first time; rules suspended and read second time.

Mr. Smith, of Colorado, moved to refer the bill to Judiciary Committee No. 1. The House refused to refer.

The bill was ordered engrossed.

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

Mr. Green introduced a bill supplemental to "An act entitled an act to amend the twenty-second section of an act entitled an act prescribing the times of holding the District Courts in the several judicial districts in the State, approved February 6, 1871." Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Wood called up House bill No. 721, "An act to regulate the assessment and collection of taxes."

On motion of Mr. Wood, the reading of the Senate amendments thereto was dispensed with, and the House refused to concur therein.

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

Resolved, by the House of Representatives, That a special committee of three, of which the Hon. G. W. Smith shall be chairman, be appointed to confer with a like committee on the part of the Senate, whose duty it shall be to take into consideration the financial condition of the State, and to report by bill or otherwise some plan for the relief of the same.

Adopted.

The Speaker appointed Messrs. Carroll and Morris said committee.

Mr. Killough moved to take up House bill No. 880, "An act to amend section seven of an act entitled an act

to organize the Bureau of Immigration, approved May 23, 1871." The House refused.

Leave being granted, Mr. Winkler introduced a joint resolution proposing an amendment to the Constitution of the State. Referred to the Committee on Constitutional Amendments.

The special order was then announced, being the motion to reconsider the vote passing House bill No. 891, "An act to authorize interest on treasury warrants."

On motion of Mr. Wood, the motion was postponed until Wednesday, May 28, 11 A. M., and made special order for that hour.

Mr. Booty in the chair.

The second special order was announced, House bill No. 526, "An act amendatory of and supplementary to an act concerning private corporations, approved December 2, 1871."

Mr. Allison moved to suspend the special order and grant leave to Judiciary Committee No. 1 to make a special report. The House refused to postpone.

Mr. Prendergast moved to amend section one hundred and eighteen, page twenty-four, line ten, by inserting after the word "shall" the words "within twelve months after its organization, cause its line of road to be surveyed and located, and a plat and map thereof to be filed in the General Land Office, and shall." Adopted.

Mr. Prendergast moved to amend section one hundred and twenty, page twenty-five, line four, by inserting after the word "aforesaid" the words "and shall not each year thereafter complete and put in operation at least fifteen miles of its road." Adopted.

Mr. Smith of Colorado moved to amend the same section, line twenty-nine, by striking out "two years" and inserting in lieu thereof "fifteen months." Adopted.

Mr. Smith of Colorado moved to amend by adding to section one hundred and twenty-one as follows: "Except when any such company may take any benefit under this act, then it shall be governed by the provisions of this act." Adopted.

Mr. Payne moved to amend by adding the following as an additional section: "SEC. 123. The gauge of all railroads incorporated, or availing themselves of the provisions of this act, shall be four feet eight and one-half inches."

Pending the discussion, a message from the Senate announced the passage, by that body, of Senate bill No. 218, "An act to establish and maintain a system of public free schools in the State of Texas," by a two-thirds vote, notwithstanding the objections of his Excellency the Governor.

Also, that the Senate had appointed a committee of three, consisting of Senators Fountain, Henry and Finlay, to confer with a like committee on the part of the House, consisting of Messrs. Smith of Colorado, Carroll and Morris, to take into consideration the financial condition of the State, and to report by bill, or otherwise, some plan for the relief of the same.

Resuming the discussion, Mr. Carroll offered the following substitute for the amendment: "That any railroad company that may hereafter be chartered by the Legislature of this State, or any railroad company that may hereafter be chartered or organized under the provisions of the general laws of this State, that shall hereafter construct, complete and put in good substantial running order a section of ten or more miles of its railroad within the limits of this State, shall be entitled to receive from the State a donation of land as hereinafter provided—that is to say, every such railroad company constructing, completing and putting in good substantial running order a section of ten or more miles of its railroad in this State, shall, if the width of the track or gauge of such railroad is four feet eight and one-half inches or more, be entitled to receive from the State, as hereinafter provided, sixteen sections of land, of six hundred and forty acres each, for each and every mile of railroad completed in accordance with its charter and the laws of this State; but if the width of the track or gauge of such railroad shall be less than four feet eight and one-half inches, then such company shall be entitled to receive from the State, as hereinafter provided, ten sections of land of six hundred and forty acres each, for each and every mile of railroad completed in accordance with its charter and the laws of this State." The substitute was adopted.

On motion of Mr. Kemble, the pending matter was postponed temporarily, and Senate bill No. 218, "An act to maintain and establish a system of public free schools in the State of Texas," was taken up.

The following veto message of his Excellency the Governor was read and ordered spread upon the journals :

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, May 6, 1873. }

Hon. E. B. Pickett, President of the Senate :

SIR: I return to the Senate the act entitled "An act to establish and maintain a system of public free schools in the State of Texas," and I ask that it be reconsidered with reference to the following, among others, in my opinion, very serious objections thereto :

1. The Constitution, article nine, section four, directs the Legislature to "establish a uniform system of public free schools throughout the State;" but this act, though it proposes in its title to establish such "a system," in reality does away with all system. It gives, in section eighteen, authority to the county boards to "define the course of study in the public schools in their respective counties, and direct the class and kind of school books and apparatus to be used therein," and to "prescribe the duties of the trustees and teachers." These powers embrace pretty much everything that is essential to a system of schools, and it is plain that under them, instead of having one system for the State, we may have as many as there are organized counties, or, say one hundred and thirty-five systems.

2. It further strikes at uniformity of system by dispensing with the Board of Education for the State. Such, or a similar board having supervisory control and direction of the schools, has been found essential to their uniformity and success, in all States, both American and foreign, where the public schools have reached the greatest perfection.

A board of education with powers analogous to those created by the law in force is not a new thing in this State. It was provided for in the provisional Constitution of 1866, article ten, section ten.

3. It provides (section twenty-two) that the schools shall only remain open four months annually. This provision alone will, if adopted, put an end to the public schools on a scale of efficiency and permanency in any respect worthy of our State.

It is obvious that well qualified teachers cannot be had at a reasonable compensation to give their services for so short a period annually. Persons who devote themselves

to teaching as a life profession (and if possible such persons only should be employed in teaching) cannot and will not accept employment of this temporary nature. As a consequence professional and competent teachers who remain in the State will be driven to take private schools, and the public schools, now so creditable in their results, must soon, from inefficiency, lose the respect and patronage of the people and fall into disuse. Public schools should be superior to private as a means of education.

In all States where the public system has been successful, this result has been brought about mainly by raising them to so high a standard that private schools of equal grade cannot favorably compare with them. Where this has been the case, private schools have disappeared. But to secure their favor, it must be made apparent to the people that the public schools are worthy of their respect. Now, in this act, aside from the four months' limitation, the whole system looks to a very inferior grade of school; in fact, it seems to aspire only to that sort. For instance, in section twenty-five will be seen the qualifications deemed sufficient for a teacher in a public school. Those qualifications are even less than are required under the present system for the third class teachers. Such a provision would alone bring the system (or rather unsystem) into contempt. It is an admission that all Texas considers herself capable of is the establishment, for a few weeks annually, of primary schools. But even of these very limited qualifications for our teachers, the county superintendents, whose accomplishments nobody is responsible for, are to be the judges. What then may be expected?

4. The expenses attending the county organization under this act, and multiplicity of officers it creates, should be noted. There is to be for each county a county board of five directors, which for the first year is calculated to cost each county five hundred and twenty dollars, or for the whole State upwards of \$70,000. These boards are intended, in a vague and ineffective sort of way, to take the place of the present supervisors and inspectors. They cannot, it is clear, perform the duties of those officers, but they cost more—the supervisors and principals, the latter then doing the duties of the present inspectors, having cost for the last scholastic year but \$65,810.72. It must also be remembered that this was the

cost of supervisors and principals for ten months, while the above cost of the county boards is for only four months. But in addition to these county boards there is an army of school trustees provided. These cannot be less than fifteen, and may be many more for each county. In this respect it is quite remarkable that while the county boards, which have little or nothing to do, are paid at the rate of four dollars each per day, the trustees, who, if they do their duty, will find their time pretty much engaged for the whole scholastic year, are to be paid nothing. It will be interesting to compare the importance of the duties to be required of the unpaid trustees, in section twenty-two and elsewhere, with those required of the paid county boards. The main business of the latter seems to be that of keeping the former busily at work. It is scarcely necessary to remark, that in no county of the State will fifteen honest and competent persons be found willing to attend without pay to the duties required of these trustees.

5. The act repeals all previous acts, thus repealing the taxes assessed under those laws. It is true the repealing section (thirty-six) proposes not to affect the legal liability of any one for taxes "claimed to be due" under those acts for the year 1871, but the taxes under the act of April 24, 1871, are nearly or quite altogether due for 1872 and 1873. In the most of the counties the first year's assessment did not go into effect until 1872. Thus it would happen that in counties where the wealthy have taken advantage of the law's delay, the poor and people of moderate means who have paid their school taxes would find their rich neighbors given, by this, an unfair advantage. Direct encouragement would thus be offered to those who have evaded their share of the burden, to the great detriment of the schools and injury of the teachers, whose pay has been thereby wrongfully withheld.

The foregoing are sufficient, and perhaps the most vital defects of the act; but I might point out others that probably have been overlooked in the haste of legislation; such as the requirements in sections four and five, and elsewhere, that the Superintendent shall give good advice and instruction to teachers, county superintendents and other school officers. The Superintendent is required by the act to do a great deal of this; enough (when we consider that the teachers and officers to be advised and instructed

will probably number six or eight thousand), to employ actively a score or two of clerks, but he is limited to the assistance of one clerk only. It may be said, however, that no great harm can occur, even if the Superintendent does not engage in this expensive correspondence, as he is made a sort of figure head by this act; none of those to whom he offers his advice and instructions need, for anything in the contrary, vouchsafe the least respect to his wishes or opinions.

In conclusion, I ask to be permitted to refer, with all respect, to a remark contained in my message at the opening of the session. On the subject of public schools it was there said: "While, then, we have an evidence which has so clearly demonstrated its practical efficiency for the purpose in view at its foundation, I respectfully suggest that it had better not be torn down to make way for the experiments of some theorist." I had then in view the possibility now realized in this act of legislation. We have had a system under way for two years, and the people have become accustomed to it. It should therefore be amended, if amendments are necessary; and in that message I suggested some which I thought might properly be made. But it is not sound policy to destroy it and substitute something entirely new and untried. The worst system or law for any people is a changeable one. This Legislature proposes totally to ignore the work of the last, and establish something of its own special devising. The next Legislature may apply the same rule to the work done by this, and so to the end.

Very respectfully,

EDMUND J. DAVIS, Governor.

Mr. Speaker in the chair.

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

The bill then passed, notwithstanding the objections of his Excellency the Governor, by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Bewley, Bledsoe, Booty, Bordeaux, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Morris, Nelson, Noeggerath, Payne,

Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Scott, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall, Winkler and Wood—68.

Nays—Messrs. Green, Mabry, Mills, Moore, Phelps Roberts, Washington and Williams—8.

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

AFTERNOON SESSION.

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

Absent—Messrs. Abbott, Bewley, Booty, Ellett, Hollingsworth, Payne, Powers, Salter, Sayers, Schmidt, Storey.

On motion of Mr. Carroll, the special order, known as the Agricultural and Mechanical College bill, was laid on the table, subject to call.

On motion of Mr. Kemble, the unfinished business of yesterday evening, being a concurrent resolution in relation to the scholastic census takers, was resumed. The resolution was adopted.

On motion of Mr. Ireland, three thousand copies of Senate bill No. 218, "An act to establish and maintain a system of public free schools in the State of Texas," were ordered printed for general distribution.

Mr. Brown of Dallas moved that Mr. Venters be allowed to call by proxy for Mr. Van Zandt, the latter gentleman being absent on leave, by reason of sickness, which motion carried.

Mr. Venters for Mr. Van Zandt called up House bill No. 404, "An act for the relief of Thomas Williams;" also as part of the same subject matter, House bill No. 759, "An act to authorize the Adjutant General to pay out certain funds heretofore appropriated for the frontier force of the State," upon which the following report was submitted:

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

SIR: Your Committee on State Affairs, to whom was referred House bill No. 404, "An act for the relief of Thomas Williams," report a substitute for the same, as also for House bill No. 759, and recommend its passage.

The object of the bill is simply to authorize the Adjutant General to pay over to the parties rightfully entitled to the same, certain moneys retained in his hands as stoppages in the pay of certain persons who served in the frontier force.

VENTERS, for Committee,

The substitute offered by the committee of same caption as House bill No. 759, above recited, was read and adopted, and ordered engrossed.

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

Mr. Cunningham called up House bill No. 905, "An act to incorporate the Greenville, Bonham and Oklahoma Railroad Company." The special railway committee submitted the following amendments, which were adopted.

Section four, line four, strike out "six" and insert "two."

Section seven, line sixty-four, after the word "corporation," insert "nor to any person, firm or company in trust for said railroad company, or to any firm or company of which any officer or stockholder of said company is a member."

Add to section eight as follows: "Said company shall not sell, lease or rent its road bed, or sell its franchise to any other parallel, connecting or competing line of railroad, or purchase, or be merged in or consolidated with any such road; and said company, its officers, agents and employes shall be subject to all laws now in force, or which may be hereafter enacted in relation to railroads and railroad companies, or the duties and responsibilities of common carriers, and the right is expressly reserved to the State to regulate the charges for transporting freight and passengers over said road."

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

Mr. Carroll moved to amend by adding to the end of section eight, "by a general law." Adopted.

The bill was then ordered engrossed.

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

Yeas—Messrs. Speaker, Armstrong, Berends, Bledsoe, Booty, Brown of Upshur, Brown of Dallas, Carroll, Cunningham, Davenport, Day, Eastland, Ford, Gallaway,

Gaston, Ghent, Gillette, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Mabry, Manning, McDonald, Noeggerath, Payne, Phelps, Powers, Prendergast, Roberts, Russell, Sabin, Salter, Sayers, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tivy, Washington, Watts, Williams and Winkler—52.

Nays—Messrs. Bordeaux, Chambers, Denton, Ellett, Moore, Nelson, Rainey, Rimès, Rosborough, Scott, Tilson, Trolinger and Westfall—13.

Mr. Venters called up Senate bill No. 30, "An act to incorporate the Sherman, Wichita and Pan-handle Railway, and to grant land in aid of the construction thereof." Read first time.

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

On motion of Mr. Trolinger, the following names were added to the list of incorporators: L. Kelley, William McClain and W. D. Ligon.

Mr. Bordeaux moved to amend section seventeen by striking out "twenty miles shall be constructed by said company," etc., and inserting in lieu thereof "said company shall construct their road to Gainesville, in Cook county, within two years from the organization of the company." Adopted.

The bill then passed to a third reading.

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

Yeas—Messrs. Speaker, Allison, Anderson, Armstrong, Berends, Bewley, Booty, Brown of Upshur, Brown of Dallas, Carroll, Cunningham, Davenport, Day, Eastland, Ellett, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Killough, Kleberg, Lane, Mabry, Manning, McDonald, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Robb, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Venters, Washington, Watts and Winkler—61.

Nays—Messrs. Bordeaux, Chambers, Kemble, Leyendecker, Moore, Westfall, and Williams—7.

On motion of Mr. Sabin, House bill No. 890, "An act granting the right of way to the United States of America

for the construction of a coastwise canal along the coast of Texas, through the inland waters and mainland thereof," was taken up and made special order for Friday, May 23, at 10 A. M.

The Committee on Engrossed Bills submitted the following report:

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

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

No. 326, "An act to prohibit the sale or disposition of spirituous, vinous, or other intoxicating liquors within three miles of Mount Calm Masonic Institute."

No. 350, "Joint resolution concerning surveyors' records of Liberty, Hill and Montague counties."

No. 412, "An act for the relief of G. W. Patterson and son."

No. 775, "An act amendatory of and supplemental to an act entitled an act to incorporate the Texas Timber and Prairie Railroad Company, approved August 15, 1870."

No. 914, "An act authorizing and requiring the issuance of certificates to certain persons therein named."

No. 920, "An act to authorize the city of Austin to become a stockholder in any company or corporation for the purpose of supplying said city with water and gas."

No. 926, "An act supplementary to and amendatory of an act entitled an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, passed August 13, 1870."

No. 929, "An act to provide for the recording writ of error and appeal bonds, and to give them the force and effect of judgment liens."

No. 930, "An act to amend an act entitled an act to provide for districting the State of Texas into judicial districts, approved July 12, 1870."

No. 931, "An act supplementary to an act entitled an act to amend the twenty-second section of an act entitled an act prescribing the times of holding the district courts in the several judicial districts in the State, approved February 6, 1871."

And find the same correctly engrossed.

BOOTY, Chairman.

A message from the Senate announced that that body

refused to recede from its amendments to House bill No. 721, "An act to regulate the assessment and collection of taxes," and had appointed Messrs. Shelley, Dillard and Henry a conference committee on the disagreement between the two houses, and requested a like committee on the part of the House.

On motion of Mr. Russell, the message was taken up, and under instructions from the House the Speaker appointed Messrs. Russell, Wood and Smith of Colorado a conference committee on the part of the House.

Leave being granted, Mr. Brown of Dallas introduced a bill to provide for a special election in the city of Dallas. Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Trolinger called up House bill No. 615, "An act amendatory to an act authorizing the sale and disposition of the university lands, approved August 30, 1856, approved November 12, 1866." The bill was taken up by sections, being on second reading.

Mr. Anderson moved to amend section two by filling the blank in line one with the word "six," and by striking out of line five the word "counties" and inserting in lieu thereof "land district." Adopted.

Mr. Anderson moved to insert after the word "public," in line nine of section three, the words "if said certificate be approved by the board." Adopted.

Mr. Sayers moved to amend section three by inserting after the word "public" in line nine, the words "or other officer authorized to administer oaths." Adopted.

Mr. Brown of Upshur moved to amend section three by striking out of line four the word "three" and inserting in lieu thereof "two and a half." The House refused to adopt the amendment.

Mr. Anderson moved to amend section four by striking out of line eleven all after the word "county," and inserting in lieu thereof "to the surveyor of the district where said land lies." Adopted.

Mr. Ireland in the chair.

Mr. Winkler moved to amend section five by inserting after the word "counties," line three, "who shall be residents of the counties where the land lies." The House refused to adopt the amendment.

Mr. Wood moved to add to section five: "*Provided*, that any actual settler on said lands who has occupied said land for not more than three years, shall be entitled to purchase one hundred and sixty acres of the land, to include his improvements, without any reference to the value of the improvements. If the said settler has occupied for five years, such settler shall pay the value of said land, and one-half of the value of his improvements, in addition; if the settler has occupied for seven years, the settler shall pay the full value of the land.

Mr. Hoffman, moved the previous question. The House refused to second the motion.

Mr. Cunningham moved to lay the amendment on the table, which carried.

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

HOUSE OF REPRESENTATIVES,)
AUSTIN, TEXAS, May 23, 1873. }

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

Absent—Messrs. Abbott and Bewley.

On motion of Mr. Prendergast, the special finance committee, consisting of Messrs. Smith, of Colorado, Wood and Morris, were excused during the morning session.

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

The Speaker submitted a petition from citizens of Grimes county, asking the prohibition of the sale of merchandise on Sunday. Referred to the Committee on State Affairs.

Mr. Mills presented a protest from citizens of Grimes county against the passage of the bill known as the fence law. Referred to the Committee on State Affairs.

Mr. Westfall introduced a bill for the encouragement of irrigation. Read first time; rules suspended and read second time.

On motion of Mr. Powers, the bill was referred to Judiciary Committee No. 2, with instructions to report thereon Saturday, May 24, at 10 A. M.

Mr. Ghent introduced a bill providing for an election

of officers for the town of Cameron. Read first time; rules suspended read second time and ordered engrossed.

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

Mr. Brown of Dallas offered the following resolution:

WHEREAS, The General Land Office is the depository of the land certificates and land titles of the people of Texas, amounting in value to hundreds of millions of dollars; and

Whereas, Grave apprehensions exist that the archives of said office have fallen into a state of confusion, dangerous to the rights of thousands of our citizens, including the absent or minor heirs of large numbers of deceased persons; now, therefore,

1. *Resolved by the House of Representatives of the State of Texas,* That a special committee, to consist of Messrs. Ireland, Watts, Wood, Smith of Colorado, and Broaddus, be appointed to inquire what action, if any, is necessary to protect the rights of the people in the premises, including the necessity and propriety of temporarily suspending operations in the Land Office, and dismissing all its officers and employes, excepting the Commissioner, two clerks and two draughtsmen, whose duties shall be limited to issuing certificates, furnishing county maps, certified copies, receiving and filing field notes, and such other duties as may, for the time being, be indispensable to the public interest, until other provisions may be made by law.

2. That said committee shall especially inquire into the proper means of preventing irresponsible men from having improper access to the archives of the Land Office, or any means of abstracting papers therefrom.

3. That said committee be authorized to act in conjunction with any like committee appointed by the Senate; and that they are instructed to report at the earliest practicable day by bill, resolution or otherwise.

Mr. Berends moved to lay the resolution on the table. Lost by the following vote:

Yeas—Messrs. Berends, Green, Hoffman, Mills, Moore, Noeggerath, Schmidt, Washington, Williams—9.

Nays—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Eastland, Ellett, Ford, Gaston, Ghent.

Gillette, Gilpin, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, McDonald, Morris, Nelson, Payne, Phelps, Prendergast, Rainey, Roberts, Rosborough, Russell, Sabin, Sayers, Scott, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Trolinger, Venters, Watts, Westfall, Winkler Wood—62.

The resolution was then adopted.

On motion of Mr. Denton, the special committee on House bill No. 24, "An act for the better protection of the archives and files of the General Land Office," was granted leave to report, and submitted the following substitute for the above bill: "An act to better protect the papers, records and files in the General Land Office."

The substitute having been read, Mr. Kemble moved to refer it to the special committee, consisting of Messrs. Ireland, Watts, Wood, Smith of Colorado and Broaddus.

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

The resolution to refer then carried.

Mr. Watts introduced a bill to amend article seven hundred and two of "An act entitled an act to establish a code of criminal procedure for the State of Texas," approved August 26, 1856. Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Tivy introduced a bill supplemental to and amendatory of "An act to incorporate the Indianola, San Antonio and El Paso Railroad Company, passed April 3, 1871, and to grant land in aid of the construction of the same." Read first time; rules suspended and read second time.

On motion of Mr. Tivy the bill was referred to the special railway committee, with instructions to report thereon May 27, at 10 A. M.

Mr. Ireland introduced a bill supplemental to and amendatory of "An act to provide for prompt settlement of accounts by sheriffs with the State and counties," approved April 28, 1873.

Report from the Committee on Engrossed Bills:

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

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

No. 837, "An act to incorporate the San Marcos, Guadalupe and Galveston Canal Company."

No. 927, "An act to provide for the safe keeping and protection of the State House, or so much thereof as may include the public halls, the committee rooms used by the members of the Legislature, and all the furniture and fixtures belonging to the same, and all the books, maps, charts and papers belonging to or appertaining to the library of the State."

No. 934, "An act to provide for a special election in the city of Dallas."

An find the same correctly engrossed.

BOOTY, Chairman.

Mr. Gillette introduced a bill to prohibit the sale or disposal of intoxicating liquors within three miles of Pecan Grove Male and Female School, in Hill county. Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Storey introduced a bill to appropriate five hundred and three dollars to pay second class certificate No. 2886 of the public debt of the Republic of Texas, issued to John R. Cunningham, September 1, 1851. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Storey, the rules were suspended, the bill read third time and put upon its passage.

The result showing that a quorum was not present, the Speaker ordered the bill read again by caption and put upon its passage. The bill then passed by the following vote:

Yeas—Messrs. Adriaance, Allison, Anderson, Berends, Bewley, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Denton, Ellett, Ford, Gallaway, Ghent, Gillette, Gilpin, Green, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Mills, Nelson, Noeggrath, Payne, Powers, Prendergast, Rimes, Robb, Roberts, Rosborough, Sabin, Salter, Sayers, Schmidt, Storey, Thurmond, Tivy, Tom, Trolinger, Watts, Westfall, Winkler and Wood—54.

Nays—Messrs. Armstrong, Bledsoe, Eastland, Gaston, Harrison, Hester, Hoffman, McDonald, Moore, Morris, Rainey, Russell, Scott, Shaw, Smith of Houston, Tilson, Washington and Williams—18.

A message from the Senate announced the passage, by that body, of House bills,

No. 318, "An act to repeal section sixty of an act entitled an act concerning private corporations, approved December 2, 1871."

No. 332, "An act supplemental to and amendatory of the several acts concerning injunctions."

No. 373, "An act supplementary to an act entitled an act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane, approved February 5, 1858."

Also, of the adoption of a concurrent resolution, returning the thanks of the people of the State, and especially of the frontier, to General McKenzie and the troops under his command, for their gallant conduct in inflicting punishment upon the Kickapoo Indians within the Mexican border.

Mr. Winkler introduced a bill to provide for the repayment to James J. Gathings, of Hill county, money illegally extorted from him by the State police. Read first time.

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

Mr. Kemble introduced a joint resolution authorizing county treasurers to settle with sheriffs and treasurers of the boards of school directors for the one per cent. school house tax, and to collect all moneys relative thereto in their hands. Read first time; rules suspended and read second time.

On motion of Mr. Smith of Houston, the joint resolution was referred to the following select committee appointed by the Speaker: Messrs. Kemble, Smith of Houston and Powers.

Reports from the Committee on Enrolled Bills:

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

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

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

No. 925, "An act to reserve the right of way for any

railroad company now incorporated by the laws of the State of Texas, or that may hereafter be incorporated by the Legislature of the State, across or through any lands granted to the Atlantic and Pacific Railroad Company."

And find the same correctly enrolled, and have this the twenty-second day of May, at 10:15 o'clock A. M., presented the same to the Governor for his approval.

SHAW, Chairman.

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

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

No. 858, "An act to authorize the County Court of Gillespie county to contract a loan by issuing interest bearing bonds for the purpose of building a court house and jail."

No. 228, "An act to amend article four hundred and thirty-five of the Code of Criminal Procedure."

And find the same correctly enrolled, and have this the twenty-third day of May, at 10:25 o'clock A. M., presented the same to the Governor for his signature.

SHAW, Chairman.

Special order, House bill No. 890, "An act granting the right of way to the United States of America for the construction of a coastwise canal along the coast of Texas, through the inland waters and mainland thereof," was announced.

Previous to taking up the bill, House bill No. 48, "An act regulating juries," was taken up, the Senate amendments thereto read and concurred in.

A message from the Senate announced the passage by that body of House bill No. 850, "An act prescribing the times of holding general elections in this State, with amendments by the Senate.

'On motion of Mr. Ireland, the message just received was taken up.

The House refused to concur in the first amendment, striking "thirty" out of the bill wherever it occurs, and inserting in lieu thereof "ten," by the following vote:

Yeas—None.

Nays—Messrs. Speaker, Adriance, Allison, Armstrong, Berends, Bewley, Bledsoe, Booty, Bordeaux, Broadus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, East-

land, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Russell, Sabin, Salter, Sayers, Schmidt, Scott, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall, Williams Winkler and Wood—73.

The second amendment, providing that the bill shall take effect from and after its passage, was concurred in.

On motion of Mr. Wood, the special order was postponed, and the special committee upon House bill No. 778, "An act to regulate the fees to be charged by the Commissioner of the General Land Office," was granted leave to report.

The following report was submitted :

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

SIR : The joint committee of the Senate and House of Representatives, to whom was referred House bill No. 778, "An act to regulate the fees and charges of the General Land Office," have had the same under consideration, and instruct us to report the same back and recommend its passage with the accompanying amendments.

A. J. BALL,

Chairman Senate Committee.

S. POWERS,

Chairman House Committee.

1. Amend first section by adding after the words "seven dollars" the following: "to be collected for each legal division as herein classified."

2. Amend first section by adding after the words "twenty dollars" the following: "and for each additional league, or fraction of a league, twenty dollars."

The amendments were adopted.

The bill read second time and ordered engrossed.

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

On motion of Mr. Leyendecker, Messrs. Powers and Kleberg, and on motion of Mr. Ireland, Mr. Hoffman, were added to the special committee on the Land Office.

The special order, House bill No. 890 "An act granting

the right of way to the United States of America for the construction of a coastwise canal along the coast of Texas through the inland waters and mainland thereof," was then taken up and read second time.

Mr. Prendergast moved to amend by striking out section two. Lost.

Mr. Prendergast offered the following amendment, which was adopted: "Strike out all after the word "aforesaid," line eleven, section three, and insert "in the manner and under the restrictions required by law for the condemnation of private property for public use."

The bill was ordered engrossed.

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

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Davenport, Denton, Eastland, Ford, Gaston, Gillette, Gilpin, Green, Harrison, Hester, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Mabry, Manning, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Salter, Schmidt, Scott, Shaw, Short, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Washington, Watts, Westfall, Williams and Wood—64.

Nays—None.

On motion of Mr. Prendergast, House bill No. 526, amendatory of and supplementary to "An act concerning private corporations," approved December 2, 1871, was taken up, pending an amendment offered by Mr. Carroll.

Mr. Booty in the chair.

Pending the discussion, a message from the Senate announced the passage by that body of House bill No. 934, to provide for a special election in the city of Dallas.

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

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

AFTERNOON SESSION.

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

Absent—Messrs. Allison, Bewley, Ellett, Gallaway,

Killough, Kleberg, Mabry, Nelson, Payne, Salter, Tivy and Winkler.

On motion of Mr. Rimes, the Committee on State Affairs submitted the following report:

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

SIR: Your Committee on State Affairs, have considered Senate bills No. 75 and No. 79, and recommend their passage.

The first is a bill to authorize the County Court of Washington county to issue bonds for the purpose of funding the indebtedness of said county, etc. The other is to provide for the ascertainment and payment of the liabilities of the county of Washington; and the passage of both seems to be desired by the *bona fide* tax payers of Washington county.

J. H. BROWN, Chairman.

Senate bill No. 75 having been taken up, Mr. Brown of Dallas moved to dispense with its reading, which carried.

The bill having been read second time by caption, and passed to a third reading, was ordered engrossed.

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

Senate bill No. 79 was then taken up, read second time by caption and passed to a third reading.

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

The unfinished business of yesterday evening was resumed, being House bill No. 615, "An act amendatory of and supplementary to an act authorizing the sale and disposition of the University lands, approved August 30, 1856, approved November 12, 1866," pending the adoption of section five.

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

Section five was then adopted.

Mr. Anderson moved to amend by filling the blank in line one, of section seven, with the word "six." Adopted.

Mr. Trolinger moved to amend by filling the blank in line seven, section seven, with the word "two," which carried.

Mr. Nelson moved to reconsider the vote just taken.

Pending the discussion, a message was received from his Excellency the Governor, returning with his objec-

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

The discussion resumed.

Mr. Wood offered, as a substitute for the bill, "An act entitled an act to donate eighty acres of land to certain citizens in this State."

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

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

Yeas—Messrs. Armstrong, Denton, Ghent, Harrison, Hester, Ireland, Kleberg, Mabry, Morris, Powers, Prendergast, Sayers, Smith of Colorado, Smith of Houston, Storey and Wood—16.

Nays—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Bewley, Bledsoe, Bordeaux, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Eastland, Gaston, Gillette, Gilpin, Green, Hoffman, Joseph, Kemble, Killough, Lane, Leyendecker, Manning, McDonald, Moore, Nelson, Noeggerath, Payne, Rainey, Rimes, Roberts, Rosborough, Russell, Sabin, Schmidt, Shaw, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall, Williams and Winkler—50.

The House then refused to reconsider the vote adopting the amendment by Mr. Trolinger, by the following vote :

Yeas—Messrs. Armstrong, Berends, Carroll, Denton, Ford, Ghent, Harrison, Hester, Ireland, Kemble, Kleberg, Manning, Mills, Payne, Prendergast, Rimes, Sayers, Scott, Smith of Colorado, Smith of Houston, Storey, Tom, Watts, Westfall, Winkler and Wood—25.

Nays—Messrs. Speaker, Adriance, Allison, Anderson, Bledsoe, Booty, Bordeaux, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Davenport, Day, Eastland, Gallaway, Gaston, Gillette, Gilpin, Green, Hoffman, Hollingsworth, Joseph, Killough, Lane, Leyendecker, Mabry, McDonald, Moore, Morris, Nelson, Noeggerath, Powers, Rainey, Roberts, Rosborough, Russell, Sabin, Schmidt, Shaw, Thurmond, Tilson, Tivy, Trolinger, Venters and Williams—45.

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

House bill No. 483, "An act to aid in the construction of the Gulf, West Texas and Pacific Railway," with amendments by the Senate.

House bill No. 574, "An act in relation to the Corpus Christi Ship Canal."

House bill No. 924, "An act to re-incorporate the city of Corsicana, in Navarro county."

House bill No. 111, "An act to incorporate the Dallas, Palestine and Southeast Texas Railroad Company," with amendment by the Senate.

Senate bill No. 371, "An act making appropriations to supply the deficiencies in the appropriations for the years 1870, 1871 and 1872, for the support of the State government."

Mr. Brown of Dallas in the chair.

Report from Committee on Enrolled Bills :

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

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 934, "An act to provide for a special election in the city of Dallas," and find the same correctly enrolled, and have this the twenty-third day of May, at . . . o'clock, presented the same to the Governor for his approval.

WOOD, for Committee.

The bill having been resumed, Mr. Trolinger moved to fill the blank in line three, section eight, with the word "three." Adopted.

Mr. Anderson moved to amend section nine, by inserting after the word "county," in line three the words "or district;" also, strike out the word "county," in line seven, and insert in lieu thereof "district." Adopted.

Mr. Hester moved to amend section ten by adding the following proviso: "*Provided*, that no more land shall be sold under the provisions of this act than such as may now be occupied by actual settlers, and in tracts of eighty acres only to each actual settler."

Mr. Morris offered the following amendment to the amendment: "*Provided further*, that all sales of land made under the provisions of this act shall be for cash, the same to be invested in interest-bearing bonds of the United States, or of the State of Texas."

Mr. Ghent moved to postpone the further consideration of the bill until Tuesday, May 27, 10 A. M.

Mr. Russell moved to lay that motion on the table, which carried by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Davenport, Eastland, Gal-
laway, Gaston, Gillette, Gilpin, Green, Harrison, Hoff-
man, Joseph, Killough, Lane, Leyendecker, Mabry,
Manning, McDonald, Moore, Morris, Nelson, Noegge-
rath, Phelps, Roberts, Rosborough, Russell, Sabin,
Schmidt, Scott, Shaw, Tilson, Tivy, Trolinger, Venters,
Washington and Williams—44.

Nays—Messrs. Armstrong, Booty, Denton, Ford,
Ghent, Hester, Ireland, Kemble, Mills, Payne, Powers,
Prendergast, Rimes, Sayers, Short, Smith of Colorado,
Smith of Houston, Storey, Tom, Westfall, Winkler and
Wood—22.

Mr. Trolinger moved to lay the amendment and the amendment thereto on the table.

Division being called for, the amendment to the amend-
ment was tabled by the following vote :

Yeas—Messrs. Speaker, Adriance, Anderson, Berends,
Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of
Upshur, Brown of Dallas, Carroll, Chambers, Cunning-
ham, Davenport, Day, Eastland, Ford, Gaston, Ghent,
Gilpin, Green, Harrison, Hester, Hoffman, Ireland, Jo-
seph, Kemble, Killough, Lane, Mabry, Manning, Mc-
Donald, Moore, Nelson, Noeggerath, Phelps, Prender-
gast, Roberts, Rosborough, Russell, Sabin, Schmidt,
Shaw, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters,
Washington and Williams—52.

Nays—Messrs. Armstrong, Denton, Kleberg, Mills,
Morris, Payne, Powers, Rimes, Sayers, Short, Smith of
Colorado, Smith of Houston, Storey, Westfall, Wink-
ler and Wood—16.

The amendment offered by Mr. Hester was then laid on
the table by the following vote :

Yeas—Messrs. Speaker, Adriance, Anderson, Berends,
Bewley, Bledsoe, Bordeaux, Broaddus, Brown of Up-
shur, Brown of Dallas, Chambers, Cunningham, Daven-
port, Day, Ford, Gaston, Gillette, Gilpin, Green, Hoffman,
Ireland, Joseph, Killough, Lane, Leyendecker, Mabry,
Manning, McDonald, Moore, Nelson, Noeggerath, Phelps,
Roberts, Rosborough, Russell, Sabin, Schmidt, Shaw,
Tilson, Tivy, Tom, Trolinger, Venters, Westfall and Wil-
liams—45.

Nays—Messrs. Armstrong, Booty, Carroll, Denton, Eastland, Ghent, Harrison, Hester, Kemble, Kleberg, Mills, Morris, Payne, Powers, Prendergast, Rimes, Sayers, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Washington, Winkler and Wood—25.

Mr. Denton offered the following amendment: "*Provided*, that in all cases said lands shall be sold to the highest bidder on the following terms: One fourth in cash at the time of sale, one-fourth in twelve months, one-fourth in two years, and the remaining one-fourth at the end of three years, with ten per cent. interest on said back payments."

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

Yeas—Messrs. Speaker, Adriance, Anderson, Armstrong, Berends, Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Eastland, Ford, Gallaway, Gaston, Ghent, Gilpin, Green, Harrison, Hoffman, Joseph, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, Moore, Morris, Nelson, Noeggerath, Phelps, Rimes, Roberts, Rosborough, Russell, Sabin, Schmidt, Shaw, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Westfall and Williams—53.

Nays—Messrs. Denton, Gillette, Hester, Ireland, Kemble, McDonald, Mills, Payne, Powers, Prendergast, Sayers, Short, Smith of Colorado, Smith of Houston, Storey, Washington, Winkler and Wood—18.

Mr. Storey sent up an amendment, pending which, on motion of Mr. Washington, the House adjourned until 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, May 24, 1873. }

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

Absent—Messrs. Abbott, Bewley, Killough and Mills.

On motion of Mr. Sayers, Mr. Hollingsworth was excused on account of business.

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

Mr. Wood introduced a bill for the relief of W. H. Carrington. Referred to the Committee on Private Land Claims.

Mr. Gallaway introduced a bill making valid the registration of certain deeds and other instruments of writing. Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Robb introduced a bill to locate the county seat of Trinity county. Read first time; rules suspended, read second time and ordered engrossed.

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

On motion of Mr. Mills, the Committee on the Penitentiary submitted the following report:

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

SIR: Your Committee on Penitentiary, to whom was referred House bill No. 908, to be entitled "An act to authorize the lessees of the State Penitentiary to delay the payment of certain amounts of money to become due the State until the expiration of their lease," have had the same under consideration, and respectfully report it back and recommend its passage, with the accompanying amendment.

HOLLINGSWORTH, Chairman.

On motion of Mr. Mills, the bill was laid on the table, subject to call.

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

No. 742, "An act amendatory of an act to incorporate the Galveston Agricultural and Industrial Association;" and No. 904, "An act to amend section eight of an act to incorporate the town of Seguin, in Guadalupe county."

Also, the following bills, with amendments, viz:

No. 169, "An act incorporating the town of Willis, in Montgomery county;" No. 603, "An act to incorporate the town of Honey Grove, in the county of Fannin."

And that the Senate had receded from its first amendment to House bill No. 850.

Also that the Senate had passed House bill No. 362, "An act to authorize the lessees of the State penitentiary

to delay the payment of certain amounts of money to become due the State until the expiration of their lease." Also of the passage of House bill No. 327, "An act to reincorporate the town of Denton, State of Texas," with amendments thereto by the Senate; and Senate joint resolution No. 43, "Joint resolution authorizing the accountants employed by the joint committee appointed by the Legislature to investigate the Treasurer's and Comptroller's offices of this State, to write up and properly balance and adjust the books of the late State Treasury, Geo. W. Honey, to May 27, 1872, and to perform other duties therein specified; also prescribing the duties of the Comptroller in connection therein."

Mr. Tivy introduced a bill to insure uniformity in the courses and measurements of lines by surveyors. Read first time.

On motion of Mr. Russell, the rules were suspended, the bill read second time and ordered engrossed.

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

On motion of Mr. Ghent, the special committee upon the State asylums submitted the following reports, which were ordered to be spread upon the journals:

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

SIR: Your committee appointed to visit the asylums of the State, and examine into their management and condition, desire to state that they have, on various and unexpected occasions, visited the State Institute for the Blind, and after careful inspection of the school, buildings and grounds, can speak in warm approval of the judicious and satisfactory management evinced in the conduct of this institution.

The various officers are doing their work well, and with commendable zeal and success. Their task is not an easy or trifling one. It is an art which no book can explain and no theory teach. Personal contact and experience with the blind, and familiarity with the working of their peculiar and exceptional state, are requisite for success.

In so large a household, composed of children of a sickly and helpless class, the duties are onerous and unremitting, and the comfort, economy and harmony that has prevailed is largely to be placed to the credit of the faithful officers.

In this institution all the branches of a good English education are taught with fidelity and care, while daily lessons upon the piano or in voice culture are given to all who are capable of appreciating such instructions. Some of these pupils will rely upon their musical education for support in future; it is therefore the aim to give them such a thorough knowledge, both practically and theoretically, as will fit them to become successful instructors of vocal and instrumental music. Others, who show a decided talent for mathematics, or other scholastic branches, are being prepared for the profession of teaching, while even those less favored by nature, are furnished with the advantages of a free education, and the knowledge of a useful trade by which they can become, on leaving the school, self-supporting.

The proof that the blind can be educated; that they can be lifted from dependence upon relatives and friends, or upon charity, and be made useful and independent members of society, is best obtained by a visit to this asylum, and a close scrutiny of the highly satisfactory progress made by this afflicted class in the recitation hall, the music room and the work shop.

This year has been a period of increase and growth for this useful charity. There have been in attendance during the present term twenty-four pupils, and nearly as many more, we learn from the Superintendent, have applied in advance for admission in September. This increase will keep pace with the growth of our population. As sure as a large annual augmentation is shown in the numbers of this State, so sure may we be that each year will make increased demands upon the capacity of this Institute. In the management of its affairs, therefore, the growing demands of the State should be steadily kept in view, and the improvements and enlargements of each year be made of such a nature as to facilitate future requirements, as well as meet present emergencies. Consider the fact that there are over eighty blind children in Texas who are growing up without an education, and who may apply for admission within the next six months.

The great wants of the Blind Asylum just now are, a suitable kitchen and dining room, a boys' dormitory and workshops, and additional ground for a garden.

Your committee recommend the following appropriation for the maintenance of the Institute for the Blind, during the present fiscal year :

Deficiency	\$1,140 00
Salary of Superintendent.....	2,000 00
Dining-room, kitchen and closets	2,600 00
Furniture	1,280 00
Boys' dormitory and workshops.....	4,500 00
Additional grounds for garden.....	3,500 00
Support of Institution.....	19,000 00

H. C. GHENT,
THOS. M. JOSEPH,
C. T. SALTER.

Mr. Vinters introduced a bill to amend "An act to incorporate the town of Pilot Point," passed October 8, 1866. Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Ireland introduced a bill to declare null and void "An act entitled an act for the relief of the Houston and Texas Central Railway Company," passed August 15, 1870. Read first time.

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

On motion of Mr. Sabin, the bill was referred to the Committee on Internal Improvements, with instructions to report thereon Monday, May 27, at 11 A. M.

Mr. Davenport introduced a bill concerning judicial advertisements in Comanche county. Read first time; rules suspended, read second time and ordered engrossed.

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

House bill No. 603, "An act to incorporate the town of Honey Grove, in the county of Fannin," was taken up and the Senate amendments thereto read and concurred in.

House bill No. 169 "An act incorporating the town of Willis, in Montgomery county, Texas," was taken up and the Senate amendments thereto read and concurred in.

House bill No. 483, "An act to aid in the construction of the Gulf, West Texas and Pacific Railway," was taken up, and the Senate amendments thereto concurred in.

House bill No. 327, "An act to incorporate the town of Denton, State of Texas," was taken up, and the Senate amendments thereto read and concurred in.

House bill No. 111, "An act to incorporate the Dallas, Palestine and Southeast Texas Railroad Company," was taken up, and the Senate amendments thereto read and concurred in.

Senate bill No. 307, "An act to reorganize certain judicial districts, and to abolish certain other judicial districts therein named," was taken up and read first time.

Mr. Mills moved to postpone the further consideration of the bill until Tuesday, May 27, make it special order for that day, and have one hundred copies thereof printed.

Mr. Watts moved to lay that motion on the table, which carried by the following vote:

Yeas—Messrs. Speaker, Anderson, Armstrong, Bewley, Bledsoe, Booty, Bordeaux, Brown of Dallas, Denton, Eastland, Ford, Gallaway, Gaston, Ghent, Gilpin, Harrison, Hester, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Morris, Payne, Prendergast, Robb, Rosborough, Russell, Sayers, Scott, Shaw, Short, Storey, Tilson, Trolinger, Watts, Westfall, Winkler, Wood—40.

Nays—Messrs. Abbott, Allison, Berends, Broaddus, Brown of Upshur, Chambers, Cunningham, Day, Gillette, Green, Hoffman, Ireland, Joseph, Kemble, Mills, Moore, Nelson, Noeggerath, Phelps, Powers, Rainey, Rimes, Sabin, Salter, Schmidt, Smith of Colorado, Smith of Houston, Tivy, Tom, Washington, Williams—31.

On motion of Mr. Rainey, the bill was postponed until Monday, May 26, at 11 A. M., and made special order for that hour.

Senate joint resolution No. 43, "Joint resolution authorizing the accountants employed by the joint committee appointed by the Legislature to investigate the Treasurer's and Comptroller's offices of this State, to write up and properly balance and adjust the books of the late State Treasurer, George W. Honey, to May 27, 1872, and to perform other duties therein specified; also, prescribing the duties of the Comptroller in connection therewith," was taken up; read first time; rules suspended, read second time and passed to third reading.

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

Senate bill No. 371, "An act making appropriations to supply the deficiencies in the appropriations for the years 1870, 1871 and 1872, for the support of the State govern-

ment," was read first time and referred to the Committee on Finance, with instructions to report thereon Monday, May 26.

Senate bill No. 336, "An act to provide for the printing of the general laws of this State in the German and Spanish languages," was read first time; rules suspended and read second time.

Mr. Thurmond moved to amend by striking out "German and Spanish" wherever they occur.

Mr. Carroll offered the following substitute for the amendment: Strike out "two thousand" where it occurs in the bill and insert in lieu thereof "one thousand;" strike out "one thousand" wherever it occurs and insert in lieu thereof "two hundred and fifty."

Mr. Payne moved to refer the bill to the Committee on Printing and Contingent Expenses. The House refused to refer.

Mr. Leyendecker moved to lay the amendment and the substitute therefor on the table, which carried.

Mr. Mills moved to lay the bill on the table. The House refused to table by the following vote:

Yeas—Messrs. Armstrong, Bledsoe, Chambers, Mills, Morris, Robb, Russell, Scott, Short and Venters—10.

Nays—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Berends, Bewley, Booty, Bordeaux, Broaddus, Brown of Upshur, Carroll, Cunningham, Day, Denton, Eastland, Ellett, Ford, Gallaway, Gaston, Gillette, Gilpin, Green, Harrison, Hoffman, Ireland, Joseph, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Moore, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Roberts, Rosborough, Sabin, Sayers, Schmidt, Shaw, Smith of Colorado, Storey, Thurmond, Tivy, Tom, Trolinger, Washington, Watts, Westfall, Williams, Winkler and Wood—61.

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

The bill then passed to third reading.

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

Mr. Ireland moved to amend by adding the following proviso: "Provided, that no railroad charters shall be printed under the provisions of this act." Adopted.

Mr. Killough moved to amend by adding "one thousand in Bohemian."

Mr. Watts moved to amend by inserting after the word "Spanish," the following: "Alabama, Coshatte and Muscogee Indians."

Mr. Bordeaux moved to amend the amendment by adding "and Modocs."

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

Mr. Powers moved the previous question, which was seconded, and the main question ordered. The bill then passed.

The Committee on Engrossed Bills submitted the following reports:

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

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

No. 937, "An act supplemental to and amendatory of an act to provide for prompt settlement of accounts by sheriffs with the State and counties, approved April 28, 1873."

No. 939, "An act to amend article seven hundred and two of an act to establish a Code of Criminal Procedure for the State of Texas, approved August 26, 1856."

And find the same correctly engrossed.

BOOTY, Chairman.

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

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

No. 890, "An act granting the right of way to the United States of America for the construction of a coast-wise canal along the coast of Texas, through the inland waters and mainland thereof."

No. 936, "An act providing for an election of officers for the town of Cameron."

No. 905, "An act to incorporate the Greenville, Bonham and Oklahoma Railroad Company."

No. 941, "An act to appropriate five hundred and three dollars to pay second class certificate No. 2886 of the public debt of the Republic of Texas, issued to John R. Cunningham, September 1, 1851."

No. 942, "An act to prohibit the sale or disposal of intoxicating liquors within three miles of Pecan Grove Male and Female School, in Hill county."

No. 778, "An act to regulate the fees to be charged by the Commissioner of the General Land Office"

And find the same correctly engrossed.

BOOTY, Chairman.

On motion of Mr. Mills, Senate bill No. 362, "An act to authorize the lessees of the State Penitentiary to delay the payment of certain amounts of money to become due the State until the expiration of their lease," was taken up and read first time.

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

Mr. Ireland offered the following amendment: "*Provided*, that this act shall not take effect nor be in force unless the sureties on the bond of the lessees shall, within sixty days from the final passage of this act, file with the Secretary of State their written assent to the extension of time, and that they, said sureties, will take no advantage of this extension; or said lessees may execute a new bond, to be approved and conditioned as required by law; and in either event this act shall take effect and be in force."

Adopted.

The bill then passed to third reading.

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

The conference committee upon House bill No. 721 submitted the following report:

Hon. E. B. Pickett, President of the Senate, and the Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIRS: Your committee of conference, to whom was referred the matter of difference between the two houses on House bill No. 721, to be entitled "An act for the regulation and assessment and collection of taxes," have carefully considered the same, and we are instructed to make the following report:

Your committee unanimously recommend that the House concur in the Senate amendment to section two, and a majority of the committee recommend that the House concur in the Senate substitute for section four.

That the House concur in Senate amendment to section five, and your committee recommend that section five be further amended by inserting the word "real" before the word "property," in first line; also, strike out all after the word "situate," in third line.

Your committee further recommend, as a substitute for Senate amendment to section seven, the following: Amend section seven by striking out the words, "in this county," and insert the words, "liable to assessment in this precinct."

That the House concur in Senate amendment to section nine.

That the Senate recede from its amendment to section ten.

That the House concur in Senate amendment to section fifteen.

That the Senate recede from its amendment to section twenty-one.

That the House concur in the Senate amendment to section twenty-three.

That the House concur in Senate amendment to section twenty-four.

That the House concur in the Senate amendment to section twenty-seven.

That the Senate recede from its amendment to section twenty-nine.

That the House concur in the Senate amendment to section thirty.

Your committee recommend, as a substitute for Senate amendment to section thirty-two, the following, to-wit: Amend section thirty-two by striking out the words, "and all property exhibited by said sureties," in lines seventy-six and seventy-seven, printed bill.

Your committee further recommend the addition to the bill of the following section: "SEC. . . That it shall be the duty of the several justices of the peace in this State, under the provisions of this act or any law of this State, in force at the time, under the instructions of the Comptroller, on or before the first day of January, A. D. 1874, to make a supplemental assessment of all property not rendered for taxation under the assessment for the present year in their respective precincts, or properly assessable in the same; and there shall be taken up on the rolls all unrendered lands, stating the owners of the same if known; if not known such fact shall be stated; all of which property not rendered by the party with the assessed value shall be returned to the Comptroller on or before the first day of January, A. D. 1874.

"When so returned, if any of said property shall appear:

to be rendered and assessed in any other county, such property shall be checked off of said roll.

"It is hereby made the duty of the Comptroller to furnish the justices of the peace in due time with the proper blank form for all assessment rolls, and to furnish the several sheriffs of this State with a sufficient number of the blank tax receipts. For each abstract forwarded under this act to another county, the justice of the peace forwarding the same shall be entitled to a fee of forty cents; and for each of said abstracts received, assessment made and returned, the justice so doing shall be entitled to a fee of forty cents.

"These fees shall be added to the tax and paid by the person against whom the tax is assessed, and such fees shall be paid by the State, and the certificate of the justice to whom they may be due, and the sheriff of his county, that the same are correct, shall be sufficient authority for the Comptroller to draw his warrant on the State Treasury for the amount in favor of the interested party."

N. G. SHELLEY,

Chairman of Senate Committee.

J. RUSSELL,

Chairman of House Committee.

On motion of Mr. Smith of Colorado, Judiciary Committee No. 1 submitted the following report:

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

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 928, entitled "An act making donation relief for the heirs and prisoners of the Dawson massacre in the year 1842," have had the same under consideration, and instruct me to report the bill back with a substitute and recommend that the substitute be adopted and passed.

G. W. SMITH, Chairman.

The substitute, a bill to be entitled "An act to authorize the issuance of land certificates to the heirs of those who were killed in the Dawson massacre, near the Salado, in September, 1842, and of those who were taken prisoners there, and died while in prison," was read and adopted.

The bill was then ordered engrossed.

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

On motion of Mr. Payne, the Committee on State Affairs submitted the following report:

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

SIR: The Committee on State Affairs, to whom was referred House bill No. 637, to be entitled "An act to authorize the County Court of Victoria county to levy a special tax to repair the jail in said county," having considered the same, recommend that it do pass.

VENTERS, for Committee.

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

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

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

AFTERNOON SESSION.

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

Absent—Messrs. Bewley, Booty, Hester, Hollingsworth, Mabry, Russell, Salter, Scott, Tilson, Venters and Wood.

On motion of Mr. Ford, Messrs. Armstrong and Watts were excused for the evening.

Mr. Rimes moved to reconsider the vote passing Senate bill No. 75, authorizing the County Court of Washington county to issue bonds for the purpose of funding the indebtedness of said county.

On motion of Mr. Sabin, the Committee on Towns and City Corporations submitted the following report:

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

SIR: Your Committee on Town and City Corporations, to whom was referred Senate bill No. 240 $\frac{1}{2}$, have considered the same, and instruct me to report the same back to the House and recommend that it do pass with the accompanying amendment.

WOOD, Chairman.

In the fifth line of the third section, strike out the words "two miles," and insert instead thereof the words "three quarters of a mile."

The amendment was adopted.

The bill, being "An act to incorporate the Burleson Male and Female Academy in Bastrop county," was read second time by caption and passed to a third reading.

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

Mr. Morris moved to adjourn. The House refused.

The unfinished business of yesterday was resumed, House bill No. 615, "An act amendatory of and supplementary to an act authorizing the sale and disposition of the university lands, approved August 30, 1856, approved November 12, 1866," pending the following amendment offered by Mr. Storey: Add to section . . the following proviso: "*Provided*, that if any person not a settler on the land proposed to be sold, shall offer more than the settler thereon proposes to give, then it shall be the duty of the commissioners herein provided for, to advertise and sell said lands to the highest bidder, as under execution, and on a credit of five years, purchaser giving note bearing ten per cent. interest per annum, and a mortgage on the land to secure the purchase money and interest, payable annually; *and provided further*, that no land not occupied shall be sold, except to the highest bidder, and for not less than the value thereof as assessed by said commissioners."

On motion of Mr. Anderson, the amendment was laid on the table.

Mr. Anderson moved to reconsider the vote just taken. The House refused.

Mr. Anderson offered the following amendment: Amend section two by striking out all after the word "county" in line three, to the word "purposes" in line six inclusive, and inserting in lieu thereof, "the legally authorized surveyor within whose jurisdiction such lands are situated." The amendment was adopted.

Mr. Anderson moved to amend section three by striking out the word "county" in line one.

Mr. Winkler moved to lay the bill and amendment on the table. Lost by the following vote:

Yeas—Messrs. Abbott, Berends, Denton, Eastland, Gaston, Ghent, Gilpin, Harrison, Hester, Kemble, Kleberg, McDonald, Mills, Morris, Payne, Powers, Prendergast, Rimes, Robb, Sayers, Short, Smith of Colorado, Smith of Houston, Storey, Williams and Winkler—26.

Nays—Messrs. Speaker, Allison, Anderson, Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Brown of Upshur, Carroll, Chambers, Cunningham, Davenport, Day, Ellett, Ford, Gillette, Green, Hoffman,

Ireland, Joseph, Killough, Lane, Leyendecker, Mabry, Manning, Moore, Nelson, Noeggerath, Phelps, Rainey, Roberts, Rosborough, Russell, Sabin, Scott, Schmidt, Shaw, Tilson, Tivy, Tom, Trolinger, Venters, Washington and Westfall—46.

Mr. Payne moved to refer the bill to a select committee of five, with instructions to report thereon Wednesday, May 28, 11 A. M.

On motion of Mr. Sabin, the motion to refer was laid on the table.

The amendment was then adopted.

Mr. Allison moved to adjourn. Lost.

Mr. Anderson moved to amend section five by inserting in line eight, after the word "otherwise," the words "and in no case shall any one of said commissioners be a citizen of the county where said lands lie." Adopted.

Mr. Anderson moved to amend section five by inserting in line six, after the word "thereof" the words "and not residents of the county where any of said lands are situated." Adopted.

Mr. Anderson moved to amend section seven by inserting in line fourteen, after the word "clerk" the words "notary public." Adopted.

Mr. Anderson moved to amend section eight by filling the blank in line three with the words "five dollars." Lost.

Mr. Anderson moved to amend section nine by striking out lines eight, nine, ten and eleven. Adopted.

Mr. Anderson moved to fill the blank in line seven, section eleven, with the word "six." Adopted.

Mr. Anderson moved to fill the blank in line eight, section twelve, with the word "eight."

Mr. Allison moved to amend by striking out "eight" and inserting in lieu thereof "ten." Adopted.

The amendment was then adopted.

Mr. Anderson moved to fill the blank in line fifteen, section thirteen, with the word "twelve." Adopted.

Mr. Anderson moved to amend section eleven, by adding thereto: "if one be so published." Adopted.

Mr. Anderson moved to fill the blank in line ten, section sixteen, with the word "thirty." Adopted.

Mr. Anderson moved to amend section twenty-two by striking out of lines five, six and seven, all after the word "years" to the word "who," and inserting in lieu

thereof "the district attorney of the judicial district in which said land is situated." Also, by inserting in line ten, after the word "served," the words "returnable to the district court of the county where said land is situated." Also, by filling the blank in line eighteen with the word "writ." Adopted.

Mr. Anderson moved to strike out of section twenty-seven, line five, the words "deed of conveyance." Adopted.

Mr. Anderson moved to add to section twenty-seven, line eight, the following: "when signed also by the president of the board of trustees." Adopted.

Mr. Anderson moved to add to section twenty-nine the following: "All laws and parts of laws in conflict with this act be and the same are hereby repealed." Adopted.

Mr. Rainey moved to adjourn. Lost.

Mr. Storey moved to amend section two by inserting after the word "purpose," in line six, the following: "upon which any person has settled or desires to settle, or improve for their own use and benefit."

Mr. Sayers moved to lay the amendment on the table. The House refused.

The House then refused to adopt the amendment.

Mr. Payne moved to amend section twenty-two by inserting after the word "interest," the words "and one-tenth of the principal." Adopted.

Mr. Rainey moved to adjourn. Lost.

Mr. Rimes moved to add to section thirteen the following: "*Provided*, that in no instance shall any one person, either directly or indirectly, purchase more than one quarter section of said land." Adopted.

Mr. Carroll moved to strike out all after the word "be," in line two, and insert in lieu thereof "invested in United States interest bearing bonds."

Mr. Payne moved to amend the amendment by striking out "United States," and insert in lieu thereof "Texas."

Mr. Anderson moved to lay both amendments on the table.

Division of the question being called for, the House refused to table the amendment to the amendment.

The House then refused to table the amendment.

The amendment to the amendment was then adopted.

The House then refused to adopt the amendment thus amended.

Mr. Rainey moved to adjourn. Lost.

Mr. Washington offered an amendment, pending which, on motion of Mr. Ireland, the House adjourned till 9 A. M. Monday.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, May 26, 1873. }

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

Absent—Messrs. Ellett and Wilder.

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

On motion of Mr. Winkler, Mr. Ghent was granted indefinite leave of absence after Wednesday next, on account of sickness in his family.

On Motion of Mr. Morris, the special committee on finance was granted leave to sit during the sessions of the House.

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

Mr. Rimes moved to take up the Senate concurrent resolution providing for *sine die* adjournment May 26, which carried.

The resolution having been read, Mr. Rimes moved to amend by striking out "May 26," and inserting in lieu thereof "Monday, June 2."

Mr. Anderson moved to amend by substituting "June 4," for "June 2."

Mr. Short moved to postpone the further consideration of the subject until Friday, May 30, at 11 A. M., and make it special order for that hour, which carried by the following vote:

Yeas—Messrs. Speaker, Allison, Anderson, Armstrong, Berends, Bewley, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Davenport, Day, Denton, Eastland, Ellett, Gaston, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Manning, McDonald, Mills, Morris, Nelson, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Short, Smith of Colorado, Smith of Houston, Stockbridge, Thurmond, Tivy, Tom, Vinters, Westfall, Winkler and Wood—51.

Nays—Messrs. Abbott, Bledsoe, Bordeaux Cunningham, Ford, Kleberg, Lane, Leyendecker, Mabry, Moore, Noeggerath, Phelps, Roberts, Rosborough, Russell, Salter, Sayers, Schmidt, Scott, Shaw, Storey, Tilson, Trolinger, Washington, Watts and Williams—26.

On motion of Mr. Gilpin, the Committee on Counties and County Boundaries submitted the following report: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Your committee to whom was referred Senate bill No. 223, entitled "An act to submit the permanent location of the county site of El Paso county to a vote of the people of said county," beg leave to report that they have duly considered the same, and instruct me to return the bill and recommend its passage.

TROLINGER, Chairman.

On motion of Mr. Thurmond, the reading of the bill was dispensed with and it was passed to third reading.

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

On motion of Mr. Winkler, the Committee on Internal Improvements was granted further time in which to report.

On motion of Mr. Brown of Dallas, the special committee upon the arranging and publishing abstracts of land titles, submitted the following report:

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

SIR: The special committee to whom was referred a resolution in relation to rearranging and republishing the abstracts of land titles, and afterwards House bill No. 897, "An act to authorize C. H. Randolph, W. A. Pitts and John O. Johnson to compile an abstract of titled and patented lands," have considered the subject, and instruct me to report said bill No. 897 back to the House and recommend its passage, with the accompanying amendments.

The recompiling, enlargement and publication of the abstracts, is demanded by the necessities of the State and the people. But its preparation is a work of great labor, demanding the strictest attention to details and accuracy. The committee, therefore, deem it sufficient at this time to provide for the preparation of the abstracts, leaving to the next Legislature to provide for their publication.

J. H. BROWN, Chairman.

1. Insert after "claim," in line twelve, section one, "the names of both the original owner and the assignee whenever patented to an assignee."

2. Strike out the words "be and he is," in line two, section two, and insert in lieu thereof "and the Comptroller be and they are."

3. Fill the first blank in section three with "one hundred and fifty dollars," and the second blank in same section with "three thousand one hundred and fifty dollars."

4. Add to section three, "*Provided*, that when completed said abstracts shall be deposited in the office of the Commissioner of the General Land Office, subject to the order of the Legislature at its next or any future meeting."

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

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

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Armstrong, Berends, Bewley, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Davenport, Day, Denton, Eastland, Ellett, Ford, Gaston, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Ireland, Kemble, Killough, Lane, Leyendecker, Manning, McDonald, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Salter, Sayers, Schmidt, Scott, Short, Smith of Colorado, Storey, Stockbridge, Tilson, Tivy, Tom, Trolinger, Washington, Watts, Westfall, Williams, Winkler, Wood—64.

Nays—Messrs. Bledsoe, Mills, Moore, Phelps—4.

On motion of Mr. Winkler, the special committee upon the subject of purchasing copies of Paschal's Digest were granted leave to report Tuesday, May 27, at 11 A. M., and said report was made special order for that hour.

On motion of Mr. Powers, House bill No. 487, "An act to provide for the construction and repairing of court houses and jails by the several counties of the State," was taken up.

Mr. Wood offered the following amendment: Add to the end of section nine the words: "The bonds authorized to be issued under this act shall be transferable by endorsement. The county treasurer, when he pays the

owner or legal holder of any bond the interest or principal due or payable on said bond, shall cause said owner or legal holder to endorse a receipt on the back of said bond, in which receipt shall be stated the amount of interest paid, the amount of principal paid, with the true date of payment, which said receipt shall be signed by the party, his legal agent or attorney, and the county treasurer shall, at the same time, take a separate receipt from the legal owner or holder of such bond, his agent or attorney, which receipts shall state the same facts required to be endorsed on said bond; and the county treasurer shall, immediately after any such payment, endorse a memorandum of such payment, specifying principal, interest and date on the page or opposite page in the registration book where such bond is registered; and, from time to time, as the County Court may settle with the treasurer, they shall compare his receipts carefully with the endorsements on the registration book. When said bonds, or any of them are paid, they shall at once be deposited with the district clerk by the treasurer, who shall preserve the same, and, at the next meeting of the County Court after such deposit, the district clerk shall present said bonds to the court, who shall proceed to carefully compare the receipts endorsed on said bonds with the receipts endorsed on the registration book, and if they correspond, and the court find that said bonds have been fully paid, they shall destroy the same, and cause to be written across the face of the registration of said bond, 'Paid in full.' The county treasurer shall not be allowed, in settlement with the court, credit for any payment not properly receipted for on the back of a bond, which is presented as finally and fully paid." The amendment was adopted, and the second reading of the bill having been finished, it was ordered engrossed.

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

On motion of Mr. Brown of Dallas, the Committee on State Affairs reported back Senate bill No. 243, "An act for the relief of S. B. Buckley, late Assistant State Geologist," with the recommendation that it be referred to the Committee on Claims and Accounts, which reference was made.

Report from the Committee on Engrossed Bills :

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

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

No. 637, "An act to authorize the County Court of Victoria county to levy a special tax to repair the jail in said county."

No. 928, "An act to authorize the issuance of land certificates to the heirs of those who were killed in the Dawson massacre in September, 1842."

No. 946, "An act making valid the registration of certain deeds and other instruments of writing."

No. 947, "An act to locate the county seat of Trinity county."

No. 949, "An act to secure uniformity of courses and measurements of lines by surveyors."

No. 950, "An act concerning judicial advertisements in Comanche county."

No. 948, "An act to amend an act to incorporate the town of Pilot Point, passed October 8, 1866,"

And find the same correctly engrossed.

BOOTY, Chairman.

On motion of Mr. Armstrong, the special committee upon the charges and specifications against Hon. William Chambers, Judge of the First Judicial District, submitted the following report, which was read and adopted:

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

SIR: The undersigned, of the select committee to whom was referred the resolutions of inquiry into the complaints made by the members of the bar and other citizens of the First Judicial District against William Chambers, judge of said district, for high crimes and misdemeanors, alleged to have been committed by him as said judge, and to report to the House at an early moment whether there exists sufficient grounds for impeachment of him, said Chambers, judge, respectfully report it as the opinion of a majority of said committee that said Chambers, judge, should be charged and impeached of high crimes and misdemeanors before the Senate of said State, sitting as a court of impeachment, and do herewith submit formal articles of impeachment against him, and ask their adoption by this House, and that his Excellency the Governor be informed hereof, and do further recommend the adoption of the following :

Resolved, by the House of Representatives of the State of Texas, That the following articles of impeachment against Wm. Chambers, Judge of the First Judicial District of the State of Texas, be and the same are hereby adopted and preferred, and that managers be appointed and instructed to proceed to the Senate of the State of Texas, as a court of impeachment, and before said court of impeachment exhibit and urge said articles against said Chambers, judge aforesaid, said articles and heading thereof being hereunto attached as part hereof.

ARTICLES OF IMPEACHMENT

Exhibited by the House of Representatives of the State of Texas, in the name of all the people of said State, and in the name of themselves, against William Chambers, Judge of the First Judicial District of said State, which are exhibited and charged as follows :

[NOTE.—The words in each of said articles “and in the name and by the authority of the State of Texas,” are surplusage, but are included to prevent dispute in this respect, like in the preceding pending case of impeachment.—ARMSTRONG.]

ARTICLE I.

The House of Representatives of the State of Texas, in the name of all the people of said State, in the name of themselves, and in the name and by the authority of the State of Texas, do charge that William Chambers, Judge of the First Judicial District of the State of Texas, while acting in the capacity of judge heretofore, to-wit, at the March term, A. D. 1872, of the District Court of Hardin county, in said First Judicial District, the cause of the estate of Jacob Luder, deceased, coming on to be heard, wherein one A. Brown was administrator *pro tem.*, did then and there, willfully and unlawfully, and peremptorily order the said A. Brown, administrator as aforesaid, at the ensuing term of said court, to-wit, the July term, A. D. 1872, to pay into court all moneys and effects belonging to the estate of Jacob Luder, deceased, that might have come into the hands of him, said Brown, administrator, or into the hands of his attorneys; and that in obedience to said order of said Chambers, judge as

aforesaid, Robert H. Leonard, attorney at law for said Brown, administrator as aforesaid, did, at the said July term of said court, A. D. 1872, holden in and for Hardin county, pay into court the sum of seven hundred dollars, which sum of money the said Chambers, judge as aforesaid, then and there put into his own pocket, and still keeps the said money, and has wholly failed, neglected and refused to return the same to said Brown, administrator as aforesaid; and did then and there, unlawfully and fraudulently convert the said money to his own use and benefit.

Wherefore, the House of Representatives of the State of Texas, in view of the premises, do charge that William Chambers, judge as aforesaid, by reason of his acts aforesaid, is guilty of a high crime, and by reason of his acts aforesaid has rendered himself unfit longer to exercise the duties of district judge of the State of Texas.

ARTICLE II.

The House of Representatives of the State of Texas, in the name of all the people of said State, in the name of themselves, and in the name and by the authority of the State of Texas, do charge that William Chambers, Judge of the First Judicial District of the State of Texas, while acting in the capacity of judge heretofore, to wit, at the March term, A. D. 1872, of the District Court of Hardin county, in said judicial district, the cause of Jacob Luder, deceased, coming on to be heard, wherein one A. Brown was administrator *pro tem.*, did then and there, willfully and unlawfully, and peremptorily, order the said A. Brown, administrator as aforesaid, at the ensuing term of said court, to wit, at the July term, A. D. 1872, to pay into court all moneys and effects belonging to the estate of Jacob Luder, deceased, that might have come into the hands of him, said Brown, administrator, or into the hands of his attorneys; and that in obedience to said order of said Chambers, judge as aforesaid, Robert H. Leonard, attorney at law, for said Brown, administrator as aforesaid, did, at the said July term of said court, holden in and for the county of Hardin, in the year A. D. 1872, pay into court the sum of seven hundred dollars, which said money the said Chambers, judge, claimed and received as money escheated to the State of Texas, for

want of heirs at law of him, said Luder, deceased, and which sum of money the said Chambers, judge as aforesaid, then and there put into his own pocket, and still keeps the said money, and fails, neglects and refuses to pay the same into the Treasury of the State of Texas, and has wholly failed so to do, but then and there unlawfully and fraudulently converted the said seven hundred dollars to his own use and benefit.

Wherefore the House of Representatives of the State of Texas, in view of the premises, do charge that William Chambers, judge as aforesaid, by reason of his acts as aforesaid, is guilty of a high crime, and by reason of his acts as aforesaid, has rendered himself unfit longer to exercise the duties of district judge of the State of Texas.

ARTICLE III.

The House of Representatives of the State of Texas, in the name of all the people of said State, in the name of themselves and in the name and by the authority of the State of Texas, do charge that William Chambers, Judge of the First Judicial District of the State of Texas, while acting in the capacity of judge heretofore, to-wit., at the March term, A. D. 1873, of the District Court of Hardin county, said March term being a regular term of said court, the cause of the State of Texas v. John W. Leonard and Robert H. Leonard, upon a charge contained in a bill of indictment presented by the grand jury of Hardin county aforesaid, charging the said John W. Leonard and Robert H. Leonard, defendants, with the crime of swindling the estate and heirs of Jacob Luder of the sum of six hundred and seventy-five dollars, came on to be heard, and issue being then and there joined upon a plea of "not guilty," pleaded by said defendants, certain matters then and there became material, to-wit., "whether Jacob Luder, deceased, had any living heirs?" and also, "whether one A. Brown, administrator, had appealed to the Hon. William Chambers, Judge of the First Judicial District, for protection from the acts of his attorneys and the appointment of other attorneys to represent him, the said A. Brown, administrator, in the matter of the administration of the estate of Jacob Luder, deceased?" And the said William Chambers, Judge of the First Judicial District, then and there upon the trial of said cause, then

and there being investigated before a jury of twelve good and lawful men, said cause being a judicial proceeding, before John J. Dollard, clerk of the District Court of Hardin county and State of Texas (said John J. Dollard then and there being an officer duly commissioned and qualified, and authorized and empowered by the laws of Texas to administer oaths in judicial proceedings), did then and there make and take his corporeal oath "to testify the truth, the whole truth and nothing but the truth touching the matters then and there on issue in said cause, so help him God;" and the said William Chambers did then and there, upon his said corporeal oath, lawfully administered as aforesaid, falsely, wickedly, willfully, unlawfully, corruptly and feloniously say, depose and swear upon his oath aforesaid, that "John W. Leonard (meaning John W. Leonard, the defendant) told me (meaning him, the said Chambers), at the March term of the court, 1873 (meaning the March term, A. D. 1872, of the District Court of Hardin county), in open court, that Jacob Luder, deceased, had heirs residing in the State of New York;" and the said William Chambers, judge as aforesaid, did then and there, upon his said corporeal oath, so lawfully administered as aforesaid, falsely, wickedly, willfully, unlawfully, corruptly and feloniously further depose, say and swear, that "at the March term, 1872, of this court (meaning the District Court of Hardin county), Mr. A. Brown, the administrator of the estate of Jacob Luder, deceased, appealed to me in open court for protection against the acts of his attorneys (meaning the defendants John W. Leonard and Robert H. Leonard)," whereas, in truth and in fact, the said John W. Leonard did not tell the said Chambers at any time that the said Jacob Luder had heirs residing in the State of New York, or that Luder had any living heirs; and whereas, in truth and in fact, the said A. Brown did not at said time or any other time in open court appeal to said William Chambers for protection against the acts of said John W. Leonard and Robert H. Leonard, but the said statements so made under his corporeal oath as aforesaid, were falsely, willfully, wickedly, unlawfully, corruptly, maliciously and feloniously said, deposed and sworn, with the wicked, willful and felonious intent to cause a verdict of said jury to pass against the said John W. Leonard and Robert H. Leonard, in order that they might then

and there be convicted of the crime of swindling, whereof they then and there stood charged; wherefore, the said William Chambers, Judge of the First Judicial District of the State of Texas, in manner and form aforesaid, did falsely, wickedly, willfully, maliciously, unlawfully, corruptly and feloniously commit the crime of willful and corrupt perjury.

Wherefore, the House of Representatives of the State of Texas, in view of the premises, do charge that William Chambers, judge as aforesaid, by reason of his acts as aforesaid, is guilty of a high crime, and by reason of his acts as aforesaid, has rendered himself unfit longer to exercise the duties of district judge of the State of Texas.

ARTICLE IV.

The House of Representatives of the State of Texas, in the name of all the people of said State, in the name of themselves, and in the name and by the authority of the State of Texas, do charge that William Chambers, Judge of the First Judicial District of the State of Texas, while acting in the capacity of judge heretofore, to-wit, at the term, A. D. 1872, of the District Court of Jefferson county, a certain cause of the State of Texas v. John S. Marble, came on to be heard, said cause being founded upon a bill of indictment charging the said John S. Marble with the crime of theft, and the jury having heard the indictment read, the evidence, the argument of counsel and charge of the court as to the law (the said William Chambers then and there presiding as judge), and the said jury thereupon did find the defendant guilty, and assess his punishment at dollars fine and imprisonment in the county jail for two hours, whereupon the defendant's counsel, R. H. Leonard, informed the court that before adjournment he, said counsel, would present and argue a motion for a new trial, but wholly disregarding the request of said counsel, said William Chambers, judge as aforesaid, did immediately order the sheriff of Jefferson county to confine the said defendant Marble in the county jail of said county for the time of two hours, and (it being then and there noon) adjourn court till two o'clock P. M., same day, and upon meeting of the court at the appointed time, the said John S. Marble having been confined in said jail for two hours pur-

suant to said order of the court, a motion for a new trial in said cause upon the ground that the charge of the court to the jury was contrary to law, coming on to be heard, the same was then and there sustained, the said Marble having been wrongfully and oppressively confined in said jail as aforesaid, by order of said Chambers, judge as aforesaid, and without regard to the request made by the counsel of said Marble, to permit and hear motion for new trial in said cause, and upon a verdict based upon the wrongful and oppressive charge of the judge aforesaid.

Wherefore the House of Representatives of the State of Texas, in view of the premises, do charge that William Chambers, judge as aforesaid, by reason of his acts aforesaid, is guilty of malfeasance in office, and by reason of his acts as aforesaid, has rendered himself unfit longer to exercise the duties of district judge of the State of Texas.

ARTICLE V.

The House of Representatives of the State of Texas, in the name of all the people of said State, in the name of themselves, and in the name and by authority of the State of Texas, do charge that William Chambers, Judge of the First Judicial District of the State of Texas, while acting in the capacity of judge heretofore, to-wit, at the July term, A. D. 1872, of the District Court of Hardin county, the cause of the State of Texas v. A. Brown, John W. Leonard and Robert H. Leonard, for the crime of swindling, coming on to be heard, and the defendants John W. Leonard and Robert H. Leonard, demanding a trial, the district attorney *pro tem.*, asked *verbally* for a continuance without showing any cause or pretended cause therefor, although defendants demanded cause to be shown, the said Chambers, judge as aforesaid, disregarded the demands in this respect of the said defendants, and without giving reasons therefor, continued the said cause, to the great damage of defendants; and while the said Robert H. Leonard was then and there proceeding to ask for immediate trial of said cause, the said Chambers, judge, then and there expressed and manifested much and violent passion toward and at said Robert H. Leonard, and then and there in a passionate manner ordered the clerk of said court to enter a fine of

one hundred dollars against said Robert H. Leonard, without any just reason or cause therefor; and did then and there order the district attorney *pro tem.* to file a motion with the clerk of said court for a rule against the said Robert H. Leonard and John W. Leonard, being then and there practicing attorneys in said court, to be and appear at the next term of the District Court of Hardin county, and show cause why the said Robert H. Leonard and John W. Leonard should not be stricken from the roll of attorneys, he, the said Chambers, judge, not showing any sufficient cause for such unjustifiable and summary proceeding against the said Robert H. Leonard and John W. Leonard, and he, said Chambers, judge, made the said order willfully, wickedly and maliciously to gratify his prejudices against the said Robert H. Leonard and John W. Leonard, and to defeat their practice as attorneys and counsellors at law, and with the willful and wicked intent to prejudice and oppress them and to influence the minds of the people against them, and thereby affect and injure them on the trial of the cause of the State of Texas v. A. Brown, John W. Leonard and Robert H. Leonard, then pending in said court.

Wherefore, the House of Representatives of the State of Texas, in view of the premises, do charge that William Chambers, Judge of the First Judicial District of said State, by reason of his acts aforesaid, is guilty of malfeasance in office, and by reason of his said acts has rendered himself unfit longer to exercise the duties of district judge of the State of Texas.

ARTICLE VI.

The House of Representatives of the State of Texas, in the name of all the people of said State, in the name of themselves, and in the name and by the authority of the State of Texas, do charge that William Chambers, Judge of the First Judicial District of the State of Texas, while acting in the capacity of judge heretofore, to-wit, at the March term, A. D. 1873, of the District Court of Hardin county, the said cause of the State of Texas v. A. Brown, John W. Leonard and Robert H. Leonard came on to be heard, and was set for trial at the morning of the sixth day of March, A. D. 1873; and on the morning of said sixth day, in open court, the said cause being a charge of

swindling, numbered No. 182 upon the criminal docket of the District Court of Hardin county, being called for trial, did cause the members of the bar then and there present to be called into court, and in the presence of the jury of the court, the bystanders, the officers of the court and the members of the bar, did proceed to make remarks and statements respecting said cause, and say that he wished to make a personal explanation to the members of the bar, and by his remarks indicated that he, the said Chambers, judge, was the chief prosecutor in this cause, and said, among other things, that he had been called upon by a surety of A. Brown, one of the defendants, said Brown being the administrator *pro tem.* of Jacob Luder, deceased, for protection against the acts of said A. Brown, administrator as aforesaid, and had also been called upon by said A. Brown for protection against the acts of the defendants John W. Leonard and Robert H. Leonard, his attorneys, and for the appointment of other attorneys to represent him, the said A. Brown, in the administration of the said estate of Jacob Luder, deceased; and further stated that an effort had been made by some attorney-at-law (without naming him) before the grand jury of Hardin county, at the November term, A. D. 1872, of the District Court of said county, to indict him, the said Chambers, judge, for receiving and retaining in his hands the sum of seven hundred dollars of the moneys of Jacob Luder, deceased; and further said that until applications were made to him by said surety and said administrator, he, William Chambers, judge, did not know that anybody had done anything wrong, "and that certain parties (not saying who) had made certain reports about him, said Chambers, in connection with this case, apparently to affect his influence in the trial of this cause;" and further said that "this court knew its rights, duties and powers, and would protect its rights, perform its duties and enforce its powers to the utmost," and many other remarks directly bearing on the merits of the cause of the State of Texas v. A. Brown, John W. Leonard and Robert H. Leonard aforesaid, all of which was made in a declamatory, excited and passionate manner and tone of voice, and designed by him, said Chambers, judge, corruptly, maliciously and oppressively to influence the jury and bystanders against the defendants in the trial of said cause and procure their

conviction of the crime of swindling, whereof they then and there stood charged.

Wherefore, the House of Representatives of the State of Texas, in view of the premises, do charge that William Chambers, judge as aforesaid, by reason of his acts aforesaid, is guilty of malfeasance in office, oppression and other wrongs, and by reason of his acts as aforesaid, has rendered himself unfit longer to exercise the duties of district judge of the State of Texas.

ARTICLE VII.

The House of Representatives of the State of Texas, in the name of all the people of said State, and in the name of themselves, and in the name and by the authority of the State of Texas, do charge that William Chambers, Judge of the First Judicial District of the State of Texas, while acting in the capacity of judge heretofore, to-wit, at the March term, A. D. 1873, of the District Court of Hardin county, the criminal cause No. 182, to-wit, the State of Texas v. A. Brown, John W. Leonard and Robert H. Leonard, coming on to be heard and determined, and the parties defendant in said cause being put upon trial, the said William Chambers was sworn and testified as a witness in behalf of the State in said cause; and that when George W. O'Brien, attorney for the defendants, John W. Leonard and Robert H. Leonard, presented a point of law to the court bearing upon the case, "that where the judge was a witness in any cause, he might postpone the trial of the cause for trial by another judge," and proceeded to argue the application of said principle to the cause then on trial, the said William Chambers, judge, did then and there order two several fines of fifty dollars each, to be entered against said O'Brien, attorney, which fines were ordered without any legal cause or reason, the said attorney not being in contempt, but said fines were ordered for the malicious and oppressive purpose of affecting the minds of the jury unfavorably against the defendants, and defeating and confusing the arguments of said attorney, which said attorney was presenting in the case, and to prejudice the minds of the jury against the said attorney and his arguments in behalf of the defendants; and the said Chambers, judge, a few days thereafter, and outside of the court house, did make the

following remark : "That he had been very lenient with attorneys this court, but that he was going to Beaumont next week, and there is a jail there for the disorderly, and he would have some of them in there if they do not mind," which said remark was malicious and slanderous of the attorneys of the First Judicial District.

Wherefore, the House of Representatives of the State of Texas, in view of the premises, do charge that William Chambers, judge as aforesaid, by reason of his acts aforesaid, is guilty of malfeasance in office, and by reason of his acts as aforesaid, has rendered himself unfit longer to exercise the duties of district judge of the State of Texas.

ARTICLE VIII.

The House of Representatives of the State of Texas, in the name of all the people of said State, in the name of themselves, and in the name and by the authority of the State of Texas, do charge that heretofore, to wit, at the March term, A. D. 1872, of the District Court of Hardin county, William Chambers, Judge of the First Judicial District of the State of Texas, while acting in the capacity of judge, there coming on to be heard a certain criminal cause, to wit, The State of Texas v. Wesley Holland, founded upon a bill of indictment charging said Holland with robbery, by his taking an ox from one Jacob J. Busby, the property of said Busby, and issue being taken on the plea of "not guilty," put in by said Holland, when the defendant Holland attempted to prove that the ox charged to have been stolen by defendant was not the property of said Busby, and was not in the possession of said Busby, but was in truth the property of said defendant Holland, the said Chambers, judge, maliciously and oppressively, to cause a verdict to be rendered by the jury against said Holland, and to procure the conviction of said Holland of the crime of robbery, whereof he stood charged, did then and there refuse to let such evidence go to the jury as offered by the attorney of said Holland.

Wherefore, the House of Representatives of the State of Texas, in view of the premises, do charge that William Chambers, judge as aforesaid, by reason of his acts aforesaid, is guilty of malfeasance in office, and by reason of his acts as aforesaid has rendered himself unfit longer to exercise the duties of District Judge of the State of Texas.

ARTICLE IX.

The House of Representatives of the State of Texas, in the name of all the people of said State, and in the name of themselves, and in the name and by the authority of the State of Texas, do charge that William Chambers, Judge of the First Judicial District of the State of Texas, heretofore, to-wit, on the twenty-first day of March, A. D. 1871, the same being the second day of the March term, A. D. 1871, of the District Court of Jefferson county, the said Chambers acting as judge thereof, and there coming on to be heard a certain criminal cause, No. 437, entitled, "The State of Texas v. Bartemus Cooper," founded upon a bill of indictment presented by the grand jury of said county, charging said Cooper with the crime of rescuing a prisoner from the custody of Thomas Smith, deputy sheriff of said county, which cause was the first cause presented to a petit jury at said March term of said court; and the defendant pleading "not guilty" to the charge contained in said bill of indictment, said cause proceeded to trial; that during said trial the said William Chambers, judge, became much excited in manner and words, and frequently during the argument of said cause by G. W. O'Brien and R. H. Leonard, attorneys for Cooper, he, said Chambers, judge, did interrupt and stop said attorneys in their argument to the jury, untruthfully charging them with going outside the record, and in a passionate manner and tone of voice, threatened to fine said attorneys for contempt of court for their argument, they having committed no act of contempt, but confined themselves in their argument to their legitimate limits and privileges; and said Chambers, judge, thereby interfering and trying to prevent a fair investigation and trial of the said cause; and when the jury, after a few minutes' deliberation, found a verdict for the defendant, the said Chambers, judge, did, in a passionate and angry manner and tone of voice, discharge said jury for the term, and order another to be impaneled, thereby impliedly and apparently charging twelve good citizens of said county with unfitness to act as jurors, and thereby showing and practicing his disregard of the laws of our State regulating juries.

Wherefore, the House of Representatives of the State of Texas, in view of the premises, do charge that Wil-

liam Chambers, judge as aforesaid, by reason of his acts aforesaid, is guilty of malfeasance in office, and by reason of his acts, as aforesaid, has rendered himself unfit longer to exercise the duties of district judge of the State of Texas.

ARTICLE X.

The House of Representatives of the State of Texas, in the name of all the people of said State, in the name of themselves, and in the name and by the authority of the State of Texas, do charge that William Chambers, judge of the First Judicial District of the State of Texas, while acting in the capacity of judge heretofore, to-wit, at the November term, A. D. 1872, of the District Court of Jefferson county, there coming on to be heard the criminal case entitled, "The State of Texas v. Sandy Cruse," upon an indictment for murder, and said cause having been submitted to a jury, said jury brought in a verdict of "guilty," against said Cruse, and fixed his punishment at five years in the penitentiary, and on the same day of the verdict found, there was entered judgment thereon of the court, ordering the sheriff of said county to convey said Sandy Cruse to the State penitentiary, there to receive the punishment fixed upon him by said verdict and judgment, and thereupon defendant Cruse, by his attorneys, John Jackson and James Armstrong, filed in said cause and in said court, on the next day after the said trial, verdict and judgment in said cause, a motion for a new trial in said cause, alleging divers grounds in said motion, and, among other matters, objecting to said judgment, which motion being considered by the said Chambers, judge, the same was overruled and new trial refused, and thereupon, and in proper time, the defendant, by his attorneys in open court, gave notice of appeal to the Supreme Court, and further say that said appeal was taken as prescribed by law (afterwards allowed by the Honorable . . . Walker, one of the judges of the Supreme Court), and, notwithstanding said appeal of said cause, on notice thereof given in open court, the said Chambers, judge, did order as aforesaid, peremptorily, and contrary to law, the sheriff of Jefferson county to immediately convey said Sandy Cruse to the State penitentiary, which said order being promptly obeyed by

said sheriff, and in a short time after the adjournment of said District Court, the said Sandy Cruse was conveyed to the State penitentiary at Huntsville, where he is now serving out the time assessed against him by said verdict and judgment, and during the pending appeal of his case.

Wherefore, the House of Representatives of the State of Texas, in view of the premises, do charge that William Chambers, judge as aforesaid, by reason of his acts aforesaid, is guilty of malfeasance in office, and by reason of his acts as aforesaid, has rendered himself unfit longer to exercise the duties of District Judge of the State of Texas.

ARTICLE XI.

The House of Representatives of the State of Texas, in the name of all the people of said State, in the name of themselves and in the name and by the authority of the State of Texas, do charge that William Chambers, Judge of the First Judicial District of the State of Texas, while acting in the capacity of judge, heretofore, to-wit, during the year of our Lord, 1871, there being a suit then instituted in the county of Liberty, and State aforesaid, in the district court of said county, entitled "The corporation of the town of Liberty v. George Ricks, *et al*," for the possession of a ferry near said town, in said county, and ferry boats belonging to said ferry, and back rent, about one thousand two hundred dollars, and damage for breach of bond, and Mr. A. T. Watts, attorney for said corporation, having applied to said Chambers, judge, for an order to be granted by him, said Chambers, judge, to have the said ferry and ferry boats taken from and out of the possession of him, the said Ricks, and without any bond to be given by the said corporation to the said Ricks, to secure said Ricks for such damage as he might suffer by his being thus dispossessed, and which application and order was granted accordingly by said Chambers, judge, and obeyed by the sheriff of said county, and the said ferry and ferry boats were, by virtue of said order, which was granted as aforesaid, unlawfully taken from the possession of him, the said Ricks, and without any bond of security, as required by law in such cases, being given by the said corporation to the said Ricks, (one C. C. Chambers, brother of the said Chambers, judge, being then mayor of said town), he, the said

judge, granting said order with the wicked, willful and unlawful intent to oppress him, the said Ricks, and deprive him of his just rights of and in said ferry and ferry boats, and said Ricks was thereby unlawfully deprived of his said ferry and ferry boats for several months, to his very great damage.

Wherefore, the House of Representatives of the State of Texas, in view of the premises, do charge that William Chambers, judge as aforesaid, by reason of his acts aforesaid, is guilty of malfeasance in office, and by reason of his acts as aforesaid, has rendered himself unfit longer to exercise the duties of District Judge of the State of Texas.

ARTICLE XII.

The House of Representatives of the State of Texas, in the name of all the people of said State, in the name of themselves, and in the name and by the authority of the State of Texas, do charge that William Chambers, judge of the First Judicial District of the State of Texas, while acting in the capacity of judge heretofore, to-wit, during the year A. D. 1872, there was a suit instituted in the District Court of Liberty county, entitled "The corporation of the town of Liberty v. Beasley Prewitt," to recover possession of a ferry and ferry boat, and sometime during the month of November of said year, on the application of the plaintiff, the said Chambers, judge, willfully, wickedly and unlawfully ordered the said ferry and ferry boats to be taken out of the possession of said defendant, by the sheriff of said county, and by the said sheriff placed in the hands of one Whitlock, whom he called receiver, and which was then and there accordingly done, and by which illegal and oppressive order the said Prewitt was greatly injured and oppressed.

Wherefore, the House of Representatives of the State of Texas do charge that William Chambers, judge as aforesaid, by reason of his acts aforesaid, is guilty of malfeasance in office, and by reason of his acts as aforesaid, has rendered himself unfit longer to exercise the duties of District Judge of the State of Texas.

ARTICLE XIII.

The House of Representatives of the State of Texas, in the name of the people of said State, in the name of

themselves, and in the name and by the authority of the State of Texas, do charge that William Chambers, Judge of the First Judicial District of the State of Texas, while acting in the capacity of judge heretofore, to-wit, during the month of February, A. D. 1872, there was pending in the District Court of Chambers county, a suit entitled "William H. Cooper and wife v. Hugo Francis," and during the February term, A. D. 1872, of said court, the said suit came on for trial, and a jury being impaneled to try the same, and both parties introduced evidence in their respective behalfs, and among other things defendant introduced before the jury evidence of bad character of the plaintiff, and thereupon the plaintiff offered to introduce evidence of a general good character in rebuttal, which the said Chambers, judge, then and there wickedly, willfully and unlawfully refused to let it go to the jury, and then the defendant demurred to the plaintiff's evidence introduced, heard the defendant's counsel in support of the demurrer, but he, said judge, then and there willfully, wickedly and unlawfully refused to hear the counsel for the plaintiff in reply, withdrew the case from the jury, dismissed and ordered judgment against plaintiff for costs; all done by the said judge to wrong and oppress the said plaintiffs.

Wherefore, the House of Representatives of the State of Texas, in view of the premises, do charge that William Chambers, judge as aforesaid, by reason of his acts aforesaid, is guilty of malfeasance in office, and by reason of his acts aforesaid, has rendered himself unfit longer to exercise the duties of district judge of the State of Texas.

A. S. BROADDUS, Chairman.

C. C. GALLAWAY,

L. J. STOREY,

SAM. T. ROBB.

Mr. Wood moved to reconsider the vote of Saturday passing Senate joint resolution authorizing the accountants employed by the joint committee appointed by the Legislature to investigate the Treasurer's and Comptroller's offices of this State, to write up and properly balance and adjust the books of the late State Treasurer, George W. Honey, to May 27, 1872, and to perform other duties therein specified, also prescribing the duties of the Comptroller in connection therein.

On motion of Mr. Bewley, and under instructions from

the House, the Speaker appointed Messrs. Bewley, Robb and Lane a committee to inform the Senate of the adoption by the House of articles of impeachment against Hon. William Chambers, Judge of the First Judicial District.

On motion of Mr. Powers, the Special Joint Committee upon Public Lands and Land Office submitted the following report, which was adopted :

Hon. E. B. Pickett, President of the Senate, and Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIRS: The Joint Committee of the Senate and House of Representatives on Public Lands and Land Office, to whom was referred the special communication of the Governor, and the letter of the Attorney General accompanying the same, in regard to certain proceedings in the District Court of Webb county relating to the confirmation of land titles in the counties of Webb and Zapata, have had this subject matter under consideration, and have instructed us to report that we find that under the provisions of "An act entitled an act to ascertain and adjudicate certain legal claims for land against the State, situated between the Nueces and Rio Grande rivers," approved February 11, 1860, one Daniel Ruggles, on the sixteenth day of June, 1860, filed two certain petitions in the District Court of Webb county, setting forth two separate and distinct tracts of land, and numbered eleven and fourteen respectively of the files of said court.

That on the fifteenth of December following amended petitions were filed in each of said cases.

That the district attorney filed answers in said causes, and on the eighth of January, 1862, one of said causes, No. 14, was tried on the merits and judgment entered therein at length on the minutes of the court, from which it appeared that the whole of said tract was granted to one Joaquin Galan by the Spanish government about or before the year 1805, who sold said land to one Manuel Garza; that afterwards the town of Palafox was founded by the Spanish government, and a portion of said town was laid off on the front of this tract of land, and extending across the Rio Grande, and the municipal jurisdiction of said town extended up and down on the front of said land for some six leagues.

That said Garza, the grantee of Galan, received in com-

compensation from the government other lands, called the "Balconcitas," above and adjoining the lands in the suit tried, and that these lands so received in compensation for the Palafox lands were the lands embraced in the other petition, No. 11, before mentioned.

That the decree in said suit No. 14 confirmed the whole of the tract described in the petition, excepting therefrom what appeared to have been taken for and belonged to the municipal jurisdiction of Palafox, amounting to about thirty-six square leagues.

The other case, No. 11, for the Balconcitas tract remained on the docket until January 4, 1871, and in the meantime, from some inattention of the different persons acting as clerks, in not filing regularly the original papers, seems to have been confounded in two new numbers, sixteen and seventeen, and also to have been confounded with the case that was tried, and in these numbers orders were entered on the minutes on the above date, dismissing them for want of jurisdiction; that on the eighth day of March, 1872, the said causes are ordered to be reinstated on the docket.

That on March 13, 1872, by an order of the court the file numbers of these suits as sixteen and seventeen are changed to eleven and fourteen, as stated, to conform to the original file numbers.

That on the twelfth of March, a motion was entertained by the court to vacate the judgment rendered in cause No. 14, on the eighth day of January, 1862, and was sustained.

That on the thirteenth day of March, 1872, the original causes, Nos. 11 and 14, were, on motion, consolidated for trial as original causes, and were so tried as one cause, and judgment rendered against the State for the lands described in both original petitions, embracing some sixty odd leagues.

The committee consider the proceedings of the court in these last proceedings as entirely without jurisdiction; that it had no authority to set aside the judgment of eighth of January, 1862, and after the dismissal of the causes on the fourth of January, 1871, it had no authority in March, 1872, to reinstate and vitalize them.

Nor do the committee think that the court could under any circumstances consolidate these cases. The law contemplated that each separate tract of land should form

the base of a separate claim ; the claimant, Ruggles, had acted on this principle, and he was estopped to say that what he had sworn to and presented to the court as two distinct tracts of land, was in fact only one tract. Besides the State is not bound by the semblance of a judgment like the one in this case. No attorney of the State has authority to make any admissions against it.

These proceedings, viewed in a purely legal light, strike the mind as an original proceeding against the State, without its consent, and of course without legal and constitutional authority, and are therefore void of all legal effect.

The committee further find that during the late war the judicial records of Zapata county were lost and destroyed, and that under the above recited act confirmation of certain grants to lands in said county had taken place in the District Court of that county.

That the District Court of Webb county, to which Zapata county is now attached for judicial purposes, has entertained several petitions against the State to re-establish the pleadings and judgments in said cases.

The committee are unanimously of the opinion that these cases are original proceedings against the State, prosecuted without its authority, and are therefore void of all legal effect.

In giving these views the committee present what occurs to them as inevitable legal conclusions, that whatever convenience it might be to the parties to resort to these measures, or whatever merit there might be in their respective claims or cases, thus situated, their legal status can not be changed or vitalized in this manner.

The committee therefore recommend the passage of the subjoined resolution, and beg to be discharged from further consideration of the subject.

A. J. BALL,

Chairman Senate Committee.

S. POWERS,

Chairman House Committee.

Resolved, as the sense of this House, That the Attorney General should take measures to have each and all of the cases referred to in the foregoing report removed into the Supreme Court of the State for review and correction.

The Committee on Enrolled Bills submitted the following reports :

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

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

No. 48, "An act regulating juries."

No. 742, "An act amendatory of an act to incorporate the Galveston Agricultural, Horticultural and Industrial Association."

No. 318, "An act to repeal section sixty of an act entitled an act concerning private corporations, approved December 2, 1871."

No. 332, "An act supplemental to and amendatory of the several acts concerning injunctions."

No. 373, "An act supplementary to an act entitled an act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane, approved February 5, 1858."

No. 483, "An act to aid in the construction of the Gulf, West Texas and Pacific Railway."

And find the same correctly enrolled, and have this the day of May, at 10:45 o'clock A. M., presented the same to the Governor for his approval.

SHAW, Chairman.

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

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

No. 850, "An act prescribing the times of holding general elections in this State."

And find the same correctly enrolled, and have this the twenty-sixth day of May, at 10:45 o'clock A. M., presented the same to the Governor for his approval, and saw him sign the same.

SHAW, Chairman.

The special order was announced, Senate bill No. 307, "An act to reorganize certain judicial districts, and to abolish certain other judicial districts therein named."

Mr. Mills moved to postpone the special order until Saturday, May 31, at 11 A. M.

Mr. Short moved to lay that motion on the table, which carried.

Mr. Smith of Houston moved to refer the bill to a special committee of seven, with instructions to report thereon Tuesday, May 27, at 10 A. M., and that said report be made the special order for that hour.

Mr. Robb moved to lay the motion on the table. The House refused to table by the following vote :

Yeas—Messrs. Armstrong, Bewley, Ford, Gallaway Harrison, McDonald, Moore, Prendergast, Robb, Roberts, Short, Watts, Westfall, Winkler and Wood—15.

Nays—Messrs. Speaker, Adriance, Anderson, Berends Bledsoe, Booty, Broaddus, Brown of Upshur, Carroll, Chambers, Cook, Cunningham, Davenport, Day, Denton Eastland, Gaston, Gillette, Gilpin, Green, Hester, Hollingsworth, Ireland, Joseph, Kemble, Lane, Manning Mills, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Rainey, Rimes, Rosborough, Russell, Sabin, Salter Sayers, Schmidt, Shaw, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Tilson, Tivy, Washington and Williams—51.

The resolution to refer was carried.

The Speaker appointed the following committee under the resolution: Messrs. Smith of Houston, chairman Abbott, Leyendecker, Morris, Robb, Sayers and Thummond.

The motion to reconsider Senate joint resolution No. 43 authorizing the accountants employed by the joint committee appointed by the Legislature to investigate the Treasurer's and Comptroller's offices of this State, to write up and properly balance and adjust the books of the late State Treasurer, George W. Honey, to May 27, 1872, and to perform other duties therein specified; also, prescribing the duties of the Comptroller in connection therewith was put and carried.

Mr. Wood moved to amend the bill by striking out all commencing with the eighth line from the bottom of the first page and to include all contained in the first three lines at the top of the second page. Adopted.

The joint resolution then passed.

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

No. 86, "An act supplementary and amendatory of an act to provide for the establishment of the Agricultural and Mechanical College of Texas, approved April 1 1871."

No. 127, "An act to amend the twenty-second section of an act prescribing the times of holding the district courts in the several judicial districts in the State, approved February 6, 1871."

sic

No. 223, "An act to submit the permanent location of the county site of El Paso county to a vote of the people of the county."

No. 369, "An act to ascertain the amounts due the teachers of the public free schools of this State prior to the first day of March, 1873, and to provide for the payment of the same."

No. 370, "An act to provide for the payment of sheriffs for guards employed in conveying prisoners to the Penitentiary of the State."

Also the following bills originating in the House, viz:

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

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

No. 775, "An act amendatory of and supplemental to an act to incorporate the Texas Timber and Prairie Railroad Company, approved August 15, 1870."

No. 867, "An act to levy a special tax in the county of Angelina, for the purpose of building a court house and jail."

No. 874, "An act to authorize the County Court of Colorado county to issue interest bearing bonds for the purpose of funding the present outstanding indebtedness of said county."

No. 881, "An act for the relief of the heirs of Wigginson Loving."

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

And that the Senate had adopted the report of the Committee of Conference on House bill No. 721, "An act to regulate the assessment and collection of taxes."

Also, that the Senate had passed the following bill originating in the Senate, No. 227, "An act requiring the Treasurer of the State to receive all payments due on all notes given by purchasers of university lands, sold under the provisions of an act for the disposition and sale of the university lands, approved August 30, 1856; and an act amendatory thereof, approved November 6, 1866; and to

require the Commissioner of the General Land Office to issue patents on said lands."

Also, that the Senate had passed House bill No. 927, "An act to provide for the safe keeping and protection of the State house, or so much thereof as may include the public halls, the committee rooms used by the members of the Legislature, and all the furniture and fixtures belonging to the same, and all the books, maps, charts and papers belonging to or appertaining to the library of the State."

Senate bill No. 75, "An act to authorize the County Court of Washington county to issue bonds for the purpose of funding the indebtedness of said county contracted for the building of a jail, and to provide for their payment," was taken up, pending a motion to reconsider the vote passing the bill. The House refused to reconsider.

House bill No. 857, "An act to provide for the holding of an election for county officers in the county of Waller, and authorizing commissioners to hold the same," was taken up, and the Senate amendments thereto read and concurred in, thus passing the bill.

Mr. Green moved to reconsider the vote passing the bill, and to lay that motion on the table, which carried.

The Senate joint resolution returning thanks to General McKenzie and troops for recent services against the Kickapoo Indians, was taken up.

On motion of Mr. Ireland, the reading of the resolution was dispensed with, and the resolution passed to second reading.

On motion the rules were suspended, the resolution read second time and passed to third reading.

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

Senate bill No. 182, "An act providing and making appropriation for the payment of certain unpaid contingent expenses of the Twelfth Legislature," was read first time and referred to the Committee on Claims and Accounts.

Senate bill No. 310, "An act to confer additional jurisdiction on the presiding justices of the peace of Lamar and Fannin counties, and to prescribe the powers and duties of the officers of said court," was taken up.

On motion of Mr. Cunningham, its reading was dispensed with, and the bill passed to second reading.

On motion of Mr. Cunningham, the rules were suspended, the bill read by caption second time and passed to third reading.

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

Senate joint resolution No. 41, "Joint resolution proposing amendments to section twenty of article one, Bill of Rights; to section two, section three and section four of article five; to section twenty-eight, section forty, and to section forty-eight of article twelve, General Provisions of the Constitution of the State of Texas," was read first time.

On motion of Mr. Russell, the bill was referred, together with an amendment offered by that gentleman, to the Committee on Constitutional Amendments.

Mr. Brown of Dallas, in the chair.

Senate bill No. 86, "An act supplementary and amendatory of an act to provide for the establishment of the Agricultural and Mechanical College of Texas, approved April 17, 1871," was read first time.

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

Mr. Broaddus moved to amend by inserting "or district" between the words "county" and "surveyor" wherever they occur conjointly. The amendment was adopted.

Mr. Harrison moved to refer the bill to the Committee on Education.

Mr. Denton moved to postpone the bill until Tuesday, May 27, at 12 M., make it special order for that hour, and have one hundred copies printed.

The motion to refer was put and lost.

The motion to make special order and print was then put and carried.

On motion of Mr. Westfall, House bill No. 887, "An act supplementary to and amendatory of an act supplementary to an act supplementary to an act to regulate railroad companies, approved February 7, 1853, and an act approved December 19, 1857," was taken up and made special order for Tuesday, May 27, at 10 A. M.

On motion of Mr. Storey, Senate bill No. 54, "An act to incorporate the Hibernian Benevolent and Mutual Aid Association of Austin, Texas," was taken up.

The Committee on State Affairs submitted the following report:

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

SIR: The Committee on State Affairs instruct me to recommend the passage of Senate bill No. 54, "An act to incorporate the Hibernian Benevolent and Mutual Aid Association of the City of Austin.

J. H. BROWN, Chairman.

The bill was read second time and passed to third reading.

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

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

Resolved, That the Committee on Claims and Accounts be authorized to report at an early day as possible an omnibus bill, embracing all such bills as they may agree to favorably recommend.

On motion of Mr. Moore, Mr. Roberts was added to the special committee on Senate bill No. 307.

On motion of Mr. Robb, Messrs. Bewley and Kemble were added to the same committee.

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

AFTERNOON SESSION.

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

Absent—Messrs. Armstrong, Booty, Day, Ellett, Ford, Gallaway, Hester, Killough, Leyendecker, Mills, Prendergast, Russell, Salter, Shaw, Short, Watts and Wood.

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

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

The unfinished business of Saturday, being House bill No. 615, "An act amendatory of an act supplementary to an act authorizing the sale and disposition of the university lands, approved August 30, 1856, approved November 12, 1866," was resumed, pending the following amendment offered by Mr. Sayers: Add to section twenty-two, line six, after the word "same," "give notice to the district attorney in whose district the land is situated." And the following amendment offered by Mr. Washington :

Strike out the word "freeholder," where it occurs in the bill, and insert in lieu thereof "registered voter."

The amendment offered by Mr. Washington was lost.

The House then adopted the amendment offered by Mr. Sayers.

Mr. Anderson moved the previous question, which was seconded, and the main question ordered. The bill was then ordered engrossed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Bewley, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Davenport, Gillette, Gilpin, Green, Hoffman, Hollingsworth, Ireland, Lane, Manning, Moore, Nelson, Noeggerath, Phelps, Rainey, Roberts, Rosborough, Sabin, Schmidt, Thurmond, Tilson, Tivy, Tom, Venters and Westfall—39.

Nays—Messrs. Abbott, Denton, Eastland, Ford, Gaston, Ghent, Harrison, Hester, Ireland, Kemble, Mabry, McDonald, Morris, Payne, Powers, Rimes, Sayers, Smith of Houston, Storey, Stockbridge, Washington, Williams and Winkler—23.

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

Mr. Brown, of Dallas, called up Senate bill No. 259, "An act to incorporate the Fort Worth and Denver City Railway Company."

The Special Railway Committee offered the following amendments, which were read and adopted:

1. Section one, line twelve, strike out the words "ninety-nine" and insert "sixty."

2. Section eight, strike out all after the word "State" in line eight.

3. Section eleven, insert after the word "law" in line five, the following: "By a skillful engineer to be appointed by the Governor, should there be no State engineer, who shall report on oath whether said section has been completed in a good, substantial manner as a first class railroad." Also, same section after the word "sections" in line fifteen, insert "that is to say, said company shall cause to be surveyed two sections of land for each certificate to which it may be entitled." Also, same section, after the word "office," in line nineteen, insert "who shall proceed to number the section so surveyed and." Also, add to the same section the following: "And the

land hereby granted shall be alienated by said company as follows, to-wit: one-fourth in eight years, one-fourth in twelve years, one-fourth in sixteen years, and the remaining one-fourth in twenty years from the date of said certificates, respectively, so that the whole of said lands shall pass out of the hands of said company in twenty years from the date of said certificates; and the lands hereby granted shall not be sold to any other corporation, except so far as may be necessary for the proper use and conducting the business of such corporation; nor shall said lands be sold to any person, firm or company in trust for said railroad company, or to any firm or company of which any officer or stockholder of said Fort Worth and Denver City Railway Company is a member."

4. Change sections fourteen and fifteen to sections fifteen and sixteen respectively, and add as section fourteen the following: "SEC. 14. Said Fort Worth and Denver City Railway Company shall not lease, rent or sell its road, or sell its franchise to, or purchase, or be merged in or consolidated with any other parallel, connecting or competing line of railroad in this State; and a violation of the provisions of this section shall forfeit all the charter rights and privileges of said company. Whenever the direct line of said road passes within five miles of the county seat of any county through which it may be constructed, said road shall run to said town, and said company shall construct and maintain a depot for freight and passengers within one-half mile of the business portion of said town; *provided*, the citizens or corporate authorities of such town will donate to said company the right of way through said town and sufficient ground for the switches, turnouts, depot and other necessary buildings, not to exceed fifteen acres; *provided also*, that it shall not be necessary for said company to run said road to any such county seat when from natural obstacles it is impracticable to do so, but in such case said road shall pass and said company shall establish and maintain a depot as near such town as such natural obstacles will admit; *and provided further*, that when the line of said road has been surveyed and definitely located, before the permanent location of the county seat of any county through which it may pass, then it shall not be necessary for said line to be so varied as to pass within one-half mile of said town."

The bill then passed to a third reading.

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

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Bewley, Bledsoe, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Cunningham, Day, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Killough, Lane, Mabry, Manning, McDonald, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Robb, Roberts, Russell, Sabin, Sayers, Schmidt, Shaw, Short, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Venters, Washington, Westfall, Winkler and Wood—56.

Nays—Messrs. Bordeaux, Chambers, Cook, Denton, Moore, Rimes, Rosborough, Scott and Williams—9.

Mr. Short called up House bill No. 668, to amend section six of "An act to incorporate the Galveston and Eastern Texas Railway Company."

The special railway committee offered the following substitute therefor : "An act amendatory of and supplemental to an act entitled an act to incorporate the Galveston and Eastern Texas Railway Company, approved December 1, 1871." The substitute was read and adopted.

Mr. Booty moved to amend by striking out "the first day of January, 1875," and inserting in lieu thereof, "within two years from the passage of this act." Adopted.

The bill was then ordered engrossed.

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

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Bledsoe, Booty, Broaddus, Brown of Upshur, Carroll, Cook, Cunningham, Davenport, Day, Denton, Eastland, Ford, Gallaway, Gaston, Gilpin, Green, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Mabry, Manning, McDonald, Moore, Nelson, Noeggerath, Payne, Phelps, Powers, Rainey, Rimes, Robb, Roberts, Russell, Sabin, Sayers, Schmidt, Shaw, Short, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Washington, Westfall, Williams, Winkler and Wood—61.

Nay—Chambers—1.

Mr. Cook called up Senate bill No. 200, upon which the following report was submitted :

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

SIR: The Committee on Commerce and Manufactures, to whom was referred Senate bill No. 200, entitled "An act to amend an act incorporating the Houston and San Jacinto Canal and Navigation Company, approved August 13, 1870," have examined the same. The amendments change the name and extend the improvement from Trinity river to Sabine. Your Committee recommend its passage.

JOSEPH, Chairman.

The bill was read second time and passed to a third reading.

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

Mr. Stockbridge called up Senate bill No. 248, "An act to empower the Commissioner of the General Land Office to issue to Willett Holmes a headright certificate of one league and one labor of land."

The Committee on Private Land Claims recommended the passage of the bill.

The bill was read second time and ordered engrossed.

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

Mr. Bewley called up House bill No. 640, "An act to incorporate the Orange, Jasper and Shelby Railroad Company, and to aid in the construction of their road."

The Special Railway Committee offered the following amendments to the bill, which were adopted:

1. Section eight, strike out all after the word "towns," line twenty-one, and all of line twenty-two, section eight, and insert the following: "Unless the direct line of said road passes within five miles of such towns."

2. Strike out all of section twelve down to the word "may," line four, and insert as follows: "When said company and the owner or owners of any land through which it is proposed to construct said road, cannot agree as to the amount of compensation, said company."

3. Section sixteen, strike out the words "date of the completion of said railway," in lines three and four, section sixteen, and insert in lieu thereof "the passage of this act."

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

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

Yeas—Messrs. Speaker, Adriance, Allison, Armstrong, Berends, Bewley, Bledsoe, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Davenport, Day, Eastland, Ford, Gallaway, Gaston, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Killough, Kleberg, Lane, Mabry, Manning, McDonald, Mills, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Robb, Roberts, Russell, Sabin, Sayers, Schmidt, Shaw, Short, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Watts, Westfall, Williams, Winkler and Wood—61.

Nays—Messrs. Abbott, Senate, Chambers, Ellett and Moore—4.

Mr. Ellett called up Senate bill No. 235, "An act for the relief of the heirs and assigns of Joseph Percival, deceased," whose passage was recommended by the Committee on Private Land Claims. The bill was read second time and passed to third reading.

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

Mr. Ireland in the chair.

Upon the call of Mr. Bordeaux, the Committee on Agriculture and Stock Raising submitted the following report :

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

SIR: Your Committee on Agriculture and Stock Raising, to whom was referred a petition of certain citizens of Cooke county, in relation to fences, have considered the same, and instruct me to report the accompanying bill, and recommend that the same do pass.

THURMOND, for Committee.

The bill, being "An act for the protection of the farming interests of a certain portion of Cooke county," was read by caption; rules suspended, read second time by caption, and ordered engrossed.

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

Mr. Berends moved to suspend the rules to allow him to call up House bill No. 507, "An act for the relief of Charles Hummell." The House refused.

On the call of Mr. Kleberg the following report was submitted :

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

SIR: Your committee to whom was referred the petition of A. S. Thurmond, claiming of the State the sum of \$2530 as a balance due him for services rendered the Republic of Texas in the capacity of an interpreter for Colonel W. S. Fisher's command, have had the same under careful advisement, and instruct me to report the accompanying bill, and recommend its passage.

ARMSTRONG, Chairman.

The bill, being "An act for the relief of Alfred S. Thurmond," was read first time.

On motion of Mr. Kleberg, the rules were suspended, the bill read second time and ordered engrossed.

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

Yeas—Messrs. Speaker, Adriance, Anderson, Armstrong, Bewley, Bledsoe, Bordeaux, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Davenport, Eastland, Ellett, Ford, Ghent, Gilpin, Green, Hoffman, Hollingsworth, Ireland, Joseph, Kleberg, Leyendecker, Mabry, Noeggerath, Payne, Phelps, Powers, Rainey, Robb, Roberts, Rosborough, Sabin, Schmidt, Smith of Houston, Storey, Stockbridge, Tivy, Watts, Winkler and Wood—43.

Nays—Messrs. Berends, Booty, Day, Denton, Gaston, Gillette, Killough, Lane, Manning, McDonald, Mills, Moore, Nelson, Prendergast, Russell, Scott, Shaw, Tom, Washington, Westfall and Williams—21.

Mr. Bledsoe called up House bill No. 751, "An act to donate one hundred and sixty acres of land to the county of Stephens for certain purposes."

The Committee on State Affairs submitted the following report thereon:

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

SIR: Your Committee on State Affairs respectfully recommend the passage of House bill No. 751, to donate one hundred and sixty acres of land to the county of Stephens, for certain purposes, with the accompanying amendments.

J. H. BROWN, Chairman.

Add to section two: "And the County Court of said

county shall be and is hereby authorized to lay out a town as a county seat on such land ; and after setting apart suitable grounds for public buildings, squares, etc., to sell the remainder in lots and blocks, on such terms as said court may deem best for the interest of said county, the proceeds of such sales to be appropriated by said court to the erection of county buildings." The amendment was adopted, the bill read second time and ordered engrossed.

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

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

A message was received from his Excellency the Governor, returning House bill No. 113, "An act concerning landlords and tenants," with his objections to the same.

Mr. Bledsoe, for Mr. Doyle, called up Senate bill No. 124, upon which the following report was submitted :

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

SIR: Your Committee on Town and City Corporations, to whom was referred Senate bill No. 124, "An act to incorporate the town of Granberry, in Hood county," have had the same under consideration, and beg leave to report the same back and recommend that it do pass.

W. H. TILSON, for Committee.

The bill was read second time and ordered engrossed.

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

On motion of Mr. Ghent, leave was granted the Committee on the State Asylums to report. The following was submitted :

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

SIR: Your special committee to whom has been entrusted the duty of visiting and examining into the condition and ascertaining the wants of the various benevolent institutions of the State, report that they have carefully inspected the Institution for the Deaf and Dumb, and beg leave to submit the following as the result of their investigations :

BUILDING AND GROUNDS.

The institution is situated on the west bank of the Colo-

rado river, opposite the city of Austin, and commands a fine view of the city and surrounding country. The buildings, although of wood and of a temporary nature, are comfortable and convenient, and are kept with a remarkable neatness and cleanliness. The recent additions and repairs that have been made have increased the capacity of the institution for the accommodation of pupils and vastly improved its general appearance. There is at present room for about seventy (70) pupils. Your committee are of the opinion that by the time these buildings are crowded the State will be in a condition to erect new and permanent ones such as the increased population will require.

Your committee cordially recommend the Legislature to make the additional appropriation asked by the trustees and superintendent for completing the repairs and for enclosing the fifty-seven and one-half acres of ground belonging to the institution with a suitable fence.

APPEARANCE OF THE PUPILS.

Your committee were agreeably impressed and gratified with the general appearance of the pupils—their neatness, cheerfulness and healthfulness. Their sunny smiles, and the alacrity with which they exhibited their attainments, made the visits of your committee events which will not soon fade from their memories. Your committee take this opportunity to impress upon their fellow-members of the Legislature their duty to make known to their constituents having deaf and dumb children the existence and character of this institution, and urge upon them by all means to place them where they can acquire an education, and at the same time be carefully and tenderly cared for. Besides obtaining an education, the pupils enjoy, as a community, social pleasures and advantages which are not possible at their homes.

WHEN PUPILS SHOULD ENTER.

Children should be sent to the institution at the age of ten (10) years, which is the limit fixed by the rules, in order that they may complete their education by the time they are seventeen (17) years of age, which will leave them four years, until they attain their majority, in which to

learn a trade, if they desire to do so. At this early age the mind is easily impressible, and the labor of acquiring language is less difficult than when admitted at a later period of life.

THE INADEQUATE PAY OF THE SUPERINTENDENT.

Your committee learned with surprise that the superintendent was induced to resign his position in a leading institution, and to take charge of this on the assurance that the small pay allowed him at the outset should be increased, and that afterwards, after serving for a bare subsistence during the war, his pay was reduced, though it was to some extent reinstated by the last Legislature. Your committee think that skilled and competent labor should be paid for according to its value, and that the honor of the State demands that the pay of the superintendent should be increased to at least twenty-five hundred dollars (\$2500) per annum. Even that reasonable salary would not indemnify him for past years of service inadequately paid for.

In conclusion, your committee would express their high appreciation of the conscientious fidelity of all the officers of the institution, in the discharge of their respective duties. The manifest affection of the children for them affords a pleasing evidence that the happiness and well being of the pupils, no less than their advancement was the chief aim of them all.

H. C. GHENT, Chairman.
THOMAS M. JOSEPH,
C. P. SALTER,
Committee.

Mr. Payne called up House bill No. 55, "An act to more particularly define the name and route of the Houston and Great Northern Railroad Company," upon which the following report was submitted:

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

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 55, entitled "An act to change the name of the Houston and Great Northern railroad," have had the same under consideration, and have instructed me to report the accompanying substitute for the original bill, with the recommendation that it do pass.

J. PAYNE, for Committee.

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

The following gentlemen were found absent: Messrs. Anderson, Armstrong, Bewley, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Cook, Day, Denton, Gallaway, Green, Lane, Morris, Noeggerath, Robb, Sayers, Scott, Short, Washington.

On motion of Mr. Storey, the call was suspended.

The substitute of same caption was adopted, read second time and ordered engrossed.

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

Mr. Ellett offered the following amendment: After the word "company," in line fifteen, insert, "and shall form a junction with the Texas and Pacific railway within one-half mile of the court house in the town of Clarksville, in Red River county."

Mr. Nelson offered the following amendment to the amendment: "*Provided further*, that should the said road run within five miles of the city of Sulphur Springs, in Hopkins county, it shall run through and establish a freight and passenger depot within one-half mile of the public square of said city; *provided further*, the citizens of said city donate to said company the right of way, and sufficient grounds for depot purposes, not to exceed fifteen acres.

A message from the Senate announced the passage, by that body of Senate bill No. 244, "An act to incorporate the Austin and Pacific Short Line Railroad Company."

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

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

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

Absent—Messrs. Bewley, Booty, Cook, Ellett, Hester; Joseph and Russell.

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

The following communication was submitted by the Speaker:

MAYOR'S OFFICE, GALVESTON, TEXAS, }
 May 23, 1873. }

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

SIR: I have the honor to acknowledge the receipt of your letter, extending an invitation to our Congressional guests to visit Austin, and become the guests of the State, which invitation was promptly presented.

The accompanying communication was received in response.

Very respectfully, Sir,

Your obedient servant,

C. W. HURLEY.

GALVESTON, May 21, 1873.

C. W. Hurley, Esq., Mayor of Galveston :

SIR: The congressional excursionists have the honor to acknowledge the receipt, at your hands, of the invitation of the Governor, and of the Honorable Senate and House of Representatives of the State of Texas, to visit their capital during their visit to the State.

They have instructed the undersigned committee to request you to convey to His Excellency the Governor, and to both bodies of the Honorable Legislature of this State, assurance of their appreciation of the courtesy extended to them, together with the expression of their regrets that the arrangements previously made for the prosecution will deprive them of the pleasure of an acceptance of these courtesies.

We are, sir, very respectfully, your obedient servants,

JOHN A. KARSON, M. C. Iowa,

G. S. ORTH, M. C. Indiana,

E. O. STANDARD, M. C. Missouri,

PHILIP COOKE, M. C. Georgia,

J. B. SENER, M. C. Virginia.

A true copy.

C. W. HURLEY, Mayor.

On motion of Mr. Kemble, the special committee upon House joint resolution No. 944, "An act requiring prompt settlement of accounts from the treasurers of school boards and sheriffs," submitted the following report :

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

SIR: Your special committee to whom was referred

joint resolution No. 944, beg leave to report that after careful consideration they would recommend the enclosed substitute and ask that it do pass.

J. W. KEMBLE,
STEPHEN POWERS,
JOHN T. SMITH.

The substitute of same caption as original was read and adopted, and ordered engrossed.

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

On motion of Mr. Morris, the Finance Committee submitted the following report:

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

SIR: Your Finance Committee, to whom was referred Senate bill No. 371, entitled "An act making appropriations to supply the deficiencies in the appropriations for the years 1870, 1871 and 1872, for the support of the State government," have considered the same, and have instructed me to report the same back to the House with the accompanying amendment, and recommend its passage.

MORRIS, Chairman.

Amendment offered by the committee: "*Provided*, the Comptroller shall not draw his warrant on the Treasurer for any of the items mentioned in this bill, except the item of three hundred dollars in the appropriation for the Executive department, until the parties claiming the same have filed his or their accounts therefor with the Comptroller, showing the items in said account, and its correctness and justness, properly sworn to before some officer authorized to administer oaths." The amendment was adopted.

The bill was then read second time.

Mr. Wood moved to amend by adding: "If the oath of the claimant does not satisfy the Comptroller that such claim is just and legal, he shall have the right, and he is hereby required to demand additional proof, and in no case shall the Comptroller allow any claim unless the proof shall show that such claim is just and reasonable, and authorized by law, and that the party has never received any portion of said claim.

On motion of Mr. Smith, of Colorado, the bill and amendment were referred to the following special com-

mittee, appointed by the Speaker, with instructions to report thereon as early as practicable: Messrs. Booty, chairman, Wood and Denton.

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

Resolved, That a committee of five managers be appointed by the Speaker to conduct the impeachment against Judge William Chambers on the part of the House of Representatives. The resolution was adopted.

The Speaker appointed the following gentlemen said committee: Messrs. Armstrong, chairman, Bewley, Joseph, Short and Story.

Mr. Sayers presented a petition from citizens of Rancho, Gonzales county.

Mr. Sayers introduced a bill to prohibit the sale or disposition of spirituous or other intoxicating liquors within three miles of the town of Rancho, in Gonzales county. Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Brown of Dallas introduced a bill to validate a bounty land warrant issued to the heirs of William Fishbaugh, deceased. Read first time; rules suspended and ordered engrossed.

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

Mr. Bewley introduced a joint resolution making an appropriation of eighteen hundred dollars for the purpose of erecting a tomb over the remains of General A. S. Johnston. Read first time.

On motion of Mr. Ireland, the special committee on the Land Office submitted the following report:

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

SIR: Your select committee, to whom was referred House bill No. 940, on the subject of the General Land Office, beg leave to report same back with the recommendation that the same, together with an amendment to the same, do pass.

JOHN IRELAND, Chairman.

Amendment by committee: "SEC. 2. That the Commissioner of the General Land Office, and the sureties on his official bond, shall be responsible to any parties in-

jured by removal, withdrawal or alteration of any record or file of said General Land Office, unless said Commissioner can show that said removal, withdrawal or alteration has taken place by permission of the party owning said file or record." The amendment was adopted.

The bill, being "An act to better protect the papers, records and files in the General Land Office," was read second time.

Mr. Brown of Dallas moved to amend by inserting in section ten, line twelve, after the word "office," the words, "or who shall perform any work out of office hours, or receive extra compensation in money or otherwise for any work performed in office hours, or who shall interfere with the records and files of said office, except in office hours; *provided*, the business of said office shall be transacted within office hours, except when under the supervision of the Commissioner." The amendment was adopted.

Mr. Wood offered the following amendment: "When a certificate has been patented, the Commissioner shall write in ink across the face of said certificate 'Patented,' and sign his name to said endorsement; and when a survey has become forfeited and void from any cause, so soon as such forfeiture is discovered, the Commissioner shall notify the party interested in such survey or location of such forfeiture, and no new file or location shall be made on the land covered by such forfeited surveys, except by the owner of such forfeited survey or location, for a period of ninety days after such notice to the interested party." Adopted.

Mr. Powers offered the following amendment: "*Provided*, that all papers shall be filed by the Commissioner, or, in his absence, by the chief clerk." Adopted.

The bill was then ordered engrossed.

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

A message from the Senate announced that that body had concurred in the House amendments to Senate joint resolution authorizing the accountants employed by the joint committee of the Legislature to investigate the Treasurer's and Comptroller's offices to write up and properly balance the books of Treasurer George W. Honey.

Also, in House amendments to Senate bill No. 259,

“An act to incorporate the Fort Worth and Denver City Railroad Company;” and to the House amendments to Senate bill No. 2404, “An act to incorporate the Burleson Male and Female Academy, in Bastrop county.”

The special order, House bill No. 887, “An act supplementary to and amendatory of an act supplementary to an act entitled an act to regulate railroad companies, approved February 7, 1853, and an act approved December 19, 1857,” was taken up, pending an amendment offered by Mr. Payne.

Mr. Carroll moved to amend the amendment by striking out “forty” and inserting in lieu thereof “one hundred.”

The large amount having preference, the original amendment was put and adopted.

Mr. Anderson moved to amend section three by striking out “twenty” and inserting in lieu thereof “thirty cents per mile, per car, where the distance is six miles or less; thirty cents per mile, per car, where the distance is over six miles and not over twelve miles; twenty-five cents per mile, per car, where the distance is over twelve miles and not over twenty-five miles; and twenty cents per mile, per car, where the distance is over thirty miles.” Adopted.

Mr. Booty moved to amend by striking out “four cents” for passengers, and insert in lieu thereof “five cents per mile.” The House refused to adopt the amendment.

Mr. Anderson in the chair.

Mr. Kemble offered the following amendment: “When the voting population in any county is one thousand, the company running a road through such county shall establish and maintain freight and passenger depots, and station houses at intervals not to exceed thirteen miles; and a failure to comply with this requirement shall work a forfeiture of all freight and fare between depots of a greater distance apart.”

Mr. Tilson moved to amend the amendment by striking out “thirteen” and inserting “fifteen,” which was adopted.

On motion of Mr. Westfall, the amendment thus amended was laid on the table.

The bill was then ordered engrossed.

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

Mr. Payne moved to amend by prefacing the first section with an enacting clause. Adopted.

Mr. Denton moved to refer the bill to a special committee of three, with instructions to report at as early a date as practicable, which carried.

The Speaker in the chair.

The Speaker appointed the following gentlemen said committee: Messrs. Denton, chairman; Tilson, Chambers.

The Committee on Enrolled Bills submitted the following reports:

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

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

No. 927, "An act to provide for the safe keeping and protection of the State house, or so much thereof as may include the public halls, committee rooms used by the members of the Legislature, and all the furniture and fixtures belonging to the same, and all the books, maps, charts and papers belonging to or appertaining to the library of the State."

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

And find the same correctly enrolled, and have this the twenty-seventh day of May, at 10:05 o'clock A. M., presented the same to the Governor for his signature.

SHAW, Chairman.

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

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

No. 857, "An act to provide for the holding of an election of county officers in the county of Waller, and authorizing commissioners to hold the same."

No. 924, "An act to re-incorporate the city of Corsicana, in Navarro county."

And find the same correctly enrolled, and have this the twenty-sixth day of May, at 10:05 o'clock A. M., presented them to the Governor for his approval.

SHAW, Chairman.

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

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

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

And find the same correctly enrolled, and have this the twenty-seventh day of May, at 10:05 o'clock A. M., presented it to the Governor for his signature.

SHAW, Chairman.

The special committee upon House bill No. 813, "An act to provide for the purchase of Paschal's Annotated Digest of the laws of the State of Texas, and to provide for payment for the same," submitted the following report—said report having been made the special order for this hour :

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

SIR: Your committee to whom was referred House bill No. 813, entitled "An act to provide for the purchase of Paschal's Annotated Digest of the laws of Texas, and payment of same," have made a full investigation of the subject and report the accompanying substitute for said bill, and respectfully recommend its passage.

In making this recommendation your committee is actuated by the following considerations :

Section thirty-five of article twelve of the Constitution of the State requires that "within five years after the acceptance of this Constitution, the laws, civil and criminal, shall be revised, digested, arranged and published in such manner as the Legislature shall direct; and a like revision, digest, and publication shall be made every ten years thereafter."

This provision imperatively demands a digest of all laws, civil and criminal, to be published "*within five years*" from the acceptance of the Constitution.

Three years and two months have already passed since the acceptance of our Constitution (it having been accepted by the act of Congress of thirtieth of March, 1870), and no steps have been taken to carry the provision into effect—indeed nothing has been done looking to that end. Is it likely that any such steps will be taken in time to enable the Legislature to comply with the duty imposed by the organic law? This question, we feel con-

strained to answer in the negative, and we do so with the conviction that nothing can be done now to so effectually comply with the demand of the Constitution as the passage of the substitute submitted.

To revise, digest and arrange the laws of the State is, under any circumstances, a laborious task—a task which requires much research and great familiarity with the laws passed since we first became an independent nation, and subsequently a State. Whatever might be said in favor of the appointment of commissioners for the purpose, the work, in our opinion, can be better accomplished by a single mind.

It is known to the bar of Texas, and to every one familiar with the habits of Judge Paschal, that he is one of the most laborious jurists of our State. It is also known that he has expended much time, labor and money in the arrangement and preparation of his digest. Without the slightest inclination on our part to disparage any one, we are prepared to say that as a digester Judge Paschal stands second to no one, and that the labor performed, and the digest prepared by him, meets the wants of the State, and that its adoption by the Legislature will be a compliance with the constitutional requirement.

In point of expense, it is economy to adopt this work. By the law of 1858 (see laws of that session, page 253) the State paid Messrs. Oldham & White for the digest prepared and published by them, the sum of \$20,000, when printing cost at least forty per cent. less than at the present time. It must also be borne in mind that while Oldham & White's Digest contains only eight hundred and thirty-six pages, Paschal's Digest contains more than twice that number of pages, and because of the greater number of type per page, more than three times the amount of printed matter that there is in Oldham & White's.

While it may be said that some of the laws then in force have been changed or repealed, yet it is necessary to publish most of them for the reason that rights have been acquired under them, which fact makes a reference to them indispensable; and indeed, the publication of such repealed laws was required by the only law of our State in regard to a digest.

A digest of the statutes of a State cannot be too comprehensive for the guidance of the administrator of jus-

tice, the jurist or the historian. But more than all, the notes and references in Paschal's Digest are of the greatest utility and importance, not only to the legal profession, but, what is more important, to all judicial and other officers who are called upon to apply them, not only in the decisions of questions before them, but also in the discharge of other duties. This digest, containing as it does references to all decisions made by the Supreme Court down to the last published volume of reports, thus furnishes, as it were, the laws as well as the adjudications made under them.

We are of the opinion that the digest provided for in the bill and substitute, is the cheapest work of the kind ever offered to or purchased by the State. In comparing its cost at the price fixed with the cost to the State of the reports of the decisions of the Supreme Court, we find that the ratio of the latter to the former per one thousand ems, printer's measurement, is as eight to one; that is, the Texas reports cost the State, on an average, fourteen dollars per volume; at the same ratio for the matter contained, Paschal's Digest *would cost one hundred and twelve dollars per copy*. We can now purchase the books at twenty dollars per copy, (which is a fraction more than one cent per page) comply with the constitutional requirement, and thus fulfill a duty devolving upon this Legislature.

Under these circumstances, we think no further argument is needed to secure the passage of the substitute.

BOOTY, for Committee.

The substitute offered by the committee of same caption was read and adopted.

Mr. Morris offered as a substitute for the bill "Joint resolution providing for the election by joint ballot of the two Houses of the Legislature of three commissioners to revise and digest the laws of the State of Texas, as provided for by the Constitution of Texas."

Mr. Payne moved to amend the substitute joint resolution, by adding thereto, "said commissioners shall receive for their compensation for the revision and digest of the laws herein mentioned, the sum of ten dollars per day for the time employed in making said revision and digest, and the sum of two thousand dollars, or so much as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated for that purpose."

On motion of Mr. Broadus, Senate bill No. 86, "An act supplementary and amendatory of an act to provide for the establishment of the Agricultural and Mechanical College of Texas, approved April 17, 1871," which had been made the special order for 12 M, was taken up and made special order for 10:30 A. M., May 28.

Report from the Committee on Engrossed Bills:

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

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

No. 668, a bill to be entitled "An act amendatory of and supplemental to an act entitled an act to incorporate the Galveston and Eastern Texas Railway Company, approved December 1, 1871."

No. 897, "An act to authorize C. H. Randolph, W. A. Pitts and John O. Johnson to compile an abstract of titled and patented lands."

No. 953, a bill to be entitled "An act for the relief of Alfred S. Thurmond,"

And find the same correctly engrossed.

BOOTY, Chairman.

Leave being granted, Mr. Gaston, of the special committee upon Senate bill No. 162, "An act for the relief of Thos. F. McKinney," reported the bill back, with the recommendation that it be referred to the Committee on Public Debt. The reference was made.

On motion of Mr. Denton, the House adjourned till 3 P. M.

AFTERNOON SESSION.

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

Absent—Messrs. Abbott, Anderson, Bewley, Booty, Cook, Gallaway, Gillette, Mabry, Morris, Russell, Salter, Short.

On motion of Mr. Bordeaux, Messrs. Trolinger and Venters were excused on account of sickness.

On motion of Mr. Roberts, Mr. Wilder was excused on account of sickness.

On motion of Mr. Ghent, the special committee upon the State asylums submitted the following report, which was ordered to be spread upon the journals:

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

SIR: Your special committee appointed to examine into the condition of the Lunatic Asylum, beg leave to make the following report :

We have repeatedly visited this institution, and have no hesitation in saying that the management of the same is in every respect creditable to the State. The Superintendent appeared to be fully conversant with the duties of his responsible position, and executes the important public trusts confided to him with marked devotion and surpassed fidelity. He seems to feel a praiseworthy pride in the success and prosperity of the institution and a lively interest in the welfare of his patients. Your committee have thoroughly examined and inspected every department of the asylum, such as the wards, dining room, bath rooms, kitchen, laundry and store room, and find everything neat, clean and comfortable, orderly and conducted with a great deal of method and system. Your committee were especially gratified at the kind and gentle treatment pursued toward the inmates and the attention paid to their health and comfort.

Your committee feel assured that the success of the Superintendent in the treatment of this unfortunate class of our people will compare favorably with that of any similar institution in the United States.

We found the grounds belonging to the institution in a high state of cultivation, and the flower garden laid out and arranged with great care and taste.

Your committee would earnestly recommend a speedy extension of the building in consequence of the great number of applications for admission for whom no provision can be made.

We respectfully call your attention to the fact that a slight increase of the number of attendants a much larger number of these unfortunates could be cared for. Your committee avail themselves of this opportunity of calling your attention to the fact that there are in the institution a number of so-called criminal lunatics sent there under the order of different courts in this State, some of whom are now sane, and yet there is to be no provision in the law for their discharge, and respectfully suggest that suitable legislation be had in reference to such cases. In conclusion, your commi

in consideration of the fact that the benefits and advantages of this Institution are confined to an unfortunate class entitled to our heart-felt sympathies, and for the credit and good name of our State, and in response, we believe, to the wishes of our constituency, that the appropriation should be fully and liberally provided for, commend the following appropriations:

For salary of Superintendent.....	\$2,000
For salary of Assistant Physician.....	2,000
For salary of Steward.....	1,500
For salary of Treasurer and Book-keeper.....	1,500
For furniture.....	3,000
For repairs on buildings and fences.....	10,000
For support of Asylum.....	48,000
For erection of additional buildings.....	50,000
Total.....	\$118,000

H. C. GHENT, Chairman
THOMAS M. JOSEPH,
C. P. SALTER.

The unfinished business of yesterday was resumed, bringing House bill No. 55, "An act to more particularly fine the name and route of the Houston and Great Northern Railroad Company," pending amendment offered Mr. Ellett and amendment thereto by Mr. Nelson. sic

On motion of Mr. Sayers, the vote passing the bill third reading was reconsidered.

Mr. Nelson then withdrew his amendment and offered the following in lieu thereof: "And that said railroad company, in locating and defining the line of the same be required to construct and run said road to the city Sulphur Springs, in Hopkins county, and establish freight and passenger depot within one half mile of public square of said city; *provided*, the citizens of said city shall grant the right of way free of charge through the same, and so much ground for depot purposes as may be agreed upon by the said railroad company and the citizens of said city, not to exceed twenty acres."

A communication was received from his Excellency the Governor relative to the investigations of the Comptroller's and Treasurer's offices by the joint committee both houses of the Legislature.

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

The amendment to the amendment was then adopted.

The amendment thus amended was adopted.

The bill was ordered engrossed.

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

Mr. Russell offered the following amendment: "*Provided*, should said road run within five miles of the town of Quitman, in Wood county, it shall run through said town, and establish a freight and passenger depot within one-half mile of the public square of the said town; *provided further*, that the citizens of the town of Quitman shall donate land sufficient for right of way and depot purposes, not to exceed fifteen acres." The amendment was adopted.

The bill then passed.

Mr. Thurmond called up Senate bill No. 304, "An act to incorporate the Clinton Bridge Company."

On motion of Mr. Brown of Dallas the reading of the bill was dispensed with, and the bill passed to third reading.

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

On motion of Mr. Hollingsworth, Senate bill No. 244, "An act to incorporate the Austin and Short Line Railroad Company," was read first time and referred to the special railway committee.

Mr. Mills called up Senate bill No. 326, "An act to validate first class land certificate No. 150, issued to Freeman Prewitt by the board of land commissioners of Jasper county, July 5, 1839," the passage of which was recommended by Judiciary Committee No. 2.

The bill was read second time and passed to third reading.

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

The Committee on Engrossed Bills submitted the following report:

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

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

No. 944, "Joint resolution requiring county courts to make settlements with sheriffs and treasurers of school boards."