

No. 487, a bill to be entitled "An act to provide for the construction and repairing of court houses and jails by the several counties of this State.

And find the same correctly engrossed.

BOOTY, Chairman.

Mr. Hester called up House bill No. 653, "An act to incorporate the Lavaca Tap Railway Company," upon which the following report was submitted :

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

SIR: Your committee to whom was referred House bill No. 653, entitled "An act to incorporate the Lavaca Tap Railroad Company," have had the same under consideration, and herewith submit the following amendment thereto, on the adoption of which, recommend the passage of the bill.

PAYNE, for Committee.

Amend section so as to read as follows: "SEC. 10. The said company in its charge for freight and passage shall be governed by the general laws now in force or that may hereafter be enacted; and the State reserves also the right to prescribe and regulate the duties and liabilities of said company as a common carrier; and said railroad company shall have the right to cross all public highways and streets of towns and cities that may be necessary to cross, to establish said railway; *provided,* said railway shall not run through the streets of any town and city in such a way or manner as shall damage the property situate on said street, unless by the consent of the city or town authorities, and by making compensation to the owner or owners of said property for any damage to said property."

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

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

Upon the call of Mr. Smith of Colorado, the following report was submitted :

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

SIR: Your committee to whom was referred resolution to inquire into plan discovery of J. G. G. Garrett for the destruction of the cotton worm, etc., have had the same under consideration, and instruct me to report the same

back with the accompanying bill, and recommend that it do pass.

A. S. THURMOND, Chairman.

The bill, being "An act to provide for testing and purchasing of James G. G. Garrett his patent right improvement in insect destroyer, No. 133023, dated November 12, 1872," was read first time; rules suspended, read second time and ordered engrossed.

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

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

House bill No. 766, a bill to incorporate the Paris and Cleburne Railway Company.

Substitute House bill No. 563, "An act to amend sections three, five and six of an act entitled an act to incorporate the Carthage Branch Railway Company, approved May 22, 1871, and to grant lands to said company to aid in the construction of its road."

Senate bill No. 135, "An act relating to paupers and minor offenders, and to establish county farms for manual labor, poor houses and houses of correction."

Senate bill No. 362, "An act to authorize the lessees of the State penitentiary to delay the payment of certain amounts of money to become due the State until the expiration of their lease," and in connection with the latter bill, that its passage had been prematurely reported to the House on the twenty-fourth instant, a motion having been made to reconsider the vote passing it, which motion was pending at the time; that the Senate had reconsidered the vote passing the bill, and made material amendments to it.

Mr. Leyendecker called up House bill No. 880, "An act to amend section seven of an act entitled an act to organize the Bureau of Immigration, approved May, 23, 1871." The bill was read second time.

Mr. Russell moved to amend by striking out that portion relating to the appointment of an agent in New York.

Mr. Sabin moved to recommit the bill, which carried.

On motion of Mr. Denton, the House adjourned till 9 A. M. to-morrow.

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

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

Absent—Messrs. Ellett and Hester.

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

Mr. Mills introduced "An act to prohibit the sale or otherwise disposing of intoxicating liquors within a radius of three miles of Dougald McAlpine's East and West Academies, in Wallace's Prairie, in the county of Grimes, State of Texas." Read first time.

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

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

Mr. Watts introduced a bill to be entitled "An act limiting the amount of bonds to be issued to the International Railroad Company, and providing for the payment of the same." Read first time.

Mr. Bewley moved to reject the bill, and moved the previous question upon that motion. The previous question having been seconded, the main question was ordered by the following vote:

Yeas—Messrs. Allison, Anderson, Armstrong, Bewley, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Ford, Gaston, Ghent, Gillette, Gilpin, Hester, Ireland, Kemble, Killough, Leyendecker, Payne, Powers, Prendergast, Rimes, Robb, Rosborough, Russell, Sayers, Short, Smith of Colorado, Storey, Thurmond, Tom, Watts, Westfall, Winkler and Wood—42.

Nays—Messrs. Speaker, Abbott, Berends, Booty, Cook, Eastland, Green, Harrison, Hoffman, Hollingsworth, Joseph, Kleberg, Lane, Mabry, Manning, McDonald, Mills, Moore, Morris, Nelson, Noeggerath, Phelps, Rainey, Roberts, Sabin, Salter, Shaw, Smith of Houston, Stockbridge, Tilson, Tivy, Washington, Wilder and Williams—34.

The House then rejected the bill by the following vote:

Yeas—Messrs. Abbott, Allison, Anderson, Armstrong, Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of

Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Davenport, Day, Denton, Ford, Gaston, Ghent, Gillette, Gilpin, Hester, Ireland, Kemble, Killough, Kleberg, Lane, Leyendecker, Mills, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Sabin, Sayers, Schmidt, Short, Smith of Colorado, Smith of Houston, Storey, Tilson, Tom, Watts, Westfall, Wilder, Winkler and Wood—56.

Nays—Messrs. Speaker, Berends, Eastland, Green, Harrison, Hoffman, Hollingsworth, Joseph, Mabry, Manning, McDonald, Moore, Phelps, Roberts, Salter, Shaw, Stockbridge, Tivy, Washington and Williams—20.

Mr. Cook moved to reconsider the vote rejecting the bill.

Pending the discussion the special order was announced, Senate bill No. 86, "An act supplementary and amendatory of an act to provide for the establishment of the Agricultural and Mechanical College of Texas, approved April 17, 1871.

On motion of Mr. Watts, the special order was postponed fifteen minutes.

Resuming the discussion, Mr. Rimes moved to lay the motion on the table, which was carried.

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

WHEREAS, It is indispensably necessary that appropriate tax, finance and appropriation laws be passed at the present session of the Thirteenth Legislature, and

Whereas, the session is evidently drawing rapidly to a close; be it therefore

1. *Resolved*, That, the constitutional amendments excepted, all measures heretofore introduced bearing upon any one or more of the above-named subjects, whether originating in the Senate or House of Representatives, or that may hereafter be introduced on any one or more of said subjects, shall have precedence in the consideration of this House until said measures be completed.

2. *Resolved*, That should it become necessary, in order to promote the more speedy accomplishment of the object of the foregoing resolution, that any committee, standing or special, having under consideration any measure or matter bearing on the afore-mentioned subject or subjects, shall be excused from attendance on the House, and report at any time when prepared to do so.

Mr. Gilpin introduced a bill for the relief of C. R. Johns & Co., assignees of George Dye, sheriff of Cameron county. Read first time and referred to the Special Finance Committee, Booty, chairman.

Mr. Payne offered the following resolution :

*Resolved*, That one hundred copies of the evidence in the case against T. C. Barden, Judge of the Sixteenth Judicial District, be published for the use of the House.

Adopted.

Mr. Powers introduced a bill to amend the sixth section of "An act entitled an act to incorporate the town of Ysleta, in El Paso county," approved May 9, 1871. Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Ghent introduced a bill to authorize and empower the County Court of Milam county to levy and collect a special tax for the purpose of building a county jail. Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Smith of Colorado introduced a bill to amend sections twenty-nine and forty-three of "An act concerning private corporations," approved December 2, 1871. Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Short offered the following resolution :

*Resolved*, That the chief clerk of the House of Representatives be instructed to inform the Senate that the House of Representatives has rejected the following bill : "An act limiting the amount of bonds to be issued to the International Railroad Company, and to provide for the payment of the same."

On motion of Mr. Harrison, the resolution was laid on the table.

House bill No. 766, "An act to incorporate the Paris, Greenville and Cleburne Railroad Company," was taken up and the Senate amendments thereto read and concurred in.

Senate bill No. 135, "An act relating to paupers and

minor offenders, and to establish county farms for manual labor, poor houses, and houses of correction," was taken up, read by caption first time and referred to a special committee of three, with instructions to report thereon Thursday, May 29, at 12 M.

The Speaker appointed the following gentlemen said committee: Messrs. Sayers, chairman, Berends and Killough.

A message from the Senate announced the passage by that body of Senate joint resolution No. 45, for the relief of Mrs. Belle Murray.

Senate bill No. 362, "An act to authorize the lessees of the State penitentiary to delay the payment of certain amounts of money to become due the State until the expiration of their lease," was taken up, read first time; rules suspended, read second time and passed to third reading.

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

Senate bill No. 369, "An act to ascertain the amounts due the teachers of the public free schools of this State prior to the first day of March, A. D. 1873, and to provide for the payment of the same," was read first time, and on motion of Mr. Mills, referred to a special committee of three, of which Mr. Kemble was named chairman.

The Speaker appointed Messrs. Chambers and Mills on said committee.

Mr. Allison moved to reconsider the vote tabling the resolution offered by Mr. Short this morning.

No quorum voting, Mr. Booty moved a call of the House, which was seconded.

Absent—Messrs. Berends, Brown of Dallas, Ellett, Gillette and Smith of Houston.

On Motion of Mr. Westfall, the call was suspended.

The vote was then reconsidered, and the House refused to adopt the resolution.

Senate bill No. 227, "An act requiring the Treasurer of the State of Texas to receive all payments due on all notes given by purchasers of University lands, sold under the provisions of an act for the disposition and sale of the University lands, approved August 30, 1856, an act amendatory thereof, approved November 6, 1866, and to require the Commissioner of the General Land

Office to issue patents on said lands," was taken up and referred to a special committee of five, with instructions to report thereon Thursday, May 29, at 10 A. M.

The Speaker appointed the following gentlemen said committee: Messrs. Bordeaux, chairman; Harrison, Ireland, Payne and Wood.

The special order, Senate bill No. 86, "An act supplementary to and amendatory of an act to provide for the establishment of the Agricultural and Mechanical College of Texas, approved April 17, 1871," was then taken up and considered by sections.

Mr. Wood moved to amend section five, line four, by inserting "district or" after the word "county." Adopted.

Mr. Wood moved to amend section four, line eighteen, by striking out "two" and inserting "fifteen" in lieu thereof; and by striking out "thirteen" in line nineteen and inserting in lieu thereof "sixteen." Adopted.

On motion of Mr. Thurmond, the House adjourned for thirty minutes.

The thirty minutes having elapsed, the House was again called to order. Roll called

Absent—Messrs. Allison, Anderson, Armstrong, Ellett, Ford, Ghent, Gilpin, Hoffman, Kleberg, Mabry, Morris, Nelson, Rimes, Rosborough, Schmidt, Shaw, Short, Vinters and Winkler.

A quorum not being present, on motion of Mr. Sabin, the House adjourned until 3. P. M.

#### AFTERNOON SESSION.

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

Absent—Armstrong, Berends, Bewley, Booty, Bordeaux, Brown of Dallas, Cook, Ellett, Green, Morris, Phelps, Rosborough and Winkler.

Mr. Denton asked leave to make a report from the special committee upon House bill No. 887, "An act supplementary to and amendatory of an act supplementary to an act to regulate railroad companies, approved February 7, 1873, and an act approved December 19, 1857." The House refused.

Mr. Broadus called up Senate bill No. 86, "An act

supplementary to and amendatory of an act to provide for the establishment of the Agricultural and Mechanical College of Texas, approved April 7, 1871," pending the following amendment: Amend section four, line twenty-three, by inserting after the word "patents" the words "or sold under any law heretofore passed." The amendment was adopted.

Mr. Brown of Dallas in the chair.

Mr. Mills moved to amend by striking out of section three all after the word "same," line ten, to the word "for," line twelve, and inserting in lieu thereof the words "and that a similar amount of the university fund now in the treasury of the State be appropriated." Adopted.

The Speaker in the chair.

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

A message from the Senate announced the passage by that body of Senate joint resolution "Granting leave of absence to the Hon. Moses B. Walker, Justice of the Supreme Court, from the adjournment of the present term of the Supreme Court, to the assembling of the next term of the same," and Senate bill No. 352, "An act amendatory of an act to amend an act entitled an act prescribing the times of holding the District Courts in the several judicial districts in the State, approved August 10, 1870, approved April 17, 1871."

Resuming the discussion of the pending bill, Mr. Wood moved to amend section six, line one, by inserting "or district" after the word "county." Adopted.

Mr. Wood moved to amend section nine, line four, by inserting after the word "thereof" the words "and the one-tenth of the principal." Adopted.

Mr. Broadus moved to amend by adding at the end of section ten, the words: "And the United States bonds, when so placed in the treasury, shall be under the control of the Legislature of the State." Adopted.

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

Yeas—Messrs. Anderson, Booty, Davenport, Denton, Eastland, Ford, Gallaway, Gaston, Harrison, Hester, Hoffman, Joseph, Kemble, Killough, Lane, Leyendecker, Mabry, McDonald, Moore, Morris, Nelson, Powers, Rimes, Robb, Roberts, Rosborough, Shaw, Smith of Houston, Tom, Westfall—30.



Nays—Messrs. Speaker, Allison, Armstrong, Berends, Bewley, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Day, Gillette, Gilpin, Green, Hollingsworth, Ireland, Manning, Mills, Noeggerath, Payne, Phelps, Prendergast, Russell, Salter, Schmidt, Storey, Stockbridge, Thurmond, Tivy, Washington, Watts, Wilder, Williams and Wood—37.

Mr. Denton moved to amend by adding to section one the following: "Not to exceed five dollars per day for the time actually engaged."

Mr. Broaddus moved to amend the amendment by striking out "five" and inserting in lieu thereof "eight." Lost.

The amendment was then adopted, and the bill ordered engrossed, by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Armstrong, Berends, Bewley, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Carroll, Cook, Cunningham, Day, Gilpin, Green, Hollingsworth, Ireland, Leyendecker, Manning, Mills, Noeggerath, Payne, Phelps, Prendergast, Russell, Salter, Schmidt, Smith of Colorado, Storey, Stockbridge, Thurmond, Tivy, Tom, Washington, Wilder, Williams and Wood—38.

Nays—Messrs. Abbott, Booty, Chambers, Davenport, Denton, Eastland, Ford, Gaston, Gillette, Harrison, Hester, Hoffman, Joseph, Kemble, Killough, Kleberg, Lane, Mabry, McDonald, Moore, Morris, Nelson, Powers, Rimes, Robb, Roberts, Rosborough, Smith of Houston, Watts and Westfall—30.

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

Report from the Committee on Engrossed Bills:

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

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

No. 955, "An act to prohibit the sale or disposition of spirituous or other intoxicating liquors within three miles of the town of Rancho, Gonzales county."

No. 826, "An act to validate a bounty land warrant issued to the heirs of Wm. Fishbaugh, deceased."

No. 615, "An act amendatory to an act supplementary to an act authorizing the sale and disposition of the uni-

versity lands, approved August 30, 1856, approved November 12, 1866."

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

No. 940, "An act to better protect the papers, records and files in the General Land Office."

And find the same correctly engrossed.

BOOTY, Chairman.

Mr. Killough called up House bill No. 542, "An act to incorporate the Ledbetter and La Grange Railway Company," upon which the following report was submitted: *Hon. M. D. K. Taylor, Speaker of the House of Representatives* :

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 542, "An act to incorporate the Ledbetter and La Grange Railway Company," have carefully considered the same, and recommend that it do pass with the accompanying substitute for section fifteen (15) of said bill.

A. J. BOOTY, Chairman *pro tem*.

"SEC. 15. That this charter shall remain in full force for the period of sixty years from the date of completion of said railroad, and the company shall be entitled to receive sixteen sections of land for each and every mile of railroad completed; and whenever the Governor shall be informed that ten miles of said road shall have been completed, he shall at once appoint some competent person to inspect the same, and if the report of the inspector shall be favorable, the Governor shall immediately notify the Commissioner of the General Land Office, whose duty it shall be to immediately issue to said company sixteen land certificates of six hundred and forty acres each for each and every mile of road completed, and so on for every additional ten miles when completed, which said certificates shall be located, surveyed and patented according to the provisions of the general railroad law, on the principle of alternate sections; *provided*, that each succeeding section of ten miles shall be inspected in like manner as provided in this section for the first ten miles; *provided further*, that the said company shall not have the right to sell, rent, lease or consolidate with any parallel or competing railroads in this State; *provided further*, that in no case shall the State be in any way liable

for deficiency of vacant domain; *provided further*, that the field notes and maps to be returned to the General Land Office, and the odd sections patented to said company, and all the alternate or even sections shall be reserved, and set apart, and appropriated to, and constitute a part of, the common school fund, as provided by law. And the lands granted to said company by virtue of the provisions of this act, shall be alienated by said company, except so far as may be necessary to the maintenance and running of its road, as follows: one-fourth in eight years, one-fourth in ten years, one-fourth in twelve years, one-fourth in sixteen years, from the time of acquiring said lands; *provided*, said lands shall not be alienated, directly nor indirectly, to any other corporation, for its use, except so far as may be necessary for the proper uses and convenience, of the business of such corporation; and on failure to alienate said lands, as herein directed, they shall be proceeded against as the laws in force may direct; *and provided further*, that the State of Texas shall not be held liable for a deficiency in the lands hereinbefore mentioned."

Add the following section: "SEC. . . That the State reserves the right to regulate the rates of freight and passage on said road, by any general law of the State applicable to railroads, and also to place the officers and employes of the same under the provisions of any general law which is now in force, or may hereafter be enacted, to prevent wrong towards passengers or other patrons of the road, and said company shall be subject to any law now in force, or hereafter enacted, in relation to railroads in this State."

The amendments were adopted.

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

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

Yeas—Messrs. Speake, Adriance, Allison, Anderson, Berends, Bledsoe, Booty, Brown of Upshur, Brown of Dallas, Carroll, Cook, Cunningham, Davenport, Day, Denton, Eastland, Gallaway, Gaston, Gillette, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Lane, Mabry, Manning, McDonald, Morris, Noeggerath, Phelps, Powers, Prender-

gast, Robb, Roberts, Russell, Sabin, Salter, Schmidt, Short, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Washington, Watts, Westfall, Wilder, Williams and Wood—58.

Nays—Messrs. Abbott, Armstrong, Chambers, Moore, Nelson, Rimes, Rosborough—7.

Mr. Noeggerath called up Senate bill No. 266, "An act for the relief of the heirs of Augustus W. Shipley," whose passage was recommended by the Committee on Private Land Claims. Read second time and passed to third reading.

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

Mr. Ireland called up House bill No. 465, "An act to incorporate the West Texas Water Company," the passage of which was recommended by the Committee on Agriculture and Stock Raising. The bill was read second time.

Mr. Harrison moved to strike out that portion making a donation of land, which carried. The bill was ordered engrossed.

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

A message from the Senate announced the passage by that body of House bill No. 453, "An act regulating taxation," with amendments by the Senate.

The bill just announced was taken up, and the Senate amendments thereto read.

The House refused to concur in the amendments, and the clerk was instructed to inform the Senate of that fact.

Mr. Sayers called up Senate bill No. 95, "An act for the relief of Luke G. Lee," the passage of which was recommended by the Committee on Claims and Accounts.

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

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

Yeas—Messrs. Speaker, Adair, Adair, Allison, Anderson, Berends, Bledsoe, Booty, Boreaux, Broadus, Brown of Upshur, Brown of Dallas, Chambers, Davenport, Day, Denton, Eastland, Gaston, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Lane, Leyendecker, Mabry, McDonald, Morris, Noeggerath, Payne, Powers, Prendergast, Rimes,

Roberts, Rosborough, Russell, Sabin, Sayers, Schmidt, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—61.

Nays—Messrs. Armstrong, Cunningham, Manning, Mills, Moore and Salter—6.

The following message from his Excellency the Governor was ordered to be spread upon the journals:

EXECUTIVE OFFICE, STATE OF TEXAS, }  
AUSTIN, May 27, 1873. }

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

GENTLEMEN: I have the honor to inform you that the following named acts have been received by me and approved, viz:—

House bill No. 171, "An act to be entitled an act amendatory of and supplementary to an act entitled an act to incorporate the Central Bank, passed March 31, 1871," approved May 14, 1873.

Senate bill No. 297, "An act for the relief of R. C. Hunt," approved May 14, 1873.

House bill No. 196, "An act to amend an act entitled an act to incorporate the city of Calvert, in Robertson county, approved April 12, A. D. 1871," approved May 14, 1873.

House bill No. 424, "An act to amend an act entitled an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870," approved May 14, 1873.

Senate bill No. 305, "An act to incorporate the Texas Land and Colonization Company," approved May 14, 1873.

House bill No. 274, "An act to be entitled an act to amend an act entitled an act to reorganize the town of Bryan, in Brazos county, Texas, and incorporate said town as the city of Bryan, approved November 29, 1871," approved May 14, 1873.

House bill No. 381, "An act to incorporate the town of Ladonia, in Fannin county," approved May 14, 1873.

House bill No. 392, "An act to incorporate the Garden Valley Seminary, in Smith county, Texas," approved May 14, 1873.

Senate bill No. 111, "An act to provide for supply-

ing the records of Lampasas county, destroyed by fire," approved May 14, 1873.

Senate bill No. 274, "An act to validate and supplement the charter of the Bastrop Coal Company of Texas," approved May 15, 1873.

Senate bill No. 254, "An act to incorporate the city of El Paso," approved May 17, 1873.

Senate bill No. 351, "An act making an additional appropriation to pay the per diem and mileage of witnesses in the case of the impeachment of Judge John G. Scott, and other expenses incident to said case," approved May 17, 1873.

Senate bill No. 241, "An act to amend section thirteen (13), fourteen (14), sixteen (16) and seventeen (17) of an act entitled an act to incorporate the town of Palestine, in Anderson county," approved May 17, 1873.

Senate bill No. 136, "An act to amend article seven hundred and sixty-six of the penal code," approved May 17, 1873.

Senate bill No. 97, "An act to incorporate the Hallville Mason Institute, at Hallville, Harrison county, Texas," approved May 17, 1873.

House bill No. 912, "An act to amend an act entitled an act to organize and incorporate the East Line and Red River Railroad Company, approved March 22, 1871," approved May 17, 1873.

House bill No. 754, "An act to incorporate the board of trustees of Centerville Academic School," approved May 17, 1873.

Senate bill No. 263, "An act to incorporate the town of Zavala, in the county of Smith," approved May 17, 1873.

Senate bill No. 301, "An act making an appropriation for the payment of the State police and employes," approved May 17, 1873.

Senate bill No. 349, "An act making an appropriation to carry into effect an act authorizing quarantine on the coast of Texas, and elsewhere within the State, approved June 10, 1870," approved May 19, 1873.

House bill No. 297, "An act to prevent horse racing in certain places, approved May 19, 1873.

House bill No. 915, "An act to provide for the registration of the voters in the city of Denison, Grayson county, State of Texas," approved May 21, 1873.

House bill No. 723, "An act to reincorporate the city of Corpus Christi," approved May 22, 1873.

House bill No. 934, "An act to provide for a special election in the city of Dallas," approved May 23, 1873.

House bill No. 853, "An act supplementary to and amendatory of an act entitled an act to re-incorporate the city of Corpus Christi," approved May 24, 1873.

Senate bill No. 100, "An act to provide for the merger of the Waco and Northwestern Railroad Company, with its properties, rights, privileges and franchises, in the Houston and Texas Central Railway Company," approved May 24, 1873.

House bill No. 850, "An act prescribing the times of holding general elections in this State," approved May 26, 1873.

The following bills not having been returned by me to the house in which they originated, within the time prescribed by the Constitution, have become laws without my approval, to-wit :

House bill No. 605, "An act to authorize Ezra Carpenter, his associates and successors, to construct, own and keep a toll bridge on Big Cypress," passed April 13, 1873.

House bill No. 468, "An act for the relief of J. Lancaster," passed April 30, 1873.

House bill No. 819, "An act amendatory of an act entitled an act to incorporate the Bastrop Casino Association, approved October 27, 1866," passed May 3, 1873.

House bill No. 747, "An act to authorize the County Court of Freestone county to levy and collect a special tax for the purpose of repairing the court house and jail in said county," passed May 3, 1873.

Senate bill No. 173, "An act to prohibit the sale of intoxicating liquors within two miles of the Lime Flat High School House, in Nacogdoches county," passed May 5, 1873.

House bill No. 47, "An act supplemental to and amendatory of an act entitled an act to incorporate the Rockport, Fulton, Laredo and Mexican Pacific Railroad Company, passed November 11, 1871," passed May 5, 1873.

House bill No. 156, "An act to authorize the Commissioner of the General Land Office to issue a patent for four millions eight hundred and forty thousand square varas of land located in San Augustine county, by virtue of the grant of land made by John B. Dillard, on the twelfth day of December, 1835, and to validate said survey," passed May 6, 1873.

House bill No. 243, "An act granting a charter to O. M. Airheart to create, keep and run a ferry boat at the Spring Crossing, on Trinity river, in Henderson county and Navarro county," passed May 6, 1873.

House bill No. 293, "An act to incorporate the Lee Fire Engine Company No. 5, of the city of Galveston, State of Texas," passed May 6, 1873.

House bill No. 573, "An act to validate the municipal election in the town of Crockett, county of Houston, on the fifth, sixth, seventh and eight days of November, A. D. 1872," passed May 6, 1873.

Senate bill No. 311, "An act to incorporate the Bastrop Turn Verein," passed May 6, 1873.

House bill No. 264, "An act to authorize the Police Court of Ellis county to levy a special tax for the purpose of building a jail," passed May 6, 1873.

House bill No. 665, "An act to prohibit the sale of intoxicating or spirituous liquors within three miles of the institution of learning situated near Mt. Enterprise, in Rusk county," passed May 6, 1873.

House bill No. 416, "An act to prohibit the sale of spirituous liquors within six miles of Davilla Institute, in the county of Milam, except for medical or sacramental purposes," passed May 6, 1873.

Senate bill No. 331, "An act to prohibit the sale of intoxicating liquors within two miles of Pattonville, in Lamar county," passed May 6, 1873.

House bill No. 391, "An act to be entitled an act to prevent the gift or sale of intoxicating liquors within two miles of Garden Valley Seminary, in Smith county, Texas," passed May 6, 1873.

House bill No. 566, "An act to prohibit the sale of intoxicating liquors within two miles of Cotton Gin Seminary, Freestone county," passed May 6, 1873.

House bill No. 498, "An act for the relief of the heirs of Charles Forrister," passed May 6, 1873.

House bill No. 126, "An act for the relief of A. S. Thurmond," passed May 6, 1873.

House bill No. 756, "An act to authorize the Police Court of Denton county to levy a special tax to build a court house," passed May 6, 1873.

House bill No. 553, "Joint resolution authorizing I. G. Killough to draw the pay of the Hon. Louis Frankee, deceased," passed May 6, 1873.



House bill No. 320, "An act to authorize the County Court of Comanche county to issue bonds in the name of said county for the purpose of erecting public buildings, and to fund the present indebtedness of said county," passed May 6, 1873.

House bill No. 473, "An act to authorize the County Court of Bell county to issue interest bearing bonds, and levy and collect a special tax for the payment of the same, for building a jail and poor house in said county," passed May 6, 1873.

House bill No. 173, "An act to prohibit the sale of intoxicating or spirituous liquors within two miles of the institution of learning situated at Woods, in Panola county, Texas," passed May 6, 1873.

House bill No. 457, "An act for the relief of Michael B. Botcham," passed May 6, 1873.

House bill No. 575, "An act for the relief of the estate of John T. Story," passed May 6, 1873.

House bill No. 467, "An act to adjust and define the rights of the Texas and Pacific Railway Company within the State of Texas, in order to encourage the speedy construction of a railway through the State to the Pacific Ocean," passed May 2, 1873.

House bill No. 304, "An act to validate bounty land warrant issued to John B. Fox," passed May 7, 1873.

Senate bill No. 258, "An act to amend sections seven, ten and twenty, of an act entitled an act to incorporate the Tyler Tap Railroad Company, approved December 1, 1871, and to grant lands to said company to aid in the construction of its road," passed May 7, 1873.

Senate bill No. 271, "An act for the relief of C. C. De Witt, and other persons therein named," passed May 7, 1873.

House bill No. 429, "An act to authorize H. B. Boston, Alex. Hamilton and R. B. Hudson to erect a pontoon bridge over the Guadalupe river, in the county of De Witt, Texas," passed May 7, 1873.

House bill No. 664, "An act to amend section three (3) of an act entitled an act to incorporate the Falls County Turnpike Road and Bridge Company, approved April 12, 1871," passed May 7, 1873.

House bill No. 691, "An act to prohibit the sale of intoxicating, spirituous or vinous liquors within one and one-half (1½) miles of Sylvan Academy, in Lamar county," passed May 7, 1873.

Senate bill No. 228, "An act to incorporate the town of Jacksonville, in Cherokee county," passed May 7, 1873.

House bill No. 727, "An act to prohibit the sale of intoxicating, spirituous or vinous liquors within three (3) miles of Roxton Chapel and Seminary, in Lamar county," passed May 7, 1873.

House bill No. 200, "An act granting a charter to James A. Mitcham and H. L. Gilmore, to erect, keep and run a ferry boat at New Bazette landing or crossing on the Trinity river, in Henderson county and Navarro county," passed May 7, 1873.

Senate bill No. 327, "An act supplemental to an act entitled an act reimbursing Bastrop county, and appropriating the sum of two hundred and twenty-five dollars for that purpose, approved March 20, 1873," passed May 8, 1873.

House bill No. 489, "An act to aid in the construction of the Atlantic and Pacific Railroad," passed May 9, 1873.

House bill No. 846, "An act authorizing the city of Galveston to issue her bonds to the amount of five hundred thousand dollars in aid of the bar and harbor improvement of Galveston, and to provide a tax of one-fourth of one per centum for a sinking fund wherewith to pay the principal and interest of said bonds," passed May 9, 1873.

Senate bill No. 293, "An act for the relief of A. Horrell," passed May 12, 1873.

Senate bill No. 342, "An act to authorize and require the County Court of Robertson county to retire certain county scrip therein specified, and to issue the bonds of said county in lieu thereof," passed May 12, 1873.

Senate bill No. 322, "An act to authorize G. W. Harper to construct and keep a toll bridge across South Sulphur Fork of Red River," passed May 12, 1873.

Senate bill No. 256, "An act to authorize the County Court of Lampasas county to levy a special tax," passed May 12, 1873.

Respectfully,

EDMUND J. DAVIS, Governor.

On motion of Mr. Prendergast, the Committee on Constitutional Amendments submitted the following report:  
*Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Your Committee on Constitutional Amendments,

to whom was referred Senate joint resolution No. 211, proposing certain amendments to the Constitution, after duly considering the same, have instructed me to report the joint resolution back with the accompanying amendments, and, after the adoption of the amendments, they recommend the passage of the joint resolution.

The committee state further that several other resolutions proposing amendments to the Constitution have been referred to them, which they do not think it advisable to act upon at this time. The Senate joint resolution, with the amendments proposed thereto, contains all the amendments to the Constitution the committee, after mature consideration, think it proper to submit under existing circumstances.

PRENDERGAST, Chairman.

1. Change section two to section three, and insert as section two the following:

“SEC. 2. That sections one and fourteen of article three of said constitution be so amended as to hereafter read as follows, to-wit: Section 1. Every male citizen of the United States, and every male person who shall have declared his intention to become a citizen of the United States, in accordance with the laws thereof, of the age of twenty-one years and upwards, not laboring under the disabilities named in this Constitution, without distinction of race, color or previous condition of servitude, who shall have resided in this State one year and in the county in which he may offer to vote six months next preceding an election, shall be entitled to vote for all officers elected by the people, and upon all questions submitted to the electors at any election; *provided*, that Indians not taxed, soldiers, seamen or marines in the army or navy of the United States, persons kept in any asylum, or confined in prison, or who have been or may hereafter be convicted of a felony, or who may be of unsound mind, shall not be allowed to vote.

“Sec. 14. No person shall be eligible to any office, State, county or municipal, who is not a qualified voter of this State, or who may be disqualified therefor by the constitution of the United States, until such disqualification shall be removed by the Congress of the United States.”

2. Section two (as is numbered in the joint resolution), line two, strike out the word “and,” and insert after the

word "four," same line, the words "and section six," and insert at the proper place: "SEC. 6. The State shall be divided into convenient districts, which may be increased or diminished in size or number, for each of which there shall be elected by the qualified voters thereof, at a general election of members of the Legislature, a judge, who shall reside in the district in which he is elected, and shall hold his office for the term of six years from the date of his election, and until his successor is qualified, or until his district is abolished, and shall hold a court in each county in the district twice in each year, at such time and place as may be prescribed by law. In case of a vacancy by death, resignation or otherwise, such vacancy shall be filled for the unexpired term by appointment by the Governor, by and with the advice and consent of the Senate, when that body is in session; and should the Senate not be in session, such appointment shall continue in force until ten days after that body shall assemble, when, if such appointment is not confirmed, the office shall immediately become vacant; *provided*, that no election shall be held under the provisions of this section until the first general election after this amendment shall have been ratified and become a part of the Constitution."

3. Also amend section two, as numbered in the joint resolution, by striking out of section three (under that head) all after the word "State," in line six, down to and including the word "prescribe," in line ten.

4. Change section three to section six, and insert as section four as follows: "SEC. 4. That section eight of article nine of said Constitution be so amended as to hereafter read as follows: SEC. 8. All public lands which have been heretofore, or may be hereafter, granted for public schools to the various counties of this State, shall be under the control of the Legislature, and may be sold on such terms and under such regulations as the Legislature shall by law prescribe, and the proceeds of the sale of said lands shall be added to the perpetual school fund of the State; but each county shall receive the full benefit of the interest arising from the proceeds of the sale of the lands granted to them respectively."

5. Amend further by adding as section five as follows: "SEC. 5. That section six of article ten of said Constitution be amended so as hereafter to read as follows:

Sec. 6. The public property and the public domain of this State shall be under the control and subject to the disposition of the Legislature; *provided, nevertheless*, that one-half of said public domain, or the proceeds thereof, shall be used exclusively for the endowment of public free schools and institutions of learning."

6. Change section three to section six, and amend section forty (under said head) by striking out all after the word "any" in line three; and inserting the following: "case where a general law can be made applicable."

7. Add as section seven the following: "SEC. 7. That section one of article six, and section forty-six of article twelve, of said Constitution, be annulled, set aside, and declared to no longer constitute any part of the Constitution of this State."

8. Amend the caption by inserting after the word "rights," line four, the following: "Section one and section fourteen of article three."

9. Also, insert after the word "five," line six, the words, "section eight of article nine, section six of article ten."

10. Also, strike out the word "of," between the words "twelve" and "general," line eight, and insert after the word "provisions," line nine, the following: "And annulling and setting aside section one of article six, and section forty-six of article twelve."

The following amendment, offered by Mr. Russell, was ordered spread upon the journals: "Section six of article nine shall be so amended as to hereafter be and read as follows: As a basis for the establishment and endowment of said public free schools, all the funds, lands and other property heretofore set apart and appropriated for the support and maintenance of public schools shall constitute the public school fund; and the Legislature shall appropriate all the proceeds resulting from sales of public lands of this State to such public school fund; and the Legislature shall also cause to be levied and collected an annual poll tax of one dollar on all male persons in this State between the ages of twenty-one and fifty years old, for the benefit of public schools; and said fund and the income derived therefrom, and the taxes herein provided for school purposes, shall be a perpetual fund, to be applied as needed, exclusively for educational purposes; and no law shall ever be made appropriating such fund for any other use or purpose whatever."

Mr. Morris moved to amend by adding the following proviso to section five of the amendments: "*Provided*, that nothing in this section, nor in the amendments hereof to be submitted, shall be held or construed to abrogate or change the right to, or disposition of the public domain, for the purpose of internal improvements and schools, as provided in the Constitution and amendment thereto, adopted at the present session of the Legislature."

Mr. Booty moved to amend by striking out all that portion of section three of the Senate joint resolution which provides for the election of an assessor and collector of taxes.

On motion of Mr. Anderson, the further consideration of the subject was postponed until 9 A. M. to-morrow.

Mr. Storey called up House bill No. 793, for the relief of the heirs of Frederick Rowe, whose passage was recommended by Judiciary Committee No. 2.

The bill was read second time and ordered engrossed.

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

Mr. Hollingsworth called up House bill No. 397, supplementary to an act entitled "An act in relation to the Missouri, Kansas and Texas Railway Company, late Union Pacific Railway Company, southern branch," passed August 2, 1870.

The special committee upon the bill submitted the following report:

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

SIR: The special committee to whom was referred House bill No. 397, entitled "An act supplementary to an act entitled an act in relation to the Missouri, Kansas and Texas Railway Company, late Union Pacific Railway Company, southern branch, passed August 2, 1870," having considered the same, have instructed me to report the bill back to the House with the recommendation that it do not pass.

The original charter of this company, or act in relation thereto, in the opinion of the committee, contains several provisions which are not only unusual in such charters, but are obnoxious to serious objections. By said original act, said road, with its "appurtenances of every description," is exempted from "all taxation" "until the

period of two years shall have elapsed from the completion" of the road to the city of Austin; and for all time thereafter, said company, "in lieu of all taxes of every description whatever," is authorized to pay "two per cent. per annum upon the earnings of its road in Texas." What the term "earnings" in this connection may mean is by no means clear. It may mean either the net or the gross receipts; and if the former should be held to be the proper meaning, the committee think the prospect of revenue from this source exceedingly remote. The committee also think this provision objectionable on the ground that it is not "equal and uniform" in the sense of the Constitution as to other railroads; and on the further ground that it is violative of that provision of the Constitution which requires all property to be taxed in proportion to its value.

Said act also confers upon said company "all the rights, powers, privileges, benefits and immunities conferred by all general laws now existing, or that hereafter may be passed," in relation to railroad corporations, without placing it under any restrictions whatever. These rights, powers, privileges, etc., may be very great; and while these advantages are enjoyed by the company, it would seem but proper that the State should have the right to prevent their use to the public detriment.

By still another provision of said act said company has "the right to purchase, sell, lease, join stocks, unite or consolidate with any connecting railroad company." This the committee think contrary to sound policy. It will have a tendency to not only destroy competition, but will necessarily lead to a dangerous concentration of power and wealth. Other objections might be presented, but these are deemed sufficient for the present purpose.

With these views the committee have felt constrained to recommend the rejection of the bill in its present form. They were disposed to propose certain amendments as conditions to the extension of time sought, modifying to some extent the more prominent objections to said original act, and reserving certain powers to the State, but have not felt at liberty to do so in consequence of a written request from the vice-president of the company, to report the bill back, either favorably or unfavorably, without amendment. All of which is respectfully submitted.

PRENDERGAST, Chairman.

A message from the Senate announced that that body adhered to its amendments to House bill No. 453, "An act regulating taxation," and had appointed Senators Shelley, Dillard and Dohoney a committee of conference on the difference between the two houses, with a request for the appointment of a like committee on the part of the House.

Under instructions from the House, the Speaker appointed Messrs. Wood, Payne and Armstrong a conference committee on the part of the House to confer with the like Senate committee.

Reports from the Committee on Enrolled Bills:

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

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

No. 111, "An act to incorporate the Dallas, Palestine and Southeast Texas Railroad Company."

No. 327, "An act to reincorporate the town of Denton, State of Texas."

And find the same correctly enrolled, and have this the twenty-seventh day of May, at 4:15 o'clock P. M., presented the same to the Governor for his approval.

SHAW, Chairman.

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

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

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

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

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

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

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

And find the same correctly enrolled, and have this the



twenty-eighth day of May, at 11 o'clock A. M., presented the same to the Governor for his approval.

SHAW, Chairman.

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

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

No. 563, "An act to amend sections three, five and six of an act entitled on act to incorporate Carthage Branch Railroad Company, approved May 22, 1871, and to grant lands to aid said company in the construction of its road."

And find the same correctly enrolled, and have this twenty-eighth day of May, at 11 o'clock A. M., presented the same to the Governor for his signature.

SHAW, Chairman.

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

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

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

Absent—Messrs. Broaddus, Cook, Ellett and Killough.

On motion of Mr. Kemble, Mr. Mabry was indefinitely excused on account of sickness.

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

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

Mr. Westfall presented a petition of sundry citizens of Austin against the donation of public squares to private use. Referred to a special committee consisting of Messrs. Ireland, Hester and Prendergast.

Mr. Mills presented a petition of Miss Sallie F. Thompson. Referred to the Committee on State Affairs.

Mr. Abbott presented a petition of Wm. Chambers, Judge of the First Judicial District, asking the appointment of a committee to investigate the charges against him, and to have the evidence taken by said committee printed.

Mr. Armstrong moved to lay the petition on the table.

Lost by the following vote :

Yeas—Messrs. Speaker, Allison, Armstrong, Bledsoe, Broaddus, Brown of Upshur, Carroll, Davenport, Denton, Ford, Gaston, Gillette, Gilpin, Harrison, Hester, Hollingsworth, Lane, Manning, McDonald, Robb, Russell, Salter, Sayers, Smith of Colorado, Thurmond, Tivy, Tom, Watts, Westfall and Wood—30.

Nays—Messrs. Abbott, Adriance, Berends, Booty, Brown of Dallas, Chambers, Cook, Cunningham, Eastland, Green, Hoffman, Ireland, Joseph, Leyendecker, Mills, Moore, Morris, Nelson, Noeggrath, Phelps, Prendergast, Rainey, Rimes, Roberts, Rosborough, Sabin, Schmidt, Short, Smith of Houston, Storey, Stockbridge, Tilson, Washington, Wilder, Williams and Winkler—36.

Mr. Anderson moved to defer the further consideration of the petition until Thursday, June 5.

Mr. Green moved to lay that motion on the table. Lost by the following vote :

Yeas—Messrs. Abbott, Adriance, Berends, Green, Joseph, Leyendecker, Mills, Moore, Noeggertah, Phelps, Roberts, Sabin, Salter, Short, Smith of Colorado, Storey, Stockbridge, Washington, Wilder and Williams—20.

Nays—Messrs. Allison, Anderson, Armstrong, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Cunningham, Davenport, Denton, Eastland, Ford, Gallaway, Gaston, Gillette, Gilpin, Harrison, Hester, Hoffman, Ireland, Kemble, Kleberg, Lane, Manning, McDonald, Morris, Nelson, Powers, Prendergast, Rainey, Rimes, Robb, Russell, Sayers, Smith of Houston, Thurmond, Tilson, Tivy, Watts, Westfall, Winkler and Wood—47.

The hour having arrived, the special order was announced, viz. : Senate joint resolution No. 41, "Joint resolution proposing amendments to the Constitution."

Mr. Rainey moved to postpone the special order until the pending business should be disposed of. The House refused.

On motion of Mr. Bordeaux, the special order was postponed, and the second special order was taken up, Senate bill No. 227, "An act requiring the Treasurer of the State of Texas to receive all payments due on all notes given by purchasers of University lands sold under the provisions of an act for the disposition and sale of

the University lands, approved August 30, 1856, and an act amendatory thereof, approved November 6, 1866, and to require the Commissioner of the General Land Office to issue patents on said lands." The passage of the joint resolution was recommended by the special committee to whom it had been referred.

The joint resolution was read second time.

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

Mr. Bordeaux moved the previous question, which was seconded and the main question ordered. The joint resolution then passed.

The Committee on Engrossed Bills submitted the following report:

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

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

Substitute for House bill No. 55, "An act to more particularly define the name and route of the Houston and Great Northern Railway Company."

No. 956, "An act to provide for testing and purchasing of James Garrett his patent right improvement in insect destroyers, No. 133,023, July 12, 1873."

No. 961, "An act to amend sections twenty-nine and forty-three of an act concerning private corporations, approved December 2, 1871."

An find the same correctly engrossed.

BOOTY, Chairman.

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

No. 339, "An act to amend the thirty-third and three hundred and fourth section of an act prescribing the mode of proceeding in district courts in matters of probate, approved August 15, 1870."

No. 380, "An act to amend section ten of an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870."

And that the Senate had passed a substitute for House bill No. 441, "An act making appropriations for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for deficiencies for the years 1870, 1871 and 1872."

Also, the following bills, originating in the House, with amendments by the Senate:

No. 291, "An act to incorporate the Gulf, Colorado and Sante Fé Railway Company."

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

No. 877, "An act to authorize the County Court of Colorado county to levy a special tax for the erection of a county jail."

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

Also, the following House bills without amendments, viz:

No. 178, "An act to authorize the County Court of Navarro county to levy and collect a special tax."

No. 481, "An act to incorporate the Defiance Hook and Ladder Company No. 1, of the city of Jefferson."

No. 610, "An Act to incorporate the City Bank of Dallas."

No. 759, "An act to authorize and require the Adjutant General to pay out certain funds heretofore appropriated for the frontier force of the State."

No. 760, "An act to authorize the holders of State warrants to surrender the same to the Treasurer, and receive State bonds for the same."

No. 888, "An act to amend an act to provide for districting the State into judicial districts, approved July 1, 1870."

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

No. 892, "An act to incorporate the town of McKinney, in Collin county."

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

No. 907, "An act supplementary and amendatory of an act passed April 19, 1773, to reorganize the town of Sherman, Grayson county."

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

Also, that the Senate had reconsidered the vote by which it passed House bill No. 902, "An act to amend an act prescribing the times of holding the District Courts in the

several districts of the State," and ask that the bill be returned to the Senate.

A further message announced the passage of House bill No. 234, "An act to encourage stock raising, and for the protection of stock raisers," with amendments by the Senate.

Mr. Brown of Dallas in the chair.

On motion of Mr. Sayers, substitute Senate bill No. 441, "An act making appropriations for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for the fiscal year beginning September 1, 1873, and ending August 31, 1874," was taken up.

On motion of Mr. Booty the reading of the bill was dispensed with, and it was referred to a special committee, with authority to report at any time.

Mr. Cook moved to suspend the rules and allow the Committee on Commerce and manufactures to report upon Senate bill No. 151, "An act to incorporate the Mechanics' Real Estate and Building Association, of Harris county." The House refused,

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

WHEREAS, House bill No. 902, "An act amendatory of the statute regulating the time of holding District Courts, so as to specially regulate the time of holding the District Courts in the Thirty-third Judicial District," and passed by the House and the Senate, and the vote passing the same was reconsidered in the Senate; therefore, be it

*Resolved*, That the Governor be and he is hereby requested to return the same to this House, that the same may be returned by the Speaker to the Senate.

The clerk was instructed to inform his Excellency the Governor of the adoption of this resolution.

The Speaker in the chair.

Mr. Denton moved to allow the special committee upon House bill No. 887, "An act supplementary to and amendatory of an act supplementary to an act supplementary to an act supplementary to an act to regulate railroad companies, approved February 7, 1853, and an act approved December 19, 1857," to report.

No quorum voting, Mr. Tilson moved a call of the House, which was sustained.

Absent—Messrs. Abbott, Cunningham, Day, Ellett, Ford, Gillette, Hester, Ireland, Kemble, Leyendecker and Mabry.

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

Pending the matter, Mr. Booty moved to reconsider the vote referring Senate substitute for House bill No. 441, known as the general appropriation bill, to a special committee, which carried.

The House refused to adopt the substitute.

The previous matter having been resumed, the motion of Mr. Denton was put and carried.

The following report was submitted :

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

SIR: Your special committee to whom was referred House bill No. 867, a bill to be entitled "An act supplementary to and amendatory of an act supplementary to an act to regulate railroad companies, approved February 7, 1853, and an act approved December 19, 1857," with accompanying amendments, have carefully considered the same, and herewith report the same back to the House and recommend the adoption and passage of the accompanying substitute.

DENTON, Chairman.

The substitute having been read, Mr. Sabin moved to make it special order for Friday, May 30, 11 A. M., and that one hundred copies be printed. Lost.

The substitute was then adopted and read second time.

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

Yeas—Messrs. Adriance, Allison, Joseph, Moore, Phelps, Sabin, Salter, Shaw, Smith of Houston, Washington, Wilder and Williams—12.

Nays—Messrs. Speaker, Anderson, Armstrong, Berends, Bledsoe, Booty, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Davenport, Denton, Eastland, Ford, Gaston, Gillette, Green, Harrison, Hester, Hoffman, Hollingsworth, Killough, Kleberg, Lane, Lyendecker, Manning, McDonald, Nelson, Noegerath, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Sayers, Schmidt, Short, Smith of Colorado, Storey, Stockbridge, Tilson, Tivy, Tom, Watts, Westfall and Wood—52.

The bill was then ordered engrossed.

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

Mr. Harrison moved to amend the section relating to fare of children by striking out "two" and inserting in lieu thereof "five." Adopted.

The bill then passed.

On motion of Mr. Sayers, the special committee on the deficiency appropriation bill were granted leave to report, and submitted the following :

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

SIR: Your special committee to whom was referred Senate bill No. 371, "An act making appropriations to supply the deficiencies in the appropriations for the years 1870, 1871 and 1872, for the support of the State government," instruct me to report as follows: That they know nothing of the correctness or incorrectness of the several items therein charge<sup>d</sup> against the State; that they have no evidence, nor time to procure evidence at this late period of the session, enable them to determine whether or not said items are valid claims against the State. Your committee observe certain charges in said bill which seems to be for improvements made to some of the public institutions of this State, which said improvements were not authorized by the Legislature, and they are of opinion that no charge should be created against the State, without authority from the State, unless required by the most pressing necessity. Your committee further instruct me to report the accompanying section as an amendment to said bill, and recommend its adoption. Committee also recommend the following amendment:

1. "For claim of George Dye, sheriff of Cameron county, \$998.66."

BOOTY, Chairman.

2. "SEC. ... Where the items, matters of account, and sums of money in this act, have not been expressly ascertained and fixed by law, the Comptroller shall not draw his warrant for any of said sums of money herein mentioned, or any part thereof, unless the party interested shall make out an itemized account for the same, and shall make oath before some officer having a seal and authorized to administer oaths generally, that such account is just, that the services charged for or labor performed have been rendered or performed as stated, that the

charges are legal and reasonable, and that no part of the amount claimed or charged has been paid; and if the account or charge is for articles or materials furnished, he shall also swear that the same were furnished as stated, and that the value of same as charged is reasonable and fair, and that no part of the same has been paid. If such oath is not satisfactory to the Comptroller, he may require, and is hereby authorized to require, such additional proof as to the justness of such claim, by sworn affidavit, as he may deem reasonable and proper; nor shall the Comptroller draw his warrant on the Treasurer for any of the amounts specified in this act, or any part of the same, unless the proof is to his satisfaction, under this section, that the same are legal and authorized by law; *provided*, this section shall not apply to the appropriation for the payment of clerks, sheriffs, and district attorneys, mentioned in this act."

The amendments offered by the committee were adopted.

Mr. Russell in the chair.

Mr. Prendergast moved to indefinitely postpone the further consideration of the bill. Lost by the following vote:

Yeas—Messrs. Allison, Broaddus, Brown of Upshur, Cunningham, Denton, Gillette, Harrison, Hester, Joseph, Kemble, Killough, Lane, Leyendecker, Manning, McDonald, Mills, Nelson, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Salter, Shaw, Smith of Colorado, Smith, of Houston, Storey, Thurmond, Tivy, Tom and Watts—32.

Nays—Messrs. Speaker, Adriance, Anderson, Armstrong, Berends, Booty, Brown of Dallas, Chambers, Eastland, Ford, Gallaway, Gaston, Gilpin, Green, Hollingsworth, Kleberg, Mabry, Moore, Morris, Noeggerath, Payne, Phelps, Powers, Roberts, Sabin, Sayers, Short, Stockbridge, Tilson, Venters, Washington, Westfall, Wilder, Winkler and Wood—35.

On motion of Mr. Wood, the amendment offered by himself to the bill on the twenty-seventh instant, and adopted, was stricken out.

The bill then passed to third reading.

The Committee on Engrossed Bills submitted the following reports:



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

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

No. 952, "An act for the protection of the farming interests of a certain portion of Cooke county."

And find the same correctly engrossed.

BOOTY, Chairman.

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

SIR: Your Committee on Engrossed Bills beg leave to report that they have carefully examined the following House bill :

No. 793, to be entitled "An act for the relief of the heirs of Frederick Rowe, deceased."

And find the same correctly engrossed.

STOREY, for Committee.

A message from the Senate announced that that body adhered to its amendments to House bill No. 441, making appropriations for the support of the State government, and had appointed Senators Sayers, Shelley and Henry a conference committee upon the same, with request for a like committee on the part of the House.

The following privileged report was submitted :

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

SIR: The Select Committee on Pensions, to whom was referred Senate bill No. 281, have had the same under consideration, and instruct me to report the accompanying substitute, and recommend its passage.

WATTS, for Committee.

The substitute offered by the committee, "An act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico," was read and adopted.

Mr. Cook offered as a substitute, a bill granting pensions to the veterans of the revolution which separated Texas from Mexico, and the Mier and Santa Fé prisoners, and providing for the payment thereof."

Pending the discussion, the Speaker announced the Senate message refusing to recede from its amendments to House bill No. 441, "An act making appropriations for the support of the State government for the fiscal year beginning September 1, 1872, and ending August

31, 1873, and for deficiencies for the years 1870, 1871 and 1872," and asking the appointment of a conference committee thereon on the part of the House.

Under instructions from the House, the Speaker appointed Messrs. Morris, Prendergast and Kleberg said committee.

Resuming the discussion, Mr. Kleberg moved to make both bill and substitute special order for to-morrow at 11 A. M., and that one hundred copies be printed. The House refused.

Mr. Tom moved to lay the bill and substitute on the table.

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

AFTERNOON SESSION.

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

Absent—Messrs. Armstrong, Bewley, Booty, Cook, Day, Ellett, Gallaway, Green, Harrison, Kleberg, Morris, Nelson, Prendergast, Salter, Sayers, Smith and Short.

On motion of Mr. Joseph, House bill No. 291, "An act to incorporate the Gulf, Colorado, and Santa Fé Railway Company," was taken up, and the Senate amendments thereto were read and concurred in.

On motion of Mr. Kemble, the following report was submitted:

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

SIR: Your special committee, raised by the House, to whom was referred Senate bill No. 369, "An act to ascertain the amounts due the teachers of the public free schools of this State, prior to the first day of March, A. D. 1873, and to provide for the payment of the same," beg leave to report the same back to the House, with the accompanying amendments, and recommend that the same do pass.

J. W. KEMBLE,  
ED. CHAMBERS,  
J. S. MILLS.

Amendments to Senate bill No. 369:

1. Section five, amend by adding after the word "respectively," in line five, "taking into the account all

moneys heretofore paid to the several counties of this State, or to individuals of any of the counties of this State, out of any of the available school fund, under an act entitled 'An act to establish a system of public free schools for the State of Texas,' approved August 13, 1870, without reference to the fund that may have accrued from the one per cent. tax, known as the school house tax; and upon the estimate so made by the Comptroller, the appropriation herein provided for shall be distributed *pro rata* among the several counties according to scholastic population, so that each county may receive its *pro rata* share of the school fund from the passage of said act, in the distribution of this appropriation."

2. Section six, after the word "conviction," line three from the end of section six, insert, "before any court of competent jurisdiction;" and add at the end of same section, "and may be removed from office at the option of the court trying the same."

The amendments were adopted and the bill passed to third reading.

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

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Berends, Bledsoe, Booty, Bordeaux, Broadus, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Davenport, Day, Eastland, Ford, Gaston, Gillette, Green, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Lane, Leyendecker, Manning, McDonald, Mills, Moore, Nelson, Noeggerath, Payne, Phelps, Powers, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Sayers, Shaw, Smith, of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Washington, Westfall, Wilder, Williams and Winkler—61

Nays—None.

The conference committee on House bill No. 453, "An act regulating taxation," submitted the following report, which was adopted:

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

SIRS: Your committee of free conference, to whom

was referred the matters of difference between the two houses on House bill No. 453, entitled "An act regulating taxation," have carefully considered the same, and we are instructed to report as follows :

1. The House concurs in the Senate's first amendment to section one.

2. Substitute Senate's second amendment to section one as follows: Also add to section one the following: "*Provided*, that the tax herein levied shall include all special assessments required by any law now in force, to be made by the Comptroller, to provide for the payment of interest and sinking fund on bonds authorized to be issued by the State of Texas, under any previous law; and the Comptroller is hereby required to set apart a sufficient per centage of the tax herein provided to be assessed and collected, to cover all the said interest and sinking fund, and shall make his deposit warrants specifying the same; *provided*, the interest and two per cent. sinking fund on principal provided for in this act, on bonds issued under the provisions of the following acts, and no others, to-wit: 'An act to provide for the issuance and sale of the bonds of the State, for the purpose of meeting the appropriation made for maintaining ranging companies on the frontier,' approved August 5, 1870; 'An act to provide for the payment of the public debt of the State of Texas,' approved May 2, 1871; 'An act to authorize the Governor to prepare and issue bonds to an amount sufficient to meet any deficiencies in receipts of the revenue for the years 1871 and 1872, and also providing for the payment of said bonds and interest thereon,' approved May 19, 1871, except forty-three bonds issued under this act, declared by the Governor to be fraudulently obtained and held; 'An act to ascertain the amount of and adjusting and funding the State debt, and to state any and all accounts between the State and individuals,' approved November 9, 1866; such bonds and certificates validated and ascertained under this act as were validated under the afore recited act, May 2, 1871, and such other bonds as may be authorized to be issued or sold by any act of the present Legislature."

3. Amend Senate amendment to section three by striking out the words "three hundred" and inserting the words "two hundred"; also, amend Senate amendment to section three by striking out the word "fifty," in lines

nine and ten of the Senate printed bill, and inserting the words "one hundred," so that the section will read, "in quantities over one quart, and less than ten gallons, one hundred dollars."

Your committee further recommend that the House concur in Senate amendment to section three, lines eighteen and nineteen of the Senate printed bill.

That the Senate recede from its amendment to section three, lines one hundred and eighty-four and one hundred and eighty-seven inclusive; and your committee recommend that the words "two dollars and fifty cents," in line one hundred and eighty-six, printed bill, be stricken out, and the words "one dollar" be inserted.

That the House concur in Senate amendment to section three, line twenty-four, inserting after the word "dollars" the words "from every skating rink used for profit, ten dollars."

That the House concur in the Senate's fifth amendment to section three.

That the House concur in Senate's sixth amendment to section three.

Your committee recommend substitute for Senate's seventh amendment to section three by striking out the words "five hundred" in lines one hundred and forty-one and one hundred and forty-two, printed bill, and inserting the word "ten."

That the House concur in Senate's eighth amendment to section three.

That the Senate recede from its amendment to section eight.

Your committee recommend additional amendments to House bill by inserting after the word "rings" and before the word "provided" in line seventy, printed bill, the words "wharves, wharf privileges and ship yards; and the enumeration herein shall not be so construed as to exclude any other property having an ascertainable value, and which is not specially exempted herein; *provided*, notes and accounts shall not be included herein except as specially provided in the previous sections of this act."

N. G. SHELLEY,  
Chairman Senate Committee,  
W. D. WOOD,  
Chairman House Committee.

On motion of Mr. Smith of Colorado, the following report was submitted :

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

SIR: The Judiciary Committee No. 1, to whom was referred Senate bill No. 51, entitled "An act for the relief of securities upon official bonds," have had the same under consideration, and instruct me to report the bill back with recommendation that it do pass.

SMITH, Chairman.

The bill was read second time.

Mr. Kemble offered the following amendment: Amend so as to allow the same benefits to sureties on large notes for one thousand dollars or upwards.

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

The House refused to adopt the amendment.

The bill then passed to third reading.

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

Yeas—Messrs. Speaker, Abbott, Adriance, Anderson, Berends, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Eastland, Ford, Gallaway, Gillette, Green, Harrison, Hoffman, Hollingsworth, Kemble, Killough, Lane, Leyendecker, Manning, Moore, Nelson, Noeggerath, Payne, Powers, Rainey, Robb, Rosborough, Shaw, Short, Smith of Colorado, Stockbridge, Thurmond, Venters, Washington, Watts, Williams, Winkler and Wood—48.

Nays—Messrs. Armstrong, Denton, Gaston, Hester, Ireland, Joseph, McDonald, Phelps, Rimes, Roberts, Russell, Sabin, Sayers, Smith of Houston, Storey, Tilson, Tivy, Tom, Westfall and Wilder—18.

The unfinished business of yesterday, House bill No. 397, An act supplementary to an act entitled an act in relation to the Missouri, Kansas and Texas Railway Company, late Union Pacific Railway Company, southern branch, passed August 2, 1870," was resumed, pending the report of the special committee upon the bill.

Mr. Anderson moved to lay the report on the table.

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

Absent—Messrs. Allison, Bewley, Cook, Day, Ellett, Salter, Schmidt, Smith of Colorado and Washington.

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

The House refused to table by the following vote :

Yeas—Messrs. Speaker, Adriance, Anderson, Berends, Carroll, Davenport, Gallaway, Harrison, Hoffman, Hollingsworth, Joseph, McDonald, Mills, Moore, Phelps, Robb, Roberts, Rosborough, Sabin, Shaw, Short, Smith of Houston, Stockbridge, Thurmond, Tivy, Tom, Washington, Westfall, Wilder and Williams—30.

Nays—Messrs. Abbott, Allison, Armstrong, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Day, Denton, Eastland, Ford, Gaston, Gilpin, Green, Hester, Ireland, Kemble, Killough, Lane, Leyendecker, Manning, Nelson, Noeggerath, Payne, Powers, Rainey, Rimes, Russell, Sayers, Smith of Colorado, Storey, Tilson, Venters, Watts, Winkler and Wood—40.

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

The report of the committee rejecting the bill was then adopted by the following vote :

Yeas—Messrs. Abbott, Allison, Armstrong, Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Day, Denton, Eastland, Ford, Gaston, Hester, Hollingsworth, Ireland, Kemble, Killough, Lane, Leyendecker, Manning, Nelson, Payne, Powers, Rainey, Rimes, Russell, Sabin, Smith of Colorado, Storey, Tilson, Tivy, Tom, Venters, Watts, Westfall and Wood—42.

Nays—Messrs. Speaker, Adriance, Anderson, Berends, Gilpin, Green, Hoffman, Joseph, McDonald, Mills, Moore, Noeggerath, Phelps, Robb, Roberts, Rosborough, Shaw, Short, Smith of Houston, Stockbridge, Thurmond, Washington, Wilder and Williams—24.

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

No. 223, "An act for the relief of A. T. Watts."

No. 203, "An act to establish a ferry across the Trinity river at Prewitt's old mill."

No. 94, "An act for the relief of the heirs of George W. Miller, deceased."

No. 114, "An act to amend the first section of an act entitled an act to provide for the creating of two counties

out of the territory now embraced within the limits of Refugio county, and to provide for their organization," passed September 18, 1871.

No. 364, "An act to validate the quadruplicate certificate for one league and labor, issued April 4, 1872, to the heirs of Naham Mixon, deceased."

No. 383, "An act to incorporate the Beaumont, Corsicana and Fort Worth Railroad Company."

No. 386, "An act to validate a certain land certificate therein named."

No. 470, "An act to compensate Aaron S. Mangum for services rendered as a soldier in the army of the Republic of Texas."

No. 570, "An act to create the county of Wegefath."

No. 631, "An act to authorize the County Court of Brazos county to levy and collect a special tax of one-fourth of one per cent. to complete the court house and make secure the jail in said county."

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

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

No. 876, "An act to incorporate the Navasota Real Estate and Building Association."

No. 897, "An act to authorize C. H. Randolph, W. A. Pitts and Jno. O. Johnson to compile an abstract of titled and patented lands."

No. 930, "An act to amend an act entitled an act to provide for districting the State of Texas into judicial districts, approved July 2, 1870."

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

No. 955, "An act to prohibit the sale or disposition of spirituous or other intoxicating liquors within three miles of the town of Rancho, Gonzales county."

No. 131, "An act for the relief of Obadiah Marsh."

No. 826, "An act to validate a bounty land warrant issued to the heirs of Wm. Fisbaugh, deceased."

No. 859, "An act entitled an act to prohibit the sale



and giving away of intoxicating liquors within three miles of Prairie Grove church and seminary of learning, situated in Hill county, and Evergreen, in Washington county, Texas."

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

Senate bill No. 366, "An act to incorporate the town of Elgin, in Bastrop county, Texas."

Report from the Committee on Enrolled Bills:

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

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

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

No. 803, "An act to incorporate the town of Honey Grove, in the county of Fannin."

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

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

And find the same correctly enrolled, and have this the twenty-ninth day of May, at 11 o'clock A. M., presented them to the Governor for his approval.

W. A. SHAW, Chairman.

On motion of Mr. Sayers, House bill No. 234, "An act to encourage stock raising, and for the protection of stock raisers," was taken up. The House refused to concur in the Senate amendments to the bill.

Mr. Westfall called up Senate bill No. 66, upon which the following report was submitted:

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

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 66, entitled "An act to dedicate to the use of Travis county certain land in the city of Austin on which to erect a court house and jail, and to enable the county to build the same," have considered the same, and instruct me to report it back with the recommendation that it do pass.

M. E. KLEBERG, for Committee.

Mr. Booty moved to indefinitely postpone the bill.

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

The House refused to postpone by the following vote :

Yeas—Messrs. Allison, Armstrong, Berends, Booty, Cook, Denton, Gaston, Harrison, Kemble, Killough, Kleberg, Manning, Mills, Moore, Morris, Nelson, Powers, Rimes, Robb, Roberts, Shaw, Short, Smith of Colorado, Smith of Houston, Venters—25.

Nays—Messrs. Adriance, Anderson, Bewley, Bledsoe, Bordeaux, Broadus, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Eastland, Ford, Gilpin, Hoffman, Hollingsworth, Ireland, Joseph, Lane, McDonald, Noeggerath, Payne, Phelps, Rosborough, Russell, Sabin, Sayers, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—41.

Mr. Sabin offered the following amendment, which was adopted : “*Provided*, that this lease shall revert to the State, in case the county of Travis shall fail to keep up and maintain a jail cleanly and comfortable for prisoners, and adequately provided against the inclemency of the weather.”

Mr. Ireland offered the following amendment, which was adopted : “*Provided*, said bonds shall not be issued, nor shall said taxes be levied or collected, unless a majority of all the registered voters in Travis county shall, at an election to be held for that purpose, vote in favor of said bonds and taxation ; said vote to be submitted to the voters of said county by the County Court of Travis county.”

Mr. Sayers offered the following amendment, which was adopted : “*Provided*, said buildings shall be erected within five years from the passage of this act, or this lease shall be void.”

Mr. Smith of Colorado offered the following amendment, which was adopted : Amend by striking out of section one the words “during the session of the Legislature.”

Mr. Smith of Colorado moved to amend by inserting after the words “court house and jail,” in section one, line nine, “of not less value than \$90,000.” Adopted.

Mr. Denton moved to amend by inserting in line seventeen, section one, after the words “court house” “not less than five.” Adopted.

Mr. Winkler moved to amend by striking out of the bill all relating to a jail. Lost.

Mr. Cook offered the following amendment: "*Provided further*, that any county in this State, requiring land for public buildings, shall have the right to select and condemn any public land in their respective counties, not exceeding twenty thousand dollars in value, and use and enjoy the same for the period of sixty years." Lost.

Mr. Cook offered the following amendment: "*Be it further enacted*, that in order to place the other counties of this State upon an equal footing, the State hereby releases to the counties, respectively, such portion of the taxes due the State annually, as shall equal the yearly rental value of the property leased by this act, to continue for sixty years; such yearly rental to be assessed by the Governor, Comptroller and State Treasurer each year, and certified to by the Comptroller, who shall enter the same to the credit of the counties respectively."

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

The House refused to adopt the amendment.

The bill then passed to third reading.

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

Leave being granted, Mr. Sayers introduced a bill to prescribe the time of holding the next regular session of the Legislature. Read first time, and referred to the following select committee: Ireland, chairman, Harrison, Davenport, Allison and Sayers.

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

No. 663, "An act to provide for the protection of life and property in certain counties in this State," with amendments by the Senate.

No. 182, "An act to authorize the Police Court of Leon county to levy a special tax to build a jail, and for other improvements."

Also that the Senate had reconsidered House bill No. 902, "An act to amend section one of an act entitled an act to amend the thirty-fourth and thirty-sixth sections of an act entitled an act prescribing the times of holding the District Courts in the several judicial districts in the State, approved August 10, 1870, approved

February 6, 1871," after which the bill was amended and passed.

Also the passage of the following Senate bills :

No. 245, "An act to authorize the sale of portions of the public domain."

No. 210, "An act to change the line between the counties of Burnet and Lampasas."

No. 340, bill supplementary to and amendatory of "An act to incorporate the city of Jefferson, in Marion county, and to repeal all laws heretofore passed incorporating said city, or amendatory thereof," approved April 15, 1873.

Mr. Harrison moved to suspend the rules and take up Senate joint resolution No. 41, proposing amendments to the Constitution. The House refused.

Mr. Rosborough called up Senate bill No. 244, "An act to incorporate the Austin and Short Line Railroad Company."

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

1. Section one, line fourteen, after the word "for," strike out "ninety-nine" and insert "sixty."

2. Add to section two: "And the organization of said company shall be completed within eight months after the passage of this act."

3. Add to section four: "And shall complete and put in running order twenty miles of said road within one year thereafter, and twenty-five miles each succeeding year until said line of road shall be completed; and on failure to do so, said company shall forfeit all benefits under this charter, except upon completed road."

4. Add to section five: "And said company shall alienate their said lands, acquired under the provisions of this act (except so much thereof as may be necessary for the uses and successful operation of their said road) as follows: one-fourth in eight years, one-fourth in twelve years, one-fourth in sixteen years and one-fourth in twenty years from the passage of this charter; *provided*, said company shall not alienate or sell said lands to any other corporation, nor to any person, or firm, in trust for said company, nor to any firm or corporation of which any officer or stockholder of said company is a member. And on failure to comply with the provisions of this section, or on violation of the same, said company shall for-

feit all benefits under this charter; *provided further*, that the State shall in no case be liable for a deficiency of public domain, and no land certificate issued under the provisions of this act, which may not be located because of the previous exhaustion of the public domain, shall ever constitute any claim against the State."

5. Add the following: "SEC. 6. That said company shall not sell, rent or lease their said road to or consolidate the same with any competing, parallel or converging line of road, nor purchase, rent or lease any such competing, parallel or converging line of road, under penalty of a forfeiture of this charter. And said company shall be subject to all general laws now in force or that may hereafter be enacted in this State regulating railroads and railroad companies, both as to the rates of freight and passage, as well as to the conduct of its officers and employés."

6. Change section six of the bill to section seven.

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

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

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Bewley, Bledsoe, Booty, Broadus, Brown of Dallas, Carroll, Cook, Cunningham, Davenport, Day, Eastland, Ford, Gallaway, Gaston, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Manning, McDonald, Noeggerath, Payne, Phelps, Powers, Prendergast, Robb, Roberts, Rosborough, Sabin, Sayers, Shaw, Short, Smith of Colorado, Storey, Stockbridge, Thurmond, Tivy, Tom, Washington, Watts, Westfall, Williams, Winkler and Wood—54.

Nays—Messrs. Chambers, Kemble, Mills, Moore, Nelson, Smith of Houston and Wilder—7.

Report from Committee on Engrossed Bills:

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

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

No. 542, "An act to incorporate the Ledbetter and La Grange Railway Company."

And find the same correctly engrossed.

BOOTY, Chairman.

On motion of Mr. Phelps, the House adjourned till 9 A. M. to-morrow.

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

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

Absent—Abbott, Brown of Dallas, Cook, Ellett, Galloway, Ireland, Killough, Morris, Sayers and Smith of Houston.

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

Mr. Thurmond presented a petition of citizens of Refugio county against the fence law. Referred to the Committee on Agriculture and Stock Raising.

A message from the Senate announced that a motion was pending in that body to reconsider the vote passing House bill No. 291, "An act to incorporate the Gulf, Colorado and Santa Fé Railway Company."

Mr. Booty introduced a bill to authorize the employment of special bailiffs to serve grand juries. Read first time.

Mr. Powers moved to amend so as to vest the appointing power in the judge.

On motion of Mr. Payne, the bill and amendment were laid on the table.

Mr. Rimes introduced a bill to amend sections one, three and thirteen of "An act to provide for the public printing," approved February 17, 1873. Read first time; rules suspended and read second time.

Mr. Brown of Dallas moved to refer the bill to the Committee on Printing and Contingent Expenses, which was carried.

Mr. Armstrong presented the following protest, which was read and ordered to be spread on the journals:

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

SIR: The undersigned, being one of the committee of conference, to whom was referred House bill No. 453, entitled "An act regulating taxation," with the amendment made thereto by the Senate, increasing & double

the amount of the *ad valorem* tax over what the House bill provides, objects to the report of said committee accepting said amendment, and protests against its adoption by the House. Said amendment fixes upon the country an unnecessary and excessive tax, and is little if any reduction of said tax heretofore imposed.

JAMES ARMSTRONG.

Mr. Broaddus introduced a bill to allow the Superintendent of Public Instruction an additional clerk on and after the first day of September, 1873. Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Sabin introduced a bill to define malfeasance in office, in certain cases, by sheriffs to prisoners, and defining such cruelty. Read first time; rules suspended and read second time.

Mr. Ireland moved to amend the first section by inserting after the word "practicable," the words "or necessary," which was adopted.

Mr. Booty moved to amend by adding: "*Provided*, that the County Court shall furnish the sheriff with the means of furnishing such necessaries."

Mr. Powers moved to refer the bill and amendment to Judiciary Committee No. 1, with instructions to report a general bill upon malfeasance in office. The House refused to refer.

The House then adopted the amendment

Mr. Smith of Colorado offered the following amendment, to take the place of the caption, and to become section one of the bill:

"A bill, to be entitled an act to amend article three hundred and fifty of an act to adopt and establish a penal code for the State of Texas, approved twenty-eighth August, 1856.

"SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That article three hundred and fifty of 'An act to adopt and establish a penal code for the State of Texas,' be and the same is amended so as to read as follows: Article 350. Any and every person holding an office of profit or trust under this State, or its authority, who shall under color of his office do and perform an act he has no right to do or perform, or who shall in the performance of an act which might lawfully be done, do and perform

the same in an improper and unjust manner, by which any other person or persons may be injured or damaged, or who shall fail or neglect to do and perform any act or acts required by a constitutional law to be done and performed as such officer, shall be deemed guilty of the offense of malfeasance in office, and on conviction by indictment on information, shall be fined in the sum not exceeding five hundred dollars and removed from office by suitable order or decree made for that purpose by the court, and shall be liable in a civil action to any party injured or damaged."

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

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

The amendment was then adopted and the bill ordered engrossed.

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

Mr. Bordeaux moved to amend by inserting after the word "shall" in line four of section two, and also after "shall" in line eight, the words "knowingly and willfully." Lost.

The bill then passed.

Mr. Sabin introduced a bill to pay sheriffs for furnishing blankets, musquito bars and fuel to prisoners, and for cleaning and purifying the jails. Read first time; rules suspended and read second time.

Mr. Smith, of Colorado, moved to strike out the words "district judge," in line twelve, section one, and insert in lieu thereof "County Court." Adopted.

The bill was then ordered to be engrossed.

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

The special committee upon House bill No. 441, submitted the following report, which was read and adopted:

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

SIRS: Your committee to whom was referred House bill No. 441, entitled "An act making appropriations for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for deficiencies for 1870, 1871 and 1872," to-



gether with Senate substitute bill No. 441, entitled "An act making appropriations for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for the fiscal year beginning September 1, 1873 and ending August 31, 1874," have carefully examined both bills, and recommend the adoption of the Senate substitute bill instead of the House bill, with the accompanying amendments to said Senate bill.

JOS. D. SAYERS,  
 Chairman Senate Committee.  
 W. W. MORRIS,  
 Chairman House Committee.

1. In the appropriation for the Adjutant General's department, line twenty-three of page . . . , strike out "800," and insert "500;" in line twenty-four of same page, strike out "700" and insert "400;" in line twenty-eight of same page, strike out "two" and insert "one;" in line twenty-nine of same page, strike out "clerks at \$1500 each, \$3000," and insert "clerk at \$1800;" in vacancy in line thirty of same page insert "\$600."

2. In the appropriation for the school department, in line twelve, of page . . , strike out the words "for postage and traveling expenses, \$1800;" in line seventeen, of same page strike out "at \$ . . . ;" in lines nineteen and twenty of same page, strike out the words and figures "payment of inspectors to May 30, 1873, \$15,000."

3. In appropriation for Lunatic Asylum, at the end of line one of page . . , add the words "and freights;" in line three of same page strike out "\$4000" and insert "\$2000;" in line five of same page strike out "for live stock \$700;" in line six of same page strike out "\$760" and insert "\$300;" in line seven of same page strike out "\$2000" and insert "\$1000;" in line eighteen of same page, strike out "one carpenter, \$480;" in line nineteen of same page, strike out "For one mason, \$480;" in line twenty of same page, strike out "For one gardener, \$300;" in line twenty-two of same page, strike out "three farm hands at \$240 each, \$720," and insert "two farm hands at \$240 each, \$480;" in line twenty-four of same page, strike out "\$250" and insert "\$500;" in lines twenty-four and twenty-five of same page, strike out "For drayage and freights, \$640;" in line twenty-nine of same page, strike out "\$58,200" and insert "\$52,150."

4. In appropriation for Deaf and Dumb Asylum, in line eighteen of page . . . ., strike out "\$20,000" and insert "\$15,000."

5. In appropriations for Judiciary Department, in lines twenty-seven and twenty-eight of page . . . ., strike out "For postage and contingent expenses, \$800;" in line twenty-nine of same page, strike out "\$400" and insert "\$300;" in line fifteen of second page of appropriation to same department, strike out \$400" and insert "\$300;" in lines twenty-four and twenty-five of same page, strike out "For furniture for Supreme Court room and clerk's office, \$5000."

6. In appropriation for Immigration Bureau, in lines twenty-nine and thirty of page . ., strike out, "For printing forty thousand maps of Texas, \$3000." In lines three and four of second page of same appropriation, strike out "newspaper articles and other publications in Texas, \$300." In line six of same page, strike out "1500," and insert, "1200." In lines seven and eight of same page, strike out, "salary of agent in Great Britain, \$2500."

7. In miscellaneous appropriation, in lines twenty-four, twenty-five and twenty-six of page . ., strike out "for services of attorneys in prosecuting the rights of the State to the Great Salt Lake, called the Sal del Rey, \$3000." In lines one and two of next page, strike out, "\$20,000. For ornamenting public grounds, \$10,000," and insert, "\$10,000, to be expended under the direction and supervision of the Commissioners of Public Buildings."

8. In appropriation for pensions, strike out all in lines one, two, three, four, five and six, of page . . .

9. Amend section two so as to read as follows: "SEC. 2. All printing provided for in this act shall be done by the Public Printer; and this act shall take effect and be in force from and after its passage."

Mr. Mills offered the following resolution, which was adopted:

*Resolved*, That a committee of three be appointed by the Speaker, to inquire into the sales heretofore made of the University lands, and what has become of the money for which said sales were made.

The Speaker appointed Messrs. Mills, Denton and Gilpin said committee.

Mr. Brown of Dallas introduced a bill to create county

offices and provide for filling the same. Read first time; rules suspended and read second time.

Mr. Smith of Colorado moved to amend by adding at the end of section two the following: "And such other bonds as may be prescribed by law." Adopted.

Mr. Wood moved to amend section one by striking out "two" before "years," and inserting in lieu thereof "four." The House refused to adopt the amendment.

Mr. Prendergast moved to amend by striking out "county treasurer" wherever it occurs in the bill. Lost.

Mr. Smith of Colorado offered the following amendment, which was adopted: "In case of a vacancy in either of the said offices before their term expires, by death or otherwise, then the County Court shall fill the same by appointment, for the residue of the unexpired term, the appointee being required to take the oath and give bond or bonds as herein prescribed for those who may be elected."

The bill was ordered engrossed.

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

Mr. Nelson offered the following amendment: "*Provided*, the county surveyors and county treasurers elected at the last general election, shall hold their respective offices until the general election, 1875." Lost.

The bill then passed.

Mr. Westfall introduced a bill to prohibit the selling, bartering, giving away, or in any other manner disposing of, alcoholic, spirituous, or other intoxicating liquors of any kind, within certain limits. Read first time; rules suspended, read second time and ordered engrossed.

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

A message was received from the Senate informing the House that the Senate had passed bill No. 383, to effect a loan to meet deficiencies in the revenue, and that the Senate had adopted the report of the committee of conference on House bill No. 441, making appropriations for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for deficiencies for 1870, 1871 and 1872.

Senate passed House bill No. 542, "An act to incorporate the Ledbetter and La Grange Railway Company."

House bill No. 105, "An act for the relief of citizens of Limestone county," with amendment.

The Committee on Engrossed Bills submitted the following reports:

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

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

No. 962, "An act to transfer certain causes pending in the District Court of Kaufman county to the District Court of Rockwall county."

No. 513, "An act to authorize and empower the County Court of Milam county to levy and collect a special tax for the purpose of building a county jail."

No. 960, "An act to amend the sixth section of an act entitled an act to incorporate the town Ysleta, in El Paso county, approved May 9, 1871."

No. 887, "An act supplementary to and amendatory of an act supplementary to and amendatory of an act to regulate railroad companies, approved February 7, 1853, and an act approved December 19, 1857."

No. 653, "An act to incorporate the Lavaca County Tap Railway Company."

And find the same correctly engrossed.

BOOTY, Chairman.

Unfinished business, House bill No. 902, to amend section first of an act entitled "An act to amend the thirty-fourth and thirty-sixth sections of an act entitled an act prescribing the times of holding the District Courts in the several judicial districts in the State," approved August 10, 1870, approved February 6, 1871, was taken up.

On motion of Mr. Anderson, the reading of the Senate amendments thereto was dispensed with, and the House concurred therein.

House bill No. 877, "An act to authorize the County Court of Colorado county to levy a special tax for the erection of a county jail," was taken up, and the House concurred in the Senate amendments thereto.

House bill No. 837, "An act to incorporate the San Marcos, Guadalupe and Galveston Canal Company," was taken up, and the House concurred in the Senate amendments thereto.

Senate bill No. 380, an act to amend section ten of an act entitled "An act prescribing the times of holding the District Courts in the several judicial districts in the

State," approved August 10, 1870, was taken up, read first time; rules suspended, and read second time.

Mr. Nelson moved to refer the bill to the delegation from the Ninth Judicial District. The House refused to refer.

Mr. Russell moved to amend section first by inserting, "in Rains county two weeks." The House refused to adopt the amendment.

The bill then passed to third reading.

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

Senate bill No. 324, "An act to incorporate the Sabine and Santa Fé Central Railway Company, and to provide the aid of the State of Texas in constructing the same," was taken up, and referred to the special committee on railways."

Senate bill No. 383, to effect a loan to meet deficiencies in the revenue was taken up, upon which the following report was submitted:

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

GENTLEMEN: The joint committee appointed by the two houses to take into consideration the financial condition of the State, and report some measure by which to meet the deficiency in the revenue, have considered the same, and instruct us to report a bill to effect a loan of nine hundred thousand (\$900,000) dollars on the bonds heretofore issued; four hundred under act of August 5, 1870, and five hundred under act of December 2, 1871. These bonds have been issued and are now ready for sale. The bill provides for a settlement of the claim of Williams & Guion, amounting to about \$350,000, out of the first money that may be realized from the sale of said bonds, and the residue to be paid into the Treasury of the State to meet appropriations made for the support of the State Government, excepting claims and appropriations for the common schools which, are provided for by special legislation, etc.

The ten per cent. revenue bonds issued under act of May 19, 1871, are directed to be taken up from Williams & Guion, canceled and destroyed, for the reason that they will in a short time be due, and a sale of them will give the State but short relief.

We believe the amount that will be realized from the sale of said bonds will meet the wants of the treasury for this fiscal year, and therefore we recommend the passage of the bill here reported.

A. J. FOUNTAIN,  
GEO. P. FINLAY,  
JNO. L. HENRY,

For Committee of the Senate.

GEO. W. SMITH,  
J. W. CARROLL,  
W. W. MORRIS,

For Committee of the House.

The bill was read first time.

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

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

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Bewley, Bledsoe, Broaddus, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Eastland, Ford, Gaston, Gillette, Gilpin, Green, Harrison, Hester, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rimes, Robb, Rosborough, Sabin, Salter, Sayers, Schmidt, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Washington, Watts, Westfall, Wilder, Williams and Winkler—62.

Nays—Messrs. Cook and Russell—2.

House bill No. 105, "An act for the relief of certain citizens of Limestone and Walker counties," was taken up and the Senate amendments thereto concurred in.

Senate bill No. 340, "An act supplementary to and amendatory of an act to incorporate the city of Jefferson, in Marion county, and to repeal all laws heretofore passed incorporating said city or amendatory thereof, approved April 15, 1873."

Mr. Winkler in the chair.

On motion of Mr. Taylor the reading of the bill was dispensed with, and the bill read by caption and passed to second reading.

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

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

Senate bill No. 366, "An act to incorporate the town of Elgin, in Bastrop county, Texas," was taken up.

On motion of Mr. Kleberg, the reading of the bill was dispensed with, and it passed to a second reading.

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

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

Senate bill No. 370, "An act to provide for the payment of sheriffs for guards employed in conveying prisoners to the penitentiary of the State," was taken up and read first time.

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

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

Yeas—Messrs. Speaker, Adriance, Allison, Berends, Bordeaux, Brown of Dallas, Chambers, Davenport, Day, Denton, Eastland, Ellett, Ford, Gaston, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Killough, Kleberg, Lane, Leyendecker, McDonald, Moore, Noeggerath, Phelps, Powers, Rainey, Rimes, Roberts, Sabin, Schmidt, Shaw, Smith of Houston, Storey, Tivy, Tom, Washington, Watts, Williams, Winkler—45.

Nays—Messrs. Armstrong, Bledsoe, Booty, Broaddus, Brown of Upshur, Cook, Cunningham, Joseph, Manning, Morris, Payne, Prendergast, Robb, Russell, Salter, Tilson, Westfall, Wilder, Wood—19.

The Speaker in the chair.

Mr. Payne moved to suspend the rules and take up House bill No. 609, "An act to authorize the Commissioner of the General Land Office to issue patents to certain persons therein named." The House refused.

Senate joint resolution No. 45, "Joint resolution for the relief of Mrs. Belle Murray," was taken up, read first time; rules suspended and read second time.

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

Yeas—Messrs. Adriance, Anderson, Berends, Bewley, Bordeaux, Broaddus, Brown of Upshur, Carroll, Cham-

bers, Cook, Cunningham, Day, Denton, Eastland, Ellett, Ford, Gilpin, Hester, Hollingsworth, Joseph, Killough, Kleberg, Leyendecker, Manning, Mills, Moore, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Roberts, Sabin, Salter, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tivy, Washington, Watts, Williams and Winkler—47.

Nays—Messrs. Speaker, Allison, Armstrong, Bledsoe, Booty, Gaston, Gillette, Harrison, Ireland, Kemble, Lane, McDonald, Morris, Robb, Rosborough, Russell, Sayers, Shaw, Tilson, Tom, Westfall, Wilder and Wood—23.

Mr. Killough moved to suspend the rules and take up Senate bill No. 275, "An act to create the county of Green." The House refused.

On motion of Mr. Storey, the Senate resolution providing for a *sine die* adjournment of the Legislature on May 26, was taken up, pending an amendment to strike out May 26 and insert in lieu thereof June 2, and an amendment to the amendment to strike out June 2 and insert in lieu thereof June 4.

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

The House adopted the amendment to the amendment, providing for adjournment Wednesday, June 4, 12 M., by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Bewley, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Denton, Eastland, Ellett, Ford, Gallaway, Gaston, Gillette, Green, Harrison, Hester, Hollingsworth, Ireland, Kemble, Kleberg, Lane, Leyendecker, McDonald, Moore, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Roberts, Sayers, Short, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Tivy, Tom, Watts, Westfall, Williams and Wood—51.

Nays—Messrs. Abbott, Berends, Bledsoe, Cook, Cunningham, Davenport, Day, Gilpin, Hoffman, Joseph, Killough, Manning, Mills, Morris, Phelps, Robb, Rosborough, Russell, Sabin, Salter, Schmidt, Shaw, Thurmond, Tilson, Washington, Wilder and Winkler—27.

The House then adopted the resolution by the following vote:

Yeas—Messrs. Speaker, Allison, Anderson, Armstrong, Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of



Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Eastland, Ford, Gallaway, Gaston, Gillette, Green, Harrison, Hester, Hollingsworth, Ireland, Kemble, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Mills, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Salter, Sayers, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Tilson, Tivy, Tom, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—66.

Nays—Messrs. Abbott, Adriance, Berends, Cook, Gilpin, Hoffman, Joseph, Powers, Sabin, Schmidt and Thurmond—11.

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

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

No. 396, "An act granting H. M. Matthis, principal, L. D. De Lyon, Miss Mollie E. Beaver, Miss Fannie Bradford and Miss Nannie Hughes, assistant teachers of the Dangerfield High School, Dangerfield, Titus county, the privilege of granting diplomas to students who complete the course of studies established by the principal and faculty of the institution."

No. 104, "Joint resolution in relation to the printing of railroad charters."

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

No. 711, "An act to amend the thirty-sixth section of an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved August 13, 1870."

No. 824, "An act requiring the Commissioner of the General Land Office to furnish the surveyor's office of Hays county with a transcript of the records of said office."

No. 871, "An act to amend section ten of an act amendatory of and supplemental to an act to incorporate the city of New Braunfels, approved January 7, 1869."

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

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

No. 944, "Joint resolution requiring County Courts to make settlements with sheriffs and treasurers of school boards."

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

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

Also the following bills originating in the Senate :

No. 360, "An act to establish, organize and define the powers of the Criminal District Court in and for the cities of Dallas, McKinney and Sherman."

Joint resolution No. 38, "Joint resolution for the relief of John G. Todd, surviving captain of the navy of the Republic of Texas."

And that the Senate had laid on the table the motion to reconsider the vote passing House bill No. 291, "An act to incorporate the Gulf, Colorado and Santa Fe Railroad Company."

Also the passage of the following Senate bills:

No. 261, "An act to prevent the sale or gift of spirituous or intoxicating liquors within three miles of Palo Alto Institute, in Bell county."

No. 318, "An act for the relief of Richard S. Walker."

No. 312, "An act for the relief of G. Hoffman."

No. 225, "An act to amend the twenty-second section of an act entitled an act to consolidate in one act and amend the several acts incorporating the town of Rusk, in Cherokee county."

Also, that the Senate had passed House bill No. 914, "An act authorizing and requiring the issuance of certificates to certain persons therein named," with amendments by the Senate; and that the Senate had concurred in the House amendments to Senate bill No. 244, "An act to incorporate the Austin and Short Line Railway Company;" and had passed House bill No. 668, "An act amendatory of and supplemental to an act entitled an act to incorporate the Galveston and Eastern Texas Railway Company, approved December 1, 1871."

Mr. Bewley moved to adjourn. The House refused.

Mr. Sayers moved to reconsider the vote adopting the resolution, and to lay that motion on the table.

On motion of Mr. Payne, the House adjourned until 3 P. M., by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Bewley, Booty, Brown of Dallas, Carroll, Cook, Cunningham, Eastland, Gillette, Gilpin, Green, Hester, Hoffman, Hollingsworth, Joseph, Lane, Leyendecker, McDonald, Nelson, Payne, Phelps, Powers, Prendergast, Roberts, Sabin, Schmidt, Short, Smith of Colorado, Smith of Houston, Stockbridge, Thurmond, Tivy, Tom, Winkler and Wood—39.

Nays—Messrs. Abbott, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Chambers, Davenport, Day, Denton, Ford, Gaston, Harrison, Ireland, Kemble, Killough, Kleberg, Manning, Mills, Moore, Morris, Noeggerath, Rainey, Rimes, Robb, Rosborough, Russell, Salter, Sayers, Shaw, Storey, Tilson, Washington, Watts, Westfall, Wilder and Williams—36.

#### AFTERNOON SESSION.

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

Absent—Messrs. Anderson, Bewley, Booty, Brown of Dallas, Ellett, Gilpin and Killough.

Leave being granted, Mr. Broaddus introduced a bill making an appropriation for the *per diem* pay of the members and the *per diem* pay of the officers and employés of the Thirteenth Legislature. Read first time ; rules suspended, read second time and ordered engrossed.

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

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Armstrong, Berends, Bledsoe, Broaddus, Brown of Upshur, Carroll, Chambers, Cook, Cunningham, Davenport, Day, Denton, Eastland, Ford, Gallaway, Gaston, Gillette, Gilpin, Green, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Kleberg, Lane, Leyendecker, Manning, McDonald, Mills, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb,

Roberts, Russell, Sabin, Salter, Schmidt, Smith of Colorado, Smith of Houston, Stockbridge, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall, Williams and Winkler—63.

Nays—Messrs. Bordeaux, Ireland, Rosborough, Sayers, Shaw, Storey, Washington and Wilder—8.

Leave being granted, on motion of Mr. Ireland, the special committee upon House bill No. 963 submitted the following report:

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

SIR: Your select committee to whom was referred House bill No. 963, "An act to prescribe the time of the annual meetings of the Legislature," beg leave to report herewith a substitute, and ask its passage.

IRELAND, Chairman.

The substitute, of the same caption, was read and adopted.

Mr. Mills moved to amend by striking out the word "annually," after the word "April" in the bill, and inserting in lieu thereof "biennially."

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

The bill was then ordered engrossed.

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

The Committee on Enrolled Bills submitted the following report:

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

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

No. 386, "An act to validate a certain land certificate therein named."

No. 178, "An act to authorize the County Court of Navarro county to levy and cause to be collected a special tax, and to apply the same."

No. 907, "An act supplementary and amendatory to an act passed April 19, 1873, entitled an act to reorganize the town of Sherman, in Grayson county, Texas."

No. 760, "An act to authorize the holders of State warrants to surrender the same to the Treasurer, and receive State bonds for the same."

No. 94, "An act for the relief of the heirs of George W. Miller, deceased."

No. 931, "An act supplemental to an act to amend an act prescribing the times of holding the district courts in the several judicial districts, approved February 6, 1871."

No. 930, "An act to amend an act entitled an act to provide for districting the State of Texas into judicial districts, approved July 2, 1870."

No. 169, "An act incorporating the town of Willis, in Montgomery county, Texas."

No. 481, "An act to incorporate the Defiance Hook and Ladder Company No. 1, of the city of Jefferson, Texas."

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

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

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

No. 291, "An act to incorporate the Gulf, Colorado and Santa Fé Railway Company."

And find them correctly enrolled, and have this thirtieth day of May, at 1 o'clock P. M., presented the same to his Excellency the Governor for his approval.

SHAW, Chairman.

On motion of Mr. Bordeaux, the rules were suspended and Senate bill No. 360, "An act to establish, organize and define the powers of the Criminal District Court in and for the cities of Dallas, McKinney, and Sherman," was taken up and referred to a special committee consisting of Messrs. Bordeaux, Brown of Dallas, and Chambers.

Mr. Davenport called up Senate bill No. 66, "An act to dedicate to the use of Travis county certain land in the city of Austin, on which to erect a court house and jail, and to enable said county to build the same." on its third reading.

The bill was read third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Bledsoe, Bordeaux, Broaddus, Carroll, Chambers, Cook, Cunningham, Davenport, Day, Eastland, Ford, Gillette, Gilpin, Green, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Lane, Leyendecker, Manning, McDonald, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt,

Smith of Colorado, Storey, Stockbridge, Thurmond, Tilson, Tivy, Washington, Watts, Westfall. Williams Winkler and Wood—51.

Nays—Messrs. Allison, Armstrong, Berends, Brown of Upshur, Denton, Gaston, Harrison, Killough, Kleberg Mills, Moore, Morris, Nelson, Rimes, Robb, Roberts, Shaw, Short, Smith of Houston, Tom, Trolinger, Venter and Wilder—23.

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

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

Yeas—Messrs. Speaker, Abbott, Adrijance, Allison, Booty, Eastland, Ellett, Gallaway, Green, Harrison, Hoffman, Hollingsworth, Joseph, Killough, Kleberg, Lan McDonald, Mills, Moore, Noeggerath, Phelps, Rime Robb, Roberts, Sabin, Schmidt, Short, Stockbridge, Trolinger, Washington, Watts and Williams—32.

Nays—Messrs. Berends, Bledsoe, Bordeaux, Broaddus Brown of Upshur, Brown of Dallas, Chambers, Cool Cunningham, Davenport, Day, Denton, Ford, Gaston Gilpin, Hester, Kemble, Leyendecker, Manning, Morris Nelson, Payne, Powers, Prendergast, Rainey, Rosborough, Russell, Salter, Sayers, Shaw, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom Westfall, Wilder, Winkler and Wood—41.

Mr. Noeggerath called up Senate bill No. 86, "An act supplementary to and amendatory of an act to provide for the establishment of the Agricultural and Mechanic College of Texas, approved April 17, 1871," which was read third time.

Mr. Broaddus moved to amend by striking out all of section three from the word "named", in line four, down to the end of the section, and inserting in lieu thereof: "That the Treasurer of the State is hereby directed to deliver to the commissioners hereinbefore named, forty thousand dollars of the State five per cent. one thousand dollar bonds, now in the Treasury to the credit of the State University fund and the said commissioners are hereby fully authorized to sell and dispose of said bonds, and transfer the same to the purchaser or purchasers, in writing, and the mone

arising from such sale the commissioners are to use in erecting all needed buildings for the use of the Agricultural and Mechanical College and University of Texas." Adopted.

Mr. Robb moved to amend by adding to the list of directors the following names: F. F. Foscue, S. W. Blunt, S. J. Adams and Thos. J. Brown. Adopted.

Mr. Harrison moved a call of the House. Not sustained.

The bill then passed by the following vote :

Yeas—Messrs. Speaker, Adriance, Berends, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Galloway, Green, Hoffman, Hollingsworth, Ireland, Joseph, Manning, Mills, Noeggerath, Payne, Phelps, Rainey, Russell, Sabin, Salter, Schmidt, Storey, Thurmond, Tivy, Tom, Trolinger, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—41.

Nays—Messrs. Allison, Anderson, Booty, Cook, Eastland, Ford, Gaston, Gillette, Harrison, Hester, Kemble, Killough, Kleberg, Lane, Leyendecker, McDonald, Moore, Morris, Nelson, Powers, Robb, Roberts, Rosborough, Sayers, Short, Smith of Houston, Tilson—27.

Mr. Schmidt moved to suspend the rules and take up Senate bill No. 151, "An act to incorporate the Mechanics' Real Estate and Building Association of Harris county." The House refused.

Mr. Berends called up Senate bill No. 149, "An act to amend an act entitled an act to incorporate the German Casino of Columbus, Texas," upon which the following report was submitted :

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

SIR: Your Committee on Town and City Corporations have carefully examined Senate bill No. 149, referred to them by the House, the object of which is to exempt the German Casino of Columbus from all occupation taxes. The committee are not fully informed as to the object of this institution, and therefore can not imagine why they should desire to secure such exemption, unless they propose to engage in the sale of liquors. If this be the object, and they propose only to sell native wine and home-made beer, they are now, under the law, exempt. If they seek this exemption because they propose to sell foreign

wines, whiskies, etc., the committee can see no valid reason why they should be exempted from tax. They therefore instruct me to report the bill back to the House with the recommendation that it do not pass.

WOOD, for Committee.

The House refused to adopt the report.

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

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

Mr. Hoffman called up House bill No. 796, "An act to amend an act to incorporate the Pecos Irrigation, Manufacturing and Live Stock Company, approved December 1, 1871," upon which the following report was submitted:

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

SIR: Your committee to whom was referred House bill No. 796, have duly considered the same, and instruct me to report the bill back, with the following amendment, viz: Strike out in line two, section two, the word "twelve," and insert "eight," and recommend that it do pass.

THURMOND, Chairman.

The bill was read second time.

Mr. Harrison moved to strike out all that portion relating to a donation of land, which was carried.

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

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

Absent—Messrs. Abbott, Armstrong, Ellett, Ford, Gillette, Hester, Leyendecker, Rainey and Tilson.

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

The rules were suspended and the bill read third time. The House refused to pass the bill.

On motion of Mr. Brown of Upshur, Mr. Gallaway was granted indefinite leave of absence on account of business.

Mr. Tivy called up House bill No. 938, "An act supplementary to and amendatory of act to incorporate the Indianola, San Antonio and El Paso Railway Company, passed April 3, 1871, and to grant lands in aid of the construction of the same." The special railway committee submitted the following amendments to the bill, which were adopted:



1. Add to section five the following: "And the lands hereby granted shall not be sold or conveyed to any other corporation except so far as may be necessary for the proper use and conducting the business of such corporation; nor to any person, firm or company in trust for said railroad company; or to any firm or company of which any officer or stockholder of said railroad company is a member."

2. Amend further by adding to section six the following: "And the State reserves the right to fix and regulate by general law the charges for freight and passage on said railroad."

The bill was read second time and ordered engrossed.

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

Yeas—Messrs. Allison, Anderson, Berends, Bledsoe, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Cook, Cunningham, Davenport, Day, Eastland, Gaston, Gillette, Gilpin, Green, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Killough, Kleberg, Lane, Manning, McDonald, Moore, Morris, Nelson, Noeggrath, Payne, Phelps, Powers, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Shaw, Short, Smith of Colorado, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Washington, Watts, Westfall, Williams, Winkler and Wood—58.

Nays—Messrs. Leyendecker, Smith of Houston, Venters and Wilder—4.

Reports from Committee on Engrossed Bills:

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

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

No. 968, "An act to pay sheriffs for furnishing blankets, musquito bars, and fuel to prisoners, and for cleaning and purifying the jails."

No. 970, "An act to prohibit the selling, bartering, giving away, or in any other manner disposing of alcoholic, spirituous, or other intoxicating liquors of any kind, within certain limits."

No. 965, "An act to amend sections one, three and thirteen, of an act entitled an act to provide for the public printing, approved February 17, 1873."

No. 967, "An act to define malfeasance in office in cer-

tain cases by sheriffs to prisoners, and defining such cruelty."

No. 864, "An act to amend article three hundred and fifty of an act to adopt and establish a penal code for the State of Texas, approved August 28, 1856."

BOOTY, Chairman.

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

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

No. 465, "An act to incorporate the West Texas Water Company."

No. 957, "An act to prohibit the sale or otherwise disposing of intoxicating liquors within a radius of three miles of Dougald McAlpin's East and West Academy, in Wallace's Prairie, in the county of Grimes, State of Texas."

No. 894, "An act to legalize the unconditional certificate for three hundred and twenty acres of land issued to Josiah Powers, and the survey made by virtue of the same."

And find the same correctly engrossed.

BOOTY, Chairman.

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

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

House bill No. 969, "An act to create certain county offices, and to provide for filling the same."

And find the same correctly engrossed.

BOOTY, Chairman.

Mr. Denton called up the Senate resolution providing for *sine die* adjournment May 26, amended by the House so as to read June 4, 12 M., pending the motion of Mr. Sayers to reconsider the vote adopting the resolution, and to lay that motion on the table. The motion carried.

Mr. Ireland in the chair.

On the call of Mr. Powers, the following report was submitted:

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

SIR: Your Committee on Counties and County Boundaries, to whom was referred the memorial of a portion of the citizens of the county of Harrison, have had the

same under consideration, and find that those citizens residing in that portion of Harrison county named in the petition live in close proximity to the city of Jefferson, the county site of Marion county, some living within less than one mile of the city limits, and remote from the county site of Harrison county, and we are satisfied that, as they state in their memorial, their convenience and interest would be enhanced by being attached to the county of Marion. We therefore report the accompanying bill and recommend its passage.

TROLINGER, Chairman.

The bill, being "An act to extend the limits of Marion county, so as to include a portion of Harrison county, and to define the boundary thereof," was read first time.

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

Mr. Brown of Dallas moved the previous question, which was seconded, and the main question ordered.

The bill was ordered engrossed.

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

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Day, Denton, Eastland, Ford, Gaston, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Noeggerath, Payne, Powers, Prendergast, Rimes, Sayers, Shaw, Short, Smith of Colorado, Storey, Thurmond, Tilton, Tivy, Tom, Westfall and Winkler—47.

Nays—Messrs. Bledsoe, Cook, Moore, Morris, Roberts, Sabin, Schmidt, Smith of Houston, Stockbridge, Trolinger, Venters, Washington, Watts, Wilder, Williams and Wood—16.

On the call of Mr. Tom, the following report was submitted :

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

SIR: Your Committee to whom was referred memorial of the citizens of Austin, in regard to certain property in the city, beg leave to report that they find that by an act of the Congress of the Republic of Texas, passed in 1840, the property referred to was dedicated and set apart for a

“market square” for said city, and that it is so designated and set apart on the maps and plats of said city. Your committee therefore recommend the adoption of the accompanying joint resolution.

IRELAND, Chairman.

The joint resolution, to prevent the diverting from its proper use of south half block 59, in the city of Austin, was read first time; rules suspended and ordered engrossed.

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

Mr. Ireland gave notice of a motion to reconsider the vote passing House bill No. 397, supplementary to “An act in relation to the Missouri, Kansas and Texas Railway Company, late Union Pacific Railway Company, southern branch,” passed August 2, 1870.

Mr. Gilpin called up House bill No. 611, upon which the following report was submitted:

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

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 611, “An act to incorporate the Central Wharf and Warehouse Company of Corpus Christi,” have carefully examined the same, and have instructed me to report favorably thereon and recommend its passage.

JOSEPH, for Committee.

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

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

On motion of Mr. Brown of Dallas, Senate bill No. 312, “An act for the relief of G. Hoffman,” was taken up. Read first time; rules suspended, read second time and passed to third reading.

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

On motion of Mr. Schmidt, Senate bill No. 151, “An act to incorporate the Mechanics’ Real Estate and Building Association of Harris county,” was taken up, read second time by caption and passed to third reading.

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

A message was received from the Senate informing the

House of the passage of the following House bills, viz.:

No. 646, "An act to incorporate the Middle Texas Fair Association."

No. 686, "An act to authorize T. C. Jordan to purchase one hundred and sixty acres of land situate in the county of Hood, being a part of the land surveyed for the county of Milam for the purposes of education."

No. 792, "An act to organize the county of McMullen."

No. 793, "An act for the relief of the heirs of Frederick Rowe, deceased."

No. 847, "An act supplementary to an act incorporating the city of Dallas."

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

No. 913, "An act making an appropriation to defray the contingent expenses of the first session of the Thirteenth Legislature of the State."

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

No. 952, "An act for the protection of the farming interests of a certain portion of Cooke county."

No. 953, "An act for the relief of Alfred S. Thurmond."

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

And that the Senate adheres to its amendments to House bill No. 234, "An act to encourage stock raising and for the protection of stock raisers."

Also, the passage of the following House bills :

No. 285, "An act to be entitled an act to validate head-right land certificate No. 102, dated February 15, 1838, issued to Walter Campbell, for three hundred and sixty-nine acres of land, instead of three hundred and twenty and one-third acres, as now stated in said certificate."

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

No. 588, "An act to authorize the Police Court of Jasper county to levy and have collected a special tax for the purpose of building a jail in said county."

No. 617, "An act to authorize the County Court of Hays

county to issue bonds for the purpose of funding the indebtedness of said county, and to provide for their payment."

No. 852, "An act to prohibit the sale or otherwise disposing of spirituous or intoxicating liquors within six miles of Little River Academy, in Bell county, Texas."

No. 952, "An act for the protection of the farming interests of a certain portion of Cooke county."

No. 653, "An act to incorporate the Lavaca County Tap Railway Company."

And that the Senate had concurred in the House amendment to the Senate resolution to adjourn *sine die*, and had laid on the table a motion to reconsider the vote concurring in said amendment.

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

#### EVENING SESSION.

House met pursuant to adjournment. Roll called.

Absent—Messrs. Allison, Anderson, Bewley, Booty, Brown of Upshur, Cook, Denton, Ellett, Gallaway, Hester, Ireland, Kemble, Kleberg, Leyendecker, Manning, McDonald, Mills, Moore, Morris, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Roberts, Russell, Salter, Short, Smith of Colorado, Smith of Houston, Stockbridge, Thurmond, Tilson, Tom, Washington, Wilder, Williams, Winkler and Wood.

Mr. Sayers moved to adjourn. The House refused.

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

Absent—Messrs. Allison, Anderson, Bewley, Booty, Brown, of Upshur, Cook, Denton, Ellett, Gallaway, Hester, Ireland, Kleberg, Leyendecker, Manning, Mills, Moore, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Roberts, Russell, Salter, Short, Smith of Houston, Thurmond, Tilson, Tom, Washington, Wilder, Winkler and Wood.

On motion of Mr. Watts, the sergeant-at-arms was dispatched after the absentees.

Mr. Shaw moved to adjourn. The House refused.

A quorum having been obtained, Mr. Bordeaux moved to suspend the call, which carried.

The Speaker announced that the Senate refused to re-

cede from its amendments to House bill No. 234, "An act to encourage stock raising and for the protection of stock raisers," and had appointed a committee of conference upon the disagreement between the two Houses, with a request for a like committee on the part of the House.

Under instructions from the House, the Speaker appointed Messrs. Thurmond, Smith of Colorado and Storey a conference committee on the part of the House.

On motion of Mr. Payne, House bill No. 609, "An act requiring the Commissioner of the General Land Office to issue patents upon certain surveys therein mentioned," was taken up.

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

The bill was read second time.

Mr. Powers moved to amend by consolidating with the bill the certificates of James Walworth for one hundred and sixty acres, and Johanna Shaw, also, for one hundred and sixty acres, each for island scrip.

The amendment was adopted.

The bill was ordered engrossed.

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

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

*Resolved*, That business of this House will hereafter be taken up by Senatorial Districts, alternately; first from the top of the list, second from the bottom of the list, and so on during the balance of the session : *provided*, that only one bill from each district will be presented.

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

*Resolved*, That this House will not take up, receive or act upon, any bill or bills, resolution or resolutions, after Monday, June 2, 1873, and that this rule shall not be suspended except by a unanimous vote of the House ; *provided*, that this resolution shall not be so construed as to include any veto message of the Governor, which may be acted upon at any time before 12 o'clock M. Wednesday, June 4, 1873.

On motion of Mr. Storey, the special committee on Senate bill No. 307, "An act to reorganize certain judicial districts, and to abolish certain other judicial districts, therein named," submitted the following report :

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

SIR: The committee to whom was referred Senate bill No. 307, "An act to reorganize certain judicial districts, and to abolish certain other judicial districts therein named," have carefully examined said bill, and find it to be very defective. We find that the Sixth District, composed of the counties of Rusk and Harrison, was abolished, but the two counties were left unattached to any other district, which would leave them entirely without the pale of judicial protection. The bill attaches the county of Chambers to the Nineteenth District, a most unnatural alliance, for the judge and the district attorney can only reach said county by some small sail boat or other water craft, or else by making a long overland journey down the east bank of the Trinity river.

The bill only proposes to abolish six districts, and it is done in such a manner as to create confusion.

Owing to these and other objections, the committee recommend that the bill do not pass.

J. T. SMITH, Chairman.

I respectfully dissent from the report of the majority of the committee.

W. B. SAYERS.

Mr. Storey moved to lay the report upon the table, upon which the vote stood as follows:

Yeas—Messrs. Speaker, Allison, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Eastland, Ford, Gaston, Gilpin, Harrison, Hester, Hollingsworth, Killough, Kleberg, Lane, McDonald, Morris, Payne, Prendergast, Rainey, Robb, Rosborough, Russell, Sayers, Short, Storey, Tilson, Tom, Trolinger, Watts, Westfall, Winkler and Wood—42.

Nays—Messrs. Adriance, Anderson, Cook, Gillette, Green, Joseph, Kemble, Leyendecker, Nelson, Powers, Sabin, Smith of Houston, Stockbridge, Thurmond, Tivy and Williams—16.

Whereupon it appeared a quorum had not voted.

On motion of Mr. Wood, the House adjourned till 9 A. M. to-morrow.



HOUSE OF REPRESENTATIVES,  
AUSTIN, TEXAS, May 31, 1873.

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

Absent—Messrs. Bewley and Ellett.

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

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

Mr. Smith, of Colorado, moved to refer the bill to Judiciary Committee No. 2, with instructions to report Monday, June 2, at the morning session, which carried.

Mr. Bordeaux introduced a bill to authorize the County Court of Cooke county to issue bonds for funding the county indebtedness. Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Bordeaux introduced a bill to create and define Clay land district. Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Bordeaux introduced a bill to create and define Montague land district. Read first time by caption; rules suspended, read second time and ordered engrossed.

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

Mr. Bordeaux introduced a bill to authorize the County Court of Cooke county to levy and collect a special tax for the purpose of building a jail. Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Salter introduced a bill to amend "An act approved August 13, 1870, incorporating the town of Bremond," approved December 1, 1871. Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Thurmond introduced a bill to release the State tax collected in Goliad county for the year 1873, to said county. Read first time and referred to the Committee on State Affairs.

Report from the Committee on Engrossed Bills:

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

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

No. 938, "An act supplementary to and amendatory of an act to incorporate the Indianola, San Antonio and El Paso Railroad Company, passed April 3, 1871, and to grant lands in aid of the construction of the same."

No. 972, "An act to extend the limits of Marion county so as to include a portion of Harrison county, and to define the boundary thereof."

And fine the same correctly engrossed.

BOOTY, Chairman.

House bill No. 868, "An act to amend the first and fourth sections of an act entitled an act to reduce into one and amend the several acts," etc., was taken up and the Senate amendments thereto read. The House refused to concur in the amendments.

House bill No. 949, "An act to secure uniformity of courses and measurements of lines by surveyors," was taken up and the Senate amendments thereto read and concurred in.

House bill No. 936, "An act providing for an election of officers for the town of Cameron," was taken up, and the Senate amendments thereto read and concurred in.

Mr. Anderson asked leave to introduce a bill. The House refused.

The Committee on Enrolled Bills submitted the following report:

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

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

No. 453, "An act regulating taxation."

No. 902, "An act to amend the thirty-fourth and thirty-sixth sections of an act entitled an act prescribing the times of holding the District Courts in the several Judi-

cial Districts in the State, approved August 10, 1870, approved February 6, 1871."

No. 610, "An act to incorporate the City Bank of Dallas."

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

No. 484, "Joint resolution in relation to the printing of railroad charters."

No. 470, "An act to compensate Aaron S. Mangum for services rendered as a soldier in the army of the Republic of Texas."

No. 826, "An act to validate a bounty land warrant issued to the heirs of Wm. Fishbaugh, deceased."

No. 897, "An act to authorize C. H. Randolph, W. A. Pitts, John O. Johnson, to compile an abstract of titled and patented lands."

No. 131, "An act for the relief of Obadiah Marsh."

No. 631, "An act to authorize the County Court of Brazos county to levy and collect a special tax of one-fourth of one per cent., to complete the court house, and make more secure the jail in said county."

No. 383, "An act to incorporate the Beaumont, Corsicana and Fort Worth Railroad Company."

No. 859, "An act to prohibit the sale and giving away of intoxicating liquors within three miles of Prairie Grove Church and seminary of learning, situated in Hill county, and Evergreen, in Washington county, Texas."

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

No. 955, "An act to prohibit the sale or disposition of spirituous or other intoxicating liquors within three miles of the town of Rancho, Gonzales county."

No. 890, "An act granting the right of way to the United States for the construction of a coastwise canal along the coast of Texas, through the inland waters and main land thereof."

No. 114, "An act to amend the first section of an act entitled an act to provide for the creating of two counties of the territory now embraced within the limits of Refugio county, and to provide for their organization, passed September 18, 1871."

No. 721, "An act to regulate the assessment and collection of taxes."

And find the same correctly enrolled, and have this the thirtieth day of May, at 9:45 o'clock A. M., presented the same to the Governor for his approval.

SHAW, Chairman.

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

No. 328, "An act to prohibit the sale of all intoxicating liquors within three miles of Fairview Academy, Williamson county."

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

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

No. 580, "An act to incorporate the town of Decatur, in Wise county."

No. 589, "An act to incorporate the Texas University."

No. 744, "An act to authorize the Police Court of Hunt county to collect a special tax."

No. 860, "An act to incorporate Little River Academy, in Bell county."

No. 940, "An act to better protect the papers, records and files in the General Land Office."

No. 503, "An act supplemental to an act entitled an act to incorporate the Pacific and Great Eastern Railway Company, approved August 13, 1870," with amendments by the Senate.

No. 749, "An act to authorize the County Courts of Chambers, Orange, Newton, Polk, Hill and Houston counties to issue interest bearing bonds for the purpose of funding the outstanding indebtedness of said counties," with amendments by the Senate.

No. 809, "An act providing for the condemnation and sale of land for delinquent taxes," with amendments by the Senate.

Senate bill No. 316, "An act authorizing the purchase of additional grounds for the use of the Asylum for the Blind, and making appropriation therefor."

House bill No. 869, "An act to amend the tenth and twelfth sections of an act to regulate proceedings in the District Courts, approved May 13, 1846," was taken up and the Senate amendments thereto read.

The House refused to concur in the amendments.

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

named," was taken up and the Senate amendments there- to read and concurred in by the following vote :

Yeas—Messrs. Speaker, Adriance, Armstrong, Bewley, Bordeaux, Brown of Dallas, Chambers, Cook, Davenport, Day, Gilpin, Green, Hester, Hoffman, Ireland, Joseph, Killough, Kleberg, Lane, Leyendecker, Manning, Nelson, Noeggerath, Payne, Phelps, Powers, Rimes, Robb, Roberts, Sabin, Schmidt, Smith of Houston, Storey, Stock- bridge, Thurmond, Tivy, Washington, Westfall, Wil- liams and Winkler—40.

Nays—Messrs. Abbott, Allison, Anderson, Bledsoe, Booty, Brown of Upshur, Carroll, Cunningham, Eastland, Ford, Gaston, Gillette, Harrison, Kemble, McDonald, Moore, Morris, Prendergast, Rainey, Russell, Sayers, Short, Tilson, Trolinger, Watts and Wilder—26.

Senate bill No. 360, "An act to establish, organize and define the powers of the Criminal District Court in and for the cities of Dallas, McKinney and Sherman," was taken up, and the following report thereon submitted :

*Hon. M. D. K. Taylor, Speaker of the House of Repre- sentatives :*

Sir: Your special committee to whom was referred Senate bill No. 360, "An act to establish, organize and define the powers of the Criminal District Court, in and for the cities of Dallas, McKinney and Sherman," have carefully considered the same, and find—

1. The present regular courts, for lack of time, can dis- patch very little of the business of said courts, and amounts to a practical denial of justice.

2. The Criminal Court proposed to be established will be no additional expense to the State, and is an absolute necessity.

We therefore recommend the passage of the bill.

BORDEAUX, Chairman ;  
J. H. BROWN,  
CHAMBERS.

The bill was read second time and passed to third read- ing.

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

A message was received from His Excellency the Gov- ernor returning House bill No. 332, "An act supplemental to and amendatory of the several acts concerning injunc- tions," with his objections to the same.

House bill No. 809, "An act providing for the condemnation and sale of land for delinquent taxes," was taken up, and the Senate amendments thereto read and concurred in.

Senate bill No. 352. "An act amendatory of an act to amend an act entitled an act prescribing the times of holding the District Courts in the several judicial districts in the State, approved August 10, 1870, approved April 17, 1871," was taken up: read first time: rules suspended and read second time.

Mr. Bewley offered as a substitute therefor a bill to regulate the time of holding the District Courts.

Mr. Powers moved to lay the substitute on the table, which carried by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Berends, Bledsoe, Booty, Broaddus, Brown of Upshur, Carroll, Chambers, Denton, Gaston, Gilpin, Hollingsworth, Killough, Kleberg, Manning, Mills, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Rainey, Rimes, Roberts, Sabin, Salter, Sayers, Schmidt, Smith of Colorado, Storey, Stockbridge, Tilson, Tivy, Tom, Trolinger, Venters, Washington, Wilder, Williams and Winkler—46.

Nays—Messrs. Anderson, Armstrong, Bewley, Bordeaux, Brown of Dallas, Cook, Cunningham, Davenport, Eastland, Ford, Gillette, Harrison, Hoffman, Ireland, Joseph, Kemble Lane, McDonald, Prendergast, Robb, Rosborough, Russell, Short, Thurmond, Watts, Westfall and Wood—27.

Mr. Powers moved to strike out all that part of the bill relating to Zapata county.

Mr. Bewley moved to lay that motion on the table. Lost.

The motion then carried.

Mr. Powers moved to amend so as to limit the time of holding court in Cameron county to two weeks, which carried.

The bill then passed to third reading.

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

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

No. 729, "Joint resolution for the relief of Rufus A. Upton, late sheriff of Refugio county."

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

And the following Senate bills:

No. 48, "Joint resolution authorizing the Governor to effect the removal of the Indians from the frontier of this State, and making an appropriation for that purpose."

Senate bill No. 264, "An act to authorize Zimri Tate to construct, own and keep a toll bridge on the Sabine river."

No. 321, "An act to incorporate the Houston City Park."

No. 374, "An act to amend article three hundred and ninety-two of the Criminal Code."

No. 287, "An act to incorporate the Lake City Navigation Company, and to aid said company to improve the navigation of Big Cypress bayou."

And that the Senate had concurred in the House amendments to Senate bill No. 66, "An act to dedicate to the use of Travis county certain land in the city of Austin on which to erect a court house and jail."

Also that the Senate had concurred in House amendments to Senate bill No. 86, "An act supplementary to and amendatory of an act to provide for the establishment of the Agricultural and Mechanical College of Texas, approved April 17, 1871."

Report from the Committee on Engrossed Bills:

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

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

No. 609, "An act requiring the Commissioner of the General Land Office to issue patents upon surveys therein mentioned." And find the same correctly engrossed.

BOOTY, Chairman.

On motion of Mr. Watts, the resolution introduced by himself on yesterday, in relation to the order of business, was taken up.

Mr. Watts offered the following amendment: "And provided further, that this resolution shall not be so construed as to include any bill or bills prescribing the time of holding the several judicial district courts in this State, or any of them."

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

Yeas—Messrs. Speaker, Abbott, Adriance, Anderson, Bewley, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Cook, Cunningham, Day, Eastland, Gillette, Gilpin, Green, Harrison, Hester, Hollingsworth, Joseph, Manning, McDonald, Mills, Moore, Nelson, Noeggerath, Payne, Rainey, Russell, Sabin, Salter, Schmidt, Shaw, Smith of Colorado, Smith of Houston, Stockbridge, Thurmond, Tilson, Tivy, Trolinger, Venters, Washington, Wilder and Williams—44.

Nays—Messrs. Armstrong, Bledsoe, Booty, Carroll, Chambers, Davenport, Denton, Ford, Hoffman, Ireland, Kemble, Killough, Lane, Leyendecker, Morris, Powers, Prendergast, Rimes, Robb, Roberts, Sayers, Storey, Tom, Watts, Westfall, Winkler, Wood—27.

House bill No. 749, "An act to authorize the County Courts of Chambers, Orange, Newton, Polk, Hill and Houston counties to issue interest-bearing bonds for the purpose of funding the outstanding indebtedness of said counties," was taken up, and the Senate amendments thereto read. The House refused to concur in the amendments.

House bill No. 503, "An act supplemental to an act entitled an act to incorporate the Pacific and Great Eastern Railway Company, approved August 13, 1870," was taken up, and the Senate amendments thereto read and concurred in.

Senate bill No. 289, "An act to incorporate the Hebrew Sinai Congregation," was taken up, read second time and passed to third reading.

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

Senate bill No. 277, "An act to authorize the County Court of Mason county to issue interest-bearing bonds to pay the present outstanding indebtedness of said county," was taken up; read first time; rules suspended, read second time and passed to third reading.

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

Senate bill No. 380, "An act to transfer certain causes pending in the District Court of Kaufman county to the District Court of Rockwall county," was read first time; rules suspended, read second time and passed to third reading.

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



Senate bill No. 210, "An act to change the line between the counties of Burnet and Lampasas," was read first time; rules suspended, read second time and passed to third reading.

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

Senate bill No. 339, "An act to amend the thirty-third and three hundred and fourth sections of an act entitled an act prescribing the mode of proceeding in district courts in matters of probate, approved August 15, 1870," was read first time; rules suspended, read second time and passed to third reading.

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

Mr. Manning moved to reconsider the vote by which the House refused to pass Senate bill No. 362, "An act to authorize the lessees of the State penitentiary to delay the payment of certain amounts to become due the State until the expiration of their lease," and to make that motion special order for 3:30 P. M.

Senate bill No. 243, "An act for the relief of S. B. Buckley, late Assistant State Geologist," was read second time, and on motion of Mr. Sayers referred to the following special committee: Messrs. Hollingsworth, Sayers and Booty.

Senate joint resolution No. 38, "Joint resolution for the relief of John G. Todd, surviving captain of the navy of the Republic of Texas," was read first time.

Mr. Russell moved to refer the bill to the Committee on Claims and Accounts, with instructions to report thereon Monday, June 2, 11 A. M.

Report from the Committee on Engrossed Bills:

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

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

No. 976, "An act to authorize the County Court of Cooke county to levy and collect a special tax for the purpose of building a jail."

No. 405, "An act entitled an act to amend an act approved August 13, 1870, incorporating the town of Bremond, approved December 1, 1871."

No. 611, "An act to incorporate the Central Wharf and Warehouse Company of Corpus Christi."

No. 975, "An act to create and define Clay land district."

No. 978, "An act authorizing the County Court of Cooke county to issue bonds for the purpose of funding the county indebtedness."

No. 977, "An act to create and define Montague land district."

And find the same correctly engrossed.

STOREY, for Committee.

The Committee on Enrolled Bills submitted the following report:

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

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

No. 876, entitled "An act to incorporate the Nevada Real Estate and Building Association."

No. 944, "An act requiring County Courts to make settlements with sheriffs and treasurers of school boards."

And find them correctly enrolled, and have this day at 10:45 o'clock, presented the same to the Governor for his signature.

SHAW, Chairman.

On motion of Mr. Sayers, the following report was submitted:

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

SIR: Your committee to whom was referred Senate bill No. 135, to be entitled "An act relating to paupers and minor offenders, and to establish county farms for manual labor, poor houses and houses of correction," have considered the same, and have instructed me to report the bill back recommending its passage.

W. B. SAYERS, Chairman.

The bill was considered by sections.

Mr. Watts moved to amend section two by striking out of line four the words "Secretary of State" and inserting in lieu thereof "clerk of the District Court." Also, to make the same amendment in lines eighteen and nineteen of section one. Adopted.

Mr. Smith, of Colorado, moved to amend section three by inserting after the word "collected," the words "on all taxes by the State." Adopted.

Mr. Smith, of Colorado, moved to amend section three

by striking out of line twenty the words "call a meeting," and inserting in lieu thereof the words "order an election." Also, by striking out the word "meeting," in line twenty-three, and inserting in lieu thereof "election." Adopted.

Mr. Wood moved to amend by adding to section three the following proviso, which carried:

"*Provided further*, that this act shall not take effect and be in force in any county of this State having a population less than twenty thousand inhabitants, unless the question be submitted by order of the County Court to legal voters in such county, at some general election; sixty days' notice of said election being given by publication in some newspaper, if one be published in the county; if not, by posting advertisements in four public places in each precinct in said county. At such election the voters shall have written on their tickets for or against the 'poor house.' If a majority of the legal voters vote in favor of said poor house at such election, then the law shall take effect in said county."

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

Yeas—Messrs. Booty, Ford, Gaston, Gilpin, Green, Holdingsworth, Killough, Kleberg, McDonald, Mills, Moore, Morris, Noeggerath, Payne, Phelps, Powers, Rainey, Rimes, Robb, Roberts, Russell, Stockbridge, Thurmond, Tivy, Washington, Watts, Wilder, Williams and Winkler—29.

Nays—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Bewley, Bledsoe, Brown of Upshur, Chambers, Cook, Cunningham, Davenport, Day, Denton, Eastland, Harrison, Hester, Hoffman, Ireland, Joseph, Kemble, Lane, Leyendecker, Manning, Prendergast, Rosborough, Sabin, Sayers, Schmidt, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Tilson, Tom, Trolinger, Venters, Westfall and Wood—41.

A message from the Senate announced the passage by that body of Senate bill No. 386, "An act for the relief of P. Jenks Mahan."

Also, No. 385, "An act fixing the number of days the District Court of Leon county shall continue in session at its March term each year."

Mr. Morris offered the following amendment: Line twenty-seven, strike out the balance of section three, in

relation to bonds, and all after the word "election," in line twenty-seven.

Mr. Thurmond moved to refer the bill to a special committee of five, of which Mr. Morris should be chairman. The House refused to refer.

The House then refused to adopt the amendment.

Mr. Wood moved to pass the bill to a third reading, which carried by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Booty, Bordeaux, Brown of Upshur, Brown of Dallas, Chambers, Cook, Cunningham, Day, Eastland, Ford, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Lane, Leyendecker, Manning, Payne, Prendergast, Rimes, Robb, Rosborough, Russell, Sabin, Sayers, Schmidt, Shaw, Smith of Colorado, Storey, Thurmond, Tilson, Tom, Trolinger, Venters, Westfall and Wood—45.

Nays—Messrs. Denton, Gaston, Green, Kemble, Killough, McDonald, Mills, Moore, Morris, Noeggerath, Phelps, Powers, Rainey, Roberts, Smith of Houston, Stockbridge, Washington, Watts, Wilder Williams and Winkler—21.

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

Mr. Anderson moved to amend section twenty-two, line twenty-three, by striking out the word "court," and inserting in lieu thereof the word "jury."

Mr. Roberts moved to adjourn. The House refused.

Mr. Prendergast moved the previous question, which was seconded and the main question ordered by the following vote :

Yeas—Messrs. Speaker, Adriance, Anderson, Armstrong, Berends, Bledsoe, Bordeaux, Brown of Upshur, Brown of Dallas, Chambers, Cook, Cunningham, Davenport, Day, Denton, Eastland, Gaston, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Lane, Leyendecker, Manning, Payne, Prendergast, Rimes, Robb, Rosborough, Sabin, Sayers, Schmidt, Shaw, Short, Smith of Colorado, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Westfall, Winkler and Wood—49.

Nays—Messrs. Allison, Booty, Green, Kemble, Killough, McDonald, Mills, Moore, Morris, Noeggerath,

Phelps, Powers, Rainey, Smith of Houston, Stockbridge, Washington, Watts, Wilder and Williams—19.

The amendment was then adopted.

The bill then passed by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Bledsoe, Bordeaux, Brown of Upshur, Brown of Dallas, Chambers, Cook, Davenport, Day, Denton, Eastland, Gaston, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Lane, Leyendecker, Manning, Payne, Prendergast, Rimes, Robb, Rosborough, Sabin, Sayers, Schmidt, Shaw, Short, Smith of Colorado, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall, and Wood—48.

Nays—Messrs. Booty, Cunningham, Gillette, Green, Kemble, Killough, McDonald, Mills, Moore, Morris, Noeggerath, Phelps, Powers, Rainey, Smith of Houston, Stockbridge, Washington, Wilder, Williams and Winkler—20.

On motion of Mr. Wood, Senate bill No. 385, "An act fixing the number of days the District Court of Leon county shall continue in session at its March term each year," was taken up; read first time; rules suspended, read second time and passed to third reading.

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

Leave being granted, Mr. Ireland introduced a bill to attach Guadalupe county to the Twenty-third District for judicial purposes, and to define the times of holding the courts in said district.

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

Rules suspended, bill read second time by caption and ordered engrossed.

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

On motion of Mr. Hollingsworth, Messrs. Brown of Dallas and Gaston were added to the special committee on Senate bill No. 243, "An act for the relief of S. B. Buckley, late Assistant State Geologist."

On Motion of Mr. Wood, the House adjourned till 3. P. M.

## AFTERNOON SESSION.

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

Absent—Messrs. Bewley, Ellett, Ireland, Kemble, Kleberg, Moore and Prendergast.

On motion of Mr. Winkler, House bill No. 943, "An act to provide for the repayment to James J. Gathings, of Hill county, money illegally extorted from him by the State police," was taken up and read second time.

On motion of Mr. Winkler, the preamble was stricken out.

The bill was then ordered engrossed.

Mr. Brown of Dailas moved to suspend the rules and put the bill on its third reading, which carried by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broadus, Brown of Dallas, Carroll, Cook, Davenport, Day, Denton, Ford, Gaston, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Manning, McDonald, Morris, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Salter, Sayers, Shaw, Short, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall and Winkler—54.

Nays—Messrs. Abbott, Eastland, Green, Nelson, Phelps, Roberts, Sabin, Stockbridge, Washington, Wilder and Williams—11.

The bill was then read third time, and put upon its passage, with the following result:

Yeas—Messrs. Speaker, Adriance, Anderson, Armstrong, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Carroll, Chambers, Davenport, Day, Ford, Gillette, Gilpin, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Leyendecker, Manning McDonald, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Salter, Sayers, Schmidt, Short, Smith of Houston, Thurmond, Tilson, Tivy, Tom, Westfall and Winkler—43.

Nays—Messrs. Abbott, Allison, Berends, Cunningham, Denton, Eastland, Gaston, Green, Harrison, Lane, Mills, Morris, Nelson, Noeggerath, Phelps, Roberts, Russell, Sabin, Shaw, Storey, Stockbridge, Trolinger, Venters, Washington, Wilder and Williams—26.

Whereupon, it was evident two-thirds had not voted for the bill.

Mr. Allison moved to reconsider the vote refusing to pass the bill.

Mr. Nelson moved to lay that motion on the table.

The House refused to table the motion by the following vote.

Yeas—Messrs. Abbott, Berends, Green, Lane, Leyendecker, Mills, Morris, Nelson, Phelps, Roberts, Russell, Sabin, Schmidt, Short, Storey, Stockbridge, Washington, Wilder and Williams—19.

Nays—Messrs. Speaker, Adriance, Anderson, Armstrong, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Day, Denton, Eastland, Ford, Gaston, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Manning, McDonald, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Salter, Sayers, Shaw, Smith of Houston, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall, Winkler and Wood—54.

The vote was then reconsidered.

On motion of Mr. Cook, Mr. Schmidt was granted leave of absence during the remainder of the session.

On motion of Mr. Shaw, Mr. Ellett was excused for the remainder of the session on account of sickness.

Mr. Nelson offered the following amendment: "*Provided*, that the citizens of all the counties of this State who have suffered loss by the police, be entitled to the provisions of this bill upon complying with the provisions of this act."

Mr. Winkler moved to lay the amendment on the table.

Mr. Sabin moved to amend the motion by adding "that the bill lay on the table."

Division of the question being called for the amendment was tabled.

The House refused to table the bill by the following vote:

Yeas—Messrs. Abbott, Cunningham, Day, Denton, Green, Lane, Mills, Morris, Nelson, Noeggerath, Phelps, Roberts, Russell, Sabin, Shaw, Storey, Stockbridge, Trolinger, Washington, Wilder and Williams—21.

Nays—Messrs. Speaker, Adriance, Anderson, Armstrong, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Davenport, Ford, Gillette, Gilpin, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Manning, McDonald, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Salter, Short, Smith of Houston, Thurmond, Tilson, Tivy, Tom, Venters, Westfall, Winkler and Wood—45.

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

Absent—Messrs. Bewley and Moore.

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

Mr. Nelson moved to dispatch the sergeant-at-arms after the absent members.

Mr. Tom moved to excuse the absent members, which carried.

Mr. Mills raised a point of order, that no one could move to excuse the absentees without their request.

The Speaker decided the point not well taken.

Mr. Mills appealed from the decision. The chair was sustained.

The absentees were excused.

Mr. Payne moved the previous question, which was seconded, and the main question ordered by the following vote :

Yeas—Messrs. Speaker, Adriance, Anderson, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Davenport, Eastland, Ford, Gaston, Gillette, Gilpin, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Kleberg, Leyendecker, Manning, McDonald, Morris, Payne, Powers, Prendergast, Rimes, Robb, Rosborough, Salter, Sayers, Shaw, Short, Smith of Houston, Thurmond, Tilson, Tivy, Tom, Venters, Westfall, Winkler and Wood—50.

Nays—Messrs. Abbott, Allison, Cunningham, Day, Denton, Green, Harrison, Lane, Mills, Nelson, Noeggerath, Phelps, Rainey, Roberts, Russell, Sabin, Smith of Colorado, Storey, Stockbridge, Trolinger, Washington, Watts, Wilder and Williams—24.

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



Yeas—Messrs. Speaker, Adriance, Anderson, Armstrong, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Davenport, Ford, Gillette, Gilpin, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Leyendecker, Manning, McDonald, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Salter, Sayers, Short, Smith of Houston, Thurmond, Tilson, Tivy, Tom, Venters, Watts, Westfall, Winkler and Wood—48.

Nays—Messrs. Abbott, Allison, Berends, Cunningham, Day, Denton, Eastland, Gaston, Green, Harrison, Lane, Mills, Moore, Morris, Nelson, Noeggerath, Phelps, Roberts, Russell, Sabin, Shaw, Smith of Colorado, Storey, Stockbridge, Trolinger, Washington, Wilder and Williams—28.

The motion of Mr. Manning, to reconsider the vote by which the House refused to pass Senate bill No. 362, "An act to authorize the lessees of the State penitentiary to delay the payment of certain amounts of money to become due the State until the expiration of their lease," was taken up. The vote was reconsidered.

On motion of Mr. Denton, the bill was referred to the following special committee, with instructions to report thereon June 2, at 9:30 A. M.: Messrs. Ireland, Sayers and Joseph.

Mr. Brown of Dallas moved to take up Senate bill No. 281, "An act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico." The House refused.

The Committee on Engrossed Bills submitted the following report:

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

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

No. 973 "Joint resolution regarding the diversion of a certain square in the city of Austin from the purpose for which it was dedicated."

No. 963, "An act to prescribe the time of the annual meetings of the Legislature."

No. 981, "An act to attach Guadalupe county to the Twenty third District, for judicial purposes, and to define the time for holding the courts in said district."

No. 971, "An act making appropriations for the *per*

*diem* pay of the members and the *per diem* pay of the officers and employés of the Thirteenth Legislature."

And find the same correctly engrossed.

BOOTY, Chairman.

Report from the Committee on Enrolled Bills :

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

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 182, "An act to authorize the Police Court of Leon county to levy a special tax for the purpose of building a jail and for other improvements," and find the same correctly enrolled, and have this day, May 30, at 4:20 o'clock P. M. presented the same to the Governor for his approval.

WOOD, Chairman.

Mr. Bledsoe called up House bill No. 797, "An act to define the power of the county courts of this State in relation to *ex officio* services of sheriffs and district clerks."

The bill was read second time.

Mr. Morris offered the following amendment, which was adopted :

"*Provided*, that the said allowances shall in no case exceed the amount now fixed by law for extra services."

Mr. Ireland moved to amend section two by inserting after the words "ordered paid," the words "by the county courts," which was adopted.

Mr. Anderson moved to amend the bill by adding the following: "All laws and parts of laws in conflict with this act are hereby repealed." Adopted.

The bill was ordered engrossed.

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

Mr. Sabin moved to reconsider the vote passing Senate bill No. 135, "An act relating to paupers and minor offenders, and to establish county farms for manual labor, poor houses, and houses of correction," which motion carried.

On motion of Mr. Sabin, section twenty-two was stricken out.

On motion of Mr. Smith of Colorado, the bill was referred to the following special committee, with instructions to report Monday, June 2, 10 A. M.: Messrs. Smith of Colorado, Wood and Storey.

A message was received from the Senate informing the

House of the passage of the following House bills, viz.:

No. 326, bill to prohibit the sale or disposition of spirituous, vinous, or other intoxicating liquors within three miles of Mont Calm Masonic Institute.

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

No. 848, bill to provide for the investigation of fires in certain cases.

No. 856, bill to incorporate the officers and members of Gaiety Lodge No. 84, of the Independent Order of Odd Fellows, situated at Carthage, Texas.

No. 875, bill to incorporate the Texas Well and Irrigating Company.

No. 960 bill to amend the sixth section of "An act to incorporate the town of Ysleta, in El Paso county," approved May 9, 1871.

No. 970, bill to prohibit the selling, bartering, giving away, or in any other manner disposing of alcoholic, spirituous, or other intoxicating liquors, within certain limits.

Also, Senate bill No. 377, bill to amend section second of "An act concerning county seats," approved May 9, 1838.

And the following House bills :

No. 863, "An act to amend section three of an act supplementary to an act to provide for the payment of the public debt of the State of Texas, approved May 2, 1871, approved November 13, 1871," with amendments by the Senate.

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

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

The call by districts being resumed, Mr. Ford called up House bill No. 791, "An act to promote the speedy construction of a canal between the waters of Galveston Bay and Sabine Lake, and in aid thereof," upon which the following report was submitted :

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

SIR : Your Committee on Internal Improvements, to

whom was referred House bill No. 791, entitled "An act to promote the speedy construction of a canal between the waters of Galveston Bay and Sabine Lake, and in aid thereof," have, after due consideration, instructed me to report the same with the recommendation that it pass with accompanying amendment.

JOSEPH, for Committee.

Add to section five: "The said certificates shall be located and surveyed in alternate sections, and field notes and maps of the same shall be returned to the General Land Office, and the odd sections patented to said company, and all the alternate or even sections shall be reserved, and held, and set apart and appropriated to, and shall constitute a part of the common school fund, as provided by the laws of this State now in force or that may hereafter be enacted. And the said corporation shall alienate the lands herein granted as follows: One-fourth thereof in eight years, one-fourth in ten years, one-fourth in twelve years, and one-fourth in sixteen years, from the time of the issuance of patents thereto; *provided*, the State of Texas shall in no event be responsible for a deficiency of public land; and said certificate issued to said company under the provisions of this act, not located because the public lands are exhausted, shall constitute no claim against the State. The depth of water in said canal shall be not less than four feet at ordinary tide. The State reserves the right to regulate the amount to be paid for freight and passage, and the conduct of said company as common carriers; and said company shall be bound by all general laws applicable to canal companies."

The amendment was adopted.

The bill was read second time.

Mr. Sabin offered the following amendment: Add to section one as follows: "*Provided*, that nothing in this act contained shall in any way interfere with, or impede any right of way that may now or hereafter be granted to the United States of America for the establishment of a coastwise canal along the coast of Texas." Adopted.

Mr. Morris offered the following amendment, which was adopted: Insert "the report shall be made by a competent engineer under oath."

Mr. Sabin offered the following amendment, which was adopted: Add to section one the following: "*Provided*

*further*, that nothing contained in this act shall in any-wise validate, or invalidate any subsidy, real or pretended, from the county of Galveston."

The bill was then ordered engrossed.

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

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Cunningham, Davenport, Day, Denton, Eastland, Ford, Gaston, Gillette, Gilpin, Green, Harrison, Hoffman, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Manning, Mills, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Rainey, Rimes, Robb, Roberts, Rosborough, Sabin, Salter, Sayers, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Washington, Watts, Westfall, Williams, Winkler—61.

Nays—Messrs. Chambers, Wilder—2.

Mr. Kemble moved to take up a resolution offered by himself, changing the order of business.

The House refused.

Mr. Armstrong called up Senate bill No. 307, "An act to reorganize certain judicial districts, and to abolish certain other judicial districts therein named," pending an amendment and a motion to lay the report of the committee on the table.

Mr. Mills moved to adjourn. The House refused.

Mr. Mills moved a call of the House. Not sustained.

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

Yeas—Messrs. Speaker, Adriance, Allison, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Day, Denton, Eastland, Ford, Gaston, Gilpin, Harrison, Hoffman, Hollingsworth, Joseph, Killough, Kleberg, Lane, Manning, McDonald, Morris, Nelson, Payne, Prendergast, Rainey, Robb, Rosborough, Russell, Sayers, Shaw, Short, Smith of Colorado, Storey, Tilson, Tivy, Watts, Westfall, Winkler, Wood—46.

Nays—Messrs. Anderson, Broaddus, Cook, Gillette, Green, Kemble, Mills, Moore, Noeggerath, Phelps, Powers, Rimes, Roberts, Sabin, Salter, Smith of Houston, Stockbridge, Thurmond, Washington, Wilder, Williams—21.

Mr. Green moved to re-commit the bill to a special committee of five.

Mr. Storey moved the previous question, which was seconded, and the main question ordered by the following vote :

Yeas—Messrs. Anderson, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Brown of Dallas, Chambers, Cunningham, Davenport, Day, Eastland, Ford, Gaston, Gilpin, Harrison, Hester, Hollingsworth, Joseph, Kleberg, Manning, McDonald, Morris, Payne, Prendergast, Robb, Rosborough, Sayers, Shaw, Short, Smith of Colorado, Storey, Tilson, Watts, Westfall, Winkler, Wood—37.

Nays—Messrs. Speaker, Adriance, Allison, Broaddus, Brown of Upshur, Carroll, Cook, Denton, Green, Hoffman, Kemble, Killough, Lane, Leyendecker, Mills, Moore, Nelson, Noeggerath, Phelps, Powers, Rainey, Rimes, Roberts, Russell, Sabin, Salter, Smith of Houston, Stockbridge, Thurmond, Tivy, Washington, Wilder, Williams—33.

The House then refused to recommit by the following vote :

Yeas—Messrs. Allison, Broaddus, Cook, Green, Leyendecker, Moore, Nelson, Noeggerath, Phelps, Roberts, Sabin, Smith of Houston, Stockbridge, Tivy, Washington, Wilder, Williams—17.

Nays—Messrs. Speaker, Adriance, Anderson, Armstrong, Berends, Bledsoe, Bordeaux, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Eastland, Ford, Gaston, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Kleberg, Lane, Manning, McDonald, Morris, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Salter, Sayers, Short, Smith of Colorado, Storey, Tilson, Watts, Westfall, Winkler, Wood—50.

The House then adopted the pending amendment by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Bledsoe, Booty, Bordeaux, Brown of Dallas, Carroll, Chambers, Day, Denton, Eastland, Ford, Gilpin, Hester, Hoffman, Hollingsworth, Joseph, Manning, Moore, Morris, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Sabin, Sayers, Short, Storey, Stockbridge, Tivy, Tom, Washington, Wilder, Williams, Wood—43.

Nays—Messrs. Armstrong, Brown of Upshur, Cook, Cunningham, Davenport, Gaston, Gillette, Green, Harrison, Kemble, Killough, Kleberg, Lane, Leyendecker, McDonald, Nelson, Russell, Salter, Smith of Colorado, Smith of Houston, Thurmond, Tilson, Westfall and Winkler—24.

And the bill as amended passed to a third reading by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broadus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Eastland, Ford, Gaston, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Killough, Kleberg, Lane, Manning, McDonald, Morris, Nelson, Payne, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Salter, Sayers, Short, Storey, Thurmond, Tilson, Tivy, Tom, Washington, Watts, Westfall, Winkler and Wood—54.

Nays—Messrs. Cook, Denton, Joseph, Kemble, Leyendecker, Moore, Noeggerath, Phelps, Powers, Roberts, Sabin, Smith of Houston, Stockbridge, Wilder and Williams—14.

A message from the Senate announced the passage by that body of House bill No. 310, "An act to incorporate the city of San Antonio," with amendments by the Senate.

Also, that the Senate had adopted the report of the conference committee upon House bill No. 234, "An act to encourage stock raising, and for the protection of stock raisers."

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

*Resolved*, That there shall be printed for the use of the House fifteen hundred copies of the captions of all acts and joint resolutions of the present Legislature, which shall have become laws on or before the thirty-first day of May, 1873 ; *provided*, the said copies shall be delivered to the House by 3 o'clock P. M., on Monday next.

*Resolved, further*, That the Public Printer be requested to publish in his paper of Wednesday, June 4, a list of the captions of all acts and joint resolutions which may become laws after the thirty-first day of May, and before the fourth day of June.

Mr. Denton offered the following resolution :

*Resolved*, That the rules heretofore adopted requiring the names of members to be called by districts, for calling up bills during the evening sessions, is hereby rescinded for the remainder of this session.

Laid over under the rules.

Mr. Roberts moved to adjourn. The House refused.

On motion of Mr. Thurmond, the conference committee on the disagreement between the two houses upon House bill No. 234, submitted the following report, which was adopted :

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

SIRS: Your joint conference committee, to whom was referred a bill to be entitled "An act to encourage stock raising, and for the protection of stock raisers," having carefully considered the same, we are instructed to report the following amendment to section one, and recommend its adoption, and that the Senate recede from its amendment to said section one.

GEO. P. FINLAY,  
Chairman Senate Committee.  
GEO. W. SMITH,  
Chairman House Committee.

Amend section one by striking out all after the word "Texas," in fifth line, down to and including the word "inspector," in the tenth line. Also, strike out all after the word "animals," in line seventeen.

Amend section two by substituting the following, viz :  
"SEC. 2. Every inspector so appointed shall hold his office for the term of two years ; and in case of vacancy in the office of inspector in any district, the County Court of such district shall appoint an inspector, in accordance with the provisions of the first section of this act."

The following message from his Excellency the Governor was ordered spread upon the journals :

EXECUTIVE OFFICE, STATE OF TEXAS, }  
AUSTIN, May 31, 1873. }

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

GENTLEMEN: I have the honor to inform you that the following-named acts have been received by me and approved, to-wit :



House bill No. 857, "An act to provide for holding an election for county officers in the county of Waller, and authorizing commissioners to hold the same," approved May 26, 1873.

House bill No. 188, "An act for the benefit of actual occupants of the public lands," approved May 26, 1873.

House bill No. 927, "An act to provide for the safe keeping and protection of the State House, or so much thereof as may include the public halls, the committee rooms used by the members of the Legislature, and all the furniture and fixtures belonging to the same, and all the books, maps, charts and papers belonging to or appertaining to the library of the State," approved May 27, 1873.

Senate joint resolution No. 43, "Joint resolution authorizing the accountants employed by the joint committee appointed by the Legislature to investigate the Treasurer's and Comptroller's offices of this State, to write up and properly balance and adjust the books of the late State Treasurer, George W. Honey, to the twenty-seventh of May, 1872, and to perform other duties herein specified, also prescribing the duties of the Comptroller in connection therewith," approved May 27, 1873.

House bill No. 228, "An act to amend article 435 of the Code of Criminal Procedure," approved May 27, 1873.

Senate bill No. 353, "An act to organize Clay county," approved May 27, 1873.

Senate bill No. 52, an act entitled "An act to amend an act prescribing the mode of proceeding in District Courts in matters of probate, approved August 15, A. D. 1870," approved May 27, 1873.

Senate bill No. 199, "An act to amend section eleven of an act entitled an act concerning divorce and alimony, approved the sixth of January, 1841," approved May 27, 1873.

Senate bill No 355, "An act prescribing the times of holding the District Courts in Kaufman and Rockwall counties, in the Tenth Judicial District," approved May 27, 1873.

House bill No. 327, "An act to re-incorporate the town of Denton, in Denton county, State of Texas, and to grant a new charter of incorporation to said town," approved May 28, 1873.

House bill No. 760, "An act to authorize the holders of State warrants to surrender the same to the State Treas-

urer, and receive State bonds in lieu thereof," approved May 30, 1873.

House bill No. 169, "An act incorporating the town of Willis, in Montgomery county, Texas," approved May 30, 1873.

House bill No. 888, "An act to amend an act to provide for districting the State of Texas into judicial districts, approved July 1, A. D. 1870," approved May 30, 1873.

Senate bill No. 95, "An act for the relief of Luke G. Lea," approved May 30, 1873.

Senate bill No. 200, "An act to amend an act incorporating the Houston and San Jacinto Canal and Navigation Company, approved August 13, 1870," approved May 30, 1873.

House bill No. 930, "An act to amend an act entitled an act to provide for districting the State of Texas into judicial districts, approved July 2, 1870," approved May 30, 1873.

House bill No. 931, "An act supplemental to an act entitled an act to amend the twenty-second section of an act entitled an act prescribing the times of holding the District Courts in the several judicial districts in the State, approved February 6, 1871," approved May 30, 1873.

Senate bill No. 124, "An act to incorporate the town of Granberry, in Hood county, State of Texas," approved May 30, 1873.

House bill No. 603, "An act to incorporate the town of Honey Grove, in the county of Fannin," approved May 30, 1873.

Senate bill No. 240½, "An act to incorporate the Burleson Male and Female Academy, in Bastrop county," approved May 30, 1873.

House bill No. 318, "An act to repeal section sixty of an act entitled an act concerning private corporations, approved December 2, 1871," approved May 30, 1873.

House bill No. 742, "An act amendatory of an act to incorporate the Galveston Agricultural, Horticultural and Industrial Association," approved May 30, 1873.

House bill No. 947, "An act to locate the county seat of Trinity county," approved May 30, 1873.

House bill No. 902, "An act to amend section one of an act entitled an act to amend thirty-fourth and thirty-

sixth sections of an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870, approved February 6, 1871," approved May 31, 1873.

The following bills not having been returned by me to the House in which they originated within the time prescribed by the Constitution, have become laws without my approval, to-wit:

House bill No. 179, "An act to authorize the County Court of Falls county to levy and collect a special tax for the purpose therein expressed," passed March 25, 1873.

Senate bill No. 292, "An act to incorporate the Sherman, Tyler and Henderson Railway Company, and to grant lands to aid in the construction thereof," passed May 6, 1873.

Senate bill No. 269, "An act empowering the Police Court of Cherokee county to levy and collect a special tax for the purpose of paying off the present outstanding indebtedness of said county," passed May 12, 1873.

Senate joint resolution No. 23, "Joint resolution instructing our Senators and requesting our Representatives in Congress to urge upon the Federal Government the propriety of removing certain tribes of hostile Indians from the frontier of Texas," passed May 15, 1873.

House bill No. 50, "An act to regulate the practise of medicine," passed May 16, 1873.

House bill No. 155, "An act to be entitled an act for the protection of the farming interests of the State," passed May 16, 1873.

House bill No. 596, "An act amendatory to and supplementary of an act entitled an act to organize and incorporate the East Line and Red River Railroad Company, approved March 22, 1871, and to aid in the construction of said railroad," passed May 17, 1873.

Senate bill No. 102, "An act for the relief of the heirs of Anthony McGee," passed May 20, 1873.

Senate bill No. 116, "An act for the relief of Lyeurgus E. Griffith," passed May 20, 1873.

Senate bill No. 82, "An act for the relief of John S. Menifee," passed May 20, 1873.

House bill No. 700, "An act granting land to the Buffalo Bayou Ship Channel Company, in aid of the improvement of the navigation from Bolivar Channel, near the Gulf of Mexico, to the city of Houston," passed May 21, 1873.

House bill No. 858, "An act to authorize the County Court of Gillespie county to contract a loan by issuing interest-bearing bonds for the purpose of building a court house and jail," passed May 22, 1873.

Respectfully,

EDMUND J. DAVIS, Governor.

Report from the Committee on Engrossed Bills :

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

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

No. 824, "An act requiring the Commissioner of the General Land Office to furnish the surveyor's office of Hays county with a transcript of the surveys of said county up to 1869, and give original efficacy to them in the courts."

No. 759, "An act to authorize and require the Adjutant General to pay out certain funds heretofore appropriated for the frontier force of the State."

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

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

No. 542, "An act to incorporate the Ledbetter and La Grange Railway Company."

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

No. 396, "An act granting H. M. Mathis, principal, and Colonel L. D. De Lyon, Miss Mollie E. Beaver, Miss Fannie Bradfield, Miss Anne Peacock, and Miss Nannie Hughes, assistant teachers of the Dangerfield High School, Dangerfield, Titus county, Texas, the privilege of granting diplomas to students who complete the course of study established by the principal and faculty of the institution."

No. 941, "An act to appropriate five hundred and three dollars to pay second class certificate No. 2.886 of the public debt of the Republic of Texas, issued to John R. Cunningham, September 1, 1851."

No. 646, "An act to incorporate the Middle Texas Fair Association, of Navarro county, Texas."

No. 952, "An act for the protection of the farming interests of a certain portion of Cooke county, Texas."